

(a) Notwithstanding other law, St. Cloud State University may convey the state's interest in land described in paragraph (c) to the owner of Lot 16, Block 193, Coates, Freeman, Meyer and Atwood's Addition, according to the plat thereof on file and of record in the office of the county recorder in and for Sherburne county.

(b) The conveyance must be in a form approved by the attorney general for the land's appraised value with the costs of appraisal and transfer to be paid by the buyer.

(c) The land to be conveyed is located in the city of St. Cloud, Sherburne county and described as: the southerly 17.5 feet of Lot 15, Block 193, Coates, Freeman, Meyer and Atwoods Addition, according to the plat thereof on file and of record in the office of the county recorder in and for Sherburne county, Minnesota.

(d) When a house was built 50 years ago on the property described in paragraph (a), it was improperly located on university property by 2.4 feet. The present owner would like to sell the property but present zoning restrictions require about 17.5 feet of the adjacent lot owned by St. Cloud State University to allow for the appropriate set back.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor April 21, 1989

Signed by the governor April 25, 1989, 4:58 p.m.

CHAPTER 49—S.F.No. 358

An act relating to liquor; clarifying license eligibility; changing the time of sale on certain holidays; allowing for the dispensing of samples of malt liquor; repealing bond requirement for retail licensees; authorizing the town board of Canosia township to issue an off-sale license; amending Minnesota Statutes 1988, sections 340A.402; 340A.405, subdivision 1; 340A.504, subdivisions 2, 3, and 4; and 340A.510; repealing Minnesota Statutes 1988, section 340A.412, subdivision 1.

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

Section 1. Minnesota Statutes 1988, section 340A.402, is amended to read:

340A.402 PERSONS ELIGIBLE.

No retail license may be issued to:

New language is indicated by underline, deletions by ~~strikeout~~.

- (1) a person not a citizen of the United States or a resident alien;
- (2) a person under 21 years of age;
- (3) a person who within five years of the license application has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution, of intoxicating or nonintoxicating malt liquors;
- (4) a person who has had an intoxicating liquor or nonintoxicating liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; or

(5) (4) a person not of good moral character and repute.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, a person who, within five years of the license application, has been convicted of a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

Sec. 2. Minnesota Statutes 1988, section 340A.405, subdivision 1, is amended to read:

Subdivision 1. **CITIES.** A city may issue with the approval of the commissioner, an off-sale intoxicating liquor license to an exclusive liquor store or to a drugstore. ~~Cities of the first class may also issue an off-sale license to a general food store.~~ A city of the first class may issue an off-sale license to a general food store to which an off-sale license had been issued on the effective date of this section.

Sec. 3. Minnesota Statutes 1988, section 340A.504, subdivision 2, is amended to read:

Subd. 2. **INTOXICATING LIQUOR; ON-SALE.** No sale of intoxicating liquor for consumption on the licensed premises may be made:

- (1) between 1:00 a.m. and 8:00 a.m. on the days of ~~Tuesday~~ Monday through Saturday;
- (2) ~~between 12:00 midnight and 8:00 a.m. on Mondays;~~
- (3) after 1:00 a.m. on Sundays, except as provided by subdivision 3;
- (4) (3) between 8:00 p.m. on December 24 and 8:00 a.m. on December 25, except as provided by subdivision 3.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1988, section 340A.504, subdivision 3, is amended to read:

Subd. 3. **INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.** (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and ~~12:00 midnight on Sundays~~ 1:00 a.m. on Mondays.

(b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and ~~12:00 midnight on Sundays~~ 1:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota clean air act.

(c) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(d) A municipality may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the municipality voting on the question at a general or special election.

(e) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(f) Voter approval is not required for licenses issued by the metropolitan airports commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$50, plus \$5 for each duplicate.

Sec. 5. Minnesota Statutes 1988, section 340A.504, subdivision 4, is amended to read:

Subd. 4. **INTOXICATING LIQUOR; OFF-SALE.** No sale of intoxicating liquor may be made by an off-sale licensee:

(1) on Sundays;

(2) before 8:00 a.m. on Monday through Saturday;

(3) after 10:00 p.m. on Monday through Saturday at an establishment located in a city other than a city of the first class or within a city located within 15 miles of a city of the first class in the same county;

New language is indicated by underline, deletions by ~~strikeout~~.

(4) after 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Friday and Saturday at an establishment located in a city of the first class or within a city located within 15 miles of a city of the first class in the same county, provided that an establishment may sell intoxicating liquor until 10:00 p.m. on December 31 and July 3, and on the day preceding Thanksgiving day, unless otherwise prohibited under clause (1);

~~(5) on New Years Day, January 1;~~

~~(6) on Independence Day, July 4;~~

~~(7) on Thanksgiving Day;~~

~~(8) (6) on Christmas Day, December 25; or~~

~~(9) (7) after 8:00 p.m. on Christmas Eve, December 24.~~

Sec. 6. Minnesota Statutes 1988, section 340A.510, is amended to read:

340A.510 WINE SAMPLES.

Off-sale licenses and municipal liquor stores may provide samples of malt liquor, wine, liqueurs, and cordials which the licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, and cordial samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale in a quantity less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer and 25 milliliters of liqueur or cordial per variety per customer.

Sec. 7. OFF-SALE LICENSE; CANOSIA TOWNSHIP.

Notwithstanding any other provision of law, the town board of Canosia township in St. Louis county may issue an off-sale intoxicating liquor license to an exclusive liquor store with the approval of the commissioner of public safety. A license under this section is governed by all provisions of Minnesota Statutes, chapter 340A, except as otherwise provided in this section.

Sec. 8. REPEALER.

Minnesota Statutes 1988, section 340A.412, subdivision 1, is repealed.

Sec. 9. EFFECTIVE DATE.

Section 5 is effective the day following final enactment. Section 7 is effective on approval by the Canosia town board and compliance with Minnesota Statutes, section 645.021.

Presented to the governor April 21, 1989

Signed by the governor April 24, 1989, 9:43 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.