

"922. Judge of the district court to fix number of deputies.—The judge of the district court in each county, before the commencement of any general term, shall, by order issued to the sheriff, fix the number of deputies required during such term, and direct the sheriff to furnish the same. The sheriff shall file said order with the clerk. Each such deputy shall receive *such compensation as the judge shall determine not exceeding five dollars per day while attending such term of court.*

Approved April 26, 1941.

CHAPTER 469—S. F. No. 468

An act relating to the avoidance and settlement of labor disputes, the powers and duties of the labor conciliator and court procedure in labor disputes, amending Mason's Supplement 1940, Sections 4254-26, 4254-27, 4254-28, 4254-31, 4254-34, 4254-36 (b), and repealing Section 4254-30 (c).

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 4254-26, is hereby amended to read as follows:

"4254-26. Notice to employer—notice by employer in change of conditions—notice of intent to strike—requisites of notices—conference.—(a) *Whenever any employee, employees, or representative of employees, or labor organization shall desire to negotiate a collective bargaining agreement, or make any change in any existing agreement, or shall desire any changes in the rates of pay, rules or working conditions in any place of employment, it shall give written notice to the employer of its demand which notice shall follow the employer if the place of employment is changed, and it shall thereupon be the duty of the employer and the representative of employee or labor organization to endeavor in good faith to reach an agreement respecting such demand. An employer shall give a like notice to his employees, representatives or labor organizations of any intended change in any existing agreement. If no agreement is reached at the expiration of ten (10) days after service of such notice, any employees, representative, labor organization, or employer may give notice of intention to strike or lockout, as the case may be, but it shall be unlawful for any labor organization or rep-*

representative to institute or aid in the conduct of a strike or for an employer to institute a lockout, unless notice of intention to strike or lockout has been served by the party intending to institute a strike or lockout upon the labor conciliator and the other parties to the labor dispute at least ten (10) days before the strike or lockout is to become effective. *Unless the strike or lockout is commenced within ninety days from the date of service of the notice upon the labor conciliator, it shall be unlawful for any of the parties to institute or aid in the conduct of a strike or lockout without serving a new notice in the manner prescribed for the service of the original notice, provided that the ninety day period may be extended by written agreement of the parties filed with the labor conciliator.*

"Notice by the employer shall be signed by him or his duly authorized officer or agent; and notice by the employees shall be signed by their representative or its officers, or by the committee selected to conduct the strike. In either case the notice shall be served by delivering it to the labor conciliator in person or by sending it by registered mail addressed to him at his office. The notice shall state briefly the nature of the dispute and the demands of the party who serves it. Upon receipt of a notice, the labor conciliator shall fix a time and place for a conference with the parties to the labor dispute upon the issues involved in the dispute, and he shall then take whatever steps he deems most expedient to bring about a settlement of the dispute, including assisting in negotiating and drafting a settlement agreement. It shall be the duty of all parties to a labor dispute to respond to the summons of the labor conciliator for joint or several conferences with him and to continue in such conference until excused by the labor conciliator, not beyond, however, the ten day period heretofore prescribed except by mutual consent of the parties.

"(b) The labor conciliator may take jurisdiction of a labor dispute in which negotiations for settlement have failed if either party to said dispute before a notice to strike or lockout files a petition requesting said conciliator to act in the dispute, setting forth the issues of the dispute and the efforts to agree and the failure to reach an agreement. If the conciliator takes jurisdiction he shall then proceed as provided in paragraph (a) of this section."

Sec. 2. Law amended.—Mason's Supplement 1940, section 4254-27, is hereby amended to read as follows:

"4254-27. Business affected with public interest—notice to governor—appointment of commission—delay of strike or

lockout.—If the dispute is in any industry, business or institution affected with a public interest, which includes, but is not restricted to, any industry, business or institution engaged in supplying the necessities of life, safety, or health, so that a temporary suspension of its operation would endanger the life, safety, health or well being of a substantial number of people of any community, the provisions of section 6 shall apply and the labor conciliator shall also notify the Governor who may appoint a commission of three, to conduct a hearing and make a report on the issues involved and the merits of the respective contentions of the parties to the dispute. *If the Governor decides to appoint a commission, he shall so advise the labor conciliator who shall immediately notify the parties to the labor dispute and shall also inform them of the date of the notification to the Governor. The members of such commission shall on account of vocations, employment, or affiliations be representatives of employees, employers and the public respectively. Such report shall be filed with the Governor not less than five days before the end of the thirty day period hereinafter provided and may be published as he may determine in one or more legal newspapers in the counties where the dispute exists. If and when the Governor shall notify the labor conciliator of his decision to appoint a commission, neither party to the dispute shall make any change in the situation affecting the dispute and no strike or lockout shall be instituted until thirty (30) days shall have elapsed after the notification to the Governor; provided, that in case the Governor shall fail to appoint a commission within five days after the notification to him, this limitation on the parties shall be suspended and inoperative; provided further, that if the Governor shall thereafter appoint a commission, no strike or lockout having been instituted in the meantime, the limitation shall again become operative, but in no case for more than said thirty day period. The thirty day period may be extended by stipulation upon the record of the hearing before the commission or by written stipulation signed by the parties to the labor dispute and filed with the labor conciliator. If so extended, the report of the commission shall be filed with the Governor not less than five days before the end of the extended period.*

Sec. 3. Law amended.—Mason's Supplement 1940, section 4254-28, is hereby amended to read as follows:

"4254-28. Commission to subpoena witnesses—contempt—conciliator may take jurisdiction on request—appearance.—

(a) The commission appointed by the governor pursuant to the provisions of this act shall have the power to issue

subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates to any matter involved in any such hearing, and may by its chairman administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state of Minnesota at any designated place of hearing, but hearings shall be held in a county where the labor dispute has arisen or exists.

“(b) In case of contumacy or refusal to obey a subpoena issued under subsection (a) of this section, the district court of the state of Minnesota for the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found, or resides, or transacts business, or application by the commission shall have jurisdiction to issue to such person an order requiring such person to appear before the commission, there to produce evidence as so ordered, or there to give testimony touching the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

“(c) Any party to or party affected by the dispute may appear before the commission in person or by attorney or by their representative, and shall have the right to offer competent evidence and to be heard on the issues before the report is made.

“Any commissioners so appointed shall be paid a per diem of \$15.00 per day and their necessary expenses while serving.”

Sec. 4. **Law repealed.**—Mason’s Supplement 1940, section 4254-30 (c), is hereby repealed.

Sec. 5. **Law amended.**—Mason’s Supplement 1940, section 4254-34, is hereby amended to read as follows:

“4254-34. **Suit to enjoin unfair labor practices.**—Whenever any unfair labor practice is threatened or committed, a suit to enjoin such practice may be maintained in the district court of any county wherein such practice has occurred or is threatened. In any suit to enjoin any of the unfair labor practices set forth in *Mason’s Minnesota Supplement 1940, Sections 4254-31 and 4254-32*, the provisions of *Mason’s Minnesota Statutes of 1927, Sections 4257 to 4260*, and *Mason’s Supplement 1940, Sections 4256, and Sections 4260-1 to 4260-15, inclusive*, shall not apply; provided, however, that no court of the state of Minnesota shall have jurisdiction to issue a temporary or permanent injunction in any case involv-

ing or growing out of the violation of *said* Section 4254-31 and 4254-32 as herein defined, except after hearing the testimony of witnesses in open court, with opportunity for cross examination, in support of the allegations made under oath, and testimony in opposition thereto if offered, and except after findings of fact by the court to the effect that the acts set forth in *said* Sections 4254-31 and 4254-32 have been threatened and will be committed unless restrained, or have been committed and will be continued unless restrained; provided *further*, that no temporary restraining order may be issued under the provisions of this act except upon the testimony of witnesses produced by the applicant in open court and upon a record being kept of such testimony *nor unless the temporary restraining order is returnable within seven days from the time it is granted which shall be noted on the order by the court. It shall be the duty of the court to give the trial or hearing of any suits or proceedings arising under this section precedence over all other civil suits which are ready for trial. Failure of the trial court to decide a motion for a temporary injunction within sixty days from the date the hearing thereon is concluded shall dissolve any restraining order issued therein without further order of the court. Failure of the trial court to decide any suit brought under this section within forty-five days from the date the trial was ended shall dissolve any restraining order or temporary injunction issued therein without further order of the court.*"

Sec. 6. Law amended—powers of labor commissioner.—Mason's Supplement 1940, section 4254-36, is hereby amended by adding thereto, immediately after Subdivision (b), the following new subdivisions:

(c) *In the investigation of any controversy concerning the representative of employees for collective bargaining, the labor conciliator shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence which relates directly to any matter involved in any such hearing, and the labor conciliator or his representative may administer oaths and affirmations, and may examine witnesses. Such attendance of witnesses and the production of such evidence may be required from any place in the state of Minnesota at any designated place of hearing, but hearings shall be held in a county where the question has arisen or exists.*

(d) *In case of contumacy or refusal to obey a subpoena issued under this section, the district court of the county where the proceeding is pending or in which the person guilty of such contumacy or refusal to obey is found, or resides, shall*

have jurisdiction to issue to such person an order requiring such person to appear and testify or produce evidence, as the case may require, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 7. **Law amended.**—Mason's Supplement 1940, Section 4254-31, is hereby amended to read as follows:

"4254-31. What are unfair labor practices by employees.—It shall be an unfair labor practice:

(a) For any employe or labor organization to institute a strike if the calling of such strike is a violation of any valid collective agreement between any employer and his employes or labor organization and the employer is, at the time, in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement.

(b) For any employe or labor organization to institute a strike if the calling of such strike is in violation of sections 6 or 7 of this act.

(c) For any person to seize or occupy property unlawfully during the existence of a labor dispute.

(d) For any person to picket or cause to be picketed a place of employment of which place said person is not an employe while a strike is in progress affecting said place of employment, unless the majority of persons engaged in picketing said place of employment at said times are employes of said place of employment.

(e) For more than one person to picket or cause to be picketed a single entrance to any place of employment where no strike is in progress at the time.

(f) For any person to interfere in any manner with the operation of a vehicle or the operator thereof when neither the owner nor operator of said vehicle is at said time a party to a strike.

(g) For any employe, labor organization or officer, agent or member thereof to compel or attempt to compel any person to join or to refrain from joining any labor organization or any strike against his will by any threatened or actual unlawful interference with his person, immediate family or physical property, or to assault or unlawfully threaten any such person while in pursuit of lawful employment.

(h) The violation of sub-sections (b), (c), (d), (e), (f) and (g) of this section are hereby declared to be unlawful acts."

Sec. 8. **Law amended.**—Mason's Supplement 1940, Section 4254-32, is hereby amended to read as follows:

"4254-32. What are unfair labor practices by employers.—It shall be an unfair labor practice for an employer:

(a) To institute any lockout of his employes in violation of any valid collective bargaining agreement between the employer and his employes or labor organization if the employes at the time are in good faith complying with the provisions of the agreement, or to violate the terms and conditions of such bargaining agreement.

(b) To institute any lockout of his employes in violation of section 6 or 7 of this act.

(c) To encourage or discourage membership in any labor organization by discrimination in regard to hire or tenure of employment or any terms or conditions of employment; provided, however, that this subsection shall not apply to the provisions of collective bargaining agreements entered into voluntarily by an employer and his employees or a labor organization representing said employees as a bargaining agent as provided by section 16 of this act.

(d) To discharge or otherwise to discriminate against an employe because he has signed or filed any affidavit, petition or complaint or given any information or testimony under this act.

(e) To spy directly or through agents or any other persons upon any activities of employes or their representatives in the exercise of their legal rights.

(f) To distribute or circulate any blacklist of individuals exercising any legal right or of members of a labor organization for the purpose of preventing individuals so blacklisted from obtaining or retaining employment.

(g) The violation of sub-sections (b), (d), (e) and (f) of this section are hereby declared to be unlawful acts."

Approved April 26, 1941.

CHAPTER 470—S. F. No. 564

An act relating to inheritance taxes, amending Mason's Supplement 1940, Section 2292, Subsection 1.

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