

CHAPTER 306—S. F. No. 1487

An act to amend Chapter 46, Section 7, of the Extra Session Laws of Minnesota for 1933, being an act to regulate the manufacture, sale, and distribution of intoxicating liquors.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Chapter 46, Section 7, of the Extra Session Laws of Minnesota for 1933, be and the same hereby is amended to read as follows:

"Sec. 7. Licenses may be revoked—When.—Any license issued under the provisions of this Act may be revoked by the authority issuing such license for violation of any provisions of this Act. "Off sale" licenses may be revoked by the governing body of the municipality after hearing or revoked by the Liquor Control Commissioner after hearing. No manufacturer or wholesaler shall either directly or indirectly own or control or have any financial interest in any retail business selling intoxicating liquor, but this restriction shall not be construed to deny such person the right to use or have his property rented for such purposes in any case where the manufacturer or wholesaler was the bona fide owner of the premises prior to November 1st, 1933. No manufacturer or wholesaler shall exact or require, by contract, understanding or otherwise, any licensed retailer to handle or sell only the products of any particular manufacturer or wholesaler. No license shall be granted to any person who opens a new drug store after the passage of this Act, until such person shall have operated such store continuously for a period of two years, or shall have purchased a drug store that shall have been in continuous operation for two years. All licenses issued for any one municipality except manufacturer's and wholesaler's licenses, shall expire at the same time. No more than one retailer's license shall be directly or indirectly issued to any one person or for any one place, in each municipality. No retailer's "on sale" or retailer's "off sale" license shall be directly or indirectly issued with respect to any place in any municipality maintaining an exclusive liquor store nor to any person or for any place for which a license of another class has been granted. No "on sale" or "off sale" license shall be effective beyond the compact and contiguous space named therein for which the same was granted, except that an "on sale" license granted for sales in the dining room of any hotel in cities of the first and second class and villages of over 10,000 may permit sales of liquor with meals in additional dining rooms open to the public and specified in the license where meals are regularly served to guests therein. No license shall be issued for premises located

within areas restricted against commercial use through zoning ordinances or other proceedings or legal processes regularly had for that purpose, except that licenses may be issued for sale in restaurants in premises which have been restricted against commercial uses since the establishment of such restaurants therein; and no license shall be issued contrary to the provisions of any charter, ordinance, or any special law restricting areas within which intoxicating liquor may be sold. No license shall be issued for premises or places in which the sale or use thereof has been prohibited by Mason's Minnesota Statutes, 1927, Sections 3238-3 to 3238-21 inclusive; provided, however, that Laws 1923, Chapter 139, Section 6, the same being Mason's Minnesota Statutes, 1927, Section 10166, is hereby repealed. No license shall be issued to any person in connection with the premises of another to whom no license could be issued under the provisions of this Act, except as otherwise provided in this Act provided that this provision shall not prevent the granting of a license to a proper lessee by reason of the fact that he shall lease premises of a minor, non-citizen, or a person who has been convicted of a crime other than a violation of this Act. No more than one license shall be issued to any person in any municipality except as specifically provided in this Act. No "off sale" license shall be issued for any place where non-intoxicating malt beverages shall be sold for consumption on the premises. A license shall be non-transferable without the consent of the authority issuing the license, and shall be posted in a conspicuous place in the premises for which it is issued. No license shall be effective until a permit shall be issued to the licensee under the laws of the United States of America if such a permit be required under such laws. No license shall be issued to other than a citizen of the United States over 21 years of age who shall be of good moral character and repute nor to any person who shall be hereafter convicted of any wilful violation of any law of the United States or the State of Minnesota or of any local ordinance with regard to the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor, nor to any person whose license under this Act shall be revoked for any wilful violation of any of such laws or ordinances.

The Legislature expressly reserves the right to limit or diminish the number of licenses, to limit the profits of any authorized manufacturer, wholesaler or retailer as a condition to granting or continuing a license, and to regulate, limit or prohibit the issuance or sale of capital stock in any licensee as a condition to granting a license."

Approved April 29, 1935.