

pal courts. *Provided, however, that the time for appeal shall not start to run until the judgment has been perfected, the costs taxed and notice of entry of judgment served upon the adverse party."*

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 25, 1913.

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## CHAPTER 105—S. F. No. 486.

*An Act to improve the public service, to create a civil service commission and define its powers and duties, in each city of the first class not organized under Section 36, Article 4, of the State Constitution.*

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

Section 1. **Civil service commission of three members to be appointed by mayor—Qualifications.**—In every city of the first class not organized under Section 36, Article 4, of the State Constitution, there shall be a civil service commission (hereinafter called the commission) of three commissioners, who shall be citizens of the state and residents of the city and serve without compensation. No commissioner shall at the time of his appointment or while serving hold any other office or employment under the city, the United States, the State of Minnesota, or any public corporation or political division thereof, other than the office of notary public. The mayor shall appoint as commissioners persons known to favor the principle of merit and efficiency in the public service. The terms of those first appointed, to be designated in orders of appointment, shall expire, one on the first day of February in the odd numbered year next following the year of the appointment, one on the first day of February next following the first, and one on the first day of February next following the second, and thereafter the mayor shall appoint for three years to fill expired terms, and in case of vacancy occurring otherwise, shall appoint for the unexpired term. In case of cities existing at the time of the passage of this act, the first appointment shall be made on or before the first day of July, 1913.

Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk an oath for the faithful discharge of his duties.

Sec. 2. **Civil service fund to be provided by council.**—The city council shall set apart on the first Monday in January of each year, in the city treasury, a sum not less than twenty-five (25) dollars for each thousand of the population of the city,

according to the next preceding state or national census, to be known as the civil service fund and to be used only for the purposes of this act. Unexpended balances at the end of the year shall revert to the current expense fund of the city. To provide such fund, the city council shall levy a sufficient annual tax upon all the taxable property of the city, real and personal, in addition to all other taxes authorized by law. Warrants on the fund shall be drawn by order of the commission and signed by its president or vice-president and secretary and counter-signed by the city comptroller. The commission shall audit its own bills and pay-rolls. The city council of any existing city shall provide like funds for the year 1913 by temporary interest bearing loans, if necessary, and add the amount thereof to the next annual tax levy.

**Sec. 3. First meeting to be called by mayor—to select a secretary and other employees.**—The commission shall first meet immediately after its appointment, at a time to be fixed by the mayor, and on the first Monday after the first day of February each year thereafter, and at each said meeting elect a president and vice-president to serve until their successors are elected. The commission also, at each said meeting, or as soon thereafter as practicable, shall select a secretary, who shall keep the records and files of the commission and who shall be *ex officio* the chief examiner, and appoint other necessary employes, and fix their compensation. The commission shall from time to time fix the times of its meetings, and adopt, amend and alter rules for its procedure.

**Sec. 4. Powers to extend to classified service only.**—The powers of the commission shall extend only to the classified service, which shall embrace the entire service of the city except the following officers and employes, which shall be known as the "unclassified service," namely:

Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the city engineer; the chief health officer; the superintendent of police; the city assessor; superintendents, principals, supervisors of teachers and teachers in the public schools; the city attorney and attorney of the park board; the librarian and assistants of the public library; the superintendent of parks; a landscape architect; a chief of park police; the mayor's private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this act.

**Sec. 5. Designation of term "employee."**—The term "employee," as used in this act, shall include every officer, agent, employe and other person in the classified service of the city.

**Sec. 6. Employees to be listed and graded and register to be kept.**—Immediately after the appointment and organization of the commission, all employes of the city of every nature excepting those in the unclassified service, shall be listed, graded and classified, and a service register shall be made up in books prepared for the purpose, in which shall be entered, in their proper classes, the names, ages, compensation, period of past employment, and such other facts and data as to each employe as the commission may deem useful. To enable the commission to make such service register, the mayor, the city council, each board and commission and each appointing or employing officer shall prepare and furnish to the commission complete lists of all employes in the classified service, containing the names and data aforesaid and such other information as the commission may call for. The commission shall furnish a complete duplicate of the service register to the city comptroller, and correct and complete the same from day to day thereafter.

**Sec. 7. Amending and altering rules for good of service.**—The commission shall, immediately after its appointment and from time to time thereafter, make, amend, alter and change rules, to promote efficiency in the city service and to carry out the purposes of this chapter. The rules shall provide, among other things, for:

a. The classification of all offices, positions and employments in the classified service.

b. Public competitive examinations to test the relative fitness of applicants.

c. Public advertisement of all examinations at least ten days in advance in two newspapers of the city of general circulation, one of which shall be the official newspaper, and posting such advertisement a like time in a conspicuous place in the city hall.

d. The creation of lists of eligible candidates after successful examination, in the order of their standing in the examination, and without reference to time of examination. Such lists shall be embraced in an eligible register. The commission may by rule provide for striking any name from the eligible register after it has been two years thereon.

e. The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any wilful misrepresentation, deception or fraud in connection with the examination or in connection with their applications for place.

f. The certification of the name standing highest on the appropriate list to fill any vacancy.

g. Temporary employment without examination, but with the consent in each case of the commission, in cases of emergency and pending appointment from the eligible list; but no such temporary employment shall continue longer than sixty days, nor shall successive temporary employments be permitted for the same position.

h. Transfer from one position to a similar position in the same class or grade and for reinstatement of persons who, without fault or delinquency, are separated from the service or reduced.

i. Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority. Promotion shall be deemed, among other things, to include increase in salary, and the rules shall be framed to encourage the filling of vacancies by promotion rather than otherwise.

j. Suspension, with or without pay, for not longer than thirty days, and for leave of absence, with or without pay.

k. Appointment of unskilled laborers in the order of priority of application after such tests of fitness as the commission may prescribe.

l. Removing names from the service register upon termination of service.

The commission shall adopt such other rules, not inconsistent with the provisions of this act, as may from time to time be found necessary to secure the purposes of the act.

**Sec. 8. Notice of adoption of repeal to be given.**—Before the adoption, amendment or repeal of any rule, the commission shall give notice of consideration thereof by publishing and posting a brief notice, as required in Section 7, stating the subject of the rule or rules to be acted on.

**Sec. 9. Third register to be kept.**—The commission shall keep a third register, to be known as an application register, in which shall be entered the names and addresses and order and date of application of all applicants for examination, and the offices or employments they seek. All applications shall be upon forms prescribed by the commission.

**Sec. 10. Notice to mayor, council and different boards.**—As soon as the commission has organized and made up the service register and adopted rules, as herein provided, it shall notify the mayor, the city council, the several boards and commissions, and each appointing officers of the city, and thereafter no office, position or employment shall be filled in the classified service except from names certified by the commission and in accordance with the provisions of this act.

**Sec. 11. Power to discharge given to mayor, council, etc.—**The mayor, the city council, and each board, commission and appointing or employing officer of the city, shall have power to remove and discharge at will any subordinate employe, unless restricted by law other than this act, but such removal or discharge shall be forthwith reported in writing, together with the cause thereof, to the commission and the city comptroller. Such report shall be made when the reason is lack of work, as well as in other cases.

**Sec. 12. Commission to ascertain duties of each office and designate grade of same.—**The commission shall ascertain the duties of each office, position and employment in the classified service, and designate by rule as well as may be practicable, the grade of each office, employment or position. Each grade shall comprise those offices, employments and positions having substantially similar duties. The commission shall by rule indicate the lines of promotion from each lower to higher grade wherever the experience derived in the lower tends to qualify for the higher. The commission shall prescribe standards of efficiency for each office, position and employment and for each grade, and adapt its examinations thereto. For the purpose of establishing uniformity of pay and title for similar offices and employments, the commission may by rule recommend the maximum and minimum pay for each office and employment and for each grade and the title thereof, and report the same to the mayor, city council, the several boards and commissions and to each appointing officer, annually or more frequently if deemed necessary. The commission shall in like manner report the name and position of each employe paid more or less than the pay recommended by the commission, or designated by any title other than that prescribed by the commission. The commission shall make and keep a record of relative efficiency of each employe in the classified service other than unskilled laborers, and shall provide by rule methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made.

**Sec. 13. Character of examinations by commission.—**All examinations shall be impartial, fair and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust shall be specially examined as to more character, sobriety and integrity, and all applicants for positions requiring special experience, skill or faithfulness shall be specially examined in respect to those qualities. Where written answers are required from applicants

for positions calling for expert knowledge, the rules may provide for examination of the answers and the comparative ranking of the various applicants, without a disclosure of the names of the applicants to the examiners. The commission may furnish to the chief examiner such assistance as may be necessary. It shall be the duty of every employe of the city to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission, collectively or individually, may act as examiners or assistant examiners.

**Sec. 14. Notice of examination to be given by publication.**—Notice of the time, place and scope of each examination shall be given by publication and posting, as specified in Section 7, and by mailing to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible, after giving credit for character and previous successful experience, shall be entered, with their addresses and percentages, in appropriate lists of the eligible register. No name shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination.

**Sec. 15. Mayor, etc., to notify commission in case of a vacancy.**—When a vacancy is to be filled in the classified service, the mayor, city council, board, commission or employing officer, shall notify the commission, and the commission shall certify the highest name from the appropriate list of the eligible register, except in the case of unskilled labor, and then shall certify the name first in time on the list. All vacancies shall be filled from the names so certified, and the commission shall be immediately notified of the employment and of the compensation to be paid. The names selected shall be stricken from the eligible register and transferred to the service register. All changes in grade, title or compensation shall be likewise reported.

**Sec. 16. Commission may suspend competition in case of peculiar and exceptional qualifications being required.**—In case of a vacancy in a position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, the commission, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of some person of recognized attainments, without examination, and after hearing in an open, regular meeting of the commission and by the affirmative vote of all three members, may suspend competition; but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual reports of the commission.

**Sec. 17. Comptroller not to pay employees unless names are on register.**—After the receipt by the city comptroller of the duplicate service register, he shall not approve the payment of any salary, wages or compensation for any office or employment in the classified service, nor countersign any warrant therefor, unless the name of the person claiming the same appears upon the service register for the time for which such salary, wages or compensation is claimed, nor at any higher rate than shown on such register; and if the city comptroller shall wilfully or negligently approve any payment or countersign any warrant in violation of this section, he and the sureties on his bond shall be liable to the city for the amount thereof and action may be brought therefor by any tax payer for the use of the city without making previous request to the city to sue.

**Sec. 18. Annual report to be made to mayor and council.**—The commission shall in each year, on or before the 15th day of January, make to the mayor and city council a report, showing as fully as may be the acts and disbursements of the commission for the preceding calendar year; the rules in force at the beginning of such year and changes made during the year; the practical effect and working of the rules and of this act; the results of the efforts to standardize services and compensation and the departures therefrom; together with such recommendations as the commission may see fit to make, to promote the efficiency and integrity of the public service. The commission shall furnish a suitable number of copies of such report to the mayor, the city council and each board and commission and each employing officer of the city.

**Sec. 19. Commission to investigate enforcement of provisions.**—The commission shall from time to time investigate the enforcement of this act and of the rules made under it; the action of all examiners; the duties of all departments and of all employes of the city; the efficiency of the service, and such other matters as come within the scope of this act. In the course of such investigations each commissioner shall have power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. Any person who shall wilfully testify falsely shall be guilty of perjury and any person who shall refuse to obey the lawful subpoenas or directions of the commission or any commissioner in any such investigation shall be guilty of a misdemeanor. Any member of the commission shall have power of his own motion to file written charges against any employe in the classified service, and thereupon the commission shall try the charges, after not less than ten days written notice to the person accused, in the manner and with the

powers prescribed in this section; but in such case the complaining commissioner shall not sit. If found guilty of breach of duty, such employe may be removed by the commission and his name be stricken from the service register. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of the court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent or employe of the city who receives compensation for his services, shall not be entitled to fees or mileage.

**Sec. 20. False statement to result in forfeiture of rights of applicant.**—Any applicant for an office or employment in the classified service, who shall knowingly make any false answer or statement upon any examination in regard to any material matter upon which he is examined, shall thereby forfeit his right to be entered upon the eligible register, and, in case he has been appointed to any office or employment, shall forfeit the same and shall not within three years thereafter be eligible to any office or employment in the unclassified service of the city, nor shall he during such time be entitled to any of the examinations of the commission.

**Sec. 21. Payment or promise of payment of money, etc., for position, a misdemeanor.**—Any applicant for examination or for appointment to the classified service, who shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or other thing to any person for or on account of or in connection with his examination, appointment or proposed appointment, or who shall ask for or receive any recommendation or assistance from any person in the classified or unclassified service of the city, except a statement of his previous service and the character thereof, if any, to the city, as a subordinate under such officer or employe, shall be guilty of a misdemeanor.

**Sec. 22. Soliciting of same a misdemeanor.**—Any officer or employe in the classified service of the city, who shall in any manner directly or indirectly solicit or receive or pay or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any party or political purpose, shall be guilty of a misdemeanor.

**Sec. 23. Any one concerned in same guilty of a misdemeanor.**—Any person who shall solicit or receive, directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution or payment for any political purpose whatever, from any officer or employe in the classified service of the city, shall be guilty of a misdemeanor.



Sec. 24. Discharging of employe for withholding, or giving information, declared a misdemeanor.—Any officer or employe in the classified or unclassified service of the city who shall discharge, promote or reduce in rank or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten so to do, for giving or withholding or neglecting to make any service or contribution of money or other valuable thing for any party or political purpose, shall be guilty of a misdemeanor.

Approved March 25, 1913.

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CHAPTER 106—S. F. No. 189.

*An Act to repeal Chapter Three Hundred and Fifty-Seven (357) of the Special Laws of the year 1889, being an act in relation to the salaries of treasurer and auditor of Blue Earth county.*

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

Section 1. **Chap. 357, S. L. 1889, repealed.**—That Chapter Three Hundred and Fifty-Seven (357) of the Special Laws of the year 1889, be and the same is hereby repealed.

Sec. 2. This act shall take effect and be in force from and after January 1st, 1915.

Approved March 25, 1913.

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CHAPTER 107—S. F. No. 304.

*An Act to amend Section Seventeen Hundred Ten (1710) Revised Laws Nineteen Hundred Five (1905), relating to insurance agents.*

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

Section 1. **Agent's license to be issued by insurance commissioner, on written application of company—Power of revocation given to commissioner.**—That Section Seventeen Hundred Ten (1710), Revised Laws Nineteen Hundred Five (1905), be amended so as to read as follows:

"1710. No person shall act as agent, sub-agent, or broker in the solicitation or procurement of applications for insurance or in any manner aid in the negotiation of insurance by any company except fraternal beneficiary associations, until he shall have obtained from the commissioner of insurance a license therefor, which license shall be granted upon written application