

1 Department of Energy, Planning and Development

2 Bureau of Business Licenses

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4 Adopted Rules Governing Preapplication Conferences on Business
5 Licenses

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7 Rules as Adopted

8 4 MCAR S 2.110 Definitions.

9 A. Applicability. For the purposes of 4 MCAR SS
10 2.110-2.112, the terms defined in this rule have the meanings
11 given them.

12 B. Agency. "Agency" has the meaning given it in Minn. Stat.
13 S 15.0411, subd. 2.

14 C. Director. "Director" has the meaning given it in Minn.
15 Stat. S 362.463, subd. 6.

16 D. Initial response period. "Initial response period" means
17 the 60-day time limit imposed by Minn. Stat. S 362.473, subd. 3
18 on an agency for the rendering of a written review and opinion.

19 E. License. "License" has the meaning given "business
20 license" in Minn. Stat. S 362.452, subd. 2.

21 F. Person. "Person" has the meaning given it in Minn. Stat.
22 S 362.463, subd. 8.

23 G. Written review and opinion. "Written review and opinion"
24 means a written statement by an agency which incorporates the
25 information required by Minn. Stat. S 362.473, subd. 2 relating
26 to a proposed business activity.

27 4 MCAR S 2.111 Preapplication conference.

28 A. Request. Any person may request a preapplication
29 conference by submitting to the bureau of business licenses a
30 formal request in the format prescribed by the bureau.

31 B. Approval and notice. If the director determines, after
32 consideration of a formal request, that a preapplication
33 conference is warranted, he shall secure the participation of
34 the interested agencies and notify the person in writing of the
35 date, time, and place of the conference.

1 The director will consider the following factors in making
2 his determination as to whether a preapplication conference is
3 warranted:

4 1. the dollar volume of the proposed activity;

5 2. whether the proposed activity involves multiple
6 licenses from agencies; and

7 3. whether the proposed activity involves business or
8 corporate structures, activities, technologies, products, or
9 processes which are different from, or reasonably appear to be
10 different from, those for which a license has been required in
11 the past.

12 C. Supervision. The director or his designated
13 representative shall preside over the preapplication conference
14 to insure that it achieves the purposes set forth in Minn. Stat.
15 S 362.473, subd. 1.

16 D. Effect upon participants. A preapplication conference is
17 not binding upon any of the participants.

18 4 MCAR S 2.112 Written review and opinion.

19 A. Authorization. If during a preapplication conference the
20 director determines that a proposed business activity meets the
21 criteria set forth in Minn. Stat. S 362.473, subd. 2, he shall
22 request each affected agency to provide the person with a
23 written review and opinion as to every license the agency
24 requires for the proposed business activity.

25 B. Request. The director's request for a written review and
26 opinion shall be submitted in writing to the agency. The
27 request shall specify the date on which the agency's initial
28 response period begins.

29 C. Extensions. A request for an extension of the initial
30 response period shall be set forth in writing by the agency and
31 include the specific reasons justifying the extension.

32 If the agency does not receive written notice from the
33 director denying the extension within ten days of submission of
34 its request, the extension is granted and is effective for an
35 additional 60-day period.

36 The director shall provide the person with written notice

1 of his approval of the extension, its duration, and the reasons
2 the extension was approved.

3 D. Modification or amendment. An agency may modify or amend
4 a written review and opinion by notifying the person and the
5 director in writing of its intent to do so. The notice shall
6 include a statement setting forth the reasons for the
7 modification or amendment.

8 The modification or amendment shall be provided to the
9 person and director within 30 days of transmittal of the
10 agency's notification of modification or amendment.