

of seizure, storage, sale expenses, and satisfaction of valid liens against the property, shall be forwarded to the prosecuting agency that handled the forfeiture proceedings for deposit in its operating fund, or similar fund; one-third of the proceeds shall be forwarded to the commissioner of public safety for disbursement pursuant to section 299C.065, and one-third of the proceeds shall be retained by the appropriate agency and deposited in its operating fund;

(d) if the property is deemed to be contraband, the property shall be destroyed or used by the appropriate agency for law enforcement purposes.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective August 1, 1984, and applies to crimes committed on or after that date.

Approved May 2, 1984

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**CHAPTER 626 — S.F.No. 1349**

*An act relating to liquor; adding liquor, nonintoxicating malt liquor and food to the list of substances exempted from classification as hazardous substances; redefining restaurants for purposes of licensing in St. Louis, Lake, and Cook counties; permitting exclusive sale of certain liquors by Minnesota wholesalers, distillers, rectifiers, or bottlers; authorizing the use of wine catalogs by off-sale dealers; imposing a moratorium on new off-sale intoxicating liquor licenses issued by towns; allowing the cities of Roseville and West St. Paul to issue on-sale intoxicating liquor licenses in excess of the number authorized by law; increasing the number of on-sale licenses, modifying the transferability thereof, and abolishing liquor patrol limits within the city of St. Paul; allowing the city of St. Paul to issue on-sale intoxicating liquor licenses to the Minnesota Museum of Art and the Ordway Music Theatre; authorizing the Duluth city council to permit the on-sale of liquor at the St. Louis County Heritage and Arts Center by on-sale licensees in the city of Duluth; authorizing the town of Greenwood in St. Louis County to issue one off-sale intoxicating liquor license; repealing certain restrictions on territory in the city of St. Paul where licenses may be issued; amending Minnesota Statutes 1982, sections 340.07, subdivision 14; 340.114, by adding a subdivision; 340.15, subdivision 1; and 340.601; Minnesota Statutes 1983 Supplement, section 182.651, subdivision 18; repealing Minnesota Statutes 1982, sections 340.57; 340.58; 340.59; 340.73, subdivision 2; 340.78; and 340.81; and Special Laws 1885, chapter 281, section 6.*

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

Section 1. Minnesota Statutes 1983 Supplement, section 182.651, subdivision 18, is amended to read:

Subd. 18. The following substances or mixtures are not hazardous substances if they are:

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(a) products intended for personal consumption by employees in the workplace;

(b) consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product;

(c) any article, including but not limited to, an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by an employee;

(d) any hazardous substance that is bound and not released under normal conditions of work or in a reasonably foreseeable occurrence resulting from workplace operations;

(e) products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas; or

(f) "liquor" as defined in section 340.07, subdivision 2 or "non-intoxicating malt liquor" as defined in section 340.001, subdivision 2;

(g) "food" as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, et seq.; or

(h) any waste material regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

The commissioner may, by inclusion in the standards adopted pursuant to section 182.655, determine whether any of the following may be excluded from the definitions of hazardous substance or harmful physical agent:

(a) waste products labeled pursuant to the Resource Conservation and Recovery Act;

(b) any substance received by an employee in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace; or

(c) any substance, mixture, or product if present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

Sec. 2. Minnesota Statutes 1982, section 340.07, subdivision 14, is amended to read:

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Subd. 14. "Restaurant" means any establishment, other than a hotel, under the control of a single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment therefor, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests. In cities of the first class such establishment shall have facilities for seating not less than 50 guests at one time; in cities of the second and third class and statutory cities of over 10,000 population, such establishment shall have facilities for seating not less than 30 guests at one time, or such greater number as the municipality may determine; and in cities of the fourth class and statutory cities of 10,000 population or less, in such manner as the municipality shall determine; and in an unincorporated or unorganized area of a county other than St. Louis, Cook, and Lake counties such establishment shall have facilities for seating not less than 100 guests at one time or such greater number as the county board may determine; and in an unincorporated or unorganized area of St. Louis, Cook, and Lake counties the establishment must have facilities for seating not less than 50 guests at one time.

Sec. 3. Minnesota Statutes 1982, section 340.114, is amended by adding a subdivision to read:

Subd. 5. This section does not apply to intoxicating liquor which is:

- (1) further distilled, refined, rectified, or blended within the state; and
- (2) bottled within the state and labeled with the importer's own labels after importation into the state.

Sec. 4. Minnesota Statutes 1982, section 340.15, subdivision 1, is amended to read:

Subdivision 1. The unrestricted advertising of intoxicating liquor is hereby declared to be contrary to public policy. Reasonable rules and regulations restricting advertising to prevent it from counteracting temperance education shall be made by the commissioner of public safety. No regulation shall be construed as prohibiting the advertising of wines by off-sale licensees or municipal liquor stores by means of catalogs distributed by direct mail listing not less than 25 varieties of wine and the price of each.

Sec. 5. Minnesota Statutes 1982, section 340.601, is amended to read:  
**340.601 IMPORT; TAX EVASION, MISDEMEANOR.**

~~Any~~ A person, excluding persons of minor age and other disqualified persons as provided by ~~sections~~ section 340.73 ~~and~~ 340.78, who enters the state of Minnesota from another state may have in his personal possession one quart (32 ounces) of intoxicating liquor or fermented malt beverages or who enters the state of Minnesota from a foreign country may have in his possession one gallon (128 ounces) of intoxicating liquor or ten quarts (320 ounces) of fermented malt

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beverages without the required payment of the Minnesota excise tax. ~~Any A~~ collector of commemorative bottles as defined in section 340.44, clauses (6) and (7), excluding persons of minor age and other disqualified persons as provided by ~~sections section~~ 340.73 and 340.78, who enters the state of Minnesota from another state may have in his personal possession 12 or fewer commemorative bottles without the required payment of the Minnesota excise tax. ~~Any A~~ person who ~~shall import imports~~ or ~~have has~~ in his possession any ~~such~~ untaxed intoxicating liquor or fermented malt beverages in excess of the quantities provided for in this section is guilty of a misdemeanor. ~~The foregoing These~~ provisions do not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers of ~~such~~ alcoholic beverages when duly licensed by the commissioner or to common carriers with licenses to sell intoxicating liquor in more than one state. ~~Any A~~ peace officer, the commissioner, or ~~his the~~ commissioner's authorized agents, may seize such untaxed liquor.

#### Sec. 6. MORATORIUM ON CERTAIN LICENSES.

Notwithstanding the provisions of Minnesota Statutes, section 340.11, subdivision 10b, town boards of towns exercising powers under Minnesota Statutes, section 368.01, subdivision 1, may not issue any new off-sale intoxicating liquor licenses for a period of one year beginning with the effective date of this section. Licenses previously issued under section 340.11, subdivision 10b, may be renewed.

#### Sec. 7. ROSEVILLE LICENSES.

Notwithstanding any law to the contrary, the city of Roseville may issue six on-sale intoxicating liquor licenses in addition to those authorized by law. The licenses are subject to all other provisions of Minnesota Statutes, chapter 340.

#### Sec. 8. WEST ST. PAUL LICENSES.

Notwithstanding any law to the contrary, the city of West St. Paul may issue one on-sale intoxicating liquor license in addition to those authorized by law. The license is subject to all other provisions of Minnesota Statutes, chapter 340.

#### Sec. 9. ST. PAUL, CITY OF, ORDWAY MUSIC THEATRE; LIQUOR LICENSE.

In addition to the licenses now authorized by law and notwithstanding any law or ordinance to the contrary, the city of St. Paul may issue an on-sale liquor license to the governing body of the Ordway Music Theatre for the premises known as the Ordway Music Theatre. The license may, with the prior approval of the governing body of the Ordway Music Theatre, be used any place on the premises of the music theatre by a person, firm, or corporation that has

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contracted for the use of the premises for an event or by a caterer of the person, firm, or corporation approved by the governing body of the Ordway Music Theatre. The license may be used by the person, firm, corporation, or caterer notwithstanding that the person, firm, corporation, or caterer may hold on-sale licenses in their own right.

**Sec. 10. ST. PAUL LIQUOR PATROL LIMITS AND ON-SALE LICENSES.**

Notwithstanding any law or charter provision to the contrary, the city of Saint Paul may issue retail intoxicating liquor licenses within the territory where sale of intoxicating liquor was prohibited by Special Laws 1885, chapter 281, section 6, in excess of the number authorized by Minnesota Statutes 1982, sections 340.57 to 340.59, subject to the limitations of this section.

The number of on-sale intoxicating liquor licenses which may be issued by the city of St. Paul shall be determined by the city council, and is not subject to the limitation contained in Minnesota Statutes, section 340.11, subdivision 5a; except that, until 1990, the number may not exceed one license for every 1,100 population, as determined by the most recent federal decennial census or by any special census taken pursuant to law, and, until 1990, not more than ten new licenses may be issued in any calendar year.

Notwithstanding any law or charter or ordinance provision to the contrary, on-sale intoxicating liquor licenses issued by the city of St. Paul shall be nontransferable after December 31, 1990.

**Sec. 11. SALE OF LIQUOR AT ST. LOUIS COUNTY HERITAGE AND ARTS CENTER.**

Notwithstanding any law to the contrary, the Duluth city council may by ordinance authorize on-sale intoxicating liquor license holders in the city to sell intoxicating liquor at any convention, banquet, conference, meeting, or social affair conducted on the premises of the St. Louis County Heritage and Arts Center when the licensee has been engaged by a person or organization authorized by the board of directors of the center to use said premises for the event. Sales shall be made only to persons attending the event and shall be subject to all laws and ordinances governing the sale of intoxicating liquor not inconsistent with this act. The city council may impose any additional restrictions on sales it deems appropriate and may fix and assess a fee to be paid by the licensee for each event at which sales are made. The authority granted herein shall not be construed to be the granting of an additional on-sale intoxicating liquor license in Duluth.

**Sec. 12. TOWN OF GREENWOOD; OFF-SALE LICENSE.**

Notwithstanding any law to the contrary, the town board of the town of Greenwood in St. Louis County may issue one off-sale liquor license to an

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establishment located within the town, with the approval of the commissioner of public safety. The license shall not be issued to a premises located within three miles of a municipality operating a municipal liquor store. The fee for the license shall be fixed by the town board in an amount not to exceed \$500 per year. A license issued pursuant to this section shall otherwise be governed by Minnesota Statutes, chapter 340.

**Sec. 13. ST. PAUL, CITY OF; MINNESOTA MUSEUM OF ART.**

In addition to the licenses now authorized by law, and notwithstanding any law or ordinance to the contrary, the city of St. Paul may issue an on-sale liquor license to the governing body of the Minnesota Museum of Art for the premises known as the Jemne Building. The license may, with the prior approval of the governing body of the Minnesota Museum of Art, be used any place on the premises of the Jemne Building by a person, firm, or corporation that has contracted for the use of the premises for an event or by a caterer of the person, firm, or corporation approved by the governing body of the Minnesota Museum of Art. The license may be used by the person, firm, corporation, or caterer notwithstanding that the person, firm, corporation, or caterer may hold on-sale licenses in their own right.

**Sec. 14. REPEALER.**

Minnesota Statutes 1982, sections 340.73, subdivision 2; 340.78; and 340.81, are repealed. Minnesota Statutes 1982, sections 340.57; 340.58; and 340.59, and Special Laws 1885, chapter 281, section 6, are repealed effective August 1, 1984, contingent upon the approval of section 10 by the St. Paul city council.

**Sec. 15. EFFECTIVE DATE.**

Section 2 is effective the day following final enactment. Sections 7, 8, 9, 11, and 13 are effective on approval by the appropriate governing body and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 10 is effective August 1, 1984, following approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 12 is effective on approval by the Greenwood town board and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Approved May 2, 1984

**CHAPTER 627 — S.F.No. 1441**

*An act relating to the operation of the department of economic security; funding sheltered workshop and work activity programs based on evaluated effectiveness; defining sheltered employee; requiring rulemaking and a report to the legislature; appropriating money; amending Minnesota Statutes 1982, sections 129A.01 and 129A.08.*

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