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

Changes or additions indicated by italics, deletions by strikeout.
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 offi-
cer 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 ten 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. Noth-
ing in sections 197.45 and 197.46 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 con-
fidential 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 carry-
ing into effect the provisions of sections 197.45 and 197.46. Any
wilful violation of such sections by officers, officials, or
employees is a misdemeanor.

Approved April 20, 1961.

CHAPTER 567—H. F. No. 141

An act relating to statutory provisions; providing for
the rearrangement of provisions thereof so as to permit
statutory coding; amending Laws 1959, Chapter 500, Article
II, Section 44, Subdivision 6; repealing Laws 1959, Chapter
350; and Extra Session Laws 1959, Chapter 71, Article I,
Section 10, Subdivision 1; Chapter 71, Article V, Section
37; Chapter 80; and Chapter 84.

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

Section 1. Subdivision 1. [120.10] [Subdivision
1.] Ages and term. Every child between seven and 16
years of age shall attend a public school, or a private school,
for a period of not less than nine months during any school
year. No child shall be required to attend a public school
more than ten months during any school year.

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