

duties prescribed in ~~this Part~~ *Laws 1959, Chapter 675, Article VIII*, for the county auditor shall be performed by the city or village clerk, provided, however, that such duties may be, upon agreement, combined and performed by one of such officers. The cost of carrying out the provisions of ~~this article~~ *Laws 1959, Chapter 675, Article VIII*, for any such city or village election shall be paid by the city or village in which the same is held.

Sec. 6. Laws 1959, Chapter 675, Article X, Section 7, is amended to read:

Sec. 7. [209.07] **Conduct of contest.** In hearing the contest, the house shall proceed as follows:

1. At the time appointed, the parties shall be called, and, if they appear, their appearance shall be recorded;

2. If the presiding officer be a party, a speaker pro tem shall be elected to preside;

3. The contestant's evidence shall be submitted first, followed by that of the ~~contestant~~ *contestee*, and the ~~contestee~~ *contestant* shall open the argument, and close the same after the contestee has been heard;

4. The vote upon the contest shall *be viva voce*, any member may offer reasons for the vote he intends to give, and a majority of the votes given shall decide; but no party to the contest shall vote upon any question relative thereto; and

5. The clerk or secretary shall enter the proceedings in the journal.

Approved April 20, 1961.

CHAPTER 565—H. F. No. 139

[Coded]

An act relating to the school district of the city of Minneapolis; providing for the correction of statutory references; amending Laws 1959, Chapter 462, Sections 1; 3, Subdivision 11; and 5, Subdivision 2.

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

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

Section 1. Laws 1959, Chapter 462, Section 1, is amended to read:

Section 1. [123.52] **Minneapolis special independent school district established.** The special district now existing in the city of Minneapolis is hereby changed and converted into a special independent school district subject to the provisions of ~~this act~~ *Laws 1959, Chapter 462*. Upon the passage of ~~this act~~ *Laws 1959, Chapter 462* and the subsequent conversion hereunder, the provisions of ~~Minnesota Statutes 1957, Section 122.022~~ *Extra Session Laws 1959, Chapter 71, Article 3, Section 10*, relating to the conversion of special school districts into independent school districts, shall not be applicable to the special school district now existing in the city of Minneapolis. After the creation under the provisions of ~~this act~~ *Laws 1959, Chapter 462* of the special independent school district for the city of Minneapolis no provision of the Minneapolis home rule charter shall be applicable thereto, unless provided for in ~~this act~~ *Laws 1959, Chapter 462*.

Sec. 2. Laws 1959, Chapter 462, Section 3, Subdivision 11, is amended to read:

[123.522] Subd. 11. The provisions of ~~Minnesota Statutes 1957, Section 122.037~~ *Extra Session Laws 1959, Chapter 71, Article 4, Section 15, Subdivision 8*, concerning the removal of a board member or officer of an independent school district, shall not be applicable to the special independent school district of Minneapolis, established under the provisions of ~~this act~~ *Laws 1959, Chapter 462*.

Sec. 3. Laws 1959, Chapter 462, Section 5, Subdivision 2, is amended to read:

[123.524] Subd. 2. The school board may also borrow money in the manner and subject to the limitations hereinafter set forth in anticipation of receipt of state aids for schools as defined in ~~Minnesota Statutes 1957, Chapter 128, and amendments thereof~~, and of federal school aids to be distributed by or through the state department of education, but the aggregate of such borrowings remaining unpaid at any time shall never exceed 75 percent of such aids which are receivable by said school district in the calendar year in which the money is borrowed, as estimated and certified by the state commissioner of education.

Sec. 4. *This act shall become effective when approved by a resolution adopted by a majority of the members of the*

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board of education of said district and upon compliance with Laws 1959, Chapter 368.

Approved April 20, 1961.

CHAPTER 566—H. F. No. 140

An act relating to Minnesota Statutes; providing for the elimination of provisions held invalid by the courts or the attorney general; amending Minnesota Statutes 1957, Section 197.46.

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

Section 1. Minnesota Statutes 1957, Section 197.46, is amended to read:

197.46 Veterans' preference act; removal forbidden; right of mandamus. 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 ten 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

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