

district court, except that any officer, agent, or employee of the city or village who receives compensation for his services, shall not be entitled to fees or mileage.

Approved April 24, 1959.

CHAPTER 695—H. F. No. 1022

An act relating to civil service for firemen in certain cities of the second, third, and fourth class, and villages; amending Minnesota Statutes 1957, Sections 420.02, 420.03, 420.07, and 420.12.

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

Section 1. Minnesota Statutes 1957, Section 420.02 is amended to read :

420.02 Adoption of accepting ordinance. Any city or village in the class mentioned in section 420.01 which may wish to avail itself of the provisions of this chapter, shall do so by an ordinance expressly accepting the provisions hereof. *The ordinance shall be adopted in the same manner as other non-emergency ordinances, but at least 30 days shall elapse between its introduction and final passage by the governing body. This chapter does not apply to any city or village until the adoption of such ordinance.*

Sec. 2. Minnesota Statutes 1957, Section 420.03 is amended to read :

420.03 Membership; duties; terms. *Subdivision 1. Except in a city or village having a combined police and firemen's civil service commission, the commission shall consist of three members who are citizens of the state and resident of such city or village, and shall be appointed by the council of the city or village, and when first created one commissioner shall be appointed for the term of one year, who shall be president of the commission, one for the term of two years, and one for the term of three years, and all commissioners shall hold office until their successors are appointed and qualified. The council may remove any commissioner who in the judgment of the council has wilfully violated any of the provisions of Sections 420.01 to 420.16. No commissioner shall, at the time of his appointment or while serving, hold any other office or employment under the city or village, the United States, the state of Minnesota, or any public corporation or*

political division thereof, other than the office of notary public or member of a civil service commission for policemen or other municipal personnel. Each commissioner, before entering upon his duties, shall subscribe and file with the city or village clerk, an oath for the faithful discharge of his duties. *Except in a city or village having a combined police and firemen's civil service commission*, there shall be appointed each year thereafter by the council one member of the commission whose term of office shall be for three years, and each member of the commission shall be president during the last year of the term for which he is appointed. All vacancies in the commission shall be filled by appointment by the council within 30 days after the vacancy occurs.

Sec. 3. Minnesota Statutes 1957, Section 420.07 is amended to read:

420.07 Rules. The commission shall, immediately after its appointment and from time to time thereafter make, amend, alter, and change rules to promote efficiency in the fire department service and to carry out the purposes of this chapter. The rules shall provide among other things for:

- (1) The classification of all offices and employments in the fire department;
- (2) Public competitive examinations to test the relative fitness of applicants;
- (3) Public advertisement of all examinations at least ten days in advance in a newspaper of general circulation in said city or village and posting the advertisement for ten days in the city or village hall and at each station house;
- (4) The creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, which lists shall be embraced in an eligible register;
- (5) The commission may by rule provide for striking any name from the eligible register after it has been two years thereon;
- (6) 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, resident, physical condition or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any wilful misrepresentation, deception or fraud in con-

nection with the examination or in connection with their applications for employment;

(7) The certification of the *three names* standing highest on the appropriate list to fill any vacancy;

(8) Temporary employment without examination, with the consent in each case of the commission, in cases of emergency, but no such temporary employment shall continue more than 30 days nor shall successive temporary employments be permitted for the same position;

(9) Promotion based on competitive examination and upon records of efficiency, character, conduct, and seniority;

(10) Suspension with or without pay, for not longer than 60 days and for leave of absence, with or without pay; and

(11) Such other rules not inconsistent with the provisions of this chapter as may from time to time be found necessary to secure the purposes of this chapter.

Copies of such rules shall be kept posted in a conspicuous place at each fire station house and no rules of general application with reference to employment, promotion, discharge, or suspension shall be effective until so posted.

Sec. 4. Minnesota Statutes 1957, Section 420.12 is amended to read:

420.12 Inefficiency or misconduct. Charges of inefficiency or misconduct may be filed with the secretary of the commission by a superior officer or by *the appointing authority*, and thereupon the commission shall try the charges after not less than ten days' written notice to the accused. Such notice shall set forth the charges as filed. The trial of these charges shall be open to the public and each commissioner shall have the 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. The commission shall require by subpoena the attendance of any witness requested by the accused who can be found in the county in which such city or village is located. The commission may make a 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 court. Witnesses shall be en-

titled to the same fees and mileage as for attendance upon the district court, except that any officer, agent, or employee of the city or village who receives compensation for his services, shall not be entitled to fees or mileage.

Approved April 24, 1959.

CHAPTER 696—S. F. No. 1548

[Not Coded]

An act proposing an amendment to the constitution relating to the elective franchise; amending Article VII, Section 1.

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

Section 1. For the purpose of permitting persons to vote who have moved from a precinct within thirty days from election, and to eliminate certain obsolete constitutional provisions relating to the elective franchise, the following amendment is proposed to the people of the state for their approval or rejection—

Article VII, Section 1, of the Constitution of the State of Minnesota, is amended to read:

Every person of the age of twenty-one years or more who has been a citizen of the United States for three months and who has resided in this state six months and in the precinct for thirty days next preceding an election shall be entitled to vote in that precinct, and the place of voting by one otherwise qualified who has changed his residence within thirty days preceding the election may be prescribed by law.

Sec. 2. The question shall be submitted to the people of this state for their approval or rejection at the general election for the year 1960 in the manner provided by law for the submission of amendments to the Constitution. The votes thereon shall be counted, canvassed, and the result proclaimed as provided by law. The ballots used at this election shall have printed thereon the following:

“Shall the Constitution of the State of Minnesota be amended to authorize prescribing by law the place where a person who has moved his residence from a precinct within thirty days preceding an election may vote and