

spent, and except as otherwise provided by law, any loss or gain shall inure to such fund.

Sec. 4. [11.14] **Office space.** *The custodian of the State Capitol Building shall provide the executive secretary and staff with suitable office and storage space in the State Capitol near the office of the State Treasurer.*

Sec. 5. Minnesota Statutes 1957, Section 9.011, Subdivision 2, is amended to read:

Subd. 2. The executive council appoints, fixes the salary of, and removes at pleasure an executive secretary. He shall act as secretary of the state board of pardons and perform such other duties as are assigned to him by the executive council.

Sec. 6. *There is hereby appropriated to the state board of investment from moneys in the State Treasury not otherwise appropriated the sum of \$60,000 or so much thereof as may be necessary for salaries, supplies and expenses to carry out the provisions of this act for the biennium ending June 30, 1961.*

Sec. 7. *Minnesota Statutes 1957, Sections 11.02 and 11.03, are repealed.*

Sec. 8. *This act is in force and effect on July 1, 1959.*

Approved April 24, 1959.

CHAPTER 694—H. F. No. 1026

An act relating to civil service for policemen in cities of the second, third, and fourth class, and villages; amending Minnesota Statutes 1957, Sections 419.01, 419.02, 419.06 and 419.11.

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

Section 1. Minnesota Statutes 1957, Section 419.01 is amended to read:

419.01 **Establishment.** There may be created in every village or city, except a city of the first class, a police civil service commission with powers and duties as provided in sections 419.01 to 419.18. Any such city or village which may wish to avail itself of the provisions thereof shall do so by an ordinance expressly accepting the provisions thereof. *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. Sections 419.01 to 419.18 do not apply to any city or village until the adoption of such ordinance.

Sec. 2. Minnesota Statutes 1957, Section 419.02 is amended to read:

419.02 Membership; joint police and fire commission.
Subdivision 1. This commission shall consist of three members who *are* citizens of the state and residents of such city or village, and shall be appointed by the mayor of the city or village and the appointment of each commissioner, to be confirmed by a majority of the governing body thereof, 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 their office until their successors are appointed and qualified. 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 firemen 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. There shall be appointed each year thereafter by the mayor one member of the commission whose term of office shall be for three years, and each member of the commission shall be president of the commission during the last year of the term for which he is appointed.

Subd. 2. *In any city or village establishing or having a firemen's civil service commission, the governing body may, in the ordinance establishing the police or firemen's civil service commission or in a later ordinance adopted in the same manner, provide that a single commission shall serve as both police and firemen's civil service commissions. The joint commission shall consist of three members appointed in the same manner, for the same terms, and with the same qualifications as a police civil service commission under sections 419.01 to 419.18. When existing police and firemen's civil service commissions are combined, all the members of the two commissions shall become the members of the combined commission and shall continue to serve as members of the new commission for the remainder of the terms for which they were originally*

appointed. No successor shall be appointed for the members whose terms are the first, third, and fifth of the six to end, but at the end of every other term, one member shall be appointed for a three-year term, thus reducing the commission membership to five by the end of the first year, four by the end of the second year, and three by the end of the third year.

Sec. 3. Minnesota Statutes 1957, Section 419.06 is amended to read:

419.06 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 police 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 police department;

(2) Public competitive examinations to test the relative fitness of applicants;

(3) Public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in the city or village and posting the advertisement for ten days in the village or city 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 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, 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 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; provided, that until 60 days after cessation of hostilities in the present war as declared by proper federal authority, whenever there are no names upon the eligible register, temporary appointment may be made for employment to continue until the position is filled by a candidate from the eligible register under the provisions of the rules, provided that persons on the eligible list at the time of induction into the Armed Forces of the United States shall retain their position on the eligible register;

(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 police 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 419.11 is amended to read:

419.11 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 no 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 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 entitled 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 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*