

CHAPTER 3—H. F. No. 18

An act relating to civil defense; placing the principal assistant director in the classified service of the state civil service; amending Minnesota Statutes 1957, Section 12.11, Subdivision 2.

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

Section 1. Minnesota Statutes 1957, Section 12.11, Subdivision 2, is amended to read:

Subd. 2. **Assistant director of civil defense, civil service status.** The state director may employ such technical, clerical, stenographic and other personnel and with the approval of the governor may make such expenditures within the appropriation therefor, or, with the approval of the executive council, from other funds made available to him for purposes of civil defense as may be necessary to carry out the purposes of this chapter. Such personnel except the director ~~and principal assistant director~~ of civil defense shall be in the classified service of the state civil service. Such personnel except the director ~~and principal assistant director~~ of civil defense holding offices or employment in the unclassified service on December 31, 1956, and continuously thereafter and until the effective date of this subdivision shall be given a qualifying examination as herein provided. The director of civil service, *subject to the rules and regulations of the civil service board,* shall on or before January 1, 1958, prepare and give once to all such incumbents of positions in the civil defense agency whose positions are in the classified service a qualifying examination which shall be noncompetitive, practical and involve only the duties of the position they occupied on December 31, 1956, or the position they occupy on the effective date of this subdivision, or the position they occupy on the date said examination is given, whichever examination the officer or employee may elect to take. If such aforementioned incumbents are found by such qualifying examination to have such ability and capacity as to enable them to perform the duties of the position for which they were examined in a reasonably efficient manner, they shall be given a civil service status subject to the provisions of Minnesota Statutes, Section 43.21. If any of the aforementioned incumbents who are required by this subdivision to take a qualifying examination fails to pass the examination, he shall be removed from his position at the expiration of 60 days following receipt of notice of failure to pass the examination. Any person who wilfully fails or refuses to

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

take the examination when offered, without reasonable excuse, shall be removed from his position immediately. No person required by this subdivision to take a qualifying examination shall be laid off, suspended, discharged or reduced in pay or position except in accordance with the provisions of law applicable to the members of the classified civil service having a civil service status, until he has completed such qualifying examination and is notified of the result thereof, or unless he refuses to take such qualifying examination. In the event of necessary reductions in employment in any class or position, officers or employees who have not acquired a permanent civil service status shall be laid off in accordance with their seniority within the civil defense department.

Approved February 9, 1961.

CHAPTER 4—S. F. No. 39

[Coded]

An act relating to municipal courts; amending Laws 1959, Chapter 660, Section 6, Subdivision 5.

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

Section 1. Laws 1959, Chapter 660, Section 6, Subdivision 5, is amended to read:

[488.06] Subd. 5. **Municipal judges, appointment.** When a new court is organized more than 90 days prior to a regular city, village, or borough election, or whenever there is a vacancy in the office of judge, the governor shall appoint a qualified person to fill the vacancy to hold office until a successor is elected and qualified. If there is no qualified person who will accept the appointment the governor may appoint a suitable person not learned in the law to the office of judge to take office the first Monday of the month next following the next regular city, village, or borough election. The successor shall be elected for a six year term in the next regular city, village, or borough election occurring more than one year after such appointment. In the absence or disability of the municipal judge and special municipal judge of said court, if there be one, ~~the mayor or president of the council~~ *the governor may designate appoint* a practicing attorney to sit as special judge instead of such municipal judge from day to day.

Approved February 9, 1961.

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