

CHAPTER 192

NATIONAL GUARD

<p>192.19 Retired officers may be ordered to active duty.</p> <p>192.20 Brevet rank.</p> <p>192.23 Service medals.</p> <p>192.36 Repealed.</p> <p>192.37 Wrongful disposition of property.</p> <p>192.38 Illness, injury, or death of member of military forces; compensation.</p> <p>192.40 Governor to appoint United States property and fiscal officer.</p> <p>192.435 Repealed.</p>	<p>192.44 Repealed.</p> <p>192.45 Repealed.</p> <p>192.46 Repealed.</p> <p>192.47 Repealed.</p> <p>192.49 Pay and allowances of officers and organizations.</p> <p>192.501 Financial incentives for national guard members.</p> <p>192.51 Pay for enlisted members.</p> <p>192.551 Army regulations to apply.</p>
--	---

192.19 RETIRED OFFICERS MAY BE ORDERED TO ACTIVE DUTY.

The commander-in-chief or the adjutant general may assign officers on the retired list, with their consent, to temporary active service in recruiting, upon courts-martial, courts of inquiry and boards, to staff duty not involving service with troops, or in charge of a military reservation left temporarily without officers. Such officers while so assigned shall receive the full pay and allowances of their grades at time of retirement.

History: 1997 c 24 s 7

192.20 BREVET RANK.

Officers, warrant officers, and enlisted persons of the national guard who have, after ten years active service, resigned or retired for physical disability or otherwise, may in the discretion of the commander-in-chief, on the recommendation of the adjutant general, be commissioned by brevet, in the next higher grade than that held by them at the time of their resignation or retirement. Brevet rank shall be considered strictly honorary and shall confer no privilege of precedence or command, nor pay any emoluments. Brevet officers, warrant officers, and enlisted persons may wear the uniform of their brevet grade on occasions of ceremony.

History: 1997 c 24 s 8

192.23 SERVICE MEDALS.

The commander-in-chief may, by general order, provide a suitable mark of distinction for all officers and enlisted members who have served in the military forces of the state for an aggregate period of three, five, ten, 15, and 20 years, respectively, and for like service thereafter; and medals to be awarded for valor, for distinguished service, and for good conduct. The commander-in-chief may authorize and prescribe regulations for the issuance of suitable marks of distinction to be awarded to officers and enlisted members who have served in the military forces of the state during periods of war or other declared emergencies, provided that these shall not be awarded for service for which service medals or bars are authorized by federal authority.

History: 1997 c 24 s 9

192.36 [Repealed, 1997 c 24 s 27]

192.37 WRONGFUL DISPOSITION OF PROPERTY.

Every person, whether a member of the military forces or not, who sells, buys, damages, destroys, disposes of, or retains any military property of the United States or of the state without proper authority shall be guilty of a misdemeanor.

History: 1997 c 24 s 10

192.38 ILLNESS, INJURY, OR DEATH OF MEMBER OF MILITARY FORCES; COMPENSATION.

Subdivision 1. **Temporary emergency relief.** If any officer or enlisted member of the military forces is wounded or otherwise disabled, dies from disease contracted or injuries

received, or is killed while in state active service as defined in section 190.05, subdivision 5a, the officer or member, or in the case of death the officer's or member's dependent spouse, child, or parent, may be provided with immediate temporary relief as necessary in cases of severe hardship, in an amount to be determined by the adjutant general and approved by the governor. All payments under this subdivision shall be made from appropriations for the maintenance of the state military forces. The adjutant general shall notify the department of employee relations of any payments made pursuant to this subdivision and the amount of it shall be subtracted from any award made by the department of employee relations.

[For text of subd 2, see M.S.1996]

History: 1997 c 24 s 11

192.40 GOVERNOR TO APPOINT UNITED STATES PROPERTY AND FISCAL OFFICER.

The governor, upon the recommendation of the adjutant general and pursuant to federal authority, shall appoint, designate, or detail subject to the approval of the secretary of the army and secretary of the air force, a qualified commissioned officer of the Minnesota national guard to be the United States property and fiscal officer for Minnesota. The officer appointed shall receipt and account for all funds and property belonging to the United States in possession of the national guard of this state and shall make such returns and reports concerning the same as may be required by the chief, national guard bureau, and the appropriate service secretary.

History: 1997 c 24 s 12

192.435 [Repealed, 1997 c 24 s 27]

192.44 [Repealed, 1997 c 24 s 27]

192.45 [Repealed, 1997 c 24 s 27]

192.46 [Repealed, 1997 c 24 s 27]

192.47 [Repealed, 1997 c 24 s 27]

192.49 PAY AND ALLOWANCES OF OFFICERS AND ORGANIZATIONS.

Subdivision 1. **Officers.** Every commissioned officer of the military forces shall receive from the state, while engaged in any service ordered by the governor, pay and allowances at the rate now or hereafter paid or allowed by law to officers of the same grade and length of service in the armed forces of the United States, but not less than \$130 a day.

Subd. 2. **Enlisted persons.** When called into active service by the governor, other than for encampment or maneuvers, including the time necessarily consumed in travel, each enlisted person of the military forces shall be paid by the state the pay and the allowances, when not furnished in kind, provided by law for enlisted persons of similar grade, rating, and length of service in the armed forces of the United States, or \$130 a day, whichever is more.

[For text of subd 3, see M.S.1996]

History: 1997 c 24 s 13,14

192.501 FINANCIAL INCENTIVES FOR NATIONAL GUARD MEMBERS.

[For text of subs 1a and 1b, see M.S.1996]

Subd. 2. **Tuition and textbook reimbursement grant program.** (a) The adjutant general shall establish a program to provide tuition and textbook reimbursement grants to eligible members of the Minnesota national guard within the limitations of this subdivision.

(b) Eligibility is limited to a member of the national guard who:

(1) is serving satisfactorily as defined by the adjutant general;

(2) is attending a post-secondary educational institution, as defined by section 136A.15, subdivision 6, including a vocational or technical school operated or regulated by this state or another state or province; and

(3) provides proof of satisfactory completion of coursework, as defined by the adjutant general.

In addition, if a member of the Minnesota national guard is killed in the line of state active service or federally funded state active service, as defined in section 190.05, subdivisions 5a and 5b, the member's surviving spouse, and any surviving dependent who has not yet reached 24 years of age, is eligible for a tuition and textbook reimbursement grant.

The adjutant general may, within the limitations of this paragraph and other applicable laws, determine additional eligibility criteria for the grant, and must specify the criteria in department regulations and publish changes as necessary.

(c) The amount of a tuition and textbook reimbursement grant must be specified on a schedule as determined and published in department regulations by the adjutant general, but is limited to a maximum of an amount equal to the greater of:

(1) 75 percent of the cost of tuition for lower division programs in the college of liberal arts at the twin cities campus of the University of Minnesota in the most recent academic year; or

(2) 50 percent of the cost of tuition for the program in which the person is enrolled at that Minnesota public institution, or if that public institution is outside the state of Minnesota, for the cost of a comparable program at the University of Minnesota, except that in the case of a survivor as defined in paragraph (b), the amount of the tuition and textbook reimbursement grant for coursework satisfactorily completed by the person is limited to 100 percent of the cost of tuition for post-secondary courses at a Minnesota public educational institution.

Paragraph (b) notwithstanding, a person is no longer eligible for a grant under this subdivision once the person has received grants under this subdivision for the equivalent of 208 quarter credits or 144 semester credits of coursework.

(d) Tuition and textbook reimbursement grants received under this subdivision may not be considered by the Minnesota higher education services office or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.095 to 136A.1311.

(e) If a member fails to complete a term of enlistment during which a tuition and textbook reimbursement grant was paid, the adjutant general may seek to recoup a prorated amount as determined by the adjutant general.

[For text of subd 3, see M.S.1996]

History: 1997 c 160 s 1

192.51 PAY FOR ENLISTED MEMBERS.

Subd. 2. [Repealed, 1997 c 24 s 27]

192.551 ARMY REGULATIONS TO APPLY.

All money and property received from any source for the military forces shall be kept, disbursed, and accounted for as prescribed by army regulations, where applicable, otherwise as prescribed by state rules. All such accounts shall be examined and audited at least once annually by officers of the military forces detailed by the adjutant general as military auditors. The legislative auditor may appoint any military auditor as an assistant examiner, with all the powers incident thereto, in connection with the examination of such accounts. The provisions of the state Civil Service Act shall not be applicable to such appointments.

History: 1997 c 7 art 2 s 25