

MINNESOTA STATUTES 1975 SUPPLEMENT

334.01 MONEY, RATES OF INTEREST

[1975 c 358 s 1]

334.19 Interest rates on margin accounts.

Subject to the provisions of chapter 80A, no law in this state prescribing or limiting interest rates upon loans applies to interest charged by a broker or dealer registered under the Securities Exchange Act of 1934, as amended, for carrying a debit balance including a debit balance arising out of a nonpurpose loan, in an account for a customer if such debit balance is payable on demand and secured by securities or bonds.

[1975 c 27 s 1]

CHAPTER 340. INTOXICATING LIQUORS

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340.11	Licenses.	340.353	Municipal liquor stores; establishment;
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340.11 Licenses.

[For text of subs 1 to 5, see M.S.1974]

Subd. 5a. 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:

(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(d) In cities of the fourth class, including those cities whose acts of incorporation are repealed by Laws 1973, Chapter 123, Article V, Section 5, not more than seven licenses may be issued.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purposes of this subdivision the term "statutory city" does not include those cities whose acts of incorporation are repealed by Laws 1973, Chapter 123, Article V, Section 5.

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.

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

Subd. 6. [Repealed, 1975 c 345 s 7]

Subd. 7. [Repealed, 1975 c 345 s 7]

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 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.

[For text of subds 8 and 9, see M.S.1974]

Subd. 10. On-sale licenses; counties. (1) On-sale licenses may be issued for the sale of intoxicating liquors by any county herein provided for.

(2) A county board may issue an "on-sale" license for the sale of intoxicating liquors within the unorganized or unincorporated area of the county, to a restaurant or to a club, with the approval of the liquor control commissioner. No license shall be issued or renewed under this clause after the application has been made therefor, until the county board shall have secured a written statement of the sheriff concerning the applicant. Such statement shall include a recital that to the best of his knowledge the applicant has not, within a period of five years prior to the date of such application, violated any law relating to the sale of non-intoxicating malt liquor or intoxicating liquors and that in his judgment the applicant will comply with the laws and regulations relating to the conduct of said business in the event said license is issued or renewed. Before issuing or renewing any license, the county board shall consider the statement of the sheriff, the character and reputation of the applicant, the nature of the business to be conducted, and the type of premises and propriety and location of said business.

All licenses issued pursuant to this clause shall be governed by the appropriate provisions of the intoxicating liquor act except as otherwise provided for herein. The license fee for an on-sale license issued pursuant to this section or pursuant to any other law governing the issuance of a license by a county shall be fixed by the county board. The fee shall be in such an amount as is competitive with similar licensing fees in comparable areas where intoxicating liquor is sold at on-sale.

No license may be issued by the county board of any county pursuant to this section to any person who directly or indirectly has been issued an intoxicating liquor license by the county board or by the governing body of any city located within the county. Nothing in this paragraph shall be construed to prohibit the re-issuance of any intoxicating liquor license already issued pursuant to law as of June 5, 1975.

[For text of subds 11 to 17, see M.S.1974]

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 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

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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.

[For text of subd 19, see M.S.1974]

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 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.

[1975 c 334 s 1; 1975 c 345 s 1-4]

340.13 Licenses; restrictions.

[For text of subds 1 to 3, see M.S.1974]

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.

[1975 c 345 s 5]

[For text of subds 5 to 13, see M.S.1974]

340.135 Licenses; revocation; suspension.

The authority issuing or approving any license or permit pursuant to the intoxicating liquor act may either suspend for not to exceed 60 days or revoke such license or permit upon a finding that the licensee or permit holder has failed to comply with any applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee or permit holder has been afforded an opportunity for a hearing pursuant to sections 15.0418 to 15.0426.

[1975 c 231 s 1]

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340.14 Regulations.

[For text of subs 1 to 2, see M.S.1974]

Subd. 3. Sales; where forbidden. No intoxicating liquors shall be sold in any of the following places:

- (1) Within the capitol or upon the grounds thereof;
- (2) Upon the state fairgrounds or at any place in a city of the first class within one-half mile of such fairgrounds except as hereinafter otherwise provided by charter;
- (3) Upon the campus of the school of agriculture of the University of Minnesota or at any place in a city of the first class within one-half mile of such campus except as hereinafter otherwise provided by charter;
- (4) Within 1,000 feet of any state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of public welfare or the commissioner of corrections. Whoever sells or otherwise disposes of intoxicating liquor at retail at a place prohibited by this clause is guilty of a gross misdemeanor;
- (5) In any town or municipality in which a majority of votes at the last election at which the question of license was voted upon shall not have been in favor of license, or within one-half mile of any such municipality, except that any intoxicating liquor, manufactured within any such district, may be sold to be consumed outside of such district;
- (6) At any place on the east side of the Mississippi river within one-tenth mile of the main building of the University of Minnesota unless the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940 for and by former students of the University of Minnesota; a license may be issued under this clause notwithstanding any local law to the contrary;
- (7) Within 1,500 feet of any state college, except as hereinafter provided, or, when the place of sale is not within a municipality, within 1,500 feet of any public school outside of a municipality; within 1,200 feet at Winona state college, and at Southwest state college and in determining the distance, the measurement shall be along the most direct line from the nearest corner of the administration building of the college to the main entrance of the licensed premises; as to the Valley campus of the Mankato state college in the city of Mankato when the place of sale is within 1,000 feet from the middle of the entrance into the main building which entrance is located on the easterly side of South 5th Street at a point where said street is intersected by East Jackson Street in the city of Mankato, or between the Valley campus and Highland campus or within 1,500 feet as measured from the front door of the student union of the Highland campus;
- (8) At more than five places on any one side of a block within and fronting upon the patrol limits of cities of the first class;
- (9) The restrictions imposed by this subdivision shall not apply to any manufacturer or wholesaler of intoxicating liquors or to a drug store or to any person lawfully licensed to sell intoxicating liquor immediately prior to the enactment of this subdivision.

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340.14 INTOXICATING LIQUORS

[1975 c 330 s 1]

[For text of subs 4 and 5, see M.S.1974]

340.353 Municipal liquor stores; establishment; operation.

[For text of subs 1 to 4, see M.S.1974]

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.

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, subdivision 5a; provided, that the provisions of section 340.11, subdivision 18, shall apply to any city issuing licenses pursuant to this section.

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.

[1975 c 345 s 6]

[For text of subd 6, see M.S.1974]

340.983 Filing of wholesale price schedule.

No brand owner or wholesaler of distilled liquor or wine shall sell, offer for sale; or solicit any order for distilled liquor or wine unless a schedule of wholesale prices, which shall include varying volume prices, is filed with the commissioner, on a form prescribed by him, and no sales shall be made except in accordance with such prices. Such forms shall provide for the listing of the price, including any varying volume prices, at which each brand distributed by the filing wholesaler or brand owner is sold. The commissioner shall maintain such filings in such a manner as to make their contents easily accessible to the public. The filings required under this section shall be made not later than the first day of each month, and the schedule of filed prices shall be effective from that day until the first day of the next month, provided that any filing may be amended within five days after its filing. The commissioner shall provide copies of such filings to any person requesting them, and may charge a reasonable fee therefor. Any person may examine such filings in the office of the commissioner, and no charge shall be made for such examination.

No volume price filed pursuant to this section shall be for a quantity in excess of 300 quarts.

[1975 c 327 s 1]