

proceeds derived from rough fish removal operations under the authority of this act shall be credited to the said rough fish removal revolving fund, and all of said sums are hereby annually reappropriated to the director of game and fish for carrying out the purposes of this act.

Sec. 7. Violations—penalties.—Any contractor who violates any of the provisions of this act or the regulations of the director pertaining to the taking of fish thereunder, or the provisions of his contract and regulations of the director relating to the disposition of proceeds received from the sale of fish, or who through negligence shall cause the destruction of any game fish while conducting operations hereunder, or who shall dispose of any fish taken under any contract either by sale or otherwise without first notifying the supervising warden, shall have such contract cancelled forthwith and shall forfeit his right to secure another contract under the provisions of this section for a period of two years.

Sec. 8. Laws repealed—repeal not to affect existing contracts.—Mason's Statutes 1927, Sections 5604, 5605, 5606, 5607, 5608, 5609, and Mason's Supplement 1940, Section 5609-1, Mason's Statutes 1927, Sections 5609-2, 5609-3, 5609-4, 5609-5, 5609-6 and 5609-7 and Mason's Supplement 1940, Sections 5574-5 and 5574-6, are hereby repealed, *but nothing herein shall be construed as repudiating or invalidating any existing contracts issued under the laws hereby repealed.*

Approved March 30, 1943.

CHAPTER 230—H. F. No. 567. .

(AMENDING SECTIONS 197.45 AND 197.46 MINNESOTA
STATUTES 1941.)

An act relating to veterans' preference in public employment, and amending Mason's Supplement 1940, Sections 4368 and 4369, and providing a penalty for violations of the act.

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

Section 1. Law amended.—Mason's Supplement 1940, Section 4368, is amended to read as follows:

4368. Subdivision 1. Who are veterans.—*The word "veteran" as used in this section and Section 4369 means any man*

or woman honorably discharged from the army, navy, marine corps, or Women's Auxiliary Army Corps of the United States in the Civil War, Spanish-American War, Philippine Insurrection, China Relief Expedition, or any armed expedition for which Congress has awarded a campaign badge or medal, World War wherein the United States of America and the allied nations of England, France, and others were engaged in war against the Imperial German Government and its allies, and the war between the United States of America and its allies, and Germany, Japan, Italy and their allies, who is a citizen of the United States, and has been a resident of the State of Minnesota and of the county, city, town, village, school district, or political subdivision thereof to which application is made for five years immediately preceding his application, or who enlisted from the State of Minnesota.

Subd. 2. Preference to war veterans in public appointments.

—That in every public department and upon all public works in the State of Minnesota and the counties, cities, towns, villages, school districts and all other political subdivisions and agencies thereof, honorably discharged veterans shall be entitled to preference in appointments, employment and promotion over other applicants therefor, and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age and disability does not render him incompetent to perform properly the duties of the position applied for and when such veteran shall apply for appointment or employment under this act, the officer, board or person whose duty it is, or may be, to appoint or employ such person to fill such position or place, shall before appointing or employing anyone to fill such position or place, except where said veteran has already been qualified under civil service for the position applied for, make an investigation as to the qualifications of said veteran for such place or position, and if he is of good moral character, and can perform the duties of said position applied for by him, as hereinbefore provided, said officer, board or person shall appoint said veteran to such position or place of employment.

In any governmental agency having an established civil service or merit system, no inquiry shall be made of any applicant for examination as to whether or not he is a veteran, nor shall any distinction be made in giving the examination or grading the results thereof on account of the fact that the applicant may be a veteran; provided, that this shall not abridge any preference to which such veteran is entitled. The veteran must claim preference under this act within 15 days from the date of mailing notice to him by registered mail that he has passed. The proper civil service or merit system authority shall certify his appoint-

ment and the appointing authority shall appoint such veteran before any other person is certified or appointed to fill a position for which the veteran has passed the examination.

A refusal to allow the preference provided for in this and the next succeeding section to any such honorably discharged veteran, or a reduction of his compensation intended to bring about his resignation or discharge, shall entitle such honorably discharged veteran to a right of action therefor in any court of competent jurisdiction for damages, and such officer and the persons responsible for such refusal if such refusal was wilful shall be personally liable therefor, and also for a remedy for mandamus for righting the wrong.

Subd. 3. Widows to have rights and privileges.—The widows of deceased veterans and the spouses of disabled veterans who, because of such disability, are unable to qualify, shall have all the rights and privileges given to a veteran by this section or by Section 4369.

Sec. 2. Law amended.—That Mason's Supplement 1940, Section 4369, is amended to read as follows:

4369. Removal forbidden—right of mandamus—certiorari—burden of proof.—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. The veteran may appeal from the decision 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 10 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. Nothing in 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 this act. Any willful violation of this act by officers, officials, or employees is a misdemeanor.

Approved March 30, 1943.

CHAPTER 231—H. F. No. 598.

An act to permit any domestic insurance corporation heretofore or hereafter incorporated for the transaction of the kinds of business authorized and permitted by Subdivision 4 of Section 3315 Mason's Minnesota Statutes 1927 and having capital stock, to convert such corporation into a mutual corporation and to provide a method therefor.

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

Section 1. **Domestic insurance corporations may become mutual corporations in certain cases.**—Any domestic insurance corporation heretofore or hereafter incorporated for the transaction of the kinds of business authorized and permitted by subdivision 4 Section 3315 Mason's Minnesota Statutes 1927, and having capital stock may become a mutual corporation and to that end may formulate and carry out a plan for the acquisition by it of its outstanding capital stock, and for the mutualization of such corporation, as follows:

(a) Such plan shall have been adopted by vote of a majority of the directors of such company.

(b) Such plan shall have been submitted to the Commissioner of Insurance and shall have been approved by him as con-