

town board shall have filed with the Executive Council executed agreements as provided in Section 4 hereof.

Approved April 24, 1943.

CHAPTER 599—H. F. No. 763.

(AMENDING SECTION 340.11 MINNESOTA STATUTES 1941.)

An act relating to intoxicating liquors; amending Mason's Supplement 1940, Section 3200-25, as amended by Laws 1941, Chapters 4, 34, 359 and 485.

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

Section 1. **Law amended.**—Mason's Supplement 1940, Section 3200-25, as amended by Laws 1941, Chapters 4, 34, 359, and 485, is amended to read as follows:

3200-25. **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” license shall be issued contrary to any of the provisions of Sections 3200-21 to 3200-56. Not more than one “On sale” license shall be issued in any city of the first class for every 1,500 inhabitants; provided, however, notwithstanding said limitation any city of the first class in which licenses have heretofore been issued upon an estimated population computed upon the increase in population in said city between the federal census of 1920 and the federal census of 1930, or where the 1940 federal census shows a decrease from the 1930 census and as a result thereof “On sale” licenses have been issued in excess of one for every 1,500 inhabitants as determined by the federal census of 1940, said city of the first class may continue to issue the number of “On sale” licenses which said city issued in the year 1940. 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. Provided, however, that “On sale” licenses may be issued, except in cities of the first class, in addition to the limitations as herein provided, to bona fide clubs in existence for 20 years which are duly incorporated and which licenses shall be for the sale of intoxicating liquors to members only for a license fee of \$100.00. 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 boroughs. 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; *provided, that in determining the population of any such village there shall be included therein the population of any township which was formerly a portion of such village and which was separated therefrom subsequent to the year 1935.* 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 7,500 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. Provided, however, that in any city of the fourth class operating under a home rule charter, having a population exceeding 4,000 and not more than 4,500 inhabitants, according to the 1940 federal census, located in a county containing not less than 12 nor more than 13 townships, there may be issued in addition to the five "On sale" licenses herein provided for, only one "On Sale" license to an hotel which operates a dining room serving meals regularly and which contains not less than forty sleeping rooms. 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 liquors 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 municipi-

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palities 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: provided, however, notwithstanding said limitation, any city of the first class in which "Off sale" licenses have heretofore been issued upon an estimated population computed upon the increase in population in said city between the federal census of 1920 and the federal census of 1930, or where the 1940 federal census shows a decrease from the 1930 census and as a result of such computation "Off sale" licenses have been issued in excess of one for every 5,000 inhabitants as determined by the federal census of 1940, said city of the first class may continue to issue the number of "Off sale" licenses which said city issued for 1940. 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 to 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 \$2,500.00, 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 \$2,500.00, 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.

Provided, however, that in any city or village which has established a municipal "Off sale" liquor store since January 1, 1940, any duly organized club which prior to January 1, 1940, held a club license, either under this section or pursuant to chapter 154, Laws 1939, shall be entitled to a new "On sale" license, notwithstanding the provisions herein contained.

Nothing herein contained or omissions shall be construed as repealing any prior amendments to the foregoing section by the 1941 session of the legislature.

No license for the sale of intoxicating liquor shall be issued by any newly incorporated village, until the expiration of two years from the date of incorporation.

Approved April 24, 1943.

CHAPTER 600—H. F. No. 733.

An act relating to the war emergency, prescribing powers, duties, and immunities of the governor, state departments, officers, and employees, municipal subdivisions of the state and their officers and employees relating thereto, and penalties for violations, authorizing tax levies therefor and creating a legislative war emergency committee.

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

Section 1. Minnesota War Emergency Act.—This act shall be known and may be cited as the "Minnesota War Emergency Act".

Sec. 2. Expiration date of act.—This act shall be effective until sixty days after cessation of hostilities in the present war as declared by proper federal authority and shall then expire, or until July 1, 1945, whichever may first occur.

Sec. 3. Restrictions.—Nothing in this act shall be construed to authorize the Governor: