

not mean that the State of Minnesota guarantees the success of the enterprise covered by such securities.

Each and every stock certificate, bond or other investment instrument, licensed and issued under the provisions of this Act, shall, upon delivery and sale, be accompanied by a certificate on the face of which the following shall appear:

NOTICE: While the laws of the State of Minnesota permit the sale of the attached securities such legal permission does not mean that the State of Minnesota guarantees the success of the enterprise covered by such certificate.

The failure on the part of any vendor of such stock certificate, bond or other investment instrument, licensed and issued under the provisions of this Act to attach to such certificate, bond or investment instrument the notice herein prescribed shall constitute a misdemeanor and be punished accordingly.

Approved April 22, 1933.

CHAPTER 409—H. F. No. 622

An act providing for the appointment of a Board of Appeal or Referees, the filing of charges of inefficiency, breach of duty, misconduct or demotion against regularly employed civil service employees in cities of the first class, the hearing of said charges by said Board of Appeal or Referees, and their power and duties. Be it enacted by the Legislature of the State of Minnesota:

Section 1. Notice of discharge of employees.—No regularly employed person having a classification under civil service regulation in cities of the first class operating under Article 4, Section 36 of the Constitution of the State of Minnesota, shall be discharged, suspended or demoted, because of inefficiency, breach of duty or misconduct, unless written notice specifically and fully stating the reasons for such discharge, suspension or demotion is served upon such employe by the officer, board or person whose duty it is or may be to appoint or employ such employe.

Sec. 2. Hearing.—Within ten days after the service of such notice such employees may demand a hearing before a board to be known as a Board of Appeals or Referees, said Board to consist

of three members, one member to be appointed by the mayor from outside the City Service; one member to be appointed by the City Council from the administrative officials of the Municipality; and one member to be the chief civil service examiner, administrative head, or secretary of the Civil Service Department.

Sec. 3. Board to fix date of hearing.—The Board of Appeal or Referees shall within ten days after their appointment serve a written notice upon such employee, setting forth the time of the hearing before them of said charges. The hearing of said charges shall be open to the public, and said employee may appear with an attorney.

(1) The Board of Appeal or Referees or a member thereof shall administer oaths to all witnesses, and, upon its or his own motion or the written request of any interested party, may issue subpoenas for the attendance of witnesses and the production of such books, papers, records and documents material in the cause as shall be designated in such request or required by the Board or member thereof. Provided, that the applicants for subpoenas shall advance necessary service and witness fees, which shall be the same as the service and witness fees provided by law for civil causes in the District Court. The Board shall pay for the attendance of all witnesses subpoenaed by it or its own motion. If any person refuses to comply with any order or subpoena issued by the Board, or any member thereof, or if any person refuses to permit an inspection of any place or premises or to produce any books, papers, records or documents, material in the cause, or if any witness refuses to appear or testify regarding that which he may be lawfully interrogated, any Judge of the District Court in the County in which the cause is pending on application of the Board or member thereof, shall compel obedience by attachment proceedings as for contempt as in the case of disobedience of a similar order or subpoena issued by such Court.

Sec. 4. Board to make investigations.—The Board, or member, thereof in making an investigation, or conducting a hearing under this Act shall make such investigation, or inquiry, or conduct such hearings, in such manner as to ascertain the substantial rights of the parties, and all findings of fact shall be based upon reviewable evidence.

Sec. 5. Employees shall be removed, when.—If, after the investigation and hearing by the Board of Appeal or Referees as hereinbefore provided, such employee is found guilty of inefficiency, breach of duty or misconduct, he shall be removed, reduced or suspended, and his name may be stricken from the service register. If, the Board of Appeal or Referees shall determine that the charges

are not sustained, such employee, if he has been suspended pending the investigation, shall be immediately reinstated and shall be paid all back pay due for the period of suspension.

(A) Findings and determination hereunder and orders of suspension, reduction or removal shall be in writing and shall be filed within three days after the completion of such hearing with the secretary of the Board of Appeal or Referees, and it shall be the duty of the secretary to notify such employee of said decision in writing.

(B) Any person suspended, reduced or removed by the Board of Appeal or Referees after the investigation may appeal from the order to the District Court by serving written notice thereof upon the secretary within ten days after the filing of said order or the receipt by said employee of said order as above provided. Within five days thereafter the secretary shall certify to the clerk of District Court the record of the proceedings, including all documents, testimony and minutes. The case shall then be at issue and shall be placed upon the calendar of the clerk of District Court to be tried before the Court without jury at the next general term thereof to be held in the county where said city is located at the place nearest said city. The question to be determined by the Court shall be:

“Upon the evidence was the order of the Board of Appeal or Referees reasonable?” After trial in the District Court an appeal may be taken from the decision thereof to the Supreme Court by such employee or the Board of Appeal or Referees in the same manner as provided for in other Court cases.

Sec. 6. Board to serve without pay.—Each member of the Board of Appeal or Referees shall serve without pay, but the Council may allow such compensation as it shall deem commensurate with the services rendered by said Board of Appeal or Referees. The Council shall pay from the Municipality treasury all expenses incurred by said Board of Appeal or Referees in connection with the performance of its duties and shall furnish said Board of Appeal or Referees with all supplies, stationery or equipment it may require.

Sec. 7. Limitation of act.—Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period for the purpose of discipline or pending investigation of the charges when he deems such suspension warranted.

Sec. 8. Application of act.—This act shall not apply to such cities of first class operating under Article 4, Section 36 of the Constitution of the State of Minnesota whose home rule char-

ters provide for the hearing and determination of charges against employees before a civil service commission established by such charter. Upon repeal of such local charter and such provision this Act shall become effective also as to such cities.

Approved April 22, 1933.

CHAPTER 410—H. F. No. 662

An act to amend Mason's Minnesota Statutes of 1927, Section 667, relating to the annual financial statement of the Board of County Commissioners.

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

Section 1. **Publication of annual financial statement.**—That section 667, Mason's Minnesota Statutes of 1927, be amended so as to read as follows:

“Annually *not later than* the first Tuesday after the first Monday in *February* such board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a *statement of the assets and liabilities, a summary of receipts, disbursements and balances of all county funds together with a detailed statement of each fund account together with an itemized account of amounts paid out, to whom and for what purpose, under the form and style prepared by the State Comptroller, and approved by the Attorney General, and state expert printer in December 1932,* and within thirty days thereafter shall cause the same to be published for one issue in some newspaper within the county which newspaper must be a duly qualified legal newspaper, as provided by law, which in counties having a population of seventy-five thousand or more shall be a daily of general circulation publishing local and world news of varied and general public interest. In addition to the publication thereof in the newspaper designated by the board as the official newspaper for publication of the financial statement, the same shall be published in one other newspaper of the county, located in a different section of the county than the official paper. *Provided, however, that the county board shall call for separate bids for each publication.* At its meeting in July and January of each year it shall examine and count all the funds in the Treasury, examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condi-