

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.

Subd. 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 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.

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

Subd. 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 \$3,000 per year for each unit of the National Guard or Naval Militia quartered in such armory, when only one such unit is so quartered, and a sum not more than \$2,000 per year for each unit when more than one such unit is so quartered, and may bind himself and his successors in office by agreement with such corporation to make such payments in a specific amount or amounts out of such appropriations for a period of not more than 40 years.

Subd. 5. **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; 1945 c. 311 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 appropriations 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 author-

ized 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 \$3,000 per year for each unit of the National Guard or Naval Militia quartered in such armory; provided, that no such payment for any unit of the National Guard or Naval Militia quartered in such armory shall be less than \$2,000 per year.

(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.

(6) The Minnesota State Armory Building Commission created under section 193.13 shall keep all moneys and credits received by it as a single fund, to be designated as the "Minnesota State Armory Building Commission Fund," with separate accounts for each armory; and the commission may make transfers of moneys from funds appertaining to any armory under its control for use for any other such

armory; provided such transfers shall be made only from moneys on hand, from time to time, in excess of the amounts required to meet payments of interest or principal on bonds or other obligations appertaining to the armory to which such funds pertain and only when necessary to pay expenses of operation and maintenance of such other armory; provided further, no such transfer of any moneys paid for the support of any armory by the municipality in which such armory is situated shall be made by the commission.

[1931 c. 398 s. 14; 1933 c. 332 s. 8; 1935 c. 40 s. 2; 1945 c. 311 ss. 2, 3] (2517-15)
193.15-193.17 [Repealed by 1943 c. 108 s. 43]

193.18 COUNTY ARMORY COMMISSION. Whenever 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 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. The purchase, erection, or rental of any new armory under this section shall from and after May 1, 1943, be subject to the approval of the adjutant general.

[1921 c. 506 s. 99; 1943 c. 108 s. 33] (2493)

193.19 CITY OR VILLAGE ARMORY COMMISSION. Whenever 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. The purchase, erection, or rental of any new armory under this section shall from and after May 1, 1943, be subject to the approval of the adjutant general.

[1921 c. 506 s. 100; 1943 c. 108 s. 34] (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)

193.21 [Repealed by 1943 c. 108 s. 43]

193.22 JOINT ARMORIES AND MUNICIPAL BUILDINGS MAY BE ERECTED. Whenever 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 such city or village. 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. No new armory shall be purchased, erected, or rented under the provisions of this section from and after May 1, 1943, without the approval of the adjutant general.

[1921 c. 506 s. 113; 1943 c. 108 s. 37] (2507)

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

Subd. 2. **Adjutant General to designate uses.** 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 armory board provided for by law, 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.

Subd. 3. **General control of building.** 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; 1943 c. 108 s. 38] (2508)

193.24-193.26 [Repealed by 1943 c. 108 s. 43]

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 [Repealed by 1943 c. 108 s. 43]

193.29 **CONTROL OF NEW ARMORY.** Subdivision 1. **Armory Board.** The control, operation, and use of each armory building and grounds occupied by any of the military forces of the state shall be vested in an armory board consisting of officers representing the organization or organizations quartered therein, as hereinafter provided, except that the commission-owned armories which have been or may be constructed or acquired and operated under the provisions of sections 193.01 to 193.14, and acts supplementary thereto shall be controlled and operated as provided therein.

Subd. 2. **Composition of board.** For each armory occupied by a single company or other unit the armory board shall consist of the three senior officers of the unit quartered therein, provided, in the case of a unit having less than three officers, the armory board shall consist of such officers or officer as the adjutant general may designate.

Subd. 3. **Joint boards.** In all cases in which more than one company or other unit of the military forces shall occupy the same armory, the armory board shall consist of three officers assigned to the units or organizations quartered therein. The adjutant general shall designate by order from time to time the representatives of each unit quartered therein to comprise the armory board for each armory, and he may change the membership of the board from time to time, in his discretion, so as to give the several organizations quartered therein proper representation on the board.

Subd. 4. **Proceeds.** The proceeds of rentals and other revenue derived from each armory shall be applied by the armory board to the maintenance, extension, improvement, and equipment thereof.

[1921 c. 506 s. 112; 1943 c. 108 s. 36] (2506)

193.30 **COMMANDING OFFICERS OF ARMORY BOARD.** The senior officer on each armory board shall be the chairman, and the junior officer thereof shall be the recorder. A record of the proceedings of the board shall be kept, and all motions offered, whether seconded or not, shall be put to a vote and the result recorded. In the case of a tie vote the adjutant general, upon the request of any member, shall decide. The governor may make and alter rules and regulations for

the government of armory boards, officers, and other persons having charge of armories, arsenals, or other military property of the state.

[1921 c. 506 s. 115; 1943 c. 108 s. 39] (2509)

193.31 SENIOR OFFICER TO CONTROL DRILL HALL. The senior officer of any company or other organization assembling at an armory for drill or instruction shall have control of the drill hall or other portion of the premises used therefor 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; 1943 c. 108 s. 40] (2510)

193.32 ARMORERS; JANITOR. The adjutant general shall upon the recommendation of the officer or armory board in charge of any armory, appoint one or more caretakers who shall under the direction of the officer or armory board be responsible for the care and safety of the armory building and its contents. Every caretaker shall be an enlisted member of an organization stationed therein, unless no such member or person eligible for membership is available, and while serving as caretaker shall receive compensation on the basis prescribed by the adjutant general; provided, that when any part of the pay of a caretaker is paid by the federal government; the state shall pay only the difference between what he receives from the government and the authorized pay; provided further that in cities where the armory has been erected or otherwise acquired without state aid and is exclusively owned by the municipality, 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 provided for in section 193.19.

[1921 c. 506 s. 117; 1943 c. 108 s. 41] (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 spiritous, 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 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)

193.36 UNUSED ARMORIES. Subdivision 1. **Adjutant General may close.** Whenever the unit or units of the military forces of the state which are quartered in an armory acquired or erected in whole or in part by state funds have been called or drafted into federal service or have been mustered out of the service of the state, and there is no immediate prospect that a new military unit will be organized in the place where the armory is located, the adjutant general shall immediately take possession of and close the same, and shall not permit its use for other than military purposes except as otherwise provided by law.

Subd. 2. **May sell and convey such property in certain cases.** In any such case when there is no prospect that the armory will ever again be used for military

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purposes, the adjutant general may sell and convey such property to the municipality in which the same is located for public purposes at a price to be determined by a board of three appraisers to be selected by the adjutant general, the commissioner of administration, and the state auditor, and the money so received shall be credited to the general revenue fund. If the municipality shall not purchase such property after a reasonable opportunity the adjutant general may sell and convey the same to any individual, firm, or corporation at the price set by the board of appraisers. The adjutant general may lease any such armory remaining unsold to the municipality for public purposes at an annual rental which shall not be less than ten per cent of the appraised value of the property.

Subd. 3. **May dispose of unsuitable armories sites and buildings.** The adjutant general with the approval of the governor, may sell and convey on behalf of the state any state armory sites and buildings which in the judgment of the adjutant general are unsuitable for military purposes or which have been condemned by proper authority as unsafe. Money received from the sale of such armories shall be paid into the state treasury and credited to the general revenue fund.

[1921 c. 506 s. 111; 1943 c. 108 s. 35] (2505)