

CHAPTER 478—H. F. No. 1467

An act to amend Extra Session Laws of 1933-34, Chapter 46, Section 5, as amended by Laws of 1935, Chapter 303, relating to the sale of intoxicating liquors.

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 5, as amended by Laws of 1935, Chapter 303, be amended so as to read as follows:

"Sec. 5. Liquor dealers must be licensed.—Off sale and on sale licenses.—That it shall be unlawful for any person, directly or indirectly, upon any pretense or by any device, to manufacture, import, sell, exchange, barter, dispose of or keep for sale, any intoxicating liquor, without first having obtained a license therefor, as herein provided. Nothing herein shall prohibit the natural fermentation of fruit juices in the home for family use. All manufacturer's and wholesaler's licenses shall include the right to import and shall be granted by the Liquor Control Commissioner. The business of manufacturer and wholesaler may be combined and carried on under one license issued therefor. All licenses for retail 'Off sale' shall be granted by the local governing body subject to the approval of the Liquor Control Commissioner and shall not become effective until so approved.

The Liquor Control Commissioner may issue a license or permit to any railroad company, dining car company, or sleeping car company, water transportation company or other common carrier operating in this state, to sell intoxicating liquors referred to in this chapter upon any vessel, dining car, buffet, observation or cafe car where meals or lunches are served. Each such company applying for such license shall pay to said Liquor Control Commissioner a fee of Twenty-five Dollars per annum. A duplicate of such license shall be posted in each car and for each duplicate of such license a fee of One Dollar shall be paid. Such license so granted shall cover and permit the sale of such intoxicating liquor in the State of Minnesota, or in any political subdivision thereof, in any vessel, dining car, buffet, observation or cafe car which is a part of a train or which is about to become a part of a train then being operated or to be operated in this state. Such liquor to be sold only to bona fide passengers or persons actually being transported.

'Off sale' licenses issued by any municipality shall not be effective until approved, together with the bond, by the Liquor Control Commissioner, but no fee shall be payable to such Commissioner for such approval.

All 'On sale' licenses shall be granted and the annual license fee therefor fixed by the respective local governing bodies of the various political subdivisions of the state, and such governing bodies shall have the right to revoke licenses issued by them, for cause. No 'On sale' licenses shall be issued contrary to any of the provisions of this Act. Not more than one 'On sale' license shall be issued in any city of the first class for every 1500 inhabitants. Not more than 200 'On sale' licenses shall be issued in any city of the first class. Not more than 15 'On sale' licenses shall be issued in any city of the second class. Not more than 10 'On sale' licenses shall be issued in any city of the third class. Not more than 5 'On sale' licenses shall be issued in any city of the fourth class, or borough. Not more than 10 'On sale' licenses shall be issued in any village of over 10,000 population. Not more than 3 'On sale' licenses shall be issued in any village of 5,000 to 10,000 population. Not more than 4 'On sale' licenses shall be issued in any village of 2,500 to 5,000 population. Not more than 3 'On sale' licenses shall be issued in any village of 500 to 2,500 population. Not more than 2 'On sale' licenses shall be issued in any village of less than 500 population. 'On sale' licenses may be issued for the sale of intoxicating liquor in hotels, clubs and restaurants in cities of the first, second and third class and villages of over 10,000 inhabitants. Such licenses may be issued in cities of the fourth class, and other villages and boroughs for such sale of intoxicating liquor in hotels, clubs and/or exclusive liquor stores, which exclusive liquor stores the governing body of such municipalities may establish or permit to be established for dispensation of liquor either 'On sale' or 'Off sale,' or both. In cities and villages having over 5,000 and not more than 10,000 population, the municipality may license 'On sale' in restaurants in lieu of the establishments of exclusive liquor stores.

In cities of the first class not more than one 'off sale' license shall be granted for every 5,000 inhabitants in any such city. In such cities, such licenses shall be issued only to proprietors of drug stores, general food stores and exclusive liquor stores. In all other cities, villages and boroughs, the number of 'Off sale' licenses to be issued therein shall be determined by the local governing body. In all cities, villages and boroughs other than cities of the first class 'Off sale' licenses shall be issued only to proprietors of drug stores and exclusive liquor stores. Not more than one 'Off sale' license shall be issued in any city, village or borough, of less than 1,000 population. *Provided, however, that in any village containing less than 500 inhabitants, according to the 1930 Federal census, and which village is situated in a county having an assessed valuation, exclusive of moneys and credits, of not less than \$12,000,000 nor more than \$15,000,000 and having a population, according to the 1930 Federal census, of not less than 29,000 nor more than 30,000*

inhabitants and containing not less than 16 nor more than 17 full and fractional congressional townships, not more than 2 'Off sale' licenses may be issued therein.

The license fees to be paid before the issuance of licenses shall be as follows:

(a) Any manufacturer, as herein defined, shall pay to the state, an annual license fee in the sum of \$2500.00, except that brewers of intoxicating malt beverages shall pay to the state an annual license fee of \$500.00, and except that a manufacturer of wines containing not more than 25 per cent of alcohol by weight shall pay to the state an annual license fee of \$250.00.

(b) Any wholesaler, as herein defined, shall pay to the state an annual license fee in the sum of \$2500.00, except that wholesalers of wine containing not more than 25 per cent of alcohol by weight and wholesalers of beer containing more than 3.2 per cent of alcohol by weight, shall pay to the state an annual license fee of \$250.00.

(c) The maximum license fee for an 'Off sale' license in the cities of the first class shall be the sum of \$250.00; in all cities and villages of over 10,000 population, except cities of the first class, the maximum license fee for an 'Off sale' license shall be \$200.00; in all cities and villages with a population between 5,000 and 10,000 the maximum license fee shall be \$150.00; in all cities, villages and boroughs of 5,000 population, or less, the maximum license fee shall be \$100.00. All such license fees for 'Off sale' licenses shall be payable to the municipalities issuing the license. Where such licenses shall be issued for less than one year, a fee may be a pro rata share of the annual license fee."

Approved April 26, 1937.

CHAPTER 479—H. F. No. 1473

An act to amend Laws 1929, Chapter 425, Section 15, relating to the inspection, analysis and standardization of gasoline, kerosene, furnace oils and petroleum products used, stored, held for the sale or sold within this state; regulating the sale and distribution thereof; providing for the enforcement of this act and prescribing penalties for the violation thereof; creating an oil inspection division and prescribing the powers and duties to the heads of such division.