

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Minnesota Statutes 1990, sections 145.38, 145.385, 145.39, and 145.40 are repealed.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

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

Section 1. Minnesota Statutes 1990, section 16B.54, subdivision 2, is amended to read:

Subd. 2. **VEHICLES.** (a) **ACQUISITION FROM AGENCY; APPROPRIATION.** The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(b) **PURCHASE.** To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) **TRANSFER AT AGENCY REQUEST.** On the request of an agency, the commissioner may transfer to the central motor pool any passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck must be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) **VEHICLES; MARKING.** The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide for the use of motor vehicles without marking by the governor, the lieutenant governor, the division of criminal apprehension, division of liquor control, division of gambling enforcement, arson investigators of the division of fire marshal in the department of public safety, financial institutions division of the department of commerce, division of state lottery in the department of gaming, criminal investigators of the department of revenue, state-owned community service facilities in the department of human services, the investigative staff of the department of jobs and training, and the office of the attorney general.

Sec. 2. Minnesota Statutes 1990, section 31.121, is amended to read:

31.121 **FOOD ADULTERATION.**

A food shall be deemed to be adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may

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render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(b) If it bears or contains any added poisonous or added deleterious substance, other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive, which is unsafe within the meaning of section 31.122; or

(c) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 31.122; or

(d) If it is or it bears or contains any food additive which is unsafe within the meaning of section 31.122; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or tolerance prescribed under section 31.122, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of section 31.122 and this clause, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or

(e) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or

(f) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or

(g) If it is in whole or in part the product of a diseased animal or of an animal which has died otherwise than by slaughter, or of an animal that has been fed upon the uncooked offal from a slaughterhouse; or

(h) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or

(i) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a rule or exemption in effect pursuant to section 31.122 or section 409 of the federal act; or

(j) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(k) If any substance has been substituted wholly or in part therefor; or

(l) If damage or inferiority has been concealed in any manner; or

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(m) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is; or

(n) If it is confectionery, and (1) has partially or completely imbedded therein any nonnutritive object; provided, that this clause shall not apply in the case of any nonnutritive object if in the judgment of the commissioner, as provided by rules, such object is of practical functional value to the confectionery product and would not render the product injurious or hazardous to health; or (2) bears or contains any nonnutritive substance; provided, that this clause shall not apply to (i) a confection containing alcohol as defined in section 31.76, or (ii) a safe nonnutritive substance which is in or on confectionery by reason of its use for some practical functional purpose in the manufacture, packaging, or storing of such confectionery if the use of the substance does not promote deception of the consumer or otherwise result in adulteration or misbranding in violation of any provision of the Minnesota food law; and provided further, that the commissioner may, for the purpose of avoiding or resolving uncertainty as to the application of this clause, issue rules allowing or prohibiting the use of particular nonnutritive substances; or

(o) If it is or bears or contains any color additive which is unsafe within the meaning of section 31.122; or

(p) If it is oleomargarine or margarine or butter and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or such oleomargarine or margarine or butter is otherwise unfit for food.

Sec. 3. [31.76] CONFECTIONS CONTAINING ALCOHOL.

Subdivision 1. DEFINITION. "Confection containing alcohol" is a confection that contains or bears not more than five percent alcohol by volume where the alcohol is in a nonliquid form by reason of being mixed with other substances in the manufacture of the confection. "Confection containing alcohol" does not include liqueur-filled candy as defined in section 340A.101, subdivision 15b.

Subd. 2. REGULATIONS. (a) A confection containing alcohol may not be sold to any person under the age of 21 years.

(b) Each confection containing alcohol must bear a label that contains (i) a conspicuous, readily legible statement that reads "This product may not be sold to anyone under age 21 years of age," and (ii) a conspicuous, readily legible statement to the effect that the product contains less than five percent alcohol by volume.

(c) A confection containing alcohol may be sold only by (i) an exclusive liquor store licensed under chapter 340A, or (ii) a business establishment that derives more than 50 percent of its gross sales from the sale of confections.

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Sec. 4. Minnesota Statutes 1990, section 168.012, subdivision 1, is amended to read:

Subdivision 1. (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by representatives of foreign powers, by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from such institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for educational purposes;

(5) vehicles owned and used by honorary consul or consul general of foreign governments; and

(6) ambulances owned by ambulance services licensed under section 144.802, the general appearance of which is unmistakable.

(b) Vehicles owned by the federal government, municipal fire apparatus, police patrols and ambulances, the general appearance of which is unmistakable, shall not be required to register or display number plates.

(c) Unmarked vehicles used in general police work ~~and~~ liquor investigations, arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the department of corrections shall be registered and shall display appropriate license number plates which shall be furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the department of corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a department of corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the department of revenue in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates which shall be furnished at cost by the registrar. Original and renewal applications for these passenger vehicle license plates must be accompanied by a certification signed by the commissioner of revenue. The certification must be on a form prescribed by the com-

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missioner and state that the vehicles will be used exclusively for the purposes authorized by this section.

(e) All other motor vehicles shall be registered and display tax-exempt number plates which shall be furnished by the registrar at cost, except as provided in subdivision 1c. All vehicles required to display tax-exempt number plates shall have the name of the state department or political subdivision, or the nonpublic high school operating a driver education program, on the vehicle plainly displayed on both sides thereof in letters not less than 2-1/2 inches high and one-half inch wide; except that each state hospital and institution for the mentally ill and mentally retarded may have one vehicle without the required identification on the sides of the vehicle. Such identification shall be in a color giving contrast with that of the part of the vehicle on which it is placed and shall endure throughout the term of the registration. The identification must not be on a removable plate or placard and shall be kept clean and visible at all times; except that a removable plate or placard may be utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high school driver education program.

Sec. 5. Minnesota Statutes 1990, section 340A.101, subdivision 15, is amended to read:

Subd. 15. **LICENSED PREMISES.** "Licensed premises" is the premises described in the approved license application. In the case of a restaurant, club, or exclusive liquor store licensed for on-sales of alcoholic beverages and located on a golf course, "licensed premises" means the entire golf course except for areas where motor vehicles are regularly parked or operated.

Sec. 6. Minnesota Statutes 1990, section 340A.101, is amended by adding a subdivision to read:

Subd. 15b. LIQUEUR-FILLED CANDY. "Liqueur-filled candy" is any confectionery containing more than one-half of one percent alcohol by volume in liquid form that is intended for or capable of beverage use.

Sec. 7. Minnesota Statutes 1991 Supplement, 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

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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.

Sec. 8. Minnesota Statutes 1991 Supplement, section 340A.408, subdivision 2, is amended to read:

Subd. 2. **INTOXICATING LIQUOR; ON-SALE.** (a) The license fee for a retail on-sale intoxicating liquor license is the fee set by the city or county issuing the license subject to the limitations imposed under this subdivision. The license fee is intended to cover the costs of issuing and inspecting and other directly related costs of enforcement.

(b) The annual license fee for an on-sale intoxicating liquor license issued by a municipality to a club must be no greater than:

- (1) \$300 for a club with under 200 members;
- (2) \$500 for a club with between 201 and 500 members;
- (3) \$650 for a club with between 501 and 1,000 members;
- (4) \$800 for a club with between 1,001 and 2,000 members;
- (5) \$1,000 for a club with between 2,001 and 4,000 members;
- (6) \$2,000 for a club with between 4,001 and 6,000 members; or
- (7) \$3,000 for a club with over 6,000 members.

(c) The license fee for the issuance of a wine license may not exceed one-half of the license fee charged for an on-sale intoxicating liquor license, or \$2,000, whichever is less.

(d) The town board of a town in which an on-sale establishment has been licensed by a county may impose an additional license fee on each such establishment in an amount not to exceed 20 percent of the county license fee.

Sec. 9. Minnesota Statutes 1990, section 340A.412, is amended by adding a subdivision to read:

Subd. 13. FIRST CLASS CITIES; RENEWAL OF INACTIVE LICENSES PROHIBITED. A city of the first class may not renew an on-sale intoxicating liquor license if the holder of the license has not made on-sales authorized by the license at any time during the one-year period immediately prior to the date of renewal.

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Sec. 10. Minnesota Statutes 1990, section 340A.602, is amended to read:

340A.602 CONTINUATION.

In any city in which the report of the operations of a municipal liquor store has shown in any two of three consecutive years both (1) a net loss in any two of three consecutive years or has shown and (2) that no contribution to other municipal funds has been made from the net income of the operation ~~in any two of three consecutive years~~, the city council shall, not more than 45 days prior to the end of the fiscal year following the three-year period, hold a public hearing on the question of whether the city shall continue to operate a municipal liquor store. Two weeks notice, written in clear and easily understandable language, of the hearing must be printed in the city's official newspaper. Following the hearing the city council may on its own motion or shall upon petition of five percent or more of the registered voters of the city, submit to the voters at a general or special municipal election the question of whether the city shall continue or discontinue municipal liquor store operations by a date which the city council shall designate. The date designated by the city council must not be more than 30 months following the date of the election.

Sec. 11. NATIONAL SPORTS CENTER; SALES OF ALCOHOLIC BEVERAGES.

The Blaine city council may by ordinance authorize a holder of a retail on-sale intoxicating liquor license issued by the city or a contiguous city to dispense alcoholic beverages at the National Sports Center to persons attending a social event at the center. The licensee must be engaged to dispense alcoholic beverages at a social event held by a person or organization permitted to use the National Sports Center. Nothing in this section authorizes a licensee to dispense alcoholic beverages at any amateur athletic event held at the center.

Sec. 12. ON-SALE LICENSE; BLUE EARTH COUNTY.

The Blue Earth county board may issue an on-sale intoxicating liquor license to a billiard hall located within South Bend township in the county, without regard to whether the licensed establishment meets the definition of "restaurant" in Minnesota Statutes, section 340A.101, subdivision 25. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

Sec. 13. LAKE TOWNSHIP; OPERATION OF LIQUOR STORE.

Notwithstanding any other provision of law: (1) the Roseau county board may issue an off-sale retail intoxicating liquor license to the town board of Lake township in the county, and may set the fee for the license, and (2) the town board of Lake township may by majority vote establish, own, and operate an exclusive liquor store within the township for the off-sale of intoxicating liquor if the exclusive liquor store is operated under a license issued by Roseau county. The authority granted under this section does not include the authority for the

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town board to issue retail alcoholic beverage licenses. All provisions of Minnesota Statutes, chapter 340A, that apply to the off-sale intoxicating liquor licenses, not inconsistent with this section, apply to the establishment, ownership, and operation of an exclusive liquor store under this section.

Sec. 14. SWIFT COUNTY; OFF-SALE LICENSE.

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, paragraph (e), the Swift county board may issue an off-sale intoxicating liquor license to an establishment located less than one mile by the most direct route from the boundary of the city of Benson. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

Sec. 15. AITKIN COUNTY; OFF-SALE LICENSE.

Notwithstanding Minnesota Statutes, section 340A.405, subdivision 2, the Aitkin county board may issue an off-sale intoxicating liquor license to an establishment located within Malmo township. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

Sec. 16. EFFECTIVE DATE.

Sections 10 to 12 and 15 are effective the day following final enactment. Section 13 is effective on approval by the town board of Lake township and compliance with Minnesota Statutes, section 645.021, subdivision 3. Section 14 takes effect upon approval by resolutions adopted by the governing bodies of Six Mile Grove township and the city of Benson.

Presented to the governor April 16, 1992

Signed by the governor April 20, 1992, 4:40 p.m.

CHAPTER 487—H.F.No. 419

An act relating to retirement; police state aid program; requiring payments equivalent to automobile insurance premium taxes by self-insurers; public employee retirement savings programs; authorizing an employer matching contribution to certain tax sheltered annuity contracts; amending Minnesota Statutes 1990, section 356.24; Minnesota Statutes 1991 Supplement, section 69.021, subdivisions 5 and 6; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Section 1. [60A.152] INSURANCE PREMIUM TAX EQUIVALENT PAYMENT BY AUTOMOBILE RISK SELF-INSURERS.

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