

CHAPTER 356—H. F. NO. 511.

An Act creating the bureau of labor industries and commerce and to repeal sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796 and 1797, Revised Laws, 1905.

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

Appointment—term.—Section 1. The bureau of labor industries and commerce shall consist of a commissioner of labor, an assistant commissioner, and a statistician, and shall have its office in the capitol. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term ending on the first Monday of January in the odd numbered year next ensuing. The other two members shall be appointed for like terms by the commissioner, but all the members shall hold office until their respective successors qualify. The commissioner shall also appoint, and at pleasure remove, three deputy commissioners, five factory inspectors, five assistant factory inspectors, and such other employes as may be necessary, and for whose compensation provision is made by law. Two of the said factory inspectors shall act as inspectors of railroads. The factory inspectors and the assistant factory inspectors must be persons possessed of practical experience and knowledge in and of the operation of factories, and the appointment of any not so qualified shall be void. The commissioner shall be the head of the bureau, and may assign any other member or employe thereof to any duty imposed thereon by law.

Definition.—Sec. 2. The words "factory" and "mill," as used in this chapter, shall mean any premises where water, steam, or other mechanical power is used in aid of any manufacturing or printing process there carried on. The term "workshop," as so used, shall mean any premises, room, or place, not factory or mill as above defined wherein manual labor is exercised by way of trade, or for purposes of making, altering, repairing, cleaning, ornamenting, finishing, or adapting for sale any article or part thereof, and to or over which premises, room, or place, the employer of such labor has the right of access or control; but the exercise of such labor in a private house or room by members of the family dwelling therein, or by persons, a majority of whom are members of such family, shall not of itself constitute such house or room a workshop. The term "engineering work," as so used shall mean any work of construction, operation, alteration, or re-

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pair of a railroad or street railway, of the works of any gas, telephone, telegraph, water, electric light, or mining company, or upon any sewer, bridge, tunnel, or building erected by a municipality. But nothing herein shall interfere with the powers conferred by law upon the board of railroad and warehouse commissioners.

Powers and duties.—Sec. 3. The bureau shall enforce all laws regulating the employment of minors and women, for the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and whenever requested by the proper school authorities of any school district shall also be clothed with the same powers for the enforcement of the compulsory education and truancy laws as those conferred on truant officers by section 1448, Revised Laws of 1905. It shall gather statistics relating to all branches of labor, to labor troubles and unions, to Sunday labor, to the industrial and social condition of the laboring classes, and to the condition of industries, commerce and agriculture. In the discharge of its duties, the members and employes of the bureau may enter and inspect any factory, mill, workshop, hotel, restaurant or engineering work at all reasonable times, and give such directions as may be necessary to enforce the laws. They also may enter any store, theater, amusement hall, bowling alley, pool room and place where intoxicating beverages are sold, for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the bureau may issue subpoenas and take testimony, and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he has been paid the fees provided for witnesses in the district court.

Certificate—report.—Sec. 4. On request of the bureau, and within the time limited therein, every employer of labor shall make a certified report to the bureau upon blanks furnished by it, of all matters covered by the request. The names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by the bureau shall be in writing, signed by a member of the bureau, and be served by him, or by any officer or disinterested person, as a summons is served in the district court. Papers so served and all records and documents of the bureau are

hereby declared public documents, and shall not be destroyed within two years after their return or receipt by the bureau.

Restraining order.—Sec. 5. Within ten days after the service of any such order or direction of the bureau, any person aggrieved may apply to a judge of the district court for an order restraining its enforcement, and upon not more than thirty days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul, or affirm the order or direction complained of; the decision to be based upon the hearing by the court, or upon the report of the referees. Such decisions shall take the place of the original order. In case of affirmance, the losing party shall pay reasonable compensation to the referees, to be fixed by the courts; if the decision be against the order, such compensation shall be paid out of the appropriation for the support of the bureau.

Prosecutions.—Sec. 6. Whenever the bureau learns of a violation of a local ordinance for the protection of employees it shall give written notice thereof to the proper municipal authorities, and take any steps permissible under the ordinance for its enforcement. If such violation be also a violation of the state law, and such local authorities fail to enforce the ordinance within thirty days after receiving from any person written notice of its violation, the bureau, upon petition of such person, shall investigate the same, and take steps to enforce the law.

Report to legislature.—Sec. 7. The bureau shall report to the legislature at each regular session. Such report shall contain an account of the doings of the bureau, the statistics gathered by it, a statement of all violations of law which have come to its knowledge, and any proceedings had, in consequence, and such recommendations as the commissioner deems proper. The report shall be printed and distributed as in the case of other executive documents. The commissioner shall also be empowered to issue and have distributed special reports or bulletins on subjects of investigation by the bureau, of special interest to the welfare and prosperity of the state. Such special reports shall be printed as in the case of other executive documents.

Penalty.—Sec. 8. Any officer, agent, or employe of the bureau who shall disclose the name of any person supplying

information at the request of the bureau shall be guilty of a gross misdemeanor. Any person who, having been duly subpoenaed, shall refuse to attend or testify in any hearing held under the direction of said commissioner shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, workshop, engineering works, store or other place enumerated in section 3 of this act, or the agent of such person, who shall refuse to admit thereto any officer, agent, or employe of the bureau seeking entrance in the discharge of his duty, shall be guilty of a misdemeanor.

Salary.—Sec. 9. The commissioner shall receive a salary of twenty-six hundred dollars per year, the assistant commissioner eighteen hundred dollars; and the statistician thirteen hundred dollars. One of said deputy commissioners shall receive twelve hundred dollars per year, and two of said deputy commissioners shall receive eleven hundred dollars each per year; the five factory inspectors shall receive eleven hundred dollars each per year, and the five assistant factory inspectors shall receive one thousand dollars each per year, and the other employes of the bureau such reasonable pay as the commissioner may fix, not exceeding four dollars per day of actual service. The necessary traveling and other expenses of each shall be paid by the state, but no more than ten thousand dollars in addition to the annual salaries shall be expended by the bureau in any one year.

Repeals.—Sec. 10. Sections 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, and 1797, Revised Laws of 1905, and also all other acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 23, 1907.