

Subd. 4. The provisions of section 69.06 shall continue to govern pensions paid pursuant to this section in all instances where consistent with this section.

Sec. 2. This act is effective upon approval by the governing body of the city of Eagan and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved April 17, 1975.

CHAPTER 44—H.F.No.70

[Coded]

An act relating to insurance; regulating the student discount on automobile insurance; amending Minnesota Statutes 1974, Chapter 65B, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Chapter 65B, is amended by adding a section to read:

[65B.132] AUTOMOBILE INSURANCE; STUDENT DISCOUNTS; ELIGIBILITY. Any insurance company providing discounts on automobile insurance premiums to eligible persons attending colleges and universities must provide the discount to eligible students enrolled in area vocational-technical institutes accredited by the department of education.

Approved April 17, 1975.

CHAPTER 45—H.F.No.84

[Coded in Part]

An act relating to public employment; providing for the exercise of veteran's preference in public appointments or promotions; restricting discretion in the selection of state civil service employees; amending Minnesota Statutes 1974, Sections 43.18; 43.30; 44.14; 197.46; 197.481, Subdivision 1; and Chapter 197, by adding a section; repealing Minnesota Statutes 1974, Sections 197.45 and 197.47.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 43.18, is amended to read:

43.18 PUBLIC EMPLOYMENT; VETERAN'S PREFERENCE; VA-

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CANCIES. Subdivision 1. **NOTICE.** Appointing officers shall give written notice to the commissioner of personnel of their intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service, and, within a reasonable time after the receipt of this notice, the commissioner shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating, except as provided in section 43.23. In the case of an eligible list for initial entry into the state service, the commissioner, however, shall certify the first ten names on such list in the manner as provided in this section.

Subd. 2. PROMOTIONS. In the case of positions to be filled by examinations other than open competitive examinations, the commissioner shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating, except as provided in sections 43.23 and 43.19, subdivision 1.

Subd. 3. ORIGINAL ENTRY. In the case of positions to be filled by open competitive examination, the commissioner shall certify the first ten names on the list. Appointments from the list shall only be made from the first ten available eligibles. The commissioner shall promulgate rules so that a determination of unavailability by an appointing authority will be based on a statement of unavailability from the eligible or lack of response by the eligible to notification by certified mail of the open position. Before requesting a recertification based on unavailability or rejection of an eligible, the appointing authority shall demonstrate the unavailability of an eligible or shall provide reasons for requesting the removal of an eligible's name from the certification.

Subd. 2-4 . APPOINTMENT; PROBATION. The appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. The provisions of this section shall not apply when the office or employment is among those listed in section 43.20, for which competitive examinations are not required.

Sec. 2. Minnesota Statutes 1974, Section 43.30, is amended to read:

43.30 VETERANS PREFERENCE. ~~Notwithstanding sections 197.46 to 197.48,~~ The provisions of this section shall govern the granting of veterans' preference for the state civil service.

~~In all examinations under this chapter A veterans' preference~~
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shall be ~~given available pursuant to this section~~ to every person who has been ~~honorably discharged or separated under honorable conditions~~ from any branch of the armed forces of the United States ~~(1)~~; ~~(a)~~ after having served on active duty for ~~other than training purposes-181~~ ~~consecutive days~~ or ~~(2)~~ ~~(b)~~ by reason of disability incurred while serving on active duty, and who is a citizen of the United States ; and ~~persons who served in the active military service of any government allied with the United States in World War I or World War II; and have been honorably discharged therefrom; and who are citizens of the United States and were citizens at the time of entrance into active service .~~ ~~And the A~~ veteran thus preferred shall not be disqualified from holding any position in the classified service on account of his age or by reason of any physical disability provided such age or physical disability does not render him incompetent to perform the duties of the position.

Recognizing that training and experience in the services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily discovered by examination; there shall be added to the examination rating of a disabled veteran , ~~if he so elects~~, a credit of ten points ; ~~and in open competitive examination only if such augmented rating gives to such disabled if the veteran obtained~~ a passing grade ~~without the addition of the credit points~~; and ~~such if the~~ disabled veteran is able to perform the duties of the position sought with reasonable efficiency, his name shall be placed ~~at the head of the eligible list for such position on the list of eligibles with the names of other eligible persons. The name of a veteran with such augmented rating shall be entered ahead of a nonveteran when their ratings are the same .~~

There shall be added to the examination rating of ~~all other veterans-a nondisabled veteran~~, ~~if he so elects~~, a credit of five points ; ~~and if such augmented rating gives to such if the~~ veteran ~~obtained~~ a passing grade and if such veteran is able to perform the duties of the position with reasonable efficiency, his name shall be placed on the list of eligibles with the names of other eligible persons ~~without the addition of the credit points~~ . The name of a veteran with such augmented rating shall be entered ahead of a non-veteran when their ratings are the same.

A governmental agency, when notifying an applicant that he has passed an examination, shall notify the veteran of his specific score and shall also notify the applicant that he may elect to use a veteran's preference to augment his passing rating.

A veteran's preference under this section may only be used in the state civil service and political subdivisions of the state in the securing of positions to be filled by open competitive examinations and may not be used for the filling of promotional positions. An open competitive examination is an examination open to current employees and nonemployees of the state or political subdivision. A veteran's preference under this section may not be used by any veteran who is receiving or

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who is eligible to receive a monthly veteran's pension benefit based exclusively on length of military service.

Notwithstanding the foregoing restrictions on use, in any governmental agency giving an examination, where an applicant for a promotional position is a disabled veteran who has passed the promotional examination for his first promotion after entering that position, he may elect to have a credit of five points added to that examination rating. The decision to make such election may be made either before or after the examination. This promotional preference may only be successfully used one time and only in the securing of the first promotional position after securing public employment.

~~Such a~~ preference given by this section is hereby extended to the ~~widows-surviving spouses~~ of deceased veterans and to the spouse of a disabled veteran, who because of ~~such-the~~ disability is unable to qualify.

The fact that an applicant has claimed a veterans preference shall not be made known to the examiners ~~and~~. The preference credit shall be added to the examination rating by the commissioner, and the records shall show the examination rating and the preference credit.

A disabled veteran is one who is ~~rated or certified~~ has a compensable service connected disability as ~~disabled~~ adjudicated by the United States Veterans Administration, or by the retirement boards of the several branches of the armed forces, and which disability is existing at the time preference is claimed. For purposes of the preference to be used by a disabled veteran in securing a promotional position, the term "disabled veteran" means a person who, at the time of election to use his promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service connected disability rated at 50 percent or more.

In the event of the rejection by the appointing officer of the person so preferred when certified ~~for promotion or~~ to fill a vacancy or a new position, the appointing officer shall forthwith file in writing with the commissioner the reasons for such rejection and shall furnish to the rejected veteran a copy thereof.

Sec. 3. Minnesota Statutes 1974, Section 44.14, is amended to read:

44.14 VETERANS PREFERENCE. This chapter does not exclude or modify the application of ~~sections 197.45 and section~~ 197.46 ; ~~known as the veterans preference law and section 4 of this act~~ .

Sec. 4. Minnesota Statutes 1974, Chapter 197, is amended by adding a section to read:

[197.455] STATE LAW APPLICABLE. The provisions of Minne-
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sota Statutes, Section 43.30 granting preference to veterans in the state civil service shall also govern preference of a veteran under the civil service laws, charter provisions, ordinances, rules or regulations of a county, city, town, school district, or other municipality or political subdivision of this state, except that a notice of rejection stating the reasons for rejection of a qualified veteran shall be filed with the appropriate local personnel officer. Any provision in a law, charter, ordinance, rule or regulation contrary to the applicable provisions of section 43.30 is ~~(void)~~ to the extent of such inconsistency. Sections 197.46 to 197.48 shall not apply to state civil service.

Sec. 5. Minnesota Statutes 1974, 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, school districts and all other political subdivisions ~~or agencies thereof in the state~~, who is ~~an honorably discharged~~ a veteran separated from the military service under honorable conditions, 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.

Any veteran who has been notified of the intent to discharge him from an appointed position or employment pursuant to this section shall be notified in writing of such intent to discharge and of his right to request a hearing within 60 days of receipt of the notice of intent to discharge. The failure of a veteran to request a hearing within the provided 60-day period shall constitute a waiver of his right to a hearing. Such failure shall also waive all other available legal remedies for reinstatement.

Request for a hearing concerning such a discharge shall be made in writing and submitted by mail or personal service to the employment office of the concerned employer or other appropriate office or person.

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

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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 ten days after service thereof. Nothing in ~~sections 197.45 and~~ section 197.46 or section 4 of 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 ~~sections 197.45 and~~ section 197.46 and section 4 of this act notwithstanding any laws, charter provisions, ordinances or rules to the contrary. Any wilful violation of such sections by officers, officials, or employees is a misdemeanor.

Sec. 6. Minnesota Statutes 1974, Section 197.481, Subdivision 1, is amended to read:

197.481 **ENFORCEMENT.** Subdivision 1. **PETITION.** A veteran who has been denied rights by the state or any political subdivision, municipality, or other public agency of the state under sections 43.30, ~~197.45; 197.46, 197.47, and~~ 197.48 or section 4 of this act may petition the commissioner of veterans affairs for an order directing the agency to grant the veteran such relief the commissioner finds justified by said statutes.

The petition shall contain:

- (1) The name, address and acknowledged signature of the veteran.
- (2) The names and addresses of all agencies and persons that will be directly affected if the petition is granted.
- (3) A concise statement of the facts giving rise to the veteran's rights and a concise statement showing the manner in which rights were denied.
- (4) A statement of the relief requested.

Sec. 7. Minnesota Statutes 1974, Sections 197.45 and 197.47, are Changes or additions indicated by underline deletions by ~~strikeout~~

repealed.

Sec. 8. This act is effective the day following its final enactment.

Approved April 17, 1975.

CHAPTER 46—H.F.No.136

An act relating to taxation; changing date and method of distribution of homestead credit aid and certain other aids; providing for certification of homestead credit on abstract of tax list; defining census for purpose of levy limitation; providing for payment date of certain taconite taxes and taconite and taconite railroad tax aids; amending Minnesota Statutes 1974, Sections 124.03, Subdivision 3; 270.11, Subdivision 2; 273.13, Subdivision 15a; 275.29; 275.53, Subdivision 1; 294.26; 298.27; 298.28, Subdivision 1; 298.281, Subdivision 1; 298.282, Subdivision 4; and 298.32.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1974, Section 124.03, Subdivision 3, is amended to read:

Subd. 3. **TAXATION; DISTRIBUTION OF HOMESTEAD CREDIT AID.** (a) The county auditor shall compute the tax levy that would be produced by applying a rate of 8.3 ~~1/3~~ mills to the valuation determined on the ~~January 2, 1971~~ assessment and 2.76 ~~2/3~~ mills on the January 2, 1972 assessment and subsequent assessments on all the agricultural lands and all real estate devoted to temporary and seasonal residential occupancy for recreational purposes, but not devoted to commercial purposes, within the several school districts for which the tax levy is required to be certified to him. The amounts so computed by the county auditor shall be submitted to the commissioner of revenue by November 15 of each year for verification.

(b) If the commissioner of revenue agrees with the computation, he shall deliver to the commissioner of finance his certificate to that effect. In the event that the commissioner deems the computation to be erroneous, he may make the necessary corrections and deliver to the commissioner of finance his certificate reflecting the amounts he deems to be correct. The county auditor or any school district aggrieved thereby may appeal the commissioner's revised certification to the Minnesota tax court in accordance with chapter 271.

(c) ~~On or before May 31, 1972, the commissioner of finance shall issue his warrant upon the state treasurer in favor of the school district in an amount equal to one half the amount certified by the commissioner shown to be due to the district. On or before October 31, 1972, the commissioner of finance shall issue his warrant upon the~~

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