

MINNESOTA STATUTES 1975 SUPPLEMENT

STATE FIRE MARSHAL 299F.60

CHAPTER 299F. STATE FIRE MARSHAL

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299F.55 State advisory council on fire service education and research.

There is created a state advisory council on fire service education and research. Members of the council shall be appointed by the governor. The council shall consist of not more than 21 members and shall include representatives of the fire service and the various educational systems, state departments, local governments, and nongovernmental agencies and the business community having an interest in fire service research and education. The council shall advise the governor and the legislature, the director of the state office of local and urban affairs and other state departments, institutions and agencies represented by its members and, upon request, other relevant agencies, on the development, and conduct and scope of fire service research, on the needs of the fire service, and on the development and provision of coordinated programs of education and training for the fire service. In the performance of these advisory duties, the council shall provide for utilizing to the greatest practicable extent the University of Minnesota, the state and community colleges, technical and vocational schools, state departments and qualified private institutions and agencies, placing maximum reliance on the report of the advisory committee on fire protection and fire prevention education made pursuant to Laws 1967, Chapter 868, Section 10, Subdivision 4, Clause (1). The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

[1975 c 315 s 21]

299F.56 Definitions; natural gas pipeline safety.

Subdivision 1. As used in sections 299F.56 to 299F.64 the terms defined in this section shall have the meanings given them.

Subd. 2. "The Natural Gas Pipeline Safety Act of 1968 of the United States" shall mean Public Law 90-481, 82 Stat. 720, 90th Congress, S. 1166, approved August 12, 1968.

Subd. 3. "Person" means any individual, firm, joint venture, partnership, corporation, association, municipality, cooperative association or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

Subd. 4. "Gas" means natural gas, flammable gas or gas which is toxic or corrosive, except that "gas" shall not include liquefied petroleum gas.

Subd. 5. "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or its storage; except that it shall not include any such transportation of gas which is subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States, or the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area which the state fire marshal may define as a nonrural area.

Subd. 6. "Pipeline facilities" includes, without limitation, new and existing pipe rights of way and any equipment facility or building used in the transportation of gas or the treatment of gas during the course of transportation, but "rights of way" as used in sections 299F.56 to 299F.64 does not authorize the state fire marshal to prescribe the location or routing of any pipeline facility. "Pipeline facilities" shall not include any facilities subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States.

[1975 c 31 s 1]

299F.60 Civil penalties.

Subdivision 1. Any person who violates any provision of sections 299F.56 to 299F.64, or any regulation issued thereunder, shall be subject to a civil penalty to

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be imposed by the state fire marshal not to exceed \$1,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 for any related series of violations.

Subd. 2. The state fire marshal may negotiate a compromise settlement of a civil penalty. In determining the amount of such penalty, or the amount of the compromise settlement, the state fire marshal shall consider the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation. The contested case and judicial review provisions of chapter 15 shall apply to all orders of the state fire marshal imposing any penalty under sections 299F.56 to 299F.64 or under any regulation promulgated thereunder. The amount of such penalty, when finally determined, may be deducted from any sums owing by the state of Minnesota to the person charged.

[1975 c 31 s 2,3]

[For text of subds 3 and 4, see M.S.1974]

299F.73 License required.

Subdivision 1. No person shall manufacture, assemble, warehouse or store explosives for purposes of wholesale or retail sale, or for any other purpose other than for ultimate consumption without being licensed to do so by the commissioner of public safety.

Subd. 2. In order to obtain the license herein required such person shall make application to the commissioner of public safety. The application shall be on forms provided by the commissioner of public safety and shall require such information as he deems necessary including but not limited to the name, address, age, experience and knowledge of the applicant in the use, handling, and storage of explosives and explosive devices, and whether the applicant is a person to whom no such license may be issued pursuant to section 299F.77. The commissioner of public safety may refuse to issue a license to any person who does not have sufficient knowledge of the use, handling, or storage of explosives to protect the public safety. Any person aggrieved by the denial of a license may request a hearing before the commissioner of public safety. The provisions of sections 15.0418 to 15.0426 shall apply to such hearing and subsequent proceedings, if any.

[1975 c 77 s 1]

299F.75 Permit application.

Subdivision 1. Any person desiring to possess explosives, other than a person licensed as provided in section 299F.73, shall make application for a permit for the use of explosives to the appropriate local sheriff or chief of police of a city of the first, second or third class, or such other person as is designated by the commissioner of public safety, on a standardized form provided by the commissioner of public safety.

Subd. 2. The application shall require the applicant's name, address, purpose for acquiring explosives, place of intended acquisition, quantity required, place and time of intended use, place and means of storage until such use and whether the applicant is a person to whom no such permit may be issued pursuant to section 299F.77. Any person aggrieved by the denial of a permit may request a hearing before the commissioner of public safety. The provisions of sections 15.0418 to 15.0426 shall apply to such hearings and subsequent proceedings, if any.

Subd. 3. Prior to the storage of explosives, the applicant shall notify the appropriate local fire official.

[1975 c 77 s 2]