

\$50,000 is appropriated from the general fund to the commissioner of public safety to administer section 2, \$25,000 to be available for the fiscal year ending June 30, 1988, and \$25,000 to be available for the fiscal year ending June 30, 1989.

Sec. 4. **EFFECTIVE DATE.**

Section 1 is effective July 1, 1987. Section 2 is effective the day following final enactment. Section 3 is effective August 1, 1987.

Approved June 2, 1987

CHAPTER 380—S.F.No. 1057

An act relating to public administration; providing for joint local government funding for certain library construction; regulating disposition of certain animals for research purposes; regulating and licensing the dealing of dogs and cats; requesting University of Minnesota to conduct certain studies; providing for fees; providing penalties; authorizing levies; appropriating money; amending Minnesota Statutes 1986, sections 275.50, subdivision 5; 347.31; 347.32; 347.33; 347.34; 347.35; 347.37; 347.38; 347.39; and 347.40; proposing coding for new law in Minnesota Statutes, chapters 134 and 346.

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

ARTICLE 1

Section 1. **STUDY.**

The University of Minnesota is requested to study the feasibility of establishing a center for alternative methods to animal testing. The overall purpose of a center would be to encourage the development of alternative methods for toxicity testing and other experimentation on animals.

Sec. 2. **POTENTIAL ACTIVITIES.**

In its study, the university shall consider the following possible functions for the center:

(1) facilitating acquisition of federal funding for research in alternative methods;

(2) coordinating and facilitating development of private support for research on alternative methods at the university;

(3) servng as a liaison with the public and the press concerning animal research and alternative methods;

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(4) coordinating a seminar program and otherwise fostering and enhancing interest in alternative methods at the university; and

(5) evaluating proposals for seed funds for promising research in alternative methods and allocating the funds if they become available.

Sec. 3. REPORT.

The university shall report its findings and recommendations to the education committee of the senate, higher education committee of the house of representatives and the appropriations and finance committees of the legislature by January 1, 1988.

Sec. 4. MEDIATION STUDY.

The legislature finds that an unbiased study is needed to analyze the effectiveness of mediation in resolving issues relating to child custody, child support, maintenance, and the division of property in marriage dissolution cases. The center for urban and regional affairs conflict and change project of the University of Minnesota is an appropriate agency for conducting a study of this nature. Because of the unavailability of state funding, the center is encouraged to seek funding from other sources for the purpose of studying the effectiveness of mediation in marriage dissolution cases and report its findings to the judiciary committees of the senate and house of representatives by January 1, 1989.

ARTICLE 2

LIBRARY CONSTRUCTION

Section 1. [134.41] LIBRARY CONSTRUCTION; JOINT FINANCING.

Subdivision 1. LOCAL GOVERNMENT UNIT DEFINED. For purposes of this section, the term "local government unit" means a home rule charter or statutory city, county, or town.

Subd. 2. POWERS. A local government unit may agree with other local government units to subject taxable property within their boundaries to taxation to discharge debt incurred for the construction of a library and related facilities. The portion of the debt to be discharged by taxation in each unit must be set by agreement. A unit may also agree to discharge a portion of the costs of construction or debt incurred for the costs by a transfer of money available to the unit that the unit is not obliged by law to use for some other purpose. A proposed agreement that has a town as a party must be approved at the town's annual meeting by the electors before the agreement is effective. Obligations for the purpose may be issued jointly by the agreeing units without an election and are not subject to the general limit on net debt in any unit. In other respects, the debt must be incurred and discharged in accordance with Minnesota Statutes, chapter 475.

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Sec. 2. Minnesota Statutes 1986, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1983 payable in 1984 and subsequent years, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, but only to the extent of the increase in levy for such judgments and out of court settlements over levy year 1970, taxes payable in 1971;

(b) pay the costs of complying with any written lawful order initially issued prior to January 1, 1977 by the state of Minnesota, or the United States, or any agency or subdivision thereof, which is authorized by law, statute, special act or ordinance and is enforceable in a court of competent jurisdiction, or any stipulation agreement or permit for treatment works or disposal system for pollution abatement in lieu of a lawful order signed by the governmental subdivision and the state of Minnesota, or the United States, or any agency or subdivision thereof which is enforceable in a court of competent jurisdiction. The commissioner of revenue shall in consultation with other state departments and agencies, develop a suggested form for use by the state of Minnesota, its agencies and subdivisions in issuing orders pursuant to this subdivision;

(c) pay the costs to a governmental subdivision for their minimum required share of any program otherwise authorized by law for which matching funds have been appropriated by the state of Minnesota or the United States, excluding the administrative costs of public assistance programs, to the extent of the increase in levy over the amount levied for the local share of the program for the taxes payable year 1971. This clause shall apply only to those programs or projects for which matching funds have been designated by the state of Minnesota or the United States on or before September 1, of the previous year and only when the receipt of these matching funds is contingent upon the initiation or implementation of the project or program during the year in which the taxes are payable or those programs or projects approved by the commissioner;

(d) pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. Except for the costs of general assistance as defined in section 256D.02, subdivision 4, general assistance medical care under section 256D.03 and the costs of hospital care pursuant to section 261.21, the aggregate amounts levied pursuant to this clause are subject to a maximum increase of 18 percent over the amount levied for these purposes in the previous year;

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(e) pay the costs of principal and interest on bonded indebtedness or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(f) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(g) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(h) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(i) pay the amounts required to compensate for a decrease in manufactured homes property tax receipts to the extent that the governmental subdivision's portion of the total levy in the current levy year, pursuant to section 274.19, subdivision 8, as amended, is less than the distribution of the manufactured homes tax to the governmental subdivision pursuant to Minnesota Statutes 1969, section 273.13, subdivision 3, in calendar year 1971;

(j) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(k) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(l) pay the increased cost of municipal services as the result of an annexation or consolidation ordered by the Minnesota municipal board but only to the extent and for the levy years as provided by the board in its order pursuant to section 414.01, subdivision 15. Special levies authorized by the board shall not exceed 50 percent of the levy limit base of the governmental subdivision and may not be in effect for more than three years after the board's order;

(m) pay the increased costs of municipal services provided to new private industrial and nonresidential commercial development, to the extent that the

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extension of such services are not paid for through bonded indebtedness or special assessments, and not to exceed the amount determined as follows. The governmental subdivision may calculate the aggregate of:

(1) the increased expenditures necessary in preparation for the delivering of municipal services to new private industrial and nonresidential commercial development, but limited to one year's expenditures one time for each such development;

(2) the amount determined by dividing the overall levy limitation established pursuant to sections 275.50 to 275.56, and exclusive of special levies and special assessments, by the total taxable value of the governmental subdivision, and then multiplying this quotient times the total increase in assessed value of private industrial and nonresidential commercial development within the governmental subdivision. For the purpose of this clause, the increase in the assessed value of private industrial and nonresidential commercial development is calculated as the increase in assessed value over the assessed value of the real estate parcels subject to such private development as most recently determined before the building permit was issued. In the fourth levy year subsequent to the levy year in which the building permit was issued, the increase in assessed value of the real estate parcels subject to such private development shall no longer be included in determining the special levy.

The aggregate of the foregoing amounts, less any costs of extending municipal services to new private industrial and nonresidential commercial development which are paid by bonded indebtedness or special assessments, equals the maximum amount that may be levied as a "special levy" for the increased costs of municipal services provided to new private industrial and nonresidential commercial development. In the levy year following the levy year in which the special levy made pursuant to this clause is discontinued, one-half of the amount of that special levy made in the preceding year shall be added to the permanent levy base of the governmental subdivision;

(n) recover a loss or refunds in tax receipts incurred in nonspecial levy funds resulting from abatements or court action in the previous year pursuant to section 275.48;

(o) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

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(p) the amounts allowed under section 174.27 to establish and administer a commuter van program;

(q) pay the costs of financial assistance to local governmental units and certain administrative, engineering, and legal expenses pursuant to Laws 1979, chapter 253, section 3;

(r) compensate for revenue lost as a result of abatements or court action pursuant to section 270.07, 270.17 or 278.01 due to a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(s) pay the total operating cost of a county jail as authorized in section 641.01. If the county government utilizes this special levy, then any amount levied by the county government in the previous year for operating its county jail and included in its previous year's levy limitation computed pursuant to section 275.51 shall be deducted from the current levy limitation;

(t) pay the costs of implementing section 18.023, including sanitation and reforestation;

(u) pay the estimated cost for the following calendar year of the county's share of funding the Minnesota cooperative soil survey; ~~and~~

(v) pay the costs of meeting the planning requirements of section 115A.46; the requirements of section 115A.917; the planning requirements of the metropolitan plan adopted under section 473.149 and county master plans adopted under section 473.803; waste reduction and source separation programs and facilities; response actions that are financed in part by service charges under section 400.08 or 115A.15, subdivision 6; closure and postclosure care of a solid waste facility closed by order of the pollution control agency or by expiration of an agency permit before January 1, 1989; and current operating and maintenance costs of a publicly-owned solid waste processing facility financed with general obligation bonds issued after a referendum before March 25, 1986; and

(w) pay the costs of constructing public libraries.

ARTICLE 3

Section 1. [346.55] CIVIL LIABILITY.

Subdivision 1. PENALTY. The transfer by a person other than the owner of a dog or cat to a dealer, the possession of a dog or cat by a dealer without the permission of the owner, or the transfer of a dog or cat by a dealer to an institution without the permission of the owner is prohibited. Nothing in this section prohibits the transfer of a dog or cat to a dealer if the dog or cat is removed from a property by or at the request of a person in possession of the property. For the purpose of this subdivision, "dealer" and "institution" have the meanings given them in section 2.

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A person who transfers or possesses a dog or cat without claim of right with intent to deprive the owner permanently of possession of the dog or cat violates this section and is liable for a civil penalty of up to \$1,000 per dog or cat for each violation. In bringing a civil action under this section the charging attorney shall consider, and in imposing a fine the court shall consider:

- (1) the history of previous violations;
- (2) the number of violations;
- (3) the degree of willfulness of the violation;
- (4) the good faith of the dealer;
- (5) the good faith of the person delivering the dog or cat to the dealer; and
- (6) the gravity of the violation.

A fine paid by the defendant in a criminal action that arose from the same violation may not be applied toward payment of the civil penalty under this subdivision.

Subd. 2. JURISDICTION. Notwithstanding sections 487.15, 488A.01, and 488A.18, the county and municipal courts may hear, try, and determine actions started under this section. Trials under this section must be to the court, sitting without a jury.

Subd. 3. APPEARANCES. Notwithstanding section 8.01, county or city attorneys may appear for the board of animal health in civil actions started under this section at the request of the attorney general. Actions under this section may be brought in the name of the state of Minnesota with the consent of the board of animal health or directly by a city or county attorney at the request of a person filing a complaint.

Subd. 4. VENUE. Civil actions under this section may be started in any county in which the animal in question was transferred or possessed, or from which the dog or cat was removed without the permission of the lawful owner.

Subd. 5. FINES. Fines collected under this section must be disposed of as follows:

(a) If the violation occurs in the county, and the county attorney appears in the action, 50 percent to the county and 50 percent to the state.

(b) If the violation occurs within the municipality, and the city attorney appears in the action, 50 percent to the city and 50 percent to the state.

(c) If the attorney general appears in the action, all penalties imposed and fines collected must be credited to the general fund in the state treasury.

Sec. 2. Minnesota Statutes 1986, section 347.31, is amended to read:

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347.31 REGULATION OF DOG KENNELS; DEFINITIONS.

Subdivision 1. **TERMS.** For the purpose of sections 347.31 to 347.40 the terms defined in this section shall have the meanings given to them.

Subd. 2. **DOG KENNEL.** "~~Dog~~ Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept, congregated, or confined, ~~such if the dogs having been or cats were~~ obtained from municipalities, ~~dog~~ pounds, ~~dog~~ auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "~~Dog~~ Kennel" does not ~~mean~~ include a ~~dog~~ pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets.

Subd. 3. **PREMISES.** ~~The word~~ "Premises" means any building, structure, shelter, or land wherein or whereon dogs or cats are kept or confined.

Subd. 4. **DEALER.** "Dealer" means a public or private agency, person, society, or corporation that is licensed or is required to be licensed as a "Class B dealer" under United States Code, title 7, sections 2131 to 2155, as amended through December 31, 1986.

Subd. 5. **INSTITUTION.** "Institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of living organisms, instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

Sec. 3. Minnesota Statutes 1986, section 347.32, is amended to read:

347.32 LICENSE FOR ~~DOG~~ KENNEL OR DEALER.

No person, firm, or corporation shall establish, maintain, conduct, or operate a ~~dog~~ kennel or operate as a dealer within this state without first obtaining a license therefor from the board of animal health. The license shall be issued for a term of one year.

Sec. 4. Minnesota Statutes 1986, section 347.33, is amended to read:

347.33 LICENSING PROCEDURES; INSPECTIONS; ADMINISTRATION.

Subdivision 1. **APPLICATION.** The application for a license to operate and maintain a ~~dog~~ kennel or operate as a dealer shall be made to the board of animal health, in the manner prescribed by rules of the board.

Subd. 2. **CONTENTS.** The application for a license shall be in writing and on a form as the board may by rule provide, and shall set forth:

- (1) The full name and address of the applicant (or applicants, or names and

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addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the address of the corporation.

(2) The legal description or, in its place, the address and specific location of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a ~~dog~~ kennel.

Subd. 3. **FEES; ISSUANCE OF LICENSE.** The annual license fee is ~~\$40~~ \$15 for each kennel and \$100 for each dealer licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the general fund.

When application is made to the board, complete in the manner set forth by rule to be issued by the board, and upon payment of the license fee, the license shall be issued by the board if, after inspection of the premises, the board determines that the ~~dog~~ kennel or dealer complies with sections 347.31 to 347.40 and the rules promulgated pursuant to ~~the~~ those sections.

Sec. 5. Minnesota Statutes 1986, section 347.34, is amended to read:

347.34 LICENSES REQUIRED.

It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a ~~dog~~ kennel or operate as a dealer without first having received a license to maintain, conduct, carry on, and operate a ~~dog~~ kennel, or operate as a dealer, duly signed and executed in the name of the state of Minnesota and signed by the board of animal health. The license shall be conspicuously displayed upon the licensed premises.

All licenses issued under sections 347.31 to 347.40 shall be personal to the licensee and be nontransferable.

Sec. 6. Minnesota Statutes 1986, section 347.35, is amended to read:

347.35 BOARD OF ANIMAL HEALTH AUTHORIZED TO PROMULGATE RULES.

The board of animal health shall promulgate rules as it deems necessary for the operation of ~~dog~~ kennels and dealers and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. The rules adopted by the board must provide for the cost recovery for the activities of the board with respect to licensing, inspection, and enforcement of civil penalties and must provide for cooperation with the United States Department of Agriculture animal plant health inspection service program and for reference of complaints to local enforcement authorities. Rules ~~may~~ must include, but are not limited to, requirements governing the care of dogs and cats, minimum conditions, and maintenance of quarters and ~~dog~~ kennels, the humane treatment of dogs and cats while in the ~~dog~~ kennels, maintenance of detailed records showing the person from whom any dog or cat aged over three months has been received,

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and in the case of a dealer, including address, driver's license number or social security number, and to whom it has been transferred, and preservation of the records for a minimum period of two years. The dealer is responsible for making a reasonable attempt to ensure the accuracy of the data collected.

A payment from a dealer to a person from whom the dealer buys dogs or cats must be by check, payable only to that person. The check must contain the dealer's name and address.

Sec. 7. Minnesota Statutes 1986, section 347.37, is amended to read:

347.37 PUBLIC ACCESS; NOTICE; INSPECTION; ENFORCEMENT.

The board of animal health shall cause to be inspected from time to time all ~~dog~~ kennels and dealers licensed hereunder and all records required by sections 347.31 to 347.40 to be kept by the licensees.

Any duly authorized agent of the board, any sheriff, or sheriff's deputy, or police officer, or state humane agent appointed pursuant to section 343.01, is granted the power and the authority to enter upon the premises of any ~~dog~~ kennel or dealer at any time during the daylight hours for the purposes herein set forth, and for the purposes of inspecting the compliance with the provisions of sections 346.55, 347.31 to 347.40 and the rules issued pursuant thereto, and for the purposes of enforcing sections 346.55, or 347.31 to 347.40.

Each kennel and dealer shall post a conspicuous notice in a format no less than 24 by 36 inches and easily readable by the general public, that states: (1) that the person is a licensed kennel or dealer in dogs and cats; (2) that dogs and cats left with the kennel or dealer may be used for research purposes; and (3) the hours the kennel or dealer is open to the public. The notice must be placed in at least two locations on the premises, one of which must be on or near the exterior mail delivery point and one of which must be at the regularly used point of exchange of dogs and cats. A person may view dogs and cats in the custody of a kennel or dealer during the time the premises is open to the public. Dealers and kennels are required to be open to the public on a regular basis at least four hours between 7:00 a.m. and 10:00 p.m. on at least four of the seven days of each week including at least one Saturday or Sunday. Any advertisement placed by a kennel or dealer seeking dogs or cats must inform the public that dogs and cats brought to the kennel or dealer may be used for research purposes.

Sec. 8. Minnesota Statutes 1986, section 347.38, is amended to read:

347.38 REVOCAION OF LICENSE.

The board of animal health may as hereinafter set forth revoke or suspend the license of any person, firm, or corporation, for violation of sections 346.55 and 347.31 to 347.40 or the rules issued pursuant to sections 347.31 to 347.40.

Upon written complaint made to the board by any person, firm, or corporation alleging any violation of ~~this law~~ sections 347.31 to 347.40 or any rules

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pursuant thereto by any licensee, the board may cause an investigation to be made upon matters related in said complaint.

Thereupon the board shall in its discretion either dismiss the complaint or require the kennel or dealer against whom the complaint is made to correct the conditions or violations complained of within ten days after receipt of written notice of the same. If upon termination of the ten day period the licensee has failed to correct or to remedy the violation or violations of sections 346.55 or 347.31 to 347.40 or any rules pursuant thereto, or if the board considers it appropriate under the circumstances the board shall, upon a minimum of 30 days' notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a kennel or as a dealer should be revoked or temporarily suspended for a period ~~not to exceed six months~~. If after notice and hearing the board finds that any provision of sections 346.55 or 347.31 to 347.40 has been violated by the licensee or any rule issued by the board has been violated by the licensee, the board may revoke and suspend the license. The suspension shall not exceed a period of six months possession or transfer of a dog or cat by a dealer to an institution, without the permission of the owner, failure of a dealer or kennel to keep accurate data as required in section 347.35, or failure of a dealer or kennel to permit access to its premises as required in section 347.37, is grounds for license revocation. The licensee whose license is revoked or suspended may within 20 days after the board's decision appeal to the district court. The district court shall upon 20 days' notice to the board hear the appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the decision of the board in a manner as though reviewed by certiorari, except that new or additional evidence may be taken, if in the opinion of the court additional evidence is necessary or proper to the disposition of the case.

Sec. 9. Minnesota Statutes 1986, section 347.39, is amended to read:

347.39 PENALTIES.

Violation of any provision of sections 347.31 to 347.40 or of any rule of the board of animal health issued pursuant to sections 347.31 to 347.40, or the operation of a kennel or as a dealer without a license, or the operation of a kennel or as a dealer after revocation of a license or during a period of suspension, shall constitute a misdemeanor.

Sec. 10. Minnesota Statutes 1986, section 347.40, is amended to read:

347.40 EXCEPTIONS.

Sections 347.31 to 347.40 shall in no way apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine.

~~The provisions of sections 347.31 to 347.40 shall not apply to any institution licensed to obtain animals under the provisions of section 35.71, and to any~~

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person licensed under Public Law Number 89-544, the federal Laboratory Animal Welfare Act.

Sec. 11. APPROPRIATION.

There is appropriated from the general fund to the board of animal health the sum of \$10,000 for the purposes of this article for the biennium ending June 30, 1989.

Approved June 2, 1987

CHAPTER 381—S.F.No. 1114

An act relating to intoxicating liquor; limitation on rule-making authority of commissioner; items which may be sold in exclusive liquor stores; specifying counties where certain restrictions on license location apply; specifying establishments where coin-operated devices may not be kept; providing for the continuation of certain licenses in Douglas county; repealing restrictions on beer content; amending Minnesota Statutes 1986, section 299A.02, subdivision 3; 340A.101, subdivision 10; 340A.405, subdivision 2; 340A.410, by adding a subdivision; repealing Minnesota Statutes 1986, sections 34.119; 34.12; 34.13; and 34.14.

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

Section 1. Minnesota Statutes 1986, section 299A.02, subdivision 3, is amended to read:

Subd. 3. **REPORTS; RULES.** The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of Laws 1985, chapter 305, articles 2 to 11. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

Sec. 2. Minnesota Statutes 1986, section 340A.101, subdivision 10, is amended to read:

Subd. 10. **EXCLUSIVE LIQUOR STORE.** "Exclusive liquor store" is an establishment used exclusively for the sale of intoxicating liquor except for the incidental sale of ice, tobacco, nonintoxicating malt liquor, beverages for mixing with intoxicating liquor, ~~and soft drinks may also be sold,~~ cork extraction devices, and books and videos on the use of alcoholic beverages in the preparation of food, and the establishment may offer recorded or live entertainment ~~and make available coin-operated amusement devices.~~ "Exclusive liquor store" also includes

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