

Banking

CHAPTER 46

BANKING DIVISION

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46.01 POWERS. The banking division shall have charge of the execution of all laws relating to state banks, savings banks, trust companies, building and loan associations, and other financial corporations chartered under the laws of this state, and the business thereof.

[1909 c. 201 s. 1] (5320)

46.02 [Superseded by Laws 1925, c. 426]

46.03 SEAL OF DIVISION. The commissioner of banks, in Minnesota Statutes, Chapters 46 to 59, called the commissioner, shall devise a seal for the use of his office, which shall continue to be the seal of the division of banking. A description of the seal; with an impression thereof, shall be filed in the office of the secretary of state.

[1909 c. 201 s. 3; 1949 c. 533 s. 1] (5322)

46.04 COMMISSIONER; POWERS. The commissioner of banks, referred to in Minnesota Statutes, Chapters 46 to 59, as the commissioner, is vested with all the powers, authority, and privileges which, prior to the enactment of Laws 1909, Chapter 201, were conferred by law upon the public examiner, and he shall take over all duties in relation to state banks, savings banks, trust companies, building and loan associations, and other financial corporations within the state which, prior to the enactment of Chapter 201, were imposed upon the public examiner. The commissioner of banks shall exercise a constant supervision, either personally or through the examiners herein provided for, over the books and affairs of all state banks, savings banks, trust companies, building and loan associations, and other financial corporations doing business within the state; and shall, through examiners, visit at least twice each year such state banks, savings banks, trust companies, building and loan associations, and other financial corporations, inspecting and verifying the assets and liabilities of each, and so far investigate the character and value of the assets of each such corporation as to ascertain with reasonable certainty that the values are correctly carried on its books; provided, that from May 1, 1943, to June 30, 1945, inclusive, these visits shall be made at least once each year, notwithstanding any other provisions of law, but this provision shall not limit the commissioner in making additional visits as he deems necessary or advisable. He shall investigate the methods of operation and conduct of these corporations and their systems of accounting, to ascertain whether these methods and systems are in accordance with law and sound banking principles. He may examine, or cause to be examined by these examiners, on oath, any officer, director, trustee, owner, agent, clerk, customer, or depositor of any such financial corporations touching the affairs and business thereof, and may issue, or cause to be issued by the examiners, subpoenas, and administer, or cause to be administered by the examiners, oaths. In case of any refusal to obey any subpoena issued by him or under his direction, the refusal may at once be reported to the district court of the district in which the bank or other financial corporation is located, and this court shall enforce obedience to these subpoenas in the manner provided by law for enforcing obedience to subpoenas of

the court. In all matters relating to his official duties, the commissioner of banks has the power possessed by courts of law to issue subpoenas and cause them to be served and enforced, and all officers, directors, trustees, and employees of state banks, savings banks, trust companies, building and loan associations, and other financial corporations within the state, and all persons having dealings with or knowledge of the affairs or methods of these institutions, shall afford reasonable facilities for these examinations, make such returns and reports to the commissioner of banks as he may require; attend and answer, under oath, his lawful inquiries; produce and exhibit such books, accounts, documents, and property as he may desire to inspect, and in all things aid him in the performance of his duties.

[1909 c. 201 s. 4; 1943 c. 12 s. 1] (5323)

46.05 SUPERVISION OVER FINANCIAL CORPORATIONS. Every state bank, savings bank, trust company, building and loan association, and other financial corporations shall be at all times under the supervision and subject to the control of the commissioner of banks.

[1909 c. 201 s. 5] (5324)

46.06 REFUSAL TO OBEY DIRECTIONS OF COMMISSIONER. Every person who shall refuse or neglect to obey any lawful direction or order of the commissioner of banks; withhold any information, book, record, paper or other thing called for by him for the purpose of examination and ascertaining the true condition of the corporation; wilfully obstruct or mislead him in the execution of his duties, or falsely swear concerning any matter stated under oath, shall be guilty of a felony; the minimum penalty thereof shall be a fine of \$1,000, or imprisonment in the state prison for one year.

[1909 c. 201 s. 6] (5325)

46.07 RECORDS; BIENNIAL REPORT. The commissioner of banks shall keep all proper records and files pertaining to the duties and work of his office, and report to the governor biennially, previous to the opening of the regular biennial session of the legislature, touching his official acts, giving general information as to banking conditions within the state, and the conditions as to other corporations to which his duties relate, and making such recommendations and suggestions as he may deem proper. The report shall contain a list of state banks, trust companies, building and loan associations, and other financial corporations within the state, their capital stocks and surplus funds; also a list of suspended banks and financial corporations and a list of charter applications, together with their disposition, for the biennial period, but the report shall not contain a detailed statement of the condition of each bank or other financial corporation. This report shall be printed and bound in a satisfactory and substantial manner and distributed among all of the state banks, savings banks, trust companies, building and loan associations, and other financial corporations within the state.

[1909 c. 201 s. 7; 1921 c. 250 s. 1] (5326)

46.08 EMPLOYEES. Subdivision 1. **Deputy commissioner, examiners, and office employees.** The commissioner of banks may appoint a deputy commissioner, such examiners, assistant examiners, one chief clerk, such assistant clerks, stenographers and other employees as are needed to discharge in the proper manner the duties imposed by law upon the commissioner of banks. Such deputy and examiners shall each give bond to the state in the sum of \$10,000, and the clerks and other employees, whenever so provided, shall each give bond to the state in such sum as may be designated by the commissioner of banks; all such bonds to be approved by the commissioner of banks and filed in the office of the secretary of state. During the absence or disability of the commissioner of banks, said deputy commissioner shall have charge of the office and administer its affairs. The deputy commissioner, the examiners and assistant examiners so to be appointed shall have had at least three years active experience in the banking business, or at least five years experience in the Department of Banking of the State of Minnesota, and shall furnish such evidence of their qualifications as expert accountants and general fitness for their duties as may be demanded by the commissioner of banks. Such examiners shall confine their work to the examination of state banks, savings banks, trust companies and other financial corporations located within the districts to which they shall be appointed as hereinafter provided, save and except that any such examiner may be temporarily transferred from his district to some other district by the commissioner of banks when it shall appear that the interest of the

department shall be better served by so doing; and whenever it shall appear that the number of such banks and other financial corporations within any such examiner's district is more than can be properly examined twice during each year by the examiner, he shall be provided with such clerks or assistants as may be considered necessary by the commissioner of banks.

Subd. 2. Examiner in charge of liquidation. The commissioner of banks may appoint an examiner in charge of liquidation and such special deputy examiners and other employees as are needed by him in the liquidation of banks. The certificates of appointment of the examiner in charge of liquidation, and of such special deputy examiners shall be filed in the office of the commissioner of banks and a certified copy thereof shall be filed in the office of the secretary of state and in the office of the clerk of the district court of the county in which the principal office of the bank concerned was located. The qualifications of such examiner in charge of liquidation and special deputy examiners shall be the same as prescribed in subdivision 1 of this section for examiners. The commissioner of banks may from time to time authorize any such special deputy examiner to perform such duties connected with such liquidation and distribution as he may deem proper. The commissioner of banks shall require from the examiner in charge of liquidation and each special deputy examiner such bond for the faithful discharge of his duties as he may deem proper. The commissioner of banks may procure such expert assistance as may be necessary in the liquidation and distribution of the assets of such bank and may retain such of its officers or employees as he may deem necessary.

Subd. 3. Examiners not to examine institutions in which they have a financial interest. No examiner shall have the right to examine any bank, savings bank or other financial corporation in which he may have an interest, either directly or indirectly.

[1909 c. 201 s. 8; 1919 c. 121; 1921 c. 42; 1923 c. 371 s. 1; 1943 c. 442 s. 1] (5327)

46.09 STATE BANK EXAMINERS OR EMPLOYEES NOT TO HOLD BANK STOCK. No person who is a bank examiner or other officer or employee of the division of banking shall be interested, either directly or indirectly, as a stockholder, director, officer, trustee, assignee, employee, or otherwise, in any bank, savings bank, trust company, financial institution, or corporation holding the stock of any such corporation within this state, or which carries on a banking business within this state, either directly or indirectly, or through an affiliated group or chain bank operating within this state. If the wife, or any other member of the household of a bank examiner, or other officer or employee, shall be so interested, it shall be conclusively presumed that the bank examiner, or other officer or employee, is indirectly interested in the corporation within the meaning of Laws 1915, Chapter 164, as amended; but the meaning of the words "directly or indirectly" is not otherwise qualified. The provisions of this section shall not apply to the commissioner of banks.

[1915 c. 164 s. 1; 1931 c. 43 s. 1] (5328)

46.10 PENALTY FOR VIOLATION. Any person violating the provisions of section 46.09 shall be disqualified from holding any office or employment in the division of banking and shall be removed from such office or employment by the commissioner of banks immediately upon knowledge of the violation.

[1931 c. 43 s. 2] (5328-1)

46.11 EXAMINERS' DISTRICTS. For the purpose of the better administration of his department, the commissioner of banks shall, immediately after his appointment, as herein provided, proceed to divide the counties of the state into eight districts in such manner that the banks in each district shall be, as nearly as may be, of an equal number. In arranging these districts, the commissioner of banks shall also consider the matter of convenience and economy in covering the same by the examiners. After the commissioner of banks shall have completed the arrangement or division of counties into districts, as in this section provided, he shall at once designate the district in which each of the eight examiners to be appointed under the provisions of Laws 1909, Chapter 201, as amended, shall make examinations as herein provided.

[1909 c. 201 s. 9] (5329)

46.12 REPORTS OF EXAMINERS. Each examiner appointed under Laws 1909, Chapter 201, as amended, shall make report to the commissioner of banks immedi-

ately after the completion of an examination of the actual financial condition of the institution examined, with such recommendations and suggestions as he may deem advisable.

[1909 c. 201 s. 10] (5330)

46.13 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 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 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 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 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, 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 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 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, 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 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 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 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 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.

These 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.

[1909 c. 201 s. 14; 1917 c. 299; 1919 c. 136; 1923 c. 247 s. 1; 1937 c. 276 s. 1; 1941 c. 488] (5332)

46.14 EXAMINERS' POWERS ENLARGED. The examiner in charge of liquidation in the banking division of the department of commerce is hereby authorized to sign the name of the commissioner of banks and to act for him in all matters connected with the liquidation of insolvent corporations under the supervision and control of the commissioner of banks, with the same force and effect as though the commissioner himself had signed or acted; provided, that the examiner shall have no authority to order an assessment against the stockholders of an insolvent state bank or trust company under the provisions of Laws 1927, Chapter 254, as amended.

[1931 c. 137] (5332-1)

46.15 CERTAIN SECURITIES DEPOSITED WITH STATE TREASURER. All securities required or permitted by law to be assigned to and deposited with the commissioner of banks for any purpose shall hereafter be assigned to and deposited

with the state treasurer, who shall give his receipt therefor, and this receipt shall be filed with the commissioner of banks, in lieu of the securities, and in this case neither the commissioner of banks nor his bondsmen shall be responsible for the safe-keeping of these securities, and the state treasurer shall perform all the duties with regard to the safe-keeping of these securities which the commissioner of banks is now required to perform, and the state treasurer shall be subject to the same obligations and under the same liability, with reference to the safe-keeping of these securities, as the commissioner of banks. The state treasurer shall accept, release, surrender, and permit substitutions of securities assigned to and deposited with him under the provisions of Laws 1923, Chapter 155, upon order of the commissioner of banks.

[1923 c. 155 s. 1] (5334)

46.16 COMMISSIONER OF BANKS, SALARY. The annual salary of the commissioner of banks shall be \$6,500.

[1913 c. 400 s. 1; 1921 c. 499; 1923 c. 252; 1933 c. 232 s. 1; 1949 c. 739 s. 11] (252, subd. 9)

46.17 SALARY OF EXAMINER IN CHARGE OF LIQUIDATION. The commissioner of banks shall fix the salary of the examiner in charge of liquidation appointed by him, but not to exceed \$4,000, and the same shall be paid out of the funds of banks in the hands of the commissioner of banks for liquidation.

[1913 c. 400 s. 1; 1933 c. 232 s. 2] (252, subd. 9)