

CHAPTER 345—H.F.No.176

[Coded in Part]

An act relating to intoxicating liquor; issuance of licenses by cities; amending Minnesota Statutes 1974, Sections 340.11, Subdivisions 7a, 18 and by adding subdivisions; 340.13, Subdivision 4; and 340.353, Subdivision 5; repealing Minnesota Statutes 1974, Section 340.11, Subdivisions 6 and 7.

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

Section 1. Minnesota Statutes 1974, Section 340.11, is amended by adding a subdivision to read:

Subd. 5a. INTOXICATING LIQUOR; LICENSES; CITIES; NUMBER OF ON-SALE LICENSES. Except as provided in subdivision 18, or as otherwise provided by law, no on-sale licenses shall be issued in any city in excess of the following limitations, which shall apply equally to all cities regardless of whether a municipal liquor store is maintained:

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(a) In cities of the first class, one license may be issued for every 1,500 population, up to a maximum of 200 licenses.

(b) In cities of the second class, not more than 18 licenses may be issued, plus one additional license for every 2,500 population in excess of 45,000.

(c) In cities of the third class, not more than 12 licenses may be issued.

(d) In cities of the fourth class, including those cities whose acts of incorporation are repealed by Laws 1973, Chapter 123, Article V, Section 5, not more than seven licenses may be issued.

(e) In statutory cities of 5,000 to 10,000 population, not more than six licenses may be issued.

(f) In statutory cities of 2,500 to 5,000 population, not more than five licenses may be issued.

(g) In statutory cities of 500 to 2,500 population, not more than four licenses may be issued.

(h) In statutory cities of under 500 population, not more than three licenses may be issued.

For purposes of this subdivision the term "statutory city" does not include those cities whose acts of incorporation are repealed by Laws 1973, Chapter 123, Article V, Section 5.

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For purposes of this subdivision population shall be determined by the most recent federal decennial census or by any special census taken pursuant to law.

This subdivision shall not be construed to increase or decrease the number of on-sale licenses which may be issued in any municipality.

Sec. 2. Minnesota Statutes 1974, Section 340.11, Subdivision 7a, is amended to read:

Subd. 7a. **ANNEXATION OR CONSOLIDATION.** Except for the limitations on ownership of licenses imposed by section 340.13, subdivision 3, a license validly issued within the number prescribed by this section ~~pursuant to subdivisions 6, 7, 8 or 10~~ shall not be subsequently rendered invalid or illegal by reason of any consolidation or annexation of territory to a city, and may thereafter continue to remain in effect and be renewed. Any such license which is located in territory which is annexed to or consolidated with a municipality which operates a municipal liquor store may thereafter continue in effect and be renewed, and the provisions, including restrictions and limitations, set forth in subdivision 5a and section 340.353, subdivision 5, shall not apply to the issuance or renewal of such licenses pursuant to this subdivision.

Sec. 3. Minnesota Statutes 1974, Section 340.11, Subdivision 18, is amended to read:

Subd. 18. The governing body of any city, including statutory cities and cities issuing "on-sale" licenses pursuant to section 340.353 may issue "on-sale" licenses in excess of the number authorized by ~~sections 340.11 or 340.353~~ this section, 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 this section.

Sec. 4. Minnesota Statutes 1974, Section 340.11, is amended by adding a subdivision to read:

Subd. 20. ON-SALE WINE LICENSES. (a) "On-sale wine licenses" shall mean licenses authorizing the sale of wine not exceeding 14 percent alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.

(b) For purposes of this subdivision "restaurant" shall mean an

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establishment, under the control of a single proprietor or manager, having appropriate facilities for serving 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.

(c) Any municipality which maintains a municipal liquor store or any municipality or county authorized to issue "on-sale" licenses for the sale of intoxicating liquor may issue on-sale wine licenses to any restaurant having facilities for seating not fewer than 25 guests at one time. The licenses shall be in addition to the number of on-sale licenses for the sale of intoxicating liquor authorized by the intoxicating liquors act. The fee for on-sale wine licenses shall be set by the issuing authority, but shall not exceed one half of the license fee charged by the issuing authority for an on-sale license, or \$2,000, whichever is less. Licenses issued pursuant to this subdivision shall not be effective until approved by the commissioner. The licenses shall authorize the sale of wine as herein provided on all days of the week unless the issuing authority restricts the license's authorization to the sale of wine on all days other than Sunday.

Sec. 5. Minnesota Statutes 1974, Section 340.13, Subdivision 4, is amended to read:

Subd. 4. LICENSES PROHIBITED IN MUNICIPALITIES HAVING MUNICIPAL STORES AND LIMITED TO RETAILERS. Except in the case of bona fide clubs and veterans' organizations, as authorized by the last paragraph of section 340.11, subdivision 11, no "on-sale" or "off-sale" license, other than a license issued pursuant to section 340.353, subdivision 5, shall be directly or indirectly issued in any city maintaining its own exclusive liquor store, nor shall such license be issued to a person who holds a manufacturer's or wholesaler's license issued pursuant to any provision of chapter 340.

Sec. 6. Minnesota Statutes 1974, 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 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 issuing any "on-sale" licenses pursuant to this subdivision may thereafter in connection with the operation of the municipal liquor store continue to engage in the 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.

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Clause 2. The number of "on-sale" licenses issued pursuant to this section by any municipality shall not exceed the number authorized by section 340.11, ~~subdivisions 6 or 7, as the case may be-subdivision 5a~~ ; provided, that the provisions of section 340.11, subdivision 18, shall apply to any city issuing licenses pursuant to this 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 shall issue licenses as provided in this section until authorized by the voters of the city 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.

Sec. 7. Minnesota Statutes 1974, Section 340.11, Subdivisions 6 and 7, are repealed.

Approved June 4, 1975.

CHAPTER 346—H.F.No.210

[Coded]

An act relating to public health; providing nutritional supplements to high risk women and children; appropriating money.

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

Section 1. **[145.891] PUBLIC HEALTH; MATERNAL AND CHILD NUTRITION ACT; CITATION.** This act shall be known as the "maternal and child nutrition act of 1975."

Sec. 2. **[145.892] DEFINITIONS.** Subdivision 1. For purposes of this act, the terms defined in this section have the meanings given them.

Subd. 2. "Local health agency" means the county public health nursing service or any public or private nonprofit organization which enters into a contract with the board of health pursuant to this act.

Subd. 3. "Pregnant woman" means an individual determined by a licensed physician, midwife, or appropriately trained registered nurse to have one or more fetuses in utero.

Subd. 4. "Lactating woman" means any breast feeding individual who presents competent evidence of having been delivered of a surviving child within the 12 months immediately preceding the filing of an application for nutritional supplements.

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