

The word "municipality" as used herein is defined the same as in Minnesota Statutes, Section 118.01.

Approved June 4, 1971.

CHAPTER 855—H.F.No.2444

[Coded]

An act relating to banks; authorizing detached facilities; providing a penalty.

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

Section 1. [47.51] **BANKS; DETACHED FACILITIES; DEFINITIONS.** As used in this act:

"Attached facility" means a structure serving as a drive-in or walk-up facility, or both, consisting of one or more tellers windows, which is affixed to and is an integral part of the main banking house and not severable therefrom without structural damage or changes, and which performs one or more of the functions described in section 3.

"Detached facility" means a structure or remotely controlled stationary mechanical device serving as a drive-in or walk-up facility, or both, located separate and apart from the main banking house, containing one or more tellers windows which is not an "attached facility" as above defined, and performing one or more of those functions described in section 3.

"Bank" means a bank as defined in Minnesota Statutes, Section 45.08 and any banking office established prior to the effective date of Laws 1923, Chapter 170, Section 1.

"Commissioner" means the commissioner of banks.

Sec. 2. [47.52] **AUTHORIZATION.** With the prior approval of the commissioner, any bank doing business in this state may establish and maintain not more than one detached facility consisting of one or more tellers windows. The distance of the facility from the main banking house shall not exceed 1,000 feet measured in a straight line from the closest points of the closest structures involved. The facility shall not be closer than 50 feet to a facility operated by any other bank nor closer than 100 feet to the main banking house of any other bank, the measurement to be made in the same manner as

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provided above. The preceding sentence shall not be applicable if the proximity to the facility or the bank is waived in writing by the other bank and filed with the application to establish a detached facility.

Sec. 3. [47.53] FUNCTIONS OF A FACILITY. The function of the detached facility shall be limited to receiving deposits of every kind, cashing checks or orders to pay and receiving payments payable at the bank.

Sec. 4. [47.54] NOTICES AND APPROVAL PROCEDURES.
Subdivision 1. Any bank desiring to establish a detached facility shall execute and acknowledge an application, in writing, in the form prescribed by the commissioner, and shall file the same in his office, together with a filing fee of \$50, and in the case an application is contested, an additional fee of \$450, payable to the state treasurer and credited by the treasurer to the general fund. Thereupon the applicant shall publish a notice of the filing of the application in a newspaper published in the municipality in which the proposed detached facility is to be located, and if there be no such newspaper, then at the county seat of the county in which the facility is proposed to be located. The notice shall be in the form prescribed by the commissioner and, in addition to such publication, the applicant shall mail a copy of said notice by certified mail to every bank located within three miles of the main banking house of the applicant, measured in the manner as provided above.

Subd. 2. If no objection is received by the commissioner within 30 days after the publication and mailing of said notices, the commissioner, after investigation may issue his order approving or denying the application, without a hearing.

Subd. 3. If any bank within said three miles of the main banking house of the applicant objects in writing within said 30 days, the commissioner shall fix a time, within 60 days after filing of the objection, for a hearing at his office at the state capitol, and the record of such hearing shall be considered by the commissioner in deciding whether or not the application shall be granted. A notice of the hearing shall be published in the form prescribed by the commissioner in a newspaper as described in subdivision 1, at the expense of the applicant, not less than 30 days prior to the date of the hearing. At the hearing the commissioner shall consider the application and hear the applicant and such witnesses as may appear in favor of or against the granting of the application.

Subd. 4. If, upon the hearing, it shall appear to the commissioner that the application should be granted, he shall, not later than 90 days after the hearing, and after the applicant has otherwise complied with the provisions of law applicable to the establishment of a facility, including the provisions herein contained, issue the certifi-

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cate of authorization. If a facility is not activated within 12 months from the date of issue of the certificate, the certificate shall automatically expire. If the commissioner shall decide that the application should not be granted, he shall issue his order to that effect and forthwith give notice by certified mail to the applicant.

Sec. 5. [47.55] **EXISTING FACILITY.** A bank may retain and operate one detached facility as it may have had in operation prior to May 1, 1971 without requirement of approval hereunder, provided that its function is limited as provided in section 3 and its location conforms with the provisions of section 2. A bank having such a retained facility shall be limited to operating that one detached facility.

Sec. 6. [47.56] **TRANSFER OF LOCATION.** The location of a detached facility may be transferred to another location, subject to the same procedures and approval as required hereunder for establishing a new detached facility.

Sec. 7. [47.57] **VIOLATION; PENALTIES.** A violation of this act shall be subject to penalties applicable to violations of laws affecting banks. In addition, a violation of this act may be enjoined by a civil action for injunction by any aggrieved bank.

Approved June 4, 1971.

CHAPTER 856—S.F.No.516

[Coded]

An act relating to the guaranty of municipal indebtedness incurred for the acquisition and betterment of public land, buildings, and capital improvements; authorizing state loans to municipalities for debt service deficiencies; providing procedures for making and repaying loans; authorizing issuance of state bonds for this purpose; and appropriating the proceeds thereof.

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

Section 1. [475A.01] **MUNICIPALITIES; MUNICIPAL DEBT SERVICE AID LAW; CITATION.** Sections 1 to 6 shall be known and may be cited as the municipal debt service aid law.

Sec. 2. [475A.02] **DEFINITIONS.** Subdivision 1. Except as provided in this section the terms contained in sections 1 to 6 shall have the meanings given them by Minnesota Statutes, Section 475.51.

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