

Sec. 4. Minnesota Statutes 1998, section 122A.41, subdivision 6, is amended to read:

Subd. 6. **GROUNDS FOR DISCHARGE OR DEMOTION.** (a) Except as otherwise provided in paragraph (b), causes for the discharge or demotion of a teacher either during or after the probationary period must be:

- (1) Immoral character, conduct unbecoming a teacher, or insubordination;
- (2) Failure without justifiable cause to teach without first securing the written release of the school board having the care, management, or control of the school in which the teacher is employed;
- (3) Inefficiency in teaching or in the management of a school;
- (4) Affliction with active tuberculosis or other communicable disease must be considered as cause for removal or suspension while the teacher is suffering from such disability; or
- (5) Discontinuance of position or lack of pupils.

For purposes of this subdivision paragraph, conduct unbecoming a teacher includes an unfair discriminatory practice described in section 363.03, subdivision 5.

(b) A probationary or continuing-contract teacher must be discharged immediately upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

Sec. 5. Minnesota Statutes 1998, section 631.40, is amended by adding a subdivision to read:

Subd. 4. **LICENSED TEACHERS.** When a person is convicted of child abuse, as defined in section 609.185, or sexual abuse under section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 617.23, subdivision 3, the court shall determine whether the person is licensed to teach under chapter 122A. If the offender is a licensed teacher, the court administrator shall send a certified copy of the conviction to the board of teaching or the state board of education, whichever has jurisdiction over the teacher's license, within ten days after the conviction.

#### Sec. 6. **EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment and apply to licensing actions occurring on or after that date.

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 10:07 a.m.

### CHAPTER 202—H.F.No. 1079

*An act relating to liquor; authorizing the city of Minneapolis to issue on-sale licenses; authorizing the city of St. Paul to issue an on-sale license; authorizing the commissioner of public safety to*

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*issue an additional on-sale license; extending the tour boat liquor license season; authorizing St. Paul to issue a temporary license for the sale of beer on the grounds of the state capitol in connection with the Twin Cities Marathon; modifying wine shipment requirements; allowing use of passports for proof of age; authorizing the city of International Falls to issue a temporary on-sale liquor license; authorizing the city of St. Paul to issue temporary intoxicating liquor licenses to Macalester college; authorizing the cities of Proctor, Marshall, Detroit Lakes, Eden Prairie, Bemidji, and Stillwater to issue additional on-sale licenses; exempting temporary on-sale intoxicating liquor licenses at the Minneapolis Convention Center from certain restrictions; amending Minnesota Statutes 1998, sections 340A.404, subdivisions 2, 4a, 8, and by adding a subdivision; 340A.412, subdivision 4; 340A.417; and 340A.503, subdivision 6; repealing Laws 1998, chapter 364, section 13.*

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

Section 1. Minnesota Statutes 1998, section 340A.404, subdivision 2, is amended to read:

Subd. 2. **SPECIAL PROVISION; CITY OF MINNEAPOLIS.** (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theatre, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theatres and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, and to the Theatre de la Jeune Lune, notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Cor-

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poration on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

Sec. 2. Minnesota Statutes 1998, section 340A.404, is amended by adding a subdivision to read:

Subd. 2b. SPECIAL PROVISION; CITY OF ST. PAUL. The city of St. Paul may issue an on-sale intoxicating liquor license to the Fitzgerald Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The license authorizes sales on all days of the week to holders of tickets for performances presented by the theatre and to members of the nonprofit corporation holding the license and to their guests.

Sec. 3. Minnesota Statutes 1998, section 340A.404, subdivision 4a, is amended to read:

**Subd. 4a. STATE-OWNED RECREATION; ENTERTAINMENT FACILITIES.** Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge recreation area building or recreational improvement area owned by the state in the town of White, St. Louis county; ~~and~~

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Ironworld Discovery Center building or facility owned by the state at Chisholm; and

(3) to the board of regents of the University of Minnesota for events at Northrop Auditorium.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities.

Sec. 4. Minnesota Statutes 1998, section 340A.404, subdivision 8, is amended to read:

**Subd. 8. LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI RIVER TOUR BOATS.** (a) The commissioner may issue an on-sale intoxicating liquor license to a person regularly engaged, on an annual or seasonal basis, in the business of offering tours by boat on Lake Superior and adjacent bays, the St. Croix river, and the Mississippi river. The license shall authorize the sale of intoxicating liquor between May 1 and ~~October~~ November 1 for consumption on the boat while underway or attached to a dock or other mooring. No license may be issued unless each boat used in the tour business regularly sells meals in the place where intoxicating liquor is sold.

(b) All sales of intoxicating liquor made on a boat while it is attached to a dock or other mooring are subject to any restrictions on the sale of liquor prescribed by the governing body of the city where the boat is attached, or of a county when it is attached outside a city. A governing body may prohibit liquor sales within its jurisdiction but may not require an additional license, or require a fee or occupation tax, for the sales.

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Sec. 5. Minnesota Statutes 1998, section 340A.412, subdivision 4, is amended to read:

Subd. 4. **LICENSES PROHIBITED IN CERTAIN AREAS.** (a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the capitol or on the capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or section 13, paragraph (b), of this act;

(3) on the state fairgrounds or at any place in a city of the first class within one-half mile of the fairgrounds, except as otherwise provided by charter;

(4) on the campus of the college of agriculture of the University of Minnesota or at any place in a city of the first class within one-half mile of the campus, provided that a city may issue one on-sale wine license in this area that is not included in the area described in clause (3), except as provided by charter;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it;

(7) at any place on the east side of the Mississippi River within one-tenth of a mile of the main building of the University of Minnesota unless (i) the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940, for and by former students of the University of Minnesota, or (ii) the licensed premises is Northrop Auditorium;

(8) within 1,500 feet of a state university, except that:

(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet;

(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus; and

(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and

(9) within 1,500 feet of any public school that is not within a city.

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(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

Sec. 6. Minnesota Statutes 1998, section 340A.417, is amended to read:

**340A.417 SHIPMENTS INTO MINNESOTA.**

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state which affords Minnesota wineries an equal reciprocal shipping privilege, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) The shipping container of any wine sent under this section must be clearly labeled to indicate that the package cannot be delivered to a person under the age of 21 years marked "Alcoholic Beverages: adult signature (over 21 years of age) required.".

(c) No person may (1) advertise shipments authorized under this section, (2) by advertisement or otherwise, solicit shipments authorized by this section, or (3) accept orders for shipments authorized by this section by use of the Internet. No shipper located outside Minnesota may advertise interstate reciprocal wine shipments in Minnesota.

(d) It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(e) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph (f) or (g). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

(f) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph (e), is guilty of a misdemeanor.

(g) Any person who commits a third or subsequent violation of this section, including a violation for which a cease and desist order was issued under paragraph (c), within any subsequent two-year period is guilty of a gross misdemeanor.

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Sec. 7. Minnesota Statutes 1998, section 340A.503, subdivision 6, is amended to read:

Subd. 6. **PROOF OF AGE; DEFENSE.** (a) Proof of age for purchasing or consuming alcoholic beverages may be established only by one of the following:

(1) a valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;

(2) a valid military identification card issued by the United States Department of Defense; or

(3) a valid passport issued by the United States; or

(4) in the case of a foreign national, from a nation other than Canada, by a valid passport.

(b) In a prosecution under subdivision 2, clause (1), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in paragraph (a) in selling, bartering, furnishing, or giving the alcoholic beverage.

#### Sec. 8. **CITY OF DETROIT LAKES; LICENSE AUTHORIZED.**

The city of Detroit Lakes may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized by this section.

#### Sec. 9. **CITY OF EDEN PRAIRIE; LIQUOR LICENSES.**

The city of Eden Prairie may issue five on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

#### Sec. 10. **INTERNATIONAL FALLS; TEMPORARY ON-SALE LICENSE.**

Notwithstanding any other law to the contrary, the International Falls city council may issue a temporary license for the on-sale of intoxicating liquor to the all class reunion committee of International Falls High School in connection with the all class reunion to be held June 29 to July 4, 2000. The license may authorize the on-sale of intoxicating liquor for the period of June 29 to July 4, 2000, on premises designated by the International Falls city council. 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 any municipality. The license is subject to the terms, including a license fee, imposed by the city council. The license is subject to all laws and ordinances governing the sale of intoxicating liquor except Minnesota Statutes, sections 340A.409; 340A.504, subdivision 3, paragraph (d); and 624.701, subdivision 1.

#### Sec. 11. **CITY OF MARSHALL; LIQUOR LICENSES.**

The city of Marshall may issue four on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

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**Sec. 12. CITY OF PROCTOR; LIQUOR LICENSE.**

The city of Proctor may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

**Sec. 13. CITY OF ST. PAUL; LICENSES AUTHORIZED.**

(a) The city of St. Paul may issue temporary intoxicating liquor licenses under Minnesota Statutes, section 340A.404, subdivision 10, to Macalester college for the Macalester Scottish fair, Springfest, and for the annual alumni reunion weekend without regard to the limitation in Minnesota Statutes, section 340A.410, subdivision 10, paragraph (b).

(b) Notwithstanding Minnesota Statutes, section 340A.412, subdivision 4, the city of St. Paul may issue a temporary on-sale intoxicating liquor license to Twin Cities Marathon, Inc. The license may authorize only the sale of intoxicating malt liquor and 3.2 percent malt liquor on the grounds of the state capitol on the day of the Twin Cities Marathon. The intoxicating malt liquor and 3.2 percent malt liquor must be produced by a Minnesota brewery. All provisions of Minnesota Statutes, section 340A.404, subdivision 10, not inconsistent with this section, apply to the license authorized by this section.

**Sec. 14. CITY OF STILLWATER; LIQUOR LICENSES.**

Notwithstanding any other law, the city of Stillwater may issue two on-sale intoxicating liquor licenses in addition to the number authorized by law. The licenses may not be issued for any location in the downtown central business district of Stillwater. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

**Sec. 15. CITY OF BEMIDJI; LIQUOR LICENSE.**

The city of Bemidji may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

**Sec. 16. MINNEAPOLIS CONVENTION CENTER; TEMPORARY LICENSES.**

Temporary on-sale intoxicating liquor licenses issued under Minnesota Statutes, section 340A.404, subdivision 10, for events held at the Minneapolis Convention Center are not subject to Minnesota Statutes, section 340A.410, subdivision 10.

**Sec. 17. REPEALER.**

Laws 1998, chapter 364, section 13, is repealed.

**Sec. 18. EFFECTIVE DATES.**

Section 1 is effective on approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021.

Sections 2 and 13 are effective upon approval by the St. Paul city council and compliance with Minnesota Statutes, section 645.021.

Sections 3, 4, 5, 16, and 17 are effective the day following final enactment.

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Section 8 is effective upon approval by the Detroit Lakes city council and compliance with Minnesota Statutes, section 645.021.

Section 9 is effective upon approval by the Eden Prairie city council and compliance with Minnesota Statutes, section 645.021.

Section 10 is effective upon approval by the International Falls city council and compliance with Minnesota Statutes, section 645.021.

Section 11 is effective upon approval by the Marshall city council and compliance with Minnesota Statutes, section 645.021.

Section 12 is effective upon approval by the Proctor city council and compliance with Minnesota Statutes, section 645.021.

Section 14 is effective upon approval by the Stillwater city council and compliance with Minnesota Statutes, section 645.021.

Section 15 is effective upon approval by the Bemidji city council and compliance with Minnesota Statutes, section 645.021.

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 9:37 a.m.

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#### CHAPTER 203—H.F.No. 595

*An act relating to storage tanks; imposing a specific standard of proof for certain petrofund reimbursement reductions; providing reimbursement for certain bulk petroleum plants upgrading or closing aboveground storage tanks; modifying application requirements for contamination; cleanup grants; regulating the cleanup of contaminated land; specifying the marking required on petroleum product storage tanks; modifying the application of the Fire Code to tanks; providing an exception; amending Minnesota Statutes 1998, sections 115C.08, subdivision 4; 115C.09, subdivision 3, and by adding a subdivision; 116J.553, subdivision 2; 116J.562, subdivision 2; 116J.567; and 239.752; proposing coding for new law in Minnesota Statutes, chapter 299F.*

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

Section 1. Minnesota Statutes 1998, section 115C.08, subdivision 4, is amended to read:

Subd. 4. **EXPENDITURES.** (a) Money in the fund may only be spent:

(1) to administer the petroleum tank release cleanup program established in this chapter;

(2) for agency administrative costs under sections 116.46 to 116.50, sections 115C.03 to 115C.06, and costs of corrective action taken by the agency under section 115C.03, including investigations;

(3) for costs of recovering expenses of corrective actions under section 115C.04;

(4) for training, certification, and rulemaking under sections 116.46 to 116.50;

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