

victions, and the event thereof, and, in cases in which the person pleads guilty, a transcript of the proceedings relative thereto; to which shall be attached, in all cases, the impressions of the trial judge as to the mental and physical condition of the person, his general character, capacity, disposition, habits and special needs; which record, duly certified by such clerk may be used as evidence in any post-conviction proceeding brought by the person. The transcripts above referred to shall be furnished by the court reporter. The clerk shall also deliver to the sheriff or other officer or person conveying the person to the place of confinement designated by the commissioner of corrections or the youth conservation commission or judge, a commitment directing him to deliver the person and the copy of record to the principal officer in charge of such place of confinement, and take his receipt therefor. The clerk shall retain one copy of the transcripts above referred to, and a tape recording and the court reporter's notes of all *other* proceedings.

Sec. 2. Minnesota Statutes 1965, Section 611.23, is amended to read:

611.23 Appointment; salary. The state public defender shall be appointed by the state judicial council for a term of four years, except as otherwise provided herein, and until his successor is appointed and qualified. He shall be a qualified attorney, licensed to practice law in this state, shall be in the unclassified service of the state, and shall be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be \$16,500 annually, *fixed by law*. The first state public defender appointed pursuant to this section shall be appointed for a term commencing July 1, 1965, and expiring December 31, 1969. Subsequent terms of the state public defender shall commence on January 1. The state public defender shall devote full time to the performance of his duties and shall not engage in the general practice of law.

Approved May 24, 1967.

CHAPTER 697—S. F. No. 1233

An act relating to intoxicating liquor; authorizing the issuance of "on sale" licenses in unincorporated or unorganized areas of counties; amending Minnesota Statutes 1965, Section 340.07, Sub-

Changes or additions indicated by *italics*, deletions by *strikeout*.

division 14, as amended, and Section 340.11, Subdivision 10, as amended.

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

Section 1. Minnesota Statutes 1965, Section 340.11, Subdivision 10, as amended by Laws 1967, Chapter 19, Section 5, is amended to read:

Subd. 10. (1) **Intoxicating liquors; licenses; on-sale licenses; certain counties.** On-sale licenses may be issued for the sale of intoxicating liquors by *a any county herein provided for when a county is specifically authorized by law so to do and under such terms and conditions as such specific law may prescribe.*

(2) **"On sale" licenses; unincorporated or unorganized areas of counties.** *A county board may issue an "on sale" license for the sale of intoxicating liquors within the unorganized or unincorporated area of the county, to a restaurant as defined in section 2, with the approval of the liquor control commissioner. No license shall be issued or renewed under this clause after the application has been made therefor, until the county board shall have secured a written statement of the sheriff concerning the applicant. Such statement shall include a recital that to the best of his 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 nonintoxicating malt liquor or intoxicating liquors and that in his 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 statement of the sheriff, the character and reputation of the applicant, the nature of the business to be conducted, and the type of premises and propriety and location of said business.*

Three licenses may be issued in the unorganized or unincorporated area of the county, plus one additional license for each 2,000 population or major fraction thereof in such unorganized or unincorporated area.

All licenses issued pursuant to this clause shall be governed by the appropriate provisions of the intoxicating liquor act except as otherwise provided for herein. The license fee for an on-sale license issued pursuant to this section or pursuant to any other law governing the issuance of a license by a county shall be fixed by the county board. The fee shall be in such an amount as is competitive with similar licensing fees in comparable areas where intoxicating liquor is sold at on-sale.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~:

Sec. 2. Minnesota Statutes 1965, Section 340.07, Subdivision 14, as amended by Laws 1967, Chapter 19, Section 1, is amended to read:

Subd. 14. "Restaurant" means any establishment, other than a hotel, under the control of a single proprietor or manager, having appropriate facilities for the serving of meals, and where, in consideration of payment therefor, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests, and the principal part of the business of which is the serving of foods. In cities of the first class such establishment shall have facilities for seating not less than 50 guests at one time; in cities of the second and third class and villages of over 10,000 population, such establishment shall have facilities for seating not less than 30 guests at one time, or such greater number as the municipality may determine; and in cities of the fourth class and villages of 10,000 population or less, in such manner as the municipality shall determine; *and in an unincorporated or unorganized area of a county such establishment shall have facilities for seating not less than 100 guests at one time or such greater number as the county board may determine.*

Approved May 24, 1967.

CHAPTER 698—S. F. No. 1347

[Coded]

An act relating to county government; authorizing enactment of county ordinances; specifying procedures; and providing penalties for violations.

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

Section 1. [375.51] Counties; ordinances; enactment, publication. Subdivision 1. Enactment of ordinances. In any instance in which a county board is authorized by law to enact ordinances, such county ordinances shall be adopted in the manner hereinafter prescribed except as otherwise provided by law. Every county ordinance shall be enacted by a majority vote of all the members of the county board except where a larger number is required by law. It shall be signed by the chairman of the board and attested by the clerk of the board. The ordinance shall be published as hereinafter provided. Proof of the publication shall be attached to and filed with the ordinance in the office of the county auditor. Every ordinance

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