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To

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(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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1941

5302. Municipalities given right to operate telephone exchanges.

Act is limited to a telephone exchange within borders of municipality. Op. Atty. Gen. (98a), June 10, 1940.

5307. Expense of furnishing transcribed copy of records.

Lenihan v. T., 293NW601. Cert. den. 61SCR392. Reh. den. 61SCR448.

5311-2a. Same—Investigation fund—Appropriation.

Minnesota Telephone Rate Investigation Fund, abolished. Act Apr. 28, 1941, c. 548, §43.

5312. Town boards may construct; etc.

Statutes relating to town telephone lines do not apply to villages. Op. Atty. Gen. (98a), June 10, 1940.

CHAPTER 28B

Department of Banking—Division of Banking in
Department of Commerce**5323. Powers and duties of superintendent.**

This section supersedes §7640. Op. Atty. Gen., (29a-6), April 12, 1940.

Control of payment of dividends by state bank is within power of commissioner of banks, and he is not required to sit idly by until some provision of law is violated before he can act. Op. Atty. Gen. (29a-15), Nov. 13, 1940.

5332. Fees for examination of financial institutions.

—Each bank, trust company, savings bank, local or general building and loan association and credit union organized under the laws of this state, shall pay into the state treasury for each authorized regular or special examination made at any time by the commissioner of banks of such institution, a fee to be determined as follows:

In the case of state banks, trust companies or savings banks, for the first examination in each calendar year a minimum fee of \$60.00 plus an amount equal to three cents for each \$1,000 of assets in excess of \$25,000, and not exceeding \$200,000; where the assets exceed \$200,000 and do not exceed \$400,000, a minimum fee of \$80.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$400,000 and do not exceed \$600,000, a minimum fee of \$100.00 plus three cents per \$1,000 of assets in excess of \$25,000; where the assets exceed \$600,000 and do not exceed \$1,000,000, a minimum fee of \$125.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$1,000,000 and do not exceed \$2,000,000, a minimum fee of \$150.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$2,000,000 and do not exceed \$3,000,000, a minimum fee of \$200.00 plus three cents for each \$1,000 of assets in excess of \$25,000; where the assets exceed \$3,000,000, a minimum fee of \$300.00 plus three cents for each \$1,000 of assets in excess of \$25,000, and in the case of trust companies an additional amount equal to two

cents for each \$1,000 value of properties held in trust for the benefit of others.

For a second examination within the same calendar year the examination fee shall be computed on the above basis except that the amount of the minimum fee shall be reduced by 75 per cent.

In the case of local building and loan associations, for each examination, a minimum fee of \$25.00, plus an amount equal to ten cents per \$1,000 of assets in excess of \$15,000 and less than \$5,000,000 plus an amount equal to five cents per \$1,000 of assets in excess of \$5,000,000.

In the case of credit unions a fee of \$10.00 of assets up to and including \$2,000; where the assets exceed \$2,000 and do not exceed \$10,000, a fee of \$12.50 plus an amount equal to \$1.00 per \$1,000 of assets over \$2,000; where the assets exceed \$10,000 and do not exceed \$100,000 a fee of \$15.00 plus a sum of \$1.00 per \$1,000 of assets over \$2,000 and less than \$100,000; where the assets are \$100,000 or more a fee of \$15.00 plus an additional amount equal to \$1.00 per \$1,000 of assets over \$2,000 and less than \$100,000, plus an amount equal to 50 cents per \$1,000 of assets of \$100,000 or over; except that in the case of credit unions with assets over \$50,000 the fee shall be based on the above schedule, or on the basis of \$15.00 per diem for the actual time of each person spent in connection with the examination; whichever is lower. Each new credit union shall pay an application fee of \$25.00.

Said fees shall be paid by the institution examined within 20 days after a statement of the amount thereof shall have been rendered the institution examined by the commissioner of banks, and if not so paid shall bear interest at the rate of six per cent per annum. (As amended Act Apr. 28, 1941, c. 488, §1.)

This section supersedes §7650. Op. Atty. Gen., (29a-16), April 12, 1940.

CHAPTER 29

Public Health

5339. General duties of board—Reports.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

5345. State board of health, general and special rules.

City may not expend money for development of a swimming beach in a river if project has been condemned by state department of health pursuant to regulations. Op. Atty. Gen., (63B-1), April 29, 1940.

Powers of State Board of Health in enforcement of laws relating to water pollution and sewage disposal stated. Op. Atty. Gen. (225m), Nov. 23, 1940.

State Board of Health may properly and legally accept for examination and approval or disapproval plans for water, sewer and refuse disposal system prepared by architects and engineers of other states who do not hold Minnesota licenses. Op. Atty. Gen. (225M), Feb. 21, 1941.

5348. Local boards—Health officers.

County is not liable for any part of local health officer's salary, even though a part of it might be

earned while establishing, enforcing, or releasing quarantine of communicable diseases. Op. Atty. Gen., (225i-2), Dec. 6, 1939.

Section 5348 and §5351 do not contemplate county paying any part of money expended by town for services of regular medical health officer, whether he be physician member of town board or one appointed by chairman to fulfill duties of former. Op. Atty. Gen., (225i-2), Dec. 22, 1939.

A village health officer must be a licensed physician, but need not be a resident of the village. Op. Atty. Gen., (225i-6), March 8, 1940.

There is no rule requiring a permit from health officers for every pupil who may return to school after being absent more than 2 days, but certain permits must be obtained where illness appears. Op. Atty. Gen. (169L), Mar. 14, 1941.

5351. Powers of health officer in assuming jurisdiction over communicable diseases.

County is not liable for any part of local health officer's salary, even though a part of it might be earned while establishing, enforcing, or releasing quarantine of