

Section 1. [43.041] The director of the state civil service shall be appointed by the civil service board for a term of six years on the basis of merit and fitness, after an open, competitive examination, open to qualified persons without regard to residence and without regard to the provisions of section 43.30, or 197.45 to 197.48, or acts amendatory thereof or supplementary thereto. Whenever a vacancy exists in the office of the director of the state civil service, the civil service board shall appoint an examining committee of three persons to examine the qualifications of all persons applying for appointment to the office of director of the state civil service. The examining committee shall be composed of persons of recognized standing as administrators or personnel officials in either the public service or private industry and may be non-residents of the state. As soon as practicable after its appointment, the examining committee shall examine applicants for the position of director of the state civil service and certify to the board the names of not less than three nor more than five persons rated highest in the competitive tests and found by the committee to possess the necessary qualifications for the office of director of the state civil service. The board by and with the advice and consent of the senate shall then appoint one of the persons so certified to the office of director of the state civil service. No person who has not been examined and certified by an examining committee, as herein provided for, shall be appointed to the office of director of the state civil service. The civil service board shall fix the compensation and authorize the payment of expenses of members of the examining committee provided for in this section. Upon the expiration of his six year term, the director may be reappointed without further examination by the board by and with the advice and consent of the senate.

The director of the state civil service shall be in the classified service and be subject to Minnesota Statutes 1953, section 43.24.

Sec. 2. **Repealer.** Minnesota Statutes 1953, Section 43.04, is hereby repealed.

Approved April 20, 1955.

CHAPTER 597—H. F. No. 174

[Coded in Part]

An act relating to the suability of certain persons and associations; amending Minnesota Statutes 1953, Sections 540.151 and 540.152.

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

Section 1. Minnesota Statutes 1953, Section 540.151, is amended to read:

540.151 **Suability, under a common name.** When two or more persons associate and act, whether for profit or not, under the common name, including associating and acting as a labor organization or employer organization, whether such common name comprises the names of such persons or not, they may sue in or be sued by such common name, and the summons may be served on *an officer or a managing agent of the association*. The judgment in such cases shall accrue to the joint or common benefit of and bind the joint or common property of the associates, the same as though all had been named as parties to the action. *Any money judgment against a labor organization or employer organization shall be enforceable only against the organization as an entity and against its assets, and shall not be enforceable against any individual member or his assets.*

Sec. 2. Minnesota Statutes 1953, Section 540.152, is amended to read:

540.152 **Service of process on unions.** The transaction of any acts, business or activities within the State of Minnesota by any officer, agent, representative, employee or member of any union or other groups or associations having officers, agents, members or property without the state on behalf of such union or other groups or associations or any of its members or affiliated local unions shall be deemed an appointment by such union or other groups or associations of the secretary of state of the State of Minnesota to be the true and lawful attorney of such union or other groups or associations, upon whom may be served all legal processes or notices in any action or proceeding against or involving said union or other groups or associations growing out of such acts, business or activities within the State of Minnesota resulting in damage or loss to person or property or giving rise to any cause of action under the laws of the State of Minnesota or to any matters or proceedings arising under the Minnesota Labor Relations Act, and such acts, business or activities shall be a signification of the agreement of said union or other groups or associations and its members that any such process or notice in any action, matter or proceeding against or involving it, which is so served, shall be of the same legal force and validity as if served upon such union or other groups or associations and its members personally. Service of such process or notice shall be made by filing a copy thereof in the office of the secretary of state, together with payment of a fee of \$2 and

together with an affidavit that no officer or managing agent of said union or other group or association has been found in this state and thereupon such service shall be sufficient service upon said union or other groups or associations and its members; and notice of such service and a copy of the process or notice shall, within ten days thereafter, be sent by mail by the person who caused the same to be served to such union or other groups or associations at its last known address and an affidavit of compliance with the provisions of this chapter shall be filed with the court or other state agency or department before which the action, matter, or proceeding is pending.

Sec. 3. [540.154] Actions against unions, where brought. *An action in a state court against an association referred to in section 540.151 shall be brought in district court in the county in which the organization maintains its principal office in this state or in the district court of the county in which the acts complained of occurred.*

Approved April 20, 1955.

CHAPTER 598—H. F. No. 239

An act relating to vacancies in any school board or board of education elected by the people; amending Minnesota Statutes 1953, Section 125.03.

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

Section 1. Minnesota Statutes 1953, Section 125.03, is amended to read:

125.03 Vacancies. Subdivision 1. Time of occurrence. *A vacancy in any school board or board of education elected by the people occurs when a member (a) dies, or (b) resigns, or (c) is unable to serve on such board and attend its meetings for not less than 90 days because of illness or prolonged absence from the district.*

Subd. 2. Filling of certain vacancies. *A vacancy in any school board or board of education elected by the people, which vacancy is caused by the death or resignation of a member, shall be filled by the board at any legal meeting thereof until such vacancy can be filled by election at the next annual meeting or election. Such appointment shall be evidenced by a resolution entered in the minutes. All elections to fill vacancies shall be for the unexpired term.*

Subd. 3. Board to fill certain vacancies. *A vacancy in*