

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

343

Attorney General

Georgia Johnson
State Treasurer's Office

September 20, 1977

Michael B. Miller
Special Assistant
Attorney General

296-4692

Rules Governing Minnesota Unclaimed Property Act

Returned herewith are your temporary rules which should not be submitted to this office until at least 20 days after publication in the State Register.

MBM:mb

Enclosure

343 Attorney General

279

Thomas Fraser
Special Assistant
Attorney General

November 14, 1977

Michael B. Miller
Special Assistant
Attorney General

296-4692

Temporary State Treasurer Rules

As we discussed on the telephone last week, Rule 9 D. of the above-captioned rules is still vague, even though it has been revised. This rule should be re-drafted to set a standard under which the Treasurer will predictably request documents.

MBM:mb

343

Attorney General

Christopher Kelly
Special Assistant
Attorney General

January 20, 1978

Michael B. Miller
Special Assistant
Attorney General

296-4692

Resubmission of State Treasurer Temporary Rules

The above-captioned rules are returned herewith and approved as resubmitted.

MBM:mb

Enclosure

Attorney General

343

Thomas Fraser
Special Assistant
Attorney General
515 Transportation Building

October 14, 1977

296-4692

Michael B. Miller
Special Assistant
Attorney General

Temporary State Treasurer's Rules

The above-captioned rules are returned herewith, and are approved with the following exceptions:

1. The statutory reference (citation of authority) in TRE 1 is incorrect and should be deleted; and

2. TRE 9D is vague and should either be deleted or made more specific as to what information can be required.

MBM/sr

Enclosures

OFFICE OF THE STATE TREASURER

TEMPORARY RULES GOVERNING MINNESOTA UNCLAIMED PROPERTY ACT

Chapter One: General

TRE 1 Purpose and statutory authority. The rules and regulations contained in this subchapter are for the purpose of implementing provisions of the Unclaimed Property Law and are authorized by Minn. Stat. §§345.56.

TRE 2 Service charges. The term "service charges" means any type of charge deducted by a holder (as defined in subdivision 5 of Minn. Stat. § 345.31) from property subject to the Uniform Disposition of Unclaimed Property Act (Minn. Stat. §§ 345.31-345.60 inclusive, Laws of 1977, ch. 137), including, but not limited to charges imposed by virtue of the inactivity, dormancy, or abandonment of property such as service charges, handling charges, and administrative costs.

TRE 3 Property. The term "property" means any property that is reportable to the State Treasurer under the Uniform Disposition of Unclaimed Property Act, or would be reportable if service charges had not been deducted therefrom.

TRE 4 Inactivity. The term "inactivity" means non-occurrence of any of the events or acts described in (1), (2), (3), (4) or (5) of Minn. Stat. § 345.32(a) or (1), (2), (3) or (4) of Minn. Stat. §§345.32(b).

TRE 5 Deducted. The term "deducted" shall also be deemed to mean "excluding".

Chapter Two: Service Charges Lawfully Withheld

TRE 6 Authority for service charges. Service charges shall not be deducted from property unless:

A. Expressly permitted by provisions of the Uniform Disposition of Unclaimed Property Act; and
B. Authorized by a statute other than the Uniform Disposition of Unclaimed Property Act or by a valid, enforceable contract which expressly provides for such charges and the terms of which are not inconsistent with the provisions of the Uniform Disposition of Unclaimed Property Act.

TRE 7 Contracted service charges. For purposes of Minn. Stat. § § 345.32(a), (b), and (c), 345.34, 345.39 and rule TRE 6 #B hereof, an agreement in order to constitute a "contracted service charge", "charges that may lawfully be withheld", or "valid enforceable contract" must satisfy the following conditions:

A. The agreement must be in writing and executed by the customer.
B. The agreement shall expressly provide on the face thereof the specific amount or method by which such service charges shall be calculated and in no event shall the

terms thereof be unreasonable or unconscionable.

C. Any modification or supplement, or amendment to an agreement otherwise satisfying these regulations must be assented to in writing by the customer.

D. Such agreement shall otherwise comply with all Minnesota Statutes and Federal Statutes and regulations to which holders are subject.

TRE 8 The provision "excluding contracted service charges which may be deducted for a period not to exceed one year" set forth in §345.32 (a), (b) and (c) shall apply to all contracts entered into on or after July 1, 1977 and to all contracts entered into prior to July 1, 1977 the service charge provisions of which are amended subsequent to July 1, 1977.

TRE 9 Substantiation of deductions. If service charges are deducted from property, a holder shall include or attach as part of the report filed pursuant to Minn Stat. §345.41:

A. The citation of the statute or a copy of the form of contract authorizing such service charges.

B. The value or amount of each item of property, before any service charges are deducted therefrom.

C. The amount of service charges deducted from each item and the date or dates on which such service charges were deducted.

D. Such other information or documentation as the State Treasurer may require after review of the report to substantiate the deduction of service charges.

TRE 10 Waiver or non-enforcement of right. Service charges may not be deducted from property pursuant to a contract or statute if the holder would not have deducted such charges in the event the property has been claimed by the owner prior to being reported or remitted to the State Treasurer.

CHAPTER Three: Interest or Dividends

TRE 11 Authority for discontinuance. If payment of interest or dividends on property subject to Minn Stat. §§345.32 (a) and (b) is discontinued at any time during the period of inactivity, the holder shall include or attach as part of the report filed pursuant to Minn. Stat. §345.41:

A. A copy of the form of a valid, enforceable contract which authorized such discontinuance of payment of interest or dividends; or

B. The citation of the statute which authorized such discontinuance of payment of interest or dividends.

TRE 12 Non-Enforcement of right. A contract or statute shall not be considered as authorizing discontinuance of payment of interest or dividends if such payment would not have been discontinued, or would otherwise have accrued to the benefit of the owner, in the event the property had been claimed by the owner prior to being reported or remitted to the State Treasurer.

Chapter Four: Miscellaneous

TRE 13 Escheat period. The provisions of Minn. Stat. §§ 345.32 (a) (4) and (5) and (b) (4) are effective as of July 1, 1977. Unless such sections are satisfied subsequent to said date the property shall be reportable to the State Treasurer.

TRE 14 Receipt of statement. For purpoes of Minn. Stat. §§ 345.32 (a) (4) and (b) (4), a tax report or regular statement of deposit shall be deemed to be "the statement" referred to in said sections.

TRE 15 Negative property report. A holder who has no property which is reportable pursuant to the Uniform Disposition of Unclaimed Property Act shall report that fact if so requested in writing by the State Treasurer.

ADMIN 1000 (REV. 4/77)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MICHAEL B. MILLER
Special Assistant
Attorney General

DATE:
October 27, 1977

FROM : CHRISTOPHER R. KELLEY CRK/dlk
Special Assistant
Attorney General

PHONE: 296-2639

SUBJECT: Temporary Rules Governing Minnesota Unclaimed Property Act

Enclosed for your review are the Temporary Rules Governing Minnesota Unclaimed Property Act as revised.

CRK:dlk

Enclosure

OFFICE OF THE STATE TREASURER

TEMPORARY RULES GOVERNING MINNESOTA UNCLAIMED PROPERTY ACT

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B. The value or amount of each item of property, before any service charges are deducted therefrom.

C. The amount of service charges deducted from each item and the date or dates on which such service charges were deducted.

D. Such other information or documentation as the State Treasurer may require after review of the report to substatiate the deduction of service charges. Such documentation may include but is not limited to correspondence with customer, passbook, provisions, signature card, rules and regulations, by-laws, and any other documentation setting forth the agreement between the bank and the customer.

TRE 10 Waiver or non-enforcement of right. Service charges may not be deducted from property pursuant to a contract or statute if the holder would not have deducted such charges in the event the property has been claimed by the owner prior to being reported or remitted to the State Treasurer.

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