

within Saint Paul and who seeks to operate as a charter carrier using trolley-type vehicles exclusively within the city shall file a petition with the commissioner requesting such authority. The board shall grant the permit upon the petitioner's compliance with the law and rules relating to charter carrier permits if it finds that the petitioner's vehicles meet the safety standards prescribed by the commissioner and that the petitioner is fit and able to conduct the proposed operations. A permit issued under this subdivision authorizes charter carrier operation only within Saint Paul.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor March 14, 1996

Signed by the governor March 15, 1996, 3:00 p.m.

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**CHAPTER 322—H.F.No. 2509**

*An act relating to public nuisance; clarifying definition of acts constituting a nuisance; amending Minnesota Statutes 1995 Supplement, section 617.81, subdivision 2.*

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

Section 1. Minnesota Statutes 1995 Supplement, section 617.81, subdivision 2, is amended to read:

Subd. 2. **ACTS CONSTITUTING A NUISANCE.** (a) For purposes of sections 617.80 to 617.87, a public nuisance exists upon proof of two or more separate behavioral incidents of one or more of the following, committed within the previous 12 months within the building, or if the building contains more than one rental unit: (1) within a single rental unit; or (2) within two or more rental units leased or controlled by the same person:

- (1) prostitution or prostitution-related activity committed within the building;
- (2) gambling or gambling-related activity committed within the building;
- (3) keeping or permitting a disorderly house within the building;
- (4) unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances committed within the building;
- (5) unlicensed sales of alcoholic beverages committed within the building in violation of section 340A.401;
- (6) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of section 340A.503, subdivision 2, clause (1); or
- (7) unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, committed within the building.

(b) If the building contains more than one rental unit, two or more behavioral incidents must consist of conduct:

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

(1) by the same tenant or lessee, or persons acting in conjunction with or under the control of the same tenant or lessee;

(2) within the same rental unit while occupied by the same tenant or lessee or within two or more rental units while occupied by the same tenant or lessee; or

(3) by the owner of the building or persons acting in conjunction with or under the control of the owner.

(c) Proof of a nuisance exists if each of the elements of the conduct constituting the nuisance is established by clear and convincing evidence.

**Sec. 2. EFFECTIVE DATE.**

Section 1 is effective June 1, 1996.

Presented to the governor March 14, 1996

Signed by the governor March 15, 1996, 10:55 a.m.

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**CHAPTER 323—H.F.No. 2788**

*An act relating to liquor; modifying restrictions for temporary on-sale licenses; discontinuing the use of the term "nonintoxicating liquor"; amending Minnesota Statutes 1994, section 340A.411, subdivision 1, and by adding a subdivision; Minnesota Statutes 1995 Supplement, section 340A.410, subdivision 10.*

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

Section 1. Minnesota Statutes 1995 Supplement, section 340A.410, subdivision 10, is amended to read:

**Subd. 10. TEMPORARY LICENSES; RESTRICTION ON NUMBER RESTRICTIONS.** (a) A municipality may not issue more than three four-day, four three-day, or six two-day temporary licenses, in any combination not to exceed 12 days per year, under section 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within a 12-month period.

(b) A municipality may not issue more than one temporary license under section 340A.404, subdivision 10, for the sale of alcoholic beverages to any one organization or registered political committee, or for any one location, within any 30-day period.

Sec. 2. Minnesota Statutes 1994, section 340A.411, subdivision 1, is amended to read:

**Subdivision 1. ON-SALE LICENSES.** ~~On-sale nonintoxicating~~ 3.2 percent malt liquor licenses may only be issued to drugstores, restaurants, hotels, clubs, bowling centers, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

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