

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 2623

(SENATE AUTHORS: GAZELKA)

DATE	D-PG	OFFICIAL STATUS
05/03/2012	6838	Introduction and first reading Referred to Commerce and Consumer Protection

1.1 A bill for an act  
1.2 relating to commerce; clarifying the charge back authority of the Department of  
1.3 Commerce for certain investigations; amending Minnesota Statutes 2010, section  
1.4 45.027, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 45.027, subdivision 1, is amended to read:

1.7 Subdivision 1. **General powers.** In connection with the duties and responsibilities  
1.8 entrusted to the commissioner, and Laws 1993, chapter 361, section 2, the commissioner  
1.9 of commerce may:

1.10 (1) make public or private investigations within or without this state as the  
1.11 commissioner considers necessary to determine whether any person has violated or is  
1.12 about to violate any law, rule, or order related to the duties and responsibilities entrusted  
1.13 to the commissioner;

1.14 (2) require or permit any person to file a statement in writing, under oath or otherwise  
1.15 as the commissioner determines, as to all the facts and circumstances concerning the  
1.16 matter being investigated;

1.17 (3) hold hearings, upon reasonable notice, in respect to any matter arising out of the  
1.18 duties and responsibilities entrusted to the commissioner;

1.19 (4) conduct investigations and hold hearings for the purpose of compiling  
1.20 information related to the duties and responsibilities entrusted to the commissioner;

1.21 (5) examine the books, accounts, records, and files of every licensee, and of every  
1.22 person who is engaged in any activity regulated; the commissioner or a designated  
1.23 representative shall have free access during normal business hours to the offices and

places of business of the person, and to all books, accounts, papers, records, files, safes, and vaults maintained in the place of business;

(6) publish information which is contained in any order issued by the commissioner;

(7) require any person subject to duties and responsibilities entrusted to the commissioner, to report all sales or transactions that are regulated. The reports must be made within ten days after the commissioner has ordered the report. The report is accessible only to the respondent and other governmental agencies unless otherwise ordered by a court of competent jurisdiction; and

(8) assess a natural person or entity subject to the jurisdiction of the commissioner the necessary expenses of the investigation performed by the department when an investigation is made by order of the commissioner. The cost of the investigation shall be determined by the commissioner and is based on the salary cost of investigators or assistants and at an average rate per day or fraction thereof so as to provide for the total cost of the investigation. All money collected must be deposited into the general fund. A natural person or entity licensed under chapter 60K or 82 shall not be charged costs of an investigation if the investigation results in no finding of a violation. This clause does not apply to a natural person or entity already subject to the assessment provisions of sections 60A.03 and 60A.031.