

within a reasonable time after receipt of a copy of the application for permit.

Sec. 3. Minnesota Statutes 1967, Section 105.44, Subdivision 3, is amended to read:

Subd. 3. **Waiver of hearing.** The commissioner in his discretion may waive hearing on any application and make his order granting or refusing such application. In such case, if any application be granted, with *or without* conditions or be refused, the applicant, *the managers of the watershed district, or the chief executive officer of the city, village, town, or borough* may within ten days after mailed notice thereof file with the commissioner a demand for hearing on the application. The application shall thereupon be fully heard on notice as hereinafter provided, and determined the same as though no previous order had been made. If no demand for hearing be made, the order shall become final at the expiration of ten days after mailed notice thereof to the applicant, *managers of the watershed district, or the chief executive officer of the city, village, town, or borough.*

Approved May 24, 1969.

CHAPTER 707—H. F. No. 1398

An act relating to insurance; companies in the hands of receiver; amending Minnesota Statutes 1967, Sections 60A.03, Subdivision 7, and 60A.05.

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

Section 1. Minnesota Statutes 1967, Section 60A.03, Subdivision 7, is amended to read:

Subd. 7. **Insurance; companies in receivership; reports by commissioner.** (†) The biennial report of the commissioner shall include a statement of the receipts and expenditures of his division, a statement of the financial condition and business transactions of the several insurance companies doing business in the state, as disclosed by official examinations and by their annual statements, the condition of the receiverships of insolvent companies, and such other information as he thinks proper. The report shall be made to the governor on or before October 1 in each even numbered year for the preceding two fiscal years. The governor shall transmit the report to the legislature as soon as practicable.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

(2) The commissioner, or his deputy, annually, or oftener when deemed necessary, shall examine the transactions and accounts of all assignees and receivers of insolvent companies, and also the accounts of such assignees or receivers referred to him under the provisions of chapters 60A to 72A, 69 and 70, and, in case year, shall make report thereof to the court. For this purpose, he or his deputy, shall have free access to the official papers of such assignees or receivers relative to their transactions, and may examine them under oath as to all matters connected therewith. When, in his opinion, any assignee or receiver has violated his official duty, or further proceedings to collect an assessment will not afford substantial relief to creditors, he shall report the facts to the court.

All accounts of receivers or assignees of insolvent companies rendered to the district court shall be referred to the commissioner before allowance for examination and report thereon and, at the completion of their duties, they shall deposit with him all books, records, and papers relating to the insolvency.

Sec. 2. Minnesota Statutes 1967, Section 60A.05, is amended to read:

60A.05. Suspension of authority; foreign companies and their agents. If the commissioner is of the opinion, upon examination or other evidence, that a foreign insurance company is in an unsound condition or, if a life insurance company, that its actual funds are less than its liabilities, or that it is insolvent; or if a foreign insurance company has failed to comply with the law, or if it, its officers, or agents, refuse to submit to examination, or to perform any legal obligation in relation thereto, he shall revoke or suspend all certificates of authority granted to it or its agents, and shall cause notification thereof to be published in a newspaper authorized to publish annual statements of insurance companies, and no new business shall thereafter be done by it, or its agents, in this state while such default or disability continues, nor until its authority to do business is restored by the commissioner. Unless the ground for revocation or suspension relates only to the financial condition or soundness of the company or to a deficiency in its assets, the commissioner shall notify the company, not less than ten days before revoking its authority to do business in this state; and he shall specify in the notice the particulars of the supposed violation. The district court of any county, upon petition of the company, brought within the ten-day period, shall summarily hear and determine the question whether such violation has been committed, and shall make any proper order or decree therein, and enforce the same by any appropriate process. If the order or decree is adverse to the petitioning company, an appeal therefrom may be taken to the su-

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preme court; and, in the case of such appeal, the commissioner may issue his order revoking the right of the petitioning company to do business in this state until the final determination of the question by the supreme court. Neither this section nor any proceedings thereunder shall affect any criminal prosecutions or proceeding for the enforcement of any fine, penalty, or forfeiture.

~~If such foreign insurer has been placed in the hands of a receiver, or has had its property sequestered in any other country or state or is subject to be proceeded against on any of the grounds listed in subdivision 3 of section 60A.04, the commissioner may proceed to secure an order directing him to conserve the assets within this state in accordance with section 60A.04.~~

Approved May 24, 1969.

CHAPTER 708—H. F. No. 1399

[Coded]

An act relating to insurance; providing for delinquency proceedings against insurance companies and other related organizations; providing penalties; repealing Minnesota Statutes 1967, Section 60A.04, as amended, and 64A.38.

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

Section 1. [60B.01] Insurers rehabilitation and liquidation act; title, construction and purpose. Subdivision 1. **Short title.** This act may be cited as the “insurers rehabilitation and liquidation act” and shall appear in the next edition of Minnesota Statutes as Chapter 60B but subject to the provisions of Minnesota Statutes, Section 648.34.

Subd. 2. Construction; no limitation of powers. This act shall not be interpreted to limit the powers granted the commissioner by other provisions of the law.

Subd. 3. Liberal construction. This act shall be liberally construed to effect the purpose stated in subdivision 4.

Subd. 4. Purpose. The purpose of this act is the protection of the interests of insureds, creditors, and the public generally, with minimum interference with the normal prerogatives of proprietors, through:

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.