

## CHAPTER 362

### BUSINESS DEVELOPMENT

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**362.01-362.06** [Repealed, 1947 c 587 s 22]

**362.07 DEPARTMENT OF BUSINESS DEVELOPMENT.** There is hereby created and established a department of the state government to be designated and known as the Department of Business Development, said department and all officials thereof to be subject to the provisions and limitations of sections 362.07 to 362.24.

[1947 c 587 s 1; 1953 c 754 s 1]

**362.08 DEFINITIONS.** As used in sections 362.07 to 362.24, "department" means the department of business development, and "commissioner" means the commissioner of business development.

[1947 c 587 s 2; 1953 c 754 s 2]

**362.09 COMMISSIONER; ADVISORY COMMISSION.** Subdivision 1. The department shall be under the supervision and control of a commissioner of business development, who shall be appointed by the governor, by and with the advice and consent of the senate. He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. He shall serve for a term of four years from the first Monday in January of the year of his appointment and until his successor is appointed and has qualified, or until he is removed by the governor for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner for the unexpired term, who shall thereupon immediately take office and shall carry on all the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. The commissioner shall receive a salary of \$6,000 per year, payable semimonthly. He shall give a bond to the state in the sum of \$10,000.

Subd. 2. The governor shall appoint a commission of 15 members to act in an advisory capacity to the commissioner. In making such appointments the governor shall give reasonable representation to the various geographical areas and occupational groups of the state. The commission shall meet at the call of the chairman or the commissioner. Members of the commission shall serve without compensation but may be reimbursed for actual expenses incurred in accordance with rules and regulations relative to travel of state officers and employees pursuant to Minnesota Statutes, Section 16.02, Subdivision 20.

[1947 c 587 s 3; 1951 c 713 s 33; 1953 c 754 s 3; Ex1961 c 65 s 1; 1965 c 51 s 69]

**362.10 FUNCTIONS.** The department of business development shall encompass the following functions:

- (1) Research and statistics,
- (2) Publicity and promotion,
- (3) Enforcement, and
- (4) Business and industrial development services.

[1947 c 587 s 4; 1953 c 754 s 4]

**362.11 DUTIES OF COMMISSIONER.** The commissioner shall have power, and it shall be his duty, to exercise the functions, perform the work, and carry on the activities specified in sections 362.13, 362.14, 362.15 as functions of the department.

[1947 c 587 s 5]

**362.12 SCOPE OF DEPARTMENTAL POWERS AND DUTIES.** Subdivision 1. **Enumeration.** The department shall:

(1) Investigate, study, and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Minnesota business, industry, and commerce, within and outside the state;

(2) Locate markets for manufacturers and processors and aid merchants in locating and contacting markets;

(3) Investigate and study conditions affecting Minnesota business, industry, and commerce and collect and disseminate information, and engage in technical studies, scientific investigations, and statistical research and educational activities necessary or useful for the proper execution of the powers and duties of the department in promoting and developing Minnesota business, industry, and commerce, both within and outside the state;

(4) Plan and develop an effective business information service both for the direct assistance of business and industry of the state and for the encouragement of business and industry outside the state to use economic facilities within the state;

(5) Compile, collect, and develop periodically, or otherwise make available, information relating to current business conditions;

(6) Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state and designed to develop new products and industrial processes;

(7) Study trends and developments in the industries of the state and analyze the reasons underlying such trends; study costs and other factors affecting successful operation of businesses within the state; and make recommendations regarding circumstances promoting or hampering business and industrial development;

(8) Serve as a clearing house for business and industrial problems of the state; and advise small business enterprises regarding improved methods of accounting and bookkeeping;

(9) Encourage and develop commerce with other states and foreign countries and devise ways and means of removing trade barriers hampering the free flow of commerce between this and other states;

(10) Cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry, and commerce;

(11) Cooperate with other state departments, and with boards, commissions, and other state agencies, in the preparation and coordination of plans and policies for the development of the state and for the use and conservation of its resources insofar as such use, conservation, and development may be appropriately directed or influenced by state agency;

(12) Assemble and coordinate information relative to the status, scope, cost, and employment possibilities and the availability of materials, equipment, and labor in connection with public works projects, state, county, and municipal; recommend limitations on said public works; gather current progress information with reference to public and private works projects of the state and its political subdivisions with reference to conditions of employment; inquire into and report to the governor, when requested by him, with respect to any program of public state improvements and the financing thereof; and request and obtain information from other state departments or agencies as may be needed properly to report thereon;

(13) Study changes in population and current trends and prepare plans and suggest policies for the development and conservation of the resources of the state;

(14) Confer and cooperate with the executive, legislative, or planning authorities of the United States and neighboring states and of the counties and municipalities of such neighboring states, for the purpose of bringing about a coordination between the development of such neighboring states, counties, and municipalities and the development of this state;

(15) Generally, gather, compile, and make available statistical information relating to business, trade, commerce, industry, transportation, communication, natural resources, and other like subjects in this state; with authority to call upon other departments of the state for statistical data and results obtained by them and to arrange and compile that statistical information in such manner as may seem wise.

**Subd. 2. Information available to the public.** Statistical and other information obtained by the division of research and statistics in the exercise of its powers and duties shall be available at all times to the public.

**Subd. 3. Governor may assign new duties; transfer from other departments.** The Governor may by order in writing transfer at any time the whole or any part of any office, bureau, division, or other branch of the state government engaged in statistical work to the department of business research and development, and in every such case the duties and authority performed by and conferred by law upon such office, bureau, division, or other branch of the state government or the part thereof so transferred shall be thereby transferred with such office, bureau, division, or other branch of the state government or the part thereof which is so transferred.

[1947 c 587 s 6]

**362.13 ADDITIONAL POWERS AND DUTIES.** The department shall:

(1) Have control of the work of carrying on a continuous program of education for business men;

(2) Publish, disseminate, and distribute information and statistics acquired by the division of research and statistics in cooperation with that division;

(3) Promote and encourage the expansion and development of markets for Minnesota products;

(4) Promote and encourage the location and development of new business in the state as well as the maintenance and expansion of existing business and for that purpose cooperate with state and local agencies and individuals, both within and outside the state;

(5) Advertise and disseminate information as to natural resources, desirable locations, and other advantages for the purpose of attracting business to locate in this state;

(6) Aid the various communities in this state in getting business to locate therein;

(7) Advise and cooperate with municipal, county, regional, and other planning agencies and planning groups within the state for the purpose of promoting coordination between the state and localities as to plans and development in order to maintain a high level of gainful employment in private profitable production and achieve commensurate advancement in social and cultural welfare; coordinate the activities of state-wide and local planning agencies, correlate information secured from them and from state departments and disseminate information and suggestions to such planning agencies; and encourage and assist in the organization and functioning of local planning agencies where none exist; and may provide at the request of any governmental subdivision hereinafter mentioned planning assistance, which includes but is not limited to surveys, land use studies, urban renewal plans, technical services and other planning work to any city or other municipality in the state or perform similar planning work in any county, metropolitan or regional area in the state providing that the department of business development shall not perform such planning work with respect to a metropolitan or regional area which is under the jurisdiction for such planning purposes of a county, metropolitan, regional or joint planning body, except at the request or with the consent of the respective county, metropolitan, regional or joint planning body. The department is authorized to receive and expend funds from municipal, county, regional and other planning agencies; and may accept and disburse grants and other aids for planning purposes from the federal government and from other public or private sources, and may utilize moneys so received for the employment of consultants and other temporary personnel to assist in the supervision or performance of planning work supported by funds other than state appropriated funds, and may enter into such contracts with agencies of the federal government, units of local government or combinations thereof, and with private persons as are necessary in the performance of its planning assistance function. In furtherance of

their planning functions, any city, village, borough, or town, however organized, may expend funds and contract with agencies of the federal government, appropriate departments of state government, other local units of government and with private persons;

(8) Adopt such measures as may best be calculated to promote public interest in and understanding of the problems of planning and, to that end, may publish and distribute copies of any plan or any report and may employ such other means of publicity and education as shall give full effect to the provisions of sections 362.07 to 362.24;

(9) Perform the functions and carry out programs heretofore performed and carried out by the tourist bureau of the department of conservation, plan and conduct programs of information and publicity designed to attract tourists, visitors, and other interested persons from outside the state to this state, and in that connection encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the state and work with representatives of the tourist and resort industry in carrying out its programs.

[1947 c 587 s 7; 1957 c 842 s 1; 1959 c 598 s 1]

**362.14 ADDITIONAL DUTIES.** Subdivision 1. **Investigate offenses against the provisions of certain designated sections; assist in enforcement.** The department shall investigate violations of the law of this state respecting unfair, discriminatory and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the act against unfair discrimination and competition (sections 325.02 to 325.07), the fair trade act (sections 325.08 to 325.13), the unlawful trade practices act (sections 325.141 to 325.148), the automobile dealer's anticoercion act, (sections 325.15 to 352.23), section 362.241 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325.82, the antitrust act (section 325.81, subdivision 1), and the act against monopolization of food products (section 325.83), and assist in the enforcement of those laws as in this section provided.

Subd. 2. **Commissioner to assist in discovery and punishment of illegal practices.** When the commissioner, from information in his possession, has reasonable ground to believe that any person, partnership, association, or corporation has within one year violated, or is about to violate, any of the laws of this state referred to in subdivision 1, he, his deputy, and the officers and employees and agents of the division of enforcement, shall have power to investigate those violations, or suspected violations, and to take such steps as are necessary to cause the arrest and prosecution of all persons, partnerships, associations, or corporations violating any of the statutes specifically mentioned in subdivision 1 or any other laws respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade.

Subd. 3. **Injunctive relief.** In addition to the penalties provided by law for violation of the laws referred to in subdivision 1, specifically and generally, where injunctive relief is not otherwise provided by law, the courts of this state are vested with jurisdiction to prevent and restrain violations of those laws. Whenever it shall appear to the satisfaction of the commissioner that any of those laws is being violated, or is about to be violated, he shall be entitled, on behalf of the state, to sue for and have injunctive relief in any court of competent jurisdiction against any such violation or threatened violation without abridging the penalties provided by law.

Subd. 4. **Exception.** The provisions of this section shall not apply to any person, firm or corporation engaged in the insurance business and as such subject to Laws 1947, Chapter 129.

[1947 c 587 s 8; 1957 c 821 s 10; 1965 c 51 s 70]

**362.15 REPORTS AND RECOMMENDATIONS TO THE GOVERNOR.** The commissioner shall cause to be prepared and submitted to the governor and to the legislature at each regular session, and at each special session when so requested by the governor, a report of the activities of the department, together with such information and data in the possession of the department as the commissioner shall deem of value to the governor, the legislature, and the people of the state of Minnesota. Each such report may contain such recommendations and [for] legisla-

tion as the commissioner may deem necessary to give full effect to all the provisions of sections 362.07 to 362.24.

[1947 c 587 s 9]

**362.16 COOPERATION WITH OTHER AGENCIES, BOARDS, AND COMMISSIONS.** If requested by the governor and if the facilities are available, the department may provide office space, telephone, reception, stenographic, and book-keeping service to other state agencies, boards, and commissions whose functions are closely related to those of the department, such as the Tri-State Waters Commission, the Great Lakes-Saint Lawrence Tidewater Commission, and the Upper Mississippi and Saint Croix River Improvement Commission. The funds of those agencies, boards, and commissions shall be kept separate from those of the department, and a reasonable charge may be made by the department for facilities furnished and services performed and funds transferred for the purpose of paying those charges.

[1947 c 587 s 10]

**362.17 GRANTS FROM FEDERAL GOVERNMENT OR FROM INDIVIDUALS.** The department is authorized to accept any grant of funds or property made by the United States or any department or agency thereof, or by any individual, for any or all of the purposes specified in sections 362.07 to 362.24, and shall expend said funds in accordance with the terms and conditions of the grant. The department is specifically empowered to act for the state and its political subdivisions as provided in Public Law 458 of the 78th Congress, cited as the War Mobilization and Reconversion Act of 1944, with respect to loans for planned services for public works programs of the state and its political subdivisions.

[1947 c 587 s 11]

**362.18 DEPARTMENT TO RECEIVE ASSISTANCE, INFORMATION, AND ADVICE FROM OTHER STATE DEPARTMENTS OR AGENCIES.** The governor may direct that assistance, information and advice be given the department in the performance of its duties and functions by any officer, agent, or employee of the state. The head of any other state department may assign temporarily to the department experts and employees of his department or may direct any division or agency under his supervision and control to make any special study or survey requested by the commissioner.

[1947 c 587 s 12]

**362.19 COOPERATION WITH UNIVERSITY OF MINNESOTA.** The commissioner shall at all times cooperate with the university of Minnesota and its departments and shall obtain from the university such assistance as it may be able to afford him in relation to research and promotion as will aid in carrying out the provisions of sections 362.07 to 362.24.

[1947 c 587 s 13]

**362.20 SALE OF PAMPHLETS AND PUBLICATIONS.** The commissioner shall have authority to sell, at their approximate cost to the state, such publications of the department as in his judgment should not be supplied gratis to those who wish to employ them in the conduct of their business.

[1947 c 587 s 14]

**362.21** [Repealed, 1961 c 561 s 17]

**362.22** [Repealed, 1961 c 561 s 17]

**362.23 PERSONNEL.** The commissioner may hire such personnel as is necessary to carry on the functions of the department. The commissioner may appoint to serve at his pleasure a director of research, director of promotion, and a director of business and industrial development services, and may assign to them such duties as he desires.

[1947 c 587 s 18; 1953 c 754 s 5]

**362.231 CERTAIN POSITIONS ABOLISHED.** The positions of industrial development representative, economic research statistician and industrial consultant are hereby abolished.

[1953 c 754 s 6]

**362.24** [Repealed, 1961 c 561 s 17]

**362.241 FALSE STATEMENT IN ADVERTISEMENT.** Any person, firm, corporation, or association who, with intent to sell or in anywise dispose of merchandise, securities, service, or anything offered by such person, firm, corpora-

tion, or association, directly or indirectly, to the public, for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, label, price tag, circular, pamphlet, program, or letter, or over any radio or television station, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, for use, consumption, purchase, or sale, which advertisement contains any material assertion, representation, or statement of fact which is untrue, deceptive, or misleading, shall, whether or not pecuniary or other specific damage to any person occurs as a direct result thereof, be guilty of a misdemeanor, and any such act is declared to be a public nuisance and may be enjoined as such.

The duty of a strict observance and enforcement of this law and prosecution for any violation thereof is hereby expressly imposed upon the commissioner of business research and development, and it shall be the duty of the county attorney of any county wherein a violation of this section shall have occurred, upon complaint being made to him, to prosecute any person violating any of the provisions of this section.

[1913 c 51 s 1; 1915 c 309 s 1, 2; 1953 c 438 s 1] (10390, 10391)

**362.31** [Renumbered 32A.03]

**362.32** [Renumbered 32A.04]

**362.33** [Renumbered 32A.05]

**362.34** [Renumbered 32A.06]

**362.35** [Renumbered 32A.07]

**362.36** [Renumbered 32A.08]

**362.37** [Renumbered 32A.09]

**362.38** [Renumbered 32A.02]

**362.39** [Renumbered 32A.01]