

# MINNESOTA STATUTES 1977 SUPPLEMENT

## BANKING DIVISION 46.01

general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state agency, the Minnesota historical society, or the university of Minnesota whose employees receive benefits pursuant to this chapter. The accounts and funds referred to from which departments receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

[For text of subds 1a to 3, see M.S.1976]

[ 1977 c 452 s 27 ]

### 43.51 Death benefit for retired employees.

Employees who retire from state service on or after July 1, 1977, shall be entitled to a \$500 cash death benefit payable to a beneficiary designated by the employee, if, at the time of the employee's death, the employee is receiving an annuity under a state retirement program.

[ 1977 c 452 s 28 ]

## CHAPTER 45. DEPARTMENT OF COMMERCE

Sec.  
45.02 Commissioners; appointment, terms, vacancies.

Sec.  
45.15 Establishment of consumer services section.

### 45.02 Commissioners; appointment, terms, vacancies.

The governor shall appoint the members of the commission under the provisions of section 15.06. Each member of the commission, before entering upon the discharge of his duties, shall take and file with the secretary of state the oath of office prescribed by the constitution.

A majority of the commission shall constitute a quorum.

[ 1977 c 305 s 15 ]

### 45.15 Establishment of consumer services section.

A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor under the provisions of section 15.06.

[ 1977 c 305 s 16 ]

## CHAPTER 46. BANKING DIVISION

Sec.  
46.01 Powers.  
46.04 Commissioner; powers.  
46.05 Supervision over financial institutions.  
46.09 State bank examiners or employees not to hold bank stock.

Sec.  
46.131 Examination fees for financial institutions.

### 46.01 Powers.

Subdivision 1. The banking division shall have charge of the execution of all laws relating to state banks, savings banks, trust companies, savings associations, and other financial institutions organized under the laws of this state, and the business thereof.

Subd. 2. The commissioner of banks may promulgate rules as necessary to administer or execute the laws relating to financial institutions subject to his supervision or examination.

[ 1977 c 272 s 1 ]

## 46.04 BANKING DIVISION

### 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, savings associations, and other financial institutions 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, savings associations, and other financial institutions doing business within this state; and shall, through examiners, examine at least once a year such state banks and savings banks as are also subject to annual examinations by the federal deposit insurance corporation or the federal reserve bank and twice a year where they are not subject to such examinations. Trust companies, savings associations, credit unions, industrial loan and thrift companies and other financial institutions shall be examined once a year. With the exception of industrial loan and thrift companies which do not have deposit liabilities and small loan companies, it shall be the principal purpose of these examinations to inspect and verify the assets and liabilities of each and so far investigate the character and value of the assets of each such institution as to determine with reasonable certainty that the values are correctly carried on its books. Assets and liabilities shall be verified in accordance with methods of procedure which the commissioner may determine to be adequate to carry out the intentions of this section. None of the above provisions shall limit the commissioner in making additional examinations as he deems necessary or advisable. He shall investigate the methods of operation and conduct of these institutions and their systems of accounting, to ascertain whether these methods and systems are in accordance with law and sound banking principles. He may make such requirements as to records as he deems necessary to facilitate the carrying out of his duties and to properly protect the public interest. 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 institution 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 institution 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, savings associations, and other financial institutions 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.

[ 1977 c 272 s 2 ]

### 46.05 Supervision over financial institutions.

Every state bank, savings bank, trust company, savings association, and other financial institutions shall be at all times under the supervision and subject to the control of the commissioner of banks. If, and whenever in the performance of his duties, the commissioner finds it necessary to make a special investigation of any financial institution under his supervision, and other than a complete examination, he shall make a charge therefor to include only the necessary costs thereof. Such a fee shall be payable to the commissioner on his making a request for payment.

[ 1977 c 272 s 3 ]

## FINANCIAL CORPORATIONS 47.20

### 46.09 State bank examiners or employees not to hold bank stock.

Subdivision 1. 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 this section; 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.

Subd. 2. Officers, employees, and examiners of the division of banking, and members of their households, may:

- (a) maintain a demand or trust account in any financial institution;
- (b) maintain a savings, time or share account in any financial institution.

Officers, employees, and examiners of the division of banking may maintain accounts at financial institutions subject to examination by the commissioner of banks only to the extent that those accounts are insured by the federal deposit insurance corporation, federal savings insurance corporation, or national credit union administration.

[ 1977 c 272 s 4 ]

### 46.131 Examination fees for financial institutions.

[For text of subd 1, see M.S.1976]

Subd. 2. Each bank, trust company, savings bank, savings association, small loan company, industrial loan and thrift company, credit union, motor vehicle sales finance company, debt prorating agency and insurance premium finance company organized under the laws of this state or required to be administered by the commissioner of banks shall pay into the state treasury its proportionate share of the cost of maintaining the banking division.

[For text of subds 3 to 9, see M.S.1976]

Subd. 10. Each financial institution described in subdivision 2 shall pay a fee of \$25 to the commissioner of banks upon application to the commissioner for approval of a change in its certificate, charter, articles of incorporation, bylaws, powers or license. Money collected by the commissioner under this subdivision shall be deposited in the general fund.

[ 1977 c 272 s 5,6 ]

## CHAPTER 47. FINANCIAL CORPORATIONS

Sec.		Sec.	
47.20	Use of federal acts; definitions; interest rates; required provisions; interest on escrow accounts; penalty.	47.52	Authorization.
47.51	Detached banking facilities; definitions.	47.53	Functions of a facility.
		47.54	Notices and approval procedures.
		47.55	Existing facility.

### 47.20 Use of federal acts; definitions; interest rates; required provisions; interest on escrow accounts; penalty.

Subdivision 1. Pursuant to such rules as the commissioner of banks finds to be necessary and proper, if any, banks, savings banks, mutual savings banks, building and loan associations, and savings and loan associations organized under the laws of this state or the United States, trust companies, trust companies acting as fiduciaries, and other banking institutions subject to the supervision of the commis-