

the boards of supervisors of townships having fairs of county and district agricultural societies or associations, who are members of the Minnesota state agricultural society, held within their corporate limits or in close proximity thereto, are hereby authorized and empowered to appropriate for and pay to such agricultural society or association annually a sum not exceeding \$1,000.00.

Sec. 2. This act shall take effect and be in force from and after its passage and approval.

Approved April 26, 1913.

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#### CHAPTER 547—H. F. No. 744.

*An Act to establish a minimum wage commission, and to provide for the determination and establishment of minimum wages for women and minors.*

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

Section 1. **Composition of minimum wage commission created by this act.**—There is hereby established a commission to be known as the minimum wage commission. It shall consist of three persons, one of whom shall be the commissioner of labor who shall be the chairman of the commission, the governor shall appoint two others, one of whom shall be an employer of women, and the third shall be a woman, who shall act as secretary of the commission. The first appointments shall be made within sixty days after the passage of this act for a term ending Jan. 1, 1915. Beginning with the year 1915 the appointments shall be for two years from the first day of January and until their successors qualify. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term.

Sec. 2. **Commission to investigate wages paid to women.**—The commission may at its discretion investigate the wages paid to women and minors in any occupation in the state. At the request of not less than one hundred persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided.

Sec. 3. **Employers to keep record of wages paid.**—Every employer of women and minors shall keep a register of the names and addresses of and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register.

**Sec. 4. Public hearings—Power to subpoena.**—The commission shall specify times to hold public hearings at which employers, employees, or other interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or industry. The commission or any member thereof shall have power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpoenaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases.

**Sec. 5. When wage scale may be established.**—If after investigation of any occupation the commission is of opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages, the commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided.

**Sec. 6. Wage scale throughout the state.**—The commission shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability, and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order, to be effective thirty days thereafter, making the wages thus determined the minimum wages in said occupation throughout the state, or within any area of the state if differences in the cost of living warrant this restriction. A copy of said order shall be mailed, so far as practicable, to each employer affected; and each such employer shall be required to post such a reasonable number of copies as the commission may determine in each building or other workplace in which affected workers are employed. The original order shall be filed with the commissioner of labor.

**Sec. 7. Advisory board.**—The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than three nor more than ten persons representing employers, and an equal number of persons representing the workers in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and

determination of said boards. Provided: that the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees respectively.

**Sec. 8. Power of advisory board.**—Each advisory board shall have the same power as the commission to subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Witnesses subpoenaed by an advisory board shall be allowed the same compensation as when subpoenaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by price rate, sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission.

**Sec. 9. Commission to review estimate of advisory board.**—Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it approves them shall make them the minimum wages in said occupation, as provided in Section 6. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board.

**Sec. 10. Rates to remain in force until new rates are established.**—All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employees in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative.

**Sec. 11. Special license may be issued.**—For any occupation in which a minimum time rate of wages only has been ordered the commission may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in said occupation: and the commission may fix a special wage for such person. Provided: that the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment.

**Sec. 12. Employer prohibited from employing at less than living wages.**—Every employer in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an

order of the commission: and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage.

**Sec. 13. Not to discharge or discriminate against employee who has given testimony.**—It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee is about to testify, in any investigation or proceeding relative to the enforcement of this act.

**Sec. 14. Employee entitled to recover in civil action.**—Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage.

**Sec. 15. Commission to enforce provisions of act.**—The commission shall enforce the provisions of this act, and determine all questions arising thereunder, except as otherwise herein provided.

**Sec. 16. Report to legislature.**—The commission shall biennially make a report of its work to the governor and the state legislature, and such reports shall be printed and distributed as in the case of other executive documents.

**Sec. 17. Expenses to be paid—Secretary to receive salary of \$1,800 per year.**—The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the commission. The woman member shall receive a salary of eighteen hundred dollars annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the state auditor for payment by warrant upon the state treasurer.

**Sec. 18. \$5,000 appropriated.**—There is appropriated out of any money in the state treasury not otherwise appropriated for the fiscal year ending July 31st, 1914, the sum of five thousand dollars (\$5,000.00), and for the fiscal year ending July 31st, 1915, the sum of five thousand dollars (\$5,000.00).

**Sec. 19. Penalty for violation.**—Any employer violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than ten nor more than fifty dollars or by imprisonment for not less than ten nor more than sixty days.

**Sec. 20. Construction of terms.**—Throughout this act the following words and phrases as used herein shall be considered to have the following meanings respectively, unless the context clearly indicates a different meaning in the connection used:

(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "minimum wage" or "minimum wages" are used in this act, the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The terms "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) The term "woman" shall mean a person of the female sex eighteen years of age or over.

(5) The term "minor" shall mean a male person under the age of twenty-one years, or a female person under the age of eighteen years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employee" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade in which woman or minors are employed.

Sec. 20. This act shall take effect and be in force from and after its passage.

Approved April 26, 1913.

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#### CHAPTER 548—H. F. No. 785.

*An Act to amend Section 7, Chapter 356, General Laws of 1911, relating to school census and providing a penalty for failure to make such census.*

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

**Section 1. School census—Special state aid to be withheld until such census has been taken.**—That Section 7, Chapter 356, General Laws of 1911, be and the same is hereby amended to read as follows:

**Section 7.** A complete school census shall be taken in every school district, common, independent and special, between July 1 and *October 1*, of all children between six (6) and sixteen (16) years of age, which census shall show the name and date of birth of each person required to be enumerated, and the name and address of his parent, guardian or other person having charge. The school census shall be taken by the clerk or the school board, or by some other person or persons appointed by the school board: