

CHAPTER 583—H.F.No. 1966

An act relating to zoning; providing for filing requirements of variances and certain official maps to real property; amending Minnesota Statutes 1986, section 462.36, subdivision 1.

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

Section 1. Minnesota Statutes 1986, section 462.36, subdivision 1, is amended to read:

Subdivision 1. **REQUIRED DOCUMENTS.** A certified copy of every ordinance, resolution, map, or regulation adopted; or variance granted under the provisions of sections 462.358, 462.359, and 462.3595 shall be filed with the county recorder of the county or counties in which the municipality adopting it is located. A certified copy of every variance to abstract or registered property granted under section 462.358 shall be filed with the county recorder or the registrar of titles of the county or counties in which the municipality granting it is located; except that the requirement to file a variance is satisfied if a certified copy of the resolution citing the existence of the variance is filed identifying the location where the variance documents are available for inspection. Ordinances, resolutions, maps, regulations or variances filed ~~with the county recorder~~ pursuant to this subdivision do not constitute encumbrances on real property. The order issued by the governing body or board of appeals and adjustments as the case may be, shall include the legal description of the property involved. Failure to file an ordinance, resolution, map, regulation, variance, or order shall not affect its validity or enforceability.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective August 1, 1988, for variances granted on or after that date.

Approved April 21, 1988

CHAPTER 584—H.F.No. 2036

An act relating to crimes; clarifying the crime of obstructing legal process or arrest; defining explosive fireworks; prohibiting possession of fireworks; increasing penalties for selling or possessing certain quantities of fireworks; providing penalties; amending Minnesota Statutes 1986, sections 609.50; 624.20; 624.21; 624.23; and 624.25; proposing coding for new law in Minnesota Statutes, chapter 624.

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

Section 1. Minnesota Statutes 1986, section 609.50, is amended to read:

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609.50 OBSTRUCTING LEGAL PROCESS OR ARREST.

Whoever intentionally obstructs, hinders or prevents the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge or conviction of a criminal offense or obstructs, resists or interferes with a peace officer while the officer is engaged in the performance of official duties, or by force or threat of force endeavors to obstruct any employee of the department of revenue while the employee is lawfully engaged in the performance of official duties for the purpose of deterring or interfering with the performance of those duties, may be sentenced as follows:

(1) If the act was accompanied by force or violence or the threat thereof, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; or

(2) In other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

Sec. 2. Minnesota Statutes 1986, section 624.20, is amended to read:

624.20 FIREWORKS.

Subdivision 1. As used in sections 624.20 to 624.25, 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, firecrackers, torpedoes, skyrockets, 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.

Subd. 2. As used in sections 624.20 to 624.25, the term "explosive fireworks" means any fireworks that contain pyrotechnic or flash powder, gunpowder, black powder, or any other explosive compound constructed to produce detonation or deflagration.

Sec. 3. Minnesota Statutes 1986, section 624.21, is amended to read:

624.21 SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, ~~or possess,~~ use, or explode any fireworks. This section shall not be construed to prohibit the possession, use, or explosion of fireworks by an engineer licensed

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pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

Sec. 4. [624.221] EXEMPTIONS FOR LICENSE OR PERMIT HOLDER.

Sections 624.20, 624.21, and 624.23 to 624.25 do not apply to:

(a) the holders of a federal explosives license or permit issued pursuant to United States Code, title 18, chapter 40, or their agents when the holder or agent is acting in compliance with the conditions of licensure; or

(b) the holders of permits issued pursuant to section 624.22 or their agents, from the date of issuance until 20 days after the date of exhibition authorized by the permit, when the holder or agent is acting in compliance with the conditions of the permit and section 624.22.

Sec. 5. Minnesota Statutes 1986, section 624.23, is amended to read:

624.23 CONSTRUCTION OF SECTIONS 624.20 TO 624.25.

Nothing in sections 624.20 to 624.25 shall be construed to prohibit any resident wholesaler, dealer, or jobber, from possessing or selling at wholesale ~~such~~ fireworks as which are not ~~herein~~ prohibited; or the possession or sale of any kind of fireworks for shipment directly out of the state; or the possession or use of fireworks by airplanes and railroads, or other transportation agencies for signal purposes or illumination; or the possession, sale, or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations or for use as a bird or animal repelling device.

Sec. 6. Minnesota Statutes 1986, section 624.25, is amended to read:

624.25 VIOLATION.

Any person violating the provisions of sections 624.20 to 624.24 ~~shall~~ may be ~~guilty of a misdemeanor~~ sentenced as follows:

(1) if the violation involves explosive fireworks in an amount of 35 pounds gross container weight or more, to imprisonment for not more than one year, or to payment of a fine of not more than \$3,000, or both;

(2) if the violation involves explosive fireworks in an amount of less than 35 pounds gross container weight, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both; and

(3) if the violation involves any amount of fireworks other than explosive fireworks, to imprisonment for not more than 90 days, or to payment of a fine of not more than \$700, or both.

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Sec. 7. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment. Sections 2 to 6 are effective August 1, 1988, and apply to crimes committed on or after that date.

Approved April 21, 1988

CHAPTER 585—H.F.No. 2108

An act relating to state government; ratifying labor agreements, compensation plans, and salaries for state employees, and salaries for certain employees of metropolitan agencies.

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

Section 1. **RATIFICATION.**

Subdivision 1. The labor agreement between the state of Minnesota and the American federation of state, county and municipal employees, council 6, approved by the legislative commission on employee relations on July 21, 1987, is ratified.

Subd. 2. The labor agreement between the state of Minnesota and the Minnesota association of professional employees, approved by the legislative commission on employee relations on August 25, 1987, is ratified.

Subd. 3. The labor agreement between the state of Minnesota and the middle management association, approved by the legislative commission on employee relations on August 25, 1987, is ratified.

Subd. 4. The labor agreement between the state of Minnesota and the Minnesota community college faculty association, Minnesota education association, approved by the legislative commission on employee relations on August 25, 1987, is ratified.

Subd. 5. The labor agreement between the state of Minnesota and the Minnesota government engineers council, approved by the legislative commission on employee relations on August 25, 1987, is ratified.

Subd. 6. The salary plan for positions listed in Minnesota Statutes, section 15A.081, approved by the legislative commission on employee relations on August 25, 1987, is ratified.

Subd. 7. The commissioner of employee relations' plan for managerial employees, approved by the legislative commission on employee relations on August 25, 1987, is ratified.

Subd. 8. The commissioner of employee relations' plan for unrepresented employees, approved by the legislative commission on employee relations on August 25, 1987, is ratified.

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