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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3403

02/14/2022 Authored by Stephenson, Huot, Long and Rasmuson
The bill was read for the first time and referred to the Committee on State Government Finance and Elections
03/03/2022 Adoption of Report: Re-referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to professional licensing; establishing a preliminary application procedure
1.3 for individuals seeking professional licenses; permitting licensing boards to charge
1.4 application fees; authorizing appeals; requiring reports; proposing coding for new
1.5 law in Minnesota Statutes, chapter 214.

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

1.7 Section 1. [214.035] LICENSING DISQUALIFICATIONS; PRELIMINARY
1.8 APPLICATIONS; REPORTS.

1.9 Subdivision 1. Definition. As used in this section, "state licensor" or "licensor" means
1.10 any state agency or examining and licensing board, including each health-related licensing
1.11 board and non-health-related licensing board, that issues occupational or professional
1.12 licenses, registrations, or certificates.

1.13 Subd. 2. Preliminary applications. (a) Notwithstanding any law to the contrary, all
1.14 state licensors shall permit a person to submit a preliminary application for a determination
1.15 pursuant to this section as to whether a criminal conviction or any other record of alleged
1.16 misconduct that may be considered by the state licensor under state law would make the
1.17 person ineligible to receive an occupational or professional license, registration, or certificate
1.18 issued by the state licensor.

1.19 (b) An applicant shall submit a preliminary application and any other supporting
1.20 documents to the appropriate state licensor in a form and manner approved by the licensor.
1.21 The state licensor may require that the applicant provide a copy of the applicant's criminal
1.22 record or complete a background check or background study if required by statute in the

2.1 form and manner approved by the licensor to obtain a professional or occupational license,
2.2 registration, or certificate from the licensor.

2.3 (c) A state licensor may charge a fee to cover any expenses incurred in connection with
2.4 processing a preliminary application, provided the fee does not exceed the actual cost to
2.5 the state licensor of processing the application. An applicant may request a waiver of this
2.6 fee. A fee collected under this paragraph for the expenses incurred by the state licensor shall
2.7 be deposited in the fund in the state treasury in which the state licensor deposits fees collected
2.8 for issuing occupational or professional licenses, registrations, or certificates. If the state
2.9 licensor does not collect a fee for issuing occupational or professional licenses, registrations,
2.10 or certificates, any fee collected under this paragraph shall be deposited pursuant to section
2.11 214.06, subdivision 1.

2.12 (d) Upon receipt of a completed preliminary application and any necessary supporting
2.13 documents, the state licensor must determine under state law whether a criminal conviction
2.14 or other record of alleged misconduct that may be considered under state law would make
2.15 the applicant ineligible to receive a professional or occupational license, registration, or
2.16 certificate from the licensor. The state licensor must issue a written decision within 60 days
2.17 of receiving a completed preliminary application. If the state licensor determines that a
2.18 criminal conviction or other record of alleged misconduct would make the applicant ineligible
2.19 to receive a professional or occupational license, registration, or certificate, the written
2.20 decision must:

2.21 (1) state all reasons the professional or occupational license, registration, or certificate
2.22 would be denied, including the standard used to make the decision;

2.23 (2) notify the applicant of the right to appeal the decision or seek reconsideration of the
2.24 results of a background check or background study;

2.25 (3) inform the applicant of any action or additional steps the applicant could take to
2.26 qualify for a professional or occupational license, registration, or certificate; and

2.27 (4) identify the earliest date on which the applicant could reapply for a professional or
2.28 occupational license, registration, or certificate.

2.29 (e) Any appeal or request for reconsideration following an adverse decision on a
2.30 preliminary application is subject to the rights, rules, and procedures applicable to an
2.31 application for a professional or occupational license, registration, or certificate from the
2.32 state licensor.

3.1 (f) If a state licenser determines that no criminal convictions or other records of alleged
3.2 misconduct would make the applicant ineligible to receive a professional or occupational
3.3 license, registration, or certificate, that decision is binding on the licenser unless the applicant:

3.4 (1) is convicted of a crime or commits any other disqualifying act that may be considered
3.5 by the state licenser under state law after submission of the preliminary application;

3.6 (2) provided incomplete information in the preliminary application; or

3.7 (3) provided inaccurate or fraudulent information in the preliminary application.

3.8 Subd. 3. **Reports.** (a) By January 15 of each year, every state licenser shall report to the
3.9 Department of Employment and Economic Development on:

3.10 (1) the number of individuals who applied for a professional or occupational license,
3.11 registration, or certificate from the licenser;

3.12 (2) the number of individuals described in clause (1) who were found to be ineligible
3.13 due to a criminal conviction or other record of alleged misconduct;

3.14 (3) the number of individuals who submitted a preliminary application under this section;
3.15 and

3.16 (4) the number of individuals described in clause (3) who were found to be ineligible
3.17 due to a criminal conviction or other record of alleged misconduct.

3.18 (b) On or before February 15 of each year, the commissioner of employment and
3.19 economic development shall compile the reports received under paragraph (a) and provide
3.20 the compiled reports to the chairs and ranking minority members of the house of
3.21 representatives and senate committees and divisions with jurisdiction over employment.
3.22 The commissioner of employment and economic development must make the report readily
3.23 available on the department's public website.