

CHAPTER 421—H. F. No. 279

An act to amend Extra Session Laws 1933-34, Chapter 46, Section 1, relating to the sale of intoxicating liquor.

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

Section 1. **Law amended.**—That Extra Session Laws of 1933-34, Chapter 46, Section 1, be and the same is hereby amended to read as follows :

“Sec. 1. **Definitions.**—The terms “intoxicating liquor” and “liquor” whenever used in this Act, shall mean and include ethyl alcohol and include distilled, fermented, spirituous, vinous and malt beverages containing in excess of 3.2 per cent of alcohol by weight. The terms “sale” and “sell” shall mean and include all barter, and all manners or means of furnishing intoxicating liquor or liquors as above described in violation or evasion of law. “Off sale” shall mean the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold. “On sale” shall mean the sale of liquor by the glass for consumption on the premises only. The term “wholesale” shall mean and include any sale for purposes of re-sale. The term “manufacturer” shall include every person, who, by any process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, shall prepare or produce intoxicating liquors for sale. The term “wholesaler” shall mean any person, engaged in the business of selling intoxicating liquor to retail dealers. The term “person” shall include the meaning extended thereto by Mason’s Minnesota Statutes, 1927, Section 10933.

The term “package” or “original package” shall mean and include any container or receptacle holding liquor, which container or receptacle is corked or sealed.

The term “municipality” shall mean any city, village or borough.

“Hotel” as herein used, shall mean and include any establishment having a resident proprietor or manager, where, in consideration of payment therefor, food and lodging are regularly furnished to transients, and which maintains for the use of its guests in cities of the first class, not less than fifty guest rooms, in cities of the second class, not less than twenty-five guest rooms, in all other cities, villages and boroughs not less than ten guest rooms with bedding and other usual suitable and necessary furnishings in each room, and which is provided at the main entrance with a suitable lobby, desk and office for the registration of its guests on the ground floor, and which employs an adequate staff to provide suitable and usual service, and which maintains under the same management and control as the rest of the establishment and has as an integral part

thereof a dining room with appropriate facilities for seating not less than thirty guests at one time, where the general public are, in consideration of payment therefor, served with meals at tables.

"Exclusive liquor store" as herein used shall be an establishment used exclusively for the sale of intoxicating liquors, *cigars, cigarettes, all forms of tobacco, non-intoxicating malt beverages and soft drinks* at retail, either on sale or off sale, or both; *provided, however, that lunches may be sold in a liquor store located in a village containing less than 500 inhabitants and situated in any county having a population according to the last Federal census of not less than 34,000, nor more than 35,000 inhabitants, and having not less than twenty-four nor more than twenty-five full and fractional townships.* It shall be under control of an individual owner or manager and if located in municipalities other than cities of the first, second and third class, it may be owned and operated by said municipality as the governing body thereof shall direct.

"Restaurant" as herein used, shall mean any establishment, other than a hotel, under the control of a single proprietor or manager having appropriate facilities for the serving of meals and in cities of the first class for seating of not less than 50 guests at one time and in cities of the second and third class and villages of over 10,000 population and in such cities and villages having over 5,000 and not more than 10,000 population where "on sale" is provided in restaurants in lieu of the establishment of exclusive liquor stores, for seating such number of guests not less than 30 as the governing body of such municipality shall determine, and where in consideration of payment therefor, meals are regularly furnished at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests, and the principal part of the business of which is the serving of foods.

The term "club" shall mean and include any corporation duly organized under the laws of the State of Minnesota for civic, fraternal, social or business purposes or for intellectual improvement or for the promotion of sports, which shall have more than fifty members, and which shall for more than a year have owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members and whose affairs and management are conducted by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents or employes are paid directly or indirectly any compensation by way of profit from the distribution or sale of beverages to the members of the club, or to its guests beyond the amount of such reasonable salary or wages as may be fixed and voted each year by the directors or other governing body.

The term "medicines" shall mean and include only such potable liquids as are prescribed by licensed physicians and dentists for therapeutic purposes, and United States Pharmacopeia and National Formulary preparations, and preparations used for the mitigation of disease for external and internal purposes which are usually sold in drug stores and intended for therapeutic purposes and not for beverage purposes.

The term "general food stores" shall mean any place of business carrying a stock of food supplies, and primarily engaged in selling food and grocery supplies to the public."

Approved April 24, 1937.

CHAPTER 422—H. F. No. 204

An act authorizing and empowering any city of the first class to reimburse the parents of any child for actual expenses incurred for hospital, medical care and treatment of their child by reason of personal injuries suffered by such child sustained while engaged in school work under the supervision and jurisdiction of any agent, servant or official of such city of the first class in the performance of a governmental duty under certain conditions.

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

Section 1. **City may pay expenses for injuries to child in certain cases.**—That any city of the first class is hereby authorized and empowered to reimburse the parents of any child for actual expenses incurred by them for hospital, medical care and treatment of their child, made necessary by reason of personal injuries suffered by such child during the period April 20, 1936 to May 10, 1936 and sustained while engaged in school work under the supervision and jurisdiction of any agent, servant or official of such city of the first class in the performance of a governmental function, and such city of the first class shall have the right to reimburse and pay such parents, upon the passing of a resolution by the council authorizing such payment within thirty (30) days after the passage of this act.

Approved April 24, 1937.

CHAPTER 423—S. F. No. 169

An act to change the boundary lines of the counties of Big Stone and Lac qui Parle counties.