

CHAPTER 193

ARMORIES

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193.01 ARMORY CONSTRUCTION AUTHORIZED. In any municipality now or hereafter having an armory which at the time shall have been condemned by lawful authority as unfit or unsafe for use for armory or military purposes, or which shall have been determined by the adjutant general to be unfit, unsafe, or inadequate for armory or military purposes, in which municipality there shall at the time be stationed 20 or more units of the National Guard or Naval Militia, a new armory may be constructed and the cost thereof may be paid as hereinafter provided.

[1931 c. 398 s. 1; 1933 c. 332 s. 2] (2517-2)

193.02 ARMORY BUILDING COMMISSION CREATED. Subdivision 1. **Members.** For the purposes herein provided there shall be created a corporation to be known as the armory building commission of such city. The persons holding the following offices and their respective successors in office shall be, ex officio, the members and governing body of such corporation, namely: the adjutant general, the state auditor, the state treasurer, the senior in rank of the officers of the headquarters, organizations, or units of the National Guard and Naval Militia stationed in such city, the mayor of such city, and two other representatives of such city chosen by the governing body thereof from their own number or otherwise, who shall serve at the pleasure of such governing body; provided, that in the case of the failure of the governing body of such city to choose either or both of such representatives within 30 days after written notice to do so, given by the adjutant general to the presiding officer of such governing body, the other members aforesaid shall compose such commission and corporation; provided, further, that if such senior officer of the National Guard and Naval Militia is also an incumbent of any of the other offices aforesaid, the next officer in rank shall serve as a member of such commission and corporation.

Subdivision 2. **Certificate by adjutant general, filing.** Upon the filing with the secretary of state of a certificate by the adjutant general reciting the existence in any such city of the conditions specified in section 193.01, naming the persons authorized to compose such commission and corporation, as aforesaid, 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 be not less than three, shall have power to act as such commission and corporation and to elect such temporary acting officers as may be necessary during the existence of the vacancy.

Subdivision 3. **Officers.** The adjutant general shall be chairman, the state auditor shall be secretary, and the state treasurer shall be treasurer of such corporation. The treasurer shall give a bond to the corporation, with corporate surety approved by the chairman and secretary, to be filed with the secretary, in the sum of \$50,000. The premium on such bond shall be paid by the corporation. Such corporation shall issue no stock. 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 on account of any liability of the corporation.

[1931 c. 398 s. 2; 1933 c. 332 s. 2] (2517-3)

193.03 POWERS OF CORPORATION. Such corporation, subject to the conditions and limitations herein prescribed, shall possess all the powers as a body corporate necessary and convenient to accomplish the objects and perform the duties prescribed by sections 193.01 to 193.11, 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 such 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 chapter 117 for the purpose of acquiring any property which such corporation is herein authorized to acquire by condemnation; 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; this 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 a new armory in such city upon a site to be secured as herein provided, at a total cost to such corporation for site, building, and equipment not exceeding \$1,500,000, to pay therefor out of the funds obtained as herein-after provided, and to hold, manage, and dispose of such armory, equipment, and site as hereinafter provided;

(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 corporation as herein specified; 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 or 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 by sections 193.01 to 193.11, 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 receive no compensation therefrom, but may receive their reasonable and necessary expenses incurred in connection with the performance of their duties;

(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 conditions 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 armory;

(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; any bonds so purchased shall thereupon be canceled;

(9) To adopt and use a corporate seal; and

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

[1931 c. 398 s. 3; 1933 c. 332 s. 3] (2517-4)

193.04 CITY SHALL PROVIDE SITE. Subdivision 1. **New armory.** Any such city desiring to have such new armory constructed hereunder may provide a site therefor as hereinafter provided.

Subdivision 2. **City may give or sell existing site.** If any such city shall desire to have such new armory constructed on the site of the existing armory, and if such site is approved by the adjutant general as suitable for such new armory, such city may convey by way of gift or sale to such corporation all right, title, and interest owned by such city in such existing armory and the lands whereon the same is situated and all adjoining lands required for constructing such new armory. Thereupon in case any such lands or interests therein are owned or controlled by the board of park commissioners of such city or by any other governmental agency therein except the state or such city, such board or other agency may convey the same by way of gift or sale to such corporation. Such corporation may wreck and remove such existing armory and may sell all or any part thereof and may use any proceeds received therefrom for any authorized purpose or activity of the corporation hereunder.

Subdivision 3. **New site.** If such city shall not desire to have such new armory constructed on the site of the existing armory, or if such site shall not be approved by the adjutant general as herein provided, such city desiring to have such new armory constructed may secure by purchase, gift, or condemnation, and may convey to such corporation, another site for such new armory approved as suitable therefor by the adjutant general. In case such site or any part thereof or interest therein is owned or controlled by the board of park commissioners of such city or by any other governmental agency therein except the state or such city, such board or other agency may convey the same by way of gift or sale to such corporation without charge.

Subdivision 4. **Site donated by private parties.** In case any person or corporation except such city or board of park commissioners or other governmental agency hereinbefore referred to shall own any lands required for such site, whether provided under subdivision 2 or subdivision 3 of this section, or any interest in any such lands which would interfere with the use thereof by the state for armory or military purposes, such city or such board of park commissioners or other governmental agency may acquire such lands or interest by purchase, gift, or condemnation and may convey the same by way of gift or sale to such corporation; provided, that notwithstanding any such outstanding ownership or interest, such corporation may, in its discretion, with the approval of the adjutant general, accept a conveyance of such lands and interests in lands for such site as may be owned or controlled by such city, board of park commissioners, or other governmental agency, and may acquire by purchase, gift, or condemnation any further lands or interests in lands that may be required for such site.

Subdivision 5. **Right of eminent domain, how exercised.** The governing body of such city and such board of park commissioners and any other governmental agency concerned shall have power to exercise the right of eminent domain in the manner provided by chapter 117 for the purpose of acquiring any lands or interests in lands authorized to be acquired as aforesaid.

Subdivision 6. **State-owned lands may be leased.** In the event that the State of Minnesota shall own any lands or interest in lands included in the site of such existing armory and required for site of such new armory, such lands or interest therein shall be leased by the state to such corporation for a period of not exceeding

40 years for the purposes contemplated by sections 193.01 to 193.11 without any consideration other than the use of such property by the state for armory or military purposes as herein provided and the provision hereof for the conveyance to the state of the new armory building and the site thereof. The adjutant general shall have power to execute such lease to such corporation in the name of the state; provided, that such corporation shall have no power to mortgage or encumber any lands or interest so leased to it by the state except to the extent of such leasehold interest and subject to the conditions and limitations herein prescribed.

Subdivision 7. Title of land acquired, if land not used, to revert. In case any land acquired for armory site purposes hereunder has been donated to such corporation by such city or by other governmental agency except the state, and in case such land or any part thereof shall thereafter not be used or shall cease to be used for armory purposes for a continuous period of more than five years, not including the period of any war or other emergency in which the armed forces of the state may be engaged, the title to such unused land or part thereof shall thereupon pass, revert and be vested as follows: An undivided one-half thereof in the state and an undivided one-half thereof in such city or other governmental agency which donated the same, subject to any encumbrances that may have been lawfully placed thereon by such corporation or otherwise.

[1931 c. 398 s. 4; 1933 c. 332 s. 4] (2517-5)

193.05 FUNDS FOR CONSTRUCTION OF ARMORY; TAX LEVY. **Subdivision 1. Acquiring funds.** The funds to be used by such corporation for the purposes of sections 193.01 to 193.11 may be obtained as hereinafter provided.

Subdivision 2. Tax levy, limitation. Such city desiring to have such new armory 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, not exceeding five-tenths of a mill.

The proceeds of such levy as collected shall be paid to such corporation for the purposes herein prescribed. Such city 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 of this section. The obligations of such city to levy, collect, and pay over such taxes shall not be deemed or construed to constitute an indebtedness of such city 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 city is otherwise authorized to levy. The payment of the proceeds of such taxes up to an amount equal to the sum of \$250.00 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 city, shall be deemed sufficient appropriation and payment by such city 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.

Subdivision 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.

Subdivision 4. Payments by adjutant general. In addition to the payments by the state under subdivision 3 of this section, 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, a sum not more than \$41,000 per year, and may bind himself and his successors in office by agreement with such corporation to make such payments in a specified amount or amounts out of such appropriations for a period of not more than 40 years.

Subdivision 5. New armory, when completed, leased to state. Upon completion of such 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 city, 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 shall 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 of this section. 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.

[1931 c. 398 s. 5; 1933 c. 332 s. 5; Ex. 1935 c. 12 s. 1] (2517-6)

193.06 CORPORATION MAY ISSUE BONDS. Subdivision 1. **Limitation of amount of bonds.** In anticipation of the receipt by such corporation of the tax proceeds, appropriations, rents and profits specified in section 193.05, and of income from any other source, and for the purpose of securing funds as needed for payment of the cost of such new armory and other purposes herein authorized, such corporation is hereby authorized to issue its bonds in an aggregate principal amount not exceeding \$1,500,000, bearing interest at a rate not to exceed five per cent per annum, payable semiannually.

Subdivision 2. **Procedure.** Such bonds shall be of such date, denomination, place of payment, form, and details as may be determined by such corporation not inconsistent with the provisions of sections 193.01 to 193.11. Such bonds shall mature serially, the first instalment to fall due in not more than five years and the last in not more than 40 years from their date, and no annual maturing instalment shall exceed by two and one-half times the amount of the smallest annual maturing instalment; provided, that the amount of such instalments of principal may be such that the increase thereof from year to year shall approximately equal the decrease from year to year in the interest on the bonds remaining unpaid.

Subdivision 3. **Execution.** Such bonds shall be signed by the adjutant general, attested by the state auditor, and countersigned by the state treasurer, in their respective positions as chairman, secretary, and treasurer ex officio of such corporation, and the interest coupons to be thereto attached shall be executed and authenticated by the printed, engraved, or lithographed facsimile signatures of such chairman and secretary.

Subdivision 4. **Sale.** Such bonds shall be sold by such corporation under such notice and upon such terms and at such times as the corporation shall deem best. Such bonds shall not be deemed or construed to be debts of the state of Minnesota or of the municipality in which such armory is situated, nor to impose any personal liability upon any member of such corporation, but shall be payable solely out of the income to be received by such corporation as specified in sections 193.01 to 193.11. Bonds legally issued pursuant to sections 193.01 to 193.11 may be purchased by the state board of investment for the permanent school fund, permanent university fund, swamp land fund, internal improvement land fund, or any other trust fund of the state of Minnesota, or for any other fund administered by such board, and shall be deemed authorized securities within the provisions of section 50.14, and laws supplemental thereto, and shall be proper for the investment of capital, surplus, or deposits of any savings bank or trust company, and for the investment of funds of any insurance company, and for the investment of any sinking funds held by any public or municipal corporation, and may be pledged by any bank or trust company as security for the deposit of public moneys therein in lieu of surety bonds. Such bonds shall be deemed and treated as instrumentalities of a public governmental agency, and as such shall be exempt from taxation.

[1931 c. 398 s. 6; 1933 c. 332 s. 6] (2517-7)

193.07 MAY GIVE MORTGAGE ON ARMORY AND SITE. To secure the prompt and full payment of such bonds and interest thereon such corporation may mortgage such armory building or the site thereof, and may pledge the income or any part thereof receivable by such corporation under sections 193.01 to 193.11 to any trustee under such provisions that upon default in the payment of the principal or of interest on any such bonds all of such bonds may be declared due and payable,

and such mortgage foreclosed in like manner as other mortgages are foreclosed in this state, subject to the provisions of sections 193.01 to 193.11. The purchaser at any sale upon such foreclosure shall acquire the right of possession and the right to operate such building under such terms and conditions as may be specified in said mortgage and not inconsistent with the use of the property by the state for armory and military purposes, such possession and right of operation to continue until full principal and interest on such bonds or the amount bid upon such foreclosure sale shall have been paid out of the net rents and profits received from such operation or out of moneys otherwise provided as set forth in section 193.05. Such mortgage or deed of trust may contain any other provisions not inconsistent with the provisions of sections 193.01 to 193.11 or with the use of such building by the state for armory or military purposes as are customarily included for the benefit and protection of the parties to such instruments, including provisions for the insurance thereof, appointment of a receiver in the event of a default by the mortgagor, exemption of the members of such corporation from any personal liability, and other such provisions. Nothing contained in such mortgage shall be deemed or construed to constitute a liability of the State of Minnesota or of such city or any department, board, or commission thereof, nor to impose any personal liability upon any member of such corporation. Such mortgage or deed of trust may be recorded in the office of the appropriate register of deeds without the payment of any mortgage registry tax.

[1931 c. 398 s. 7] (2517-8)

193.08 PROPERTY TO BE CONVEYED TO STATE. Upon payment of all indebtedness incurred by such corporation hereunder, including the full principal and interest of all bonds issued by such corporation as herein provided, such corporation shall transfer and convey such armory building and the site thereof to the State of Minnesota for military purposes, and pay over to the state any unexpended moneys then held by such corporation, which moneys shall be appropriated to the adjutant general for the maintenance, repair, and improvement of such armory.

[1931 c. 398 s. 8] (2517-9)

193.09 LIMIT OF INDEBTEDNESS. Such corporation shall never be subject to an indebtedness in excess of \$1,500,000, nor shall it incur any indebtedness except as authorized in sections 193.01 to 193.11.

[1931 c. 398 s. 9; 1933 c. 332 s. 7] (2517-10)

193.10 BOOKS TO BE EXAMINED BY PUBLIC EXAMINER. The books and affairs of such corporation shall be subject to examination by the public examiner.

[1931 c. 398 s. 10] (2517-11)

193.11 PROVISIONS SEPARABLE. Sections 193.01 to 193.10 shall be held unconstitutional only in the event that some major provisions thereof are found unconstitutional and invalid which would make these sections unworkable. Should any minor provisions of these sections be held unconstitutional it shall in no way affect or invalidate any other provision or part thereof.

[1931 c. 398 s. 11] (2517-12)

193.12 CONSTRUCTION IN MUNICIPALITIES HAVING ONE OR MORE NATIONAL GUARD UNITS; DEFINITION; APPLICATION. In any 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 construct an armory, an armory may be constructed and the cost thereof may be paid as hereinafter provided. The term "municipality," as used herein, shall include cities of every class, villages, and boroughs. The provisions of this section and sections 193.13 and 193.14 shall be construed as supplemental to sections 193.01 to 193.10, and not as repealing or superseding the same or any part thereof.

When the adjutant general shall deem it necessary or expedient that an armory be constructed upon a state military camping ground to be used principally by any unit or units of the National Guard stationed at a municipality in the vicinity thereof, such armory may be constructed and the cost thereof may be paid in the manner hereinafter provided for the construction of armories in municipalities, and the annual payments hereafter to be made by the state for the maintenance and equipment of such armory, as authorized by section 193.35 shall be payable to the Minnesota state armory building commission without the necessity of like appro-

priations by such municipality or any other party so long as any bonds issued for the construction of such armory shall be outstanding.

[1931 c. 398 s. 12; 1933 c. 332 s. 8; Ex. 1935 c. 12 s. 2] (2517-13)

193.13 CORPORATION CREATED; COMMISSION. Subdivision 1. **Members and officers.** For the purpose of constructing armories as provided by section 193.12, there shall be created a corporation to be known as the Minnesota state armory building commission. The persons holding the following offices and their respective successors in office shall be, ex officio, the members and governing body of such corporation, namely: The adjutant general and the general officers of the line of the national guard of the state. The adjutant general shall be chairman of such commission. Such commission shall elect a secretary and treasurer from the members thereof other than the adjutant general. The officers of such commission shall have like powers and duties as are vested in or imposed upon the corresponding officers of the commission referred to in section 193.02.

Subdivision 2. **Certificate of adjutant general, filing.** Upon the filing with the secretary of state of a certificate by the adjutant general reciting the existence in any such municipality of the conditions specified in section 193.12, naming the persons authorized to compose such commission and corporation as provided in this section, 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 be not less than two, shall have power to act and to elect such temporary acting officers 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 in addition to the adjutant general eligible to serve ex officio as members of such commission, as provided by subdivision 1 of this section, the adjutant general may appoint a member or members of such commission from the colonels of the line of the national guard of the state so as to provide not more than two members of such commission in addition to himself. The membership of the member last so appointed shall automatically terminate upon the appointment and qualification of an officer of the national guard eligible to serve ex officio as a member of such commission, as provided by subdivision 1 of this section, providing the total membership of such commission be not thereby reduced to less than three. All officers of the national guard eligible to be members of such commission, as provided by subdivision 1 of this section, shall automatically become such members forthwith upon their appointment and qualification as such officers. In case of a vacancy in the office of 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 so to do shall not affect the authority of any new member of the commission or the validity of any act of the commission after accession of a new member.

Subdivision 3. **Trustee.** In case at any time all or all but one of the line officers of the national guard who are members of the 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 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 he 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 officer 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.

[1931 c. 398 s. 13; 1933 c. 332 s. 8; 1935 c. 40 s. 1; 1941 c. 44] (2517-14)

193.14 POWERS OF CORPORATION AND MUNICIPALITIES; LAWS APPLICABLE; DEFINITIONS; LIMITATION ON COST; INDEBTEDNESS. For the purpose of constructing armories as provided in section 193.12, the corporation referred to in section 193.13 shall have like powers and privileges and be subject to like duties and obligations as are by this chapter vested in or imposed upon the corporation referred to in section 193.02. Every municipality in which an armory may be constructed as provided in section 193.12, and every governing body of and every other governmental agency in every such municipality, shall have like powers and privileges and be subject to like duties and obligations as are by this chapter vested in or imposed upon the respective cities, governing bodies, and other governmental agencies referred to in sections 193.01 to 193.11. All provisions of sections 193.01 to 193.11 relating to the construction of armories in cities referred to in section 193.01 and to all other matters connected therewith shall, so far as applicable, and not otherwise provided in sections 193.01 to 193.11, apply to the construction of armories in the municipalities referred to in section 193.12, and to all other matters connected therewith, and for such purposes the term "city," as used in sections 193.01 to 193.11, shall be construed to refer to the municipalities referred to in section 193.12 and the terms "commission" and "corporation," as used in sections 193.01 to 193.11, shall be construed to refer to the commission and corporation referred to in section 193.13; provided, as follows:

(1) The total cost to the corporation of each armory constructed as provided in section 193.12, including the site, building, and equipment, shall not exceed \$75,000 for each unit of the National Guard or Naval Militia to be quartered therein, and the total amount of bonds issued on account of each such armory shall not exceed the amount of such cost;

(2) The adjutant general may pay under the provisions of section 193.05, subdivision 4, on account of each armory constructed as provided by section 193.12 an amount not exceeding \$2,000 per year for each unit of the National Guard or Naval Militia quartered in such armory;

(3) The corporation created under section 193.13 shall never be subject to an indebtedness on account of any armory constructed as provided by section 193.12 in excess of the cost of such armory as provided by this section, nor to a total indebtedness in excess of the aggregate cost of all armories so constructed;

(4) The treasurer of the corporation created under section 193.13 shall give a bond to the corporation in such sum and with such surety as the corporation may determine, conditioned in like manner as the bonds of treasurers of public bodies, to be approved and filed as the corporation may determine;

(5) The corporation created under section 193.13 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.

[1931 c. 398 s. 14; 1933 c. 332 s. 8; 1935 c. 40 s. 2] (2517-15)

1943-148 **193.15 STATE TO ASSIST IN BUILDING ARMORIES.** To every company of the Minnesota National Guard, now or hereafter organized which shall have first caused to be deposited with the state treasurer at least the sum of one thousand dollars as evidence of good faith, and shall have conveyed or caused to be conveyed to the State of Minnesota, by good and sufficient deed of warranty, and free of encumbrances, other than the reservation of mineral rights, the title to a site for an armory, which site shall have first been approved by the adjutant general, or in the case of the contemplated purchase of an existing armory or other suitable building, upon the payment of an amount equal to the value of the site, there is hereby appropriated the sum of \$25,000, which together with the deposit shall be used for the purpose of buying, building, erecting, and equipping an armory building on the site. Two or more organizations stationed in one or more cities or villages may combine the appropriations available for each under the Military Code, and erect a joint armory on a common site situated wholly in either or partly in each such city or village, if the adjutant general shall deem it expedient. In case two or more

organizations entitled thereto have heretofore, or may hereafter, combine, and shall have become entitled to such joint appropriations and to erect a joint armory, on a common site, and such site has been duly conveyed to the State of Minnesota, and thereafter any additional organization is, or additional organizations are, regularly formed and stationed in any city or village wherein any organization has so joined in such common site and armory, and it shall be desirable and practicable, and the adjutant general shall deem it expedient to have such new organization join in such common armory, the adjutant general may allow such new organization to join with such other organizations in such common armory, on such common site, and may allow an additional appropriation for such armory on account of such new organization so joining therein, on the furnishing by such new organization of the sum of \$1,000, as hereinbefore provided for, without the necessity of furnishing an additional site to the State of Minnesota. The adjutant general shall designate as near equally as possible from the several military organizations of the National Guard which of them shall receive aid in any one year, taking into consideration the proficiency of the organization asking for aid and its needs, and giving preference to organizations not already provided with a suitable armory.

Any city or village, or two or more cities or villages jointly, in which an armory has been heretofore, is now or may hereafter be erected or authorized under the provisions of the military code, may acquire and convey to the State of Minnesota, a site, and raise and appropriate money and funds in the aid of the construction, repair or improvement thereof, and to that end may issue bonds payable not more than 30 years after their issue and bearing interest at a rate not exceeding six per cent per annum, and may deposit such money and funds and the proceeds of the sale of such bonds with the state treasurer to the credit of the proper construction fund, and may make such further provisions for the maintenance and improvement of such armory as may be deemed necessary; provided, that whenever bonds have been heretofore issued by any city or village for any of the foregoing purposes, and the validity of such bonds is not now in question in the courts, the same are hereby validated and hereby declared to be legal obligations of any city or village issuing the same; and whenever the adjutant general deems it expedient, and in furtherance of the purposes of the Military Code it may purchase and finish armories already built or partly built, deducting from the purchase price the appraised value of the site.

[1921 c. 506 s. 108] (2502)

193.16 STATE TREASURER TO KEEP ACCOUNTS. The state treasurer shall keep a separate account with each company or battery which shall avail itself of the provisions of the Military Code, credit the same with the amount of money deposited by such organization, together with the appropriation made under the provisions of the Military Code; and all bills for the construction or purchase of armories shall, after being approved by the adjutant general, be paid out of this account or fund, and charged to the proper organization, upon warrant of the state auditor, and the state auditor shall issue his warrant upon this fund upon certificate of the adjutant general.

When any certificates of indebtedness heretofore issued pursuant to law shall mature, the state auditor shall draw his warrant upon the state treasurer and the state treasurer shall pay upon the warrant the amount due upon any such certificate of indebtedness, the warrants to be drawn in favor of and to order of the person or persons holding such certificates at the time the same are presented for payment.

[1921 c. 506 s. 109; 1925 c. 363 s. 1] (2503)

193.17 REFUNDMENT TO BE CREDITED TO ARMORY FUND. All money returned and repaid to the state treasury from armory property sold, damaged, or destroyed, or otherwise, shall be credited to a general armory fund and may be expended for the building and construction or the purchase of armories for military organizations not having armory accommodations under the provisions and limitations of the Military Code.

[1921 c. 506 s. 110] (2504)

193.18 COUNTY ARMORY COMMISSION. When 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

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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.

[1921 c. 506 s. 99] (2493)

443 108-24 **193.19 CITY OR VILLAGE ARMORY COMMISSION.** When 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.

[1921 c. 506 s. 100] (2494)

193.20 EXPENDITURES; HOW PAID. All expenditures under sections 193.18 and 193.19 shall be paid as other charges against the county or municipality are paid, upon itemized vouchers approved by at least two members of the armory commission; and all sums so expended, or estimated in advance by the commission as necessary for the purpose, shall be included in the tax levy and collected with the other county or municipal taxes; provided that, in cities of the first class, no such armory shall be erected or otherwise required or provided unless the same be recommended by the armory commission to the council, and such recommendation be approved.

[1921 c. 506 s. 101] (2495)

1993-108-15 ~~**193.21 CITIES OF FIRST CLASS MAY ISSUE BONDS.** The council of any city of the first class which has not already issued bonds for the acquisition of an armory may issue and sell, in its discretion, the bonds of such city for the cost of such armory, in such amount as may be necessary, notwithstanding any charter or other limitation upon the total of its bonded indebtedness, or upon the powers of the council in reference thereto. These bonds shall be in such denominations, and payable at such places and at such times, not exceeding 30 years from the date of issue, as the council may determine, with interest not exceeding six per cent per annum, payable semiannually, according to interest coupons attached.~~

[1921 c. 506 s. 102] (2496)

443 108-37 **193.22 JOINT ARMORIES AND MUNICIPAL BUILDINGS MAY BE ERECTED.** When a company of the National Guard shall be located in a city or village wherein no suitable armory has been provided for its use, an armory may be constructed for use jointly by such company or battery and by the citizens of such community. 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.

[1921 c. 506 s. 113] (2507)

141 38 **193.23 MAY RECEIVE STATE AID.** When such joint armory commission shall have deposited with the state treasurer at least \$1,000 as evidence of good faith and 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.

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 commanding officer of the organization quartered therein, and such portion of such armory shall be subject to the laws of this state relating to armories. The control of the other portions of such armory shall be vested in the municipal authorities.

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.

[1921 c. 506 s. 114] (2508)

193.24 CITIES OF FIRST CLASS (WITH EXCEPTIONS) MAY ISSUE BONDS FOR REPAIRING ARMORIES. Any city in this state, now or hereafter having over 50,000 inhabitants not operating under a home rule charter and not governed under a charter adopted pursuant to the Constitution of the State of Minnesota, Article 4, Section 36, may, by resolution adopted by the affirmative vote of not less than a majority of all the members-elect of its city council, issue and sell bonds of such city to the amount of \$100,000 in par value for the purpose of repairing and enlarging armories, and the bonds provided for in this section may be issued and sold notwithstanding any charter provision of such city or any laws of this state limiting the amount of indebtedness of any such city.

No bonds shall be issued by any such city for the purposes above mentioned to run for a longer time than 30 years, nor bearing a rate of interest greater than four per cent per annum, but the place of payment of the principal and interest thereon and the denominations in which the same shall be issued shall be such as may be determined upon by the city council and such bonds may be in the form of coupon bonds or registered certificates so called. All such bonds shall be signed by the mayor and attested by the city clerk and countersigned by the comptroller of such city and shall be sealed with the seal of the city, except that the signatures on the coupons attached to such bonds, if any, may be lithographed thereon. The bonds shall not be sold for less than 95 per cent of their par value, and accrued interest thereon and shall be sold to the highest responsible bidder therefor, upon at least two weeks' published notice of the sale of such bonds. The full faith and credit of such city shall be pledged at all times for the payment of all bonds issued under this section and the interest thereon, and such city shall each year levy sufficient taxes to pay annual interest on such bonds and provide a sinking fund sufficient for the redemption of the bonds at maturity.

[1921 c. 506 s. 103] (2497)

193.25 CITIES OF FOURTH CLASS MAY ISSUE BONDS. Any city in the state which, according to the last federal census, has a population of not less than 10,000, and not more than 20,000, is hereby authorized to issue the bonds of such city for the construction, completion and equipment of a public armory building in the city, the bonds to be in such denominations, payable at such times and at such rate of interest, and sold upon such terms as may be determined by a majority vote of the city council, city commission, or other governing body of such city. The aggregate of the face value of the bonds which shall be issued by virtue of the provisions of this section shall not exceed the sum of \$75,000.

Before any bonds are issued under the provisions of this section by any such city, there shall be adopted by the city council, city commission, or other governing body of such city, a resolution certifying the purpose for which such bonds are required, the amount thereof necessary to be issued, the rate of interest the same shall bear, and the terms upon which said bonds shall be sold, and thereafter the city council, city commission, or other governing body, shall submit the question of the issue of the bonds and the sale thereof, pursuant to the resolution, to the legal voters of the city, either at a special election called for that purpose pursuant to the charter of the city, or at any general election held in the city, and if a majority of the legal voters of the city voting on the proposition vote in favor of the issuance of the bonds, then the council, city commission, or other governing body of the city shall have full power and authority to issue and sell the same for the purpose specified in the resolution, and not otherwise. If a majority of the legal voters of the city voting on the question should vote not to issue and sell bonds, then the proposition shall be deemed rejected.

The election shall be conducted as are other special elections in the city unless the proposition shall be submitted at a general city election, but in either case, the proposition shall be plainly submitted upon the city election ballot by the use of appropriate language, in conformity with the so-called Australian election ballot

law of this state. The vote shall be returned and canvassed as at other elections in the city.

[1921 c. 506 s. 104] (2498)

193.26 OTHER CITIES AND VILLAGES MAY ISSUE BONDS FOR ARMORIES.

In like manner and as specified in section 193.25 hereof, any other city or village or town not already provided with a suitable armory, and having authority to erect or otherwise acquire the same for the use of the guard, may issue and sell its bonds for the necessary cost thereof, to run not more than 30 years, at a rate of interest not to exceed six per cent, payable semiannually. No bonds shall be issued under this section that would increase the municipal indebtedness beyond the total limited by law.

[1921 c. 506 s. 105] (2499)

193.27 DISPOSITION OF UNUSED FUNDS. In any city in this state, however organized, in which there have heretofore been bond issues or tax levies made for the construction of a public armory building in such city, which armory building has not been constructed and the moneys received from such bonds issued or taxes levied remain unexpended, upon a unanimous vote of the city council such funds or any or all thereof may be invested by such city council or used and expended by it for any public purpose within such city.

[1927 c. 146 s. 1] (2499-2)

193.28 CITIES AND VILLAGES MAY ACCEPT DONATIONS. Any city, village, county, or town may accept any grant or donation of real or personal property for the purposes of an armory, or for the improvement or repair thereof, and may meet and fulfill any reasonable condition of such grant or donation not inconsistent with the proper use of the property for armory purposes; and they may enter into a contract for the leasing of property for such purposes for any term not exceeding 20 years.

[1921 c. 506 s. 106] (2500)

193.29 CONTROL OF NEW ARMORY TO VEST IN COMMANDING OFFICER OR ARMORY BOARD. Upon the completion of any new armory building or the purchase of any armory building and property, the control and use of the armory shall vest in the armory board or commanding officer of such armory as provided by the Military Code. The proceeds of rentals and other revenue derived from such armories may be devoted and applied by the armory board or commanding officer controlling the same, to the maintenance, extension, improvement, and equipment thereof.

[1921 c. 506 s. 112] (2506)

193.30 COMMANDING OFFICER TO HAVE CHARGE. Each armory occupied by a single company shall be under the immediate charge of the commanding officer of the organization quartered therein.

If more than one company is quartered in any armory the control thereof shall be vested in an armory board to be constituted as follows: If more than one company of the same regiment is quartered therein, the board shall consist of the senior resident field officer and if no field officer resides at such place then of the several company commanders; if companies of more than one regiment or lesser separate organizations are quartered in a single armory, the senior resident line officer of each regiment or lesser separate organization shall constitute the armory board, provided, that each member of the armory board shall have one vote for each company of his organization located in such armory, and that each brigade commander shall be ex officio a member of the armory board at the place where he has his headquarters and he shall have one vote, and that organizations of the Naval Militia when occupying armories jointly with organizations of the National Guard shall, for the purposes of this section, have the same status as corresponding organization commanders in the National Guard.

A record of their actions shall be kept, and all resolutions offered, whether seconded or not shall be put to vote, and the result recorded. In case of a tie, the adjutant general, upon the request of any member, shall decide, subject to an appeal to the governor.

The governor may make and alter rules and regulations for the government of all officers and persons having charge of armories, arsenals, or other military property in this state.

[1921 c. 506 s. 115] (2509)

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Am 1943 10 40
193.31 SENIOR OFFICER TO CONTROL DRILL HALL. The senior officer in command of any company or companies assembling at an armory for drill shall have control of the drill hall 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. 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.

[1921 c. 506 s. 116] (2510)

Am 1943 10 20
193.32 ARMORERS; JANITOR. The officer or armory board in charge of any armory, as provided for in section 193.30, may appoint an armorer, who under his direction shall have charge of the armory or place where the uniforms, arms, accoutrements, and other property of the command are kept. When necessary, the officer or officers in control of the armory may appoint a janitor thereof, and, if it be heated by steam, an engineer. The duties of all such appointees shall be prescribed by the officers appointing them, who shall also fix their compensation, not to exceed \$3.00 per day for time necessarily spent in the performance of such duties, and may dismiss any of them at pleasure. Such compensation shall be paid monthly by the town, county, city, or village, as the case may be, upon vouchers approved by the appointing officers. In cities where the armory has been erected or otherwise acquired without state aid and is exclusively owned by the municipality, armorers, 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 mentioned in section 193.19.

[1921 c. 506 s. 117] (2511)

193.33 PENALTIES FOR INJURING PROPERTY OF ARMORY. Every person who shall wilfully injure any armory or arsenal, or any property therein lawfully kept or deposited, and every person who shall introduce any spirituous, vinous, or malt liquor into any such armory or arsenal, except for medicinal purposes, upon the prescription of a medical officer of the guard, shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of \$25.00, or imprisonment for ten days in the county jail.

[1921 c. 506 s. 118] (2512)

193.34 USE OF ARMORIES BY PATRIOTIC AND SERVICE MEN'S ORGANIZATIONS. The use of armories for the regular meetings or functions of those patriotic societies or recognized Military Service Men's Organizations holding charters from Congress or incorporated in this state shall be granted by the armory board or officer in charge of any armory at such times and under such circumstances as not to interfere with the use of the armory for military purposes by the company or companies quartered therein, subject to the armory rules and regulations as are in force governing the use of such armories.

[1921 c. 506 s. 122; 1927 c. 414 s. 1] (2516)

193.35 STATE AID FOR MAINTENANCE. There shall be paid annually to the officer or armory board in charge of each armory for the maintenance and equipping of the same the sum of \$250.00 for each company or other unit quartered therein; provided, the county, city, or village in which the armory is located shall appropriate at least an equal amount annually.

[1921 c. 506 s. 119] (2513)

Am 1943 10 35
193.36 CONTROL AND DISPOSITION OF UNUSED ARMORIES. When any such military organization which has availed itself of the provisions of the Military Code and has received the appropriation provided herein, shall be called or drafted into the federal service or shall be mustered out of the service of this state, and it shall appear probable that no new military organization will be organized in the city or village in which the armory is located, and there is no other military organization occupying said armory the adjutant general shall immediately take possession and close the same, and not permit its use for other than military purposes, but the adjutant general shall have the authority and he is hereby expressly empowered to sell, transfer and convey the property to the municipality in which the same is located, for public purposes, upon the repayment to the state for credit to the general armory fund, of the appropriation expended thereon, without interest. If such municipality shall not purchase the property, the adjutant general shall then be authorized to sell, transfer, and convey the same to any individual, firm, or cor-

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poration, repaying to the state at least the full appropriation expended therefor. If the armory cannot be sold in this manner, the adjutant general may lease the armory to the municipality for public purposes at an annual rental which shall not be less than ten per cent of the amount invested by the state in such armory. The adjutant general subject to the approval of the governor is hereby authorized and empowered to sell, transfer and convey on behalf of the state any state armory site and buildings which in the judgment of the adjutant general is unsuitable for military purposes or which has been condemned by the state fire marshal or the state insurance commissioner. The moneys so received from the sale of such armories shall be paid into the state treasury and by the treasurer accredited to the general armory fund.

[1921 c. 506 s. 111] (2505)