

## CHAPTER 190

### MILITARY FORCES

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#### POLICY STATEMENT

##### 190.001 POLICY STATEMENT.

In recognition of the necessity of maintaining a strong military force for the protection and survival of this state and nation and of free and democratic allied societies throughout the world, and of the numerous and varied sacrifices required of military personnel and their families both in peacetime and war, and of the exemplary character, courage, leadership, and training of United States armed forces personnel of all generations, it is the policy of the state of Minnesota to promulgate, implement, and maintain laws, policies, rules, and procedures, insofar as is practicable and beneficial to the people of this state and within available resources as may exist at any time, that encourage, recognize, and reward honorable military service to this state and nation, whether in regular active service or in the National Guard or other reserve component service, during both peacetime and war. This includes, but is not limited to, policies supportive of the physical and mental health needs of returning veterans.

**History:** 2006 c 273 s 5

#### GENERAL PROVISIONS

##### 190.01 MILITARY CODE.

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

**History:** (2395) 1921 c 506 s 1

##### 190.02 GOVERNOR TO BE COMMANDER-IN-CHIEF; RULES; 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 or any other state, the enforcement of law, and the protection of persons and property therein.

The governor shall make and publish rules, not inconsistent with law, and enforce all the provisions of the Military Code.

The governor 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.

**History:** (2407) 1921 c 506 s 13; 1927 c 339 s 1; 1985 c 248 s 70; 1986 c 444; 1993 c 27 s 1; 1997 c 24 s 1

### **190.025 FRESH PURSUIT.**

Subdivision 1. **Entry into other states.** In case the United States is at war or in case of any other emergency declared by the president or the Congress of the United States or by the governor or the legislature of this state, any organization, unit, or detachment of the military forces of this state, by direction of the governor and upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies, or enemy forces beyond the borders of this state into another state until they are apprehended or captured by such organization, unit, or detachment, or until the military or police forces of such other state or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture the persons pursued, provided such other state shall have given authority by law for such pursuit by such forces of this state. Except as otherwise provided by law, any person who shall be apprehended or captured in another state by any of the forces of this state shall without unnecessary delay be surrendered to the military or police forces of the state in which the person is taken or to the United States, but such surrender shall not constitute a waiver by this state of its right to extradite or prosecute such person for any crime committed in this state.

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

Subd. 3. **Construction of section.** This section shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful, nor to repeal or prevent the application of any of the provisions of section 626.65, the Uniform Act on the Fresh Pursuit of Criminals.

**History:** 1943 c 108 s 8; 1986 c 444; 2010 c 382 s 43

### **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, except as otherwise expressly provided by chapter 192A with respect to military justice, 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.

**History:** (2396) 1921 c 506 s 2; 1971 c 202 s 1

**190.04 ARMED FORCES REGULATIONS TO GOVERN.**

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 armed forces of the United States.

**History:** (2398) 1921 c 506 s 4; 1963 c 550 s 1

**190.05 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of the Military Code, the terms defined in this section have the meanings given them in this section unless the context clearly indicates otherwise.

Subd. 2. **Department of Military Affairs; Military Department.** The "Department of Military Affairs" or "Military Department" is comprised of and includes the military forces of the state, the Office of the Adjutant General, all military reservations, military installations, armories, air bases, and facilities owned or controlled by the state for military purposes, and civilians employed by the state for the administration of the Military Department.

Subd. 3. **Military forces.** The term "military forces" includes the National Guard, the State Guard, and any other organizations or components of the organized militia as may be authorized by state or federal law.

Subd. 3a. **Military reservations.** "Military reservations," without limitation, includes military installations, armories, air bases, and facilities owned or controlled by the state for military purposes.

Subd. 4. **National Guard.** The term "National Guard" includes the Army National Guard and the Air National Guard.

Subd. 5. **Active service.** "Active service" means either state active service, federally funded state active service, or federal active service.

Subd. 5a. **State active service.** "State active service" excludes federal active service and federally funded state active service and includes service or duty:

(1) on behalf of the state in case of actual or threatened public disaster, war, riot, tumult, breach of the peace, resistance of process, or whenever called upon in aid of state civil authority;

(2) at encampments ordered by state authority;

(3) otherwise ordered or requested by state authority and requiring the time of the organization or person;  
or

(4) travel to or from service or duty under clause (1), (2), or (3).

Subd. 5b. **Federally funded state active service.** "Federally funded state active service" means service or duty under United States Code, title 32, as amended through December 31, 1983, and travel to or from that service or duty.

Subd. 5c. **Federal active service.** "Federal active service" excludes federally funded state active service and means service or duty under United States Code, title 10, as amended through December 31, 1983, other service or duty as may be required by the law, regulation, or order of the United States government, and travel to or from that service or duty.

Subd. 6. **Enlisted member.** The term "enlisted member" includes enlisted members in the Army National Guard and airmen of the Air National Guard.

Subd. 6a. **Officer.** "Officer" includes commissioned officers and commissioned warrant officers in the Army National Guard and the Air National Guard.

Subd. 7. **Federal definitions.** Unless otherwise stated, all terms, organizational designations, and titles contained in the Military Code have the same meaning as like terms, organizational designations, and titles in federal law and regulations.

**History:** (2397) 1921 c 506 s 3; 1943 c 108 s 1; 1947 c 125 s 1; 1963 c 658 s 1; 1971 c 202 s 2; 1977 c 11 s 1; 1983 c 193 s 3-5; 1983 c 301 s 159-161; 1986 c 444; 1997 c 24 s 2,3

### 190.055 PROTECTIONS.

(a) A person called or ordered to active service, as defined in section 190.05, subdivision 5a or 5b, has all the protections afforded to persons in the military service of the United States under:

(1) the Servicemembers Civil Relief Act, United States Code, Appendix 50, sections 501 to 548, and 560 to 591, as amended at any time; and

(2) the Uniformed Services Employment and Reemployment Rights Act, United States Code, title 38, sections 4301 to 4333, as amended at any time.

(b) The acts referenced in paragraph (a), clauses (1) and (2), may be cited as the "SCRA" and "USERRA," respectively.

**History:** 2002 c 284 s 1; 2006 c 273 s 6; 2008 c 277 art 1 s 97

### 190.06 MILITIA; MEMBERS; EXEMPTIONS.

Subdivision 1. **Composition.** The militia shall consist of:

(1) all able-bodied citizens of the state and other able-bodied persons residing in the state who have or shall have declared their intention to become citizens of the United States, when so authorized by federal law, who comply with the minimum age requirements for federal regular military service under United States Code, title 10, section 505, and who are not more than 45 years of age; provided, that the governor may, when the governor deems it necessary for the defense of the state, extend the maximum age for militia service to not more than 64 years; and

(2) persons who enlist in, are commissioned in, or are otherwise appointed to the Minnesota National Guard in accordance with applicable federal law and regulation, including enlisted members, warrant officers, and commissioned officers.

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:

(1) the National Guard;

(2) the State Guard, which shall comprise all organized components of the militia except the National Guard.

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

Subd. 3. **Noncombatant service.** The governor may authorize the appointment or enlistment of citizens of the state and all other persons, who have or shall have declared their intention to become citizens of the United States, in the medical corps and other noncombatant branches and services of the organized militia, and while so serving they shall have the same status as members of the military forces.

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

**History:** (2399) 1921 c 506 s 5; 1939 c 175 s 1; 1943 c 108 s 2; 1977 c 11 s 2; 1984 c 609 s 13; 1986 c 444; 2000 c 283 s 1,2; 1Sp2001 c 10 art 2 s 62

## THE ADJUTANT GENERAL

### 190.07 APPOINTMENT; QUALIFICATIONS; RANK; TERM; VACANCY.

Subdivision 1. **Qualifications.** There shall be an adjutant general of the state who shall be appointed by the governor within 120 days of a vacancy of the position. The adjutant general shall be a staff officer, who at the time of appointment shall be a commissioned officer of the National Guard and who shall have reached, at a minimum, the rank of colonel (O-6).

Subd. 2. **Rank.** The adjutant general shall be promoted, if necessary, directly to and shall hold the rank of major general. If not already a major general, the adjutant general's promotion is effective beginning on the date the governor appoints the adjutant general. At the time of appointment and in accordance with the authorities governing federal recognition of officers, the adjutant general is authorized to wear the rank of major general.

Subd. 3. **Term.** The term of the adjutant general is for a single term of seven years from the date of appointment. The adjutant general shall not be removed from office during a term except upon withdrawal of federal recognition or as otherwise provided by the military laws of this state.

Subd. 4. **Vacancy; acting or temporary adjutant general.** In the event of a vacancy of the adjutant general, the governor may appoint a person qualified under subdivision 1 as an acting adjutant general. If the governor does not appoint an acting adjutant general, the deputy adjutant general as defined in section 190.09, subdivision 1, shall become temporary adjutant general without further official action. Upon taking office, the acting or temporary adjutant general shall have all the powers and emoluments and perform all the duties of the office of adjutant general until a permanent adjutant general is appointed.

**History:** (2408) 1921 c 506 s 14; 1927 c 339 s 2; 1939 c 175 s 3; 1943 c 108 s 9; 1953 c 269 s 1; 1984 c 442 s 1; 1986 c 444; 1989 c 11 s 1; 1989 c 335 art 1 s 181; 1997 c 24 s 4; 1Sp2001 c 10 art 2 s 63; 1Sp2021 c 12 art 3 s 3

**190.08 MILITARY STAFF; ACTIVE DUTY ORDERS; PAY AND ALLOWANCES.**

Subdivision 1. **Assistant adjutants general.** The adjutant general, with the approval of the governor, may appoint from among the field officers and general officers of the National Guard two assistant adjutants general for Army National Guard and one assistant adjutant general for Air National Guard who, if otherwise qualified, may be appointed to general officer grade. An assistant adjutant general serves at the pleasure of the adjutant general. An assistant adjutant general shall also cease to serve upon withdrawal of federal recognition or when otherwise removed in accordance with the military laws of this state.

Subd. 1a. **Executive director.** The adjutant general may appoint an executive director of the Department of Military Affairs. The executive director shall serve at the pleasure of the adjutant general.

Subd. 2. **Other appointments.** The adjutant general also may appoint from among the officers of the National Guard a state quartermaster, a commander for each state-owned military reservation or military installation, and such other officers as may be required for the state staff.

Subd. 3. **Order to state active service.** The adjutant general may order to state active service, with their consent, current or former officers, warrant officers, and enlisted personnel of the National Guard of the state required for the full time administration of the Military Department. Except for those appointed under subdivisions 1 and 2, they may not be removed from office after one year of active service except for cause, reduction in force, or withdrawal of federal recognition, as long as they remain active members of the military forces of the state.

Subd. 4. **Order to temporary active service.** In case of war, riot, insurrection, emergency, or when otherwise authorized by the governor, the adjutant general may order to temporary active service additional officers, warrant officers, and enlisted personnel of the National Guard, including retired personnel, as may be necessary. Personnel do not acquire any of the rights to office under subdivision 3 while performing temporary active service. When their services are no longer required they shall be relieved from active service.

Subd. 5. **Civilian employees.** In addition to the officers, warrant officers, and enlisted members ordered to active service the adjutant general may employ such civilian administrative, clerical, maintenance, and caretaker personnel as are necessary for administration of the Military Department.

Subd. 6. **Pay and allowances.** The adjutant general shall receive the pay and allowances provided by law for an officer of similar rank and length of service in the armed forces of the United States. All other officers, warrant officers, and enlisted members in active service on the staff of the adjutant general shall receive the pay and allowances prescribed for personnel of similar grade and length of service in the armed forces of the United States subject to the following provisions: (1) the adjutant general by general orders may establish for pay purposes the grade authorized for any staff position; and (2) members may be paid any additional pay authorized by section 192.49.

Subd. 7. **Order to temporary state active service for armory rental support.** The adjutant general may order to temporary state active service, with their consent, current or former officers, warrant officers, and enlisted personnel of the National Guard of the state required for the rental of an armory under chapter 193. This service does not accrue rights under any other subdivision. The adjutant general shall establish

pay rates and policy for service authorized under this subdivision, and is not required to pay for such service in accordance with section 190.08, subdivision 6, or section 192.49.

**History:** (2460) 1921 c 506 s 66; 1927 c 339 s 12; 1939 c 175 s 11; 1943 c 108 s 30; 1947 c 125 s 2; 1963 c 658 s 2; 1984 c 442 s 2-4; 1985 c 36 s 1; 1986 c 444; 1989 c 23 s 1; 1990 c 594 art 1 s 60; 1998 c 254 art 1 s 62; 1999 c 46 s 1; 2018 c 157 s 1

**190.081** [Repealed, 1982 c 560 s 65]

## **190.09 POWERS, DUTIES.**

Subdivision 1. **Official duties.** The adjutant general shall be the chief of staff to the commander-in-chief and the administrative head of the Military Department. The adjutant general shall have an office in the Capitol and keep it open during the usual business hours.

The adjutant general shall have custody of all military records, correspondence, and other military documents. The adjutant general shall be the medium of military correspondence with the governor and perform all other duties pertaining to that office prescribed by law. The adjutant general shall make an annual report to the governor, at such time as the governor may require, of all the transactions of the Military Affairs Department, setting forth the number, strength and condition of the National Guard, and such other matters as deemed important and shall make and transmit to the federal government the returns required by the laws of the United States. The adjutant general shall, whenever necessary, cause the Military Code, orders and rules of the state to be printed and distributed to the commissioned officers and the several organizations of the National Guard and 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 that office and shall be delivered to the successor in that office. All orders issued from the Adjutant General's Office shall be authenticated with that seal. The adjutant general shall attest all commissions issued to military officers. The adjutant general will superintend the preparation of all returns and reports required by the United States from the state on military matters.

The adjutant general shall designate an assistant adjutant general to serve as deputy adjutant general to perform the duties of the adjutant general during periods when the adjutant general is absent or unable to perform that officer's duties. In the absence of all of the above, the senior officer of the National Guard, shall perform the duties prescribed for the adjutant general.

The flags and colors carried by Minnesota troops in the Civil War, Indian Wars, Spanish-American War, Mexican Border Campaign, the first World War, and subsequent wars shall be preserved in the Capitol under the especial care of the adjutant general. They shall be suitably encased and marked, and, so far as the adjutant general may deem it consistent with their safety, shall at all times be publicly displayed.

Subd. 2. **Mission; efficiency.** It is part of the department's mission that within the department's resources the adjutant general shall endeavor to:

- (1) prevent the waste or unnecessary spending of public money;
- (2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

**History:** (2440, 4385) *RL s 1856; 1921 c 506 s 46; 1927 c 102 s 1; 1931 c 363 s 6; 1943 c 108 s 42; 1963 c 658 s 3; 1984 c 442 s 5; 1985 c 248 s 70; 1986 c 444; 1995 c 248 art 11 s 14; 1998 c 366 s 60*

**190.095** [Repealed, 1982 c 560 s 65]

#### **190.096 BATTLE FLAGS; REPAIR.**

Subdivision 1. **Authority to repair.** Notwithstanding the provisions of Minnesota Statutes 1961, chapters 16 and 43, the adjutant general or the Minnesota Historical Society may contract for the repair, restoration, and preservation of regimental battle flags, standards, and guidons with persons or corporations skilled in such repair, restoration, and preservation, upon terms or conditions the adjutant general or the Minnesota Historical Society deems proper.

Subd. 2. **Surrender.** Notwithstanding the provisions of this section or section 190.09, the adjutant general or the Minnesota Historical Society may, for the purposes of this section, surrender the immediate custody and control of regimental battle flags, standards, and guidons under conditions and safeguards the adjutant general or the Minnesota Historical Society deems necessary and proper, for such time as is reasonably necessary for their restoration, after which they shall at once be again properly stored or displayed. The adjutant general or the Minnesota Historical Society shall provide adequate storage and display space for flags, standards, and guidons which have been repaired and restored.

Subd. 3. **Battle flags; care and control.** (a) The flags and colors carried by Minnesota troops in the Civil War, Indian Wars, and the Spanish-American War shall be preserved under the care and control of the Minnesota Historical Society. They shall be suitably encased and marked, and, so far as the historical society may deem it consistent with the safety of the flags and colors, they shall be publicly displayed in the capitol.

(b) The flags and colors carried by Minnesota troops in subsequent wars shall be preserved under the care and control of the adjutant general. They shall be suitably encased and marked, and, so far as the adjutant general may deem it consistent with the safety of the flags and colors, shall be publicly displayed.

**History:** *1983 c 193 s 6; 1986 c 444; 2007 c 135 art 8 s 1*

**190.10** [Repealed, 1996 c 310 s 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 rules for the maintenance of order thereon, for the enforcement of traffic rules and for all other lawful rules as may be ordered for the operation, care and preservation of existing facilities and installations on all state military reservations.

The adjutant general 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 and 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 commissioner of management and budget, upon certificate of the adjutant general, from any unexpended balance of the military fund after meeting the demands of the National Guard.

**History:** (2450) 1921 c 506 s 56; 1927 c 339 s 9; 1939 c 175 s 9; 1973 c 492 s 14; 1985 c 248 s 70; 1986 c 444; 2003 c 112 art 2 s 27; 2009 c 101 art 2 s 109

**190.115** [Repealed, 1971 c 202 s 11]

**190.12** [Repealed, 1971 c 202 s 11]

**190.13** [Repealed, 1997 c 24 s 27]

### 190.16 ADDITIONAL POWERS OF ADJUTANT GENERAL.

Subdivision 1. **Cooperation with United States government.** The adjutant general may cooperate with the government of the United States or any agency or department thereof in the construction, improvement, or maintenance of buildings, air bases, roads, utilities and any or all other structures or facilities required in the training, housing, and maintenance of the military forces of the state and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys for the military forces of the state.

Subd. 2. **Acceptance of money.** The adjutant general may accept money, either public or private, for and in behalf of the state of Minnesota, for the support of the state's military forces, and for the construction, improvement, or maintenance of buildings, air bases, roads, utilities and any or all other structures or facilities required in the training, housing, and maintenance of the military forces of the state upon such terms and conditions as are or may be prescribed by the laws of the United States and any rules or regulations made thereunder.

Subd. 3. **Contracts; agreements.** When prescribed or required by the laws of the United States and any rules or regulations made thereunder, and notwithstanding any state law to the contrary, the adjutant general shall be the contracting officer for any construction, improvement or maintenance program or project financed either in whole or in part by moneys made available by the federal government and may execute agreements and contracts for and in behalf of the state therefor, including a dedication of the primary use and purpose of such buildings, air bases, roads, utilities or other structures or facilities required in the training, housing, and maintenance of the military forces of the state for periods up to and including 25 years.

Subd. 4. **Disbursement of money.** All moneys accepted for disbursement by the adjutant general pursuant to the terms of this section shall, if not required by federal law or rules or regulations made thereunder to be disbursed by a United States property and fiscal officer, be deposited in the state treasury and, unless

otherwise prescribed by the authority from which the money is received, kept in separate funds, designated according to the purposes for which the moneys were made available and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available to be expended in accordance with the laws of the United States and rules and regulations made thereunder. The adjutant general, when acting for the state of Minnesota, or when requested by the United States government or any agency or department thereof, shall disburse such moneys for the designated purposes but this shall not preclude any other authorized method of disbursement.

Subd. 5. **Limited personal liability.** Nothing in this section shall be construed as creating any personal liability upon the adjutant general when acting pursuant to this section.

Subd. 6. **Property leases.** Notwithstanding the provisions of any law to the contrary, the adjutant general, with the approval of the governor, may lease any lands now owned or hereafter acquired by the state for the training, housing, and maintenance of its military forces or any part thereof to the United States of America for military and national defense purposes upon such terms as they deem proper providing, however, that no such lease shall in any way interfere with the training, housing and maintenance of the military forces of this state.

Subd. 6a. **Rental of Camp Ripley facilities.** The adjutant general or the adjutant general's designee may rent buildings or other facilities at Camp Ripley to persons under terms and conditions specified by the adjutant general or designee. Subject to any prohibitions or restrictions in any agreement between the United States and the state of Minnesota, proceeds of rentals under this subdivision must be applied as follows:

- (1) payment of increased utilities, maintenance, or other costs directly attributable to the rental;
- (2) other operating and maintenance or repair costs for the building or facility being rented; and
- (3) maintenance and improvement of buildings or other facilities at Camp Ripley.

Rentals under this subdivision must be made under terms and conditions that do not conflict with the use of Camp Ripley for military purposes.

Subd. 7. **Delegation of contract authority.** The adjutant general may delegate to subordinate employees the exercise of contract execution and administration authority which the adjutant general holds under a delegation by the commissioner of administration pursuant to section 16B.05, subdivision 1. A delegation by the adjutant general must be made by written order, filed with the secretary of state.

**History:** 1957 c 242 s 1,2; 1987 c 36 s 1; 1997 c 24 s 5; 2005 c 156 art 4 s 1

## **190.161 UNCOMPENSATED AND VOLUNTARY SERVICES; EXPENSES.**

To assist in the discharge of the functions of the department, the adjutant general may accept uncompensated and voluntary services and enter into written agreements with private or public agencies or persons for uncompensated and voluntary services as may be practical. Persons rendering voluntary uncompensated services may be reimbursed for travel expenses incurred in the performance of official duties at the same rate per mile as state employees.

**History:** 2009 c 94 art 4 s 3

**190.17** [Repealed, 2008 c 297 art 2 s 30]

**190.19 MINNESOTA "SUPPORT OUR TROOPS" ACCOUNT.**

Subdivision 1. **Establishment.** The Minnesota "Support Our Troops" account is established in the special revenue fund. The account shall consist of contributions from private sources and appropriations. Money in the account is appropriated in equal shares to the Department of Military Affairs and the Department of Veterans Affairs.

Subd. 2. **Uses.** (a) Money appropriated from the Minnesota "Support Our Troops" account to the Department of Military Affairs may be used for:

- (1) grants directly to eligible individuals;
  - (2) grants to one or more eligible foundations for the purpose of making grants to eligible individuals, as provided in this section;
  - (3) veterans' services; or
  - (4) grants to family readiness groups chartered by the adjutant general.
- (b) As used in paragraph (a), the term "eligible individual" includes any person who is:
- (1) a member in good standing of the Minnesota National Guard or a reserve unit based in Minnesota;
  - (2) a Minnesota resident who is a member of a military reserve unit not based in Minnesota, if the member is called to active service as defined in section 190.05, subdivision 5;
  - (3) any other Minnesota resident performing active service for any branch of the military of the United States;
  - (4) a person who honorably served in one of the capacities listed in clause (1), (2), or (3) who has current financial needs; and
  - (5) a member of the immediate family of an individual identified in clause (1), (2), (3), or (4). For purposes of this clause, "immediate family" means the individual's spouse and minor children and, if they are dependents of the member of the military, the member's parents, grandparents, siblings, stepchildren, and adult children.

(c) As used in paragraph (a), the term "eligible foundation" includes any organization that:

- (1) is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code;
- (2) has articles of incorporation under chapter 317A specifying the purpose of the organization as including the provision of financial assistance to members of the Minnesota National Guard and other United States armed forces reserves and their families and survivors; and
- (3) agrees in writing to distribute any grant money received from the adjutant general under this section to eligible individuals as defined in this section and in accordance with any written policies and rules the adjutant general may impose as conditions of the grant to the foundation.

(d) The maximum grant awarded to an eligible individual under paragraph (a) in a calendar year with funds from the Minnesota "Support Our Troops" account, either through an eligible institution or directly from the adjutant general, may not exceed \$4,000.

Subd. 2a. **Uses; veterans.** (a) Money appropriated to the Department of Veterans Affairs from the Minnesota "Support Our Troops" account may be used for:

- (1) grants to veterans service organizations;
- (2) outreach to underserved veterans;
- (3) providing services and programs for veterans and their families;
- (4) transfers to the driver and vehicle services operating account for Gold Star license plates under section 168.1253;
- (5) grants of up to \$100,000 to any organization approved by the commissioner of veterans affairs for the purpose of supporting and improving the lives of veterans and their families;
- (6) grants to an eligible foundation; and
- (7) the agency's uncompensated burial costs for eligible dependents to whom the commissioner grants a no-fee or reduced-fee burial in the state's veteran cemeteries pursuant to section 197.236, subdivision 9, paragraph (b).

(b) For purposes of this subdivision, "eligible foundation" includes any organization that:

- (1) is a tax-exempt organization under section 501(c) of the Internal Revenue Code; and
- (2) is a nonprofit corporation under chapter 317A and the organization's articles of incorporation specify that a purpose of the organization includes: (i) providing assistance to veterans and their families; or (ii) enhancing the lives of veterans and their families.

Subd. 3. **Annual report.** The adjutant general and commissioner of veterans affairs must report by February 1 each year to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over military and veterans' affairs on the number, amounts, and use of grants made by each agency from the Minnesota "Support Our Troops" account in the previous year.

**History:** 2005 c 156 art 2 s 31; 2007 c 86 s 1; 2008 c 363 art 8 s 5,6; art 9 s 4; 2009 c 94 art 3 s 13; 2010 c 215 art 6 s 6; 2015 c 77 art 3 s 1,2; 1Sp2017 c 4 art 4 s 1,2; 2023 c 68 art 4 s 128

## CAMP RIPLEY

### 190.25 LANDS FOR TRAINING ARMED FORCES.

Subdivision 1. **Acquisition.** The adjutant general is hereby authorized to acquire in the name of the state by purchase, lease, gift, or condemnation, and is authorized to lease all lands which the adjutant general may deem necessary, including lands already devoted to a public use, for military training purposes, adjacent to or in the vicinity of the Military Field Training Center at Camp Ripley, or at any other suitable place in this state, subject to the limitations of funds appropriated and available.

Subd. 2. **Condemnation.** The adjutant general may, except as to lands already devoted to a public use, at any time after the filing of a petition for the condemnation of any lands authorized by this section take possession of it. Proceedings for the condemnation of lands authorized herein shall be governed by chapter 117.

Subd. 3. **Sale; use of funds.** The adjutant general is authorized to sell in the manner provided by law any or all

- (1) land, and

(2) growing crops, buildings, and other improvements, if any, situated upon the land, acquired under the authority of subdivision 1 or which may hereafter comprise the Camp Ripley Military Field Training Center and not needed for military training purposes. The proceeds of any sales shall be deposited in the general fund.

The adjutant general may use funds that are directly appropriated for the acquisition of land, the payment of expenses of forest management on land forming the Camp Ripley Military Reservation, and the provision of an Enlisted Person's Service Center. If amounts that are directly appropriated for these purposes in either year of a biennium are insufficient, the appropriation for the other year of the biennium is available.

Subd. 3a. **Timber sales; use of funds.** The adjutant general is authorized to sell in the manner provided by law any or all timber on land acquired under the authority of subdivision 1 or which may hereafter comprise the Camp Ripley Military Field Training Center. The proceeds of any sales of timber under this subdivision must be deposited in an account in the special revenue fund and are appropriated to the adjutant general to be used to manage the timber resources of Camp Ripley in a manner consistent with the camp's purpose as lands for training armed forces.

Subd. 4. **Closing roads or highways.** The adjutant general is authorized, whenever military training purposes require, to close and obliterate any and all public roads or highways established over and upon any of the lands acquired under the authority of this section. In order to accomplish prescribed military training at the Camp Ripley Military Reservation, the adjutant general may temporarily close any road or highway adjacent to the Camp Ripley Military Reservation with the concurrence of the road authorities. Prior to closing any road or highway the adjutant general shall erect suitable signs and barriers in ample time so as to minimize any inconvenience to the traveling public.

**History:** 1951 c 511 s 1; 1953 c 642 s 1,2; 1961 c 653 s 1,3; 1980 c 407 s 1; 1981 c 46 s 1; 1986 c 444; 1989 c 335 art 4 s 65; 1990 c 594 art 1 s 61; 1991 c 139 s 1; 1997 c 24 s 6; 2008 c 363 art 9 s 5,6

**190.26** [Repealed, 1989 c 335 art 4 s 109]

**190.27** [Repealed, 1980 c 407 s 7]

**190.28** [Repealed, 1978 c 478 s 9]

**190.29** [Repealed, 1997 c 24 s 27]

### **190.30 REQUISITION FOR TAX-FORFEITED LAND.**

Subdivision 1. **Procedure.** The adjutant general may requisition for military training purposes any tax-forfeited land in the state or any state land in the custody or under the control of the commissioner of natural resources or any agency of the Department of Natural Resources, subject to the conditions hereinafter prescribed. The requisition shall be made by filing a certificate thereof executed by the adjutant general as follows:

(a) with the county auditor of the county in which the land is situated in the case of tax-forfeited land held subject to any control or authority of the county board;

(b) with the officer having custody of the state land records in the Department of Natural Resources in the case of any tax-forfeited land or other state land not subject to any control or authority of a county board.

Subd. 2. **Approval of commissioner of natural resources.** No such requisition shall be made in the case of any state land which has been designated or set apart for any specific public use without the approval of the commissioner of natural resources.

Subd. 3. **Approval of city.** No such requisition shall be made in the case of any tax-forfeited land within the limits of any city without the approval of the governing body thereof.

Subd. 4. **Lease to United States.** Land so requisitioned may be leased to the United States for military or naval training purposes as hereinbefore provided.

Subd. 5. **Exempt from trust and governmental control.** Land requisitioned, so long as used by the state or by the United States for military training purposes, shall be relieved from any trust in favor of any taxing district and from any control or authority of any other public agency for any other purposes. In case the use of land for military training purposes should cease, it shall revert to its status immediately prior to being requisitioned for those purposes, and shall be subject to all the conditions and incidents attached to its prior status.

Subd. 6. **Payment of expenses.** Expenses incident to the requisitioning of land for military training purposes hereunder, to the leasing of such land to the United States, and to proceedings to perfect the title to the land, if necessary, shall be payable from the appropriations made for acquisition of land.

**History:** 1951 c 511 s 5; 1969 c 1129 art 3 s 1; 1973 c 123 art 5 s 7; 1980 c 407 s 4-6

**190.31** [Repealed, 1975 c 432 s 97]

### **190.32 FEDERAL REIMBURSEMENT RECEIPTS.**

The Department of Military Affairs may deposit federal reimbursement receipts into an account in the special revenue fund, maintenance of military training facilities. These receipts are for services, supplies, and materials initially purchased by the Camp Ripley maintenance account.

**History:** 1984 c 654 art 2 s 120; 1Sp2010 c 1 art 14 s 8

### **190.33 CAMP RIPLEY SENTINEL LANDSCAPE.**

Subdivision 1. **Designation of certain lands.** (a) Camp Ripley shall be a sentinel landscape. By January 16, 2017, the coordinating committee established under subdivision 2 shall designate certain lands in the vicinity of Camp Ripley to be contained in the sentinel landscape of Camp Ripley. The purpose of this designation shall be to identify lands important to the nation's defense mission in an effort to preserve and enhance the relationship between willing landowners and Camp Ripley and to create incentives to encourage landowners' land management practices consistent with Camp Ripley's military missions.

(b) Individuals who own land which is deemed part of the sentinel landscape shall be provided the opportunity to participate, on a voluntary basis, in various programs designed to encourage land uses compatible with Camp Ripley's military missions.

Subd. 2. **Establishment of coordinating committee.** (a) By March 1, 2016, the adjutant general shall establish a coordinating committee to address issues related to technical support services and appropriate financial assistance to landowners who voluntarily participate in the sentinel landscape program in subdivision 1.

(b) The committee will be comprised of the following individuals:

- (1) the adjutant general or a designee who will serve as the chair of the committee;
- (2) the commissioner of agriculture or a designee;
- (3) the commissioner of natural resources or a designee; and

(4) the executive director of the Board of Water and Soil Resources or a designee.

The committee may also seek input from federal agencies, including but not limited to the Department of Defense, the Department of the Army, the National Guard Bureau, the Department of the Interior, or the Department of Agriculture. The committee may also appoint members from other state agencies, county officials from any county where sentinel landscapes are located, and nongovernmental organizations that participate in land management activities within the sentinel landscape.

Subd. 3. **Meetings.** The chair shall convene meetings as necessary to conduct the duties prescribed in this section. The chair shall convene the first meeting of the committee by March 1, 2016.

Subd. 4. **Duties.** The committee shall identify sentinel land, and develop recommendations to encourage landowners within the sentinel lands to voluntarily participate in and begin or continue land uses compatible with Camp Ripley's military mission. In designating sentinel lands, the coordinating committee shall include all working or natural lands, wherever located, that the coordinating committee believes contribute to the long-term sustainability of the military missions conducted at Camp Ripley. In determining which lands to designate, the coordinating committee shall seek input from the director of the Department of Defense Readiness and Environmental Protection Integration Program, the chief of the National Guard Bureau, the director of the Army Compatible Use Buffer Program, the commander of the Camp Ripley Training Center, the commissioner of agriculture, the commissioner of natural resources, the executive director of the Board of Water and Soil Resources, appropriate county commissioners from any county where designated lands are located, and any others the adjutant general deems appropriate.

Subd. 5. **Compensation.** Members of the committee will serve without compensation.

Subd. 6. **Report.** By January 16, 2017, the adjutant general, with the assistance of the coordinating committee established in subdivision 2, shall submit a report to the governor and to the chairs of the committees in the house of representatives and senate with primary jurisdiction over the Department of Military Affairs. The report must summarize the committee's efforts to encourage landowners within the Camp Ripley sentinel landscape to voluntarily participate in and begin or continue land uses compatible with Camp Ripley's military mission. This report will include a map which geographically defines the boundaries of the sentinel landscape and may also provide recommendations for any further legislation the coordinating committee deems necessary to further the goals of this program.

**History:** 2015 c 24 s 1