

CHAPTER 45

DEPARTMENT OF COMMERCE

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45.01 [Repealed, 1983 c 289 s 119]

45.011 DEFINITIONS.

Subdivision 1. **Scope.** As used in chapters 45 to 83, unless the context indicates otherwise, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of commerce.

Subd. 3. **Department.** "Department" means the department of commerce.

History: 1983 c 289 s 11

45.012 COMMISSIONER.

The department of commerce is under the supervision and control of the commissioner of commerce. The commissioner is appointed by the governor in the manner provided by section 15.06.

History: 1983 c 289 s 12

45.013 DEPUTY COMMISSIONERS; ASSISTANT COMMISSIONERS; ASSISTANT TO THE COMMISSIONER.

The commissioner of commerce may appoint four deputy commissioners, four assistant commissioners, and an assistant to the commissioner. Those positions, as well as that of a confidential secretary, are unclassified. The commissioner may appoint other employees necessary to carry out the duties and responsibilities entrusted to the commissioner.

History: 1983 c 289 s 13

45.02 [Repealed, 1983 c 289 s 119]

45.021 [Repealed, 1983 c 289 s 119]

45.023 RULES.

The commissioner of commerce may adopt, amend, suspend, or repeal rules, including temporary rules, in accordance with chapter 14, and as otherwise provided by law, whenever necessary or proper in discharging the commissioner's official responsibilities.

History: 1983 c 289 s 14

45.024 HEARINGS.

Subdivision 1. **General.** In any case in which the commissioner of commerce is required by law to conduct a hearing, the hearing must be conducted in accordance with chapter 14 and other applicable laws.

Subd. 2. **Delegation.** The commissioner of commerce may delegate to one or more of the deputy commissioners the exercise of the commissioner's statutory powers and duties, including the authority to decide and issue final orders in contested cases, rulemaking proceedings, and other hearings held under chapter 14.

History: 1983 c 289 s 15

45.03 [Repealed, 1983 c 289 s 119]

45.031 [Repealed, 1983 c 289 s 119]

45.032 [Repealed, 1983 c 289 s 119]

45.033 [Repealed, 1983 c 289 s 119]

45.034 [Repealed, 1983 c 289 s 119]

45.04 BANK APPLICATIONS.

Subdivision 1. **Filing; fee; hearing.** The incorporators of a bank proposed to be organized under the laws of this state shall execute and acknowledge a written application in the form prescribed by the commissioner of commerce. The application must be signed by two or more of the incorporators and request a certificate authorizing the proposed bank to transact business at the place and in the name stated in the application. The applicant shall file the application with the department with a \$1,000 filing fee and a \$500 investigation fee. The fees must be turned over by the commissioner to the state treasurer and credited to the general fund. Thereupon the commissioner shall fix a time, within 60 days after the filing of the application, for a hearing to decide whether or not the application will be granted. A notice of the hearing must be published in the form prescribed by the commissioner in a newspaper published in the municipality in which the proposed bank is to be located, and if there is no such newspaper, then at the county seat of the county in which the bank is proposed to be located. The notice must be published once, at the expense of the applicants, not less than 30 days prior to the date of the hearing. At the hearing the commissioner shall consider the application and hear the applicants and witnesses that appear in favor of or against the granting of the application of the proposed bank. If an application is contested, 50 percent of an additional fee equal to the actual costs incurred by the department of commerce in approving or disapproving the application, payable to the state treasurer and credited by the treasurer to the general fund, must be paid by the applicant and 50 percent equally by the intervening parties.

Subd. 2. **Approval, disapproval.** If, upon the hearing, it appears to the commissioner that the application should be granted, he shall, not later than 90 days after the hearing, and after the applicants have otherwise complied with the provisions of law applicable to the organization of a bank, including the provisions herein contained, make and file in his office a written order directing the issuance of a certificate of authorization as provided by law. If the certificate of authorization is not activated within a period of 12 months from date of issuance, the commissioner may upon written notice to the applicants request a new hearing. If the commissioner decides that the application should not be granted, he shall deny the application and make a written order to that effect, file it in his office, and forthwith give notice thereof by certified mail to one of the incorporators named in

the application for the proposed bank, addressed to the incorporator at the address stated in the application. Thereupon the commissioner shall refuse to issue the certificate of authorization to the proposed bank.

History: 1983 c 250 s 1; 1983 c 289 s 16

45.05 NOTICE AND HEARING, WHEN NOT GIVEN.

The commissioner of commerce may, at his discretion, dispense with the notice and hearing provided for by section 45.04 if application is made for the incorporation of a new bank to take over the assets of one or more existing banks or if the application contemplates the reorganization of a national bank into a state bank in the same locality.

History: 1983 c 289 s 17

NOTE: This section was also amended by Laws 1983, chapter 242, section 1, to read as follows:

"The department of commerce may, at its discretion, dispense with the notice and hearing provided for by section 45.04 in cases where application is made for the incorporation of a new bank to take over the assets of one or more existing banks, where the application contemplates the reorganization of a national bank into a state bank in the same locality, or where the application is made for the incorporation of a new bank in the same locality coincidental with the closing of an existing bank by the commissioner or federal authorities. This section does not increase the number of banks in the community affected."

45.06 EXPENSES OF ORGANIZATION AND INCORPORATION OF BANKS LIMITED.

The expenses of organization and incorporation to be paid by a bank may not exceed the statutory fees for filing applications as provided in section 45.04 and the necessary legal expenses incurred incident to drawing articles of incorporation, publication, and recording. The incorporators shall, prior to the issuance of the certificate of authorization, file with the commissioner a verified statement showing the total amount of expense incurred in the organization of the bank to be paid by it after commencing operation.

History: 1983 c 289 s 18

45.07 CHARTERS ISSUED, CONDITIONS.

If (1) the applicants are of good moral character and financial integrity, (2) there is a reasonable public demand for this bank in this location, (3) the organization expenses being paid by the subscribing shareholders do not exceed the necessary legal expenses incurred in drawing incorporation papers and the publication and the recording thereof, as required by law, (4) the probable volume of business in this location is sufficient to insure and maintain the solvency of the new bank and the solvency of the then existing bank or banks in the locality without endangering the safety of any bank in the locality as a place of deposit of public and private money, and (5) the commissioner of commerce is satisfied that the proposed bank will be properly and safely managed, the application must be granted; otherwise it must be denied. In case of the denial of the application, the commissioner of commerce shall specify the grounds for the denial. A person aggrieved, may obtain judicial review of the determination in accordance with chapter 14.

History: 1983 c 247 s 23; 1983 c 289 s 19

45.071 MANDATORY INSURANCE OF ACCOUNTS.

[For text of subd 1, see M.S.1982]

Subd. 2. **Application for insurance; uninsured banks.** Notwithstanding subdivision 1, a bank which does not have insurance of its deposits or a commitment for insurance of its deposits by the federal deposit insurance corporation, an agency of this state, or a federal agency established for the purpose of insuring deposits in banks or collateral security deposited under section 48.74 on March 19, 1982, must apply for insurance of deposits not later than July 1, 1983. A bank subject to this subdivision which has been denied a commitment for insurance of its deposits shall either dissolve, merge, or consolidate with another bank which is insured or apply in writing within 30 days of denial to the commissioner of commerce for additional time to obtain an insurance commitment. The commissioner shall grant additional time to obtain the insurance commitment upon satisfactory evidence that the bank has made or is making a substantial effort to achieve the conditions precedent to issuance of the commitment. Additional time shall not extend later than July 1, 1984.

[For text of subd 3, see M.S.1982]

History: 1983 c 289 s 20

45.08 DEFINITIONS.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3. **Department.** "Department" means the department of commerce of the state of Minnesota.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of commerce.

History: 1983 c 289 s 21,22

45.15 [Repealed, 1983 c 289 s. 119]

45.16 CONSUMER AFFAIRS.

Subdivision 1. **Generally.** The attorney general has the responsibilities and duties prescribed by this section.

Subd. 2. **Duties.** The attorney general shall:

(a) enforce the provisions of law relating to consumer fraud and unlawful practices in connection therewith as set forth in sections 325F.68 and 325F.69;

(b) make recommendations to the governor and the legislature for statutory needs that exist in adequately protecting the consumer.

Subd. 4. [Repealed, 1983 c 289 s 119]

Subd. 5. [Repealed, 1983 c 289 s 119]

History: 1983 c 216 art 1 s 13; 1983 c 289 s 23,24

45.17 REPRESENTATION OF CONSUMER INTEREST IN PUBLIC UTILITY MATTERS.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given them:

(1) "Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public utilities commission or an agency of the federal government. No municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) "Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.

(3) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Subd. 2. **Duties.** The attorney general is responsible for representing and furthering the interests of residential utility consumers through participation in matters before the public utilities commission involving utility rates and adequacy of utility services to residential utility consumers. The attorney general shall expend a reasonable portion of his efforts among all three kinds of utility services and shall identify and promote the needs of each class of residential consumers with respect to each of the utility services.

Subd. 3. **Right of intervention.** Subject to the limitations of subdivision 2, the attorney general may intervene as of right or participate as an interested party in matters pending before the public utilities commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of the attorney general to participate or intervene does not affect the obligation of the public utilities commission to protect the public interest.

Subd. 4. **Notice; procedures.** The public utilities commission shall give reasonable notice to the attorney general of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission apply to the attorney general and his employees or representatives. The attorney general has the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Subd. 5. **Appeals.** The attorney general has an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the courts of this state for the review or enforcement of any public utilities commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Subd. 6. [Repealed, 1983 c 289 s 119]

Subd. 7. **Intervention in federal proceedings.** The attorney general shall represent and further the interests of residential utility consumers through participation as an intervenor or interested party in federal proceedings relating to the regulation of: (a) wholesale rates for energy delivered through interstate facilities; or (b) fuel used in generation of electricity or the manufacture of gas. The attorney general may maintain, intervene in, or otherwise participate in civil actions relating to the federal proceedings.

Subd. 8. **Additional powers.** The power granted by this section is in addition to powers otherwise provided by law to the attorney general.

History: 1983 c 247 s 24; 1983 c 289 s 25-31

NOTE: Subdivision 6 was amended by Laws 1983, chapter 260, section 15, to read as follows:

"Subd. 6. The director of consumer services may appoint a residential utility consumers task force whose duties may include:

(1) establishing policy guidelines concerning the utility related activities of the commerce department's consumer services section;

(2) reviewing and commenting upon the section's staff employment decisions related to performing the responsibilities conferred in this section; and

(3) annually reviewing and commenting upon the consumer services section's budget of estimated expenses for utility related activities.

If appointed the task force shall consist of nine members to be appointed by the director. At least one member shall represent each congressional district, and at least two members shall represent farm consumers. No more than six members shall be members of the same political party. In making appointments, the director shall give consideration to individuals having a special interest in the provision of utility services to residential consumers.

The task force members shall elect from among their number a chairman and any other officers as it may deem necessary. The task force shall meet at the call of the chairman or the director. The expiration, terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section 15.059.

The director shall file an annual report of the section's utility related activities with the legislature on or before December 31 of each year."