

erty necessary or proper for the establishment, embellishment, care and management of a cemetery and may construct and operate thereon a crematory and other proper means of disposing of the dead. It may also sell and convey cemetery lots or sell and convey real or personal property lawfully acquired by such association or corporation but not needed for cemetery purposes. Such corporation may be formed by three or more persons who shall execute and verify the certificate or articles of incorporation as required in the matter of the formation of other corporations under the provisions of this chapter. Such certificate of incorporation shall be filed for record in the office of the register of deeds of the county wherein such cemetery is situated and thereupon such association shall become a corporation. All cemeteries hereafter started or established except cemeteries established by religious corporations are hereby declared to be public cemeteries within the provisions of this act.

“Any cemetery lands and property or public burial ground now or hereafter owned or controlled by any town, village or city of this state may be transferred by such town, village or city, by deed or otherwise, to any cemetery association or corporation formed or organized under the terms of this act or heretofore existing, and such transfer may be with or without condition as shall be determined by such town, village or city as the case may be; such town, city or village may as a part of such transaction enter into contract or agreement with such cemetery association providing for the management and manner of maintaining, keeping and caring for such cemetery, for the sale of lots or lands therein and for such other matters in relation to the care and control thereof as shall be deemed advisable by such town, village or city.

Approved April 20, 1911.

CHAPTER 386—H. F. No. 1135.

An Act to establish, provide for, and continue a Department of Insurance in the State of Minnesota, and regulating the compensation and fees of such department, and for the repeal of laws inconsistent herewith.

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

Department of insurance.—Section 1. There is hereby established and continued a department of insurance in the State of Minnesota. Its chief officer shall be styled the commissioner of insurance and shall be appointed by the governor, by and with the advice and consent of the senate, for the term of two

years beginning on the first Tuesday after the second Monday of January of each odd numbered calendar year, and who shall hold office until his duly appointed successor shall have qualified. He shall give bond, with sureties to be approved by the state treasurer, in the sum of twenty-five thousand (\$25,000.00) for the faithful discharge of his duties and shall receive in full compensation for all his services as commissioner of insurance the sum of four thousand five hundred dollars (\$4,500.00) per annum.

To enforce all laws relating to insurance.—Sec. 2. The commissioner of insurance shall have and exercise the power to enforce all the laws of this state relating to insurance, and it shall be his duty to enforce all the provisions of the laws of this state relating to insurance.

Official staff and salaries.—Sec. 3. The commissioner of insurance may appoint a deputy commissioner of insurance to assist him in his duties, who shall receive an annual salary of two thousand five hundred dollars (2,500); an actuary, who shall receive an annual salary of three thousand dollars (3,000); a chief examiner, who shall receive an annual salary of two thousand five hundred dollars (2,500); three assistant examiners, who shall receive an annual salary of two thousand dollars (2,000) each; a chief clerk, who shall receive an annual salary of one thousand five hundred dollars (\$1,500); a bookkeeper, or cashier, who shall receive an annual salary of one thousand five hundred dollars (\$1,500); two stenographers, who shall receive an annual salary of one thousand two hundred dollars (\$1,200) each; one clerk, at not to exceed an annual salary of nine hundred dollars (\$900); and at any time between the first day of January and last of June of each year, may also appoint two additional clerks at not to exceed one hundred dollars (\$100) per month each. All salaries authorized by this act shall be payable in monthly instalments, and shall be in full compensation for all services rendered in discharge of respective duties; *provided*, that the actual and necessary expenses incurred by the commissioner or any salaried employee of the department of insurance in connection with any examination of an insurance company, shall be repaid by the state treasurer upon proper vouchers on condition that the same shall have previously been charged to such insurance company so examined, and by such company paid into the state treasury.

Contingent fund.—Sec. 4. There is hereby appropriated the amount annually required to pay the salaries authorized and provided by this act, and in addition thereto, there is hereby appropriated the sum of two thousand five hundred (\$2,500) per annum as a contingent fund for the department of insurance, which fund may be expended only in the purchase of necessary furni-

ture, stationery publication, postage, additional clerk hire and supplies to be used by the department of insurance, and for the payment of telephone, telegraph, and express charges actually incurred by the commissioner of insurance in connection with the official business of the department of insurance, and for the printing of necessary blanks and official reports required by laws to be used or issued by the commissioner, and the payment of which is not otherwise provided for. *Provided* that not to exceed five hundred dollars (\$500) of such contingent fund may be used in any one fiscal year for such other purposes, than those herein distinctly specified, as in the discretion of the commissioner of insurance shall be necessary, helpful, or advantageous to the department of insurance or the administration of its affairs; otherwise no personal expense, hotel bills, or travelling expenses of the commissioner, his deputy, or other employee of his office, shall be advanced, allowed or repaid by the state except as authorized and in the manner as provided by this act.

Deputy commissioner of insurance.—Sec. 5. In the absence or disability of the commissioner of insurance his duties shall be performed by the deputy commissioner of insurance. The actuary of the department shall, under the direction of the commissioner, make such valuations of life insurance policies as shall be necessary from time to time to the proper supervision of life insurance companies transacting business in this state, and shall perform such other actuarial duties, including the visitation and examination of insurance companies, as the commissioner of insurance may prescribe. The chief and assistant examiners shall, under the direction of the insurance commissioner, devote their principal time to necessary or required examinations of insurance companies, and shall perform such other duties as the commissioner of insurance may prescribe. Other salaried employes of the department of insurance shall be under the direction of the commissioner of insurance, and shall perform such duties in connection with the department of insurance as the commissioner may prescribe.

Insurance commissioner to make annual visitations.—Sec. 6. At least once in every two years, the commissioner of insurance shall personally, or by his deputy, actuary, examiners or other salaried employee of his office, visit each domestic insurance company, other than township mutual fire insurance companies, and carefully examine its affairs for the purpose of ascertaining its financial condition and ability to fulfill its obligations, and if it be complying with all the provisions of law. He may also make such examination at any other time that he shall have reason to believe that such company is in an unsound condition, or that it is not conducting its business according to the provisions of law.

The commissioner, or person making the examination by his direction, shall have free access to all books and papers of any company, and of the books and papers of any of its agents, that may relate to its business, and may summon and examine under oath any of its directors, officers, agents, trustees, or other persons, in relation to its affairs and condition. The commissioner of insurance may in like manner, whenever he deems it necessary, make an examination of the affairs of any insurance company admitted, or applying for admission to do business under the laws of this state.

Fee for examination.—Sec. 7. When any such visitation or examination is made by the insurance commissioner, his deputy, actuary, or chief examiner, the company so examined, except township mutual fire insurance companies, shall pay a fee to the said department of insurance the sum of fifteen dollars (\$15.00) per day for each and every day necessarily occupied by such person, and each one thereof in making said examination; and when such visitation or examination is made, or engaged in, by any other person regularly employed in the said department of insurance and receiving a salary from the State of Minnesota, the company so examined, except township mutual fire insurance companies, shall pay as fees to the said department of insurance the sum of ten dollars (\$10.00) per day for each and every day necessarily occupied by such other person, and each one thereof, in making, or assisting to make, the said examination; and all of which fee shall be accounted for and turned into the treasury of the State of Minnesota. In case of an examination of township mutual insurance companies, the actual expenses only thereof shall be charged. Any necessary personal expenses of any such persons so engaged in connection with any such examination, consisting of actual hotel bills and actual railway, or transportation, charges between the office of the said commissioner of insurance and the home office of the company so examined, shall be repaid by the state treasurer to any such person so engaged in connection with any such examination, upon proper vouchers of same, on condition that the such necessary personal expenses shall have previously been charged to such company so examined, and the full amount thereof by it paid into the state treasury.

Commissioner may appoint professional insurance actuary.—Sec. 8. The commissioner of insurance may, when he shall deem it necessary, appoint any experienced and competent professional insurance actuary to personally make or conduct an examination of any insurance company admitted, or applying for admission, to do business in this state, on condition that he, the commissioner of insurance, shall have previously filed with the secretary of state during the last immediately preceding month

of January or July, as the case may be, or within thirty days from the passage of this act, a written declaration designating such person, by name and address, as a consulting actuary of the Minnesota department of insurance. And in such case, the commissioner of insurance shall fix a reasonable compensation for such examiner on a per diem basis for the actual time employed in making or conducting such examination, and which including expense of any necessary appraisal or clerical assistance shall be charged to the company so examined. And the compensation for such examiner, appraisal or clerical assistance together with the amount of his necessary hotel and traveling expenses actually incurred in connection with such examination, shall, upon proper vouchers therefor, be paid to him by the state on condition that same shall have previously been charged to such company and by it paid into the state treasury.

Fees to be charged for examination.—Sec. 9. In addition to the fees and charges hereinbefore provided for, and shall be paid to the commissioner of insurance, and by him accounted for and paid into the treasury of the State of Minnesota the following fees:

1. By township mutual fire insurance companies:

For filing certificate of incorporation, two dollars (\$2.00).

For filing annual statements, one dollar (\$1.00).

For each annual certificate of authority, one dollar (\$1.00).

2. By other domestic companies:

For filing certified copy of certificates of incorporation and accompanying documents, for obtaining license, thirty dollars (\$30.00).

Each company's certificate of authority, one dollar (\$1.00).

3. By foreign companies:

For filing certified copy of charter or certificate of incorporation and by-laws, thirty dollars (\$30.00).

For filing statement of financial condition twenty dollars (\$20).

Each company's or agent's certificate of authority, two dollars (\$2.00).

4. By all companies (except township mutuals):

For filing certified copy of amendment to articles of incorporation, ten dollars (\$10.00).

For filing annual statement, twenty dollars (\$20.00).

For abstract, or summary of annual statements for publication, when prepared by commissioner, ten dollars (\$10.00).

5. General fees:

For each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, one dollar (\$1.00).

For each copy of paper on file in his office, twenty cents (20 cts.) per folio, and one dollar (\$1.00) for certifying same.

For license to procure fire insurance in unadmitted foreign companies, ten dollars (\$10.00).

For each broker's license, ten dollars (\$10.00).

For receiving and forwarding copy of summons or process served upon commissioner of insurance, as attorney for any insurance company, two dollars (\$2.00); which amount shall be paid by the party serving same and may be taxed as other costs in the action.

For valuing the policies of life insurance companies, one cent per one thousand of insurance so valued.

And *further provided* that the commissioner of insurance may in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission to this state, except a certificate of valuation from such company's own actuary or from the commissioner of insurance of the state, or territory, in which such company shall be domiciled.

For receiving and filing certificates of valuation of policies by company's actuary or by the commissioner of any other state or territory, fifty dollars (\$50.00).

All fees received by the commissioner of insurance pursuant to the provisions of this act shall be paid by him into the state treasury.

It is *further provided* that when by the laws of any other state or nation any fines, penalties, licenses, or fee additional to, or in excess of, those imposed by this section upon foreign insurance companies and their agents are imposed upon insurance companies of this state or their agents doing business in such state, the same fines, penalties, licenses, and fees, shall be imposed upon all insurance companies of such state and their agents doing business in this state, so long as such laws of such other state remain in force.

Inconsistent acts repealed.—Sec. 10. Sections 1592, 1593, and 1598, Revised Laws of the State of Minnesota for the year 1905, and sections 1, 2, 3, 4, 5, and 6, chapter 229, General Laws of the State of Minnesota for the year 1905, and chapter 472 of the General Laws of Minnesota for the year 1907, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 20, 1911.