

requisition on the state auditor for one-half the purchase price, not exceeding twenty dollars for the first year's purchase and ten dollars for any subsequent year for each separate school for which a library is so furnished:

Provided, first, that any school board may agree with the board of any approved public library for a specified period to become a branch of said public library and to receive therefrom library books suited to the needs of the pupils in the school and for the community. In the event of such agreement between the school board and the public library board, such school board may turn over the books of the school library other than those needed for reference in the school, to the public library and shall in case of such agreement annually pay to such public library, the sum to be expended by the school district for the purchase of library books, and any state library aid to which such school district is entitled. All books purchased by such public library from funds provided by district or state library aid shall be selected from the state list for school libraries. Any public library making agreement with school districts for library service as herein provided shall first be approved by the superintendent and the secretary of the public library commission, who shall make suitable rules governing relationship between school libraries and each public library co-operating under the provisions of this act.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act shall take effect and be in force on and after the first day of September, 1913.

Approved April 26, 1913.

CHAPTER 564—H. F. No. 802.

An Act to provide for the creation of a fire marshal department for the better protection and preservation of life and property from fire; for the appointment of a fire marshal, chief assistant fire marshal and deputies, defining their duties and powers, providing penalties for the violation and enforcement of the provisions of this act and to provide for a tax upon fire insurance companies therefor, and repealing Chapter 331, General Laws 1905, as amended by Chapter 451, General Laws 1907 and Chapter 203, General Laws 1911.

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

Section 1. **Governor to appoint marshal and assistant.**—The governor by and with the consent of the senate shall appoint a state fire marshal and a chief assistant state fire marshal for a

term of two years. Within ten days after the passage of this act the governor shall appoint a state fire marshal and a chief assistant state fire marshal who shall serve until January 1, 1915, and until their successors are appointed and qualify. The state fire marshal shall give bond to the state in the penal sum of ten thousand (\$10,000) dollars, conditioned for the faithful discharge of his duties. The state fire marshal, the chief assistant and deputies shall take and subscribe and file in the office of the secretary of state the constitutional oath within fifteen days from the time of their appointment, respectively.

Sec. 2. Duties of such officers and assistants.—It shall be the duty of the state fire marshal to enforce all laws of the state, thereof, as follows:

1. The prevention of fires.
2. The storage, sale and use of combustibles and explosives.
3. The means and adequacy of exits, in case of fire, from churches, schools, halls, theaters, amphitheaters and all other places in which numbers of persons congregate from time to time for any purpose.
4. The suppression of arson and investigation of the cause, origin and circumstances of fires.
5. The state fire marshal, chief assistant fire marshal and deputies shall have such other powers and perform such other duties as are set forth in other sections of this act, as may be conferred and imposed from time to time by law.

Sec. 3. Appointment of deputies, assistants, clerks, etc.—The state fire marshal is hereby empowered and required to appoint two deputy fire marshals to be designated as first and second deputy fire marshal, and such other special deputies, inspectors, and clerks as may be necessary to properly carry on the work of the department. All deputies shall be required to pass a civil service examination to be prepared by the state fire marshal; said deputies can be removed by the state fire marshal for cause for the good of the service, otherwise they shall hold their positions as long as they are rendering faithful and efficient service, regardless of their political affiliations.

Sec. 4. Attorney general may appoint special attorney for department.—The attorney general may appoint a special attorney for the department whose work shall be under the supervision of the attorney general, who shall fix his compensation, such compensation to be paid out of the fund created under this act.

Sec. 5. Duties of chief assistant and others.—The duties of the chief assistant and the deputy fire marshals shall be to assist the state fire marshal. In the event of a vacancy in the office of

state fire marshal and until a successor is appointed, or during the absence and disability of that officer, the chief assistant fire marshal shall assume the duties of that office.

Sec. 6. Officers to investigate origin of fires.—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 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 public inspection.

Sec. 7. Taking of evidence.—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.

Sec. 8. Power to summon and compel the attendance of witnesses.—1. The state fire marshal, chief assistant fire 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 discretion 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 state 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 marshal 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 state 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 state 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.

Sec. 9. How disobedience may be punished.—Disobedience of any subpoena in such proceedings, or contumacy of a witness, may, upon application of the state fire marshal, be punished by any district court in the same manner as if the proceedings were pending in such court.

Sec. 10. Power to enter premises day and night.—In the performance of the duties imposed by the provisions of this chapter, the state fire marshal and such of his subordinates, at all times of day or night may enter upon and examine any building or premises where a fire has occurred, and other buildings and premises adjoining or near thereto.

Sec. 11. May enter any building within reasonable hours.—The state fire marshal, his chief assistant, deputies and subordinates, the chief of the fire department of each city or village where a fire department is established, the mayor of a city or village where no fire department exists, or the clerk of a township in territory without the limits of a city or village, at all reasonable hours may enter into all buildings and upon all premises within their jurisdiction for the purpose of examination.

Sec. 12. May order certain buildings repaired or torn down.—If the state fire marshal, chief assistant state fire marshal, or deputy fire marshal, upon an examination or inspection finds a building or other structure, which for want of proper repair, by reason of age and dilapidated condition, defective or poorly installed electrical wiring and equipment, defective chimneys, defective gas connections, defective heating apparatus, or for any other cause or reason is especially liable to fire and which building or structure is so situated as to endanger other buildings or property, such officer shall order such building or buildings to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied. If such officer finds in a building or upon any premises any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable conditions of any kind, dangerous to the safety of such buildings or property, he shall order such materials removed or conditions remedied. Such order shall be made against the owner, lessee, agent or occupant of such building or premises, and after the service thereof as provided in Section 14 of this act, the owner, lessee, agent or occupant of such building or structure, as the case may be, shall comply with such order within the time fixed in said order. Any persons who shall interfere in any way with

the state fire marshal, chief assistant fire marshal or deputy fire marshals in the performance of their duties herein shall be guilty of a misdemeanor.

Sec. 13. **Empowered to issue order for removal.**—If the state fire marshal, chief assistant or deputies shall find on any premises or in any building conditions that are a menace and dangerous to the safety of life and limb of the occupants of said building or adjacent buildings, they are empowered to issue the necessary order for the removal or correction of the dangerous conditions forthwith, and any owner, lessee, agent or occupant of said premises upon whom said order is served failing to comply with said order within the time specified shall be guilty of a misdemeanor.

Sec. 14. **Orders to be made in writing.**—All orders made by the state fire marshal, chief assistant fire marshal or any deputy fire marshal under Section 12 and 13 of this act shall be in writing and shall be served upon such owner, lessee, occupant or agent in the same manner as a summons is served in district court; except in cases where such order is served by publication, a three weeks' publication in the county where such building or structure is situated shall be sufficient. Said order with proof of service shall be filed in the office of the clerk of the district court of the county in which said property or premises are situated within two days after the service thereof, and said order shall be complied with by the person on whom said order is served within ten days after the filing of the same, unless a longer time is fixed in said order for compliance therewith.

Sec. 15. **Aggrieved person may appeal from order of marshal.**—If a person is aggrieved by any order of the fire marshal, chief assistant fire marshal or any deputy fire marshal, he may appeal from any such order to the district court of the county in which said property or premises are situated within ten days after the filing of said order. The notice of appeal shall state that he appeals to the district court of the county wherein said property or premises are situated and said notice shall be signed by the person appealing or his attorney, a copy of which notice of appeal shall be mailed to the state fire marshal at St. Paul, Minnesota, by registered mail at the usual postoffice of the person appealing or his attorney. Provided, a copy of said notice of appeal mailed as aforesaid by registered mail at the county seat of the county in which said property or premises are situated shall be deemed a compliance with this section. Said notice of appeal, with proof of mailing of a copy thereof to the state fire marshal, registered as aforesaid, shall be filed in the office of the clerk of the district court of said county within ten days after the filing of said order, and such appeal shall suspend the operation of the order appealed from until the appeal is

finally determined. The trial of all issues on such appeal shall be de novo and such appeal shall be heard and tried in the same manner as other issues of law and fact are heard and tried in such court, and the order appealed from shall have no force or effect in the determination of such appeal. The district court shall hear and determine the appeal within ten days or as soon thereafter as possible from the date of the filing of the same, at any place in the judicial district to be designated by the judge of said court. In case the decision is against the appellant or for any cause the appeal is dismissed judgment for costs shall be entered against the appellant.

Sec. 16. Failure to comply with order.—If any person fails to comply with an order of an officer under the last three preceding sections and within the time fixed, then such officer is empowered and authorized to cause such building or premises to be repaired, torn down, demolished, materials removed and all dangerous conditions remedied, as the case may be and at the expense of such person, and if such person within thirty days thereafter fail, neglect or refuse to repay said officer the expense thereby incurred by him, such officer shall certify said expenses, together with twenty-five per centum penalty thereon to the county auditor of the county in which said property is situate and said county auditor shall enter said expense on the tax lists of said county as a special charge against the real estate on which said building is or was situate and the same shall be collected as other taxes and when collected, shall together with the penalty thereon be paid into the state treasury and credited to the fund of the state fire marshal.

Sec. 17. Owner's failure to comply a misdemeanor.—Any person or persons, being the owner, occupant, lessee or agent of buildings or premises who wilfully fails, neglects or refuses to comply with any order of any officer named in the last four preceding sections, shall be guilty of a misdemeanor and shall be fined not more than fifty dollars nor less than ten dollars for each day's neglect. This section shall not apply where an appeal is taken as aforesaid.

Sec. 18. Order to be served upon owner.—In all cases where any order of the state fire marshal or chief assistant fire marshal, or any deputy fire marshal, shall require the repair, removal, tearing down or destruction of any building or structure, the same shall be served upon the owner of such building or structure, and if the same be occupied by a tenant or lessee, then in addition to the service upon such owner, said order shall also be served upon such lessee or tenant as the case may be.

Sec. 19. Fire insurance companies required to report fire losses.—Every fire insurance company authorized to transact business in this state is hereby required to report to the state

fire marshal through the secretary or other officer of the company designated by the board of directors for that purpose, all fire losses on property insured in any such company, giving the date of fire, the amount of probable loss, the character of property destroyed or damaged, and the supposed cause of the fire together with the amount of insurance carried by such company. Such report shall be mailed to the state fire marshal within three days after notice of loss is received by such company. Each company is hereby also required to report the amount of loss adjusted on each fire after adjustment is made. Such report shall be in addition to and not in lieu of any report or reports such companies may be required to make by any law of this state to the commissioner of insurance.

Sec. 20. Punishment of officer for failure to comply.—Any officer referred to in Section 6 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.

Sec. 21. Salaries of marshal and assistants.—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.

Sec. 22. Employment of clerks and assistants.—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 into 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.

Sec. 23. Fire insurance companies to pay cost of maintenance.—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, shall hereafter pay to the state treasurer on or before

March first 1914 and annually thereafter, a tax upon its fire premiums or assessments or both, as follows: a sum equal to three-eighths 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, including premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise, provided, however that this act shall in no way effect the tax due March 1st, 1913 and the payment thereof. 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 state 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 chief assistant, deputies, clerks and other 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 section.

Sec. 24. Itemized statement to be kept.—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.

Sec. 25. Office at the capitol.—The state fire marshal or one of his chief subordinates shall at all times be in the office of the fire marshal at the state capitol ready for such duties as are required by this act.

Sec. 26. Records to be public, except in certain cases.—All records on file in the fire marshal department shall be public, except any testimony, correspondence or other matter taken in an investigation under the provisions of this act which the state fire marshal in his discretion may withhold from the public.

Sec. 27. County attorneys to assist.—The county attorney of any county, upon request of the state fire marshal, his deputies or assistants, shall assist such officers upon an investigation of any fire which, in their opinion, is of suspicious origin.

Sec. 28. Fire drills in schools.—It shall be the duty of the state fire marshal, his deputies and assistants to require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours.

Sec. 29. **Penalties, etc., to be paid into state treasury.**—All penalties, fees or forfeitures collected under the provisions of this act shall be paid into the treasury of the state for the benefit of the state fire marshal fund.

Sec. 30. **Declaration for public safety.**—It is hereby declared that this act is necessary for the public safety, health, peace and welfare, is remedial in nature, and shall be construed liberally, and this act shall not be declared unconstitutional and void for the reason that any section or provision thereof may be in contravention of the constitution.

Sec. 31. **Annual report.**—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.

Sec. 32. **Compensation for fires reported.**—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 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 from the report herein mentioned.

Sec. 33. **When statement is not to be used in civil action.**—No statement or admission of assured in any fire insurance policy given to the fire marshal department in any investigation or proceeding had by that department shall be used in any civil action based upon such policy of insurance.

Sec. 34. **Inconsistent acts repealed.**—All of Chapter 331, General Laws of 1905, as amended by Chapter 451, General Laws of 1907 are hereby repealed; all of Chapter 203, General Laws 1911 are hereby repealed, and also all other acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 35. This act shall take effect and be in force from and after its passage.

Approved April 26, 1913.