

CHAPTER 203—H. F. No. 472.

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An Act to provide for the appointment of a fire marshal and defining his duties, and to provide additional revenue for the enforcement of such act.

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

Governor to appoint fire marshal.—Section 1. The governor, by and with the advice and consent of the senate, shall appoint a state fire marshal, who shall hold office until the first Monday of January in the odd numbered year next ensuing, and until his successor qualifies. But such marshal may be suspended by the governor at pleasure, and any vacancy in the office may be filled by like appointment for the unexpired time. He shall give bond to the state in the penal sum of \$25,000, conditioned for the faithful discharge of his official duties.

Fire marshal to appoint assistant, two deputies, etc.—Sec. 2. The state fire marshal is hereby empowered and required to appoint one chief assistant fire marshal and two deputy fire marshals to be designated as first and second deputies, and such special deputies as the fire marshal may deem necessary from time to time. The duties of the said chief assistant and deputies shall be to assist the state fire marshal. In the event of a vacancy in the office of state fire marshal, or during the absence or disability of that officer, the chief assistant marshal shall perform the duties of the office.

Duty of chief of fire department—Investigations.—Sec. 3. 1. The chief of the fire department of every city or village in which a fire department is established, and the mayor of every incorporated city in which no fire department exists, and the president of the village board of every incorporated village in which no fire department exists, and the town clerk of every organized township without the limits of any organized city or village shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in such city, village or town by which property has been destroyed or damaged when the damage exceeds twenty-five dollars, except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether such fire was the result of carelessness, accident or design.

2. Such investigation shall be begun within two days of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary.

3. The officer making investigation of fires occurring in cities, villages and towns shall forthwith notify said state fire

marshal and shall within one week of the occurrence of the fire, furnish to the said state fire marshal a written statement of all the facts relating to the cause and origin of the fire, and such further information as may be called for by the blanks furnished by said state fire marshal. The state fire marshal shall keep in his office a record of all fires occurring in the state, together with all facts, statistics and circumstances including the origin of the fires, which may be determined by the investigation provided by this act; such statistics shall be at all times open to the public inspection.

Fire marshal to take testimony relative to fires.—Sec. 4. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced to writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the copy of all names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall keep a record of the proceedings and progress made in all such prosecutions for arson and the result of all cases finally disposed of.

To have power in any county of the state—Also to administer oaths, etc.—Sec. 5. 1. The state fire marshal, chief assistant marshal, and deputy state fire marshals shall each have the power in any county of the State of Minnesota, to summon and compel the attendance of witnesses before them or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto by them or either of them. Such summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts which shall be paid out of the fire marshal fund, upon vouchers signed by the state fire marshal, chief assistant fire marshal or deputy fire marshal, before whom any witnesses shall have attended, and such officer shall at the close of the investigation wherein such witness was subpoenaed certify to the attendance and mileage of such witness, which certificate shall be filed in the office of the state fire marshal. All investigations held by or under the direction of said state fire marshal, or his subordinates, may, in his discre-

tion, be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

2. Said state fire marshal, chief assistant fire marshal, and deputy state fire marshals are each hereby authorized and empowered to administer oaths and affirmations to any person appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such.

3. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said state fire marshal, chief assistant fire marshal, or deputy state fire marshals in relation to said investigation, or who fails or refuses to produce any paper, book, or document touching any matter under examination, or who is guilty of any contemptuous conduct, after being summoned to appear before them to give testimony in relation to any matter or subject under examination or investigation as aforesaid, may be summarily punished by the said state fire marshal, chief assistant fire marshal or deputy state fire marshals, as for contempt by a fine in a sum not exceeding one hundred dollars or be committed to the county jail until such time as such person may be willing to comply with any reasonable order made by the said state fire marshal, chief assistant fire marshal or deputy state fire marshals, as provided in this act, and subject to the provisions of chapter 91, section 4639, Revised Laws 1905.

Such subpoenas may also be obtained from any district court and disobedience to the requirements of such subpoenas shall be contempt of the court from which they are issued.

4. Said state fire marshal and his subordinates, or either of them, shall have the authority at all reasonable hours in performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred, and other buildings or premises adjoining or near the same.

Fire marshal and assistants to enter buildings and make investigations.—Sec. 6. 1. The state fire marshal, his chief assistant and deputies, upon complaint of any person, or without any complaint previously entered, shall have the right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction.

2. Whenever any of said officers shall find any building or other structure, which for want of repairs, or by reason of age

or dilapidated condition, or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings and property, and whenever any such officers shall find in any building or upon any premises any combustible or explosive material, or inflammable conditions, dangerous to the safety of said buildings or premises, they shall have power to make reasonable orders for the repair or removal of the same, and such order shall be forthwith complied with by the owner or occupant of said premises or building.

3. Any owner or occupant of buildings or premises failing to comply with any reasonable order of the authorities, above specified, shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect, in any action to be brought by any of the officers above referred to in any municipal, justice or district court in the county where such owner or occupant is resident.

Violation a misdemeanor.—Sec. 7. Any officer referred to in section 3 of this act, who neglects to comply with any of the requirements of this act shall upon conviction be punished by a fine of not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars for each neglect or violation.

Salary of fire marshal, assistant and deputies—Expenditures of office—Insurance companies to pay a tax equal to $\frac{1}{4}$ of one per cent of gross premiums and assessments for maintenance of department.—Sec. 8. 1. The state fire marshal shall receive an annual salary of three thousand (\$3,000) dollars, the chief assistant fire marshal shall receive an annual salary of two thousand five hundred (\$2,500) dollars, the first deputy fire marshal shall receive an annual salary of one thousand eight hundred (\$1,800) dollars and the second deputy fire marshal shall receive an annual salary of one thousand five hundred (\$1,500) dollars, payable monthly. All officers who shall perform any service at the request of any such state fire marshal, chief assistant fire marshal, or deputy fire marshal, shall receive the same fees as officers in justice court, and such fees shall be paid out of the fire marshal fund in the same manner as witnesses testifying under this act. The present state fire marshal shall continue to be such under the provisions of this act.

2. Said state fire marshal shall employ clerks and assistants, and incur such other expense as may be necessary in the performance of the duties of the office, including necessary traveling expenses, not to exceed, including salaries, such sum as may be paid in to the state treasury in the manner hereinafter provided. *Provided* that no clerks or assistants shall be appointed, except

as expressly provided for in this act until the necessity for such appointment shall first be passed upon by the governor and approved by him.

3. For the purpose of maintaining the department of state fire marshal and paying all the expenses incident thereto, every fire insurance company doing business in the State of Minnesota, except town mutual insurance companies heretofore or hereafter organized under the provisions of chapter 411, General Laws of 1909, and the acts amendatory thereof shall hereafter pay to the state treasurer on or before March first annually, a tax upon its fire premiums or assessments or both, as follows: a sum equal to one fourth of one per cent of the gross premiums and assessments, less return premiums, on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year. In the case of a mutual company the dividends paid or credited to members in this state shall be construed to be return premiums. The money so received into the treasury shall be set aside as a special fund and is hereby appropriated for the maintenance of such office of state fire marshal and the expenses incident thereto. The state shall not be liable in any manner for the salary of said fire marshal, his deputies, clerks, assistants, employes or for the maintenance of the office of fire marshal or any expenses incident thereto, and the same shall be payable only from the special fund provided for in this sub-section. The tax payable the first Monday of April, 1911, shall be paid as provided by section 10 of the General Laws of Minnesota for 1905, in the year 1911 and no longer, and the same shall become immediately available for the use and maintenance of the department of the state fire marshal, and no other such tax therefor shall be due and payable until March 1, 1912, at which date this section shall wholly supersede said section 10.

4. The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued therefor, before the same are submitted to the state auditor for payment, which said voucher shall be allowed and paid in the same manner as other claims against the state.

Fire marshal and assistants to be ready for duty.—Sec. 9. The state fire marshal or one of his chief subordinates shall at all times be in the office of the fire marshal ready for such duties as are required by this act.

Annual report to governor.—Sec. 10. The fire marshal shall submit annually as early as consistent with full and accurate preparation, and not later than the fifteenth day of February, a detailed report of his official action to the governor.

Chiefs of fire departments to receive a fee of \$1 for each fire reported.—Sec. 11. 1. There shall be paid to the chiefs of fire departments, and mayors of cities, who do not receive to exceed fifty dollars annually as compensation for their services as such chiefs, and mayors, and to presidents of the village boards, and to the township clerks of every organized township, who are by this act required to report fires to the state fire marshal, the sum of one dollar for each fire reported to the satisfaction of the state fire marshal, and in addition thereto, mileage at the rate of ten cents per mile for each mile traveled to and from the place of the fire. Said allowance shall be paid by the state fire marshal at the close of each fiscal year out of any funds appropriated as heretofore provided for the use of the office of said state fire marshal.

2. All chiefs of departments who receive a stated salary and devote their entire time to the duties of chiefs of the department, and those mayors of cities who receive a stated salary exceeding fifty dollars as such officer, shall be precluded from receiving any extra allowance for the report herein mentioned.

Certain acts repealed.—Sec. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved April 18, 1911.

CHAPTER 204—H. F. No. 690.

An Act authorizing cities now or hereafter having a population exceeding 50,000 inhabitants other than cities operating under home rule charters, to license and regulate the sale of intoxicating liquors in hotels.

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

City council may license sale of intoxicating liquors in hotels in certain districts.—Section 1. The city council in any city of this state now or hereafter having a population of over 50,000 inhabitants other than cities operating under home rule charters, may, by ordinance or resolution, designate only one district therein outside of the territory within which licensed public drinking places shall then be allowed by law to exist, and shall thereupon have power and authority to grant licenses for the sale of intoxicating liquors in hotels located within such districts, subject to the limitation prescribed in section 2 hereof; but no part of said district so designated shall be more