

(6) Unlawfully detaining a witness or party to an action while going to, remaining at, or returning from the court where the action is to be tried;

(7) Any other unlawful interference with the process or proceedings of a court;

(8) Disobedience of a subpoena duly served, or refusing to be sworn or to answer as a witness;

(9) When summoned as a juror in a court, neglecting to attend or serve as such, improperly conversing with a party to an action to be tried at such court or with any person relative to the merits of such action, or receiving a communication from a party or other person in reference thereto, and failing to immediately disclose the same to the court;

(10) Disobedience, by an inferior tribunal, magistrate, or officer, of the lawful judgment, order, or process of a superior court, proceeding in an action or special proceeding in any court contrary to law after the same has been removed from its jurisdiction, or disobedience of any lawful order or process of a judicial officer;

(11) Failure or refusal to pay a penalty assessment levied pursuant to section 2.

#### Sec. 6. APPROPRIATION.

The sum of \$1,000,000 is appropriated from the general fund to the board of peace officers standards and training to be expended pursuant to section 1, to be available for the fiscal year ending June 30, 1983.

#### Sec. 7. EFFECTIVE DATE.

This act is effective January 1, 1982. Section 2 applies to all violations of Minnesota Statutes, Chapters 168 to 173, or equivalent local traffic ordinances except parking violations committed on or after that date.

Approved June 1, 1981

### CHAPTER 342 — H.F.No. 1125

*An act relating to economic development; providing for changes in the small business finance agency law to better provide assistance for small business; making technical changes; establishing a uniform business licensing policy; defining its scope; and detailing its application and effect; prescribing the powers and duties of the bureau of business licenses regarding the consolidation, simplification and expedition of business license procedures of state agencies; appropriating money; amending Minnesota Statutes 1980, Sections 3.965, by adding a subdivision; 362.50, Subdivisions 4, 5, 9 and 10; 362.52, Subdivisions 2 and 4; 362.53, Subdivisions 11, 12, 15 and 17; proposing new law coded in Minnesota Statutes, Chapter 362; repealing Minnesota Statutes 1980, Sections 362.45; and 362.50, Subdivisions 6 and 7.*

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

## ARTICLE I

### SMALL BUSINESS FINANCE AGENCY

Section 1. Minnesota Statutes 1980, Section 362.50, Subdivision 4, is amended to read:

Subd. 4. "Small business" means an enterprise ~~defined as determined~~ by the agency to constitute a small business concern as defined in regulations of the United States small business administration pursuant to 15 U. S. Code, Sections 631 to 647, as in effect March 1, 1980, which is engaged in any industrial or commercial activity except:

- (a) Banking or other financial service;
- (b) Real estate brokerage, management, sale, ownership, or leasing;
- (c) Legal, medical, dental, accounting, engineering, or any other professional or consulting service;
- (d) Furnishing recreational or athletic facilities; and
- (e) Serving food or beverages to be consumed on or adjacent to the premises where they are sold.

Sec. 2. Minnesota Statutes 1980, Section 362.50, Subdivision 5, is amended to read:

Subd. 5. "Eligible small business" for the purpose of section 362.52, subdivision 5, means a business entity organized for profit, including but not limited to any individual, partnership, corporation, joint venture, association or cooperative, which entity:

(a) ~~Is not an affiliate or subsidiary of a business dominant in its field of operation; and~~

(b) Has 20 or fewer full time employees or not more than the equivalent of \$1,000,000 in annual gross revenues in the preceding fiscal year; and

(b) Is not at least 20 percent owned by a business dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in its field of operation. For the purpose of this subdivision, "dominant in its field of operation" means having more than 20 full time employees and more than \$1,000,000 in annual gross revenues.

Sec. 3. Minnesota Statutes 1980, Section 362.50, Subdivision 9, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 9. "Business loan" means a loan, other than a pollution control loan, to the owner of a small business for the interim or long term financing of capital expenditures for the acquisition or improvement of land, acquisition, construction, removal or improvement of buildings, or acquisition and installation of fixtures and equipment useful for the conduct of the business.

Sec. 4. Minnesota Statutes 1980, Section 362.50, Subdivision 10, is amended to read:

Subd. 10. "Pollution control loan" means a ~~federally guaranteed~~ loan to the owner of a small business for the acquisition, construction, or improvement of pollution control facilities as ~~defined by federal law authorizing the guaranty. On April 12, 1980 such facilities are defined in 15 U. S. Code, Sections 694-1 and 694-2, as such~~ Pollution control facilities may include real and personal property as the United States small business administration, in its discretion, determines is likely to help prevent, reduce, abate, or control noise, air, or water pollution or contamination by removing, altering, disposing, or storing pollutants, contaminants, wastes, or heat, and ~~such~~ real and personal property as the administration determines will to be used for the collection, storage, treatment, utilization, processing, or final disposal of solid or liquid waste ~~shall qualify as a project for a pollution control loan.~~

Sec. 5. Minnesota Statutes 1980, Section 362.52, Subdivision 2, is amended to read:

Subd. 2. The agency may participate with financial institutions in making or purchasing business loans not exceeding \$1,000,000 in principal amount, to be serviced by such institutions, provided that:

(a) The agency's share shall not exceed 90 percent of the total principal amount, and shall be payable with interest at the same times but not necessarily at the same interest rate as the share of the financial institution, and both shares shall be equally and ratably secured by a valid mortgage on or security interest in real and or personal property or by any other security satisfactory to the agency to secure payment of the loan;

(b) The total principal amount shall not exceed 90 percent of the value of the property securing the loan, unless the amount in excess of 90 percent is:

(1) Loaned from available funds which are not proceeds received directly from the sale of the agency's bonds or notes and are not restricted under the terms of any resolution or indenture securing bonds or notes, or

(2) Insured or guaranteed by a federal agency or by a private insurer qualified to write such insurance in the state, insuring a percentage of any claim for loss at least equal to that percentage of the value by which the loan exceeds 90 percent thereof;

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(c) The value of the property securing the loan shall be certified by the participating financial institution, on the basis of such appraisals, bids, purchase orders, and engineers' certificates as the agency may require; provided that the value of items purchased and constructed from the proceeds of the loan shall not be deemed to exceed the contract price of purchase or construction;

(d) The agency shall not disburse funds under a commitment to participate in a loan for the construction or substantial improvement of property until the construction or improvement has been completed ~~in accordance with plans and specifications~~, unless ~~the~~ a financial institution furnishes an irrevocable letter of credit or a qualified corporate surety furnishes payment and performance bonds, satisfactory to the agency and in an aggregate amount equal to the amount payable under the construction contract; and

(e) No other indebtedness may be secured by a mortgage on or security interest in property securing a business loan made or purchased pursuant to this subdivision without the prior express written authorization of the agency.

Sec. 6. Minnesota Statutes 1980, Section 362.52, Subdivision 4, is amended to read:

Subd. 4. The agency may make pollution control loans ~~not exceeding \$500,000 in principal amount, when evidenced and secured by qualified contracts under which the full amount of payments due is guaranteed or to be guaranteed, as a full faith and credit obligation of the United States, by the United States small business administration or by another agency or instrumentality of the United States to which the same or similar power may be granted~~ which are fully secured by the guarantee or insurance of any agency or instrumentality of the United States or by a private insurer qualified to write the insurance in the state, or by reserves provided by the agency or any combination of the foregoing.

Sec. 7. Minnesota Statutes 1980, Section 362.53, Subdivision 11, is amended to read:

Subd. 11. It may borrow money to carry out and effectuate its corporate purpose and may issue its negotiable bonds or notes as evidence of any such borrowing in accordance with sections 462A.08 to 462A.13, 462A.16 and 462A.17, all with the force and effect stated and the incidental powers granted and duties imposed in those sections. The aggregate principal amount of the agency's bonds and notes outstanding at any one time, excluding the amount satisfied and discharged by payment or provision for payment in accordance with their terms, and deducting amounts held in debt service reserve funds therefor and amounts used to make loans guaranteed or insured by an agency or instrumentality of the federal government, shall not exceed \$30,000,000 unless authorized by another law.

Sec. 8. Minnesota Statutes 1980, Section 362.53, Subdivision 12, is amended to read:

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Subd. 12. It may issue and sell bonds, notes and other obligations payable solely from particular moneys, assets or revenues derived from its programs notwithstanding section 462A.08, subdivision 3. Obligations issued to participate in making or purchasing business loans pursuant to section 362.52, subdivision 2, shall be payable solely from revenues derived by the agency from repayments of such loans and from enforcement of the security therefor, or from a debt service reserve fund or funds, or from a general reserve fund or from a segregated portion thereof, irrevocably pledged and appropriated to pay principal and interest due, for which other funds are not available. ~~No such obligations shall be issued at any time unless the amount then held or then deposited in the general reserve fund equals at least ten percent of the aggregate principal amount of all such obligations then issued and then outstanding.~~ A general reserve fund is hereby created and is eligible to receive direct appropriations from the state treasury. The agency may irrevocably pledge and appropriate all or a segregated portion of the general reserve fund to pay principal and interest due on all or one or more series of its obligations for which other funds are not available, pursuant to the terms and conditions that the agency shall determine. Until so pledged and appropriated by the agency the general reserve fund shall not be available to pay principal and interest on the agency's obligations. No obligations shall be issued to participate in making or purchasing business loans pursuant to section 362.52, subdivision 2, unless the obligations are secured at the time of issuance by a debt service reserve fund, a portion of the general reserve fund segregated to secure one or more series of bonds, or the portion of the general reserve fund not segregated to secure one or more series of bonds, and unless the amount then held or then deposited in the fund or segregated portion is at least equal to ten percent of the aggregate principal amount of all obligations secured by the fund or segregated portion thereof.

Sec. 9. Minnesota Statutes 1980, Section 362.53, Subdivision 15, is amended to read:

Subd. 15. It may cause any funds not required for immediate disbursement, including the general reserve fund, to be invested in direct obligations of or obligations guaranteed as to principal and interest by the United States, or in insured savings accounts, up to the amount of the insurance, in any institution the accounts of which are insured by the federal savings and loan insurance corporation or to be deposited in a savings or other account in a bank insured by the federal deposit insurance corporation or to be invested in time certificates of deposit issued by a bank insured by the federal deposit insurance corporation and maturing within one year or less. It may deposit funds in excess of the amount insured with security as provided in chapter 118. Notwithstanding the foregoing, it may invest and deposit funds into accounts established pursuant to resolutions or indentures securing its bonds or notes in such investments and deposit accounts or certificates, and with such security, as may be agreed therein with the holders or a trustee for the holders.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 10. Minnesota Statutes 1980, Section 362.53, Subdivision 17, is amended to read:

Subd. 17. Financial information, including, but not limited to, credit reports, financial statements and net worth calculations, received or prepared by the agency regarding any ~~project~~ agency loan is private data with regard to data on individuals as defined in section 15.162, subdivision 5a and non-public data with regard to data not on individuals as defined in section 15.162, subdivision 5c.

Sec. 11. **REPEALER.**

Minnesota Statutes 1980, Section 362.50, Subdivisions 6 and 7, are repealed.

Sec. 12. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

## ARTICLE II BUSINESS LICENSING POLICY

Section 1. Minnesota Statutes 1980, Section 3.965, is amended by adding a subdivision to read:

Subd. 6. **BUSINESS LICENSING RULES.** The commission may conduct the public meetings for review of rules related to business licenses as required by section 4 of this article.

Sec. 2. **[362.451] UNIFORM BUSINESS LICENSING POLICY.**

Subdivision 1. **FINDING.** The legislature finds that a uniform policy on business licenses is necessary to maintain an adequate level of protection of the public welfare while preventing business licensing from becoming overly burdensome for the citizens and businesses of Minnesota.

Subd. 2. **POLICY.** It is the policy of the state of Minnesota that to the extent practicable, when required, a business license:

(a) Should be necessary to protect the safety, health or welfare of the citizens of the state or to ensure fair competition, competency in business, responsible financial practices, or other ethical business conduct;

(b) Should not duplicate or significantly overlap any other business license;

(c) Should be issued and renewed for the longest period possible consistent with the need to review eligibility and compliance with the terms and conditions of the license;

(d) Should contain a termination or renewal date determined by the agency to be as convenient as possible for the license holder consistent with

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clause (c). When an agency issues more than one license to the same business these licenses should have the same calendar renewal date; and

(e) Should involve payment of a fee in an amount no greater than specified by statute. If a fee is authorized by statute and set by rule, the fee shall be no greater than necessary to recover the administrative cost of issuing or renewing the license or enforcing its terms and conditions. The fees and conditions may be different for different classes of businesses and for initial issuance and subsequent renewals.

### Sec. 3. [362.452] DEFINITIONS.

Subdivision 1. APPLICATION. For the purposes of sections 2 to 5 of this article, the terms defined in this section have the meanings given them.

Subd. 2. BUSINESS LICENSE. "Business license" or "license" means any permit, registration, certification, or other form of approval authorized by statute or rule to be issued by any agency or instrumentality of the state of Minnesota as a condition of doing business in Minnesota. The term also includes, when applicable, the substantive and procedural criteria governing the qualifications for, and issuance and maintenance of, a business license.

Subd. 2a. LICENSE; EXCEPTIONS. "Business license" or "license" does not include the following:

(1) Any occupational license issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

(2) Any license issued by a county, home rule charter city, statutory city, township or other political subdivision;

(3) Any license required to practice the following occupation regulated by the following sections:

- (a) Abstracters regulated pursuant to chapter 386;
- (b) Accountants regulated pursuant to chapter 326;
- (c) Adjusters regulated pursuant to chapter 72B;
- (d) Architects regulated pursuant to chapter 326;
- (e) Assessors regulated pursuant to chapter 270;
- (f) Attorneys regulated pursuant to chapter 481;
- (g) Auctioneers regulated pursuant to chapter 330;
- (h) Barbers regulated pursuant to chapter 154;
- (i) Beauticians regulated pursuant to chapter 155;

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- (j) Boiler operators regulated pursuant to chapter 183;
- (k) Chiropractors regulated pursuant to chapter 148;
- (l) Cosmetologists regulated pursuant to chapter 155;
- (m) Dentists and dental hygienists regulated pursuant to chapter 150A;
- (n) Detectives regulated pursuant to chapter 326;
- (o) Electricians regulated pursuant to chapter 326;
- (p) Embalmers regulated pursuant to chapter 149;
- (q) Engineers regulated pursuant to chapter 326;
- (r) Insurance brokers and salespersons regulated pursuant to chapter 60A;
- (s) Midwives regulated pursuant to chapter 148;
- (t) Morticians regulated pursuant to chapter 149;
- (u) Nursing home administrators regulated pursuant to chapter 144A;
- (v) Optometrists regulated pursuant to chapter 148;
- (w) Osteopathic physicians regulated pursuant to chapter 147;
- (x) Pharmacists regulated pursuant to chapter 151;
- (y) Physical therapists regulated pursuant to chapter 148;
- (z) Physicians and surgeons regulated pursuant to chapter 147;
- (aa) Plumbers regulated pursuant to chapter 326;
- (bb) Podiatrists regulated pursuant to chapter 153;
- (cc) Practical nurses regulated pursuant to chapter 148;
- (dd) Psychologists regulated pursuant to chapter 148;
- (ee) Real estate brokers and salespersons regulated pursuant to chapter 82;
- (ff) Registered nurses regulated pursuant to chapter 148;
- (gg) Securities brokers, dealers and agents regulated pursuant to chapter 80A;
- (hh) Steamfitters regulated pursuant to chapter 326;
- (ii) Teachers and supervisory and support personnel regulated pursuant to chapter 125;

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- (jj) Veterinarians regulated pursuant to chapter 156;
- (kk) Watchmakers regulated pursuant to chapter 326;
- (ll) Water conditioning contractors and installers regulated pursuant to chapter 326;
- (mm) Water well contractors regulated pursuant to chapter 156A;
- (nn) Water and waste treatment operators regulated by chapter 115;
- (4) Any driver's license required pursuant to chapter 171;
- (5) Any aircraft license required pursuant to chapter 360;
- (6) Any watercraft license required pursuant to chapter 361;
- (7) Any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air or water, which is required to be obtained from a state agency or instrumentality; and
- (8) Any pollution control rule or standard established by the pollution control agency or any health rule or standard established by the commissioner of health.

**Sec. 4. [362.453] REVIEW OF EXISTING RULES FOR BUSINESS LICENSES.**

Subdivision 1. AGENCY REVIEW. Each agency or instrumentality of the state which is authorized or directed by statute to issue business licenses shall complete a detailed written review of its rules for business licenses to assure compliance with the policy in section 2 of this article. Each agency shall review at least one-half of its rules for business licenses by June 30, 1982, and the remaining rules for business licenses by June 30, 1983.

Subd. 2. LEGISLATIVE COMMISSION TO REVIEW ADMINISTRATIVE RULES. Each agency shall submit its reviews of business licensing rules to the legislative commission to review administrative rules within 30 days of their completion. The reviews shall be submitted together with any agency recommendations to amend existing business licensing rules. The commission shall conduct public meetings to afford interested persons the opportunity to comment on the business licensing rules under review. The commission shall publish notice of the meetings in the state register at least 30 days in advance of the meetings.

Subd. 3. ADMINISTRATIVE AND LEGISLATIVE AMENDMENTS. Each agency shall use its review and the comments received from the public at the public meetings to initiate administrative action or legislative changes to bring the business licensing rules of the agency into compliance with the policy in section 2. If, following the review process, an agency determines

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that the existing statutory provisions for a license are inconsistent with the policy in section 2 of this article, the agency shall present legislation at the next regular session of the legislature to correct the inconsistencies, and the existing statutory provisions shall remain in effect until the legislature enacts the changes. An agency which does not review rules for a business license pursuant to this section shall report its decision and its reasons to the appropriate standing committees of the senate and the house of representatives at the next legislative session. Any rule for a business license so reported shall cease to exist as a condition of doing business at the end of that legislative session unless legislation is passed to continue the existence of the license.

Subd. 4. EXISTING RULES; EXCEPTION. Notwithstanding subdivision 1, an agency is not required to review any rule for a business license promulgated on or after January 1, 1977 when the agency has followed the recommendations of a hearing examiner if a hearing examiner was employed. Rules described in this subdivision are not subject to the provisions of subdivision 3.

**Sec. 5. [362.454] NEW LICENSES.**

Any new business license authorized by the legislature or established by rule after the effective date of sections 1 to 7 of this article shall conform to the policy in section 2 of this article.

**Sec. 6. [362.455] EXISTING LICENSES.**

Nothing in sections 1 to 5 of this article shall affect the validity of duration of an existing issued license.

**Sec. 7. STAFFING.**

General administrative and support services shall be provided at no cost to the legislative commission to review administrative rules by the house of representatives and the senate on an alternating basis for one year periods. The senate shall provide these services during the fiscal year ending June 30, 1983.

**Sec. 8. EFFECTIVE DATE.**

Sections 1 to 7 of this article are effective the day following final enactment.

**ARTICLE III**

**BUREAU OF BUSINESS LICENSES**

**Section 1. [362.461] DECLARATION OF PURPOSE.**

It is the intent of the legislature that a program of business license assistance be established to provide a centralized state government office to

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which business license applicants may obtain comprehensive license information and assistance. The program of business assistance will be directed to commercial business undertakings, projects, and activities rather than to the issuance of licenses for individual privileges, including the occupational licenses for practicing a trade or profession, licenses for operating a motor vehicle, and amateur sporting licenses, including, but not limited to, hunting and fishing.

Sec. 2. [362.463] DEFINITIONS.

Subdivision 1. TERMS. For the purposes of sections 1 to 14 of this article, the following terms have the meanings given them.

Subd. 2. AGENCY. "Agency" has the meaning given it in Minnesota Statutes, Section 15.0411, Subdivision 2.

Subd. 3. APPLICANT. "Applicant" means a person acting on his own behalf or authorized to act on behalf of any other person for the purpose of securing a license.

Subd. 4. BUREAU. "Bureau" means the bureau of business licenses.

Subd. 5. COMMISSIONER. "Commissioner" means the commissioner of the department of economic development.

Subd. 6. DIRECTOR. "Director" means the director of the bureau of business licenses.

Subd. 7. BUSINESS LICENSE. "Business license" or "license" has the meaning given it in Article II, Section 3, Subdivision 2.

Subd. 7a. EXCEPTION. "Business license" or "license" does not include any license excepted in Article II, Section 3, Subdivision 2a.

Subd. 8. PERSON. "Person" means any individual, proprietorship, partnership, association, cooperative, corporation, nonprofit organization, state or local government agency, and any other organization required to obtain one or more licenses.

Sec. 3. [362.465] BUREAU OF BUSINESS LICENSES.

Subdivision 1. APPOINTMENT OF DIRECTOR. The head of the bureau shall be the director of business licenses. The director shall be appointed by the commissioner in accordance with Minnesota Statutes, Section 362.23, and shall be in the classified service.

Subd. 2. DIRECTOR'S POWERS AND DUTIES. The director shall direct the work of the bureau. The director may, with the advice and consent of the commissioner, hire employees as he may deem necessary, prescribe their duties, fix their compensation, and provide for the reimbursement of their expenses.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 3. DIRECTOR'S REPORT. The director shall report to the commissioner or his designee on the activities of the bureau to ensure the consistency of those activities with the overall economic development policies of the state.

Subd. 4. COORDINATION WITH OTHER AGENCIES. The commissioner, working with other agency heads, shall assure that the activities of the bureau are fully coordinated with related activities of other agencies.

**Sec. 4. [362.467] GENERAL FUNCTIONS; POWERS AND DUTIES.**

The bureau, by and through the director or his duly authorized employees, shall have the following functions, powers, and duties:

(a) Providing comprehensive information on licenses required for business undertakings, projects, and activities in the state and making the information available to applicants and other persons;

(b) Providing interested persons with an opinion as to the number, kind, and source of required licenses and potential difficulties in obtaining the licenses, based on a review of a potential applicant's business concept at an early stage in its planning;

(c) Developing with the assistance of other departments a master application procedure to expedite the identification and processing of these licenses;

(d) Facilitating or recommending consolidation of hearings required pursuant to licensing applications when feasible and advantageous;

(e) Encouraging and facilitating the participation of federal and local government agencies in licensing coordination;

(f) Making recommendations for eliminating, consolidating, simplifying, expediting, or otherwise improving licensing procedures affecting business undertakings; and

(g) Adopting rules, procedures, instructions, and forms as are required to carry out the functions, powers, and duties imposed upon the bureau by sections 1 to 14 of this article.

**Sec. 5. [362.469] ASSISTANCE OF OTHER AGENCIES.**

To effect the purposes of sections 1 to 14 of this article, and when requested by the commissioner, an agency shall to the extent practicable provide assistance, services, facilities, and data as will enable the bureau to carry out its functions, powers, and duties.

**Sec. 6. [362.471] COMPREHENSIVE LICENSE INFORMATION.**

Subdivision 1. REPORTS BY AGENCIES. Not later than 90 days from the effective date of sections 1 to 14 of this article, each agency issuing

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licenses for business undertakings, projects, and activities shall report to the bureau, in a form prescribed by the bureau, on each and every type of license administered or issued by the agency. Application forms, applicable agency rules, fee schedules, and the estimated time period necessary for license application consideration based on experience and statutory or regulatory requirements shall accompany each report. The reports shall be updated every two years.

**Subd. 2. REPORT SUPPLEMENTATION.** Each agency issuing licenses for business undertakings, projects, and activities shall, subsequent to its report pursuant to subdivision 1, provide the bureau with a report of any new license or modification of any existing license, or licensing procedures, together with applicable forms, rules, and information required under subdivisions 1 and 2 regarding new or modified licenses.

**Subd. 3. PREPARATION OF INFORMATION FILE.** The bureau shall prepare an information file on agency license requirements upon receipt of the agency reports and shall develop methods for its maintenance, revision, updating, and ready access.

**Subd. 4. LICENSE INFORMATION PROVIDED BY BUREAU.** The bureau shall provide comprehensive license information on the basis of information submitted in subdivisions 1 to 3. The bureau may prepare and distribute publications, guides, and other materials based upon the agency reports and the information file. These materials are designed to serve the convenience of license applicants and explain license requirements affecting business, including requirements having multiple license or multiple agency aspects.

**Sec. 7. [362.473] PREAPPLICATION CONFERENCES.**

**Subdivision 1. REQUESTS FOR CONFERENCE.** The bureau, at the request of any person, proceeding in accordance with this section, may conduct a preapplication conference, pending the formal submission of application forms, in which affected agencies shall participate to the extent practicable in order to clarify the nature and scope of their interest, to provide guidance regarding license application and review procedures, and to coordinate agency actions and data collection or submission regarding license application.

**Subd. 2. MULTIPLE LICENSES; AGENCIES TO PROVIDE REVIEW AND OPINION.** If, in the course of a preapplication conference, it becomes clear in the opinion of the director that a proposed business undertaking: (a) may require multiple licenses from the same or different state departments; (b) will take place in phases over an extended period of time; (c) will involve substantial expense for preparation of detailed plans, specifications and license applications; or (d) is of a new or unique nature, then each affected agency shall, at the request of the director to the extent practicable, provide the

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applicant with a written review and opinion as to all licenses which the agency would require for the proposed undertaking, the standards and conditions which would have to be met in order to obtain the licenses, timetables involved, and any properly related circumstances or findings.

**Subd. 3. WRITTEN OPINIONS; TIME LIMITS; EXTENSIONS.**

Each agency participating in the review and opinion process shall render the written opinion within a period not exceeding 60 days from the date fixed by the director. This period may be extended by the director at the request of an interested agency for the further consideration of information provided in accordance with this section. The director shall advise the person having requested the review and opinion of the extension, the reasons for it, and the revised period fixed by the director for rendering the written opinion. The person shall be entitled to confer with the bureau and with any agency having been granted an extension of time to ascertain what further information, if any, is required to facilitate the rendering of the review and opinion.

**Subd. 4. EFFECT OF REVIEW AND OPINION PROCEDURE. A**

preapplication review and opinion shall not relieve the person from the responsibility of obtaining any required licenses and shall be contingent upon the submission of all detailed plans, specifications, and information required for license applications. An agency's written opinion as to required licenses shall remain in effect indefinitely for the proposed business undertaking, project, or activity as described in the applicant's submission. However, if new license requirements or related standards over which an agency has no control or discretion in establishing subsequently become effective, the new license requirements or standards shall not be considered to have been part of the preapplication review and opinion. The opinion of the agency may be modified or amended by the agency at any time and shall not prohibit the agency from requiring additional licenses as deemed necessary for the applicant.

**Subd. 5. RULES OF PROCEDURE. The bureau shall promulgate**

rules for the procedures to be followed in the conduct of preapplication reviews and opinions.

**Sec. 8. [362.475] MASTER APPLICATION PROCEDURE.**

**Subdivision 1. DEVELOPMENT AND IMPLEMENTATION. The**

bureau shall develop and implement a master application procedure to expedite the identification and processing of licenses for business undertakings, projects, and activities. A master application shall be made on a form prescribed by the bureau. This form shall request concise and specific information necessary to determine those licenses which are or may be required for the undertaking, project, or activity in order to insure speedy issuance of the licenses when all necessary requirements are met.

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**Subd. 2. BUREAU ASSISTANCE IN PREPARING.** Use of the master application procedure shall be at the option of any person proposing a business undertaking, project, or activity. Upon request, the bureau shall assist any person in preparing a master application, describe the procedures involved, and provide other information from the comprehensive license information file as may be helpful or necessary.

**Subd. 3. RECEIPT OF APPLICATION; NOTIFICATION TO AGENCIES.** Upon receipt of a master application the bureau shall immediately notify in writing each agency having a possible interest in the proposed business undertaking, project, or activity with respect to licenses which are or may be required.

**Subd. 4. AGENCY RESPONSE.** Each agency so notified shall respond to the bureau within 20 days of receipt of the notice and shall advise the bureau whether one or more licenses under its jurisdiction are or may be required for the business undertaking, project, or activity described in the master application. The response shall specify the licenses which in the opinion of the agency are or may be required, if any, and shall indicate the fees to be charged.

**Subd. 5. CONSEQUENCES OF NEGATIVE OR NONRESPONSES.** Any agency so notified which responds that it does not have an interest in the license requirements of the business undertaking, project, or activity described in the master application, or which does not respond within the time period specified in subdivision 4, shall not require a license for the undertaking, project, or activity described in the master application. Except that where unusual circumstances have prevented an agency from notifying the bureau, and the agency establishes that failure to require a license would result in substantial harm to the public health or welfare, the commissioner may order that the license be required.

**Subd. 6. FAILURE TO PROVIDE ACCURATE OR PERTINENT INFORMATION.** The provisions of subdivision 5 shall not apply if the commissioner of economic development determines that the master application contained false, misleading, or deceptive information, or failed to include pertinent information, the lack of which could reasonably lead an agency to misjudge the applicability of licenses under its jurisdiction, or if new license requirements or related standards subsequently became effective for which an agency had no discretion in establishing the effective date.

**Subd. 7. NOTIFICATION TO APPLICANT.** The bureau, following the 20 day notice and response period, shall promptly provide the person having submitted a master application with application forms and related information for all licenses specified by the interested agencies and shall advise the person:

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(a) That all forms are to be completed and submitted to the interested agencies; and

(b) At the option of the applicant, that the bureau will receive all forms as a package with the fees to be charged, if any, and that the bureau will immediately separate and submit the forms and any allocable fees to the appropriate agencies.

Subd. 8. WITHDRAWAL OF APPLICATION. An applicant may withdraw a master application at any time without forfeiture of any license approval applied for or obtained under the master application procedures contained in this section.

**Sec. 9. [362.477] LICENSE COORDINATION AND ASSISTANCE TO APPLICANTS.**

Subdivision 1. AUTHORIZATION. Any applicant for licenses required for a business undertaking, project, or activity may confer with the bureau to obtain assistance in the prompt and efficient processing and review of applications.

Subd. 2. DUTIES OF THE BUREAU. The bureau shall, so far as possible, render assistance; and the director may designate an officer or employee of the bureau to act as an expeditor for the purpose of:

(a) Facilitating contacts for the applicant with agencies responsible for processing and reviewing license applications;

(b) Arranging conferences to clarify the interest and requirements of any agency with respect to license applications;

(c) Considering with agencies the feasibility of consolidating hearings and data required of the applicant; and

(d) Assisting the applicant in the resolution of outstanding issues identified by agencies, including delays experienced in license review.

**Sec. 10. [362.479] CONSOLIDATED HEARINGS.**

Subdivision 1. BUREAU MAY REQUEST. The bureau may request the office of administrative hearings to consolidate hearings insofar as it is feasible and agreeable to all parties.

Subd. 2. RULES OF PROCEDURE. A consolidated hearing shall be conducted in a manner consistent with Minnesota Statutes, Sections 15.0411 to 15.052, and the applicable rules of the office of administrative hearings.

Subd. 3. PREHEARING CONFERENCE. The office of administrative hearings, with the consent of the agencies having license jurisdiction, may provide for a prehearing conference to assist in the disposition of the type, time, place, and parties of the consolidated hearing, the simplification of the issues,



the stipulations as to agreed facts and necessary documents, and other relevant matters.

**Sec. 11. [362.481] LICENSE AUTHORITY RETAINED.**

Each agency having jurisdiction to approve or deny a license shall have the continuing power vested in it to make such determinations. The provisions of sections 1 to 14 of this article shall not lessen or reduce these powers and shall modify the procedures followed in carrying out these powers only to the extent provided in sections 1 to 14 of this article.

**Sec. 12. [362.483] SERVICES PROVIDED AT NO CHARGE.**

Services rendered by the bureau shall be made available without charge. Nothing contained in this section shall relieve an applicant of any part of the fees or charges established for the review and approval of license applications or relieve an applicant of any of the apportioned costs of a consolidated hearing conducted under sections 7 and 8 of this article.

**Sec. 13. [362.485] FEDERAL AND LOCAL GOVERNMENT PARTICIPATION.**

Subdivision 1. ENCOURAGEMENT. Federal and local government license agencies shall be encouraged to participate in the business license information, coordination, and assistance services of the bureau and to make information available to applicants through the bureau with respect to any business undertaking, project, or activity which is referred to the bureau under the provisions of sections 1 to 14 of this article.

Subd. 2. ASSISTANCE TO FEDERAL AND LOCAL AGENCY LICENSE APPLICANTS. The bureau shall, so far as is practicable, advise applicants of federal and local agency license requirements and shall maintain an information file on licenses for which the state has delegated issuance authority to local government agencies.

Subd. 3. COORDINATION OF LICENSE REVIEW PROCEDURES. The director shall consult with local government officials with respect to cooperation in coordinating state and local license application and review procedures and shall recommend to the governor and the legislature any actions which would facilitate this coordination.

**Sec. 14. [362.487] COMPILATION AND MAINTENANCE OF STATISTICAL DATA.**

The bureau shall obtain and keep on an annual basis appropriate statistical data regarding the number of licenses issued by agencies, the amount of time necessary for the licenses to be issued, the cost of obtaining the licenses, the types of projects for which specific licenses are issued, a geographic distribution of licenses issued, and other pertinent data which the director

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deems appropriate. The bureau shall analyze the data by type of license and by agency responsible and shall make its findings available to the public.

Sec. 15. **REPEALER.**

Minnesota Statutes 1980, Section 362.45, is repealed.

Sec. 16. **[362.489] REVOLVING FUND.**

There is established a business license revolving fund. Any other law notwithstanding, every agency issuing a business license after the effective date of this act shall impose a two percent surcharge or \$10, whichever is the lesser amount, for the issuance or renewal of a business license through the period ending June 30, 1982. A surcharge of one percent or \$10, whichever is the lesser amount, shall be imposed beginning July 1, 1982. Proceeds from the license surcharge shall be deposited in the business license revolving fund.

Sec. 17. **APPROPRIATION.**

There is appropriated from the general fund to the bureau of business licenses the sum of \$450,000 for the purpose of implementing sections 1 to 14 of this article. This appropriation is available until June 30, 1983. The complement of the department of economic development is increased by four. The funds deposited in the business license revolving fund shall be transferred to the general fund in an amount not to exceed \$450,000 for the biennium ending June 30, 1983.

Sec. 18. **EFFECTIVE DATE.**

Sections 1 to 15 of this article are effective the day following final enactment.

Approved June 1, 1981

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**CHAPTER 343 — H.F.No. 1143**

*An act relating to taxation; income; property tax refund; adopting federal income tax limitations on the deduction of interest; authorizing the commissioner to provide a short form income tax return; clarifying the computation of the low income alternative tax; providing for the computation of net operating loss; allowing the commissioner to obtain information required on returns by court action; allowing the commissioner to designate the places returns may be filed; conforming information return requirements to the federal requirements; requiring certain statements to be furnished to subjects of information returns; providing that payment of taxes of a decedent shall be made by successors in the absence of a personal representative; adopting the federal requirements for withholding and reporting on tips; clarifying the liability of employers in regard to withholding tax returns; conforming information*

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