

CHAPTER 442 — H.F.No. 1786

An act relating to the military; modifying the qualifications of the adjutant general; changing the appointment of assistant adjutants general; mandating termination of an officer's commission when federal recognition is withdrawn; expanding the power of the adjutant general to sell an armory; and expanding the use of the proceeds from the sale of an armory; amending Minnesota Statutes 1982, sections 190.07; 190.08, subdivisions 1, 3, and 4; 190.09; 192.18, subdivision 1; and 193.36, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 190.07, is amended to read:

190.07 APPOINTMENT; QUALIFICATIONS; RANK.

There shall be an adjutant general of the state who shall be appointed by the governor, who shall be a staff officer, who at the time of appointment shall be a commissioned officer of the National Guard of this state, with not less than ten years military service in the armed forces of this state or of the United States, at least three of which shall have been commissioned and who shall have reached the grade of a field officer.

He shall hold rank equal to that of the highest rank authorized for the army and air national guard in the table of organization for units allotted to the state by the department of the army, or the department of the air force, or by both such departments, through the national guard bureau. However, he shall not be appointed to the rank of major general unless he has 20 years service in the national guard, of which 2 years has been in the rank of brigadier general.

He shall hold office as provided in section 110, Act of Congress, approved June 3, 1916 by United States Code, title 32, section 314, as amended through the date of appointment, and shall not be removed from office except as upon withdrawal of federal recognition or as otherwise provided by the military laws of this state.

Sec. 2. Minnesota Statutes 1982, section 190.08, subdivision 1, is amended to read:

Subdivision 1. The adjutant general, with the approval of the governor, may appoint from among the field officers and general officers of the national guard an assistant adjutant general for army national guard and an assistant adjutant general for air national guard who, if otherwise qualified, may be appointed to general officer grade. The An assistant adjutant general who is senior in rank also shall serve, in addition to his other duties, as deputy serves at the pleasure of the adjutant general. An assistant adjutant general shall also cease to serve upon withdrawal of federal recognition or when otherwise removed in accordance with the military laws of this state.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 3. Minnesota Statutes 1982, section 190.08, subdivision 3, is amended to read:

Subd. 3. The adjutant general may order to state active service, with their consent, ~~such~~ additional officers, warrant officers, and enlisted ~~men~~ personnel of the ~~military forces~~ national guard of the state as are required for the full time administration of the military department. ~~Such persons, after one year of active service~~ Except for those appointed under subdivisions 1 and 2, shall they may not be removed from office after one year of active service except for cause ~~or,~~ reduction in force, or withdrawal of federal recognition, as long as they remain active members of the military forces of the state.

Sec. 4. Minnesota Statutes 1982, section 190.08, subdivision 4, is amended to read:

Subd. 4. In case of war, riot, insurrection, ~~or other emergency,~~ or when otherwise authorized by the governor, the adjutant general may order to temporary active service ~~such~~ additional officers, warrant officers, and enlisted ~~men~~ personnel of the national guard, including retired personnel, as may be necessary. ~~Such Personnel shall do not acquire any of the rights to office provided by under~~ subdivision 3 while performing ~~such~~ temporary active service and. When their services are no longer required they shall be relieved from ~~such~~ active service.

Sec. 5. Minnesota Statutes 1982, section 190.09, is amended to read:
190.09 POWERS, DUTIES.

The adjutant general shall be the chief of staff to the commander-in-chief and the administrative head of the military department. He shall have an office in the capitol and keep it open during the usual business hours.

He shall have custody of all military records, correspondence, and other military documents. He shall be the medium of military correspondence with the governor and perform all other duties pertaining to his office prescribed by law. He shall make an annual report to the governor, at such time as the governor may require, of all the transactions of his department, setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall make and transmit to the federal government the returns required by the laws of the United States. He shall, whenever necessary, cause the military code, orders and regulations of the state to be printed and distributed to the commissioned officers and the several organizations of the national guard. He shall cause to be prepared and issued all necessary books, blanks and notices required to carry into full effect the provisions of the military code. All such books and blanks shall be and remain the property of the state.

The seal now used in the office of the adjutant general shall be the seal of his office and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with his seal. The adjutant general shall attest

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all commissions issued to military officers. He will superintend the preparation of all returns and reports required by the United States from the state on military matters.

In the absence or inability to perform his duties as adjutant general, the next senior assistant adjutant general present for duty shall perform the duties prescribed for the adjutant general. The adjutant general shall designate an assistant adjutant general to serve as deputy adjutant general to perform the duties of the adjutant general during periods when the adjutant general is absent or unable to perform his duties. In the absence of all of the above, the senior officer of the national guard, shall perform the duties prescribed for the adjutant general.

The flags and colors carried by Minnesota troops in the Civil War, Indian Wars, Spanish-American War, Mexican Border Campaign, the first World War, and subsequent wars shall be preserved in the capitol under the especial care of the adjutant general. They shall be suitably encased and marked, and, so far as the adjutant general may deem it consistent with their safety, shall at all times be publicly displayed.

Sec. 6. Minnesota Statutes 1982, section 192.18, subdivision 1, is amended to read:

Subdivision 1. Whenever the federal recognition of an officer or warrant officer of the national guard is withdrawn, his commission in the Minnesota national guard ~~may be~~ shall be terminated, except that any officer or warrant officer who shall have served in the Minnesota national guard for a period of not less than 20 years and any officer or warrant officer who becomes disabled in line of duty while in the service of the state or of the United States and is thereby made incapable of performing his military duties may, if he applies therefor, be placed in a retired status and have his name placed on a roll in the office of the adjutant general to be known as the "roll of retired officers."

Sec. 7. Minnesota Statutes 1982, section 193.36, subdivision 2, is amended to read:

Subd. 2. **MAY SELL AND CONVEY SUCH PROPERTY IN CERTAIN CASES.** In any such case when ~~there is no prospect that the armory will ever again be used~~ the adjutant general finds it advantageous for military purposes training, the adjutant general may sell and convey such property to the municipality or county in which the same is located at a price to be determined by a board of three appraisers to be selected by the adjutant general, the commissioner of administration, and the commissioner of finance, and. The money so received shall be credited to the general fund and is appropriated to the adjutant general to be used: (1) as a contribution for the construction of a new armory to replace the one sold; or be transferred to the Minnesota state armory building commission if the new armory to replace the one sold is to be

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constructed or acquisition of an armory, armories, or armory facilities to replace the one sold; or (2) for the maintenance, operation, repair, rehabilitation, or improvement of existing armory facilities. The money may also be transferred to the Minnesota state armory commission: (1) for the replacement of an armory, armories, or armory facilities constructed or acquired by the commission; or (2) for the maintenance, operation, repair, rehabilitation, or improvement of facilities owned by said the commission. If ~~no new armory is built~~ the money received is not expended for the purposes stated in this subdivision within five ~~ten~~ years after the old armory has been sold, the appropriation to the adjutant general as herein provided in this subdivision shall lapse. In the event that both the municipality and the county desire to purchase the armory, the municipality shall be given first priority to purchase the armory.

If the municipality or county shall not purchase such property after a reasonable opportunity, the adjutant general may sell and convey the same to any person after a sale thereof at public sale, and in the same manner as certain state property is sold at public sale under the provisions of chapter 16. The adjutant general may lease any such armory remaining unsold to the municipality for public purposes at an annual rental which shall not be less than ten percent of the appraised value of the property.

Approved April 22, 1984

CHAPTER 443 — H.F.No. 1781

An act relating to taxes; clarifying the consequences of certain conveyances of tax-forfeited land; amending Minnesota Statutes 1982, section 282.01, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1982, section 282.01, subdivision 1, is amended to read:

Subdivision 1. **CLASSIFICATION; USE; EXCHANGE.** It is the general policy of this state to encourage the best use of tax-forfeited lands, recognizing that some lands in public ownership should be retained and managed for public benefits while other lands should be returned to private ownership. All parcels of land becoming the property of the state in trust under the provisions of any law now existing or hereafter enacted declaring the forfeiture of lands to the state for taxes, shall be classified by the county board of the county wherein such parcels lie as conservation or nonconservation. Such classification shall be made with consideration, among other things, to the present use of adjacent lands, the productivity of the soil, the character of forest or other growth, accessibility of lands to established roads, schools, and other public services, their peculiar

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