

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>A</u>	<u>B</u>	<u>C</u>
<u>145.883, subdivision 9</u>	<u>145.913</u>	<u>145A.09</u>
<u>145.883, subdivision 9</u>	<u>145.911 to 145.922</u>	<u>145A.09 to 145A.13</u>
<u>256E.03, subdivision 2</u>	<u>145.911 to 145.922</u>	<u>145A.09 to 145A.13</u>
<u>256F.05, subdivision 2</u>	<u>145.911 to 145.922</u>	<u>145A.09 to 145A.13</u>
<u>383B.221, subdivision 2</u>	<u>145.911 to 145.922</u>	<u>145A.09 to 145A.13</u>
<u>402.02, subdivision 2</u>	<u>145.911 to 145.922</u>	<u>145A.09 to 145A.13</u>

Sec. 27. **REPEALER.**

Minnesota Statutes 1986, sections 145.01; 145.03; 145.031; 145.04; 145.05; 145.06; 145.07; 145.08; 145.085; 145.10; 145.11; 145.12; 145.123; 145.125; 145.17; 145.18; 145.19; 145.20; 145.21; 145.22; 145.23; 145.24, subdivisions 1 and 2; 145.47; 145.48; 145.49; 145.50; 145.51; 145.52; 145.53; 145.54; 145.55; 145.911; 145.912, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 19, and 20; 145.913; 145.914; 145.915; 145.916; 145.917; 145.918; 145.919; 145.92; and 145.922, are repealed.

Approved May 28, 1987

CHAPTER 310—S.F.No. 1152

An act relating to alcoholic beverages; limiting imports by individuals; permitting certain transactions between brewers and wholesalers; specifying limits on variable volume prices; providing for notice of credit-delinquent retailers; authorizing counties to issue seasonal on-sale licenses; specifying counties which may issue licenses in certain locations; permitting wine auctions; setting minimum age to sell or serve alcoholic beverages; specifying who may impose administrative penalties for certain violations by retailers; authorizing inspections of licensed premises by the commissioner of public safety; repealing affirmation law, wholesale price filing, and percentage requirements for malt barley in beer; amending Minnesota Statutes 1986, sections 297C.09; 340A.302, subdivision 1; 340A.308; 340A.312, subdivision 2; 340A.318, subdivisions 2, 3, and 4; 340A.404, by adding a subdivision; 340A.405, subdivision 2, and by adding a subdivision; 340A.412, subdivision 10; 340A.415; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; 34.14; 340A.307, subdivision 3; and 340A.313.

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

Section 1. Minnesota Statutes 1986, section 297C.09, is amended to read:

297C.09 IMPORTATION BY INDIVIDUALS.

A person, other than a person under the age of 19 21 years, entering

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Minnesota from another state may have in possession one liter of intoxicating liquor or 288 ounces of malt liquor and a person entering Minnesota from a foreign country may have in possession four liters of intoxicating liquor or ten quarts (320 ounces) of malt liquor without the required payment of the Minnesota excise tax. Amounts in excess of these quantities may be imported only by a licensee holding the appropriate license as manufacturer, wholesaler, or importer under section 340A.301 or 340A.302. A collector of commemorative bottles, other than a person under the age of 19 21 years, entering Minnesota from another state may have in possession 12 or fewer commemorative bottles without the required payment of the Minnesota excise tax. A person who imports or has in possession untaxed intoxicating liquor or malt liquor in excess of the quantities provided for in this section is guilty of a misdemeanor. This section does not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers when licensed by the commissioner of public safety or to common carriers with licenses to sell intoxicating liquor in more than one state. A peace officer, the commissioner, or their authorized agents, may seize untaxed liquor.

Sec. 2. Minnesota Statutes 1986, section 340A.302, subdivision 1, is amended to read:

Subdivision 1. **LICENSES REQUIRED.** Except as provided in ~~section~~ sections 297C.09 and 340A.301, subdivision 1, no retailer or other person may ship or cause to be shipped alcoholic beverages or ethyl alcohol for personal use or to a licensed manufacturer or wholesaler without obtaining an importer's license from the commissioner.

Sec. 3. Minnesota Statutes 1986, section 340A.308, is amended to read:

340A.308 PROHIBITED TRANSACTIONS.

(a) No brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner:

- (1) give, or lend money, credit, or other thing of value to a retailer;
- (2) give, lend, lease, or sell furnishing or equipment to a retailer;
- (3) have an interest in a retail license; or
- (4) be bound for the repayment of a loan to a retailer.

(b) This section does not prohibit a manufacturer or wholesaler from:

- (1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to \$100 excluding installation and repair costs;
- (2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to \$100 in a year;

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(3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to \$100 per tap in a year;

(4) using or renting property owned continually since November 1, 1933, for the purpose of selling intoxicating or nonintoxicating malt liquor at retail; or

(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only.

Sec. 4. Minnesota Statutes 1986, section 340A.312, subdivision 2, is amended to read:

Subd. 2. **VOLUME PRICES.** A variable volume price offered by a wholesaler to a licensed retailer on sales of distilled spirits or wine may not be for a quantity of more than ~~300 one-liter or smaller bottles~~ 25 cases.

Sec. 5. Minnesota Statutes 1986, section 340A.318, subdivision 2, is amended to read:

Subd. 2. **REPORTING.** Every distiller, manufacturer or wholesaler selling to retailers shall submit to the commissioner in triplicate not later than Thursday of each calendar week a verified list of the names and addresses of each retail licensee purchasing distilled spirits or wine from that distiller, manufacturer or wholesaler who, on the first day of that calendar week, was delinquent beyond the 30-day period, or a verified statement that no delinquencies exist which are required to be reported. The name and address of each retail licensee who makes payment with a postdated check, or a check that is dishonored on presentment, must also be submitted to the commissioner at that time. If a retail licensee previously reported as delinquent cures the delinquency by payment, the name and address of that licensee shall be submitted in triplicate to the commissioner not later than the close of the second full business day following the day the delinquency was cured.

Sec. 6. Minnesota Statutes 1986, section 340A.318, subdivision 3, is amended to read:

Subd. 3. **POSTING; NOTICE.** Verified list or statements required by subdivision 2 shall be posted by the commissioner in offices of the department in places available for public inspection and ~~mailed to each licensed wholesaler~~ not later than the day following receipt. Documents ~~so posted and mailed~~ shall constitute notice to every distiller, manufacturer or wholesaler of the information posted. Actual notice, however received, also constitutes notice.

Sec. 7. Minnesota Statutes 1986, section 340A.318, subdivision 4, is amended to read:

Subd. 4. **MISCELLANEOUS PROVISIONS.** The 30-day merchandising

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period allowed by this section shall commence with the day immediately following the date of invoice and shall include all successive days, including Sundays and holidays, to and including the 30th successive day. In addition to other legal methods, payment by check during the period for which merchandising credit may be extended shall be considered payment. All checks received in payment for distilled spirits or wine shall be deposited promptly for collection. A postdated check or a check dishonored on presentation for payment does not constitute payment. A retail licensee shall not be deemed delinquent for any alleged sale in any instance where there exists a bona fide dispute between the licensee and the distiller, manufacturer or wholesaler as to the amount owing as a result of the alleged sale. A delinquent retail licensee who engages in the retail liquor business at two or more locations shall be deemed to be delinquent with respect to each location. A retail licensee who engages in the retail liquor business at two or more locations means "a person or group of persons possessing 50 percent or more ownership in two or more locations."

Sec. 8. Minnesota Statutes 1986, section 340A.404, is amended by adding a subdivision to read:

Subd. 6a. SEASONAL LICENSES; COUNTIES. A county may issue seasonal on-sale intoxicating liquor licenses of periods specified in the licenses, which may not exceed six months, or in the case of Lake county, nine months. The county board shall determine the fee for such a license. Not more than one seasonal on-sale license may be issued to any one premises in any 12-month period.

Sec. 9. Minnesota Statutes 1986, section 340A.405, subdivision 2, is amended to read:

Subd. 2. **COUNTIES.** (a) A county may issue an off-sale intoxicating license with the approval of the commissioner to exclusive liquor stores located within unorganized territory of the county.

(b) A county board of any county except Ramsey county containing a town exercising powers under section 368.01, subdivision 1, may issue an off-sale license to an exclusive liquor store within that town with the approval of the commissioner. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(c) A county board of any county except Ramsey county containing a town that may not exercise powers under section 368.01, subdivision 1, may issue a combination off-sale and on-sale license to restaurants within that town with the approval of the commissioner pursuant to section 340A.404, subdivision 6. No license may be issued under this paragraph unless the town board adopts a resolution supporting the issuance of the license.

(d) No license may be issued under this subdivision unless a public hearing is held on the issuance of the license. Notice must be given to all interested parties and to any city located within three miles of the premises proposed to be

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licensed. At the hearing the county board shall consider testimony and exhibits presented by interested parties and may base its decision to issue or deny a license upon the nature of the business to be conducted and its impact upon any municipality, the character and reputation of the applicant, and the propriety of the location. Any hearing held under this paragraph is not subject to chapter 14.

(e) A county board may not issue a license under this subdivision to a person for an establishment located less than three miles by the most direct route from the boundary of any statutory or home rule city except cities of the first class or within Pine ~~or~~, Kanabec, Carlton or Red Lake counties within three miles of a statutory or home rule city with a municipal liquor store.

(f) The town board may impose an additional license fee in an amount not to exceed 20 percent of the county license fee.

(g) Notwithstanding any provision of this subdivision or Laws 1973, chapter 566, as amended by Laws 1974, chapter 200, a county board may transfer or renew a license that was issued by a town board under Minnesota Statutes 1984, section 340.11, subdivision 10b prior to January 1, 1985.

Sec. 10. Minnesota Statutes 1986, section 340A.405, is amended by adding a subdivision to read:

Subd. 4. TEMPORARY OFF-SALE LICENSES; WINE AUCTIONS. (a) The governing body of a city may issue a temporary license for the off-sale of wine at an auction with the approval of the commissioner. A license issued under this subdivision authorizes the sale of only vintage wine of a brand and vintage that is not commonly being offered for sale by any wholesaler in Minnesota. The license may authorize the off-sale of wine for not more than three consecutive days provided not more than 600 cases of wine are sold at any auction. The licenses are subject to the terms, including license fee, imposed by the issuing city. Licenses issued under this subdivision are subject to all laws and ordinances governing the sale of intoxicating liquor except section 340A.409 and those laws and ordinances which by their nature are not applicable.

(b) As used in the subdivision, "vintage wine" means bottled wine which is at least five years old.

Sec. 11. Minnesota Statutes 1986, section 340A.412, subdivision 10, is amended to read:

Subd. 10. EMPLOYMENT OF MINORS. No person under 18 years of age may be employed in a place where intoxicating liquor is sold for consumption on the premises, except persons under 18 years of age may be employed as musicians or in bussing or washing dishes in a restaurant or hotel that is licensed to sell intoxicating liquor and may be employed as waiters or waitresses at a restaurant, hotel, or motel where only wine is sold, provided that the person under the age of 18 may not serve or sell any wine serve or sell intoxicating liquor in a retail intoxicating liquor establishment.

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Sec. 12. Minnesota Statutes 1986, section 340A.415, is amended to read:

340A.415 LICENSE REVOCATION OR SUSPENSION.

The authority issuing or approving any retail license or permit under this chapter shall either suspend for up to 60 days or revoke the license or permit or impose a civil fine not to exceed \$2,000 for each violation on a finding that the license or permit holder has failed to comply with an applicable statute, rule, or ordinance relating to alcoholic beverages. No suspension or revocation takes effect until the license or permit holder has been afforded an opportunity for a hearing under sections 14.57 to 14.70 of the administrative procedure act. The issuing authority or the commissioner may impose the penalties provided in this section on a retail licensee who knowingly sells alcoholic beverages to another retail licensee for the purpose of resale, or on a retail licensee who purchases alcoholic beverages from another retail licensee for the purpose of resale.

Sec. 13. [340A.907] INSPECTION.

The commissioner of public safety or any duly authorized employee may, at all reasonable hours, enter in and upon the premises of any licensee or permit holder under this chapter to inspect the premises and examine the books, papers, and records of a manufacturer, wholesaler, importer, or retailer for the purpose of determining whether the provisions of this chapter are being complied with. If the commissioner or any duly authorized employee is denied free access or is hindered or interfered with in making an inspection or examination, the licensee or permit holder is subject to revocation pursuant to section 340A.304 in the case of a wholesaler, manufacturer, or importer, and section 340A.415 in the case of a retailer.

Sec. 14. REPEALER.

Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; 34.14; 340A.307, subdivision 3; and 340A.313, are repealed.

Approved May 28, 1987

CHAPTER 311—S.F.No. 1202

An act relating to environment; establishing a siting process for a low-level radioactive waste facility; providing for volunteer sites and an alternative site selection process; establishing a siting board; appropriating money; amending Minnesota Statutes 1986, sections 116C.832, subdivision 1, and by adding subdivisions; 116C.834; and 116C.842, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Section 1. Minnesota Statutes 1986, section 116C.832, subdivision 1, is amended to read:

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