

until approved by a majority of the voters voting on the question at a regular or special election.

Sec. 4. EFFECTIVE DATE.

This act takes effect the day after the filing of a certificate of local approval by the Olmsted county board in compliance with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 9, 1990

Signed by the governor April 9, 1990, 4:00 p.m.

CHAPTER 439—S.F.No. 2134

An act relating to crime; imposing penalties on persons who commit a gross misdemeanor or felony while wearing or possessing a bullet-resistant vest; permitting summary forfeiture of weapons used to commit a controlled substance offense; permitting summary forfeiture of bullet-resistant vests worn or possessed during the commission of a crime; increasing the penalty for furnishing firearms to a minor, intentionally discharging a firearm under circumstances that endanger another, and selling a firearm with a silencer; clarifying that ammunition manufacturers and federally licensed dealers may sell to government agencies; amending Minnesota Statutes 1988, sections 609.5316, subdivision 3; 609.66, subdivision 1, and by adding a subdivision; and 609.67, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. **[609.486] COMMISSION OF CRIME WHILE WEARING OR POSSESSING A BULLET-RESISTANT VEST.**

A person who commits or attempts to commit a gross misdemeanor or felony while wearing or possessing a bullet-resistant vest is guilty of a felony and, upon conviction, shall be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. Notwithstanding section 609.04, a prosecution for or conviction under this section is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

As used in this section, "bullet-resistant vest" means a bullet-resistant garment that provides ballistic and trauma protection.

Sec. 2. Minnesota Statutes 1988, section 609.5316, subdivision 3, is amended to read:

Subd. 3. **WEAPONS AND BULLET-RESISTANT VESTS.** Weapons used

New language is indicated by underline, deletions by ~~strikeout~~.

are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime or for any offense of this chapter. Bullet-resistant vests, as defined in section 1, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Notwithstanding this subdivision, weapons used and bullet-resistant vests worn or possessed may be forfeited without a conviction under sections 609.531 to 609.5315.

Sec. 3. Minnesota Statutes 1988, section 609.66, subdivision 1, is amended to read:

Subdivision 1. **ACTS PROHIBITED MISDEMEANOR.** Whoever does any of the following is guilty of a misdemeanor:

- (1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or
- (2) intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or
- (3) manufactures or sells for any unlawful purpose any weapon known as a slungshot or sand club; or
- (4) manufactures, transfers, or possesses metal knuckles or a switch blade knife opening automatically; or
- (5) possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or
- (6) ~~sells or has in possession any device designed to silence or muffle the discharge of a firearm; or~~
- (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits the child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; ~~or~~
- (8) ~~in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of the minor's parent or guardian or of the police department of the municipality.~~

Sec. 4. Minnesota Statutes 1988, section 609.66, is amended by adding a subdivision to read:

Subd. 1a. FELONY. Whoever does any of the following is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both:

New language is indicated by underline, deletions by ~~strikeout~~.

(1) sells or has in possession any device designed to silence or muffle the discharge of a firearm;

(2) in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of the minor's parent or guardian or of the police department of the municipality; or

(3) intentionally discharges a firearm under circumstances that endanger the safety of another.

Sec. 5. Minnesota Statutes 1988, section 609.67, subdivision 3, is amended to read:

Subd. 3. **USES PERMITTED.** The following persons may own or possess a machine gun or short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) law enforcement officers for use in the course of their duties;

(2) chief executive officers of correctional facilities and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties;

(3) persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or the superintendent's delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons;

(4) manufacturers of ammunition who possess and use machine guns for the sole purpose of testing ammunition manufactured for sale to ~~law enforcement agencies and correctional facilities~~ federal and state agencies or political subdivisions; and

(5) dealers and manufacturers who are federally licensed to buy and sell, or manufacture machine guns or short-barreled shotguns and who either use the machine guns or short-barreled shotguns in peace officer training under courses approved by the board of peace officer standards and training, or are engaged in the sale of machine guns or short-barreled shotguns to ~~Minnesota law enforcement federal and state agencies and will use the machine gun or short-barreled shotgun for law enforcement sales demonstrations or~~ political subdivisions.

Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective August 1, 1990, and apply to crimes committed on or after that date.

New language is indicated by underline, deletions by ~~strikeout~~.

Presented to the governor April 12, 1990

Signed by the governor April 16, 1990, 4:10 p.m.

CHAPTER 440—S.F.No. 2433

An act relating to metropolitan government; authorizing certain investments by the metropolitan airports commission; authorizing the metropolitan council to review and approve changes in certain land uses relating to metropolitan airport development; amending Minnesota Statutes 1988, section 473.606, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 473.

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

Section 1. [473.1551] NEW AIRPORT SEARCH AREAS.

Subdivision 1. CANDIDATE SEARCH AREAS PROTECTION. (a) The provisions of this subdivision apply within areas designated by the metropolitan council as candidates for selection as a search area for a new major airport under section 473.155, subdivision 3. The provisions apply until the council has selected a search area under section 473.155, subdivision 3.

(b) All land within the candidate search areas not zoned for other use is zoned for use exclusively for agricultural purposes, except that a prior nonconforming use established with reference to any lot or parcel of land may be continued.

(c) A local government unit in the metropolitan area may not permit a change in zoning, a zoning variance, or a conditional use, including planned unit developments, that the local unit or the metropolitan council determines is inconsistent with the comprehensive plan for the local government unit adopted in accordance with sections 473.175 and 473.851 to 473.871, or any other authority. Before approving an application or proposal for a change in zoning, zoning variance, or conditional use, the local government unit shall submit the application or proposal to the metropolitan council for review and approval or disapproval. The council may disapprove the application or proposal only if the council determines that it is inconsistent with the comprehensive plan of the local unit.

(d) The council shall give notice to the metropolitan airports commission of all submittals under paragraph (c). The commission may comment to the council on any submittal.

(e) The council shall approve or disapprove a submittal within 90 days following receipt by the council, unless a time extension is mutually agreed to by

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