
CHAPTER 776-H.F.No.2102

An act relating to labor; clarifying the definition of public employer in the public employees labor relations act; amending Minnesota Statutes 1976, Section 179.63, Subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 179.63, Subdivision 4, is amended to read:

Subd. 4. "Public employer" or "employer" means (a) the state of Minnesota and its political subdivisions and any agency or instrumentality of either; including in respect to employees of the state not otherwise provided for in this subdivision or section 179.74 for executive branch employees; (b) the board of regents of the university of Minnesota, the state universities and community colleges and school districts and their respective representatives in respect to employees thereof; and (c) the governing body of a political subdivision or agency or instrumentality thereof which has final budgetary approval authority, in respect to employees of that subdivision, agency or instrumentality. When two or more units of government subject to the provisions of sections 179.61 to 179.77 undertake a project or form a new agency of government under Minnesota Statutes, Chapter 402, or Section 471.59, or other law authorizing common or joint action, the employer for purposes of sections 179.61 to 179.77 shall be the governing person or board of the created agency and the governing official or body of the cooperating governmental units shall be bound by an agreement entered into by the created agency pursuant to the procedures of Minnesota Statutes, Sections 179.61 to 179.77. The term does not include a "charitable hospital" as defined in section 179.35, subdivision 2. Nothing in this subdivision shall be construed to diminish the authority granted pursuant to law to an appointing authority in respect to the selection, direction, discipline or discharge of an individual employee insofar as such action is consistent with general procedures and standards relating to selection, direction, discipline or discharge which are the subject of an agreement entered into pursuant to sections 179.61 to 179.77.

Sec. 2. This act is effective May 1, 1978.

Approved April 5, 1978.

CHAPTER 777-H.F.No.2104

[Coded in Part]

An act relating to the state fire marshal; concerning the uniform fire code; providing for fee, fines and penalties; appropriating money; amending Minnesota Statutes 1976, Sections 299F.011; 299F.04, Subdivision 2, and by adding a subdivision; 299F.05; 299F.06,

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Subdivision 1; 299F.46; 299H.23; 299H.25; 299H.26; 299H.27; 299H.28; 299I.22; 299I.24; and Chapters 299F; 299H; and 299I, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 299F.362, Subdivision 6; repealing Minnesota Statutes 1976, Sections 299F.33; 299F.39; 299G.01 to 299G.08; 299H.03 to 299H.21; 299I.01, Subdivisions 6, 7, 8 and 9; 299I.09; and 299I.11 to 299I.19.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 299F.011, is amended to read:

299F.011 **UNIFORM FIRE CODE; ADOPTION.** Subdivision 1. The commissioner of public safety through the division of fire marshal may promulgate a uniform fire code and make amendments thereto in accordance with the administrative procedure act, chapter 15.

Subd. 2. ~~(a)~~ Unless otherwise specifically listed, wherever in the text of the uniform code reference is made to a national fire protection association pamphlet, the date of issue of that pamphlet shall be the one listed in the 1973 edition of the national fire codes, as promulgated by the national fire protection association.

~~(b) Wherever in the text of the uniform fire code reference is made to the electrical code, it shall be the national electrical code, 1971 edition.~~

Subd. 3. The commissioner shall adopt rules ~~and regulations, in accordance with chapter 15;~~ as may be necessary to administer and enforce the code, specifically including but not limited to rules ~~and regulations~~ for inspection of buildings and other structures covered by the code and conforming the code to the governmental organization of Minnesota state agencies, political subdivisions and local governments.

Subd. 4. The uniform fire code shall be applicable throughout the state and in all political subdivisions and municipalities therein. However, nothing in this subdivision shall prohibit a local unit of government otherwise authorized by law from adopting or enforcing any ordinance or regulation which specifies requirements equal to, in addition to, or more stringent than the requirements of the uniform fire code. Any ordinance or regulation adopted by a local unit which differs from the uniform fire code must be directly related to the safeguarding of life and property from the hazards of fire, must be uniform for each class or kind of building covered, and may not exceed the applicable requirements of the uniform building code adopted pursuant to sections 16.83 to 16.867.

Subd. 5. Upon application, the state fire marshal may grant variances from the minimum requirements specified in the code if there is substantial compliance with the provisions of the code, the safety of the public and occupants of such building will not be jeopardized, and undue hardship will result to the applicant unless such variance is granted. No appeal to the state fire marshal for a variance from the uniform fire code shall be accepted until the applicant has first made application to the local governing body and the local unit has acted on the application. The state fire marshal shall consider the decision of the local governing body. Any person aggrieved by a decision made by the fire marshal under this subdivision may proceed before the fire marshal as with a

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contested case in accordance with the administrative procedure act.

Subd. 6. A person who violates a provision of the uniform fire code shall be guilty of a misdemeanor. No person shall be convicted for violating the uniform fire code unless he shall have been given notice of the violation in writing and reasonable time to comply.

Sec. 2. Minnesota Statutes 1976, Section 299F.04, Subdivision 2, is amended to read:

Subd. 2. The investigation shall be begun within two days of the occurrence of the fire and the state fire marshal shall have the right to supervise and direct coordinate the investigation when he deems it expedient or necessary.

Sec. 3. Minnesota Statutes 1976, Section 299F.04, is amended by adding a subdivision to read:

Subd. 4. The state fire marshal may conduct further investigation necessary to establish reasonable grounds to believe that a violation of Minnesota Statutes 1976, Sections 609.561 to 609.576, has occurred.

Sec. 4. Minnesota Statutes 1976, Section 299F.05, is amended to read:

299F.05 EVIDENCE, TAKING OF. Subdivision 1. INVESTIGATIONS. The state fire marshal shall: when in his opinion further investigation is necessary; take or cause to be taken If the state fire marshal determines that reasonable grounds exist to believe that a violation of sections 609.561 to 609.576 has occurred, or has reasonable grounds to believe that some other crime has occurred in connection with a fire investigated pursuant to section 299F.04, he shall so inform the superintendent of the bureau of criminal apprehension. The superintendent shall cooperate with the fire marshal and local officials in further investigating the reported incident in a manner which may include supervising and directing the subsequent criminal investigation, and taking the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation relating 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, under investigation. If he the superintendent shall be of the opinion believes that there is evidence sufficient to charge any person with the crime of arson a violation of sections 609.561 to 609.576, or of any other crime in connection with an investigated fire, he shall arrest or cause such the person to be arrested and charged with the offense and furnish to the proper prosecuting attorney all this relevant evidence, together with the copy of all names of witnesses and all the information obtained by him or the state fire marshal, including a copy of all pertinent and material testimony taken in the case; and keep a record of the proceedings and progress made in all these prosecutions for arson and the result of all cases finally disposed of.

Subd. 2. INFORMATION SYSTEMS. The state fire marshal and the superintendent of the bureau of criminal apprehension shall maintain a record of arrests, charges filed, and final disposition of all fires reported and investigated under sections 299F.04 and 299F.05. For this purpose a single reporting system shall be implemented by

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the department of public safety utilizing the systems operated by the fire marshal and the bureau. The system shall be operated in such a way as to minimize duplication and discrepancies in reported figures.

Sec. 5. Minnesota Statutes 1976, Chapter 299F, is amended by adding a section to read:

[299F.051] TRAINING LOCAL FIREFIGHTERS AND PEACE OFFICERS.
Subdivision 1. CONTENT. The superintendent of the bureau of criminal apprehension, after consultation with the state fire marshal, the Minnesota peace officers standards and training board and the state advisory council on fire service education and research, shall establish the content of training programs which shall be available to firefighters and peace officers from political subdivisions. The content shall include fire scene investigation and preservation of evidence, interviewing of witnesses and suspects, constitutional limits on interrogation by sworn and nonsworn officers, and other topics deemed necessary to successful criminal investigation.

Subd. 2. TRAINING PROGRAM; LOCATIONS, INSTRUCTORS. The superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state for training firefighters and peace officers in the conduct of investigations following the occurrence of a fire. For this purpose, the superintendent may use the services and employees of the bureau, the state fire marshal, and the attorney general. In addition, after consultation with the state fire marshal, the superintendent is authorized to engage part time instructors necessary and proper to furnish the best possible instruction, subject to the limitation of funds appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to the part time instructors.

Subd. 3. IN-SERVICE TRAINING. The state fire marshal and the superintendent of the bureau of criminal apprehension, in cooperation with the Minnesota board of peace officer standards and training, shall encourage the establishment of in-service and refresher training for firefighters and peace officers through schools administered by the state, county, school district, municipality, or joint or contractual combinations thereof. The Minnesota board of peace officers standards and training shall report to the governor and legislature on the progress made in this effort as provided in section 626.843.

Subd. 4. COOPERATIVE INVESTIGATION; REIMBURSEMENT. The state fire marshal and the superintendent of the bureau of criminal apprehension shall encourage the cooperation of local firefighters and peace officers in the investigation of violations of sections 609.561 to 609.576 or other crimes associated with reported fires in all appropriate ways, including the reimbursement of political subdivisions at a rate not to exceed 50 percent of the salaries of peace officers and firefighters for time spent in attending fire investigation training courses offered by the bureau. Volunteer firefighters from a political subdivision shall be reimbursed at the rate of \$35 per day plus expenses incurred in attending fire investigation training courses offered by the bureau. Reimbursement shall be made only in the event that both a peace officer and a firefighter from the same political subdivision attend the same training course. The reimbursement shall be subject to the limitation of funds appropriated and available for expenditure.

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Sec. 6. Minnesota Statutes 1976, Section 299F.06, Subdivision 1, is amended to read:

299F.06 **TESTIMONIAL POWERS.** Subdivision 1. **ATTENDANCE OF WITNESSES.** In order to establish if reasonable grounds exist to believe that a violation of Minnesota Statutes, Sections 609.561 to 609.576, has occurred, or to determine compliance with the uniform fire code or corrective orders issued thereunder, the state fire marshal, chief assistant fire marshal, and deputy state fire marshals, shall each have the power in any county of the state 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 chapter 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. The 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 this officer shall, at the close of the investigation wherein the witness was subpoenaed, certify to the attendance and mileage of the witness, which certificate shall be filed in the office of the state fire marshal. All investigations held by or under the direction of the state fire marshal, or any subordinate, may in his discretion be private and persons other than those required to be present by the provisions of this chapter may be excluded from the place where the 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.

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 299F.362, Subdivision 6. is amended to read:

Subd. 6. **PENALTY.** Any person who violates any provision of this section shall be subject to the same penalty incurred for violation of the uniform fire safety code, as specified in section ~~299F.39, subdivision 4~~ 299F.011, subdivision 6.

Sec. 8. Minnesota Statutes 1976, Chapter 299F, is amended by adding a section to read:

[299F.39] FIRE PROTECTION OF HOSPITALS, NURSING HOMES, LODGING HOUSES, HOTELS AND SCHOOLS. Subdivision 1. DEFINITIONS. For purposes of this section the following definitions shall apply:

(a) "Lodging house" shall mean any building or portion thereof containing not more than five guest rooms which are used or intended to be used for sleeping purposes by guests and where rent is paid in money, goods, labor or otherwise;

(b) "Hospital" shall have the meaning given it in section 144.50;

(c) "Hotel" shall mean any building or portion thereof containing six or more guest rooms intended or designed to be used, or which are used, rented, hired out to be occupied, or which are occupied for sleeping purposes by guests, and which is required to

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be licensed as a hotel pursuant to chapter 157;

(d) "Nursing home" shall have the meaning given it in section 144A.01;

(e) "School" shall mean any public or private school or educational institution.

Subd. 2. REQUIREMENTS. All hospitals, nursing homes, schools, lodging houses and hotels shall be operated and maintained in compliance with the uniform fire code as promulgated pursuant to section 299F.011.

Subd. 3. LOCAL ORDINANCES. Nothing in this section shall be construed to prohibit a local unit of government otherwise authorized by law, from enforcing or adopting ordinances or regulations with standards equal to, in addition to, or more stringent than the requirements of the uniform fire code. Any ordinance or regulation adopted by a local unit which differs from the uniform fire code must be directly related to the safeguarding of life and property from the hazards of fire, uniform for each class or kind of building covered, and may not exceed the applicable requirements of the uniform building code adopted pursuant to sections 16.83 to 16.867.

Subd. 4. PENALTY. A person who violates a provision of this section shall be penalized as set forth in section 299F.011, subdivision 6.

Sec. 9. Minnesota Statutes 1976, Section 299F.46, is amended to read:

299F.46 ENFORCEMENT. Subdivision 1. It shall be the duty of the commissioner of public safety 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, theatres, amphitheatres, and all other places in which numbers of persons congregate, from time to time, for any purpose; and

(4) The suppression of arson and investigation of the cause, origin, and circumstances of fire.

Subd. 2. (1) It shall be the duty of the commissioner of public safety to inspect, or cause to be inspected, at least once annually, every hotel in this state; and, for that purpose, he, or any of his deputies, or designated subordinates, alternates or agents shall have the right to enter or have access thereto at any reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected does not conform to or is not being operated in accordance with the provisions of Minnesota Statutes 1945, sections 157.01 to 157.14, as amended, in so far as the same relate to fire prevention or fire protection of hotels, or the rules and regulations promulgated thereunder, or is being conducted maintained or operated in such manner as to violate the uniform fire code promulgated pursuant to section 299F.011 or any other law of this state relating to fire

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prevention and fire protection of hotels, the commissioner and his deputies or designated alternates or agents shall report such a situation to the hotel inspector who shall proceed as provided for in sections 157.01 to 157.14, or otherwise by statute.

(2) The word "hotel", as used in this subdivision, means any building or other structure, or any part thereof, kept, used, or maintained as, advertised as, or held out to the public to be an inn, an hotel, or other place where sleeping accommodations are furnished persons for hire, whether with or without meals, or a multiple dwelling housing five or more families shall have the meaning given in section 8.

(3) All powers and duties in sections 157.01 to 157.14, which relate to fire prevention and fire protection of hotels and which are by sections 157.01 to 157.14, now conferred upon the hotel inspector, are hereby transferred to and vested in the commissioner.

Subd. 2. (1) The commissioner of public safety may enter into an agreement with any county, two or more contiguous counties, or city or other municipality, hereafter called the designated agent, under which agreement the designated agent may agree to perform all or part of the inspection duties authorized in subdivision 1. The agreement shall also set forth criteria by which the commissioner will determine that performance by the designated agent complies with state standards and is sufficient to replace inspection by the commissioner. The agreement may specify minimum staff requirements and qualifications and provide for termination procedures if the commissioner finds that the designated agent fails to comply with the terms and requirements of the agreement.

(2) No designated agent may perform any inspection duties pursuant to the agreement in any territory outside its jurisdiction.

(3) The scope of the agreement shall be limited to duties and responsibilities agreed upon by the parties and may provide a basis for automatic renewal and provisions for notice of intent to terminate by either party.

(4) During the life of the agreement the commissioner shall not perform any inspection which the designated agent is required to perform under the agreement, except for inspection necessary to determine compliance with the agreement and this section. The commissioner shall consult with, advise and assist a designated agent in the performance of its duties under the agreement.

(5) No agreement shall be effective to transfer any tort liability attributable to any inspection or lack of inspection from the state of Minnesota to the local unit contracting to perform the inspection.

Sec. 10. Minnesota Statutes 1976, Chapter 299H, is amended by adding a section to read:

[299H.211] PLACES OF ASSEMBLY. Subdivision 1. All places of assembly shall be operated and maintained in accordance with the provisions of the uniform fire code promulgated pursuant to section 299F.011.

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Subd. 2. For purposes of this section, "assembly" shall mean the gathering together of 50 or more people for such purposes as, but not limited to, deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation or of 100 or more persons in drinking or dining establishments.

Sec. 11. Minnesota Statutes 1976, Section 299H.23, is amended to read:

299H.23 INSPECTION. The state fire marshal, or his deputy under his direction, may enter any moving picture theatre or show or place where moving pictures are being exhibited at any reasonable time for the purpose of determining whether the provisions of sections ~~299H.03~~ 299H.211 to 299H.27 are being complied with. If he shall find that any provisions thereof are being violated, he shall notify the licensee, in writing, stating wherein the licensee is at fault; and, if the violations continue beyond a time within which the violations can be reasonably corrected, he shall cause the license to be revoked and canceled.

Sec. 12. Minnesota Statutes 1976, Section 299H.25, is amended to read:

299H.25 LICENSE FEES AND FINES PAID INTO STATE TREASURY. All money collected under sections ~~299H.03~~ 299H.211 to 299H.27, whether in license fees or penalties, shall be paid into the state treasury for the benefit of the state fire marshal general fund and may be used in the prosecution of the work of the office.

Sec. 13. Minnesota Statutes 1976, Section 299H.26, is amended to read:

299H.26 LOCAL REGULATIONS NOT ABROGATED. In municipalities having ordinances relating to the regulation, installation, and operation of moving picture machines, and containing additional regulations for the safe and proper installation and operation of these machines, nothing in sections ~~299H.03~~ 299H.211 to 299H.27 shall be construed to abrogate these local regulations, but the jurisdiction of the local authorities in such cases shall be additional and subordinate to the jurisdiction and authority of the state fire marshal as thereby prescribed.

Sec. 14. Minnesota Statutes 1976, Section 299H.27, is amended to read:

299H.27 ENFORCEMENT. It shall be the duty of the state fire marshal to enforce the provisions of sections ~~299H.03~~ 299H.211 to 299H.27 and to inspect and examine all moving picture shows within this state at least once a year .

Sec. 15. Minnesota Statutes 1976, Section 299H.28, is amended to read:

299H.28 VIOLATIONS; PENALTIES. Subdivision 1. The owner or owners, tenant or tenants, of any hall or theater in any city of this state failing or neglecting to comply with the provisions of section 299H.01 shall be liable to a fine of not more than \$300 and not less than \$50 guilty of a misdemeanor.

Subd. 2. Any person who shall operate a moving picture machine, or who shall cause moving pictures to be exhibited, in violation of any of the provisions of sections

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~~299H.03 to 299H.27, and the owner, lessee, occupant, or agent of any building or structure who permits it to be used for the exhibition of moving pictures, operated or maintained in violation of any of the provisions of sections 299H.03 299H.211 to 299H.27, shall be guilty of a misdemeanor; and, upon conviction thereof, punished; for the first offense, by a fine not exceeding \$25 and costs of prosecution; or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding ten days; for the second offense, by a fine not exceeding \$50 and costs of prosecution; or if such fine be not paid, then by imprisonment in the county jail for a period not exceeding 30 days; and, for a third or any subsequent offense, by a fine not exceeding \$300 and costs of prosecution; or by imprisonment in the county jail for a period not exceeding 90 days; or by both such fine and imprisonment.~~

Sec. 16. Minnesota Statutes 1976, Chapter 2991, is amended by adding a section to read:

[299I.011] DRY CLEANING, DRY DYEING BUSINESS; REQUIREMENTS. All dry cleaning and dry dyeing businesses and establishments shall be operated and maintained in compliance with the uniform fire code promulgated pursuant to section 299F.011.

Sec. 17. Minnesota Statutes 1976, Section 2991.22, is amended to read:

2991.22 VIOLATIONS, PENALTIES. Any person or persons being the owner, occupant, lessee or agent, who shall violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder, within ten days, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder shall severally for each and every violation and noncompliance respectively be guilty of a misdemeanor; ~~and upon conviction thereof, fined for the first offense not less than \$10 nor more than \$200, and for the second offense shall be fined not less than \$50 nor more than \$500 and imprisoned in a county jail or workhouse not exceeding six months.~~

Sec. 18. Minnesota Statutes 1976, Section 2991.24, is amended to read:

2991.24 MONEY COLLECTED PAID INTO GENERAL FUND. All fees, penalties or forfeitures collected by the state fire marshal, his deputies or assistants under the provisions of this chapter, shall be paid into the state treasury, credited to the state fire marshal general fund; and shall be disbursed in the same manner as other moneys in the fund are disbursed.

Sec. 19. APPROPRIATION. There is appropriated to the department of public safety, state fire marshal division, the sum of \$220,000 for fiscal year 1979, to implement and administer the provisions of this act relating to the conduct of inspections. The commissioner of public safety is hereby directed to hire not more than 10 persons which will be added to the department's present complement.

Sec. 20. Minnesota Statutes 1976, Sections 299F.33; 299F.39; 299G.01; 299G.02;

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299G.03; 299G.05; 299G.06; 299G.07; 299G.08; 299H.03; 299H.04; 299H.05; 299H.06; 299H.07; 299H.08; 299H.09; 299H.10; 299H.11; 299H.12; 299H.13; 299H.14; 299H.15; 299H.16; 299H.17; 299H.18; 299H.19; 299H.20; 299H.21; 299I.01, Subdivisions 6, 7, 8 and 9; 299I.09; 299I.11; 299I.12; 299I.13; 299I.14; 299I.15; 299I.16; 299I.17; 299I.18; and 299I.19, are repealed.

Sec. 21. This act is effective on the day following final enactment except that section 1, subdivision 4, is effective July 1, 1979.

Approved April 5, 1978.

CHAPTER 778-H.F.No.2124

An act relating to corrections; providing for the licensing of correctional facilities; prohibiting the introduction of contraband or weapons into correctional facilities; providing penalties; amending Minnesota Statutes 1976, Sections 241.021, Subdivision 1; 260.185, Subdivision 1; 641.09; 641.165; and 641.18.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 241.021, Subdivision 1, is amended to read:

241.021 LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES. Subdivision 1. **SUPERVISION OVER CORRECTIONAL INSTITUTIONS; ADVISORY TASK FORCE.** (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate, by January 1, 1977, pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner may provide by rule for provisional licenses which authorize the operation of a correctional facility on a temporary basis where the operator is temporarily unable to comply with all of the requirements for a license. Notwithstanding the provisions of sections 15.0412 and 15.0413, these rules setting standards for group homes established under the direction of the juvenile courts shall not take effect until June 15, 1977. To assist in the development of standards for jails and lockups the commissioner shall pursuant to section 15.059, subdivision 6, appoint a citizens advisory task force of nine persons, including five persons who have been elected to the office of county sheriff and four persons who have been elected to the office of county board of commissioners September 1, 1979. The commissioner shall have access to the buildings, grounds, books,

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