

## CHAPTER 299F

### FIRE MARSHAL

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#### 299F.051 TRAINING LOCAL FIREFIGHTERS, PROSECUTORS, AND PEACE OFFICERS.

Subdivision 1. **Training unit.** An arson training unit is established within the division of fire marshal to develop and administer arson training courses throughout the state for law enforcement and fire service personnel and for prosecutors.

Subd. 1a. **Curriculum.** The arson training unit, in consultation with the bureau of criminal apprehension, the state fire marshal, the Minnesota peace officer standards and training board, the county attorneys association, the attorney general, and the state advisory council on fire service education and research, shall establish a standardized curriculum to be included in the training programs. The standardized curriculum 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 and prosecution. The training program offered to peace officers shall meet the applicable preservice training requirements established by the peace officer standards and training board under section 626.8456.

Subd. 2. **Training locations, instructors.** The arson training unit, in cooperation with the superintendent of the bureau of criminal apprehension, the board of peace officer standards and training, the county attorneys association, and the attorney general, shall provide courses at convenient locations in the state for training firefighters, peace officers, and prosecutors in:

- (1) the conduct of investigations following the occurrence of a fire; and
- (2) the prosecution of arson cases.

For this purpose, the arson training unit may use the services and employees of the bureau, the state fire marshal, and the attorney general. In addition, the arson training unit is authorized to establish minimum qualifications for training course instructors, and engage part-time instructors necessary and proper to furnish the best possible instruction, subject to the limitation of funds appropriated and available for expenditure. Laws 1981, chapter 210, sections 1 to 48, shall not apply to the part-time instructors.

Subd. 3. **In-service training.** The arson training unit, in cooperation with the bureau of criminal apprehension, shall offer 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 in-service training courses offered for peace officers shall be eligible for continuing education credit from the Minnesota board of peace officer standards and training.

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 providing reimbursement to 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 arson training unit. 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 arson training unit. 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. The state fire marshal and the superintendent

also shall encourage local firefighters and peace officers to seek assistance from the arson strike force established in section 299F.058.

**History:** 1997 c 7 art 2 s 50; 1997 c 239 art 8 s 19

### 299F.053 DEFINITIONS.

*[For text of subd 1, see M.S.1996]*

**Subd. 2. Authorized person.** "Authorized person" means:

- (a) the state fire marshal when authorized or charged with the investigation of fires at the place where the fire actually took place;
- (b) superintendent of the bureau of criminal apprehension;
- (c) the prosecuting attorney responsible for prosecutions in the county where the fire occurred;
- (d) the sheriff or chief of police responsible for investigation in the county where the fire occurred;
- (e) the county attorney responsible for the prosecution in the county where the fire occurred;
- (f) the Federal Bureau of Investigation or any other federal agency;
- (g) the United States attorney's office when authorized or charged with investigation or prosecution of a case involving a fire loss;
- (h) the chief administrative officer of the municipal arson squad or the chief of the fire department responsible for the investigation of the fire under section 299F.04, subdivision 1; or
- (i) the commissioner of commerce.

*[For text of subd 3, see M.S.1996]*

**History:** 1997 c 77 s 5

### 299F.054 DISCLOSURE OF INFORMATION.

*[For text of subs 1 to 3a, see M.S.1996]*

**Subd. 4. Good faith immunity.** (a) An insurance company or its agent acting in its behalf, or an authorized person who releases information, whether oral or written, acting in good faith, pursuant to subdivisions 1 to 3a is immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

(b) A person who, acting in good faith, reports to an authorized person information, whether oral or written, that is or may be relevant to the investigation of a fire is immune from any civil liability that might otherwise be incurred or imposed.

**History:** 1997 c 77 s 6

### 299F.058 ARSON STRIKE FORCE.

**Subdivision 1. Arson strike force.** A multijurisdictional arson strike force is established to provide expert investigative and prosecutorial assistance to local agencies on request in complex or serious cases involving suspected arson.

**Subd. 2. Membership.** (a) The arson strike force consists of representatives from the following agencies and organizations:

- (1) the division of fire marshal;
- (2) the bureau of criminal apprehension;
- (3) the office of attorney general;
- (4) the Minnesota county attorneys association;
- (5) the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department;

- (6) the Minneapolis police and fire arson unit;
- (7) the St. Paul police and fire arson unit;
- (8) licensed private detectives selected by the state fire marshal or the attorney general or their designees; and
- (9) any other arson experts the arson strike force deems appropriate to include.

The arson strike force, as necessary, may consult and work with representatives of property insurance agencies and organizations and any other private organizations that have expertise in arson investigations and prosecutions.

(b) Representatives from the attorney general's office and the county attorneys association who are members of the arson strike force may assist in administering the strike force.

(c) The strike force expires June 30, 2001.

**Subd. 3. Investigative duties.** (a) The arson strike force shall be available on a statewide basis to assist local public safety agencies in investigating the following types of suspected arson cases:

- (1) serial fires;
- (2) multijurisdictional fires;
- (3) fires causing death or serious injury to a public safety officer;
- (4) fires resulting in multiple deaths or injuries; or
- (5) fires causing over \$1,000,000 in damage.

(b) The arson strike force shall establish a mechanism for informing local public safety agencies that it is available to assist in the investigation of the suspected arson cases described in paragraph (a).

(c) The arson strike force shall, by means of a memorandum of understanding among the involved agencies, develop and implement a protocol for the strike force's activation and operation in local cases of suspected arson.

(d) The arson strike force shall assist the arson training unit established in section 299F.051 in developing and implementing educational programs for public safety personnel on investigating arson cases.

**Subd. 4. Prosecution duties.** (a) The arson strike force may identify and establish a team of prosecutors with experience in arson cases who will provide advice, on request, to local prosecutors who are prosecuting or preparing to prosecute arson cases. This team shall include prosecutors from the attorney general's office and county prosecutors who are identified and selected by the county attorneys association.

(b) The arson strike force shall assist the arson training unit established in section 299F.051 in developing educational programs and manuals to assist prosecutors in prosecuting arson cases.

**History:** 1997 c 239 art 8 s 20

## **299F.059 JUVENILE FIRESETTER INTERVENTION.**

**Subdivision 1. Intervention network.** The state fire marshal shall establish a statewide juvenile firesetter intervention network. The network shall include a clearinghouse of resources and materials to assist fire service personnel, schools, law enforcement agencies, and mental health professionals in understanding juvenile firesetting behavior and symptoms and intervening with juveniles who engage in the behavior or display the symptoms. The state fire marshal shall include in the network the comprehensive injury prevention education curriculum provided for in subdivision 2.

**Subd. 2. Educational curriculum.** The state fire marshal shall ensure implementation of a comprehensive injury prevention education curriculum that focuses on juvenile fire play intervention and injury prevention. The curriculum shall be made available to schools and other interested organizations statewide.

**Subd. 3. Annual training forum.** The state fire marshal shall develop strategies and plans designed to reduce the number of juvenile firesetting incidents. The state fire marshal shall offer an annual training forum for fire service and law enforcement personnel and for

juvenile justice, medical, educational, mental health, and other interested professionals to discuss these strategies and other issues relating to juvenile firesetter behavior and symptoms.

**Subd. 4. Media campaign; keeping fire materials away from children.** The state fire marshal shall develop an ongoing media awareness campaign to instruct parents, retailers, and the community on the importance of keeping fire materials away from children and on methods for accomplishing that objective.

**History:** 1997 c 239 art 8 s 21

## 299F.06 TESTIMONIAL POWERS.

**Subdivision 1. Summon witnesses; produce documentary evidence.** (a) In order to establish if reasonable grounds exist to believe that a violation of 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 and the staff designated by the state fire marshal shall have the power in any county of the state to summon and compel the attendance of witnesses to testify before the state fire marshal, chief assistant fire marshal, or deputy state fire marshals, and may require the production of any book, paper, or document deemed pertinent. The state fire marshal may also designate certain individuals from fire departments in cities of the first class and cities of the second class as having the powers set forth in this paragraph. These designated individuals may only exercise their powers in a manner prescribed by the state fire marshal. "Fire department" has the meaning given in section 299F.092, subdivision 6. "Cities of the first class" and "cities of the second class" have the meanings given in section 410.01.

(b) A summons issued under this subdivision 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 the state fire marshal's 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.

*[For text of subd 2, see M.S.1996]*

**Subd. 3. Penalty for refusal to testify or produce evidence.** Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of the state fire marshal, chief assistant fire marshal, or deputy state fire marshal in relation to the investigation, or who fails or refuses to produce any paper, book, or document touching any matter under examination, or who is guilty of any contemptuous conduct, after being summoned to appear before them to give testimony in relation to any matter or subject under examination or investigation may be punished by any district court in the same manner as if the proceedings were pending in that court, subject to the provisions of section 588.01.

**History:** 1997 c 239 art 8 s 22,23

**299F.07** [Repealed, 1997 c 239 art 8 s 36]

## 299F.093 POWERS AND DUTIES OF COMMISSIONER.

**Subdivision 1. Duties; rules.** (a) The commissioner shall:

(1) adopt rules no later than July 1, 1987, with the advice of the hazardous substance notification advisory committee, establishing the form and content of the hazardous substance notification report form, as required by section 299F.094, and describing one or more hazard categories with specified ranges of quantities in each hazard category, representing increments of substantially increased risk;

(2) print and provide to individual fire departments the requested number of hazardous substance notification reports, which must be made available to a fire department no more than 90 days following its request, for the fire department to mail or otherwise make available to employers in the jurisdiction;

(3) report to the legislature, as needed, on the effectiveness of sections 299F.091 to 299F.099 and recommend amendments to sections 299F.091 to 299F.099 that are considered necessary;

(4) adopt rules to implement sections 299F.091 to 299F.099, compatible with the Minnesota Uniform Fire Code so as to not limit the authority of local fire officials under that code; and

(5) adopt rules that are based on the most recent standard 704, adopted by the National Fire Protection Association, and that allow a fire department to require employers within its jurisdiction to post signs conforming to standard 704, and indicating the presence of hazardous substances. If the signs are required, a fire department shall supply the signs or provide information to assist an employer to obtain them.

(b) The commissioner shall adopt criteria and guidelines, with the concurrence of the hazardous substance notification advisory committee, for the disbursement of funds pursuant to Laws 1986, First Special Session chapter 1, article 10, section 20, subdivision 1.

*[For text of subd 2, see M.S.1996]*

**History:** 1997 c 187 art 1 s 22

#### **299F.21 FIRE INSURANCE COMPANIES PAY TAX.**

**Subdivision 1. Estimated installment payments.** On or before April 1, June 1, and December 1 of each year, every licensed insurance company, including reciprocals or interinsurance exchanges, doing business in the state, excepting farmers' mutual fire insurance companies and township mutual fire insurance companies, shall pay to the commissioner of revenue installments equal to one-third of, a tax upon its fire premiums or assessments or both, based on a sum equal to one-half of one percent of the estimated fire premiums and assessments, less return premiums and dividends, on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during the year, including premiums on policies covering fire risks only on automobiles, whether written under floater form or otherwise. In the case of a mutual company or reciprocal exchange the dividends or savings paid or credited to members in this state shall be construed to be return premiums. The money so received into the state treasury shall be credited to the general fund. A company that fails to make payments of at least one-third of either (1) the total tax paid during the previous calendar year or (2) 80 percent of the actual tax for the current calendar year is subject to the penalty and interest provided in this chapter, unless the total tax for the current tax year is \$500 or less.

**Subd. 1a. Electronic funds transfer payments.** If the aggregate amount of fire marshal tax payments under this section and the premium tax payments under section 60A.15 made during a calendar year is equal to or exceeds \$120,000, all tax payments in the subsequent calendar year must be paid by means of a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-401, must be on or before the date the payment is due. If the date the payment is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the payment is due.

**Subd. 1b. Addition to tax.** In case of an underpayment of installments by an insurer, there must be added to the tax for the taxable year an amount determined at the rate specified in section 270.75 upon the amount of underpayment.

**Subd. 1c. Amount of underpayment.** For purposes of subdivision 1a, the amount of the underpayment is the excess of: (1) the amount of the installment; over (2) the amount, if any, of the installment paid on or before the last date prescribed for payment.

**Subd. 1d. Period of underpayment.** The period of the underpayment runs from the date the installment was required to be paid to the earliest of the following dates:

(1) on March 1 following the close of the taxable year;

(2) with respect to any portion of the underpayment, the date on which that portion is paid. For purposes of this clause, a payment of estimated tax on any installment date is considered a payment of any previous underpayment only to the extent the payment exceeds the amount of the installment determined under clause (1), for the installment date.

**Subd. 1e. Definition of tax.** The term "tax" means the tax imposed by this chapter.

**Subd. 1f. Failure to file estimate.** In the case of an insurer that fails to file an estimated tax statement for a taxable year when one is required, the period of the underpayment runs from the installment dates as set forth in subdivision 1 to whichever of the periods set forth in subdivision 1d is the earlier.

**Subd. 2. Annual returns.** (a) Every insurer required to pay a tax under this section shall make and file a statement of estimated taxes for the period covered by the installment tax payment. The statement shall be in the form prescribed by the commissioner of revenue.

(b) On or before March 1, annually every insurer subject to taxation under this section shall make an annual return for the preceding calendar year setting forth information the commissioner of revenue may reasonably require on forms prescribed by the commissioner.

(c) On March 1, the insurer shall pay any additional amount due for the preceding calendar year; if there has been an overpayment, the overpayment may be credited without interest on the estimated tax due April 1.

(d) If unpaid by this date, penalties as provided in section 289A.60, subdivision 1, as related to withholding and sales or use taxes, shall be imposed.

**History:** 1997 c 31 art 2 s 51; 1997 c 84 art 6 s 27

#### **299F.46 ENFORCEMENT.**

**Subdivision 1. Hotel inspection.** (a) It shall be the duty of the commissioner of public safety to inspect, or cause to be inspected, at least once every three years, every hotel in this state; and, for that purpose, the commissioner, or the commissioner's deputies, or designated 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 sections 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection of hotels, or the rules promulgated thereunder, or is being 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 prevention and fire protection of hotels, the commissioner and the deputies or designated alternates or agents shall report such a situation to the hotel inspector who shall proceed as provided for in chapter 157.

(b) The word "hotel", as used in this subdivision, has the meaning given in section 299F.391.

*[For text of subd 2, see M.S.1996]*

**History:** 1997 c 7 art 1 s 123