

Sec. 4. [447.48] SECURITY FOR BONDS; PLEDGE OF CREDIT FOR BONDS. In the issuance of bonds hereunder the revenues or rentals shall be pledged and appropriated by resolution for the use and benefit of bondholders generally, or may be pledged by the execution of an indenture or other appropriate instrument to a trustee for the bondholders, and the site and facilities, or any part thereof, may be mortgaged to such trustee. The governing body shall have power to make and enter into any and all covenants with the bondholders or trustee which are determined by it to be necessary and proper to assure the marketability of the bonds, the completion of the facilities, the segregation of the revenues or rentals and any other funds pledged, and the sufficiency thereof for the prompt and full payment of all bonds and interest. The bonds shall be deemed to be payable wholly from the income of a revenue-producing convenience within the meaning of section 475.58, except that the governing body may also pledge to the payment of the bonds and interest the full faith and credit of the county, city, village, borough, or hospital district. In this event, unless otherwise provided by law, the bonds shall not be issued unless approved by a majority of the electors voting on the question at an election duly called and held.

Sec. 5. [447.49] MISCELLANEOUS PROVISIONS. All bonds issued pursuant to this act shall be issued and sold as provided in Minnesota Statutes, Chapter 475, but if the bonds do not pledge the credit of the county, city, village, borough or hospital district as provided in section 4, the governing body may negotiate their sale without advertisement for bids. They shall not be included in the net debt of any municipality included therein, and shall not be subject to interest rate limitations, as defined or referred to in Minnesota Statutes, Sections 475.51 and 475.55. The bonds and interest thereon shall be exempt from taxation by the state or any of its political subdivisions.

Sec. 6. [447.50] REFUNDING BONDS. Any county, city, village, borough, or hospital district is authorized to issue bonds hereunder by resolution or resolutions of its governing body to refund any bonds issued for the purposes herein stated.

Approved June 4, 1971.

CHAPTER 845—S.F.No.109

[Coded in Part]

An act relating to public safety; defining certain crimes and penalties; regulating the use of explosives; amending Minnesota

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Statutes 1969, Sections 609.52, Subdivision 3; 609.11; 609.48, Subdivision 4; 609.56; and 609.565; repealing Minnesota Statutes 1969, Section 365.25.

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

Section 1. [299F.71] EXPLOSIVES; REGULATION AND LICENSING; POLICY. The beneficial use of explosives has resulted in great savings of time, labor, and money in the development of the state. However, existing laws and regulations have not restricted explosives to those who would use or contribute to their use for beneficial purposes. The inattentive care, indiscriminate and unrecorded transfer and perverse use of explosives has resulted in death, grave personal injury, and substantial property damage in this state; in addition, the resulting bombings and bombing threats have terrorized and inconvenienced the public.

It is the policy of this state to require such controls of explosives and their component parts from the time prior to manufacture through ultimate use as are necessary to protect the safety and welfare of the public, without unduly restricting the legitimate manufacture, sale, transport, and use of explosives.

Sec. 2. [299F.72] DEFINITIONS. Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. “Explosive” means any compound or mixture, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat; but shall not mean or include the components for handloading rifle, pistol, and shotgun ammunition, and/or rifle, pistol and shotgun ammunition, black powder, primers and fuses when used for ammunition and components for antique or replica muzzleloading rifles, pistols, muskets, shotguns and cannons, or fireworks as defined in Minnesota Statutes 1969, Section 624.20, nor shall it include any fertilizer product possessed, used or sold solely for a legitimate agricultural, forestry, conservation, or horticultural purpose.

Subd. 3. “Explosive device” means any device so articulated that an ignition by fire, by friction, by concussion, or by detonation of any part thereof may cause such sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects, but shall not mean or include the components for handloading rifle, pistol and shotgun ammunition and/or rifle, pistol and shotgun ammunition, black powder, primers and fuses when used for ammunition and components for antique or replica muzzleloading rifles, pistols, muskets, shotguns and cannons, or fireworks as defined in Minnesota Statutes 1969, Section 624.20, nor shall it include any fertilizer product possessed, used or sold solely for legitimate agricultural, forestry, conservation, or horticultural purpose.

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Subd. 4. "Incendiary device" means any device so articulated that ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion, but shall not mean or include a manufactured device or article in common use by the general public which is designed to produce combustion for a lawful purpose, including but not limited to matches, lighters, flares, and petroleum derivatives, nor shall it include any fertilizer product possessed, used or sold solely for legitimate agricultural, forestry, conservation, or horticultural purpose.

Sec. 3. [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 state fire marshal.

Subd. 2. In order to obtain the license herein required such person shall make application to the state fire marshal. The application shall be on forms provided by the state fire marshal 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 7 of this act. The state fire marshal 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 state fire marshal. The provisions of Minnesota Statutes, Sections 15.0418 to 15.0426 shall apply to such hearing and subsequent proceedings, if any.

Sec. 4. [299F.74] PERMIT REQUIRED. No person shall have in his possession explosives, unless said person shall have obtained a valid license as provided in section 3, or unless said person shall have obtained a valid permit for the use of explosives as hereinafter provided. The transportation of an explosive by a common carrier for hire shall not be deemed to be possession of an explosive for purposes of this section.

Sec. 5. [299F.75] PERMIT APPLICATION. Subdivision 1. Any person desiring to possess explosives, other than a person licensed as provided in section 3, shall make application for a permit for the use of explosives to the appropriate local fire official designated in Minnesota Statutes 1969, Section 299F.19, Subdivision 4, or such other person as is designated by the local governing body to act for the local fire official on a standardized form provided by the commissioner of public safety.

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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 7 of this act. Any person aggrieved by the denial of a permit may request a hearing before the state fire marshal. The provisions of Minnesota Statutes, Sections 15.0418 to 15.0426 shall apply to such hearings and subsequent proceedings, if any.

Sec. 6. [299F.76] AFFIRMATION. Subdivision 1. A license or an explosives use permit shall have printed thereon a statement underlined that the applicant affirms under penalty of perjury that the information provided thereon is true to the best of his knowledge and belief. No license or permit shall be issued unless the applicant signs the application.

Subd. 2. Each license or permit issued pursuant to this act shall be designated by number and shall otherwise be sufficient to identify a licensee or permittee. A duplicate of the license or permit shall be retained by the issuing authority. A license or permit shall not be issued for a period of time greater than one year, but may be issued for shorter periods.

Sec. 7. [299F.77] ISSUANCE OF A LICENSE OR PERMIT TO CERTAIN PERSONS PROHIBITED. The following persons shall not be entitled to receive an explosives license or permit:

(a) Any person who within the past 5 years has been convicted of a felony or gross misdemeanor involving moral turpitude, is on parole or probation therefor, or is currently under indictment for any such crime;

(b) Any mentally ill person or any mentally deficient person as defined in Minnesota Statutes, Section 253A.02 who has been confined or committed in Minnesota or elsewhere for a mental disorder or defect to any hospital, mental institution or sanitarium, or who has been certified by a medical doctor as being mentally ill or mentally deficient, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he is no longer suffering from this disability;

(c) Any person who is or has been hospitalized or committed for treatment for the habitual use of a narcotic drug, as defined in Minnesota Statutes, Section 618.01, or a depressant or stimulant drug, as defined in Minnesota Statutes, Section 152.01, or who has been certified by a medical doctor as being addicted to narcotic drugs or depressant or stimulant drugs, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he is no longer suffering from this disability;

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(d) Any person who by reason of the habitual and excessive use of intoxicating liquors is incapable of managing himself or his affairs and who has been confined or committed to any hospital, mental institution or sanitarium in this state or elsewhere as an "inebriate person" as defined in Minnesota Statutes, Section 253A.02, or who has been certified by a medical doctor as being addicted to alcohol, unless he possesses a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that he is no longer suffering from this disability;

(e) Any person under the age of 21 years.

Sec. 8. [299F.78] **TRANSFER.** Subdivision 1. No person shall transfer explosives to another unless the transferee shall display to the transferor a copy of a valid license or use permit and proper identification, and unless said transferee shall present to the transferor a signed standardized form provided by the commissioner of public safety, acknowledging receipt of the quantity of explosives transferred, the identifying numbers of the same explosives, or if none, the identifying numbers of the primary container from which the same explosives were distributed, and the serial number of the use permit displayed, which receipt shall be kept among the transferor's records until authorized to dispose of it by the state fire marshal.

Subd. 2. No person shall purchase more than five pounds of black powder without providing suitable identification and such other information as the commissioner may require. The records shall be submitted to the local fire marshal designated in Minnesota Statutes 1969, Section 299.19, Subdivision 4 at such times as the commissioner may by rule prescribe and such records shall be open to the inspection of any peace officer acting in the normal course of his duties as such.

Sec. 9. [299F.79] **POSSESSION WITH INTENT.** Whoever has in his possession one or more of the components necessary to manufacture or assemble explosives, with the intent to manufacture or assemble explosives, unless said person shall have a valid license or permit as provided by sections 3 and 5, may be sentenced to imprisonment for not more than five years.

Sec. 10. [299F.80] **POSSESSION WITHOUT A PERMIT.** Subdivision 1. Except as provided in subdivision 2, whoever has in his possession explosives without a valid license or permit may be sentenced to imprisonment for not more than three years.

Subd. 2. Whoever has in his possession, dynamite or other explosives commonly used for agricultural, forestry, conservation, industry or mining purposes, without a valid license or permit, with intent to use the same for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such intended use, may be sentenced to

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imprisonment for not more than 90 days or to a payment of a fine of not more than \$300 or both.

Sec. 11. [299F.81] POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE. Whoever has in his possession any explosive device or incendiary device with intent to use the same for any unlawful purpose, may be sentenced to imprisonment for not more than ten years.

Sec. 12. [299F.82] ILLEGAL TRANSFER. Subdivision 1. Except as provided in subdivision 2, whoever illegally transfers an explosive to another may be sentenced to imprisonment for not more than five years.

Subd. 2. Whoever illegally transfers dynamite or other explosives commonly used for agricultural, forestry, conservation, industry or mining purposes to another, personally known to the transferrer, in the belief that the same shall be used for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such believed use, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$300 or both.

Sec. 13. [299F.83] NEGLIGENCE DISCHARGE. Whoever, acting with gross disregard for human life or property, negligently causes an explosive, explosive device, or incendiary device, to be discharged may be sentenced to imprisonment for not more than ten years.

Sec. 14. Minnesota Statutes 1969, Section 609.52, Subdivision 3, is amended to read:

Subd. 3. SENTENCE. Whoever commits theft may be sentenced as follows:

(1) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the property or services stolen exceeds \$2,500; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the property or services is more than \$100 but not more than \$2,500; or

(3) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, notwithstanding the value of the property or services is not more than \$100, if any of the following circumstances exist:

(a) The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or

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(b) The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or

(c) The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or

(d) The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or

(4) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the property stolen is an article representing a trade secret; or if the property stolen is an explosive or an incendiary device; or

(5) In all other cases where the value of the property or services is \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100, provided, however, in any prosecution under clause (1), clause (2), clause (3) (a) and (c), and clause (4) of subdivision 2 the value of the money or property received by the defendant in violation of any one or more of the above provisions within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision.

Sec. 15. Minnesota Statutes 1969, Section 609.11, is amended to read:

609.11 MINIMUM TERMS OF IMPRISONMENT. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law and except that any commitment for a felony wherein the intent of the defendant is an element of proof and wherein the defendant had in his possession a firearm at the time of the ~~offense~~ offenses, and that any commitment for discharge of an explosive, explosive device or incendiary device, shall be for a term of not less than three years.

Sec. 16. Minnesota Statutes 1969, Section 609.48, Subdivision 4, is amended to read:

Subd. 4. **SENTENCE.** Whoever violates this section may be sentenced as follows:

(1) If the false statement was made upon the trial of a felony charge, or upon an application for an explosives license or use permit, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both; or

(2) In all other cases, to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.

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Sec. 17. Minnesota Statutes 1969, Section 609.56, is amended to read:

609.56 AGGRAVATED ARSON. Whoever, by means of fire or explosives, intentionally destroys or damages a dwelling house or other property, real or personal, whether his own or that of another, and thereby creates an imminent danger to life or risk of great bodily harm commits aggravated arson and may be sentenced to imprisonment for not more than ~~15~~ 25 years or to payment of a fine of not more than ~~\$15,000~~ \$25,000, or both, ~~if the danger or risk was known to the actor; or to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the danger or risk was not known but was reasonably foreseeable if the danger or risk was known or reasonably foreseeable.~~

Sec. 18. Minnesota Statutes 1969, Section 609.565, is amended to read:

609.565 SIMPLE ARSON. Whoever, by means of fire or explosives, intentionally damages or destroys any property of another without his consent is guilty of simple arson, if the act does not constitute aggravated arson, and may be sentenced as follows:

(1) To imprisonment for not more than ~~three~~ five years or to payment of a fine of not more than ~~\$3,000~~ \$5,000, or both, if:

(a) The property intended by the actor to be damaged or destroyed had a value of \$100 or more; or

(b) Property of the value of \$100 or more was unintentionally ~~damaged or destroyed but such damage or destruction could reasonably have been foreseen; or~~

(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$100 or more; or

(2) To imprisonment for not more than 90 days or to payment of a fine of not more than ~~\$100~~ \$300 in all other cases.

Sec. 19. **[609.713] TERRORISTIC THREATS.** Subdivision 1. Whoever threatens to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years.

Subd. 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in

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fact present, may be sentenced to imprisonment for not more than three years.

Sec. 20. Minnesota Statutes 1969, Section 365.25, is repealed.

Sec. 21. **EFFECTIVE DATE.** This act is effective July 1, 1971.

Approved June 4, 1971.

CHAPTER 846—S.F.No.150

An act relating to driver's licenses; providing for screening of eyesight on renewal; amending Minnesota Statutes 1969, Sections 171.13, Subdivision 2; and 171.27.

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

Section 1. Minnesota Statutes 1969, Section 171.13, Subdivision 2, is amended to read:

Subd. 2. **DRIVER'S LICENSES; RENEWAL; EYE EXAMINATION.** A driver's license shall be issued at any time without upon renewal when the applicant has passed an examination to any person who has been previously licensed as a driver provided that the applicant's license has not been theretofore canceled consisting of a screening of the applicant's eyesight. Screening of eyesight required by this subdivision shall not be construed as the practice of optometry as defined in Minnesota Statutes, Section 148.56.

Sec 2. Minnesota Statutes 1969, Section 171.27, is amended to read:

171.27 EXPIRATION OF LICENSES. The expiration date for each driver's license, other than provisional licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on his application for a driver's license. Upon A license may be renewed on or before expiration or within one year after expiration upon application, and payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license ~~without examination~~ unless the commissioner believes that the licensee is no longer qualified as a driver.

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