

Commission. All fees collectable by and paid to the probate court, except as herein provided, shall be turned over to the general revenue fund of the county.

Sec. 3. [Subd. 3.] **Determination of population.** Population figures herein used shall refer to the United States census or to the estimate of population by any state agency whichever is greater upon the filing with the County Auditor, a certificate of such state agency certifying to such estimate of population.

Sec. 4. [Subd. 4.] **Practice of law by judge of populous counties.** No judge of the probate court in any county having a population of 40,000, or more, shall practice as an attorney or counselor at law; nor shall he be a partner of any practicing attorney in the business of his profession.

Sec. 5. [Subd. 5.] **Practice in other probate courts.** No judge of the probate court shall practice law in any probate court in the State of Minnesota.

Sec. 6. [Subd. 6.] **Repeals.** All laws relating to the salary and fees of probate judges in such counties, inconsistent herewith are hereby repealed and superseded.

Approved April 24, 1959.

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#### CHAPTER 540—H. F. No. 1573

[Coded in Part]

*An act relating to intoxicating liquors; amending Minnesota Statutes 1957, Sections 340.07, Subdivision 3; 340.11, Subdivisions 4 and 10; 340.12; and 340.41, Subdivision 1, so as to include within the definition of "municipality" public corporations created under Minnesota Statutes 1957, Sections 360.101 to 360.125, inclusive, with respect to certain of the airports being operated by such corporations, and to provide for "on sale" licensing by such corporations with respect to such airports.*

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

Section 1. Minnesota Statutes 1957, Section 340.07, Subdivision 3, is amended to read:

Subd. 3. **Municipality.** The term "municipality" means any city, village, borough, or public corporation created under Minnesota Statutes 1957, Sections 360.101 to 360.125, inclu-

*sive, as to any major airport, as defined by Minnesota Statutes 1957, Section 360.127, operated by any such public corporation where the lands or any thereof constituting such major airport have been detached from cities and villages under and pursuant to Minnesota Statutes 1957, Sections 360.126 to 360.132 inclusive.*

Sec. 2. Minnesota Statutes 1957, Section 340.11, Subdivision 4, is amended to read:

Subd. 4. **On sale license fee.** All "on sale" licenses shall be granted and the annual license fee therefor fixed by the respective local governing bodies of the various *municipalities* of the state, and such governing bodies shall have the right to revoke licenses issued by them, for cause. The governing body of any municipality issuing "on sale" licenses shall within ten days after such issuance submit to the liquor control commissioner the full name and address of each person granted such license, and other information shall include the trade name, the effective license date, the date of expiration and any change of address, transfer, *cancellation* or the revocation of such license by the governing body during the license period. No "on sale" licenses shall be issued contrary to any of the provisions of sections 340.07 to 340.40.

Sec. 3. Minnesota Statutes 1957, Section 340.11, Subdivision 10, is amended to read:

Subd. 10. **On sale license, issuance of.** "On sale" licenses may be issued for the sale of intoxicating liquors in hotels, clubs, restaurants and establishments for the sale of "on sale" liquors exclusively in cities of the first, second, and third class and villages of over 10,000 inhabitants, in cities of the fourth class where such cities have a population in excess of 3,000 persons and are adjacent to cities of the third class, and in major airports operated by public corporations created under Minnesota Statutes 1957, Sections 360.101 to 360.125, which are operated by such public corporation as terminals for regular, scheduled air passenger service where the lands or any thereof constituting the same have been detached from cities and villages under and pursuant to Minnesota Statutes 1957, Sections 360.126 to 360.132. Such licenses may be issued in cities of the fourth class, and other villages and boroughs for such sale of intoxicating liquor in hotels, clubs or exclusive liquor stores, which exclusive liquor stores the governing body of such municipalities may establish or permit to be established for dispensation of liquor either "on sale" or "off sale," or both. In cities and villages having over 5,000, and not more than 10,000, population the municipality may license "on sale"

in restaurants in lieu of the establishment of exclusive liquor stores.

Sec. 4. Minnesota Statutes 1957, Section 340.11, is amended by adding a subdivision, designated as subdivision 19, to read:

*Subd. 19. Metropolitan airports corporation, not to sell liquor. No public corporation referred to in section 340.07, subdivision 3, shall itself engage in the sale or in the business of selling intoxicating liquors either "on sale" or "off sale" at any major airport being operated by it. Its power as to the sale of intoxicating liquors at such airports shall be limited to the issuance of licenses to others for "on sale" of intoxicating liquors at such airports.*

Sec. 5. Minnesota Statutes 1957, Section 340.12, is amended to read:

**340.12 Application for license.** Every person desiring a license from the liquor control commissioner, shall file with him a verified written application in the form to be prescribed by the commissioner. All applicants for manufacturer's and wholesaler's licenses to sell intoxicating liquor shall file with the liquor control commissioner a bond with corporate surety, to be approved by the liquor control commissioner, before granting such license, or, in lieu thereof, cash or United States government bonds in the sum of \$10,000, according to the character of the license, made payable to the state of Minnesota. All applicants for a license to sell intoxicating liquors on any railroad train or other common carrier, shall file with the liquor control commissioner a bond with corporate surety to be approved by the liquor control commissioner before granting such license, or, in lieu thereof, cash or United States government bonds in the sum of \$1,000. All manufacturers and wholesalers of wines containing not more than 25 percent of alcohol by weight and manufacturers and wholesalers of beer containing more than 3.2 percent of alcohol by weight, shall file with the liquor control commissioner, a bond with corporate surety to be approved by the liquor control commissioner before granting such license, or, in lieu thereof, cash or United States government bonds in the sum of \$5,000.

Every person desiring a license from a local governing body shall file with the clerk of the municipality, or in the case of a public corporation created under Minnesota Statutes 1957, Sections 360.101 to 360.125, with the executive director thereof, a verified written application in the form to be prescribed by the commissioner, with such additional information as the local governing body shall require. An applicant for an

"off sale" license shall file with the clerk of the proper municipality a bond with corporate surety, or a liability insurance policy or, in lieu thereof, cash or United States government bonds in a sum, not less than \$1,000 and not more than \$3,000 as the local governing body of such municipality shall determine, which bond or policy shall be approved by such local governing body and the liquor control commissioner.

An applicant for an "on sale" license shall file with the clerk of the proper municipality, *or in the case of a public corporation created under Minnesota Statutes 1957, Sections 360.101 to 360.125, with the executive director thereof*, a bond with corporate surety, or a liability insurance policy or, in lieu thereof, cash or United States government bonds in a sum, not less than \$3,000, nor more than \$5,000, as the local governing body of such municipality shall determine, which bond shall be approved by such local governing body.

In any municipality, when the local governing body thereof shall so provide, a liability insurance policy *shall* be filed in lieu of the bond or cash security, referred to above. Such liability insurance policy shall be in the amount of \$10,000 coverage for one person and \$20,000 coverage for more than one person, and shall specifically provide for the payment by the insurance company on behalf of the insured of all sums which the insured shall become obligated to pay by reason of liability imposed upon him by law for injuries or damage to persons, other than employees, including the liability imposed upon the insured by reason of Minnesota Statutes 1941, Section 340.95. Such liability insurance policy shall further provide that no *cancellation* of the same for any cause, can be made either by the insured or the insurance company without first giving ten days' notice to the municipality in writing of intention to cancel the same, addressed to the city clerk of the municipality, *or in the case of a public corporation created under Minnesota Statutes 1957, Sections 360.101 to 360.125, to the executive director thereof*. The operation of such "off sale" or "on sale" business without having on file at all times with the municipality the liability insurance policy herein referred to shall be grounds for immediate revocation of the license. No payment of any claim by the insurance company shall, in any manner, decrease the coverage provided for in respect to any other claim or claims brought against the insured or company thereafter. It shall not be necessary when the local governing body of any municipality provides for the filing of such liability insurance policy instead of the bond or cash deposit herein referred to, that such policy include as conditions therein the conditions required in bonds for such

dealers and set out in paragraphs (a), (b), (c), and (d) *hereinafter*.

Bonds of manufacturers, wholesalers and common carriers shall run to the state of Minnesota, of "on sale" and "off sale" retail dealers shall run to the municipality in which the license is issued. All such bonds shall be conditioned as follows:

As to manufacturers, wholesalers and common carriers:

(a) That the licensee will obey the law relating to such licensed business;

(b) That the licensee shall pay to the state when due all taxes, license fees, penalties and other charges payable by him under this act, or any other law relating to the manufacture, distribution or sale of intoxicating liquor;

(c) That in the event of any violation of the provisions of law, such bond shall be forfeited to the state of Minnesota as hereinafter provided.

As to "off sale" and "on sale" dealers:

(a) That the licensee will obey the law relating to such licensed business;

(b) That the licensee will pay to the municipality when due all taxes, license fees, penalties and other charges provided by law;

(c) That in the event of any violation of the provisions of any law relating to the retail "off sale" and retail "on sale" of intoxicating liquor, such bond or policy shall be forfeited to the municipality in which such license was issued;

(d) That the licensee, will pay to the extent of the principal amount of such bond or policy, and damages for death or injury caused by or resulting from the violation of any provisions of law relating thereto, and in such cases recovery under this paragraph may be had from the surety on this bond or policy. The amount specified in such bond or policy is declared to be a penalty, the amount recoverable to be measured by the actual damages; provided, however, that in no case shall such surety be liable for any amount in excess of the penal amount of the bond or policy.

All such bonds or policies shall be for the benefit of the obligee and all persons suffering damages by reason of the breach of the conditions thereof. In the event of the forfeiture of any such bond or policy for violation of law, the district court of the county wherein such licensed business was carried

on may forfeit the penal sum of said bond or policy, or any part thereof, to the state or municipality named as obligee in such bond or policy.

Sec. 6. Minnesota Statutes 1957, Section 340.41, Subdivision 1, is amended to read:

340.41 Subdivision 1. **Liquor stores, sale of other commodities.** In any village or in any city of the second class, third class, or fourth class situated in any county containing a city of the first class and having a population of not less than 450,000, and public corporations created under Minnesota Statutes 1953, Sections 360.101 to 360.125, as to major airports operated by such public corporations where the lands constituting the same or any thereof have been detached from cities and villages under and pursuant to Minnesota Statutes 1957, Sections 360.126 to 360.132, the sale of food, cigars, cigarettes, tobacco, nonintoxicating malt beverages, and soft drinks, may be permitted in any liquor store having an on sale license or on sale and off sale licenses which licenses may be issued in combination by the governing body of the municipality.

Approved April 24, 1959.

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#### CHAPTER 541—H. F. No. 1595

*An act relating to taxation of real property; amending Minnesota Statutes 1957, Section 273.13, Subdivision 14.*

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

Section 1. Minnesota Statutes 1957, Section 273.13, Subdivision 14, is amended to read:

Subd. 14. **Parking ramps in certain first class cities.** In any city of the first class having a population of not less than 300,000 and not more than 450,000 inhabitants that portion of real property which is assessed as a structure upon the land which is used for the sole purpose of a motor vehicle public parking ramp garage, and purposes incidental thereto which is subject to a general property tax, shall be classified for purposes of taxation, for a period of 15 years from the date of completion of original construction, or the date of initial, though partial, use, whichever is the earlier date, as follows: That part, section, floor or area of such real property