

ing as an attorney in any court in this state save said municipal court.

Approved March 26, 1953.

CHAPTER 161—S. F. No. 961

[Not Coded]

An act relating to tax levies for building purposes in certain school districts subject to Laws 1943, Chapter 526, as amended, and having more than 2,750 but less than 4,000 inhabitants; amending Laws 1951, Chapter 661, Section 1.

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

Section 1. Laws 1951, Chapter 661, Section 1, is amended to read :

Section 1. **School districts; tax levy for buildings or payment of bonds.** To pay the cost of constructing, rebuilding or enlarging buildings of the district, or to pay bonds issued for such purposes, any school district subject to Laws 1943, Chapter 526, as amended, and having more than 2,750 but less than 4,000 *inhabitants*, may levy, in excess of any existing tax limitations, a total amount not in excess of 45 percent of the cost of said building or bonds; provided the total amount of all levies of any district for such purposes, in excess of the limitations of Minnesota Statutes, Section 275.12, shall not exceed \$45,000. *If the cost thereof exceeds \$100,000 but does not exceed \$125,000, any such school district may levy in excess of existing tax limitations and in excess of the amount hereinbefore stated a further sum not in excess of \$25,000 representing the aforesaid excess cost.* This act grants additional powers to any such district and shall not be construed as limiting any powers possessed by any such district under other laws with respect to tax levies or powers to issue or pay bonds for such purpose.

Approved March 26, 1953.

CHAPTER 162—H. F. No. 219

[Coded]

An act relating to municipal liquor stores and providing for suspension of their authority to operate in certain cases.

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

Section 1. [340.354] **Declaration of policy.** Public

interest in the enforcement of the laws relating to sale of intoxicating liquor in municipalities operating stores for the sale of intoxicating liquor makes it necessary that measures be taken to encourage vigilance of governing bodies and inhabitants of such municipalities to insure that such enterprises are carried on in strict accordance with law. Imputing responsibility in proper cases to the municipality for unlawful acts of its employees, as responsibility is imputed to private employers in the same business, is proper. Summary suspension of the statutory right of such municipalities to operate such stores is a proper and effective measure to encourage such vigilance by penalizing failure to maintain it. The duration of any such suspension is properly a judicial question to be determined in the light of the circumstances of each case, and the judicial power should be used for enforcing any such suspension.

Sec. 2. [340.355] **Municipal liquor store; suspension of operation, procedure.** When a municipal officer or employee of a city, village, or borough is convicted of (1) selling intoxicating liquor or non-intoxicating malt liquor to a minor or other ineligible person, (2) selling intoxicating liquor or non-intoxicating malt liquor at a time when such sale is prohibited by law, (3) selling intoxicating liquor or non-intoxicating malt liquor for re-sale, (4) selling intoxicating liquor or non-intoxicating malt liquor on which the required state tax has not been paid, (5) selling intoxicating liquor for consumption off the premises for less than the price required by law, or (6) violating statutory restrictions on gambling and gambling devices and apparatus, and when the offense resulting in such conviction has occurred in an exclusive liquor store operated by the municipality, the court in which the conviction occurs shall mail to the state liquor control commissioner within ten days of the conviction a record of the conviction. The commissioner shall thereupon send notice of the conviction to the county attorney of the county in which the municipal liquor store is located. The county attorney promptly after receipt of the notice shall commence an action in the district court in the name of the state against the municipality to suspend the operation of the store as provided by this act. The complaint shall recite the facts of the conviction and shall include a prayer for judgment suspending operation of the store for a period not exceeding 30 days. A copy of the summons and complaint shall be mailed to the liquor control commissioner. The municipality shall have ten days within which to answer, setting forth such facts as are relevant to proof of the conviction and to the determination of the penalty to be imposed.

Sec. 3. [340.356] **District court, hearing.** Upon five days' notice, either party may bring the matter on for summary hearing by the court without a jury in or out of term.

Such evidence shall be presented at the hearing as shall bear on the conviction on which the action is predicated and on the duration of the suspension to be ordered. The liquor control commissioner may appear and present evidence on behalf of the state.

Sec. 4. [340.357] **Judgment of suspension.** If the evidence at the hearing establishes the fact of the conviction for one of the offenses enumerated in section 2, the court may enter judgment ordering the offending municipal liquor store to be closed to the public for a period deemed by him to be proper under the circumstances and in any case not to exceed 30 days and to refrain from all sales during such period. Such judgment may provide for conditions for the suspension of the closing order during such period as is fixed by the court.

Approved March 27, 1953.

CHAPTER 163—H. F. No. 460

[Coded]

An act relating to the authorizing of associations of individuals known as Lloyds to transact insurance; repealing Minnesota Statutes 1949, Sections 71.25 and 71.26.

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

Section 1. Minnesota Statutes 1949, Sections 71.25 and 71.26, are hereby repealed.

Approved March 27, 1953.

CHAPTER 164—H. F. No. 506

An act relating to eminent domain proceeding instituted by the State or by any of its agencies or political subdivisions; amending Minnesota Statutes 1949, Section 117.20.

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

Section 1. Minnesota Statutes 1949, Section 117.20, is hereby amended to read:

117.20 Proceedings, state or agencies. In eminent domain proceedings instituted by the state or by any of its agencies or political subdivisions as petitioners under the provisions of this chapter, the procedure shall be as follows: