
CHAPTER 268—S.F.No.919
[Coded in Part]

An act relating to intoxicating liquor; exclusive liquor stores; entertainment; providing for elections to authorize exceeding statutory limits on the number of liquor licenses; amending Minnesota Statutes 1971, Sections 340.07, Subdivision 13; 340.11, by adding subdivisions; and 340.353, Subdivisions 1 and 5.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 340.11, is amended by adding a subdivision to read:

Subd. 18. INTOXICATING LIQUOR; NUMBER OF LICENSES; ELECTIONS. The governing body of any city, including statutory cities and cities issuing "on-sale" licenses pursuant to Minnesota Statutes, Section 340.353 may issue "on-sale" licenses in excess of the number authorized by Minnesota Statutes, Sections 340.11 or 340.353, upon authorization by the voters of the municipality voting at a special election called for such purpose or at the general election in the municipality. Such governing body may by majority vote direct that the following question be placed on the ballot at a special election called for such purposes or at a general election of the city: "Shall the city council be allowed to issue 'on-sale' licenses for the sale of intoxicating liquor at retail in excess of the number now permitted by law?" If a majority of voters voting on the question at such election vote in the affirmative, the governing body may issue "on-sale" licenses in such number as it shall determine without regard to the number authorized by Minnesota Statutes, Section 340.11.

Sec. 2. Minnesota Statutes 1971, Section 340.11, is amended by adding a subdivision to read:

Subd. 19. The governing body of any city in which real property or the buildings thereon have been taken for a public purpose by negotiation or eminent domain proceedings, and such property was actually and lawfully used for the sale of intoxicating liquors immediately prior to such taking, and in which city there is any territory in which sales of intoxicating liquors have been prohibited by city charter, or law of this state, is hereby authorized and empowered, by a majority vote of the governing body therefor, in addition to the number of licenses issued in such prohibited territory, to reissue such license at any location, including hotels, in said city, which location shall be subject to all limitations, now prescribed by any law of this state. Provided further that any change of location due to a taking after July 1, 1972, must be accomplished by July 1, 1976, but all licenses issued, renewed, reissued, transferred, relocated pursuant to Minnesota Statutes, Section 340.11 or any other similar provision of state law, may continue to be

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renewed, reissued, transferred or relocated pursuant to the terms thereof.

Sec. 3. Minnesota Statutes 1971, Section 340.353, Subdivision 5, is amended to read:

Subd. 5. ISSUANCE OF LICENSES TO PRIVATE PERSONS.

Clause 1. Notwithstanding any provision of chapter 340, which may indicate the contrary, any city ; ~~village, or borough~~ owning and operating a municipal liquor store on the effective date of this act may, at the discretion of the governing body, issue "on-sale" liquor licenses to private persons for the operation of liquor stores in conjunction with any establishment defined in section 340.07 as a hotel or restaurant, and the requirements of those definitions relating to seating capacity and the number of guest rooms shall apply for purposes of this section. The city ; ~~village, or borough~~ issuing any "on-sale" licenses pursuant to this subdivision ~~shall may~~ thereafter in connection with the operation of the municipal liquor store continue to engage in only the "off-sale" sale of intoxicating liquor at either on-sale or off-sale, or both, or may resume operation of any municipal on-sale or off-sale store previously discontinued .

Clause 2. The number of "on-sale" licenses issued pursuant to this section by any municipality shall not exceed ~~three; if the population of the municipality is less than 5,000; four, if its population is between 5,000 and 10,000; or six, if its population is 10,000 or more~~ the number authorized by section 340.11, subdivisions 6 or 7, as the case may be; provided, that the provisions of section 340.11, subdivision 18, shall apply to any city issuing licenses pursuant to Minnesota Statutes, Section 340.353 . For purposes of this subdivision, population shall be established by the most recent available federal decennial census as of the date upon which a license is issued.

Clause 3. No city ; ~~village, or borough~~ shall issue licenses as provided in this section until authorized by the voters of the city ; ~~village, or borough~~ voting on the question at a special election called for such purpose, the election to be conducted in accordance with the applicable provisions of the Minnesota election law.

Clause 4. ~~A municipality which issues pursuant to this section the maximum number of "on-sale" licenses permitted by subdivision 2 shall cease engaging in the "off-sale" of intoxicating liquor not later than three years from the date of issuance of the last such "on-sale" license.~~

Sec. 4. Nothing in sections 1 and 3 of this act shall be construed to affect the status of any "on-sale" license already issued in any city pursuant to law.

Sec. 5. Minnesota Statutes 1971, Section 340.07, Subdivision 13, is amended to read:

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Subd. 13. "Exclusive liquor store" is an on-sale or off-sale, or combination on-sale and off-sale, establishment used exclusively for the sale of intoxicating liquor at retail and under the control of an individual owner or manager and as an incident thereof may also sell cigars, cigarettes, ice, all forms of tobacco, non-intoxicating malt beverages, and soft drinks at retail. An exclusive liquor store includes an on-sale or combination on-sale and off-sale establishment operating a restaurant or selling food for consumption on the premises when authorized by the municipality issuing the license or owning or operating the exclusive liquor store, as the case may be.

Sec. 6. Minnesota Statutes 1971, Section 340.353, Subdivision 1, is amended to read:

340.353 MUNICIPAL LIQUOR STORES; ESTABLISHMENT; OPERATION. Subdivision 1. **ESTABLISHMENT.** In any city, village, or borough having a population of not more than 10,000, according to the most recent federal decennial census, the governing body may establish, own, and operate liquor stores for the dispensing of intoxicating liquor either "on-sale" or "off-sale" or both. Such liquor stores may also sell cigars, cigarettes, ice, all forms of tobacco, non-intoxicating malt beverages, and soft drinks at retail, and may offer recorded or live entertainment. The authority conferred by this subdivision is limited to the type of municipality named herein.

Approved March 27, 1974.

CHAPTER 269—S.F.No.1253
[Coded in Part]

An act relating to port authorities; authorizing segregation of tax increments in industrial development districts to pay the cost of redevelopment of marginal land therein; amending Minnesota Statutes 1971, Section 458.192, Subdivision 1, and by adding subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 458.192, Subdivision 1, is amended to read:

458.192 PORT AUTHORITIES; SEGREGATION OF TAX INCREMENTS; ADDITIONAL POWERS. Subdivision 1. In addition to all powers conferred on such port authority under Minnesota Statutes, Sections 458.09 to 458.19, such port authority, or any city authorized by any general or special law to exercise the powers of a port authority, to accomplish the purposes set forth in subdivision 1 of section 458.191, shall have such additional powers as hereinafter described in subdivisions 2 through ~~10~~ 12 of this section.

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