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**CHAPTER 10—S.F.No.250**

*An act relating to the Gillette hospital board; board membership; amending Minnesota Statutes 1976, Section 250.05, Subdivision 2.*

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

Section 1. Minnesota Statutes 1976, Section 250.05, Subdivision 2, is amended to read:

Subd. 2. **GILLETTE HOSPITAL; BOARD MEMBERSHIP.** The Gillette hospital board shall be governed by a board of directors consisting of seven members, not more than three of whom shall be residents of Ramsey county. One member shall be the commissioner of public welfare or designee of the commissioner. ~~Six~~ One member shall be the commissioner of health or designee of the commissioner. ~~Five~~ three members, at least half of whom shall be consumers as defined in section 145.72, shall be appointed by the governor with the advice and consent of the senate.

Sec. 2. This act is effective December 31, 1978.

Approved March 31, 1977.

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**CHAPTER 11—H.F.No.260**

*An act relating to the military; abolishing the naval militia and deleting references thereto; correcting other terminology; amending Minnesota Statutes 1976, Sections 190.05, Subdivision 3; 190.06, Subdivision 2; 191.09; 192.26, Subdivision 1; 193.141, Subdivision 1; 193.142; 193.143; 193.1431; 193.145; and 193.36, Subdivision 1; repealing Minnesota Statutes 1976, Chapter 194.*

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

Section 1. Minnesota Statutes 1976, Section 190.05, Subdivision 3, is amended to read:

Subd. 3. **NAVAL MILITIA; ABOLITION.** The term "military forces" includes the national guard, the state guard, ~~the naval militia,~~ and any other organizations or components of the organized militia as may be authorized by state or federal law.

Sec. 2. Minnesota Statutes 1976, Section 190.06, Subdivision 2, is amended to read:

Subd. 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:

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(1) the national guard;

~~(2) the naval militia;~~

~~(3)~~ (2) 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.

Sec. 3. Minnesota Statutes 1976, Section 191.09, is amended to read:

191.09 **STATE GUARD.** All organized components of the militia existing at the time of the passage of Laws 1943, Chapter 108, 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 thereof, so far as applicable.

Sec. 4. Minnesota Statutes 1976, Section 192.26, Subdivision 1, is amended to read:

192.26 **STATE AND MUNICIPAL OFFICERS AND EMPLOYEES NOT TO LOSE PAY WHILE ON MILITARY DUTY.** ~~Subdivision 1.~~ Subject to the conditions hereinafter prescribed, any officer or employee of the state or of any political subdivision, municipal corporation, or other public agency of the state who shall be a member of the national guard, ~~the naval militia,~~ or any other component of the militia of the state now or hereafter organized or constituted under state or federal law, or who shall be a member of the officers' reserve corps, the enlisted reserve corps, the naval reserve, the marine corps reserve, or any other reserve component of the military or naval forces of the United States now or hereafter organized or constituted under federal law, shall be entitled to leave of absence from his public office or employment without loss of pay, seniority status, efficiency rating, vacation, sick leave, or other benefits for all the time when he is engaged with such organization or component in training or active service ordered or authorized by proper authority pursuant to law, whether for state or federal purposes, but not exceeding a total of 15 days in any calendar year. Such leave shall be allowed only in case the required military or naval service is satisfactorily performed, which shall be presumed unless the contrary is established. Such leave shall not be allowed unless the officer or employee (1) returns to his public position immediately on being relieved from such military or naval service and not later than the expiration of the time herein limited for such leave, or (2) is prevented from so returning by physical or mental disability or other cause not due to his own fault, or (3) is required by proper authority to continue in such military or naval service beyond the time herein limited for such leave.

Sec. 5. Minnesota Statutes 1976, Section 193.141, Subdivision 1, is amended to read:

193.141 **CONSTRUCTION OF ARMORIES.** Subdivision 1. **CONSTRUCTION BY COUNTIES OR MUNICIPALITIES.** In any county or municipality of this state in which there shall at the time be stationed one or more units of the national guard ~~or Naval Militia~~, and in which the adjutant general shall deem it necessary or expedient to

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construct an armory, an armory may be constructed and the cost thereof paid as hereinafter provided.

Sec. 6. Minnesota Statutes 1976, Section 193.142, is amended to read:

**193.142 MINNESOTA STATE ARMORY BUILDING COMMISSION.**  
**Subdivision 1. CORPORATION CREATED; OFFICERS.** For the purpose of constructing armories as provided by section 193.141, there shall be created a corporation to be known as the "Minnesota State Armory Building Commission." The members and governing body of such corporation shall be the adjutant general and not less than two officers of the line of the national guard ~~or naval militia~~ of the state above the grade of lieutenant colonel, to be selected and appointed by the adjutant general. The adjutant general shall be chairman of such commission. Such commission shall elect a secretary and a treasurer from the members thereof other than the adjutant general. The treasurer of the corporation shall give a security bond to the corporation in such sum as the corporation may determine, conditioned in like manner to the bonds of treasurers of public bodies, to be approved and filed as the corporation may determine.

**Subd. 2. FILING; OFFICERS; MEMBERS; VACANCY.** Upon the filing with the secretary of state of a certificate by the adjutant general naming the persons authorized to compose such commission and corporation, and declaring them to be constituted a commission and corporation hereunder, such persons shall forthwith become and be such commission and corporation without further proceeding. In case of a vacancy in the membership of such commission and corporation, the remaining members, provided there are not less than two, shall have power to act and to elect such temporary officers of the commission as may be necessary during the existence of the vacancy. In case at any time there shall not be at least two qualified officers of the national guard ~~or naval militia~~ in addition to the adjutant general eligible to serve as members of such commission, the adjutant general may appoint a member or members of such commission from the lieutenant colonels of the line of the national guard ~~or naval militia~~ of the state, so as to provide not more than two members of such commission in addition to himself. The membership of the members last so appointed shall automatically terminate upon the appointment and qualification of an officer of the national guard ~~or naval militia~~ eligible under subdivision 1, to serve as a member of such commission, provided the total membership be not thereby reduced to less than three including the adjutant general. In case of a vacancy in the office of the adjutant general, or in case of the incapacity of the adjutant general to act as a member and chairman of such commission, the officer who is appointed or authorized according to law to exercise the powers of the adjutant general for the time being, shall during the existence of such vacancy or incapacity act as a member and chairman of such commission and have all the powers and duties herein vested in or imposed upon the adjutant general as a member and chairman of such commission. The adjutant general shall certify to the secretary of state all changes in the membership of the commission, but failure on his part to do so shall not affect the authority of any new member of the commission or the validity of any act of the commission after the accession of a new member.

**Subd. 3. TRUSTEE IN CERTAIN CASES.** In case at any time all or all but one of the line officers of the national guard ~~or naval militia~~ who are members of the

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commission or who are eligible to serve as such are in active service outside the state, or where for any other reason there are not at least two qualified line officers of the national guard or ~~naval militia~~ available within the state to serve as members of the commission, the adjutant general, or in case of his incapacity or of a vacancy in that office, the officer who is appointed or authorized according to law to exercise the powers of the adjutant general for the time being, shall become trustee of the commission and shall have all the powers and perform all the duties of the commission and its officers so long as such conditions exist. Upon the occurrence of such conditions the officer becoming trustee shall file with the Secretary of State a certificate reciting the circumstances and declaring that he assumes office as such trustee, and thereupon shall be deemed to have qualified as such, with all the authority hereby conferred. Any change in such office shall be likewise certified by the officers succeeding as trustee. Upon the termination of such conditions, the adjutant general or his authorized substitute shall certify the circumstances in like manner, with the names of the officers then authorized by law to compose the commission, and thereupon such officers shall constitute the commission, and the authority of the trustee shall terminate.

Subd. 4. **CONTINUATION.** The Minnesota State Armory Building Commission, authorized by subdivisions 1, 2, and 3, constitutes a continuation of the commission authorized by Minnesota Statutes 1945, Section 193.13, and not a new authority, for the purpose of succession to all rights, powers, duties, and obligations of the commission as they existed at the time of the passage of Laws 1947, Chapter 133, except as amended by Laws 1947, Chapter 133, with the same force and effect as if such functions, powers, and duties had not been transferred.

Sec. 7. Minnesota Statutes 1976, Section 193.143, is amended to read:

**193.143 STATE ARMORY BUILDING COMMISSION, POWERS.** Such corporation, subject to the conditions and limitations prescribed in sections 193.141 to 193.149, shall possess all the powers of a body corporate necessary and convenient to accomplish the objectives and perform the duties prescribed by sections 193.141 to 193.149, including the following, which shall not be construed as a limitation upon the general powers hereby conferred:

(1) To acquire by lease, purchase, gift or condemnation proceedings all necessary right, title and interest in and to the lands required for a site for a new armory and all other real or personal property required for the purposes contemplated by the military code and to hold and dispose of the same, subject to the conditions and limitations herein prescribed; provided that any such real or personal property or interest therein may be so acquired or accepted subject to any condition which may be imposed thereon by the grantor or donor and agreed to by such corporation not inconsistent with the proper use of such property by the state for armory or military purposes as herein provided.

(2) To exercise the right of eminent domain in the manner provided by Minnesota Statutes, Chapter 117, for the purpose of acquiring any property which such corporation is herein authorized to acquire by condemnation; provided, that the corporation may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation proceedings; provided further, that this

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shall not preclude the corporation from abandoning the condemnation of any such property in any case where possession thereof has not been taken.

(3) To construct and equip new armories as authorized herein; to pay therefor out of the funds obtained as hereinafter provided and to hold, manage, and dispose of such armory, equipment, and site as hereinafter provided. The total cost to the corporation of each armory constructed, as provided in section 193.141, including the site, building, and equipment, shall not exceed \$150,000 for a single unit armory and \$75,000 for each additional unit of the national guard ~~or naval militia~~ to be quartered therein, and the total amount of bonds issued on account of such armories shall not exceed the amount of the cost thereof; provided also, that the total bonded indebtedness of the commission shall not at any time exceed the aggregate sum of \$4,500,000.

(4) To sue and be sued.

(5) To contract and be contracted with in any matter connected with any purpose or activity within the powers of such corporations as herein specified; provided, that no officer or member of such corporation shall be personally interested, directly or indirectly, in any contract in which such corporation is interested.

(6) To employ any and all professional and non-professional services and all agents, employees, workmen and servants necessary and proper for the purposes and activities of such corporation as authorized or contemplated herein and to pay for the same out of any portion of the income of the corporation available for such purposes or activities. The officers and members of such corporation shall not receive any compensation therefrom, but may receive their reasonable and necessary expenses incurred in connection with the performance of their duties; provided however, that whenever the duties of any member of the commission require his full time and attention the commission may compensate him therefor at such rates as it may determine.

(7) To borrow money and issue bonds for the purposes and in the manner and within the limitations herein specified, and to pledge any and all property and income of such corporation acquired or received as herein provided to secure the payment of such bonds, subject to the provisions and limitations herein prescribed, and to redeem any such bonds if so provided therein or in the mortgage or trust deed accompanying the same.

(8) To use for the following purposes any available moneys received by such corporation from any source as herein provided in excess of those required for the payment of the cost of such armory and for the payment of any bonds issued by the corporation and interest thereon according to the terms of such bonds or of any mortgage or trust deed accompanying the same:

(a) To pay the necessary incidental expenses of carrying on the business and activities of the corporation as herein authorized;

(b) To pay the cost of operating, maintaining, repairing, and improving such new armories;

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(c) If any further excess moneys remain, to purchase upon the open market at or above or below the face or par value thereof any bonds issued by the corporation as herein authorized; provided, that any bonds so purchased shall thereupon be canceled.

(9) To adopt and use a corporate seal.

(10) To adopt all needful bylaws, rules, and regulations for the conduct of business and affairs of such corporation and for the management and use of all armories while under the ownership and control of such corporation as herein provided, not inconsistent with the use of such armory for armory or military purposes.

(11) Such corporation shall issue no stock.

(12) No officer or member of such corporation shall have any personal share or interest in any funds or property of the corporation or be subject to any personal liability by reason of any liability of the corporation.

(13) The Minnesota state armory building commission created under section 193.142 shall keep all moneys and credits received by it as a single fund, to be designated as the "Minnesota State Armory Building Commission Fund," with separate accounts for each armory; and the commission may make transfers of moneys from funds appertaining to any armory under its control for use for any other such armory; provided such transfers shall be made only from moneys on-hand, from time to time, in excess of the amounts required to meet payments of interest or principal on bonds or other obligations appertaining to the armory to which such funds pertain and only when necessary to pay expenses of operation, maintenance and debt service of such other armory; provided further, no such transfer of any moneys paid for the support of any armory by the municipality in which such armory is situated shall be made by the commission.

(14) The corporation created under section 193.142 may designate one or more state or national banks as depositories of its funds, and may provide, upon such conditions as the corporation may determine, that the treasurer of the corporation shall be exempt from personal liability for loss of funds deposited in any such depository due to the insolvency or other acts or omissions of such depository.

(15) The governor is empowered to apply for grants of money, equipment and materials which may be made available to the states by the federal government for leasing, building and equipping armories for the use of the military forces of the state which are reserve components of the armed forces of the United States, whenever he is satisfied that the conditions under which such grants are offered by the federal government, are for the best interests of the state and are not inconsistent with the laws of the state relating to armories, and to accept such grants in the name of the state. The Minnesota state armory building commission is designated as the agency of the state to receive such grants and to use them for armory purposes as prescribed in Minnesota Statutes, Chapter 193, and by federal laws, and regulations not inconsistent therewith.

Sec. 8. Minnesota Statutes 1976, Section 193.1431, is amended to read:

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**193.1431 CONSTRUCTION AND EQUIPPING NEW ARMORIES, ADDITIONAL POWERS.** Notwithstanding the provisions of section 193.143, clause (3) to the contrary the Minnesota state armory building commission is empowered: To construct and equip new armories as authorized by this chapter; to pay therefor out of funds obtained as hereinafter provided and to hold, manage, and dispose of such armory, equipment, and site as hereinafter provided. The total cost to the corporation of each armory constructed, as provided in section 193.141, including the site, building, and equipment, shall not exceed \$200,000 for a single unit armory and \$100,000 for each additional unit of the national guard ~~or naval militia~~ to be quartered therein, and the total amount of bonds issued on account of such armories shall not exceed the amount of the cost thereof; provided also, that the total bonded indebtedness of the commission shall not at any time exceed the aggregate sum of \$4,500,000.

Sec. 9. Minnesota Statutes 1976, Section 193.145, is amended to read:

**193.145 FUNDS FOR CONSTRUCTION OF ARMORY; TAX LEVY.** Subdivision 1. **ACQUIRING FUNDS.** The funds to be used by such corporation for the purposes herein specified may be obtained as hereinafter provided.

Subd. 2. **TAX LEVY, LIMITATION.** A county or municipality in which an armory has been constructed or is to be constructed hereunder may by resolution of its governing body irrevocably provide for levying and collecting annually for a specified period, not exceeding 40 years, a tax upon all taxable property therein of such amount as such governing body may determine, which, unless levied by a county, shall not exceed one-third of one mill.

The proceeds of such levy as collected shall be paid to such corporation for the purposes herein prescribed. Such county or municipality shall have power to make such tax levies and payments and to bind itself thereto by such resolution of its governing body. The provisions of such resolution may be made conditional upon the giving of an agreement by the adjutant general as authorized in subdivision 4. The obligations of such county or municipality to levy, collect, and pay over such taxes shall not be deemed or construed to constitute an indebtedness of such county or municipality within the meaning of any provision of law or of its charter limiting its total or net indebtedness, and such taxes may be levied and collected without regard to any statutory or charter provision limiting the amount or rate of taxes which such county or municipality is otherwise authorized to levy. The payment of the proceeds of such taxes up to an amount equal to the sum of \$250 per year, or such other amount as may hereafter be prescribed by law, for each company or other unit of the national guard ~~or naval militia~~ stationed in such county or municipality, shall be deemed sufficient appropriation and payment by such county or municipality to authorize the payments to be made by the state annually for armory maintenance and equipment under the provisions of section 193.35, such payments to be made to such corporation and applied as herein provided.

Subd. 3. **PAYMENTS BY STATE.** The annual payments by the state for armory maintenance and equipment authorized by section 193.35 shall be paid to such corporation and applied as herein provided.

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Subd. 4. **PAYMENTS BY ADJUTANT GENERAL.** In addition to the payments by the state under subdivision 3, the adjutant general is hereby authorized to pay to such corporation, out of any moneys which may from time to time be appropriated to and for his department and not appropriated or set apart for any other specific purpose, the sum of not less than \$3,000 per year for each unit of the national guard of ~~naval militia~~ quartered in such armory when only one such unit is so quartered, and the sum of not less than \$2,000 per year for each additional unit when more than one such unit is so quartered, and may bind himself and his successors in office by agreement to such corporation to make such payments in a specific amount or amounts out of such appropriations for a period of not more than 40 years.

Subd. 5. **LEASE TO STATE.** Upon completion of each new armory such corporation shall lease the same to the state through the adjutant general, until such armory and site shall be conveyed to the state as hereinafter provided. Such lease shall be made upon such terms and conditions as shall secure to the state the full and complete use of such armory, for armory and military purposes so far as may be required for the headquarters, organizations, and units of the national guard ~~and Naval Militia~~ stationed in such municipality, and upon such other terms and conditions not inconsistent therewith as may be agreed upon; provided, that, except for such use of such property for armory and military purposes which will be secured to the state as aforesaid, such lease shall be subject to any encumbrance placed upon the property to secure the payment of any bonds issued as herein provided. No further consideration for such lease shall be required than the payments to be made by the state as provided by subdivisions 3 and 4. Otherwise, and so far as it is not inconsistent with the terms and conditions of such lease to the state and so far as will not interfere with the use by the state of such property for armory or military purposes, such corporation may lease, rent, or otherwise make use of such new armory building or any part thereof for such purposes and upon such terms as such corporation may deem proper, and may use the rents and profits therefrom for the purposes herein provided.

Sec. 10. Minnesota Statutes 1976, Section 193.36, Subdivision 1, is amended to read:

193.36 **UNUSED ARMORIES.** Subdivision 1. **ADJUTANT GENERAL MAY CLOSE.** 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~~ ordered 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.

Sec. 11. Minnesota Statutes 1976, Chapter 194, is repealed.

Approved March 31, 1977.

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