

petitioners shall file a bond as provided in Minnesota Statutes, Sections 106.041 and 106.051. No bond shall be required if the petition is filed by the state, any of its departments or agencies, the commissioner of conservation, the United States or any of its agencies, and cities, villages or boroughs. Said petition shall also be accompanied by a permit from the commissioner of conservation as required in Minnesota Statutes, Sections 105.41 and 105.42.

On receipt of the petition, bond, and permit, if required, the board or court shall appoint an engineer to investigate the effect of the proposed installation and file a report of his findings. Upon filing of the engineer's report, notice shall be given and a public hearing held as provided in Minnesota Statutes, Section 106.101. If at this hearing it appears from the engineer's report and other evidence presented that such installation will be of a public or private benefit and that it will not impair the utility of the ditch or deprive affected land owners of the benefit thereof, the board or court shall issue a permit authorizing its installation. Before the petitioner shall install or construct any impoundment or diversion, he shall obtain such rights of way and flowage easements from all owners of land to be affected thereby.

The order of the court modifying the ditch system shall provide that all construction and subsequent maintenance and repairs of the ditch modification shall be done and performed by the petitioner without any cost to the owners of lands and properties previously within the drainage system.

Approved May 22, 1963.

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#### CHAPTER 818—H. F. No. 1318

*An act relating to the prohibition of 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; amending Minnesota Statutes 1961, Section 616.434.*

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

Section 1. Minnesota Statutes 1961, Section 616.434 is amended to read:

616.434. **Sale of fireworks prohibited.** Except as otherwise provided in sections 616.433 to 616.438, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks. *This section shall not be construed to prohibit sales at wholesale to those persons hold-*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*ing valid permits for a fireworks display from a governmental subdivision of the state, or to prohibit sales outside the state.*

Approved May 22, 1963.

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CHAPTER 819—H. F. No. 1379

*An act relating to the board of pardons, providing for granting pardons and pardons extraordinary; amending Minnesota Statutes 1961, Section 638.02.*

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

Section 1. Minnesota Statutes 1961, Section 638.02, is amended to read:

638.02 **Pardons, granting.** *Subdivision 1.* The board of pardons may grant an absolute or a conditional pardon, but every conditional pardon shall state the terms and conditions on which it was granted. ~~A reprieve in a case where capital punishment has been imposed may be granted by any member of the board; but for such time only as may be reasonably necessary to secure a meeting for the consideration of an application for pardon or commutation of sentence.~~ Every pardon or commutation of sentence shall be in writing and shall have no force or effect unless granted by a unanimous vote of the board duly convened.

*Subd. 2.* Any person, convicted of crime in any court of this state, ~~who was under the age of 21 years at the time when the criminal act was committed; and which person who~~ has served the sentence imposed by the court and has been discharged of the sentence either by order of court or by operation of law, may petition the board of pardons for the granting of a pardon extraordinary. If the board of pardons shall determine that such person has been convicted of no criminal acts other than the act upon which such conviction was founded and is of good character and reputation, the board may, in its discretion, grant to such person a pardon extraordinary. Such pardon extraordinary, when granted, shall have the effect of restoring such person to all civil rights, and shall have the effect of setting aside the conviction and nullifying the same and of purging such person thereof and such person shall never thereafter be required to disclose the conviction at any time or place other than in a judicial proceeding thereafter instituted.

The application for such pardon extraordinary and the proceedings thereunder and notice thereof shall be governed by the

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