

**4305.0020 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of parts 4305.0010 to 4305.0080, the terms defined in this part have the meanings given them.

Subp. 2. **Active service.** "Active service" means state active service, federally funded state active service, or federal active service, as defined in Minnesota Statutes, section 190.05.

Subp. 3. **Agency.** "Agency" means the Department of Employment and Economic Development.

Subp. 4. **Application.** "Application" means a submittal requesting a loan from the military reservist economic injury loan program.

Subp. 5. **Applicant.** "Applicant" means an eligible business that submits an application to the military reservist economic injury loan program.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Department of Employment and Economic Development.

Subp. 7. **Eligible business.** "Eligible business" means a small business as defined in Minnesota Statutes, section 645.445, which was operating in Minnesota on the date that one or more of its essential employees received orders for active service of 180 days or more.

Subp. 8. **Essential employee.** "Essential employee" means a military reservist:

- A. who is the owner or employee of an eligible business; and
- B. whose managerial or technical expertise is critical to the day-to-day operation of the eligible business.

Subp. 9. **Military reservist.** "Military reservist" means a member of the reserve component of the armed services.

Subp. 10. **Program.** "Program" means the military reservist economic injury loan program as authorized by Minnesota Statutes, section 116J.996.

Subp. 11. **Reserve component of the armed services.** "Reserve component of the armed services" means reserve components as defined by United States Code, title 10, section 101(c), which includes the Army National Guard and the Air National Guard.

Subp. 12. **Reservist economic injury loan or loan.** "Reservist economic injury loan" or "loan" means a disbursement under the military reservist economic injury loan program.

Subp. 13. **Substantial economic injury.** "Substantial economic injury" means an economic harm to an eligible business that results in the inability of the business to:

- A. meet its obligations as they mature;

B. pay its ordinary and necessary operating expenses, meaning its business expenses as defined by United States Code, title 26, section 162, and Code of Federal Regulations, title 26, section 1.162 -1, but excluding taxes, civil or criminal fines or penalties, and lobbying expenses; or

C. manufacture, produce, market, or provide a product or service ordinarily manufactured, produced, marketed, or provided by the eligible business.

**Statutory Authority:** *MS s 14.389; 116J.996*

**History:** *33 SR 2052*

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