

105.38 **Declaration of policy.** In order to conserve and utilize the water resources of the state in the best interests of the people of the state, and for the purpose of promoting the public health, safety and welfare, it is hereby declared to be the policy of the state.

(1) *Subject to existing rights all waters in streams and lakes within the state which are capable of substantial beneficial public use are public waters subject to the control of the state. The public character of water shall not be determined exclusively by the proprietorship of the underlying, overlying, or surrounding land or on whether it is a body or stream of water which was navigable in fact or susceptible of being used as a highway for commerce at the time this state was admitted to the union. This section is not intended to affect determination of the ownership of the beds of lakes or streams.*

(2) *The state, to the extent provided by law from time to time, shall control the appropriation and use of surface and underground waters of the state.*

(3) *The state shall control and supervise, so far as practicable, the construction, reconstruction, repair, removal, or abandonment of dams, reservoirs, and all control structures in any of the public waters of the state.*

Approved April 20, 1957.

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#### CHAPTER 503—S. F. No. 265

*An act relating to the regulation, inspection, and operation of fired boilers, unfired boilers, unfired pressure vessels, and power boats; and making an appropriation for the division of boiler inspection; amending Minnesota Statutes 1953, sections 183.375, 183.38, 183.39, 183.41, 183.42, 183.44, 183.45, 183.46, 183.48, 183.50, 183.51, 183.52, 183.53, 183.54, 183.56, 183.57, 183.58; and repealing Minnesota Statutes 1953, Sections 183.40, 183.43, 183.47, 183.49, and 183.55.*

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

Section 1. Minnesota Statutes 1953, Section 183.56, is amended to read:

183.56 **Exceptions.** The provisions of sections 183.38 to 183.58, shall not apply to heating plants in buildings occupied solely for residence purposes with accommodations therein for not more than four families, nor to domestic type water

*supply heaters regardless of where installed, nor to railroad locomotives operated by railroad companies for transportation purposes, nor in railroad construction work, nor for unloading materials or freight, nor to railroad-locomotive engineers and firemen employed by railroad companies, nor to tanks or cylinders used for storage or transfer of liquefied petroleum gases, nor to unfired pressure vessels in petroleum refineries; nor to an air tank or pressure vessel which is an integral part of a passenger motor bus, truck or trailer.*

Sec. 2. Minnesota Statutes 1953, Section 183.375, is amended to read:

**183.375 Division of boiler inspection.** Subdivision 1. **Chief of division.** *The department of labor and industry, division of boiler inspection, is hereby continued under the management, supervision, and control of the industrial commission.*

*Subd. 2. Subject to the provisions of Minnesota Statutes, Chapter 43, the industrial commission shall appoint a chief and a deputy chief of the division of boiler inspection. They shall be qualified steam engineers with at least ten years of experience as such and shall be licensed as chief engineers in this state.*

*Subd. 3. The industrial commission may employ such inspectors and other persons as are necessary to efficiently perform the duties and exercise the powers imposed upon the division of boiler inspection.*

**Subd. 4. Powers and duties** *Subject to the provisions of Minnesota Statutes, Chapter 43, the industrial commission shall prescribe the duties of the division of boiler inspection.*

**Subd 5. Fees.** *All fees collected by the division of boiler inspection shall be paid into the state treasury in the manner provided by law for fees received by other state departments and credited to the general revenue fund.*

**Subd. 6. Reports and notices.** *All reports and notices heretofore required by law to be made or given to the board of boiler inspectors, or the chief boiler inspector shall be made or given to the industrial commission.*

Sec. 3. Minnesota Statutes 1953, Section 183.38, is amended to read:

**183.38 District boiler inspector; inspections; examinations; fees.** *Subdivision 1. The division of boiler inspection shall inspect all steam boilers and pressure vessels in use*

not expressly excepted from such inspection by law. *Immediately upon inspection the division of boiler inspection shall issue a license therefor or a certificate condemning the boiler or pressure vessel and shall seal it. Forms for these licenses and certificates shall be prepared and furnished by the commission. The division of boiler inspection shall examine all applicants for engineer's licenses. The chief of the division of boiler inspection shall issue such license to an applicant as the examination shall show he is entitled to receive.*

*Subd. 2. For the purpose of examining applicants for license the chief of the division of boiler inspection or his deputy shall fix and determine a time and place for the examinations, and give notice to all applicants of the time and place. The chief or his deputy shall grant and sign such license certificates as applicants are entitled to receive upon examination.*

Sec. 4. Minnesota Statutes 1953, Section 183.39, is amended to read:

**183.39 Persons eligible.** Subdivision 1. Each boiler inspector shall be a man of good moral character, and shall be licensed in this state as a chief engineer, except for the purpose of organizing the division under this act the requirements of Section 183.39, Subdivision 1, shall not apply. There shall be a qualifying examination conducted among the present inspectors regardless of license. The requirements for inspectors hired after the qualifying examination shall be as required in Section 183.39, Subdivision 1. He shall not be interested in the manufacture or sale of boilers or steam machinery or in any patented article required or generally used in the construction of engines or boilers.

*Subd. 2. All boiler inspectors who are now employed by the division of boiler inspection on a full time basis and are now compensated for their services on a fee basis and who are now in the classified service, as defined in Minnesota Statutes, Section 43.09, Subdivision 4, shall retain their civil service status during such time as they continue as boiler inspectors. Their compensation shall not at any time be less than the amount they are now receiving.*

Sec. 5. Minnesota Statutes 1953, Section 183.41, is amended to read:

**183.41 Meetings; rules.** Subdivision 1. "Boat" means any boat or vessel propelled by mechanical power used and operated for carrying passengers for hire on any inland waters of the state.

*Subd. 2.* The commission shall prescribe regulations for the annual inspection of the hulls, machinery, boilers, steam connections, fire apparatus, life saving appliances and equipment of all *power boats* navigating the inland waters of the state, which shall conform as near as may be to the requirements of the United States in similar cases; *these* regulations shall have the force of law.

*Subd. 3.* The commission shall designate the number of passengers that each *boat* may safely carry, and no such *boat* shall carry a greater number than is allowed by the inspectors certificate.

Sec. 6. Minnesota Statutes 1953, Section 183.42, is amended to read:

**183.42 Neglect to secure inspection.** Every owner, lessee, or other person having charge of steam boilers, *unfired pressure vessels* or any boat subject to inspection under this act, shall cause the same to be inspected at least once each year by the *division of boiler inspection*.

Sec. 7. Minnesota Statutes 1953, Section 183.44, is amended to read:

**183.44 Examinations; regulations; licensing; revocations.** Subdivision 1. The *division of boiler inspection* shall examine all masters and pilots of steamboats and vessels and all gasoline boats and vessels carrying passengers for hire on the inland waters of the state as to their qualifications and fitness. If found trustworthy and competent to perform *his* duties as a master or pilot he shall *be given* a certificate authorizing *him* to act as such on the inland waters of the state designated in the certificate.

*Subd. 2.* The *division of boiler inspection* shall make such regulations for the navigation of any such boat or vessel as will require *their* operation without danger to life or property.

*Subd. 3.* The *division of boiler inspection* shall revoke the license of any master, pilot or engineer found under the influence of intoxicating liquor when on duty or who otherwise disregards any regulation *promulgated by it*.

Sec. 8. Minnesota Statutes 1953, Section 183.45, is amended to read:

**183.45 Inspection.** All steam boilers and steam generators shall *be inspected by the division of boiler inspection* before same *are* used and all boilers shall *be inspected* at least once each year thereafter. *Inspectors* shall subject all boilers to

hydrostatic pressure or hammer test, and ascertain by a thorough internal and external examination that they are well made and of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the flues are circular in form; that the arrangements for delivering the feed water are such that the boilers cannot be injured thereby; and that such boilers and their steam connections may be safely used without danger to life or property. *Inspectors* shall ascertain that the safety valves are of suitable dimensions, sufficient in number, and properly arranged, and that the safety valves are so adjusted as to allow no greater pressure in the boilers than the amount prescribed by the inspector's certificate; that there is a sufficient number of gauge cocks, properly inserted, to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limit; and that provisions are made for an ample supply of water to feed the boilers at all times, so that in high-pressure boilers the water shall not be less than three inches above the top of the fire surface; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts when under pressure of steam.

Sec. 9. Minnesota Statutes 1953, Section 183.46, is amended to read:

183.46 **Tests.** In subjecting *both high and low pressure boilers and unfired pressure vessels* to the hydrostatic test, and to determine the safe allowable working pressure, the inspector shall use the latest approved formula of the American Society of Mechanical Engineers Code.

Sec. 10. *The engineering standards of boilers and unfired pressure vessels for use in this state shall be that established by the current edition of the construction code of the American Society of Mechanical Engineers and amendments thereto and the regulations of the division of boiler inspection adopted by the industrial commission.*

Sec. 11. Minnesota Statutes 1953, Section 183.48, is amended to read:

183.48 **Special examination.** At any time, *the inspector deems it necessary he shall make an examination of any boiler or unfired pressure vessel which has become unsafe, and notify the owners or operators thereof of any defect*

*therein*, and what repairs are necessary. *Such boiler or unfired pressure vessel* shall not thereafter be used until so repaired.

Sec. 12. Minnesota Statutes 1953, Section 183.50, is amended to read:

**183.50 Inspection of steam boilers.** *The owner or manager of a steam boiler or unfired pressure vessel shall allow inspectors full access thereto. Every engineer operating a steam boiler shall assist the inspector in his examination, and point out any known defects in the boilers or machinery in his charge. No person shall be entrusted with the operation of any steam boiler who has not received a license of such grade as to cover that steam boiler. The license shall be renewed annually. When a violation of this section occurs the division of boiler inspection shall cause a complaint to be made for the prosecution of the offender.*

Sec. 13. Minnesota Statutes 1953, Section 183.51, is amended to read:

**183.51. Examinations; classifications; qualifications.**  
Subdivision 1. *There shall be four classes of engineers: chief engineers, first-class engineers, second class engineers, special engineers.*

*Subd. 2.* A chief engineer shall be at least 21 years of age, be of such habits and have such experience as to justify the belief that he is competent to take charge of all classes of steam boilers and steam machinery. Before receiving a license, he shall take and subscribe an oath that he has at least five years' actual experience operating such boilers and machinery.

*Subd. 3.* A first-class engineer shall be at least 21 years of age, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers of not more than 300 horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least three years' actual experience operating such boilers.

*Subd. 4.* A second-class engineer shall be at least 21 years of age, be of such habits and have had such experience as to justify the belief that he is competent to take charge of all classes of steam boilers of not more than 100 horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least one year of actual experience operating such boilers.

*Subd. 5.* A special engineer, upon examination, shall

be sufficiently acquainted with the duties of an engineer as to justify the belief that he can be safely entrusted with steam boilers of not more than 30 horsepower.

*Subd. 6. Before any person may receive a license as an engineer of any class he shall make a written application therefor, on a blank furnished by the division of boiler inspection, and successfully pass an examination for such class of engineer as is named in his application.*

Sec. 14. Minnesota Statutes 1953, Section 183.52, is amended to read:

**183.52 Revocation of license.** When any person makes a complaint against any licensed engineer that, by reason of negligence, want of skill, inattention to duty, or violation of any provision of sections 183.375 to 183.58, the engineer permitted a boiler to burn or become in bad condition, the license of that engineer shall be revoked by the division of boiler inspection upon satisfactory evidence. An engineer aggrieved by a revocation of his license on any of these grounds may appeal to the industrial commission. The decision of the industrial commission in the case is final.

Sec. 15. Minnesota Statutes 1953, Section 183.53, is amended to read:

**183.53 False certificate.** In making an inspection of boilers, machinery, or steam vessels, inspectors may act jointly or separately. In all cases inspectors shall verify the certificate of inspection.

Sec. 16. Minnesota Statutes 1953, Section 183.54, is amended to read:

**183.54 District boiler inspector to deliver certificates; inspection fees. Subdivision 1.** After examination and tests, if a boiler inspector finds any steam boiler or pressure vessel safe and suitable for use, he shall deliver to the chief boiler inspector a verified certificate in such form as prescribed by the chief boiler inspector containing a specification of the tests applied and the working pressure allowed. A copy of the certificate is delivered to the owner of the boiler or pressure vessel, who shall place and retain the same in a conspicuous place on or near the boiler or pressure vessel.

*Subd. 2. Fees for the inspection of steam boilers and pressure vessels are payable at the time of the delivery of the certificate.*

*Subd. 3. If the owner or lessee of any boiler or pressure vessel, which boiler or pressure vessel has been duly inspected,*

*refuses to pay the required fee within 30 days from the date of the inspection, the chief boiler inspector, or his deputy, may seal the boiler or pressure vessel until the fee is paid.*

*Sec. 17. Subdivision 1. The fees for the inspection of the hull, boiler, machinery, and equipments of vessels are:*

*Vessels of 50 tons burden or over, \$10.*

*Vessels of less than 50 tons burden, \$5.*

*Subd. 2. The fee for an examination of an applicant for a master's or pilot's license is \$5. The fee for an annual renewal of a master's or a pilot's license is \$2.*

*Subd. 3. The fees for the inspection of boilers and pressure vessels are:*

*Boiler inaccessible for internal inspection, \$3.*

*Boiler accessible for internal inspection, \$5.*

*Pressure vessel accessible for internal inspection, \$3.*

*Pressure vessel inaccessible for internal inspection, \$2.*

*Shop inspection for full day \$45, one-half day \$25, plus mileage.*

*For less than one-half day the unit fee will prevail.*

*Subd. 4. The fee for an examination of an applicant for an engineer's license is:*

*Chief engineer's license, \$8.*

*First class engineer's license, \$6.*

*Second class engineer's license, \$4.*

*Special engineer's license, \$3.*

*If an applicant, after an examination, is entitled to receive a license, it shall be issued to him without the payment of any additional charge. Any license so issued expires one year after the date of its issuance. An engineer's license may be renewed upon application therefor and the payment of the annual renewal fee of \$2. The fee is payable at the time of application, which shall be made not later than ten days after the date of expiration of such license.*

*Sec. 18. Minnesota Statutes 1953, Section 183.57, is amended to read:*

**183.57 Insurance companies to report to chief inspector.**  
*Subdivision 1. Contents of report. When any insurance company insuring boilers and pressure vessels in this state insures any boiler or pressure vessel in this state, it shall make a written report thereof showing the date of inspection, the*

name of the person making the inspection, the condition of *the* boiler or pressure vessel as disclosed by *the* inspection, whether the same is operated by a licensed engineer, and whether a policy of insurance has been issued by *the* company with reference to *the* boiler or pressure vessel. Within 15 days *after the inspection, the insurance company shall mail a copy of the report* to the chief boiler inspector and a copy of the report to the person, firm, or corporation owning or operating *the* boiler or pressure vessel *inspected*.

Subd. 2. **Exemption from other inspection.** Every boiler or pressure vessel as to which any insurance company authorized to do business in this state has issued a policy of insurance, after the inspection thereof, is exempt from inspection made under sections 183.375 to 183.58, while the same continues to be insured *and* the person, firm, or corporation owning or operating the same *has* an unexpired certificate of exemption from inspection, issued by the chief boiler inspector upon application by the holder of a copy of the report of *the* inspection made by the insurance company, and the payment to the chief boiler inspector of the exemption fee of \$1 *when it relates to a boiler and \$2 when it relates to a pressure vessel*. A certificate of exemption *expires* one year from date of *issue when it relates to a boiler and two years from date of issue when it relates to a pressure vessel*. The certificate of exemption shall be posted in a conspicuous place near the boiler or pressure vessel described therein and to which it relates. Every insurance company shall *give written notice* to the chief boiler inspector of the cancellation or expiration of every policy of insurance issued by it with reference to policies in this state, and the cause or reason for *the* cancellation or expiration. *These notices* of cancellation or expiration shall show the date of the policy and the date when the cancellation has or will become effective.

Sec. 19. Minnesota Statutes 1953, Section 183.58, is amended to read:

183.58 **Applications for licenses; sealing authorized in case of failure to make payment.** The chief boiler inspector shall prepare blank applications on which applications for engineers' licenses shall be made under oath of the applicant. *These blanks shall be so formulated as to elicit such information as is desirable to enable the examiners to pass on the qualifications of applicants.*

Sec. 20. *Every inspector who wilfully certifies falsely regarding any steam boiler or its attachments or the hull and equipments of any steam vessel, or who grants a license to any person to act as engineer, master, or pilot contrary to any*

*provision of sections 183.375 to 183.58, is guilty of a felony. Upon conviction he shall be punished by a fine which shall not be less than \$50 nor more than \$500 or by imprisonment in the state prison for not more than one year, or by both. In addition to this punishment he shall be removed from office forthwith.*

*Sec. 21. Every person who constructs a boiler or steam pipe or iron or steel plates known to be faulty or imperfect, or drifts any rivet hole to make it come fair, or who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, is guilty of a gross misdemeanor. Upon conviction he shall be punished by a fine of \$200. One-half of the fine shall be paid to the informer.*

*Sec. 22. Subdivision 1. Any owner, master, or other person violating any regulation prescribed by the industrial commission is guilty of a misdemeanor.*

*Subd. 2. Any person who causes to be operated, or operates, any steam boiler or boat subject to the provisions of this act without having the same inspected at least once each year and without having the proper engineer or pilot license is guilty of a misdemeanor.*

*Subd. 3. Every owner, lessee, master, or pilot violating any provision of section 183.43, or section 183.44, is guilty of a misdemeanor.*

*Subd. 4. Every person operating any boiler after it has been examined and found to be unsafe and after the owner or operator thereof has been notified of any defect therein and what repairs are necessary to remedy the defect who fails to comply with the inspector's requirements is guilty of a misdemeanor.*

*Subd. 5. Every person who violates any provision of section 183.50 is guilty of a misdemeanor.*

*Subd. 6. Any insurance company that fails to comply with the requirements of section 183.57 is guilty of a misdemeanor. Upon conviction the company shall be fined not to exceed \$50.*

**Sec. 24. Repealer.** *Minnesota Statutes 1953, Sections 183.40, 183.43, 183.47, 183.49, 183.55, and Section 183.57, Subdivision 3, are repealed.*

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