

*board of education of said district and upon compliance with Laws 1959, Chapter 368.*

Approved April 20, 1961.

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CHAPTER 566—H. F. No. 140

*An act relating to Minnesota Statutes; providing for the elimination of provisions held invalid by the courts or the attorney general; amending Minnesota Statutes 1957, Section 197.46.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1957, Section 197.46, is amended to read:

**197.46 Veterans' preference act; removal forbidden; right of mandamus.** Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities, towns, villages, school districts and all other political subdivisions or agencies thereof, who is an honorably discharged veteran, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, in writing. In all governmental subdivisions having an established civil service board or commission, or merit system authority, such hearing for removal or discharge shall be held before such civil service board or commission or merit system authority. Where no such civil service board or commission or merit system authority exists, such hearing shall be held by a board of three persons appointed as follows: one by the governmental subdivision, one by the veteran, and the third by the two so selected. In the event the two persons so selected do not appoint the third person within ten days after the appointment of the last of the two, then the judge of the district court of the county wherein the proceeding is pending, or if there be more than one judge in said county then any judge in chambers, shall have jurisdiction to appoint, and upon application of either or both of the two so selected shall appoint, the third person to the board and the person so appointed by the judge with the two first selected shall constitute the board. The veteran may appeal

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

from the decision of the board upon the charges to the district court by causing written notice of appeal, stating the grounds thereof, to be served upon the governmental subdivision or officer making the charges within 15 days after notice of the decision and by filing the original notice of appeal with proof of service thereof in the office of the clerk of the district court within ten days after service thereof. ~~Issues of fact shall be framed upon motion of either party and the trial thereof shall be by jury unless trial by jury shall be waived. The burden of proving incompetency or misconduct shall rest upon the governmental subdivision alleging the same.~~ Nothing in sections 197.45 and 197.46 shall be construed to apply to the position of private secretary, teacher, superintendent of schools, or one chief deputy of any elected official or head of a department, or to any person holding a strictly confidential relation to the appointing officer. The burden of establishing such relationship shall be upon the appointing officer in all proceedings and actions relating thereto.

All officers, boards, commissions, and employees shall conform to, comply with, and aid in all proper ways in carrying into effect the provisions of sections 197.45 and 197.46. Any wilful violation of such sections by officers, officials, or employees is a misdemeanor.

Approved April 20, 1961.

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CHAPTER 567—H. F. No. 141

[Coded]

*An act relating to statutory provisions; providing for the rearrangement of provisions thereof so as to permit statutory coding; amending Laws<sup>1</sup> 1959, Chapter 500, Article II, Section 44, Subdivision 6; repealing Laws 1959, Chapter 350; and Extra Session Laws 1959, Chapter 71, Article I, Section 10, Subdivision 1; Chapter 71, Article V, Section 37; Chapter 80; and Chapter 84.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. *Subdivision 1. [120.10] [Subdivision 1.] Ages and term. Every child between seven and 16 years of age shall attend a public school, or a private school, for a period of not less than nine months during any school year. No child shall be required to attend a public school more than ten months during any school year.*

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.