

such individual employee, except that the salary of no *patrolman* shall exceed the sum of \$180.00 per month and in addition thereto each such individual employee shall be paid not less than \$1.00 per day for subsistence while in the performance of his duty. The salary of one chief supervisor shall be in such amounts as may be fixed by the commissioner of highways, but not to exceed \$4,000.00 per year.

*There may be appointed one chief supervisor who shall receive a salary of not exceeding \$3,180 per annum; two assistant supervisors who shall receive a salary of not exceeding \$2,880 per annum; five assistant supervisors who shall receive a salary of not exceeding \$2,700 per annum; and there may be appointed six sergeants, each of whom shall receive a salary of not exceeding \$2,400 per annum. In the event such last mentioned six sergeants are appointed, the vacancies thereby created among the patrolmen shall not be filled. In addition thereto, each individual supervisor and sergeant, except the chief supervisor, shall be paid not less than \$1.00 per day for subsistence while in the performance of his duty. The supervisors and sergeants shall be appointed by and have such duties as the Commissioner of Highways may direct and shall be selected from the patrolmen, sergeants and supervisors who shall have had at least three years experience as either patrolmen, sergeants or supervisors.*

*Every person employed hereunder shall be subject to the terms and provisions of Laws 1935, Chapter 254, and acts amendatory thereof.*

Approved April 24, 1943.

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#### CHAPTER 624—S. F. No. 612.

(AMENDING SECTIONS 179.01; 179.11 AND 179.13 MINNESOTA STATUTES 1941.)

*An act relating to the avoidance and settlement of labor disputes, prohibiting strikes by employees against the state or any governmental subdivision thereof and imposing penalties for violation thereof, declaring certain acts to be unlawful and unfair labor practices and amending Mason's Supplement 1940, Section 4254-21 by amending Subdivision (b) thereof, and by adding new provisions thereto, Section 4254-31 as amended by Laws 1941, Chapter 469, by adding new provisions thereto and amending Subsection*

*(h) thereof, and Section 4254-33 by adding new provisions thereto, and by adding other new provisions.*

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

Section 1. **Law amended—definitions.**—Mason's Supplement 1940, Section 4254-21, is hereby amended by adding new subdivisions thereto as follows:

*(l) "Agricultural products" includes, but is not restricted to, horticultural, vitacultural, dairy, livestock, poultry, bee, and any farm products.*

*(m) "Processor" means the person who first processes or prepares agricultural products, or manufactures products therefrom, for sale after receipt thereof from the producer.*

*(n) "Marketing organization" means any organization of producers or processors organized to engage in any activity in connection with the marketing or selling of agricultural products or with the harvesting, preserving, drying, processing, canning, packing, grading, storing, handling, shipping or utilization thereof, or the manufacturing or marketing of the by-products thereof, or in connection with the manufacturing, selling or supply of machinery, equipment, or supplies for their members or patrons.*

Sec. 2. **Law amended—not to strike except by majority vote of employees.**—Mason's Supplement 1940, Section 4254-31, as amended by Laws 1941, Chapter 469, is hereby amended by adding new sub-sections as follows:

*(h) Unless the strike has been approved by a majority vote of the voting employees in a collective bargaining unit of the employees of an employer or association of employers against whom such strike is primarily directed, for any person or labor organization to cooperate in engaging in, promoting or inducing a strike. Such vote shall be taken by secret ballot at an election called by the collective bargaining agent for the unit, and reasonable notice shall be given to all employees in the collective bargaining unit of the time and place of election.*

*(i) For any person or labor organization to hinder or prevent by intimidation, force, coercion or sabotage, or by threats thereof, the production, transportation, processing or marketing by a producer, processor or marketing organization, of agricultural products, or to combine or conspire to cause or threaten to cause injury to any processor, producer or marketing organization, whether by withholding labor or other beneficial intercourse, refusing to handle, use or work on particular agricultural products, or by other unlawful means, in order to bring such processor or marketing organiza-*

tion against his or its will into a concerted plan to coerce or inflict damage upon any producer; provided that nothing in this subsection shall prevent a strike which is called by the employees of such producer, processor or marketing organization for the bona fide purpose of improving their own working conditions or promoting or protecting their own rights of organization, selection of bargaining representative or collective bargaining.

**Sec. 3. Law amended—unfair labor practices by employees.**—Mason's Supplement 1940, Section 4254-31, Subsections (a), (b) and (h), as amended by Laws 1941, Chapter 469, as hereby amended to read as follows:

(a) For any employee or labor organization to institute a strike if such strike is a violation of any valid collective agreement between any employer and his employees 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 employee or labor organization to institute a strike if such strike is in violation of Sections 6 or 7 of this act.

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

**Sec. 4. Law amended.**—Mason's Supplement 1940, Section 4254-33, is hereby amended to read as follows:

4254-33. **Interferences which are unlawful.**—*Subdivision 1.* It shall be unlawful for any person at any time to interfere with the free and uninterrupted use of public roads, streets, highways or methods of transportation or conveyance or to wrongfully obstruct ingress to and egress from any place of business or employment.

*Subd. 2.* It is an unfair labor practice for any employee or labor organization to commit an unlawful act as defined in Subdivision 1 of this section.

**Sec. 5. Law amended—definitions.**—Mason's Supplement 1940, Section 4254-21, subdivision (b), is amended to read as follows:

(b) "Employer" includes all persons employing others and all persons acting in the interest of an employer, but does not include any person subject to the Federal Railway Labor Act, as amended from time to time nor the state or any political or governmental subdivision thereof except when used in Mason's Supplement 1940, Section 4254-33, as amended.

Sec. 6. **Jurisdictional controversies—conciliator to certify facts to Governor—procedure.**—Whenever two or more labor organizations adversely claim for themselves or their members jurisdiction over certain classifications of work to be done for any employer or in any industry, or over the persons engaged in or performing such work and such jurisdictional interference or dispute is made the ground for picketing an employer or declaring a strike or boycott against him, the labor conciliator shall certify that fact to the governor. Upon receipt of such certification the governor, in his discretion, may appoint a labor referee to hear and determine the jurisdictional controversy. If the labor organizations involved in the controversy have an agreement between themselves defining their respective jurisdictions, or if they are affiliated with the same labor federation or organization which has by the charters granted to the contending organizations limited their jurisdiction, the labor referee shall determine the controversy in accordance with the proper construction of the agreement or of the provisions of the charters of the contending organizations. If there is no agreement or charter which governs the controversy, the labor referee shall make such decision as, in consideration of past history of the organization, harmonious operation of the industry, and most effective representation for collective bargaining, will best promote industrial peace. If the labor organizations involved in the controversy so desire, they may submit the controversy to a tribunal of the federation or labor organization which has granted their charters or to arbitration before a tribunal selected by themselves, provided the controversy is so submitted prior to the appointment by the governor of a labor referee to act in the controversy. After the appointment of the labor referee by the governor, or the submission of the controversy to another tribunal as herein provided, it shall be unlawful for any person or labor organization to call or conduct a strike or boycott against the employer or industry or to picket any place of business of the employer or in the industry on account of such jurisdictional controversy.

Approved April 24, 1943.

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CHAPTER 625—S. F. No. 1144.

An act relating to labor organizations and the officers thereof, imposing certain duties thereon, prescribing penalties for non-performance thereof, creating the office of labor referee and defining his powers and duties.