

moneys previously transferred or borrowed from said fund for the payment of old age assistance, and such county returned to the gas tax fund the moneys transferred or borrowed from said fund resulting in a delinquency in the old age assistance fund for 1937, and shall further certify to the percentage of delinquency existing as a result thereof, and shall further certify the amount of money which it has in its old age assistance fund and the amount of delinquency that will exist in said fund in so far as the same may be anticipated and shall further certify the number of persons receiving old age assistance and the average payment for old age assistance being made, and shall certify the amount of money which in its judgment will constitute a delinquency due to the facts therein stated, the State Agency may pay to such county such sum or sums of money out of the funds provided in Laws 1937, Chapter 305, as supplemental old age assistance aid to such county.

Section 3. Effective date.—This act shall be in effect up to and including December 31, 1937, and nothing herein contained shall be construed to exempt any such county from fully complying with all the provisions of Laws 1937, Chapter 305, for any subsequent years.

Approved July 16, 1937.

CHAPTER 74—S. F. No. 10

An act to amend Extra Session Laws of 1933-34, Chapter 46, Section 5, as amended by Laws of 1935, Chapter 303, as amended by Laws of 1937, Chapter 387, relating to the sale of intoxicating liquors, by increasing 'on sale' licenses in certain cases.

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

Section 1. On sale licenses.—That Extra Session Laws of 1933-34, Chapter 46, Section 5, as amended by Laws of 1935, Chapter 303, as amended by Laws of 1937, Chapter 387, be amended so as to read as follows:

“Section 5. 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 5 '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. Provided, however, that in cities of the fourth class containing a population of more than 5,000 situated in counties containing not less than 20,000 nor more than 25,000

inhabitants according to the 1930 federal census, and containing not less than 20 nor more than 21 full and fractional congressional townships, 10 'On sale' licenses may be issued. *Provided, however, that in any city of the fourth class, operating under a home rule charter, having a population in excess of 7500 persons, located in a county having not less than 29 nor more than 30 full and fractional townships with an assessed valuation in excess of \$10,000,000, exclusive of moneys and credits, and having a population in excess of 23,000 inhabitants according to the last Federal census, the council may issue one 'On sale' license for every 800 inhabitants or fraction thereof. Provided, further, that in any city of the fourth class, organized under any general or special law and having a population of not less than 500 nor more than 1,000, excepting, however, any city of the fourth class governed under a home rule charter adopted pursuant to Section 36, Article 4 of the state constitution, not more than 3 'Off sale' licenses may be issued therein.* In counties having an area of more than 5,000 square miles, if the Liquor Control Commissioner also approves, the governing body in cities of the third class may grant 15 such licenses and in cities of the fourth class may issue 9 such licenses *and in villages having a population of more than 2,500 and less than 5,000, six such licenses.* In cities of the fourth class situated in any county in this state having not less than 100 nor more than 110 full and fractional congressional townships and having a population of not less than 13,000 nor more than 15,000 inhabitants according to the last federal census, the number of 'On sale' licenses shall be determined by the governing body thereof, and where such a city is operating a municipal liquor store at 'Off sale' only, 'On sale' licenses may be granted to hotels, clubs, restaurants and exclusive liquor stores. '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 establishment 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 exclu-

sive liquor stores. Not more than one 'Off sale' license shall be issued in any city, village or borough of less than 1,000 population.

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."

Section 2. This act shall be in full force from and after the date of its passage.

Filed without approval July 19, 1937.

CHAPTER 75—S. F. No. 3

An act to legalize proceedings heretofore taken for the improvement of streets in certain cases in cities of the fourth class operating under home rule charters and authorizing the completion of such improvement in accordance with the provisions of Mason's Minnesota Statutes of 1927, Sections 1820 to 1828, both inclusive.

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

Section 1. **Proceedings to improve streets legalized in certain cases.**—In all cases where a city of the fourth class having a home