

lish a calendar fee which shall be paid to the clerk of such court by all litigants, except in cases brought by or on behalf of the state, who shall cause any cases to be put on any calendar for hearing or trial. Such fee shall not exceed more than one dollar and if the fees derived from litigants are insufficient to carry out the provisions of this act such additional amount as may be necessary shall be paid out of the general county funds of the County in which such Judicial District is situated. All disbursements from the funds so created shall be made by the clerk of court upon the order of the court.

**Sec. 3. Salary.**—The compensation of such Assignment Commissioner shall not exceed three thousand dollars (\$3,000) annually, and the compensation of any assistant to any Assignment Commissioner shall not exceed two thousand dollars (\$2,000) annually. Compensation shall be paid monthly.

**Sec. 4. Duties.**—The duties of such Assignment Commissioner and his assistants, if any, shall be to have charge of the calendar and the assignment of cases under the supervision of the court, and they shall have such other powers and duties, including the supervision and control of the petit jury, as shall be determined by order of the court.

**Sec. 5. Agreements—Co-operation.**—Any such Assignment Commissioner may enter into an agreement with any other court or the clerk of any other court for co-operation in the assignment and distribution of cases for hearing or trial, among the various courts sitting within the geographical limits of such district as may be approved by order of the court.

**Sec. 6. Court orders sufficient.**—Any order of such court signed by a majority of the judges thereof, and duly filed with the clerk shall be sufficient for any of the purposes of this act.

**Sec. 7.** This act shall take effect from and after its passage. Effective March 14, 1921.

---

#### CHAPTER 81—H. F. No. 349.

*An act creating the Industrial Commission of Minnesota, defining its powers and duties, fixing the salaries of its members and providing for their removal, and continuing the Department of Labor and Industries under the control of said commission, abolishing the office of Labor Commissioner, the State Board of Arbitration and repealing acts and parts of acts so far as inconsistent with this act.*

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

**Section 1. Office of commissioner of labor abolished.**—The Department of Labor and Industries is hereby continued as a department of the state government, under the control and management of the Industrial Commission of Minnesota, hereinafter

created, and the office of Commissioner of Labor is hereby abolished.

**Sec. 2. Industrial commission created—Appointment—Terms.**—There is hereby created a commission to be known as the "Industrial Commission of Minnesota," hereinafter called the Commission. The Commission shall be composed of three Commissioners who shall be appointed by the Governor by and with the advice and consent of the Senate. The first three Commissioners shall be appointed within thirty (30) days after the passage of this act and before the adjournment of the present legislature, if practicable. One shall be appointed for a term commencing March 15, 1921 and ending June 30, 1923; one for a term commencing March 15, 1921 and ending June 30, 1925; and one for a term commencing March 15, 1921 and ending June 30, 1927; and thereafter each Commissioner shall be appointed for a term of six years. Not more than two Commissioners shall belong to the same political party. Inasmuch as the duties to be performed by such Commission vitally concern the employers, employes, as well as the whole people of the state, it is hereby declared to be the purpose of this act that persons be appointed as Commissioners who shall fairly represent the interests of all concerned in its administration. Any vacancy on the Commission shall be filled by the Governor by and with the advice and consent of the Senate for the unexpired portion of the term in which the vacancy occurs.

**Sec. 3. Salaries—Chairman.**—Each Commissioner shall receive an annual salary of \$4500., payable in the same manner that other state salaries are paid. Each Commissioner shall devote his entire time to the duties of his office. The Commissioner whose term first expires shall be chairman. Each Commissioner, before entering upon the duties of his office, shall take the oath prescribed by law.

**Sec. 4. Governor may remove—Proceeding—No appeal.**—The Governor may at any time remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such Commissioner a copy of the charges against him and fix a time when he shall be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If such Commissioner shall be removed, the Governor shall file in the office of the Secretary of State a complete copy of all the charges made against such Commissioner and his findings thereon, with a record of the proceedings. Such power of removal shall be absolute and there shall be no right of review in any court whatsoever.

**Sec. 5. Commissioners or employes not to take part in political campaigns—Penalty.**—Every Commissioner and every officer or employe of the Commission, who by solicitation or otherwise

exerts his influence, directly or indirectly, to induce other officers or employes of the state to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him.

**Sec. 6. Office in St. Paul—Sessions in other places.**—The Commission shall keep its office at St. Paul and shall be provided by the custodian of state property with suitable rooms and necessary furniture. The Commission may, however, hold sessions at any other place in the state when the convenience of the Commission and the parties interested so requires.

**Sec. 7. Organization—Quorum.**—Upon the taking effect of this act, the Commission shall meet at the state capitol and organize. A majority of the Commissioners shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the Commission. A vacancy shall not impair the right of the remaining Commissioners to exercise all the powers and perform all of the duties of the Commission.

**Sec. 8. Hours public sessions—Proceedings.**—The Department of Labor and Industries shall be open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions of the Commission shall be open to the public and may be adjourned from time to time. All the proceedings of the Commission shall be shown on its records, which shall be public records.

**Sec. 9. Seal—Certified copies.**—The commission shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words, "Industrial Commission of Minnesota — Seal", and such other design as the Commission may prescribe. The courts of this state shall take judicial notice of such seal and of the signatures of the chairman and the Secretary of the Commission; and in all cases copies of orders, proceedings, or records of the Commission, certified by the Secretary of the Commission under its seal, shall be received in evidence, with the same force and effect given to the originals.

**Sec. 10. Secretary—Salary—Duties.**—The Commission shall appoint a Secretary, who shall receive an annual salary not exceeding \$3500., and who shall hold office at the pleasure of the Commission. It shall be the duty of the Secretary to keep a full and true record of all proceedings of the Commission, to issue all necessary processes, writs, warrants and notices which the Commission is required or authorized to issue, and generally to perform such other duties as the Commission may prescribe.

**Sec. 11. May appoint division heads, assistants, etc.—Salaries—Duties.**—The Commission may appoint with complete and absolute power of removal such division heads or chiefs, deputy

division heads or chiefs, managers, assistant managers, superintendents, officers, agents, architects, accountants, experts, engineers, physicians, and referees as may be necessary for the exercise of its powers and the performance of its duties; and subject to the provisions of General Statutes 1913, Sections 3813, 3814, 3815, 3816, which shall be applied as far as applicable may also appoint such statisticians, inspectors, deputy inspectors and other employes and assistants as may be necessary for the exercise of its powers and the performance of its duties. The Commission shall prescribe the duties and fix the salaries of all such appointees which shall not exceed in the aggregate the amount appropriated by the legislature for that purpose. All persons holding positions in the Department of Labor and Industries or under the State Board of Arbitration on June 1st, 1921 shall be transferred by the Commission to the Department of Labor and Industries as herein constituted, and assigned to such positions and duties as the Commission may designate.

**Sec. 12. Traveling expenses.**—The Commission and the officers, assistants and employes of the Commission shall be paid out of the State treasury their actual and necessary expenses while travelling on the business of the Commission. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the Commission.

**Sec. 13. Powers of department of labor and industries transferred to commission—Board of arbitration abolished.**—On and after June 1, 1921, the Commission shall possess all the powers and perform all the duties now conferred and imposed by law on the Department of Labor and Industries and the State Board of Arbitration except that any power or duty vested in the Commissioner of Labor at the time of the taking effect of this act and requiring individual action, shall, on the taking effect of this act, be exercised or performed by such member of the Commission, or officer or employe of the Department, as shall be designated by the Commission. The State Board of Arbitration, as now constituted, is hereby abolished.

**Sec. 14. Divisions.**—The Department of Labor and Industries shall consist of the following divisions, to-wit: Division of Workmen's Compensation, Division of Boiler Inspection, Division of Accident Prevention, Division of Statistics, Division of Women and Children, Division of Employment, Division of Mediation and Arbitration, and such other divisions as the Commission may deem necessary and establish. Each Division of the Department and persons in charge thereof shall be subject to the supervision and direction of the Commission and of any Commissioner assigned to supervise the work of such division, and, in addition to such duties as are or may be imposed on them by

statute, shall perform such other duties as may be assigned to them by the Commission.

**Sec. 15. Powers and duties.**—The Commission shall have the following powers and duties:

(1) To exercise such powers and perform such duties concerning the administration of the Workmen's Compensation Laws of the state as may be conferred and imposed on it by such laws.

(2) To exercise all powers and perform all duties now conferred and imposed on the Department of Labor and Industries as heretofore constituted, and the bureaus of such department, so far as consistent with the provisions of this act.

(3) To establish and conduct free employment agencies, and after the first day of June, 1921, to supervise the work of private employment offices all as now provided by law; to make known the opportunities for self-employment in this state, to aid in inducing minors to undertake promising skilled employments, to encourage wage earners to insure themselves against distress from unemployment, to investigate the extent and causes of unemployment in the state and remedy therefor, and to devise and adopt the most efficient means in its power to avoid unemployment.

(4) To promote the voluntary arbitration, mediation and conciliation of disputes between employers and employes in order to avoid strikes, lockouts, boycotts, blacklists, discriminations and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration or conciliation, provide the necessary expenses of such boards, order reasonable compensation not exceeding \$15.00 per day for each member engaged in such arbitration or conciliation, prescribe rules of procedure for such arbitration or conciliation boards, conduct investigations and hearings, issue or publish statements, findings of facts, conclusions, reports and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in this act. The Commission may designate a subordinate to be known as Chief Mediator and may detail other assistants or employes for the purpose of executing these provisions, without extra compensation. In order to carry out the provisions of this subsection, the Industrial Commission, or any Commissioner thereof, the Chief Mediator or any temporary board of conciliation or arbitration, shall have power to administer oaths to witnesses, and to issue subpoenas for the attendance of witnesses; and if any person refuses to comply with any subpoena issued by the Commission, a Commissioner, the Chief Mediator or a temporary Board of Conciliation or Arbitration, or if any witness refuses to testify regarding that about which he may be lawfully interrogated, the judge

of any district court of any county in the state, on application of the Commission or of a Commissioner, shall compel obedience by attachment proceedings as for contempt, as in the case of the disobedience of a subpoena issued by such court.

(5) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings. But such rules and regulations shall not be effective until ten days after their adoption. A copy of such rules and regulations shall be delivered to every citizen making application therefor.

(6) To collect, collate and publish statistical and other information relating to the work under its jurisdiction and to make public reports in its judgment necessary. On or before the first Monday in January of each year the Commission shall report its doings, conclusions and recommendations to the Governor, which report shall be printed and distributed biennially to the members of the Legislature and otherwise as the Commission may direct.

(7) To establish and maintain branch offices as needed for the conduct of its affairs.

Sec. 16. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 17. **Effective Mar. 15, 1921.**—This act shall take effect from and after the fifteenth day of March, 1921.

Approved March 14, 1921.

## CHAPTER 82—H. F. No. 350.

*An act prescribing the liability of an employer to make compensation by way of damages for injuries due to accident or occupational disease received by an employe arising out of and in the course of employment, modifying common law and statutory remedies, in such cases; establishing an alternative elective schedule of compensation, regulating procedure for the determination of liability and compensation thereunder in certain cases, repealing Chapter 467, General Laws of Minnesota for 1913, and acts amendatory thereof; and all acts and parts of acts inconsistent with this act, and defining terms used therein and prescribing penalties and forfeitures for the violation thereof.*

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

### Part 1.

## COMPENSATION BY ACTION AT LAW—MODIFICATION OF REMEDIES.

Section 1. **Injury or death of employe—Liability of employer—Compensation by action at law—Modification of reme-**