

Military and Naval Affairs

CHAPTER 190

THE MILITARY FORCES

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GENERAL PROVISIONS

190.01 MILITARY CODE. Chapters 190 to 193 shall be known as the Military Code.

[1921 c. 506 s. 1] (2395)

190.02 GOVERNOR TO BE COMMANDER-IN-CHIEF; RULES AND REGULATIONS; STAFF. The governor shall be the commander-in-chief of the military forces, except so much thereof as may be in the actual service of the United States, and may employ the same for the defense or relief of the state, the enforcement of its law, and the protection of life and property therein.

He shall make and publish regulations, not inconsistent with law, and enforce all the provisions of the Military Code.

He may appoint a staff, consisting of an adjutant general and six aides-de-camp of field grade who, shall be detailed from the national guard.

[1921 c. 506 s. 13; 1927 c. 339 s. 1] (2407)

190.03 LAWS TO CONFORM TO UNITED STATES REGULATIONS. The intent of the Military Code and all acts of the state affecting the military forces is to conform to all acts and regulations of the United States affecting the same subjects, and all acts of the state shall be construed to effect this purpose, and anything to the contrary shall be held to be null and void as long as the subject matter shall have been acted on by the United States; and upon any subject not acted upon with reference to these matters by United States authority, any act of the state shall be in full force and effect.

[1921 c. 506 s. 2] (2396)

190.04 UNITED STATES ARMY REGULATIONS TO GOVERN, WHEN. All matters relating to the organization, discipline and government of the military forces not otherwise provided for in the Military Code shall be decided by the custom, regulations and usage of the United States army.

[1921 c. 506 s. 4] (2398)

190.05 DEFINITIONS. The term "military forces" includes the National Guard, and in addition thereto the Militia when called into service of the state.

The designation "company," as used in this chapter, 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.

"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

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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" includes periods of drill and such other training and service as may be required under state or federal law, regulations or orders.

The terms "in 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 3, 1916, and amendments thereto.

[1921 c. 506 s. 3] (2397)

Ann 973-108
190.06 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 hereinafter provided, not more than 45 years of age, and the militia shall be divided into three classes, the national guard, the naval militia, and the unorganized militia.

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 military 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 noncombatant.

[1921 c. 506 s. 5; 1939 c. 175 s. 1] (2399)

THE ADJUTANT GENERAL

Ann 973-108-9
190.07 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 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 office as provided in Section 110, Act of Congress approved June 4, 1920, as amended, and shall not be removed from office except as provided by the military laws of this state.

[1921 c. 506 s. 14; 1927 c. 339 s. 2; 1939 c. 175 s. 3] (2408)

Ann 973-108-30
190.08 PAY AND ALLOWANCES OF ADJUTANT GENERAL AND EMPLOYEES. The adjutant general shall receive the pay and allowances of his grade as provided by the act of congress approved June 10, 1922. He may appoint an assistant adjutant general, a state quartermaster, and such administrative and clerical assistants as may be authorized by law, all at salaries which will be currently fixed by law. In case of war, riot, insurrection or other emergency or when authorized by the governor, such additional help as is necessary may be temporarily employed, same to be paid from the amount appropriated for the maintenance of the national guard.

[1921 c. 506 s. 66; 1927 c. 339 s. 12; 1939 c. 175 s. 11] (2460)

Ann 973-108-42
190.09 ADJUTANT GENERAL; POWERS AND 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 and submit to the governor a duly certified copy thereof. 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 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 officer in the adjutant general's department, or in his absence the senior officer of the national guard, shall perform the duties prescribed for the adjutant general.

In addition to all other duties imposed upon the adjutant general by law or by the lawful directions of the governor, he shall act as the agent of all residents of the state having claims against the United States for pensions, bounty, or back pay, arising out of or by reason of any war or federal service and prosecute such claims without charge, and shall make and preserve, by counties, as a part of the war records collection, a permanent registry of the graves of all persons who shall have served in the military or naval forces of the United States and whose mortal remains may rest in Minnesota.

The flags and colors carried by Minnesota troops in the Civil war, Spanish-American war, Mexican border campaign and World war 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.

[*R. L. s. 1856; 1921 c. 506 s. 46; 1927 c. 102 s. 1; 1931 c. 363 s. 6*] (2440) (4385)

190.10 CERTAIN DUTIES OF MILITARY BOARD AND BOARD OF ARMORY SUPERVISORS TRANSFERRED TO ADJUTANT GENERAL. The authority conferred and the duties imposed upon the military board and the board of armory supervisors under the military code as amended hereby are transferred to, vested in and imposed upon the adjutant general.

[*1927 c. 339 s. 16*] (2415-1)

190.11 CAMP GROUNDS AND MILITARY RESERVATIONS. The adjutant general shall have charge of the camp grounds and military reservations of the state and shall be responsible for the protection and safety thereof, and promulgate regulations for the maintenance of order thereon, for the enforcement of traffic rules and for all other lawful regulations as may be ordered for the operation, care and preservation of existing facilities and installations on all state military reservations.

He shall keep in repair all state buildings, and other improvements thereon, including water pipes laid by the state on highways leading thereto and of all military property connected with the grounds. He may make such further improvements thereon as the good of the service requires.

Private property may be acquired by condemnation, upon the application of the adjutant general, for camp ground, rifle range, and other military purposes. All damages, cost, and expense incurred in condemning such property shall be paid by the state treasurer, upon certificate of the adjutant general and warrant of the state auditor, from any unexpended balance of the military fund after meeting the demands of the national guard.

[*1921 c. 506 s. 56; 1927 c. 339 s. 9; 1939 c. 175 s. 9*] (2450)

190.12 MAY LOAN ARMS TO VETERAN ORGANIZATIONS. The adjutant general in his discretion may issue to any camp of the military organization known as the "Sons of Veterans, U. S. A.," and other organizations composed of veterans of any war, arms and accoutrements owned by the state and not in use. Some member of the organization shall give bond to the state in the sum of at least \$20.00 for each rifle, conditioned for the return in good order, on demand, of all property so issued. No such issue shall be made, except on requisition of the commanding officer of such organization. Any member of such organization who shall wilfully

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destroy or injure military property so issued or shall withhold the same for more than five days after its return has been requested, shall be guilty of a misdemeanor.

[1921 c. 506 s. 45] (2439)

943-108-17
190.13 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, and the World War, and shall include therein the military history of each man, as may be obtainable. 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.

[1921 c. 506 s. 47] (2441)

1943-108-44
~~**190.14 MUSTER ROLLS LEGALIZED.** All muster rolls and rosters of any company of any Minnesota militia heretofore filed in the office of the adjutant general of the state of Minnesota, and purporting to be verified by the sole survivors of such company, or sworn to by them to have been copied by them from a military account book prepared and kept by the colonel of such regiment, are hereby declared to be legal and valid in all respects and for all purposes, and legally filed, and to be regular and legal muster rolls on file in the archives of the state of Minnesota.~~

[1925 c. 109 s. 1] (2441-1)

APPROPRIATIONS

1943-108-44
~~**190.15 APPROPRIATIONS NOT TO LAPSE.** The appropriations made for the purpose of carrying out the provisions of the Military Code shall not lapse at the end of any fiscal year; but all unexpended balances shall be added to the appropriations made for the ensuing year. All disbursements from such appropriations shall be made upon auditor's warrants issued upon vouchers approved by the adjutant general. All unexpended balances of the military department may be placed in a special fund and invested by the state board of investment, the principal and interest thereof, at the discretion of the adjutant general, to be used for the procurement, necessary installations, and maintenance of a military reservation.~~

[1921 c. 506 s. 68; 1927 c. 339 s. 13] (2462)