

Subdivision 1. **GENERALLY.** A person licensed under chapter 60K may submit an application for coverage to the facility Minnesota FAIR plan and receive a commission from the facility plan for submitting the application premiums paid for coverage. However, the licensee is not an agent of the facility Minnesota FAIR plan for purposes of state law. All checks or similar instruments submitted in payment of facility plan premiums must be made payable to the facility Minnesota FAIR plan and not the agent.

Subd. 2. **DUTY TO SUBMIT APPLICATION.** An agent or broker shall not refuse to submit an application for basic property insurance coverage to the facility Minnesota FAIR plan if licensed to write and actively engaged in writing such insurance.

Sec. 20. Minnesota Statutes 2002, section 65A.42, is amended to read:

65A.42 IMMUNITY FROM LIABILITY.

There ~~shall be~~ is no civil or criminal liability on the part of, and no cause of action of any nature ~~shall arise~~ arises against insurers, the facility Minnesota FAIR plan, the governing board, or employees of the facility plan or the commissioner or the commissioner's authorized representatives, for any acts or omissions by them if the acts or omissions were in good faith and within the scope of their responsibilities under sections 65A.31 to 65A.42. The inspection reports and communications of the inspection vendors and the facility Minnesota FAIR plan are not public documents.

Sec. 21. **REPEALER.**

Minnesota Statutes 2002, section 65A.33, subdivision 5, is repealed.

Sec. 22. **EFFECTIVE DATE; APPLICATION.**

Sections 1 to 3 are effective August 1, 2003, and apply to all notices regarding termination of coverage due to attainment of the limiting age sent on or after that date.

Presented to the governor May 9, 2003

Signed by the governor May 13, 2003, 1:20 p.m.

CHAPTER 41—H.F.No. 433

An act relating to zoning; modifying deadlines for agency actions; amending Minnesota Statutes 2002, section 15.99.

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

Section 1. Minnesota Statutes 2002, section 15.99, is amended to read:

15.99 TIME DEADLINE FOR AGENCY ACTION.

New language is indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **DEFINITION DEFINITIONS.** (a) For purposes of this section, the following terms shall have the meanings given.

(b) "Agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

(c) "Request" means a written application related to zoning, septic systems, or the expansion of the metropolitan urban service area, for a permit, license, or other governmental approval of an action. A request must be submitted in writing to the agency on an application form provided by the agency, if one exists. The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency. A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. No request shall be deemed made if not in compliance with this paragraph.

(d) "Applicant" means a person submitting a request under this section. An applicant may designate a person to act on the applicant's behalf regarding a request under this section and any action taken by or notice given to the applicant's designee related to the request shall be deemed taken by or given to the applicant.

Subd. 2. **DEADLINE FOR RESPONSE.** (a) Except as otherwise provided in this section, section 462.358, subdivision 3b, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), if an agency, other than a multimember governing body, denies the request, it must state in writing the reasons for the denial at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 3. **APPLICATION; EXTENSIONS.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within ten 15 business days of receipt of the request telling the requester what information is missing.

(b) If an ~~action~~ a request relating to zoning, septic systems, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.

Sec. 2. **EFFECTIVE DATE.**

This act is effective June 1, 2003, for requests submitted on or after that date.

Presented to the governor May 9, 2003

Signed by the governor May 13, 2003, 1:15 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.