

tended, with respect to the same individuals, and for the same period, as provided in said subdivision, and for a further period of six months; and the limitations of time for the commencement of action to collect any tax, penalty or interest from such individuals are hereby extended for a period ending six months after the expiration of the time for assessment as herein provided. For the purpose of this subdivision the period of six months after termination of service in the Armed Forces, as provided in Subdivision 1, shall not begin to run until written notice of such termination is filed with the Commissioner of Taxation.

**Subdivision 4. Construction of act.**—Nothing in this section shall be construed as reducing any period of time provided by the laws set forth in subdivision 1, within which any act is required or permitted to be done.

**Subdivision 5. Limitation of act.**—The provisions of subdivision 1 shall not extend the time for performing any of the acts therein set forth beyond the expiration of three months after the appointment of an executor, administrator, or guardian, in this state, for any individual described therein.

**Subdivision 6. Application of act.**—This section shall apply to all periods of limitation which expire after the passage of this act. If any such period has expired prior to the passage of this act, and subsequent to December 7, 1941, and the right of any individual described in subdivision 1 of this section is barred thereby, the said period of limitation is hereby revived and extended as provided in this section, and any taxes, penalty or interest assessed contrary to the provisions of subdivision 2 of this section shall be abated.

Approved March 6, 1943.

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CHAPTER 108—H. F. No. 568

(AMENDING SECTIONS 190.05, 190.06, 191.05, 191.06, 191.07, 190.07, 192.01, 192.06, 192.07, 192.22, 192.23, 192.39, 190.13, 192.45, 192.46, 192.47, 192.31, 192.52, 192.49, 192.50, 192.51, 192.54, 192.55, 190.08, 192.60, 192.64, 193.18, 193.19, 193.36, 193.29, 193.22, 193.23, 193.30, 193.31, 193.32 and 190.09. MINNESOTA STATUTES 1941.)

*An act relating to the military forces of the state, amending Mason's Minnesota Statutes of 1927, Sections 2397, 2404, 2406, 2409, 2414, 2422, 2423, 2431, 2441, 2446, 2447, 2448, 2452, 2453,*

2455, 2456, 2458, 2459, 2463, 2467, 2493, 2494, 2505, 2506, 2507, 2508, 2509, 2510 and 2511, and *Mason's Supplement 1940, Sections 2399, 2405, 2408, 2413, 2454, 2460 and 4385; repealing Mason's Minnesota Statutes of 1927, Sections 2400, 2401, 2402, 2403, 2441-1, 2462, 2496, 2497, 2498, 2499, 2499-1, 2500, 2502, 2503 and 2504; and adding new provisions.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2397, is amended to read as follows:

"2397. *Subdivision 1. Definitions.*—The term "military forces" shall include the National Guard, *the Naval Militia*, and *any other organizations or components of the organized militia.*

*Subdivision 2. Definitions.*—The designation "company," as used in this act, shall be understood and construed to include a company of infantry, engineers, signal corps, a flight of the air service, a battery of field artillery, a troop of cavalry, or any similar organization in any branch of the military service authorized by federal law for this state, including a permanent detachment of the medical department attached to a line or staff organization, a field hospital, or a headquarters detachment. The designation, "battalion," applies in like manner to squadron of cavalry and air service.

*Subdivision 3. Definitions.*—"Active service" shall be understood and construed to be service on behalf of the state, in case of public disaster, war, riot, tumult, breach of the peace, resistance of process, or whenever the same is threatened, whenever called upon in aid of civil authorities, at encampments whether ordered by state or federal authority, or upon any other duty requiring the entire time of the organization or person. "On duty" shall include periods of drill and such other training and service as may be required under state or federal law, regulations or orders.

*Subdivision 4. Definitions.*—The terms, "in the service of the United States" and "not in the service of the United States," used herein shall be understood to mean and be the same as such terms are used in the National defense act of congress approved June third, nineteen hundred sixteen and amendments thereto."

Sec. 2. **Law amended.**—Mason's Supplement 1940, Section 2399, is amended to read as follows:

"2399. *Subdivision 1. Militia—Who compose—Exemptions.*—The militia shall consist of all able-bodied male citizens of the state and all other able-bodied males, resident therein, who have or shall have declared their intention to become citizens of the

United States, when so authorized by federal law, who shall be 18 or more years of age, and, except as *otherwise* provided, not more than 45 years of age,; *provided, that the governor may, when he deems it necessary for the defense of the state, extend the maximum age for militia service to not more than 64 years.*

*Subdivision 2. Classes.—The militia shall be divided into two classes, the organized militia and the unorganized militia. The organized militia shall consist of the following:*

- (1) *the national guard;*
- (2) *the naval militia;*
- (3) *the state guard, which shall comprise all organized components of the militia except the national guard and the naval militia.*

*The unorganized militia shall consist of all other members of the militia.*

*Subdivision 3. May enlist female citizens.—The governor may authorize the appointment or enlistment of female citizens of the state in the medical corps, nurse corps, and other noncombatant branches and services of the organized militia, and while so serving they shall have the same status as male members of the military forces.*

*Subdivision 4. Exemptions from military duty.—The officers, judicial and executive, of the government of the United States and of the states; persons in the military or naval service of the United States; custom house clerks, persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots and mariners actually employed in the sea service of any citizen or merchant within the United States, shall all be exempt from militia duty without regard to age, and all persons who because of religious beliefs shall claim exemption from military service if the conscientious holding of such belief by such person shall be established under such regulations as the President of the United States shall prescribe, shall be exempt from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President of the United States shall declare to be non-combatant."*

Sec. 3. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2404, is amended to read as follows:

"2404. **Governor may call Militia.**—*The governor, whenever he deems it necessary for any purpose authorized by the state con-*

stitution or by law, may be public proclamation call out the militia or such part or number thereof as he may designate for military duty in the service of the state, and may provide for the enrollment, assembly, and muster into service by voluntary enlistment or by draft, as he may determine, of the militiamen so called out. For that purpose the governor may make orders and regulations and enforce the same, appoint all necessary officers and fix their compensation, and may require all proper public officers to perform such duties as he may direct."

Sec. 4. **Law amended.**—Mason's Supplement 1940, Section 2405, is amended to read as follows:

"2405. **Subdivision 1. Enlistment, period of.**—Militiamen called out for duty shall be mustered at once into the service of the state for such period as the governor shall direct, not exceeding the duration of the war or other occasion for which they were called out and for six months thereafter.

**Subdivision 2: Laws and regulations of National Guard to apply.**—Except as otherwise expressly provided, all the military forces shall be organized as prescribed for organization of the national guard at the time, and shall be officered, equipped, trained, and commanded according to the laws and regulations governing the national guard, as nearly as practicable, and all laws relating to the national guard or to the duties, rights, privileges, or immunities of the members thereof shall apply to and govern the other military forces and the members thereof, so far as applicable; provided, that the age limits for initial appointment of officers in the federally recognized national guard shall not apply to officers of the other military forces.

**Subdivision 3. Pay and allowances.**—Except as otherwise expressly provided, the pay and allowances of the officers and enlisted personnel of all branches of the military forces on active duty in the service of the state shall be the same as provided for the national guard when on such duty.

**Subdivision 4. May receive arms, equipment, etc., from federal government.**—The governor may receive from the federal government any arms, equipment, munitions, supplies, and other grants for the use of the military forces of the state that may be available.

**Subdivision 5. Uniform.**—The military forces shall be uniformed in such manner as the governor may prescribe, subject to federal laws or regulations.

**Subdivision 6. Governor may organize forces.**—Without limiting any power otherwise conferred on the governor, whenever

any part of the national guard of this state has been or is about to be called or ordered into active federal service, and until such service or the occasion therefor has terminated and all units of the national guard engaged therein have been relieved therefrom and have returned and become available for duty within the state, the governor may organize from the militia and maintain within the state such forces as he deems necessary."

Sec. 5. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2406, is amended to read as follows:

"2406. **Deserter.**—Every militiaman who, being accepted as a volunteer or duly drafted, fails *without reasonable excuse* to report for muster as lawfully required, shall be considered and treated as a deserter."

Sec. 6. **Construction of act.**—*Nothing in this act shall be construed as authorizing the military forces of the state or any part thereof to be called, ordered, or in any manner inducted as such into the military service of the United States, except the national guard and other forces expressly made subject to such service by state or federal law; but no person shall by reason of his enlistment or commission in the military forces of the state be thereby exempted from military service under any law of the United States.*

Sec. 7. **To include all military forces.**—*All organized components of the militia existing at the time of the passage of this act, except the national guard and the naval militia, shall be included in and become part of the state guard, and shall be subject to the provisions hereof, so far as applicable.*

Sec. 8. **Subdivision 1. May enter other states in pursuit of duties.**—*In case the United States is at war or in case of any other emergency declared by the president or the congress of the United States or by the governor or the legislature of this state, any organization, unit, or detachment of the military forces of this state, by direction of the governor and upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit, or detachment, or until the military or police forces of such other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued, provided such other state shall have given authority by law for such pursuit by such forces of this state. Except as otherwise provided by law, any person who shall be apprehended or captured in another state by any of the forces of this state shall without unnecessary delay*

*be surrendered to the military or police forces of the state in which he is taken or to the United States, but such surrender shall not constitute a waiver by this state of its right to extradite or prosecute such person for any crime committed in this state.*

**Subdivision 2. Military forces of other states may enter state.**—*Any military forces of another state who are in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces may continue such pursuit into this state until the military or police forces of this state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued, and the pursuing forces may arrest or capture such persons within this state while in fresh pursuit. Any such person who shall be captured or arrested by the military forces of such other state while in this state shall without unnecessary delay be surrendered to the military or police forces of this state to be dealt with according to law.*

**Subdivision 3. Construction of act.**—*This section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful, nor to repeal or prevent the application of any of the provisions of the uniform act on the fresh pursuit of criminals.*

**Sec. 9. Law amended.**—Mason's Supplement 1940, Section 2408, is amended to read as follows:

**"2408. Adjutant General—Appointment—Qualifications.**—There shall be an adjutant general of the state who shall be appointed by the governor, who shall be a staff officer, who at 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 office as provided in Section 110, Act of Congress approved *June 3, 1916*, and shall not be removed from office except as provided by the military laws of this state."

**Sec. 10. Law amended.**—Mason's Minnesota Statutes of 1927, Section 2409, is amended to read as follows:

**"2409. Minnesota National Guard—Who compose.**—The Minnesota National Guard shall consist of the regularly enlisted militia *within the ages prescribed by federal law and regulations*, organized, armed, and equipped as hereinafter provided, and of commissioned officers and warrant officers *within the ages and having the qualifications prescribed by federal law and regulations*. The term, "national guard," shall apply only to militia organized as a land force. The number of officers and enlisted men of the

national guard shall be fixed from time to time and organized so as to meet the requirements of the federal laws."

Sec. 11. **Law amended.**—Mason's Supplement 1940, Section 2413, is amended to read as follows:

"2413. **Officers and enlisted men of staff corps and departments—numbers and grade.**—The number and grades of officers and enlisted men in the *state staff and detachment* shall be as prescribed by federal law, but in case of war, invasion, insurrection, riot or imminent danger of either, the governor may temporarily increase such force to meet such emergency, and retired officers who are physically qualified may be assigned to such duty. All officers appointed to the *state staff* shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court martial legally convened for that purpose, and vacancies among said officers shall be filled by appointment from the officers of the national guard."

Sec. 12. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2414, is amended to read as follows:

"2414. **Staff corps—officers—how appointed.**—The officers of the state staff and *detachment* shall be selected and appointed by the adjutant general and commissioned by the governor. The enlisted men shall be recruited and warranted by their respective chiefs."

Sec. 13. **Subdivision 1. Period of enlistments.**—*Except as otherwise provided herein or by federal law, original enlistments in the military forces shall be for a period of three years and subsequent enlistments for periods of one or three years. The governor may by order fix shorter periods of enlistment or re-enlistment for any of the military forces so far as not inconsistent with federal law. In the event of an emergency wherein the governor has called out any of the military forces, he may by order extend for not exceeding the duration of the emergency and 60 days thereafter the period of any enlistment in the forces called out which would otherwise expire.*

**Subdivision 2. Form of enlistment contract.**—*Every person enlisting in the military forces shall sign an enlistment contract in the form prescribed by the adjutant general, and shall subscribe to the following oath or affirmation: "I hereby acknowledge to have voluntarily enlisted this.....day of....., 19...., as a soldier in the ..... for the period of three (or one) year.. under the conditions pre-*

scribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America and the State of Minnesota; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and of the Governor of the State of Minnesota and the officers appointed over me, according to law and the rules and articles of war"; provided, that the words "the President of the United States and of" shall be omitted in the case of persons enlisting in forces not subject to federal service.

*Subdivision 3. Societies, etc., not to be enlisted as unit.*—No civil association, society, club, post, order, fraternity, brotherhood, union, league, or other organized body shall be enlisted in the military forces as a unit.

Sec. 14. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2422, is amended to read as follows:

"2422. **Dishonorable discharges.**—A dishonorable discharge from service in the national guard shall operate as a complete expulsion from the guard, a forfeiture of all exemptions and privileges acquired through membership therein and disqualification for any military office under the state. The names of all persons dishonorably discharged shall be published in orders by the adjutant general quarterly."

Sec. 15. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2423, is amended to read as follows:

"2423. *Subdivision 1. Federal law to regulate vacations of commissions.*—Commissions of national guard officers shall be vacated as provided by federal law.

*Subdivision 2. Retired or disabled officers may wear uniform in certain cases.*—Any commissioned officer of the national guard who resigns or is retired and who has served or shall have served as such officer for a period of not less than ten years and any commissioned officer of the national guard who has been honorably discharged from the army of the United States after serving therein for a period of 90 days or more during any war and who shall have served as such officer of the national guard for a period of not less than five years and any commissioned officer of the national guard who has become or who shall hereafter become disabled and thereby incapable of performing the duties of his office, shall, upon his retirement have his name placed on a roll in the office of the adjutant general to be known as the "roll of retired officers," and shall thereby be entitled to wear when not in conflict with federal law, on state or other occasions of cere-

mony, the uniform of the rank last held by him.

*Subdivision 3. Service medals.*—The commander-in-chief may, by general order, provide a suitable mark of distinction for all officers and enlisted men who have served in the national guard for an aggregate period of ten, fifteen, and twenty years, respectively, and for like service *thereafter*; and medals to be awarded for valor, for distinguished service, and for good conduct. He may also authorize the issuance, under regulations to be prescribed by him, of suitable service ribbon bars to be awarded to officers and enlisted men who have served in the military forces of the state during periods of war or other declared emergencies, provided, that such bars shall not be awarded for service for which service medals or bars are authorized by federal authority.”

Sec. 16. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2431, is amended to read as follows:

“2431. **Compensation—how paid.**—Compensation, payable quarterly, may be paid, *under orders of the governor*, to either the dependent widow, minor children, or parent of any member of the military forces who may die from disease contracted or injuries received or who may be killed while in active service. All claims for compensation under this section shall be acted on by the adjutant general. In all cases arising under this section, the amount allowed and the duration of the payment shall be that provided by the Workmen’s Compensation Law as now or hereafter in force based on the *member’s* usual earnings in civil life. *If there be no evidence of previous occupation or earnings, compensation shall be based on the member’s earnings as a soldier.*”

Sec. 17. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2441, is amended to read as follows:

“2441. **Records of Veterans’ War Service.**—The adjutant general shall keep compiled, from the original muster rolls in his office, and such additional sources as he can command, a complete alphabetical list of the Minnesota volunteers in the Civil War and shall compile and maintain individual records of every Minnesota resident who served or participated in the Civil War, Spanish-American War, Philippine War, Mexican Border service, Indian Wars, the *first* World War, and *subsequent wars*, and shall include therein the military history of each man, as may be obtainable. For the purpose of collecting the data herein provided for, the adjutant general may expend not to exceed five thousand dollars (\$5,000) from the appropriation for the maintenance of the national guard for the fiscal years 1919-1920 and 1920-1921, provided that none of this money shall be used for salaries. Thereafter, the records shall be placed in suitable metal boxes for safe:

keeping, and the compilation so made shall be used in their place for all practical purposes.”

Sec. 18. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2446, is amended to read as follows:

“2446. **Training, Assembly for.**—Each organization shall assemble for drill and instruction, including indoor target practice, and *shall* participate in encampments, maneuvers, and other exercises, including outdoor target practice, at such times and places and for such periods as may be prescribed by the governor in accordance with the requirements of the *state or federal law.*”

Sec. 19. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2447, is amended to read as follows:

“2447. **Rifle practice—Competition.**—The governor may establish special camps for advanced instructions in rifle and gun practice to be attended by officers and men who have attained a prescribed standard of marksmanship and who are selected for the purpose under suitable rules. From the participants who develop unusual proficiency therein, rifle and gun teams may be formed, which, with the approval of the adjutant general, may compete with like teams in national, interstate or state competitions under rules approved by him. The pay and allowance of officers while attending such practice or competition shall be at the rate prescribed for *active service.* In order to make it possible for enlisted men of the national guard to attend interstate and national rifle competitions, the *adjutant general* may pay to such enlisted men detailed as members of any such team the same pay as is allowed for second lieutenants of the national guard for duty at encampments. But no more than five thousand dollars shall be expended in any one year for all the purposes of this section.”

Sec. 20. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2448, is amended to read as follows:

“2448. **Encampments, Drills.**—The commander-in-chief may order the *military forces or any part thereof* into camp each year for such period as he may direct, *and shall also provide for their participation in encampments or field maneuvers at such places as may be designated by the federal government pursuant to any act of congress.* He may, in his discretion, order such organization as he may deem proper, to parade for purposes of drill, review, or escort duty and prescribe all regulations and requirements therefor.”

Sec. 21. **May lease or lend military camp grounds.**—*The adjutant general, with the approval of the governor, may in time*

of war or other declared emergency lease or lend to the federal government any or all of the military camp grounds or reservations of the state together with such buildings and installations thereon as may be agreed upon, for a period not to exceed the duration of the war or emergency and six months thereafter. In such case the adjutant general may lease for a like period other suitable property for the use of the state quartermaster's department and for camp or maneuver grounds, as may be necessary for the supply and training of the military forces of the state.

Sec. 22. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2452, is amended to read as follows:

“2452. **Military forces not to be restricted by traffic regulations.**—The military forces of the United States *and of the state*, the adjutant general and general officers of *such forces* with official insignia displayed, while on any authorized duty, shall not be restricted by state or municipal traffic regulations, and shall have the right of way on any street or highway through which they may pass against all except carriers of the United States mail, fire engines, and police vehicles.”

Sec. 23. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2453, is amended to read as follows:

“2453. **Pay of enlisted men for active duty.**—In all cases where any of the military forces are called into active service by the governor and where no funds otherwise appropriated are available therefor, or where the appropriated funds, if any, are insufficient, the pay rolls of officers and enlisted men and expense bills shall be audited by the state auditor, the commissioner of administration and the adjutant general, and paid upon their certificate out of the general revenue fund, and the necessary sums are hereby appropriated.”

Sec. 24. **Law amended.**—Mason's Supplement 1940, Section 2454, is amended to read as follows:

“2454. **Subdivision 1. Pay and allowances of officers and organizations.**—Every commissioned officer of the *military forces* not salaried as such shall receive from the state, while engaged in any service ordered by the governor, pay and allowance at the rate paid or allowed by law to officers of similar rank and length of service in the United States Army.

**Subdivision 2. Uniforms to be supplied.**—*Every commissioned officer of the military forces at the time when he is first commissioned shall receive an initial uniform clothing allowance of not to exceed \$100.00 for authorized articles of uniform and equipment. Subsequent thereto, he shall receive an annual main-*

tenance clothing allowance of \$25.00. The adjutant general may also issue to such officers from time to time any available articles of uniform and equipment suitable for field work, when he believes it expedient. Articles so issued shall be charged to the officer and shall be accounted for by him as provided in regulations.

**Subdivision 3. Adjutant General to pay necessary expenses.**—The necessary military expenses of all organizations, units, or detachments of the military forces, including clerk hire, office supplies, postage, and other actual outlay, shall be paid by the adjutant general out of the funds appropriated for the maintenance of the military forces on vouchers duly sworn to by the commanding officer or the officer charged with the payment of such expenses, such expenses in no event to exceed \$500.00 a year for each brigade headquarters, \$2,000.00 per year for each division headquarters and each regimental headquarters, \$500.00 for each battalion headquarters not a part of a regiment with headquarters within the state, and \$100.00 for incidental expenses of each company, battery or detachment, and at the time of the annual encampment or maneuvers, for each division or camp headquarters mess \$200.00, for each brigade headquarters mess \$100.00, for each regimental mess \$200.00, and for each separate battalion or squadron headquarters mess \$100.00. A record of all disbursements under this section shall be kept and audited as prescribed by the commander-in-chief in orders or regulations.”

Sec. 25. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2455, is amended to read as follows:

“2455. **Subdivision 1. Inspection and muster allowance.**—The state shall pay annually to the organizations hereinafter specified seven dollars for each officer and enlisted man reported by the inspecting officer as present and fully uniformed and equipped (so far as equipment has been issued) at the annual inspection authorized by law; but no such payment shall be made on account of any company whose number present or satisfactorily accounted for as absent with leave, on furlough, or sick on medical officer’s certificate, was below 60 per cent, of the officers and enlisted men, or which has received federal recognition within 30 days before the inspection, nor an account of any officer or man, enlisted within 30 days before the inspection, nor on account of any company which has had less than the minimum number of drills required by state or federal law. All such payments shall be paid to the immediate commander of each headquarters or company on his requisition, approved by the adjutant general.

**Subdivision 2. Shall be known as military fund.**—Such money shall be known as the military fund and shall be used only

for the necessary military expenses of the organization. Any balance shall be paid over by the officer receiving it to his successor. Receipts and disbursements of the military fund shall be kept *and audited* as prescribed by the commander-in-chief in orders or regulations."

Sec. 26. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2456, is amended to read as follows:

"2456. *Subdivision 1. Camp pay for enlisted men.*—For each day's attendance at an encampment, or maneuver ordered by the governor, or required by federal law, including the time necessarily consumed in travel, the enlisted men of the national guard shall receive pay at the rate now or hereafter provided for enlisted men of similar grade, rating, and term of enlistment in the regular army of the United States, and in addition thereto the sum of one dollar per day besides transportation, shelter, and subsistence. But when any part of the pay or allowances above authorized is paid by the federal government, the state shall only pay to each man the difference between what he receives from the government and the pay authorized by this section. The value of articles issued to any member of a company or battery and not returned in good order on demand and legal fines or forfeitures may be deducted from the member's pay by his commanding officer. Provided, that such payment shall be made only to the men present in full uniform and on duty at least one-third of the period of the camp or maneuver.

*Subdivision 2. Additional pay.*—When called into active service by the governor, other than encampments or maneuvers, each enlisted man of the national guard shall be paid by the state the sum of 50 cents per day in addition to the pay and allowances provided by law for encampments and maneuvers."

Sec. 27. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2458, is amended to read as follows:

"2458. **Horse and motor car hire and expense.**—The hire and expense of horses, motor vehicles, and other means of transportation required for the military forces when in active service, including camps of instruction, practice marches, parades, maneuvers, and other authorized purposes, when ordered by the governor as commander-in-chief, shall be paid by the adjutant general out of the funds appropriated for the maintenance of the military forces."

Sec. 28. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2459, is amended to read as follows:

**“2459. Payments to be made through Adjutant General.—**All pay and allowances for any of the military forces shall, when approved by the adjutant general, be paid by auditor’s warrants issued to the several officers and enlisted men entitled thereto; provided, that upon the request of the adjutant general, approved by the governor, the sum required for any such pay or allowances shall be paid by auditor’s warrant to the adjutant general, who shall immediately pay and distribute the same to the several officers or enlisted men entitled thereto or to their commanding officers or to a finance officer designated by the adjutant general. The receipt of any such commanding officer or finance officer for any such payment shall discharge the adjutant general from liability therefor. Every commanding officer or finance officer receiving any such payment shall, as soon as practicable, pay and distribute the same to the several officers or enlisted men entitled thereto. The officer making final payment shall, as evidence thereof, secure the signature of the person receiving the same upon a payroll or other proper voucher.”

**Sec. 29. Army regulations to apply.—**All moneys and property received from any source for the military forces shall be kept, disbursed, and accounted for as prescribed by army regulations, where applicable, otherwise as prescribed by state regulations. All such accounts shall be examined and audited at least once annually by officers of the military forces detailed by the adjutant general as military auditors. The adjutant general shall file a copy of the report of every such examination with the public examiner. This shall not preclude other examinations of such accounts by the public examiner as authorized by law. The public examiner may appoint any military auditor as an assistant public examiner, with all the powers incident thereto, in connection with the examination of such accounts. The provisions of the state civil service act shall not be applicable to such appointments.

**Sec. 30. Law amended.—**Mason’s Supplement 1940, Section 2460, is amended to read as follows:

**“2460. Pay and allowance of Adjutant General and employees.—**The adjutant general shall receive the pay and allowances of a brigadier general as provided by the Act of Congress approved June 10, 1922, as amended. He may appoint an assistant adjutant general, a state quarter-master, and necessary administrative and clerical assistants. In case of war, riot, insurrection, or other emergency, or when authorized by the governor, he may employ such additional temporary assistants as are necessary, to be paid from the amounts appropriated for the maintenance of the military forces.”

Sec. 31. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2463, is amended to read as follows:

"2463. **Courts-Martial.**—Courts-martial in the *military forces* shall be as prescribed by federal law *for troops not in the service of the United States, so far as applicable, otherwise as provided by the laws of this state.*"

Sec. 32. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2467, is amended to read as follows:

"2467. **Military offenses defined.**—The following delinquencies as defined by the articles of war referred to, are hereby declared to be military offenses, and the delinquents *shall* be punished as provided by law *and* as a court-martial shall direct:

1. Fraudulent enlistment. (A.W.54.)
2. Making fraudulent enlistment by officer. (A.W.55.)
3. Making false muster. (A.W.56.)
4. Making a false return or omission to render return. (A.W.57.)
5. Absence without leave. (A.W.61.)
6. Insult or disrespect towards national or state officials. (A.W.62.)
7. Disrespect towards superior officers in the execution of his office. (A.W.63.)
8. Assaulting or disobeying superior officer in the execution of his office. (A.W.64.)
9. Insubordinate conduct towards a noncommissioned officer in the execution of his office. (A.W.65.)
10. Mutiny or sedition. (A.W.66.)
11. Releasing prisoner without proper authority. (A.W.73.)
12. Drunkenness on duty. (A.W.85, 86.)
13. Conduct unbecoming an officer and a gentleman. (A.W.95.)
14. Conduct to the prejudice of good order and military discipline. (A.W.96.)
15. Any other violation of the laws, regulations or orders governing the military forces consistent with this act. (A.W.96.)"

Sec. 33. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 2493, is amended to read as follows:

“2493. **County Armory Commission.**—Whenever a company or other unit of the national guard shall be located in any county, wherein no armory has otherwise been provided for its use, the commanding officer of such company or unit, or if more than one unit is stationed at such place then the senior officer of the units at such station, the chairman of the county board, and the county treasurer shall constitute an armory commission, with power, in their discretion, to purchase, erect, or rent a suitable building, and to furnish and keep the same in repair for use as such armory, all at the cost of such county. *The purchase, erection, or rental of any new armory under this section shall from and after May 1, 1943, be subject to the approval of the adjutant general.*”

Sec. 34. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2494, is amended to read as follows:

“2494. **City or Village Armory Commission.**—Whenever a company or other unit of the guard shall be located in any city or village wherein no suitable armory has been provided for its use, the commanding officer of such company or unit, or if more than one unit is stationed at such place then the senior resident line officer of the national guard organization having at least one company permanently quartered at such station, the mayor or the president of the village council, and the city or village treasurer shall constitute an armory commission, with power, in its discretion, to purchase, erect, or rent a suitable building as such armory, and to furnish and keep the same in repair, all at the cost of the city or village. *The purchase, erection, or rental of any new armory under this section shall from and after May 1, 1943, be subject to the approval of the adjutant general.*”

Sec. 35. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2505, is amended to read as follows:

“2505. **Subdivision 1. Control and disposition of unused armories.**—*Whenever the unit or units of the military forces of the state which are quartered in an armory acquired or erected in whole or in part by state funds have been called or drafted into federal service or have been mustered out of the service of the state, and there is no immediate prospect that a new military unit will be organized in the place where the armory is located, the adjutant general shall immediately take possession of and close the same, and shall not permit its use for other than military purposes except as otherwise provided by law.*

**Subdivision 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 for military purposes, the adjutant general may sell and convey such property to the municipi-*

pality in which the same is located for public purposes 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 state auditor, and the money so received shall be credited to the general revenue fund. If the municipality shall not purchase such property after a reasonable opportunity the adjutant general may sell and convey the same to any individual, firm, or corporation at the price set by the board of appraisers. 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 per cent of the appraised value of the property.

**Subdivision 3. May dispose of unsuitable armories sites and buildings.**—The adjutant general with the approval of the governor, may sell and convey on behalf of the state any state armory sites and buildings which in the judgment of the adjutant general are unsuitable for military purposes or which have been condemned by proper authority as unsafe. Money received from the sale of such armories, shall be paid into the state treasury and credited to the general revenue fund.”

Sec. 36. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2506, is amended to read as follows:

“2506. **Subdivision 1. Control of new armory to vest in commanding officer or armory board.**—The control, operation, and use of each armory building and grounds occupied by any of the military forces of the state shall be vested in an armory board consisting of officers representing the organization or organizations quartered therein, as hereinafter provided, except that the Commission-owned armories which have been or may be constructed or acquired and operated under the provisions of Mason’s Supplement 1940, Sections 2517-2 to 2517-15, inclusive, and acts amendatory thereof or supplementary thereto shall be controlled and operated as provided therein.

**Subdivision 2. Composition of board.**—For each armory occupied by a single company or other unit the armory board shall consist of the three senior officers of the unit quartered therein, provided, in the case of a unit having less than three officers, the armory board shall consist of such officers or officer as the adjutant general may designate.

**Subdivision 3. Same.**—In all cases in which more than one company or other unit of the military forces shall occupy the same armory, the armory board shall consist of three officers assigned to the units or organizations quartered therein. The adjutant general shall designate by order from time to time the representatives of each unit quartered therein to comprise the armory board for

*each armory, and he may change the membership of the board from time to time, in his discretion, so as to give the several organizations quartered therein proper representation on the board.*

*Subdivision 4. Disposition of proceeds.*—The proceeds of rentals and other revenue derived from *each armory shall be applied by the armory board to the maintenance, extension, improvement, and equipment thereof.*”

Sec. 37. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2507, is amended to read as follows:

“2507. **Joint armories and municipal buildings may be erected.**—Whenever a company of the national guard shall be located in a city or village whercin no suitable armory has been provided for its use, an armory may be constructed for use jointly by such company or battery and by such *city or village*. The mayor or president of the council of such city or village and the commanding officer of the company or other unit stationed at such place, or if there be more than one company then the senior officer of the troops of such station, shall constitute a joint armory commission, with power to purchase, erect or rent a suitable site or building for such armory and to furnish and keep the same in repair. *No new armory shall be purchased, erected, or rented under the provisions of this section from and after May 1, 1943 without the approval of the adjutant general.*”

Sec. 38. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2508, is amended to read as follows:

“2508. *Subdivision 1. May receive state aid.*—Whenever such joint armory commission shall have deposited with the state treasurer at least one thousand dollars as evidence of good faith and shall have caused to be conveyed to the state of Minnesota by warranty deed, free of encumbrances, the title to the site for an armory, which site shall have been first approved by the *adjutant general*, such joint armory commission shall be entitled to receive the same amount of state aid as is prescribed by law for other armories, which state aid shall be paid to such joint armory commission in the manner prescribed by the *military code* for state armories.

*Subdivision 2. Adjutant General to designate uses.*—The *adjutant general* shall designate the place needed for drill hall, office, locker rooms, storage and rifle range, and the immediate control of the portions of the armory so designated shall be vested in the *armory board provided for by law*, and such portion of such armory shall be subject to the laws of this state relating to ar-

mories. The control of the other portions of such armory shall be vested in the municipal authorities.

**Subdivision 3. General control of building.**—The general control of the building as a whole shall be vested in a committee consisting of two persons, one the commanding officer of the military organization in control of a portion of the armory and the other appointed by the municipality upon such terms as may be agreed upon, provided, any agreement for general control of such armory shall be first approved by the *adjutant general*. In case such an agreement is made the state shall furnish the regular appropriation provided for armory maintenance and all other expenses of keeping up the building shall be paid by the municipality.”

Sec. 39. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2509, is amended to read as follows:

“2509. **Commanding officers of armory board—governor may make rules.**—*The senior officer on each armory board shall be the chairman, and the junior officer thereof shall be the recorder. A record of the proceedings of the board shall be kept, and all motions offered, whether seconded or not, shall be put to a vote and the result recorded. In the case of a tie vote the adjutant general, upon the request of any member, shall decide. The governor may make and alter rules and regulations for the government of armory boards, officers, and other persons having charge of armories, arsenals, or other military property of the state.*”

Sec. 40. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2510, is amended to read as follows:

“2510. **Senior officer to control drill hall.**—The senior officer of any company or other organization assembling at an armory for drill or instruction shall have control of the drill hall or other portion of the premises used therefor during such occupancy, subject to the rules prescribed for its use and the orders of his superior. Any person who intrudes contrary to his orders, or who interrupts, molests, or insults any troops so assembled, or who refuses to leave the premises when properly requested so to do, shall be guilty of a misdemeanor. But nothing in this section shall prevent reasonable inspection of the premises by the proper municipal officer, or by the lessor thereof in accordance with the terms of the lease.”

Sec. 41. **Law amended.**—Mason’s Minnesota Statutes of 1927, Section 2511, is amended to read as follows:

“2511. **Armorer—Janitor.**—*The adjutant general shall upon the recommendation of the officer or armory board in charge of*

any armory, appoint one or more caretakers who shall under the direction of the officer or armory board be responsible for the care and safety of the armory building and its contents. Every caretaker shall be an enlisted member of an organization stationed therein, unless no such member or person eligible for membership is available, and while serving as caretaker shall receive compensation on the basis prescribed by the adjutant general; provided, that when any part of the pay of a caretaker is paid by the federal government, the state shall pay only the difference between what he receives from the government and the authorized pay; provided further that in cities where the armory has been erected or otherwise acquired without state aid and is exclusively owned by the municipality, janitors and engineers, and if deemed necessary a superintendent of such armory, shall be appointed, and their compensation shall be fixed, by the armory commission provided for in Section 2494."

Sec. 42. **Law amended.**—That Mason's Supplement 1940, Section 4385, is amended to read as follows:

"4385. **Adjutant general—powers and duties—preservation of flags.**—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. 43. **Laws repealed.**—Mason's Minnesota Statutes of 1927, Sections 2496, 2497, 2498, 2499, 2499-1, 2500, 2502, 2503, and 2504 are hereby repealed; provided that the provisions thereof respecting existing contracts and the payment of outstanding bonds and other obligations heretofore contracted and the levying of taxes therefor shall remain in force until such contracts are fulfilled and such bonds and obligations and interest thereon are paid in full.

Sec. 44. **Laws repealed.**—Mason's Minnesota Statutes of 1927, Sections 2400, 2401, 2402, 2403, 2441-1, and 2462 are hereby repealed.

Approved March 6, 1943.