

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

Section 1. Minnesota Statutes 1949, Section 525.712, is amended to read:

**525.712 Requisites.** Such appeal may be taken by any person aggrieved within 30 days after service of notice of the filing of the order, judgment, or decree appealed from, or if no such notice be served, within six months after the filing of such order, judgment, or decree. To render the appeal effective (1), the appellant shall serve a *notice of appeal, specifying, the order, judgment, or decree appealed from* upon the adverse party *who appeared* or upon his attorney, personally, and upon each adverse party of record who did not appear by mail at his last address as the same appears in the court's file of the case and upon the probate judge or clerk, personally, for the adverse party who did not appear and whose address is unknown and shall file in the probate court such notice, together with proof of service thereof; (2) the appellant shall pay to the probate court an appeal fee of \$3 to apply on the fee for the return; and (3) the appellant, other than the state, the veterans administration, or a representative appealing on behalf of the estate, shall file in the probate court a bond in such amount as that court may direct, conditioned to prosecute the appeal with due diligence to a final determination, to pay all costs and disbursements, and to abide the order of the court therein.

When a party in good faith gives due notice of appeal and omits through mistake to do any other act necessary to perfect the appeal, the district court may permit an amendment on such terms as may be just.

Approved April 21, 1953.

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## CHAPTER 477—H. F. No. 158

*An act relating to the taxation of insurance companies; amending Minnesota Statutes 1949, Section 60.63.*

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

Section 1. Minnesota Statutes 1949, Section 60.63, is amended to read:

**60.63 Taxation of insurance companies.** Subdivision 1. As used in this section "municipality" means a city of any class, a village, a borough, a town, or a township.

Subd. 2. Every domestic and foreign company, except town and farmers' mutual insurance companies and domestic

mutual insurance companies other than life, shall pay to the state treasurer on or before April 30th annually a sum equal to two percent of the gross premiums less return premiums on all direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, *excepting premiums written for marine insurance as specified in Subdivision 6*. If unpaid by such date a penalty of ten percent shall accrue thereon, and thereafter such sum and penalty shall draw interest at the rate of one percent per month until paid.

Subd. 3. Every domestic mutual insurance company shall pay to the state treasurer on or before April 30th annually a sum equal to two percent of the gross direct fire premiums on policies effective subsequent to January 1, 1930, less return premiums on all direct business received by it, or by its agents for it, in cash or otherwise, during the preceding calendar year upon business written in any municipality in this state maintaining an organized fire department, and in any municipality served by any such organized fire department under contract; provided that the existence of such department has been certified to the commissioner and if not paid on or before April 30th a penalty of ten percent shall accrue thereon, and thereafter such sum and penalty shall draw interest at the rate of one percent per month until paid.

Subd. 4. Every town and farmers' mutual insurance company shall pay to the state treasurer on or before April 30th annually, a sum equal to two percent of the gross direct fire premiums, on policies effective subsequent to June 30, 1935, less return premiums, on all direct business received by it, or by its agents for it, in cash or otherwise, during the preceding calendar year upon business written in any municipality in this state maintaining an organized fire department, and in any municipality served by any such organized fire department under contract; provided the existence of such department has been certified to the commissioner and if not paid on or before April 30th a penalty of ten percent shall accrue thereon, and thereafter such sum and penalty shall draw interest at the rate of one percent per month until paid.

Subd. 5. "Return premiums", as used in this section, means any dividend or any unused or unabsorbed portion of premium deposit or assessment that shall be applied toward the payment of any premium, premium deposit, or assessment due from the policyholder or member upon a continuance or renewal of the insurance on account of which such dividend was earned or premium deposit or assessment paid and any portion of premium returned by the company upon cancelation

or termination of a policy or membership, except surrender values paid upon the cancellation and surrender of policies or certificates of life insurance.

*Subd. 6. Every domestic and foreign company shall pay to the state treasurer on or before June 1st annually a sum equal to five percent of its taxable underwriting profit, ascertained as hereinafter provided, with respect to all insurance written within this state, during the preceding calendar year, upon hulls, freights, or disbursements, or upon goods, wares, merchandise and all other personal property and interests therein, in course of exportation from, importation into any country, or transportation coastwise, including transportation by land or water from point of origin to final destination in respect to, appertaining to, or in connection with, any and all risks or perils of navigation, transit or transportation, and while being prepared for, and while awaiting shipment, and during any delays, storage, transshipment or reshipment incident thereto, including war risks and marine builder's risks. If unpaid by such date a penalty of ten percent shall accrue thereon, and thereafter such sum and penalty shall draw interest at the rate of one percent per month until paid.*

*The underwriting profit on such insurance written within this state shall be that proportion of the total underwriting profit of such insurer from such insurance written within the United States which the amount of net premiums of such insurer from such insurance written within this state bears to the amount of net premiums of such insurer from such insurance written within the United States:*

*The underwriting profit of such insurer on such insurance written within the United States shall be determined by deducting from the net earned premiums on such marine insurance written within the United States during the taxable year, meaning thereby the calendar year next preceding the date on which such tax is due, the following items:*

*(a) Net losses incurred, meaning gross losses incurred during such calendar year under such marine insurance contracts written within the United States, less reinsurance claims collected or collectible and less net salvages or recoveries collected or collectible from any source applicable to the corresponding losses under such contracts;*

*(b) Net expenses incurred in connection with such marine contracts, including all state and federal taxes in connection therewith; but in no event shall the aggregate amount of such net expenses deducted exceed forty percent of the net premiums on such marine insurance contracts, ascertained as hereinafter provided; and*

(c) *Net dividends paid or credited to policyholders on such marine insurance contracts.*

*In determining the amount of such tax, net earned premiums on such marine insurance contracts written within the United States during the taxable year shall be arrived at as follows:*

*From gross premiums written on such contracts during the taxable year deduct any and all return premiums, premiums on policies not taken, premiums paid for reinsurance of such contracts and net unearned premiums on all such outstanding contracts at the end of the taxable year; and add to such amount net unearned premiums on such outstanding marine insurance contracts at the end of the calendar year next preceding the taxable year.*

*Subd. 7. In determining the amount of such tax, net expenses incurred shall be determined as the sum of the following:*

(a) *Specific expenses incurred on such marine insurance business, consisting of all commissions, agency expenses, taxes, licenses, fees, loss adjustment expenses, and all other expenses incurred directly and specifically in connection with such business, less recoveries or reimbursements on account of or in connection with such commissions or other expenses collected or collectible because of reinsurance or from any other source.*

(b) *General expenses incurred on such marine insurance business, consisting of that proportion of general or overhead expenses incurred in connection with such business which the net premiums on such marine insurance written during the taxable year bear to the total net premiums written by such insurer from all classes of insurance written by it during the taxable year. Within the meaning of this paragraph, general or overhead expenses shall include salaries of officers and employees, printing and stationery, all taxes of this state and of the United States, except as included in paragraph (a) last above, and all other expenses of such insurer, not included in paragraph (a) last above, after deducting expenses specifically chargeable to any or all other classes of insurance business.*

*Subd. 8. In determining the amount of such tax, the taxable underwriting profit of such insurer on such marine insurance business written within this state, shall be ascertained as follows:*

(a) *In the case of every such insurer which has written any such business within this state during three calendar years*

*immediately preceding the year in which such taxes were payable, the taxable underwriting profit shall be determined by adding or subtracting, as the case may be, the underwriting profit or loss on all such insurance written within the United States, ascertained as hereinbefore provided, for each of such three years, and dividing by three.*

(b) *In the case of every such insurer other than as specified in paragraph (a) last above, such taxable underwriting profit, if any, shall be the underwriting profit, if any, on such marine insurance business written within this state during the taxable year, ascertained as hereinbefore provided; but after such insurer has written such marine insurance business within this state during three calendar years, an adjustment shall be made on the three year average basis by ascertaining the amount of tax payable in accordance with paragraph (a) last above.*

*The tax hereinbefore provided shall be paid annually by every insurer authorized to do in this state the business of marine insurance during any one or more of the next preceding three calendar years, and the calendar year next preceding such June first shall be deemed the taxable year within the meaning of this section.*

*Every insurer liable to pay the tax hereinbefore provided shall, on or before the first day of June in each year, file with the state treasurer a tax return in the form prescribed by him.*

*The tax provided for in this section shall apply to the business of the year ending December thirty-first, nineteen hundred fifty-two, and to subsequent years.*

Subd. 9. *In the case of a domestic company such sums are in lieu of all other taxes, except those upon real property owned by it in this state, which is taxed the same as like property of individuals, and in the case of a foreign company such sums are in lieu of all other taxes, except those upon real property owned by it in this state, which is taxed the same as like property of individuals.*

Approved April 21, 1953.

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## CHAPTER 478—H. F. No. 177

*An act relating to the compensation of grand jurors, petit jurors and talesmen; amending Minnesota Statutes 1949, Section 357.26.*