

MINNESOTA STATUTES 1979 SUPPLEMENT

336.6-109 UNIFORM COMMERCIAL CODE

(2) Against the aggregate obligation imposed by the provisions of this article concerning the application of the proceeds (section 336.6-106 and subsection (3)(c) of 336.6-108) the transferee or auctioneer is entitled to credit for sums paid to particular creditors of the transferor, not exceeding the sums believed in good faith at the time of the payment to be properly payable to the creditors.

[1979 c 52 s 4]

CHAPTER 340. INTOXICATING LIQUORS

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340.13	Licenses; restrictions.	340.515	Refunds.
340.14	Regulations.		

340.11 Licenses.

[For text of subds 1 to 10a, see M.S.1978]

Subd. 11. **On-sale licenses, including hotels, clubs, restaurants, and on-sale exclusive liquor stores.** "On-sale" licenses may be issued by municipalities for the sale of intoxicating liquors in hotels, clubs, restaurants and establishments for the sale of "on-sale" liquors exclusively within the number authorized by this section. Except in a city of the first class and in addition to the number of licenses authorized by this section, an "on-sale" license may be issued, if approved by the commissioner of public safety, to a bona fide club which has been in existence for 15 years or more or to a congressionally chartered veterans' organization which has been in existence for 10 years. Such a club or veterans' organization shall be incorporated in order to be eligible to apply for a license, and the license issued shall be for the sale of intoxicating liquors to members and bona fide guests only. The license fee for such an "on-sale" license issued by a municipality pursuant to this subdivision is \$100 unless the municipality sets a higher amount. Except in cities of the first, second, and third class, a license may be issued jointly to congressionally chartered veterans' organizations which otherwise qualify under this subdivision.

[For text of subd 11a, see M.S.1978]

Subd. 11b. **On-sale licenses to certain nonprofit corporations.** "On-sale" licenses for the sale of intoxicating liquor may, in the discretion of the municipality, be issued in any city of the first class to any nonprofit corporation which was organized prior to January 1, 1972 to promote, stimulate, and support community education, appreciation and development of the theater and cultural arts through dramatic performances and other means and which has operated a repertory theater in the city since at least January 1, 1972. Such licenses may be issued notwithstanding any limitations imposed by law, charter or ordinance relating to liquor patrol limits, zoning, or school or church distance limitations and such licenses shall be in excess of any limitations imposed by subdivision 6, or otherwise. All other laws, charter provisions, or ordinances relating to the licensing and regulation of on-sale liquor establishments, including the granting, renewal, suspension or revocation of licenses shall apply. Any license issued pursuant to this subdivision shall authorize the sale of intoxicating liquor only to holders of tickets to dramatic performances presented by such nonprofit corporation and members of such nonprofit corporation and their guests.

[For text of subds 12 to 20, see M.S.1978]

[1979 c 305 s 3; 1979 c 325 s 1]

INTOXICATING LIQUORS 340.14

340.13 Licenses; restrictions.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. **Limitations on a license issued to a person or place; penalty.** No more than one off-sale intoxicating liquor license shall be directly or indirectly issued to any one person or for any one place in each municipality. It is a gross misdemeanor for any person, partnership, or corporation to knowingly have or possess a direct or indirect interest in more than one off-sale license in each municipality and upon conviction therefor the governing body of such municipality may immediately revoke all licenses in which such person, partnership or corporation has an interest. The term "interest" includes any pecuniary interest in the ownership, operation, management, or profits of a retail liquor establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least 150 or more rental units holding a liquor license in conjunction therewith; or ten percent or less interest in any other corporation holding a license. A person who receives moneys from time to time directly or indirectly from a licensee, in the absence of a bona fide consideration therefor and excluding bona fide gifts or donations, shall be deemed to have a pecuniary interest in such retail license. In determining "bona fides" the reasonable value of the goods or things received as consideration for any payment by the licensee and all other facts reasonably tending to prove or disprove the existence of any purposeful scheme or arrangement to evade the prohibitions of this subdivision shall be considered.

[For text of subs 4 to 6, see M.S.1978]

Subd. 7. **Licenses in connection with premises of another.** No license shall be issued to any person in connection with the premises of another to whom no license could be issued under the provisions of the intoxicating liquor act; provided, that this provision shall not prevent the granting of a license to a proper lessee by reason of the fact that he shall lease premises of a minor, non-citizen, or a person who has been convicted of a crime other than a violation of the intoxicating liquor act.

[For text of subs 8 to 14, see M.S.1978]

[1979 c 249 s 1,2; 1979 c 305 s 4,5]

340.14 Regulations.

[For text of subs 1 to 2, see M.S.1978]

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 institute 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. The city may issue one on-sale wine license to a vendor in the territory described in this clause that is not also included in the territory described in clause (2). The license is in addition to any others permitted in the city by other law or 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;

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(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 university, 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 1,500 feet at St. Cloud State University except for one wine and two off-sale licenses only, and within 1,200 feet at Winona State University, and at Southwest State University. In determining the distance, the measurement shall be along the most direct line from the nearest corner of the administration building of the university to the main entrance of the licensed premises; as to Mankato State University in the city of Mankato when the place of sale is 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.

[For text of subs 4 and 5, see M.S.1978]

[1979 c 193 s 1; 1979 c 305 s 6]

340.47 Excise tax.

[For text of subs 1 and 1a, see M.S.1978]

Subd. 1b. **Excise tax on sparkling wines.** Notwithstanding subdivisions 1 and 1a, the excise tax on all natural and artificial sparkling wines containing alcohol shall be levied and collected at the rate of \$1.50 per gallon or 40 cents per liter as applicable, until July 1, 1981.

[For text of subs 2 to 2b, see M.S.1978]

[1979 c 297 s 1]

340.515 Refunds.

The commissioner of revenue may refund to the taxpayer the amount of tax paid pursuant to sections 340.47 to 340.493 on any intoxicating liquors or fermented malt beverages which become unfit for human consumption and are destroyed pursuant to an order by a federal, state, or local agency while being held for sale by a licensed retailer provided that satisfactory proof is presented to the commissioner by the taxpayer and the licensed retailer to establish that the retailer was not indemnified by any valid claim of insurance in respect of the tax on the intoxicating liquors or fermented malt beverages. The commissioner of revenue may prescribe the method of proof required for obtaining the refund.

The commissioner of revenue may, at his discretion, credit the amount determined under this section against taxes otherwise payable under this chapter by the taxpayer.

Any claim for refund shall be filed with the commissioner within one year from the date of the order made by the federal, state, or local agency, except that for agency orders dated after December 31, 1977 and prior to January 1, 1979, claims for refund shall be filed with the commissioner before May 23, 1980. There is appropriated annu-

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ally from the general fund to the commissioner of revenue the sums necessary to make the refunds provided by this section.

[1979 c 148 s 1]

CHAPTER 344. PARTITION FENCES

Sec.
344.18 Compensation of viewers.

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Fence viewers shall be paid for their services by the person employing them at the rate of \$15 each for each day's employment and the sum of \$60 shall be deposited with the town treasurer before the service is performed. Upon completion of the service, any portion of the \$60 not expended for compensation of the fence viewers shall be returned to the depositor.

[1979 c 89 s 1]

CHAPTER 345. UNCLAIMED PROPERTY

Sec.
345.48 Deposit of funds.

345.48 Deposit of funds.

[For text of subd 1, see M.S.1978]

Subd. 2. [Repealed, 1979 c 333 s 108]

CHAPTER 349. BINGO, GAMBLING DEVICES

Sec. 349.17	Conduct of bingo.	Sec. 349.26	Gambling devices.
349.21	Reports; discrepancies, reporting agencies.		

349.17 Conduct of bingo.

Subdivision 1. No compensation shall be paid to any person in connection with a bingo occasion except an active member of the organization, or its auxiliary, or the spouse or surviving spouse of an active member, conducting the bingo occasion nor shall any person not an active member of the organization or its auxiliary or the spouse or surviving spouse of an active member participate in the conduct of a bingo occasion, except by resolution of a majority of the membership, recorded in the official minutes of the organization, non-management assistants who are not active members of the organization, or its auxiliary, or the spouse or surviving spouse of an active member, may be hired to assist members in conducting a bingo occasion. Compensation shall not exceed \$20 for a bingo occasion.

[For text of subs 2 to 8, see M.S.1978]

[1979 c 166 s 1]

349.21 Reports; discrepancies, reporting agencies.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. At least 30 days prior to conducting its first bingo occasion of the year and on an annual basis thereafter, an organization shall file with the local government unit which regulates its conduct copies of the following: