

*is solvent and properly managed and after he has so certified to the proper authority of that other state or country, then, and in every such case, the commissioner may in his discretion forthwith suspend or cancel the certificate of authority of every insurance company organized under the laws of that other state or country to the extent that it insures, or seeks to insure, in this state against any of the risks or hazards which that domestic company seeks to insure against in that other state or country. Without limiting the application of the foregoing provision, it is hereby determined that any law or ruling of any other state or country which prescribes to a Minnesota domestic insurance company the premium rate or rates for life insurance issued or to be issued outside that other state or country shall not be deemed reasonable.*

Approved April 3, 1959.

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CHAPTER 157—H. F. No. 873

*An act relating to the state treasury; providing for standing appropriations for the payment of certain refunds as required by law; amending Minnesota Statutes 1957, Sections 33.15; 34.04; 43.31; 56.04; 73.16, Subdivision 2; 168.16; 168.43; 252.04; 283.09; 290.361, Subdivision 4; 291.18; 296.18; and 376.41.*

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

Section 1. Minnesota Statutes 1957, Section 33.15, is amended to read:

**33.15 Redemption of unused stamps; appropriation.** Upon written request of the original purchaser thereof and the return of any unused stamps, the commissioner shall redeem such stamps and cause a refund to be made thereof. He shall prepare a voucher showing the amount of the refund due and the state auditor shall draw a warrant on the state treasurer for this amount.

*There is hereby appropriated to the persons entitled to such refund, from the funds or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 2. Minnesota Statutes 1957, Section 34.04, is amended to read:

**34.04 Licenses; applications, fees, refunds.** Any person manufacturing, mixing, or compounding soft drinks or

other non-alcoholic beverages, as described in section 34.02, shall apply for a license therefor to the commissioner, in such form, and furnish such information as the commissioner may require. Each application, except as otherwise provided, shall be accompanied by a license fee of \$24, which shall be the annual license fee if the license is granted, provided, however, that if the applicant manufactures, mixes, or compounds soft drinks or other non-alcoholic beverages as described in section 34.02 in quantities of from over one quart to five gallons, the application shall be accompanied by a license fee of \$3.50 which shall be the annual license fee if license is granted. If the license fee of the applicant is \$24 and license is refused one-half of such sum shall be retained to reimburse the state for inspection, the balance being returned to the applicant. *There is hereby appropriated to the persons entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.* In the case of all other applicants, if license is refused, no portion of the sum so paid shall be returned but all such sums shall be retained to reimburse the state for inspection. If the commissioner shall find that the applicant maintains a proper place and the equipment and containers necessary for the manufacture of soft drinks and other non-alcoholic beverages, as required by sections 34.02 to 34.11, and otherwise complies therewith, the commissioner shall issue to the applicant a license therefor.

Sec. 3. Minnesota Statutes 1957, Section 43.31, is amended to read:

**43.31 Availability to political subdivisions; appropriation.** The services and facilities of the state civil service department and its staff shall be available upon request, subject to rules prescribed therefor by the board, to political subdivisions of the state. In making such service and facilities available, it shall be understood that requirements for the enforcement and administration of the provisions of this chapter shall be given precedence and that the political subdivisions shall reimburse the state for the reasonable cost of such services and facilities.

The board may enter into arrangements with personnel agencies in other jurisdictions for the purpose of exchanging services and effecting transfers of employees. The board may also join or subscribe to any association or service having as its purpose the interchange of information relating to the technique of personnel administration. *There is hereby appropriated to the state civil service department from such*

*moneys as are credited to their account an amount sufficient to pay for the purposes of this section.*

Sec. 4. Minnesota Statutes 1957, Section 56.04, is amended to read:

56.04 Licenses; investigations, refunds. Upon the filing of the application and the payment of these fees ~~and the approval of the bond,~~ the commissioner shall investigate the facts, and if he shall find (1) that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a copartnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly, and efficiently within the purposes of this chapter, and (2) that allowing the applicant to engage in business will promote the convenience and advantage of the community in which the business of the applicant is to be conducted, and (3) that the applicant has available for the operation of the business, at the specified location, liquid assets of at least \$15,000- (the foregoing facts being conditions precedent to the issuance of a license under this chapter), he shall thereupon issue and deliver a license to the applicant to make loans, in accordance with the provisions of this chapter, at the location specified in the application, which license shall remain in full force and effect until it is surrendered by the licensee or revoked and suspended, as hereinafter provided; if the commissioner shall not so find, he shall not issue a license and he shall notify the applicant of the denial and return to the applicant ~~the bond and the sum paid by the applicant as a license fee, retaining the \$50~~ investigation fee to cover the costs of investigating the application. The commissioner shall approve or deny every application for license hereunder within 60 days from the filing thereof with the fees ~~(and the approved bond.)~~

If the application is denied, the commissioner shall, within 20 days thereafter, file in his office a written decision and findings with respect thereto containing the evidence and the reasons supporting the denial, and forthwith serve upon the applicant a copy thereof.

*There is hereby appropriated to such persons as are entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 5. Minnesota Statutes 1957, Section 73.16, Subdivision 2, is amended to read:

Subd. 2. **Accounting; payments.** The state fire marshal shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the state fire marshal and his deputies from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, or as liquidated damages for breach of the agreement, and shall report his action under the order, with a statement of monies received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account and, if the amount received from the sale of the salvage, or of the building or structure, or for liquidated damages for breach of the agreement does not equal or exceed the amount of expenses as allowed, the court shall by its order certify the deficiency in the amount so allowed to the county auditor for collection. The owner or other party in interest shall pay the same within 30 days thereafter, with 25 percent penalty added thereon, and in default of payment the auditor shall enter this expense on the tax lists of the county as a special charge against the real estate on which the building is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected, including the penalty thereon, shall be paid into the state *treasury* and credited to the fund of the state fire marshal. When any real estate on which the building or structure is or was situated forfeits to the state for taxes, this expense shall be apportioned by the county auditor from the net proceeds of the sale or rental of such forfeited land to the state treasury to be credited to the fund of the state fire marshal in the same manner as any other special assessment is apportioned as provided in section 282.08, clause (2). If the amount received for the sale of the salvage, or of the building or structure, or for liquidated damages for breach of the agreement to remove the building or structure exceeds the expense incurred by the state fire marshal, as allowed by the court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into court for his use and benefit. If there are delinquent taxes against the property, the court shall direct the payment of the surplus to the county treasurer to be applied on such taxes.

*There is hereby appropriated to the persons entitled to*

*such surplus, from the fund in the state treasury to which the money was credited, an amount sufficient to make the payment.*

Sec. 6. Minnesota Statutes 1957, Section 168.16, is amended to read:

**168.16 Refunds; appropriation.** After the tax upon any motor vehicle shall have been paid for any year, refund shall be made for errors made in computing the tax or fees and for the error on the part of an owner who may in error have registered a motor vehicle that was not before, nor at the time of such registration, nor at any time thereafter during the current past year, subject to such tax in this state, provided that after more than two years after such tax was paid no refund shall be made for any tax paid on any vehicle exempted from taxation by reasons of nonuse as provided by section 168.012. Such refundment shall be made from any fund in possession of the registrar and shall be deducted from his monthly report to the state auditor. A detailed report of such refundment shall accompany the report. The former owner of a transferred vehicle by an assignment in writing endorsed upon his registration certificate and delivered to the registrar within the time provided herein may sell and assign to the new owner thereof the right to have the tax paid by him accredited to such owner who duly registers such vehicle. Any owner whose vehicle shall be permanently destroyed or permanently removed from the state shall upon filing a verified claim be entitled to a refund of the unused portion of the tax paid upon the vehicle so destroyed or removed from the state, computed pro rata by the month, one-twelfth of the annual tax paid for each month of the year remaining after the month in which the plates and certificate were returned to the registrar.

*There is hereby appropriated to the persons entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 7. Minnesota Statutes 1957, Section 168.43, is amended to read:

**168.43 Licenses; application, examination, fees, refunds, appropriation.** Applications for examination and license under sections 168.39 to 168.44 shall be in writing upon such forms and shall contain such needed information as the secretary of state may prescribe, and shall be accompanied by the payment of an examination and license fee of \$3. The fee for renewal of a chauffeur's license shall be \$2, if the application for renewal is made during the month of February; otherwise it shall be \$2.50. The fee for renewal of a school bus

driver's license shall be \$2. All fees collected pursuant to sections 168.39 to 168.44 shall be deposited in the general revenue fund. No fees, except overpayments and fees for renewals which are not allowed, that have been paid into the general revenue fund shall be refunded, but the secretary of state in his discretion, upon proper application within three months thereafter, may grant one re-examination without additional fee to a person who has been refused a license on a previous application. Refunds permitted by sections 168:39 to 168.44 shall be made in the manner provided by law for making refunds and paid out of the general revenue fund.

*There is hereby appropriated to the persons entitled to such refund, from such moneys in the state treasury not otherwise appropriated, an amount sufficient to make the refund and payment.*

Sec. 8. Minnesota Statutes 1957, Section 252.04, is amended to read:

**252.04 Persons admitted; charges; refunds.** All feebleminded persons, resident of the state, duly committed to the guardianship of the commissioner of public welfare, who, in his opinion, are in need of care and training at some state institution for the feebleminded, may be admitted to such an institution; and epileptic persons who are not feebleminded may, on their own application, be admitted to the colony for epileptics, under such conditions and regulations as the commissioner of public welfare shall prescribe. The commissioner of public welfare shall determine annually the combined average per capita cost for mentally deficient and epileptic patients at the Faribault state school and hospital and the Cambridge state school and hospital for the preceding year; and, the person legally responsible for the support of any person so admitted, shall pay quarterly to the commissioner of public welfare a sum equal to one-fourth of 52 percent of the last such per capita cost so determined by the commissioner of public welfare; but, if the person so liable fails or refuses to pay such sum, of which nonpayment the certificate of the commissioner of public welfare shall be prima facie evidence, it is hereby made a charge in the sum hereinafter provided upon the county in which the person so admitted has a legal settlement for the purpose of poor relief, if he has a settlement within the state; and, if not, upon the county from which he was admitted; and, upon the presentation of a certificate of the commissioner of public welfare to the welfare board of the county, that such person is a regular and proper inmate of such institution and of the quarterly sum so fixed by the commissioner of public welfare as hereinbefore provided the welfare

board shall immediately remit to the commissioner of public welfare the sum of \$80 per patient annually which shall be billed quarterly to the county welfare boards, and such payments shall continue so long as such person remains an inmate of the institution, which sums may be recovered by the county from any person of sufficient ability legally responsible for the support of such inmate. The commissioner of public welfare shall transmit the funds so received to the state treasurer to be credited to the proper funds of the institution, as required by law in the case of other current receipts, and the commissioner of public welfare shall have authority to reimburse pro rata the persons and counties so paying, respectively, from the general support fund of the institution in case of the death or removal of such person so admitted, before the termination of the quarterly period for which such payment is made. Any crippled or deformed child who is helpless and who cannot be benefited by treatment at the state hospital for crippled and deformed children, or any child who is physically helpless from any chronic disease of the nervous system or any child or adult suffering from such or other incurable chronic invalidism, may be admitted to the department for incurables in the institution in the discretion of and under such conditions as the commissioner of public welfare shall determine.

*There is hereby appropriated to the persons or counties entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 9. Minnesota Statutes 1957, Section 283.09, is amended to read:

**283.09 Land erroneously returned as improved; appropriation.** In any case where real estate has been erroneously returned as improved property, but which was not in fact then or since improved, and the amount of the assessed valuation was based wholly or largely upon the value of the supposed improvements and without which improvements the land itself would be of little or no value and would therefore justify an assessment of only a small fractional part of the taxes actually levied and extended, and where such taxes have become delinquent and the land sold and bid in at a regular tax sale by an actual purchaser or bid in by the state for the want of such purchaser and the right of the state thereafter assigned to one in good faith and without actual notice or knowledge of such erroneous assessment, the commissioner of taxation shall have power, upon approved application, as in other cases, presented to him, to grant a refundment of the amount paid by such purchaser or assignee.

*There is hereby appropriated to the persons entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 10. Minnesota Statutes 1957, Section 290.361, Subdivision 4, is amended to read:

**Subd. 4. Fund; disposition.** The revenues derived from the excise tax on banks shall be paid into the state treasury credited to a special fund, from which shall be paid all refunds of taxes erroneously collected from banks as certified by the commissioner. The balance of this fund shall be transmitted, on the last days of May and November of each year, to the respective counties in which are located the banks paying the tax. The county auditor shall apportion and distribute the respective amounts paid by each bank in his county, less refunds paid to that bank, in the same manner and on the same basis as he distributes taxes on personal property in the taxing district in which that bank is located.

*There is hereby appropriated to the persons or banks entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 11. Minnesota Statutes 1957, Section 291.18, is amended to read:

**291.18 Overpayment of tax; refunds; appropriation.** When any tax imposed by this chapter shall have been paid or collected, other than by the methods provided in section 291.27 or in section 271.06, in excess of the amount legally due, the person or corporation paying the same shall be entitled to a refundment of the amount of such taxes overpaid, together with interest thereon at the rate of six percent per annum from the date of payment, in the manner provided by section 291.32; provided that all applications for such refundment shall be made within two years from the date of the order of the commissioner of taxation or the probate court determining and assessing such tax or within two years from the date of the payment of the tax, whichever date is later.

*There is hereby appropriated to the persons entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 12. Minnesota Statutes 1957, Section 296.18, is amended by adding a new subdivision to read:



[Subd. 8.] **Appropriation.** *There is hereby appropriated to the persons entitled to such refund under this section, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Sec. 13. Minnesota Statutes 1957, Section 376.41, is amended to read:

**376.41 Refunds; appropriation.** When any sum shall have been, in whole or in part, erroneously transmitted under the provisions of sections 376.28 to 376.42 by any county to the state treasurer, the county paying or transmitting the same shall be entitled to a refundment of the amount so erroneously paid and transmitted, and the state auditor shall, upon proper certificate furnished him by the director of social welfare, draw his warrant upon the state treasurer for the amount so certified as having been overpaid and in favor of the county entitled thereto.

*There is hereby appropriated to the counties entitled to such refund, from the fund or account in the state treasury to which the money was credited, an amount sufficient to make the refund and payment.*

Approved April 3, 1959.

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#### CHAPTER 158—H. F. No. 880

*An act relating to the state treasury; providing for standing appropriations for certain payments required by law; amending Minnesota Statutes 1957, Sections 7.12; 19.39; 48.527; 49.24, Subdivision 13; 52.20, Subdivision 5; 69.34; 84A.52; 89.036; 92.25; 93.283, Subdivision 7; 93.335, Subdivision 4; 94.52, Subdivision 2; 94.521; 128.05; 242.38; 246.01; 246.41, by adding a Subdivision thereto; 273.41; 283.08; 289.01; 290.62; 294.26; 295.09; 296.421, Subdivision 2; 297.13, by adding a Subdivision thereto; 298.28; 340.60, Subdivision 3; 345.08; 360.133, Subdivision 6; 424.165, Subdivision 2; 484.54; 526.07; Laws 1899, Chapter 214, Section 10; Laws 1955, Chapter 486, Section 2.*

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

Section 1. Minnesota Statutes 1957, Section 7.12, is amended to read:

**7.12 Payment; appropriation.** *Subdivision 1.* In the