

home, comprising apartment units.

Subd. 2. **ADMINISTRATION AND RENTAL OF APARTMENT UNITS.** The apartment units shall be constructed in close proximity to existing county nursing home facilities, and administered together with the existing facilities as part of an overall program for the care of aged and infirm persons. The board of commissioners may rent the apartment units to persons applying for entrance to the county nursing home, or to other elderly persons of low and moderate income who may require use of nursing home facilities, on the terms and conditions the board deems advisable.

Subd. 3. **ELIGIBILITY.** The county may by ordinance adopt regulations establishing age, health and income eligibility requirements for the rental of the apartment units. The regulations may provide different rental terms and conditions for persons of different ages, health conditions and incomes.

Subd. 4. **BOND SECURITY; REFERENDUM PETITION.** The bonds shall be issued and secured in accordance with the provisions of Minnesota Statutes, Chapter 475, relating to obligations payable wholly from the income of revenue producing public conveniences. The board of commissioners may pledge and appropriate the revenues to be derived from operation of the nursing home facilities to pay the principal and interest on the bonds when due and to create and maintain reserves for that purpose, as a first and prior lien on all such revenues or, if so provided in the bond resolution, as a lien thereon subordinate to the current payment of a fixed amount or percentage or all of the annual costs of the operation, administration, and maintenance of the facilities. Revenue bonds shall not be included in the district's net debt for the purpose of any limitation. In the issuance of such bonds the revenues or lease rentals from any or all facilities may be pledged and appropriated by resolution for the use and benefit of the bondholders, or may be pledged by the execution of an indenture or other appropriate instrument to a trustee for the bondholders. The county board shall have power to make and enter into any and all covenants with the bondholders or trustee which are determined by it to be necessary or proper to assure the marketability of the bonds, the completion of the facilities, the segregation of the revenues or rentals and any other funds pledged, and the sufficiency thereof for the prompt and full payment of all bonds and interest.

Sec. 2. This act is effective upon approval by a majority of the board of commissioners of Chisago county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved June 2, 1977.

CHAPTER 378—H.F.No.451

An act relating to banks; authorizing a bank to establish two detached banking facilities; providing for notice and approval procedures; amending Minnesota Statutes 1976, Sections 47.51; 47.52; 47.53; 47.54; and 47.55.

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

Section 1. Minnesota Statutes 1976, Section 47.51, is amended to read:

47.51 BANKS AND BANKING; DETACHED BANKING FACILITIES; DEFINITIONS. As used in sections 47.51 to 47.57:

"Attached facility": "Extension of the main banking house" means a any structure or stationary mechanical device 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 located within 150 feet of the main banking house and not severable therefrom without structural damage or changes, the distance to be measured in a straight line from the closest points of the closest structures involved and which performs one or more of the functions described in section 47.53.

"Detached facility" means a any permanent 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, office accommodation located within the premises of any existing commercial or business establishment, stationary automated remote controlled teller facility, stationary unmanned cash dispensing or receiving device, located separate and apart from the main banking house which is not an "extension of the main banking house" as above defined, that serves as a drive-in or walk-up facility, or both, with one or more tellers windows, or as a remote controlled teller facility or a cash dispensing or receiving device, and which performs one or more of those functions described in section 47.53.

"Bank" means a bank as defined in 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.

"Municipality" means the geographical area encompassing the boundaries of any home rule charter or statutory city located in this state.

Sec. 2. Minnesota Statutes 1976, Section 47.52, is amended to read:

47.52 AUTHORIZATION. (a) With the prior approval of the commissioner, any bank doing business in this state may establish and maintain not more than one two detached facility consisting of one or more tellers windows. The distance of the facility from the main banking house shall not exceed 3,000 feet measured in a straight line from the closest points of the closest structures involved facilities provided the facilities are located within the municipality in which the principal office of the applicant bank is located; or within 5,000 feet of its principal office measured in a straight line from the closest points of the closest structures involved; or within 25 miles of its principal office measured in a straight line from the closest points of the closest structures involved, if the detached facility is within any municipality in which no bank is located at the time of application or if the detached facility is in a municipality having a population of more

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than 10,000, according to the last previous United States census, or if the detached facility is located in a municipality having a population of 10,000 or less and all the banks having a principal office in the municipality have consented in writing to the establishment of the facility. (b) ~~The~~ A detached facility shall not be closer than 50 feet to a detached facility operated by any other bank nor closer and shall not be closer than 100 feet to the main banking house principal office of any other bank, the measurement to be made in the same manner as provided above. The preceding sentence This clause 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. Minnesota Statutes 1976, Section 47.53, is amended to read:

47.53 FUNCTIONS OF A FACILITY. The function of the detached facility shall be limited to opening deposit accounts, receiving deposits of every kind, cashing checks or orders to pay, issuing drafts, money orders and travelers checks, accepting loan applications and receiving payments payable at the bank.

Sec. 4. Minnesota Statutes 1976, Section 47.54, is amended to read:

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 application in his office, together with a filing fee of \$50 \$500, and in the case if an application is contested, an additional fee of \$450 equal to the actual costs incurred by the commissioner in approving or disapproving the application, 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 is 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 the publication, the applicant shall mail a copy of said the notice by certified mail to every bank located within three miles of the main banking house of the applicant proposed location of the detached facility, 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 the notices, the commissioner, after investigation may shall issue his order approving or denying the application, without a hearing if he finds that (a) the applicant bank meets current industry standards of capital adequacy, management quality, and asset condition, (b) the establishment of the proposed detached facility will improve the quality or increase the availability of banking services in the community to be served, and (c) the establishment of the proposed detached facility will not have an undue adverse effect upon the solvency of existing financial institutions in the community to be served. Otherwise, the commissioner shall deny the application.

Subd. 3. If any bank within said three miles of the main banking house of the applicant proposed location of the detached facility 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 the hearing shall be considered by

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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 any~~ witnesses as who may appear in favor of or against the granting of the application. The hearing shall be conducted by the commissioner in accordance with the provisions of the administrative procedures act, Minnesota Statutes, Sections 15.0411 to 15.052, governing contested cases, including the provisions of the act relating to judicial review of agency decisions.

Subd. 4. If, upon the hearing, it ~~shall appear~~ appears to the commissioner that the ~~application should be granted~~ requirements for approval contained in subdivision 2 of this section have been met, 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 certificate 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. Minnesota Statutes 1976, Section 47.55, is amended to read:

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 47.53 and its location conforms with the provisions of section 47.52. A bank having such a retained detached facility shall be limited to operating ~~that one two~~ additional detached ~~facility~~ facilities.

Approved June 2, 1977.

CHAPTER 379—H.F.No.456

[Coded]

An act relating to the operation of state government; providing for the purchase of certain motor vehicles for use by investigative and undercover agents of the department of public safety; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

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

Section 1. Minnesota Statutes 1976, Section 16.07, is amended by adding a subdivision to read:

Subd. 8a. PUBLIC SAFETY; UNDERCOVER AGENTS; CERTAIN VEHICLES. Upon the written request of the commissioner of public safety, motor vehicles for the specific use by investigative and undercover agents of the department of public safety

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