

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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an on-sale or combination on-sale and off-sale intoxicating liquor establishment which sells food for on-premise consumption when authorized by the municipality issuing the license.

Sec. 3. 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 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, Carver, or Kanabec 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. 4. Minnesota Statutes 1986, section 340A.410, is amended by adding a subdivision to read:

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Subd. 9. COIN-OPERATED DEVICES. Coin-operated amusement devices may not be made available in establishments licensed solely for the off-sale of intoxicating liquor or municipal stores which sell only at off-sale. An establishment holding a combination on-sale and off-sale license or a municipal liquor store which sells at on-sale and off-sale which makes coin-operated devices available shall keep such devices to the greatest extent practicable in that area of the establishment where on-sales are made.

Sec. 5. SUNDAY LICENSES; DOUGLAS COUNTY.

Notwithstanding any law to the contrary, any license for the on-sale of intoxicating liquor on Sundays issued by Douglas county to an establishment located in a town in which an election under Minnesota Statutes, section 340A.504, subdivision 3, clauses (d) and (e), has not been held may continue in effect and be renewed until the date of the next town meeting, and may continue in effect and be renewed after that date if the issuance of Sunday intoxicating liquor on-sale licenses is approved by the voters of the town at that town meeting.

Sec. 6. REPEALER.

Minnesota Statutes 1986, sections 34.119, 34.12, 34.13, and 34.14 are repealed.

Sec. 7. EFFECTIVE DATE.

Section 5 is effective on approval by the Douglas county board and compliance with Minnesota Statutes, section 645.021, subdivision 3.

Approved June 2, 1987

CHAPTER 382—S.F.No. 1232

An act relating to public safety; providing an exception from certain regulations for steam turbines which receive steam from remote municipal facilities; amending Minnesota Statutes 1986, section 183.56.

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

Section 1. Minnesota Statutes 1986, section 183.56, is amended to read:

183.56 EXCEPTIONS.

The provisions of sections 183.38 to 183.62, shall not apply to:

(1) Boilers in buildings occupied solely for residence purposes with accommodations for not more than five families;

(2) Railroad locomotives operated by railroad companies for transportation purposes;

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