

The agreement shall retroactively establish and apply a zero-percentage contribution rate for each quarter of the years 1988, 1989, 1990, 1991, 1992, and 1993, when no benefits under sections 268.001 to 268.25, were paid by the state on account of employment by the tribe or by any of its wholly tribally-controlled subsidiaries or subdivisions. The agreement shall abate any amounts owed and relieve the tribe and its subsidiaries or subdivisions of all liability for amounts otherwise payable by the tribe or its subsidiaries or subdivisions for the period, including but not limited to, delinquent contributions, reimbursements, interest, penalties, and costs. This section does not apply to any wholly tribally-controlled entity or subsidiary that elected coverage under Minnesota Statutes, chapter 268 prior to the day following final enactment.

Sec. 17. LEGISLATIVE INTENT.

The legislature intends that sections 7 and 16 be interpreted and applied to assist the Red Lake Band of Chippewa Indians in complying with federal and state unemployment laws in a manner that does not lead to a determination by the United States Department of Labor that sections 7 and 16 are out of conformity with federal unemployment law. In enacting section 7, the legislature does not intend to suggest that Indian tribes should be permitted to choose governmental or nonprofit status or to make that status available for employment that is not appropriate for governmental or nonprofit treatment, rather, the legislature intends to accommodate in state law the status and treatment that may be allowed under federal law.

Sec. 18. SUNSET.

Section 16 expires August 1, 1995.

Sec. 19. EFFECTIVE DATE.

Sections 1 through 6 and 8 through 14 take effect the day following final enactment. Section 15 is effective the day following final enactment and applies to recovery of overpayments pending on or after that date. Sections 7 and 16 take effect August 1, 1993.

Presented to the governor April 16, 1992

Signed by the governor April 20, 1992, 6:01 p.m.

CHAPTER 485—S.F.No. 979

An act relating to crimes; providing that it is a misdemeanor to sell a toxic substance containing butane to a minor; moving certain misdemeanor provisions to the criminal code; amending Minnesota Statutes 1990, section 145.406; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1990, sections 145.38; 145.385; 145.39; and 145.40.

New language is indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1990, section 145.406, is amended to read:

145.406 INFORMATION ON THE SALE AND USE OF TOXIC SUBSTANCES.

The commissioner of health shall prepare and distribute materials designed to provide information to retail businesses on the requirements of ~~sections 145.38 to 145.40~~ section 609.684.

Sec. 2. [609.684] SALE OF TOXIC SUBSTANCES TO CHILDREN; ABUSE OF TOXIC SUBSTANCES.

Subdivision 1. TOXIC SUBSTANCES. For purposes of this section, "toxic substance" means:

(1) glue, cement, or aerosol paint containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item;

(2) butane or a butane lighter; or

(3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the commissioner of health under chapter 14.

Subd. 2. SALE TO MINORS. (a) A person is guilty of a misdemeanor who sells a toxic substance to a person under the age of 18.

(b) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

Subd. 3. USE FOR INTOXICATION PROHIBITED. A person is guilty of a misdemeanor who uses or possesses any toxic substance with the intent of inducing intoxication, excitement, or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor. A person is guilty of a misdemeanor who intentionally aids another in violation of this subdivision.

Subd. 4. NOTICE REQUIRED. (a) A business establishment that offers for sale at retail any toxic substance must display a conspicuous sign that contains the following, or substantially similar, language:

New language is indicated by underline, deletions by ~~strikeout~~.

“NOTICE

It is unlawful for a person to sell glue, cement, or aerosol paint containing intoxicating substances, to a person under 18 years of age, except as provided by law. This offense is a misdemeanor. It is also a misdemeanor for a person to use or possess glue, cement, aerosol paint, with the intent of inducing intoxication, excitement, or stupefaction of the central nervous system. This use can be harmful or fatal.”

(b) A business establishment may omit from the required notice references to any toxic substance that is not offered for sale by that business establishment.

(c) A business establishment that does not sell any toxic substance listed in subdivision 1 other than butane or butane lighters shall post a sign stating that it is illegal to sell butane or butane lighters to anyone under the age of 18. This sign shall fulfill the requirements under this subdivision.

Sec. 3. REPEALER.

Minnesota Statutes 1990, sections 145.38, 145.385, 145.39, and 145.40 are repealed.

Sec. 4. EFFECTIVE DATE.

Sections 2 and 3 are effective July 1, 1992, and apply to crimes committed on or after that date.

Presented to the governor April 16, 1992

Signed by the governor April 20, 1992, 4:48 p.m.

CHAPTER 486—H.F.No. 2709

An act relating to alcoholic beverages; authorizing the sale of confectionery containing alcohol in confectionery stores; providing for the division of liquor control to use unmarked motor vehicles for liquor investigations; providing for reasonable licensing fees; specifying conditions under which a municipality is required to hold a public hearing on the question of continued operation of a municipal liquor store; authorizing dispensing of liquor by an on-sale licensee at the National Sports Center in Blaine; authorizing Blue Earth county to issue an on-sale liquor license to a billiard hall; authorizing Lake township in Roseau county to establish, own, and operate an exclusive liquor store; authorizing the counties of Swift and Aitkin to issue off-sale liquor licenses; amending Minnesota Statutes 1990, sections 16B.54, subdivision 2; 31.121; 168.012, subdivision 1; 340A.101, subdivision 15, and by adding a subdivision; 340A.412, by adding a subdivision; and 340A.602; Minnesota Statutes 1991 Supplement, sections 340A.404, subdivision 2; and 340A.408, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 31.

New language is indicated by underline, deletions by ~~strikeout~~.