

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

Section 1. Minnesota Statutes 1976, Section 160.22, Subdivision 8, is amended to read:

Subd. 8. **ROADS AND HIGHWAYS; TREE REMOVAL; DISPOSITION OF TIMBER AND WOOD.** ~~If no appeal is taken; or if upon appeal the road authority's determination is sustained, the road authority may cut and remove the trees and hedges. Upon written notice of a determination to cut and remove the trees and hedges, the road authority may proceed to cut and remove the same.~~ The timber and wood thereof ~~so cut and removed~~ shall belong to the abutting owners, and the road authority shall cause the wood and timber to be placed upon the abutting owner's property adjacent to the highway, doing no unnecessary damage to such property. In case the abutting owner notifies the road authority that he does not want the timber or wood, the road authority shall dispose of the wood and timber in such manner as it deems proper.

Sec. 2. Minnesota Statutes 1976, Section 160.22, is amended by adding a subdivision to read:

Subd. 10. **EXCEPTION; TOWN ROADS.** Trees, hedges and other shrubs or plants within the limits of any town road and not acquired by the town as provided in subdivision 3, may be cut and removed without regard to the provisions of subdivisions 5 and 6 when they interfere with the maintenance or reconstruction of the road or with the safety and convenience of the public; provided that the town gives written notice to the abutting owner of its intention to cut and remove 14 days before taking such action and the abutting owner does not request a hearing during that period. The notice shall plainly advise the abutting owner of his right to a hearing. If the abutting owner requests a hearing within the time required the town shall proceed in accordance with subdivisions 5 and 6, and this subdivision shall not apply. The timber and wood cut pursuant to this subdivision shall be disposed of in accordance with subdivision 8.

Approved May 20, 1977.

CHAPTER 217—H.F.No.114

An act relating to intoxicating liquor; exempting from licensing and taxation liquor sold in commemorative bottles; amending Minnesota Statutes 1976, Sections 340.11, Subdivision 15; 340.44; 340.50; and 340.601.

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

Section 1. Minnesota Statutes 1976, Section 340.11, Subdivision 15, is amended to read:

Subd. 15. **INTOXICATING LIQUORS; COMMEMORATIVE BOTTLES; TAX EXEMPTION; LICENSES NOT REQUIRED.** It is lawful for a brewer to sell

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intoxicating malt beverages to his employee or to a former employee who is retired because of age or physical disability. Such beverages shall be sold for consumption off the premises only, and the amount sold to any one person in any one week shall not exceed 768 fluid ounces. The requirements of law relating to minimum prices for the sale of intoxicating malt beverages shall not apply to sales made under this subdivision, nor shall any license be required for the making of such sales. It is also lawful for a collector of commemorative bottles, as these terms are defined in section 340.44, to sell commemorative bottles to another collector without obtaining a license.

Sec. 2. Minnesota Statutes 1976, Section 340.44, is amended to read:

340.44 DEFINITIONS. For the purposes of sections 340.44 to 340.56:

(1) "Brewer" means any person who manufactures malt liquor containing more than one-half of one percent of alcohol by volume;

(2) "Wholesaler" means any person who sells such malt liquor and intoxicating liquors to retail dealers;

(3) "Retailer" means any person who sells such malt liquor and intoxicating liquors to a consumer;

(4) "Commissioner" means the commissioner of public safety;

(5) "Fermented malt beverages" means any fermented malt liquor potable as a beverage containing more than one-half of one percent of alcohol by volume; ;

(6) "Collector" means a person who collects commemorative bottles for their use and enjoyment as collectors items and not for the consumption of the beverage contained therein and shall not include persons who are wholesalers or retailers as defined in clause (2) or (3) above;

(7) "Commemorative bottle" means ceramic commemorative bottles or other specially designed decanters which have value as collectors items and which have unbroken federal tax stamps thereon.

Sec. 3. Minnesota Statutes 1976, Section 340.50, is amended to read:

340.50 EXCEPTIONS. Sales by a manufacturer, wholesaler, or brewer for shipment outside the state in interstate commerce shall not be subject to the payment of the tax, nor shall sales to any regularly appointed and ordained rabbi, priest, minister, or pastor of any church or established religious organization, of wine for sacramental purposes or the sale of commemorative bottles between collectors be subject to the payment of such tax.

Sec. 4. Minnesota Statutes 1976, Section 340.601, is amended to read:

340.601 IMPORT; TAX EVASION, MISDEMEANOR. Any person, excluding
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persons of minor age and other disqualified persons as provided by sections 340.73 and 340.78, who enters the state of Minnesota from another state may have in his personal possession one quart (32 ounces) of intoxicating liquor or fermented malt beverages or who enters the state of Minnesota from a foreign country may have in his possession one gallon (128 ounces) of intoxicating liquor or ten quarts (320 ounces) of fermented malt beverages without the required payment of the Minnesota excise tax. Any collector of commemorative bottles as defined in section 340.44, clauses (6) and (7), excluding persons of minor age and other disqualified persons as provided by sections 340.73 and 340.78, who enters the state of Minnesota from another state may have in his personal possession 12 or fewer commemorative bottles without the required payment of the Minnesota excise tax. Any person who shall import or have in his possession any such untaxed intoxicating liquor or fermented malt beverages in excess of the quantities provided for in this section is guilty of a misdemeanor. The foregoing provisions do not apply to the consignments of alcoholic beverages shipped into this state by holders of Minnesota import licenses or Minnesota manufacturers and wholesalers of such beverages when duly licensed by the commissioner or to common carriers with licenses to sell intoxicating liquor in more than one state. Any peace officer, the commissioner, or his authorized agents, may seize such untaxed liquor.

Approved May 20, 1977.

CHAPTER 218—H.F.No.166

An act relating to health; licensing certain facilities; allowing for the reinstatement of previously adopted rules; amending Minnesota Statutes 1976, Section 144.50.

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

Section 1. Minnesota Statutes 1976, Section 144.50, is amended to read:

144.50 HEALTH; HOSPITALS, LICENSES; DEFINITIONS. Subdivision 1. No person, partnership, association, or corporation, nor any state, county, or local governmental units, nor any division, department, board, or agency thereof, shall establish, operate, conduct, or maintain in the state any hospital, sanatorium or other institution for the hospitalization or care of human beings without first obtaining a license therefor in the manner provided by law.

Subd. 2. Hospital, sanatorium or other institution for the hospitalization or care of human beings, within the meaning of sections 144.50 to 144.56 shall mean any institution, place, building, or agency, ~~other than a diagnostic or treatment center, a clinic, or a physician's office,~~ in which any accommodation is maintained, furnished, or offered for; the hospitalization of the sick or injured ; elective outpatient surgery for preexamined, prediagnosed low risk patients; emergency medical services offered 24 hours a day, seven days a week, in an ambulatory or outpatient setting in a facility not a part of a licensed hospital; or ~~for~~ the institutional care of human beings. Nothing in sections 144.50 to 144.56 shall apply to a clinic, a physician's office, or to hotels or other similar places that

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