

Sec. 5. EFFECTIVE DATE; APPLICATION.

This act is effective August 1, 2000, and applies to any civil action or contested case proceeding which is commenced on or after that date.

Presented to the governor April 20, 2000

Signed by the governor April 24, 2000, 1:47 p.m.

CHAPTER 440—S.F.No. 3581

An act relating to liquor; providing exceptions to the prohibition on intoxicating liquors at the state fairgrounds; modifying the definition of club; authorizing the city of Minneapolis to issue an on-sale wine and malt liquor license for the Illusion Theatre and the Hollywood Theatre; exempting winemaking-on-premises stores from state licensing with certain restrictions; authorizing exclusive liquor stores to conduct wine tastings; exempting an on-sale intoxicating liquor license in Bemidji from statutory restrictions on proximity to a state university; authorizing the cities of Duluth, Springfield, Eveleth, and Cottage Grove to issue on-sale intoxicating liquor licenses; authorizing the city of Anoka to issue an on-sale wine license; authorizing an election on Sunday liquor sales in Sherman township; amending Minnesota Statutes 1998, sections 37.21; and 340A.101, subdivision 7; Minnesota Statutes 1999 Supplement, section 340A.404, subdivision 2; Laws 1999, chapter 202, section 15; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Section 1. Minnesota Statutes 1998, section 37.21, is amended to read:

37.21 SALE OF LIQUORS.

Subdivision 1. LIQUOR PROHIBITED. No person may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon or within one-half mile of the state fairgrounds, or aid and abet any of those acts. The presence and possession of any kind of these liquors, in any quantity, upon the person or upon the premises leased or occupied by any person within these limits is a public nuisance and is prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

Subd. 2. EXCEPTIONS. Notwithstanding subdivision 1, the state agricultural society may authorize, under terms and conditions it chooses, the sale, possession, and consumption of intoxicating liquors at special events taking place on the fairgrounds at times other than during the annual fair including, but not limited to, family reunions, class reunions, weddings, conventions, and similar events. This section does not authorize the society to issue retail licenses for the sale of alcoholic beverages.

Sec. 2. Minnesota Statutes 1998, section 340A.101, subdivision 7, is amended to read:

New language is indicated by underline, deletions by strikeout.

Subd. 7. **CLUB.** "Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) has more than ~~50~~ 30 members;

(2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;

(3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

Sec. 3. Minnesota Statutes 1999 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 Theater, 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 theaters 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.

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(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, the Illusion Theatre located at 528 Hennepin Avenue South, and the Hollywood Theatre located at 2815 Johnson Street Northeast, 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 Corporation 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. 4. [340A.34] WINEMAKING ON PREMISES STORE.

A commercial establishment in which individuals make wine on the premises for personal and family use only and not for resale, using ingredients or materials or both supplied by the establishment, is not required to be licensed under this chapter if the establishment is operated in accordance with Code of Federal Regulations, title 27, section 24.75. No person under the age of 21 years may participate in the making of wine in such an establishment. Alcoholic beverages may not be sold or otherwise provided to customers of an establishment described in this section unless the establishment holds the appropriate license for such sale or provision.

Sec. 5. [340A.419] WINE TASTINGS CONDUCTED BY EXCLUSIVE LIQUOR STORE.

Subdivision 1. DEFINITION. For purposes of this section, a "wine tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine by the glass without paying a separate charge for each glass.

Subd. 2. TASTINGS. (a) Notwithstanding any other law, an exclusive liquor store may conduct a wine tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license if the exclusive liquor store complies with this section.

(b) No wine at a wine tasting under this section may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date.

(c) Notwithstanding any other law, an exclusive liquor store may purchase or otherwise obtain wine for a wine tasting conducted under this section from a wholesaler licensed to sell wine. The wholesaler may sell or give wine to an exclusive liquor store for a wine tasting conducted under this section and may provide personnel to assist in the wine tasting.

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(d) An exclusive liquor store that conducts a wine tasting under this section must use any fees collected from participants in the tasting only to defray the cost of conducting the tasting.

Sec. 6. Laws 1999, chapter 202, section 15, is amended to read:

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, other than Minnesota Statutes, section 340A.412, subdivision 4, paragraph (a), clause (8), apply to the licenses license authorized under this section.

Sec. 7. CITY OF DULUTH; LAKE SUPERIOR CENTER AUTHORITY.

Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Duluth may issue an on-sale intoxicating liquor license to the Lake Superior Center authority for certain events at the Lake Superior Center. The license shall limit the sale of intoxicating liquor to persons leasing space in the Lake Superior Center and their guests for the purpose of conducting any convention, banquet, conference, meeting, or social affair. The fee for the license shall be set by the Duluth city council. The license must be issued in accordance with laws governing issuance of on-sale intoxicating liquor licenses in cities of the first class not inconsistent with this section and with city charter provisions and ordinances not inconsistent with this section.

Sec. 8. CITY OF SPRINGFIELD; AUTHORIZATION.

The city of Springfield may authorize a holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at an event on December 31, 2000, and January 1, 2001, at a facility owned by the city, notwithstanding Minnesota Statutes, section 340A.504, subdivision 3. All provisions of Minnesota Statutes, section 340A.404, subdivision 4, paragraph (a), apply to the authority granted under this section. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 9. CITY OF EVELETH; LIQUOR LICENSE.

Notwithstanding other law, the city of Eveleth may issue one on-sale intoxicating liquor license to the Quad Cities Joint Recreational Center authority. The authority may, but shall not be required to, contract with an independent contractor to operate the on-sale liquor establishment. The independent contractor need not hold a license in its own name. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 10. WINE LICENSE; MAIN STREET STAGE THEATRE.

The city of Anoka may issue an on-sale wine license to the Lyric Arts Company of Anoka, Inc. for the Main Street Stage Theatre. The license authorizes sales on all days of the week to holders of tickets for performances at the theater. All provisions

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of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 11. CITY OF COTTAGE GROVE; LIQUOR LICENSE.

The city of Cottage Grove may issue to the Cottage Grove economic development authority, and the Cottage Grove economic development authority may hold, an on-sale intoxicating liquor license for the River Oaks golf course grounds, clubhouse, and restaurant located in the city of Cottage Grove. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license issued under this section. The provisions of Minnesota Statutes, sections 340A.603 and 340A.604, apply to the establishment licensed under this section as if the establishment were a municipal liquor store, provided that the commissioner of public safety may not impose any penalty on the establishment under those sections if the city has imposed a comparable or greater penalty on the licensee for the same offense.

Sec. 12. CITY OF COTTAGE GROVE; LIABILITY.

The city of Cottage Grove is the licensee under section 11 for purposes of compliance with Minnesota Statutes, section 340A.409. The city of Cottage Grove is deemed the seller of alcoholic beverages under the license authorized by section 11 for purposes of Minnesota Statutes, sections 340A.801 and 340A.802.

Sec. 13. INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE; SHERMAN TOWNSHIP.

An election conducted in Sherman township in Redwood county on the question of the issuance by the county of Sunday sales licenses to establishments located in the town may be held on the day of the annual election of town officers or at a special election called and conducted by the town board. The cost of the election must be borne by the applicant for the Sunday sales license.

Sec. 14. EFFECTIVE DATE; LOCAL APPROVAL.

Section 3 is effective the day after the governing body of Minneapolis and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 6 is effective the day after the governing body of Bemidji and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 7 is effective the day after the governing body of Duluth and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 8 is effective the day after the governing body of Springfield and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 9 is effective the day after the governing body of Eveleth and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 10 is effective the day after the governing body of Anoka and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Sections 11 and 12 are effective on approval by the Cottage Grove city council and compliance with Minnesota Statutes, section 645.021. Section 13 is effective the day

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after the governing body of Sherman township in Redwood county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor April 20, 2000

Signed by the governor April 24, 2000, 1:48 p.m.

CHAPTER 441—S.F.No. 2830

An act relating to crime; changing the penalty for assaulting a peace officer; providing that persons may be charged with escape from custody when they escape after lawful arrest but prior to the commencement of trial proceedings; amending Minnesota Statutes 1998, sections 609.2231, subdivision 1; and 609.485, subdivision 2; Minnesota Statutes 1999 Supplement, section 609.485, subdivision 4.

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

Section 1. Minnesota Statutes 1998, section 609.2231, subdivision 1, is amended to read:

Subdivision 1. **PEACE OFFICERS.** Whoever physically assaults a peace officer licensed under section 626.845, subdivision 1, when that officer is effecting a lawful arrest or executing any other duty imposed by law and ~~inflicts demonstrable bodily harm~~ is guilty of a felony gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the assault inflicts demonstrable bodily harm, the person is guilty of a felony and may be sentenced to imprisonment for not more than ~~two~~ three years or to payment of a fine of not more than \$4,000 ~~\$6,000~~, or both.

Sec. 2. Minnesota Statutes 1998, section 609.485, subdivision 2, is amended to read:

Subd. 2. **ACTS PROHIBITED.** Whoever does any of the following may be sentenced as provided in subdivision 4:

(1) escapes while held pursuant to a lawful arrest, in lawful custody on a charge or conviction of a crime, or while held in lawful custody on an allegation or adjudication of a delinquent act;

(2) transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used;

(3) having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape;

(4) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order after a finding of not guilty by reason of mental

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