

CHAPTER 502—H. F. No. 616

An act relating to veterans' preference in public employment; amending Minnesota Statutes 1941, Sections 197.45 and 197.46, as amended by Laws 1943, Chapter 230, Section 1, Subdivision 2, and Section 2, and providing a penalty for violations of the act.

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

Section 1. Minnesota Statutes 1941, Section 197.45, as amended by Laws 1943, Chapter 230, Section 1, is hereby amended to read as follows:

197.45. Preference to war veterans. Subd. 2. **In public appointments.** That in every public department and upon all public works in the State of Minnesota and the counties, cities, towns, villages, school districts and all other political subdivisions and agencies thereof, honorably discharged veterans shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age and disability does not render him incompetent to perform properly the duties of the position applied for and when such veteran shall apply for appointment or employment under this act, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, except where said veteran has already been qualified under civil service for the position applied for, make an investigation as to the qualifications of said veteran for such place or position, and if he is of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said veteran to such position or place of employment.

In any governmental agency having an established civil service or merit system, no inquiry shall be made of any applicant for examination *before such examination* as to whether or not he is a veteran, nor shall any distinction be made in giving the examination or grading the results thereof on account of the fact that the applicant may be a veteran; provided, that this shall not abridge any preference to which such veteran is entitled. *All governmental agencies when notifying the applicant that he has passed, shall inform the applicant of the right of a veteran to preference.* The proper civil service

or merit system authority shall certify his appointment and the appointing authority shall appoint such veteran before any other person is certified or appointed to fill a position for which the veteran has passed the examination.

A refusal to allow the preference provided for in this and the next succeeding section to any such honorably discharged veteran, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged veteran to a right of action therefor in any court of competent jurisdiction for damages, and such officer and the persons responsible for such refusal if such refusal was wilful shall be personally liable therefor, and also for a remedy for mandamus for righting the wrong.

Sec. 2. Minnesota Statutes 1941, Section 197.46, as amended by Laws 1943, Chapter 230, Section 2, is amended to read as follows:

197.46. Removal forbidden; right of mandamus; certiorari; burden of proof. 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 10 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 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 10 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 this act 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 this act. Any wilful violation of this act by officers, officials, or employees is a misdemeanor.

Approved April 23, 1945.

CHAPTER 503—H. F. No. 685

An act relating to certain assignments of accounts receivable.

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

Section 1. **Definitions.** Subdivision 1. As used in this act, the following words or phrases shall have the meaning hereinafter set forth:

Subd. 2. "Account" or "account receivable" each mean any obligation for the payment of money due or which may become due, excepting any obligation evidenced by a judgment, mortgage (chattel or real estate), contract for deed, conditional sale contract, or life insurance policy, or by a promissory note, draft, acceptance, or other instrument for the payment of money the assignment of which is usually made by endorsement on or delivery of the instrument, and excepting any obligation the assignment of which is regu-