CHAPTER 191

UNORGANIZED MILITIA

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191.05 GOVERNOR MAY CALL MILITIA.

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

History: *(2404) 1921 c 506 s 10; 1943 c 108 s 3; 1985 c 248 s 70; 1986 c 444*

191.06 ENLISTMENT.

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

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

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

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

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

Subd. 6. **Governor may organize forces.** Without limiting any power otherwise conferred on the governor, whenever any part of the National Guard of this state has been or is about to be called or ordered into active federal service, and until such service or the occasion therefor has terminated and all units of the National Guard engaged therein have been relieved therefrom and have returned and become available for duty within the state, the governor may organize from the militia and maintain within the state such forces as the governor deems necessary.

History: *(2405) 1921 c 506 s 11; 1939 c 175 s 2; 1943 c 108 s 4; 1986 c 444*

191.07 DESERTER.

Every militia member who, being accepted as a volunteer or duly drafted, fails without reasonable excuse to report for muster as lawfully required shall be considered and treated as a deserter.

History: *(2406) 1921 c 506 s 12; 1943 c 108 s 5; 1986 c 444*

191.08 CONSTRUCTION OF LAWS 1943, CHAPTER 108.

Nothing in Laws 1943, chapter 108, shall be construed as authorizing the military forces of the state or any part thereof to be called, ordered, or in any manner inducted as such into the military service of the United States, except the National Guard and other forces expressly made subject to such service by state or federal law; but no person shall by reason of enlistment or commission in the military forces of the state be thereby exempted from military service under any law of the United States.

History: *1943 c 108 s 6; 1986 c 444*

191.09 MS 1994 [Repealed, 1996 c 310 s 1]