

for that taxable year shall be reduced by the amount transferred. The state auditor and the state treasurer are authorized and directed to make the appropriate entries in the accounts of the respective funds.

**Subd. 2. Payment of certificates.** All moneys transferred from the State Airports Fund to the Minnesota Aeronautics Fund shall be available for the payment of outstanding certificates of indebtedness and interest thereon and deficiencies in the proceeds of prior tax levies, if any, in the same manner as the proceeds of taxes provided for in section 1 of this act, and so much thereof as may be necessary is appropriated for such payments.

**Subd. 3. State Airports Fund available for tax reduction only.** Notwithstanding any provision of any other statute appropriating moneys in the State Airports Fund, all those moneys over and above the amounts required to be transferred as provided by Minnesota Statutes 1945, section 360.306, and the amounts required to reimburse the general revenue fund as otherwise provided by law, shall be used only for the purpose of making the transfers provided for by subdivision 1 of this section and thus reducing the amounts to be raised by the tax levies provided for by section 1 of this act, until after the date prescribed for the making of the last of those levies, or until they are otherwise canceled by law.

[360.37] **Appropriation deemed additional to others.** Sec. 7. The appropriation to the governor made by section 4 is in addition to any other appropriation made to him out of the Minnesota Aeronautics Fund by any other statute.

Approved April 26, 1947.

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CHAPTER 586—H. F. No. 698  
[Coded as Sections 325.53 to 325.62]

*An act relating to licenses for the carrying on of any business, trade, vocation or commercial enterprise, and providing for revocation of licenses by reason of the operation of gambling devices.*

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

[325.53] **Definitions.** Section 1. Subdivision 1. **Words, terms, and phrases.** For the purposes of this act, unless a dif-

ferent meaning is indicated by the context, the words, terms, and phrases defined in this section shall have the meanings given them.

**Subd. 2. Gambling devices.** "Gambling devices" mean slot machines, roulette wheels, punchboards, number jars and pinball machines which return coins or slugs, chips, or tokens of any kind, which are redemnable in merchandise or cash.

**Subd. 3. Person.** "Person" means an individual, a copartnership, an association, a corporation, or any other entity or organization.

**Subd. 4. Municipality.** "Municipality" means any county, city, village, borough or town.

**Subd. 5. License.** "License" includes permits of every kind, nature and description issued pursuant to any statute or ordinance for the carrying on of any business, trade, vocation, commercial enterprise or undertaking.

**Subd. 6. Licensee.** "Licensee" means any person to whom a license of any kind is issued, but does not include a common carrier transporting, or a public warehouseman storing, any gambling device for hire, or a manufacturer or distributor of such devices keeping the same only for the purpose of sale or distribution to others or repairing of same.

**Subd. 7. Licensed business.** "Licensed business" means any business, trade, vocation, commercial enterprise, or undertaking for which a license is issued.

**Subd. 8. Licensed premises.** "Licensed premises" means the place or building, or the room in a building, designated in the license as the place where the licensed business is to be carried on, and all land adjacent thereto and used in connection with and in the operation of a licensed business, and all adjacent or contiguous rooms or buildings operated or used in connection with the buildings where the licensed business is carried on. If no place is described in any license, then "licensed premises" means the building or place where the licensed business is carried on under such license.

**Subd. 9. Issuing authority and authority issuing the license.** "Issuing authority" and "authority issuing the license" mean and include the officer, board, bureau, department, commission, or agency of the state, or of any of its municipalities,

by whom any license is issued and include the councils and governing bodies of all municipalities.

[325.54] **Gambling Device; possession of.** Sec. 2. Subdivision 1. **Intentional possession; wilful keeping.** The intentional possession or wilful keeping of a gambling device upon any licensed premises is cause for revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found.

Subd. 2. **Revocation of licenses.** All licenses under which any licensed business is permitted to be carried on upon the licensed premises shall be revoked if the intentional possession or wilful keeping of any such gambling devices upon the licensed premises is established, notwithstanding that it may not be made to appear that such devices have actually been used or operated for the purpose of gambling.

[325.55] **Issuing authority to revoke.** Sec. 3. The proceedings for revocation shall be had before the issuing authority, which shall have power to revoke the license or licenses involved, as hereinafter provided.

[325.56] **Peace officers to observe and inspect premises.** Sec. 4. Every sheriff, deputy sheriff, constable, marshal, policeman, police officer, and peace officer shall observe and inspect the premises where occupations are carried on under license and ascertain whether gambling devices are present thereon and immediately report the finding thereof to the authority or authorities issuing the license or licenses applicable to the premises in question.

[325.57] **Proceedings before issuing authority; order to show cause.** Sec. 5. Upon the receipt of such information from any of the peace officers referred to in section 4, if any issuing authority is of the opinion that cause exists for the revocation of any such license, then that authority shall issue an order to show cause directed to the licensee of the premises, stating the ground upon which the proceeding is based and requiring him to appear and show cause at a time and place, within the county in which the licensed premises are located, not less than ten days after the date of the order, why his license should not be revoked. That order to show cause shall be served upon the licensee in the manner prescribed by law for the service of summons in a civil action, or by registered mail, not less than eight days before the date fixed for the hearing thereof. A copy of the order shall forthwith be mailed to the owner of the premises, as shown by the records in the office of the register of deeds,

at his last known postoffice address. A copy of the order shall at the same time be mailed to any other issuing authority, of which the authority issuing the order to show cause has knowledge, by which other licensee [licenses] to that licensee may have been issued, and any such other authority may participate in the revocation proceedings after notifying the licenses [licensee] and the officer or authority holding the hearing of its intention so to do on or before the date of hearing, and after the hearing take such action as it could have taken had it instituted the revocation proceedings in the first instance.

[325.58] **Revocation of license.** Sec. 6. Subdivision 1. **Revocation; stay; appeal.** If, upon the hearing of the order to show cause, it appears that the licensee intentionally possessed or wilfully kept upon his licensed premises any gambling device, then the license or licenses under which the licensed business is operated on the licensed premises, shall be revoked. The order of revocation shall not be enforced during the period allowed by section 10 for taking an appeal.

Subd. 2. **Limitation as to issuance of new license on premises.** No new license or licenses for the same business upon the same premises shall be issued for the period of one year thereafter, except as hereinafter provided.

[325.59] **Duties of county attorney.** Sec. 7. The county attorney of the county in which the hearing is held shall attend the hearing, interrogate the witnesses, and advise the issuing authority. He shall also appear for the issuing authority on any appeal taken pursuant to the provisions of section 10.

[325.60] **Witnesses.** Sec. 8. The issuing authority may issue subpoenas and compel the attendance of witnesses at any hearing. Witnesses duly subpoenaed and attending any such hearing shall be paid fees and mileage by the issuing authority equal to the fees and mileage paid witnesses in the district court.

[325.61] **Property owners liability.** Sec. 9. When a license is revoked under the provisions of this act, the owner of the premises upon which any licensed business has been operated shall not be penalized by reason thereof unless it is established that he had knowledge of the existence of the gambling devices resulting in license revocation.

[325.62] **Appeal to district court; stay; continuance under bond; hearing upon one year limitation on premises.** Sec. 10. Any licensee, or any owner of licensed premises, aggrieved.

by an order of an issuing authority revoking any license may appeal from that order to the district court of the county in which the licensee resides by serving a notice of his appeal upon the issuing authority or the clerk thereof. The notice of appeal shall state that the person appealing takes an appeal to that district court from the order revoking the license or licenses, describing them and identifying the order appealed from. This notice shall be served within 15 days from the date of service of the order appealed from, and the same, with proof of service thereof, shall be filed with the clerk of the district court of the proper county. The appeal shall stand for trial at the next term of the district court following the filing of the notice of appeal, without the service of any notice of trial, and shall be tried in the district court de novo. The trial shall be by jury if the appellant shall so demand. The licensee may continue to operate the licensed business or businesses until the final disposition of such appeal. If the district court upon the appeal shall determine that any license involved in the appeal should be revoked, it may, nevertheless, in its discretion permit the continuance of the licensed business under a bond in the amount and in the form and containing the conditions prescribed by the court. The district court on the appeal, or in a separate proceeding, may permit the issuance of a new license to a different licensee before the expiration of the period of one year specified in subdivision 2 of section 6, upon such terms and conditions imposed by the court as will insure that no gambling device shall thereafter be maintained upon the licensed premises.

Approved April 26, 1947.

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CHAPTER 587—H. F. No. 1175

[Coded as Sections 362.07 to 362.25]

*An act relating to the organization and administration of the state government; providing for the creation of the Department of Business Research and Development and prescribing the powers and duties thereof; amending Minnesota Statutes 1945, Section 84.081, Subdivision 1, and repealing Laws 1945, Chapter 468.*

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

[362.07] Department of business research and development. Section 1. There is hereby created and established a