

(4) Where the services to be rendered by an appointee are for a temporary period not to exceed *six* months, the director shall certify *from an eligible list* for the temporary service any person he deems qualified; the acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, not shall the period of temporary service be counted as a part of the probationary period in case of subsequent appointment to a permanent position; and no person shall receive more than one temporary appointment within one year.

Approved April 23, 1951.

CHAPTER 686—H. F. No. 1595

[Not Coded]

An act relating to salaries of mayor and aldermen in certain fourth class cities; amending Laws 1945, Chapter 431, Section 1.

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

Section 1. Laws 1945, Chapter 431, Section 1, is amended to read:

Section 1. **Salaries of mayor and aldermen.** In each city of the fourth class in any county having more than 15,000 and less than 20,000 inhabitants according to the 1940 federal census, and having more than 100 full and fractional congressional townships, the salary of the mayor shall be \$600 per annum, and the salaries of the aldermen shall be \$7.50 a meeting for each meeting attended during the fiscal year, not exceeding \$400 in any one year.

Approved April 23, 1951.

CHAPTER 687—H. F. No. 1600

An act relating to inspectors of mines; their compensation and duties; and the manner of inspection of mines and providing penalties for violations; amending Minnesota Statutes.

1949, Sections 180.01, 180.02, 180.03, 180.04, 180.05, 180.07, 180.08 and 180.12.

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

Section 1. Minnesota Statutes 1949, Section 180.01, is amended to read:

180.01 Inspectors, appointment. The board of commissioners of any county in this state, where there are at least five mines situate and in operation, is hereby authorized and directed, on or before the first day of July, 1905, to appoint an inspector of mines, who shall hold office for the term of three years or until his successor is appointed and qualified, *and in addition thereto may appoint one assistant inspector for every 20 mines as the board may determine* for the purpose of discharging the duties hereinafter prescribed; to fix the compensation and traveling expenses of such inspector or any assistant inspector and provide for the payment of the same, and to remove such inspector or any assistant inspector and appoint another in his place when in the judgment of the board the best interests of the owners and employees of such mines may so require.

Sec. 2. Minnesota Statutes 1949, Section 180.02, is amended to read:

180.02 Inspector of mines. *Each* inspector of mines and assistant shall be at least 25 years of age, a citizen of the state, and a resident of the county wherein he is appointed, of good moral character and temperate habits. Previous to his appointment he shall have had practical experience as a miner or otherwise engaged as an employee in mines of the state at least six years, or a mining engineer having had previous to his appointment at least two years' practical experience in iron mines and iron mining and having had at least one year's such experience in this state. He shall not while in office in any way be interested as a [an] owner, operator, agent, stockholder, or engineer of any mine. He shall make his residence or have his office in the mining district of the county for which he is appointed. The salary of *each* inspector of mines and assistant shall be such sum as shall be fixed by the board of county commissioners, not exceeding \$5,000 per annum, and he shall in addition be allowed actual traveling expenses not to exceed \$1200 in any one year. He shall file with the county auditor an itemized account of his expenses every three months,

verified by his affidavit, showing that they have been incurred in the discharge of his official duties. He shall, before entering upon the discharge of the duties of his office, take an oath before some person authorized by law to administer oaths that he will support the Constitution of the United States and the Constitution of the State of Minnesota, and that he will faithfully, impartially, and to the best of his ability discharge the duties of his office, and file a certificate of his having done so in the office of the auditor of the county for which he is appointed. He shall give bond, payable to the board of county commissioners, in the penal sum of \$5,000, with good and sufficient sureties to be approved by the board of the county for which he is appointed, conditioned that he will faithfully discharge the duties of his office and this bond shall be filed with the auditor of such county.

Sec. 3. Minnesota Statutes 1949, Section 180.03, is amended to read:

180.03 Duties. The duties of the inspector of mines shall be to visit *in person or by one of his assistants* all the working mines of his county at least once every 90 days and oftener if requested so to do as hereinafter provided, and closely inspect the mines so visited and condemn all such places where he shall find that the employees are in danger from any cause, whether resulting from careless mining or defective machinery or appliances of any nature; he shall compel the erection of a partition between all shafts where hoisting of ore is performed, and where there are ladderways, where men must ascend or descend going to and from their work. In case the inspector of mines shall find that a place is dangerous from any cause, as aforesaid, it shall be his duty immediately to order the men engaged in the work at that place to quit work, and notify the superintendent, agent, or person in charge to secure the place from the existing danger, which notification or order shall be in writing, clearly define the limits of the dangerous place, and specify the work to be done or change to be made to render the same secure, ordinary mine risks excepted. It shall be the duty of the inspector of mines to *order* the person, persons, or corporation working any mine, or the agent, superintendent, foreman, or other person having immediate charge of the working of any mine, to furnish all shafts, open pits, caves, and chutes of such mine where danger exists with some secure safeguard at the top of the shaft, open pit, cave, or chute, so as to guard against accidents by persons falling therein or by material falling down

the same, also a covering overhead on all the carriages on which persons ascend or descend up and down the shaft, if in his judgment it shall be practicable and necessary for the purpose of safety. When any mine is idle or abandoned it shall be the duty of the inspector of mines to notify the person, persons, or corporation owning the land on which any such mine is situated, or the agent of such owner or owners, to erect and maintain around all the shafts, caves, and open pits of such mines a fence or railing suitable to prevent persons or domestic animals from accidentally falling into these shafts, caves or open pits. The notice shall be in writing and be served upon such owner, owners, or agent, personally, or by leaving a copy at the residence of any such owner or agent if they or any of them reside in the county where such mine is situated, and if such owner, owners or agent are not residents of the county, such notice may be given by publishing the same in one or more newspapers printed and circulated in the county, if there be one, and if no newspaper be published in the county, then in a newspaper published in some adjoining county, for a period of three consecutive weeks.

Sec. 4. Minnesota Statutes 1949, Section 180.05, is amended to read:

180.05 Inspector, powers; owner, duties. It shall be lawful for the inspector of mines *or assistant inspector* to enter, examine, and inspect any and all mines and machinery belonging thereto at all reasonable times by day or by night, but so as not to obstruct or hinder the necessary workings of such mines, and it shall be the duty of the owner, operator, or agent of every such mine, upon the request of the inspector of mines, *or assistant inspector* to furnish for his inspection, all maps, drawings, and plans of the mine, together with the plans of all contemplated changes in the manner of working the mine or any part thereof; to furnish him with some suitable person, as he may desire, *who shall be chosen from a list containing at least three candidates, submitted by a majority of employees of the mine*, to accompany him through the mine, or any part thereof, and to furnish him suitable ladders and other necessary appliances to make a proper inspection and to furnish upon request the inspector of mines with all necessary facilities for such entry, examination, and inspection, and if the owner, operator, or agent refuse to permit such inspection or to furnish the necessary facilities for such entry, examination, and inspection, and continue so to refuse or permit, after written request thereof made by the inspector

of mines, such refusal or neglect shall be deemed a gross misdemeanor, and, upon conviction thereof, such owner, operator, or agent shall be punished by a fine of not less than \$500 nor more than \$1,000 for each offense.

Sec. 5. Minnesota Statutes 1949, Section 180.07, is amended to read:

180.07 Inspection requested, examination. When 20 or more persons working in any mine or place where mining is done, or the owner, operator, or agent of any mine, or *the certified collective bargaining agent for the employees of said mine*, shall notify the inspector of mines in writing that his services are needed he shall immediately make an inspection thereof and examine as to the necessary precautions and general safety of the mines and see that all the provisions of this chapter are observed and strictly carried out.

Sec. 6. Minnesota Statutes 1949, Section 180.08, is amended to read:

180.08 Accidents; notice, investigation. When by reason of any accident in any mine loss of life or serious personal injury shall occur it shall be the duty of the manager or superintendent of the mine, and in his absence the person or officer under him in charge of the mine, to give notice thereof forthwith to the inspector of mines, stating the particulars of such accident, and the inspector shall, if he deems it necessary from the facts reported, go immediately to the scene of such accident and make such suggestions and render such assistance as he may deem necessary in the premises and personally investigate the cause of such accident and take such steps as he may deem necessary for the safety of the employees of such mine and to prevent accident of a like or similar nature. *The inspector shall be accompanied by three persons appointed by the manager or other person in charge of the mine and by three persons appointed by a majority of the employees of the mine to serve in such cases.*

Sec. 7. Minnesota Statutes 1949, Section 180.12, is amended to read:

180.12 Violations. *Subdivision 1.* Any owner, operator or agent of any mine in this state violating the provisions of this chapter shall, *except as otherwise specifically provided,*

be deemed guilty of a gross misdemeanor, and for each offense, upon conviction, fined not less than \$100 nor more than \$500.

Subd. 2. Any person who is in immediate charge of the working of any mine who fails to carry out any order of the inspector, issued pursuant to section 180.03 or who permits, directs, or authorizes, any person to work in a manner which violates the provisions of section 180.04 shall upon finding by the district court of the county where the mine is situated that the order of the inspector was not unjust or unreasonable or an abuse of his discretion be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished as provided in Minnesota Statutes 1949, Chapter [Section] 610.20. Each time an order of the inspector issued under section 380.04 is not complied with, shall constitute a separate offense. Each offense shall be prosecuted by the county attorney of the county in which the offense took place.

Approved April 23, 1951.

CHAPTER 688—H. F. No. 1649

An act relating to compensation of town supervisors; amending Minnesota Statutes 1949, Section 367.05, Subdivision 2.

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

Section 1. Minnesota Statutes 1949, Section 367.05, Subdivision 2, is amended to read:

367.05 Subd. 2. **Certain officers.** The following town officers shall be entitled to compensation for each day's service necessarily rendered:

Supervisors and clerks, \$4.00 when the service is rendered within the town, and \$4.00 when rendered without the town and mileage at the rate of five cents per mile for each mile necessarily traveled on official business out of the town, but not exceeding \$30 for such mileage for any one town officer in any year; but no supervisor shall receive more than \$240 as compensation in any one year; provided, that in any town