

## CHAPTER 334—H. F. No. 752

[Not Coded]

*An act relating to the salary of probate judge in certain counties; repealing Laws 1941, Chapter 449.*

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

**Section 1. Salary of judge of probate in certain counties.** In all counties of this state now or hereafter containing not less than 19 nor more than 22 organized townships, and having a population of not less than 39,000 inhabitants and not more than 42,000 inhabitants, according to the last federal census, and having an assessed valuation, exclusive of moneys and credits of not less than \$16,000,000 and not more than \$19,000,000, the annual salary of the judge of probate shall be \$4,000, payable monthly.

**Sec. 2. Salary of clerk and deputy clerk in certain counties.** The salaries of the clerk of probate court and the deputy clerk of probate court of every such county shall be allowed and paid in such sums as may be fixed by the probate judge and approved by the board of county commissioners; provided, however, that the salary of the clerk of probate court shall be not less than \$1,800 and not more than \$3,000 per annum, and the salary of the deputy clerk of probate court shall not be more than \$2,400 per annum.

**Sec. 3. Additional fees.** Nothing in this act shall limit the right of any judge of probate court to collect and retain any fees, per diem or other payment which he is now authorized by any provision of law to collect and retain, in addition to the stated amount of his annual salary.

**Sec. 4. Repeal.** Laws 1941, Chapter 449, is hereby repealed.

**Sec. 5. Effective date.** This act shall take effect from and after May 1st, 1947.

Approved April 14, 1947.

## CHAPTER 335—H. F. No. 882

[Coded as Sections 179.35 to 179.39]

*An act declaring strikes and lockouts by charitable hospitals and their employees to be against public policy and*

*unlawful and making the provisions of Minnesota Statutes 1945, Sections 185.02 to 185.19, inapplicable to strikes and lockouts by charitable hospitals and their employees and providing for arbitration.*

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

[179.35] Section 1. **Definitions.** Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases, for the purposes of this act, shall be given the meanings subjoined to them.

Subd. 2. "Charitable hospital" includes all state, university, county and municipal hospitals and any hospital no part of the net income of which inures to the benefit of any private member, stockholder, or individual.

Subd. 3. "Hospital employee" includes any person employed in any capacity by a charitable hospital, except an employee whose services are performed exclusively in connection with the operation of a commercial or industrial enterprise owned or operated by the charitable hospital for the production of profit, irrespective of the purposes to which such profit may be applied, and not engaged in any activity affecting the essential functions of the hospital.

Subd. 4. "Labor dispute" includes any controversy concerning employment, tenure, conditions, or terms of employment or concerning the association or right of representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms, tenure, or other conditions of employment, regardless of whether or not the relationship of employer and employee exists as to the disputants.

Subd. 5. "Strike" means the temporary stoppage of work by the concerted action of two or more hospital employees as a result of labor dispute.

Subd. 6. "Lockout" means the refusal of a charitable hospital to furnish work to employees as a result of a labor dispute.

[179.36] Sec. 2. **Strikes prohibited.** It is unlawful for for any hospital employee or representative of the employee, as defined in Minnesota Statutes 1945, Section 179.01, Subdivision 5, to encourage, participate in, or cause any strike or work stoppage against or directly involving a charitable hospital.

[179.37] Sec. 3. **Lockouts prohibited.** It is contrary to public policy and is hereby declared to be unlawful for any

charitable hospital to institute, cause, or declare any lockout.

[179.38] **Sec. 4. Arbitration mandatory.** In the event of the existence of any labor dispute which cannot be settled by negotiation between the charitable hospital employers and their employees, either such employers or employees may petition and avail themselves of the facilities of the department of labor as provided in Minnesota Statutes, Sections 179.01 to 179.17, insofar as sections are not inconsistent with the provisions of this act. If such dispute is not settled within ten days after submission to conciliation, and unsettled issue of maximum hours of work and minimum hourly wage rates shall, upon service of written notice by either party upon the other party and the State Labor Conciliator, be submitted to the determination of a board of arbitrators whose determination shall be final and binding upon the parties. The board of arbitrators shall be selected and proceed in the following manner, unless otherwise agreed between the parties: the employers shall appoint one arbitrator, the employees shall appoint one arbitrator, and the two arbitrators so chosen shall appoint a third arbitrator who shall act as chairman; but if said arbitrators are unable to agree upon the appointment of such third arbitrator within five days after submission to arbitration, the Governor shall appoint the third party. The board of arbitrators shall serve as a temporary arbitration tribunal and shall have the powers and compensation provided for commissioners under Minnesota Statutes 1945, Section 179.08. The board of arbitrators shall make its determination with all due diligence and shall file a copy of its report with the State Labor Conciliator.

[179.39] **Sec. 5. Sections 185.02 to 185.19 not applicable.** The provisions of Minnesota Statutes 1945, Sections 185.02 to 185.19, shall not apply in the case of a threatened or existing strike or other work stoppage by hospital employees or in the case of a lockout by a charitable hospital, and such threatened or existing strike or other work stoppage or lockout may be enjoined by a court of equity.

Approved April 14, 1947.