

Sec. 11. **National committeeman.**—Delegates and alternates of each political party chosen under this act shall meet together immediately after the nomination of party candidates for president and vice-president of the United States and shall choose a duly qualified member of their party, being a citizen of Minnesota, to serve as a national committeeman for the term of four years.

Sec. 12. **Inconsistent acts repealed.**—All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved April 23, 1913.

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CHAPTER 450—H. F. No. 123.

*An Act relating to foreign fraternal beneficiary associations, and providing for the incorporation of members and subordinate lodges or camps in this state of foreign fraternal beneficiary associations licensed to do business in this state, and for rates or assessments of such association, and for the disposition of property of subordinate lodges or camps and for the recovery of funds not properly collected by such foreign fraternal beneficiary association, and providing penalties for the violation of this act, and providing for the cancellation of license in certain cases.*

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

Section 1. **When state lodges may sever connection with national association.**—When one-third of all the subordinate lodges or camps organized at the time of the passage of this act in any fraternal beneficiary association now licensed to do business in the state of Minnesota, within two years after the passage of this act, at regular or special meetings called therefor, adopt resolutions by a majority vote of each lodge or camp, provided at least thirty-five per cent (35%) of all the members of such lodge or camp voted for said resolution declaring that they thereby sever their connections with such foreign fraternal beneficiary association, they may, in conjunction with each other, continue as a fraternal beneficiary association, and may become incorporated as a fraternal beneficiary association under this act, provided that at least seventy-five hundred (7,500) members of such lodges or camps so severing their connection with such foreign fraternal beneficiary associations, have signified in writing their intention to transfer their insurance to the association incorporated under this act and to become members of such association.

Sec. 2. **Incorporation of state association.**—When a subordinate lodge or camp of any foreign fraternal beneficiary association, now licensed to do business in this state, shall become

suspended under the terms and provisions of the by-laws of such association for failure to make, within the time provided by its by-laws remittance to the proper officer of such foreign fraternal beneficiary association of benefit assessments, per capita or other dues, such subordinate lodge or camp may retain its organization, and in conjunction with other subordinate lodges or camps or members of such association in this state, continue as a fraternal beneficiary association, and may join with each other and become a part of the fraternal beneficiary association incorporated under this act.

**Sec. 3. To have 15,000 members.**—When fifteen thousand or more members in this state in good standing in any foreign fraternal beneficiary association shall file with the insurance commissioner of this state applications in writing signifying their intention to sever their connection with such foreign fraternal beneficiary association and to transfer their insurance and become members of an association to be incorporated hereunder such members may form an association and become incorporated under this act, and such association and the members thereof so incorporated shall have all the rights and the same privileges under this act and be subject to the same conditions and requirements as associations incorporated pursuant to the provisions of Section 1 hereof.

**Sec. 4. When individual members may join.**—When subordinate lodges or camps take advantage of the provisions of this act any individual members of any other subordinate lodge or camp of the same association may become associated with such subordinate lodges or camps under this act.

**Sec. 5. Individual member may retain membership, or join new association.**—Nothing in this act contained shall be construed to prevent an individual member of any such foreign fraternal beneficiary association from retaining his membership therein where the subordinate lodge or camp of which he is a member shall have severed its connection with such association, and all assessments or per capita tax which shall have been paid by such member shall be remitted to the proper chief executive officer of such association unless said member shall designate in writing that he does not want a remittance made to the foreign fraternal beneficiary association.

**Sec. 6. Provisions as to property.**—Whenever fifty per cent of the entire membership of any subordinate lodge or camp shall vote to sever its connection from the foreign fraternal beneficiary association and affiliate with the association incorporated under this act, such subordinate lodges or camps shall retain their local identity as such, and shall retain the title to all property, real and personal, of such subordinate lodge or camp, but shall be accountable to individual members who preserve their member-

ship in such foreign fraternal beneficiary association for their share in the property of the subordinate lodge or camp ascertained on a per capita basis.

**Sec. 7. Not to affect the liability.**—Nothing in this act shall be construed to affect or limit the liability of any such foreign fraternal beneficiary association under any certificate issued by such association to any member during the time for which it shall have received his assessments in accordance with the constitution and by-laws of such foreign fraternal beneficiary association.

**Sec. 8. Foreign association to return excess assessments.**—

If such foreign beneficiary association shall have collected from the members of such association that sever their connection therefrom any funds in excess of such as shall have been properly collected under its articles of incorporation and laws, then the association organized under the provisions of this act shall have the right as such an association to recover such amount from such foreign beneficiary association for the benefit of the members of the association formed hereunder.

**Sec. 9. Clerk to give written notice of withdrawal.**—Whenever any subordinate lodge or camp shall under this act decide to sever its connections with the foreign fraternal beneficiary association, the clerk of said camp shall give written notice of the action taken to every member of said lodge or camp at his last known post-office address and shall request that each member file his written preference as to whether or not he desires his assessments or per capita tax to be paid to the foreign fraternal beneficiary association or transmitted to the new organization. All members failing within thirty days to respond to the request of the clerk in the matter of filing preference shall be considered as desiring to remain with the foreign fraternal beneficiary association and shall be considered members of that organization.

**Sec. 10. Medical examination not required.**—Members of subordinate lodges or camps and individual members taking advantage of this act shall not be required to pass a medical examination, but new certificates shall be issued to them for the same amount of insurance provided for in the certificate held by such member at the time of the change, or for a less amount of insurance at the option of the insured, or the benefit certificate issued to such member by such foreign fraternal beneficiary association may be assumed by the corporation organized under this act.

**Sec. 11. Contributions may be remitted to temporary organizations.**—When subordinate lodges or camps take advantage of this act, contributions to the benefit fund in the hands of the officers of such subordinate lodges or camps may be remitted to such temporary organizations or lodges or camps as may be created, or when an association of such subordinate lodges or

camps or members is duly incorporated under this act, such funds may be paid into the treasury of the association so incorporated, and all such remittances and payments shall be subject to the payment of death claims that occur after the liability of such foreign fraternal beneficiary association upon certificates issued to such members has ceased.

**Sec. 12. Insurance commissioner to be notified.**—When one or more of such subordinate lodges or camps desiring to sever its or their connections with such foreign fraternal beneficiary association and become members of the associations organized or to be organized under this act shall notify the commissioner of insurance of its or their purpose to do so, it shall be the duty of the commissioner of insurance at once to demand of the chief executive officer in charge of the records of such foreign fraternal beneficiary association to immediately file in the office of the commissioner of insurance a mailing list of all the members of subordinate lodges or camps of such foreign fraternal beneficiary association within this state, and when such foreign fraternal beneficiary association shall have filed such mailing lists, arranged by lodges or camps, it shall be the duty of subordinate lodges or camps desiring to take advantage of this act to mail written notices to all members of any subordinate lodge or camp so desiring to sever its connection from said foreign fraternal beneficiary association at least ten days prior to the submission of such question in such local subordinate lodge or camp, and such notice shall specifically state that the question of surrendering the charter and joining with the state organization is to be taken up, and the date of meeting, and may contain such other information as is deemed relevant; provided that where all the members of a subordinate lodge or camp signify in writing their desire and intention to surrender the charter of such camp and join such new organization then and in such case the notice herein provided for shall not be required.

**Sec. 13. Articles to be filed with secretary of state.**—Whenever one-third ( $\frac{1}{3}$ ) of all the subordinate lodges or camps organized at the time of the passage of this act signify their intention to withdraw, and in numbers as provided in Section 1 of this act signify their intention of transferring their insurance, or whenever fifteen thousand (15,000) members without reference to the number of lodges or camps of which they shall be members in any fraternal beneficiary association now licensed to do business in the state of Minnesota, have severed their connections with such foreign fraternal beneficiary association, in the manner herein provided for, they may become incorporated as a fraternal beneficiary association by causing not less than fifteen thousand (15,000) members, to be designated by such camps or lodges, or fifteen thousand (15,000) members, so severing their connections with such foreign fraternal beneficiary association

to execute and file articles of association with the secretary of state, and a copy thereof with the commissioner of insurance of the state of Minnesota, which articles shall contain the following:

1. The name of the association.
2. The location of the head office or place of business of said association.
3. The purpose for which it is formed, the official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the association.
4. The length of time such corporation shall continue.
5. The names and places of residence of the officers of such association who hold such office at the time such certificate is filed, and until such time as their successors are elected and qualified under this act. Upon the filing of such articles, as herein provided, the commissioner of insurance shall issue to such association a license authorizing it to transact business in this state.

Sec. 14. **Delegates to state convention.**—Within ninety days after the incorporation of such association the lodges or camps or 15,000 members of such foreign fraternal beneficiary association so severing their connections shall call a special election and elect delegates to a state convention for the purpose of adopting by-laws, rules and regulations for the proper organization of such association, and to adopt a ritual and form a grand lodge of the state of Minnesota, and for the purpose of electing officers to fill the positions of this new association, which said officers so elected shall act until their successors are duly elected and qualified. Said convention so called shall consist of one delegate at large from each subordinate lodge or camp, and one delegate for each three hundred (300) members or major fraction thereof; provided that no camp or lodge shall have more than five delegates. The rules and regulations, by-laws and ritual of such association shall comply with the laws of this state in all respects except as herein otherwise provided.

Sec. 15. **Rates of assessments.**—Any such association so formed under this act shall during no year levy a less number of assessments than was levied in 1912 by the society or association from which such new association has seceded or from which it has severed its connection, and shall adopt a rate of assessment by increasing its rates of mortuary assessments by fifty per cent in addition to rates actually paid by the members at the time they sever their connection with the foreign fraternal organization, said rate to be so fixed within ninety days after such association has secured its license from the commissioner of insurance, provided, however, that if said fraternal beneficiary association fails to carry out the provisions of this section, then and in that event the commissioner of insurance shall have the right to cancel its license to do business in this state.

**Sec. 16. Names may be retained.**—Subordinate lodges or camps of such foreign fraternal beneficiary association incorporated under the laws of the state of Minnesota by virtue of this act, may retain the name of such foreign fraternal beneficiary association, provided it be modified by some territorial or other designation to clearly distinguish it from such foreign fraternal beneficiary association.

**Sec. 17. Copy of mailing list to be furnished.**—When any member of a subordinate lodge or camp of such foreign fraternal beneficiary association demands of the officers in charge of the mailing list and membership roll the privilege to take a copy thereof, such member shall be promptly given the privilege of copying such membership list and roll from the records of the subordinate lodge, and any officer refusing to permit a member in good standing of such subordinate lodge or camp to take a list of the members from such records shall be guilty of a misdemeanor.

**Sec. 18. Mandamus proceedings.**—Mandamus proceedings shall lie in the courts of this state against any officer or member of any subordinate lodge or camp to require compliance with the provisions of this act and necessary proceedings incident to the incorporation of subordinate lodges or camps under this act; and no action or proceeding to restrain subordinate lodges or camps or members from proceeding under this act, or to discontinue or enjoin any association organized under this act shall be commenced except on the suit of the attorney general of this state.

**Sec. 19. To apply to auxiliary lodges.**—This act shall apply to auxiliary lodges, and when the subordinate lodges or camps or members of a foreign fraternal beneficiary association shall incorporate under this act, auxiliary subordinate lodges or camps or members may join with such organization so incorporated under this act.

**Sec. 20. To be subject to laws relating to fraternal associations.**—Except as herein otherwise provided, every fraternal beneficiary association organized under the provisions of this act shall be subject to all of the laws of this state relating to fraternal beneficiary associations.

**Sec. 21.** This act shall take effect and be in force from and after its passage.

Approved April 23, 1913.