

Sec. 2. Lands previously acquired. The sums heretofore transferred to the respective trust funds affected pursuant to Laws 1947, Chapter 375, Section 2, shall be credited upon the amounts awarded for said lands upon condemnation thereof as herein authorized; no use of any of said lands having yet been made pursuant to the provisions of said act.

Sec. 3. Repeal. Laws 1947, Chapter 375, is hereby repealed.

Approved April 25, 1949.

CHAPTER 700—H. F. No. 1744

An act relating to the sale of non-intoxicating malt liquors amending Section 340.01 and Section 340.02, Subdivisions 1, 2, 3, 4 and 7.

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

Section 1. Minnesota Statutes 1945, Section 340.01, is amended to read:

340.01. License for sale of nonintoxicating beverages. There is hereby conferred upon the governing body of each county, city, village, and borough in the State, the authority to license and regulate the business of vendors at retail or wholesale of non-intoxicating malt liquors within their respective jurisdictions, to impose a license fee therefor and to provide for the punishment of any violation of any such regulations according to the provisions of law; provided, that no such business may be licensed by the county board to be located in any town, unless the consent of the governing body of such town, if organized, is filed with the application for such license. Before any town board shall give consent to the issuance of any license by the county board in their township, they shall have secured the written recommendation and the accompanying statement provided for in the following paragraph.

No license shall be issued or renewed by the county board after application has been made therefore until said county board shall have secured the written recommendation of the

sheriff and of the county attorney. Said recommendation shall be accompanied by a statement attesting that to the best of their knowledge the applicant has not, within a period of five years prior to the date of such application, violated any law relating to the sale of non-intoxicating malt liquor or of intoxicating liquor and that in their judgment the applicant will comply with the laws and regulations relating to the conduct of said business in the event said license is issued or renewed. Before issuing or renewing any license, the county board shall consider the recommendation of the sheriff and the county attorney, the character and reputation of the applicant, the nature of the business to be conducted and the type of premises and propriety of the location of said business.

Persons holding licenses shall not permit any minor to loiter or remain in the room where non-intoxicating malt liquor is being sold or served unless accompanied by his parent or legal guardian. No license shall be issued or renewed if the applicant within a period of five years prior to the date of such application has been convicted of violating any law relating to the sale of non-intoxicating malt liquor or of intoxicating liquor.

Sec. 2. Minnesota Statutes 1945, Section 340.02, Subdivisions 1, 2, 3, 4, and 7 are amended to read:

340.02. License required to sell. Subdivision 1. It shall be unlawful to sell non-intoxicating malt liquors, at retail, or wholesale except when licensed as hereinafter provided. There shall be *three types* of licenses.

Subd. 2. *Retail* "on sale" licenses shall permit the licensee to sell such non-intoxicating malt liquors for consumption on the licensed premises, and the license fee therefore shall be \$10.00 per annum, unless the county, city, village, or borough wherein the premises are situated shall fix a higher fee to be paid to such county, city, village, or borough. "On sale" licenses shall be granted only to drug stores, restaurants, hotels, bona fide clubs and establishments for the sale of non-intoxicating malt beverages, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail; provided that no manufacturer or wholesaler of such non-intoxicating malt liquors shall have any ownership, in whole or in part, in the business of any licensee holding an "on sale" license. A bona fide club under sections 340.01, 340.02, and 340.03 to 340.06 is an organization for social or business purposes or for in-

tellectual improvement, or for the promotion of sports, where the serving of such non-intoxicating malt liquors is incidental and not the major purpose of the club.

Subd. 3. *Retail "off sale" licenses shall permit the licensee to sell non-intoxicating malt liquors in original packages for consumption off the premises only, and the license fee therefore shall be \$5.00 per annum. Wholesale licenses shall permit the licensee to sell non-intoxicating malt beverages to holders of on or off sale retail licenses and the license fee therefore shall be \$10 per annum.*

Subd. 4. *The Liquor Control Commissioner may issue an "on sale" license to any railroad company operating within the state which shall permit such railroad company to sell non-intoxicating malt liquors in its dining cars, buffet cars, cafe cars, and observation cars; such company shall keep a duplicate of such license posted in each car where such malt liquors are served. Each railroad company applying for such license shall pay to the Liquor Control Commissioner a fee of \$25 for such license and 25 cents for each duplicate thereof, which fee shall be paid into the State treasury.*

Subd. 7. *Licenses hereunder shall be issued only to persons who are citizens of the United States and who are of good moral character and repute, who have attained the age of 21 years and who are proprietors of the establishments for which the licenses are issued.*

Approved April 25, 1949.

CHAPTER 701—H. F. No. 1798

An act relating to the State Civil Service; amending Minnesota Statutes 1945, Section 43.123, Subdivision 3, as amended by Laws of 1947, Chapter 606, Section 5.

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

Section 1. *Minnesota Statutes 1945, Section 43.123, Subdivision 3, as amended by Laws of 1947, Chapter 606, Section 5, is hereby amended to read as follows:*