

profits derived from lawful gambling. For the purposes of this subdivision, net profits are profits less amounts expended for allowable expenses. A statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within that city or county, except as authorized under section 349.16, subdivision 4, or section 349.212.

Sec. 22. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment. Sections 2 to 13 and 15 to 21 are effective June 1, 1987. Section 14 is effective January 1, 1988.

Approved May 29, 1987

CHAPTER 328—H.F.No. 294

An act relating to intoxicating liquor; permitting certain transactions by brewers and wholesalers; authorizing counties to issue temporary on-sale licenses; authorizing cities to issue temporary off-sale licenses for the sale of vintage wine at auctions; amending Minnesota Statutes 1986, sections 340A.308; 340A.404, subdivision 10; and 340A.405, by adding a subdivision.

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

Section 1. 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;

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

(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. 2. Minnesota Statutes 1986, section 340A.404, subdivision 10, is amended to read:

Subd. 10. **TEMPORARY ON-SALE LICENSES.** The governing body of a ~~statutory or home rule city~~ municipality may issue to a club or charitable, religious, or other nonprofit organization in existence for at least three years a temporary license for the on-sale of intoxicating liquor in connection with a social event within the ~~city~~ municipality sponsored by the licensee. The license may authorize the on-sale of intoxicating liquor for not more than three consecutive days, and may authorize on-sales on premises other than premises the licensee owns or permanently occupies. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full-year on-sale intoxicating liquor license issued by a any municipality. The licenses are subject to the terms, including a license fee, imposed by the issuing ~~city~~ municipality. 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. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

A county under this section may issue a temporary license only to a premises located in the unincorporated or unorganized territory of the county.

Sec. 3. Minnesota Statutes 1986, section 340A.405, is amended by adding a subdivision to read:

Subd. 5. 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.

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

Sec. 4. EFFECTIVE DATE.

This act is effective the day following final enactment.

Approved May 29, 1987

CHAPTER 329—H.F.No. 384

An act relating to crimes; providing for prosecution of certain gross misdemeanor violations; increasing the maximum fine for petty misdemeanor violations; creating a gross misdemeanor crime of damage to property; creating the crimes of check forgery and offering a forged check; increasing the maximum bail for certain misdemeanors and gross misdemeanors; prescribing penalties; amending Minnesota Statutes 1986, sections 171.07, subdivision 1a; 487.25, subdivision 10; 609.02, subdivision 4a; 609.224, subdivision 2; 609.52; 609.595; 609.625; 609.821; 626A.05, subdivision 2; 629.34, subdivision 1; and 629.47; proposing coding for new law in Minnesota Statutes, chapters 609 and 629.

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

Section 1. Minnesota Statutes 1986, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **PHOTOGRAPHIC NEGATIVES; FILING; DATA CLASSIFICATION.** The department shall file, or contract to file, all photographic negatives obtained in the process of issuing driver licenses or Minnesota identification cards. The negatives shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographic negatives to data subjects. The use of the files is restricted to the issuance and control of driver licenses and for law enforcement purposes in the investigation and prosecution of felonies and violations of section 169.09_;

169.121_; 169.123_; 169.129_; 171.22_; 171.24_; 171.30_; ~~or 609.41~~; 609.487, subdivision 3; section 13, subdivision 4, clause (3); or 609.821, subdivision 3, clause (1), item (iv), and clause (3).

Sec. 2. Minnesota Statutes 1986, section 487.25, subdivision 10, is amended to read:

Subd. 10. **PROSECUTING ATTORNEYS.** Except as otherwise provided by law, violations of state law that are petty misdemeanors or misdemeanors must be prosecuted by the attorney of the statutory or home rule charter city where the violation is alleged to have occurred. In cities of the first, second, and third class, gross misdemeanor violations of sections 609.52, 609.595, section 13, and 609.821 must be prosecuted by the attorney of the city where the

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