

(2) On cigarettes weighing more than three pounds per thousand, eight mills on each such cigarette.

All cigarette taxes and excises paid pursuant to any law of this state shall conclusively be presumed to be direct taxes on the retail consumer, advanced and prepaid for the purpose of convenience and facility only.

Sec. 2. Minnesota Statutes 1961, Section 297.32, Subdivision 1, is amended to read:

297.32 **Tax on tobacco products.** Subdivision 1. A tax is hereby imposed upon all tobacco products in this state to be advanced and prepared as hereinafter provided by and upon any person engaged in business as a distributor thereof, at the rate of ten percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (1) brings, or causes to be brought, into this state from without the state tobacco products for sale; (2) makes, manufactures, or fabricates tobacco products in this state for sale in this state; or (3) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

All tobacco products' taxes and excises paid pursuant to any law of this state shall conclusively be presumed to be direct taxes on the retail consumer, advanced and prepaid for the purpose of convenience and facility only.

Approved March 30, 1965.

CHAPTER 137—S. F. No. 742

An act relating to gross earnings taxes and destruction of certain papers amending Minnesota Statutes 1961, Section 294.11.

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

Section 1. Minnesota Statutes 1961, Section 294.11, is amended to read:

294.11 **Gross earnings taxes; destruction of certain papers.** Any detached papers subordinate to statements of gross earnings, or reports compiled in the accounting department, the full details of which are included in other statements or reports on file in as perfect a form, and which have been passed upon in a general examination by the special examiners or representatives of the state, but

Changes or additions indicated by italics, deletions by strikeout.

which have not reached the time limit prescribed in section 294.10, may, upon the recommendations of such special examiner or representative and the written approval of the public examiner, be destroyed.

If in the opinion of the Commissioner of Taxation, gross earnings may be adequately verified without reference to certain of such subordinate detached papers, he may authorize destruction of such detached papers without examination.

Approved March 30, 1965.

CHAPTER 138—H. F. No. 592

[Coded in Part]

An act relating to intoxicating and nonintoxicating malt beverages; permitting sales at retail by breweries to certain persons; amending Minnesota Statutes 1961, Sections 340.02, Subdivision 1 and 340.11, Subdivision 1.

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

Section 1. Minnesota Statutes 1961, Section 340.02, Subdivision 1, is amended to read:

340.02 Brewers; sales to employees; license required to sell. Subdivision 1. It shall be unlawful to sell nonintoxicating malt liquors, at retail, or wholesale, except when licensed as hereinafter provided. *Sales, however, may be made without a license, as provided in section 3.* There shall be three types of licenses.

Sec. 2. Minnesota Statutes 1961, Section 340.11, Subdivision 1, is amended to read:

340.11 Licenses. Subdivision 1. 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. *Sales, however, may be made without a license, as provided in section 3.* Nothing herein shall prohibit the natural fermentation of fruit juices in the home for family use. All manufacturers' and wholesalers' 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. No whole-

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