

rials therefrom at public auction upon three days' posted notice, and all expenses incurred by the state fire marshal shall be paid out of the moneys received from such auction of salvage material and any deficit remaining unpaid thereafter may be paid out of the funds created by and provided for in Section 5973 of Mason's Minnesota Statutes of 1927. Should any surplus remain of the amount received for salvage material after deducting the expenses incurred by the State Fire Marshal such surplus shall be paid to the county treasurer of the county where the property was situated to be distributed by him as provided by law."

Approved April 4, 1941.

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CHAPTER 124—H. F. No. 851

*An act relating to the term of office of mayor in any city of the fourth class having less than 1,000 inhabitants and not operating under a home rule charter.*

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

**Section 1. Terms of mayor in certain cities of the fourth class.**—In every city having a population of less than 1,000 and not operating under a home rule charter, the term of the mayor shall be two years and until his successor is elected and qualified.

Approved April 5, 1941.

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CHAPTER 125—S. F. No. 83

*An act to prohibit the sale, offering or exposing for sale of fireworks, and to regulate the manner of their use, and to provide penalties for the violation of the provisions of the act.*

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

**Section 1. Fireworks defined.**—As used in this act the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrack-

ers, torpedoes, sky rockets, roman candles, daygo bombs, sparklers, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25 hundredths grains or less of explosive compound are used and toy pistol caps which contain less than 20 hundredths grains of explosive mixture.

**Sec. 2. Sale of fireworks prohibited.**—Except as otherwise provided in this act, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks.

**Sec. 3. Not to apply to public displays of fireworks by municipalities.**—This act shall not prohibit supervised public displays of fireworks by cities, villages, and boroughs, fair associations, amusement parks, and other organizations. Except when such display is given by a municipality or fair association within its own limits, no display shall be given unless a permit therefor has first been secured. Every application for such a permit shall be made in writing to the municipal clerk at least 15 days in advance of the date of the display. The application shall be promptly referred to the chief of the fire department who shall make an investigation to determine whether the operator of the display is competent and whether the display is of such a character and is to be so located, discharged or fired that it will not be hazardous to property or endanger any person. The fire chief shall report the results of this investigation to the clerk and if he reports that in his opinion the operator is competent and that the display as planned will conform to safety requirements, including the rules and regulations of the state fire marshal hereinafter provided for, the clerk shall issue a permit for the display when the applicant pays a permit fee of two dollars. When the supervised public display for which a permit is sought is to be held outside the limits of an incorporated municipality, the application shall be made to the county auditor and the duties imposed by this act upon the clerk of the municipality shall be performed in such case by the county auditor. The duties imposed on the fire chief of the municipality by this act shall be performed in such case by the county sheriff. After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. The state fire marshal shall adopt reasonable rules and regulations not incon-

sistent with the provisions of this act to insure that fireworks displays are given safely.

**Sec. 4. Construction of act.**—Nothing in this act shall be construed to prohibit any resident wholesaler, dealer, or jobber, from selling at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks for shipment directly out of the state; or the use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination; or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations.

**Sec. 5. Officers may seize illegal fireworks.**—The state fire marshal or any sheriff, police officer, constable, or local fire marshal shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

**Sec. 6. Violation a misdemeanor.**—Any person violating the provisions of this act shall be guilty of a misdemeanor.

**Sec. 7. Effective August 1, 1941.**—This act shall take effect and be in force from August 1, 1941.

Approved April 8, 1941.

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#### CHAPTER 126—H. F. No. 1562

*An act to appropriate money for the payment of the salary of the lieutenant governor and the salary and mileage of the members of the legislature and for the payment of the per diem of the officers and the employees of and all the other expenses of the legislature, including payment for necessary supplies therefor.*

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

**Section 1. Appropriation for legislative expense.**—The sum of \$100,000, or so much thereof as may be found necessary, is hereby appropriated from the revenue fund for the payment of the salary of the Lieutenant Governor and the salary and the mileage of the members of the legislature and for the payment of the per diem of the officers and the employees of and all the other expenses of the legislature, including payment for necessary supplies therefor.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

Approved April 8, 1941.