

CHAPTER 116J

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

- | | |
|---|--|
| <p>116J.01 Department of trade and economic development.</p> <p>116J.03 Definitions.</p> <p>116J.035 Duties and powers of commissioner; rules.</p> <p style="text-align: center;">ENERGY</p> <p>116J.401 Powers and duties.</p> <p>116J.402 Cooperative contracts.</p> <p>116J.403 Rules.</p> <p>116J.406 Grants-in-aid for recreational betterment.</p> <p style="text-align: center;">DEVELOPMENT</p> <p>116J.58 Powers and duties.</p> <p>116J.59 Imprest funds, use.</p> <p>116J.60 Promotional expenses.</p> <p>116J.61 Additional powers and duties.</p> <p>116J.613 Washington office.</p> <p>116J.615 Office of tourism.</p> <p>116J.63 Sale of pamphlets and publications; fees; advertising.</p> <p>116J.64 Loans to Indians.</p> <p>116J.66 Business assistance.</p> <p>116J.68 Bureau of small business.</p> <p>116J.69 Uniform business licensing policy.</p> <p>116J.70 Definitions.</p> <p>116J.71 New licenses.</p> <p>116J.72 Existing licenses.</p> <p>116J.73 Bureau of business licenses; declaration of purpose.</p> <p>116J.74 Definitions.</p> <p>116J.75 Bureau of business licenses.</p> <p>116J.76 General functions; powers and duties.</p> <p>116J.77 Assistance of other agencies.</p> <p>116J.78 Comprehensive license information.</p> <p>116J.79 Preapplication conferences.</p> <p>116J.80 Master application procedure.</p> | <p>116J.81 License coordination and assistance to applicants.</p> <p>116J.82 Consolidated hearings.</p> <p>116J.83 License authority retained.</p> <p>116J.84 Services provided at no charge.</p> <p>116J.85 Federal and local government participation.</p> <p>116J.86 Compilation and maintenance of statistical data.</p> <p>116J.873 Economic recovery grants.</p> <p style="text-align: center;">COUNCIL ON PRODUCTIVITY
AND QUALITY</p> <p>116J.941 Council on productivity and quality.</p> <p>116J.942 Council activities.</p> <p>116J.955 Rural rehabilitation revolving fund.</p> <p style="text-align: center;">TRADE PROMOTION</p> <p>116J.966 Commissioner's trade promotion duties.</p> <p>116J.967 Commissioner's trade promotion duties.</p> <p>116J.9671 Trade and export development.</p> <p>116J.9672 Definitions.</p> <p>116J.9673 Export finance authority.</p> <p>116J.968 Economic development fund.</p> <p style="text-align: center;">OFFICE OF SCIENCE
AND TECHNOLOGY</p> <p>116J.970 Science and technology office.</p> <p>116J.971 Committee on science and technology research and development.</p> <p style="text-align: center;">COMMUNITY DEVELOPMENT</p> <p>116J.980 Community development division.</p> <p>116J.981 Main street program.</p> <p>116J.982 Community development corporations.</p> |
|---|--|

116J.01 DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT.

Subdivision 1. Appointment. The department of trade and economic development is supervised and controlled by the commissioner of trade and economic development, who is appointed by the governor and serves under section 15.06.

Subd. 2. Confidential secretary. The commissioner may appoint a confidential secretary in the unclassified service.

Subd. 3. Departmental organization. The commissioner shall organize the department as provided in section 15.06. The department must be organized into three divisions, designated as the business promotion and marketing division, the community development division, and the Minnesota trade division, and two offices, the office of tourism and the policy analysis office. Each division and office shall administer the duties and functions assigned to it by law. When the duties of the divisions or office are not allocated by law, the commissioner may establish and revise the assignments of each division and office. Each division is under the direction of a deputy commissioner in the unclassified service. The deputy commissioner of the Minnesota trade division must be experienced and knowledgeable in matters of international trade. Each office is under the direction of a director in the unclassified service.

History: 1981 c 356 s 64; 1983 c 289 s 40-42; 1984 c 558 art 4 s 3; 1987 c 312 art 1 s 14

116J.02 [Repealed, 1983 c 289 s 119]

MINNESOTA STATUTES 1988

2791

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.035

116J.03 DEFINITIONS.

Subdivision 1. **Scope.** As used in this chapter, the terms defined in this section have the meaning given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of trade and economic development.

Subd. 3. **Department.** "Department" means the department of trade and economic development.

History: 1981 c 356 s 66,248; 1983 c 289 s 43; 1987 c 312 art 1 s 15

116J.035 DUTIES AND POWERS OF COMMISSIONER; RULES.

Subdivision 1. **Powers.** The commissioner may:

(a) apply for, receive, and expend money from municipal, county, regional, and other government agencies;

(b) apply for, accept, and disburse grants and other aids from other public or private sources;

(c) contract for professional services if such work or services cannot be satisfactorily performed by employees of the department or by any other state agency;

(d) enter into interstate compacts to jointly carry out such research and planning with other states or the federal government where appropriate;

(e) distribute informational material at no cost to the public upon reasonable request; and

(f) enter into contracts necessary for the performance of the commissioner's duties with federal, state, regional, metropolitan, local, and other agencies or units of government; educational institutions, including the University of Minnesota. Contracts made pursuant to this section shall not be subject to the competitive bidding requirements of chapter 16.

The commissioner may apply for, receive, and expend money made available from federal or other sources for the purpose of carrying out the duties and responsibilities of the commissioner pursuant to this chapter.

All moneys received by the commissioner pursuant to this chapter shall be deposited in the state treasury and are appropriated to the commissioner for the purpose for which the moneys have been received. The money shall not cancel and shall be available until expended.

Subd. 2. **Rules.** The commissioner may adopt rules pursuant to chapter 14 as necessary to carry out the commissioner's duties and responsibilities pursuant to this chapter.

Subd. 3. [Repealed, 1987 c 403 art 2 s 164]

History: 1984 c 604 s 2; 1Sp1985 c 14 art 9 s 4; 1986 c 444

ENERGY

116J.04 [Repealed, 1988 c 629 s 64]

116J.05 [Renumbered 216C.05]

116J.06 Subdivision 1. [Renumbered 216C.06 subd 1]

Subd. 2. [Renumbered 216C.06 subd 2]

Subd. 3. [Renumbered 216B.2421 subd 2]

Subd. 4. [Renumbered 216C.06 subd 3]

Subd. 5. [Renumbered 216C.06 subd 4]

Subd. 6. [Renumbered 216C.06 subd 5]

Subd. 7. [Renumbered 216C.06 subd 6]

Subd. 8. [Renumbered 216C.06 subd 7]

Subd. 9. [Renumbered 216C.06 subd 8]

MINNESOTA STATUTES 1988

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

2792

- Subd. 10. [Renumbered 216C.06 subd 9]
- Subd. 11. [Renumbered 216C.06 subd 10]
- Subd. 12. [Renumbered 216C.06 subd 11]
- Subd. 13. [Renumbered 216C.06 subd 12]
- 116J.07** [Renumbered 216C.07]
- 116J.08** [Renumbered 216C.08]
- 116J.09** [Renumbered 216C.09]
- 116J.10** [Renumbered 216C.10]
- 116J.11** [Renumbered 216C.11]
- 116J.12** [Renumbered 216C.12]
- 116J.13** [Renumbered 216C.13]
- 116J.14** [Renumbered 216C.14]
- 116J.15** [Renumbered 216C.15]
- 116J.16** [Renumbered 216C.16]
- 116J.17** [Renumbered 216C.17]
- 116J.18** [Renumbered 216C.18]
- 116J.19** [Renumbered 216C.19]
- 116J.20** [Renumbered 216C.20]
- 116J.21** [Renumbered 216C.21]
- 116J.22** [Renumbered 216C.22]
- 116J.23** [Renumbered 216C.23]
- 116J.24** [Renumbered 216C.24]
- 116J.25** [Renumbered 216C.25]
- 116J.26** [Renumbered 216C.26]
- 116J.261** [Renumbered 216C.261]
- 116J.262** [Renumbered 216C.262]
- 116J.27** Subdivision 1. [Renumbered 216C.27 subd 1]
 - Subd. 2. [Renumbered 216C.27 subd 2]
 - Subd. 3. [Renumbered 216C.27 subd 3]
 - Subd. 4. [Renumbered 216C.27 subd 4]
 - Subd. 4a. [Renumbered 216C.27 subd 5]
 - Subd. 4b. [Renumbered 216C.27 subd 6]
 - Subd. 5. [Repealed, 1983 c 301 s 235]
 - Subd. 6. [Renumbered 216C.27 subd 7]
 - Subd. 7. [Repealed, 1983 c 301 s 235]
 - Subd. 8. [Renumbered 216C.27 subd 8]
- 116J.28** [Renumbered 216B.243]
- 116J.29** [Renumbered 216C.29]
- 116J.30** [Renumbered 216C.30]
- 116J.31** [Renumbered 216C.31]
- 116J.315** [Renumbered 216C.315]
- 116J.32** [Renumbered 216C.32]
- 116J.33** [Renumbered 216C.33]
- 116J.34** [Renumbered 216C.34]
- 116J.35** [Renumbered 216C.35]
- 116J.36** [Renumbered 216C.36]
- 116J.37** [Renumbered 216C.37]
- 116J.373** [Renumbered 216C.373]

MINNESOTA STATUTES 1988

2793

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.403

116J.38 [Renumbered 216C.38]

116J.381 [Renumbered 216C.381]

116J.40 [Renumbered 116K.01]

116J.401 POWERS AND DUTIES.

The commissioner of trade and economic development shall:

(1) provide regional development commissions, the metropolitan council, and units of local government with information, technical assistance, training, and advice on using federal and state programs;

(2) receive and administer the small cities community development block grant program authorized by Congress under the Housing and Community Development Act of 1974, as amended;

(3) receive and administer the section 107 technical assistance program grants authorized by Congress under the Housing and Community Development Act of 1974, as amended;

(4) receive and administer grants for the Minnesota jail resource center authorized by Congress under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;

(5) receive and administer the land and water conservation grant program authorized by Congress under the Land and Water Conservation Fund Act of 1965, as amended;

(6) receive and administer other state and federal grants and grant programs for planning, community affairs, community development purposes, and other state and federal programs assigned to the department by law or by the governor in accordance with section 4.07; and

(7) receive applications for state and federal grants and grant programs for planning, community affairs, and community development purposes, and other state and federal programs assigned to the department by law or by the governor in accordance with section 4.07.

History: 1984 c 558 art 4 s 4; 1987 c 312 art 1 s 26 subd 2

116J.402 COOPERATIVE CONTRACTS.

The commissioner of trade and economic development may apply for, receive, and spend money for community development from municipal, county, regional, and other planning agencies. The commissioner may also apply for, accept, and disburse grants and other aids for community development and related planning from the federal government and other sources. The commissioner may enter into contracts with agencies of the federal government, local governmental units, regional development commissions, and the metropolitan council, other state agencies, the University of Minnesota, and other educational institutions, and private persons as necessary to perform the commissioner's duties. Contracts made according to this section, except those with private persons, are not subject to the provisions of chapter 16 concerning competitive bidding.

The commissioner may apply for, receive, and spend money made available from federal sources or other sources for the purposes of carrying out the duties and responsibilities of the commissioner relating to community development.

Money received by the commissioner under this section must be deposited in the state treasury and is appropriated to the commissioner for the purposes for which the money has been received. The money does not cancel and is available until spent.

History: 1984 c 558 art 4 s 5; 1986 c 444; 1987 c 312 art 1 s 26 subd 2

116J.403 RULES.

No money made available to the commissioner for the small cities community development block grant program shall be spent for community development and

related planning programs until the commissioner adopts rules prescribing standards and procedures to govern the expenditure. The rules must be adopted under the administrative procedure act in chapter 14 and must conform with all terms and conditions imposed on the commissioner when the money is made available. The commissioner may adopt emergency rules under sections 14.29 to 14.36 so that the commissioner can carry out promptly the responsibilities for administering federally funded community development grant programs.

History: 1984 c 558 art 4 s 6; 1984 c 640 s 32; 1986 c 444

116J.404 [Repealed, 1987 c 312 art 1 s 25]

116J.405 [Repealed, 1987 c 312 art 1 s 25]

116J.406 GRANTS-IN-AID FOR RECREATIONAL BETTERMENT.

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings set forth, except as otherwise expressly provided or indicated by the context.

(a) "Athletic courts" means special surface areas and supporting equipment or structures such as nets, hoops, and walls which can be used for active games that have definite boundaries and are played on a marked surface, limited to basketball, volleyball, handball and tennis.

(b) "Metropolitan council" and "metropolitan area" have the meanings given them in section 473.121.

(c) "Units of government" means any county, city and home rule charter city, town, school district, public post-secondary educational institution, special park district, or any elected park and recreation board having control over parks, parkways, playgrounds, and trees in a city of the first class.

Subd. 2. Grants for parks and trails. The commissioner shall administer a program to provide grants to units of government located within standard metropolitan statistical areas, as designated by the United States office of management and budget, but outside of the metropolitan area defined in section 473.121. The grants shall be for acquisition and betterment by units of government of public land and improvements needed for parks, trails, conservatories, zoos and other special use facilities having recreational significance for the entire population of the particular standard metropolitan statistical area. Appropriations made for this purpose shall be expended with the approval of the governor after consultation with the legislative advisory commission. The legislative commission on Minnesota resources shall make recommendations to the legislative advisory commission regarding the expenditures. The local contribution required shall be not less than ten percent. The program shall be administered so as to ensure the maximum possible use of available federal money.

Subd. 3. Grants for trails in local parks. The commissioner shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for recreational trails in parks owned and operated by units of government. A grant shall not exceed 40 percent of the costs of the betterment of the trail. To be eligible for a grant, a unit of government must provide at least ten percent of the costs of the betterment of the trail.

Subd. 4. Grants for local outdoor athletic courts. The commissioner shall administer a program to provide grants to units of government for the betterment of public land and improvements needed for local athletic courts. A grant shall not exceed 50 percent of the costs of the betterment of the athletic court. To be eligible for a grant, a unit of government must provide at least 50 percent of the costs of the betterment of the athletic court. In making grants the commissioner shall consider, among other factors, evidence of cooperation between units of government, local need and available financial resources, and court locations that encourage maximum use, patronage, and availability.

Subd. 5. Powers; rules. The commissioner shall have all powers necessary and

MINNESOTA STATUTES 1988

2795

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.58

convenient in order to establish programs for recreational betterment grants-in-aid for parks, trails, and athletic courts pursuant to this section including, but not limited to, the authority to adopt rules for the programs, pursuant to chapter 14, and emergency rules to commence immediately the programs, pursuant to sections 14.05 to 14.36.

History: 1977 c 421 s 2; 1981 c 304 s 6; 1981 c 356 s 83-86,248; 1982 c 424 s 130; 1983 c 289 s 115 subd 2; 1984 c 558 art 4 s 10

NOTE: The term "legislative commission on Minnesota resources" will be changed to "Minnesota future resources commission" upon the approval of the constitutional amendment proposed in Laws 1988, chapter 690, article 1, section 1.

116J.41 [Repealed, 1983 c 289 s 119]

116J.42 Subdivision 1. [Renumbered 116K.04, subdivision 1]

Subd. 2. [Renumbered 116K.04, subd 2]

Subd. 3. [Repealed, 1983 c 289 s 119]

Subd. 4. [Renumbered 116K.04, subd 3]

Subd. 5. [Repealed, 1983 c 289 s 119]

Subd. 6. [Repealed, 1983 c 289 s 119]

Subd. 7. [Renumbered 116K.04, subd 4]

Subd. 8. [Renumbered 116K.04, subd 5]

Subd. 9. [Renumbered 116J.404]

116J.43 [Renumbered 116K.05]

116J.44 [Renumbered 116K.06]

116J.45 [Renumbered 116K.07]

116J.46 [Repealed, 1983 c 289 s 119]

116J.47 [Repealed, 1983 c 289 s 119]

116J.48 [Renumbered 116K.08]

116J.49 [Renumbered 116K.09]

116J.50 [Renumbered 116K.10]

116J.51 [Renumbered 116K.11]

116J.52 [Renumbered 116K.12]

116J.53 [Renumbered 116K.13]

116J.54 [Renumbered 116J.406]

DEVELOPMENT

116J.58 POWERS AND DUTIES.

Subdivision 1. **Enumeration.** The commissioner 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 commissioner 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;

MINNESOTA STATUTES 1988

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

(10) 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 the use, conservation, and development may be appropriately directed or influenced by a state agency;

(11) 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 the 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 the governor, 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;

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

(13) 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;

(14) 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 a manner that seems wise.

Subd. 2. Promotional contracts. In order to best carry out duties and responsibilities and to serve the people of the state in the promotion of tourism, trade, and economic development, the commissioner may engage in programs and projects jointly with a private person, firm, corporation or association and may enter into contracts under terms to be mutually agreed upon to carry out such programs and projects not including acquisition of land or buildings. Contracts may be negotiated and are not subject to the provisions of chapter 16B relating to competitive bidding.

Subd. 3. Commissioner may enter into project agreements. The commissioner may enter into project agreements with organizations or corporations for the purpose of developing the tourism potential of the state. If in the judgment of the commissioner a project will make a meaningful contribution to the tourism development of the state, the commissioner may enter into local or regional agreements.

Subd. 4. [Repealed, 1986 c 465 art 1 s 31]

History: 1947 c 587 s 6; 1967 c 299 s 5; 1979 c 333 s 98; 1981 c 284 s 1; 1981 c 356 s 207,248; 1983 c 289 s 54; 1984 c 582 s 1,23; 1984 c 640 s 32; 1985 c 248 s 30; 1Sp1985 c 14 art 8 s 63; 1986 c 444; 1987 c 312 art 1 s 16

116J.59 IMPREST FUNDS, USE.

The commissioner of trade and economic development may use the money in the imprest fund of the department in order to facilitate and expedite its business particularly in the making of advances of moneys to officers and employees of the department and members of the advisory committee for the purpose of defraying the expenses of travel, subsistence, and other similar expenses, and in meeting emergencies, and in accordance with such requirements therefor as may be prescribed by the commissioner of finance. The imprest fund shall be reimbursed for all moneys advanced in the manner prescribed by the rules of the commissioner of administration.

History: 1967 c 299 s 8; 1973 c 492 s 14; 1975 c 271 s 6; 1981 c 356 s 248; 1983 c 289 s 115 subd 1; 1986 c 444; 1987 c 312 art 1 s 26 subd 2

116J.60 PROMOTIONAL EXPENSES.

In the promotion of tourism, trade, and economic development of the state, the commissioner of trade and economic development may expend money appropriated by the legislature for these purposes in the same manner as private persons, firms, corporations, and associations make expenditures for these purposes. An expenditure for food, lodging, or travel is not governed by the travel rules of the commissioner of employee relations. No money shall be expended for the appearance in radio or television broadcasts by an elected public official.

History: Ex1967 c 48 s 84; 1973 c 492 s 14; 1977 c 455 s 84; 1981 c 356 s 248; 1983 c 289 s 55; 1987 c 312 art 1 s 17

116J.61 ADDITIONAL POWERS AND DUTIES.

The commissioner shall:

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

(2) publish, disseminate, and distribute information and statistics;

(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 statewide and local planning agencies, correlate information secured from them and from state departments and disseminate information and suggestions to the 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. The commissioner shall not perform the planning work with respect to a metropolitan or regional area which is under the jurisdiction for 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 commissioner is authorized to receive and expend money 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 money other than state appropriated money, and may enter into contracts with agencies of the federal government, units of local government or combinations thereof, and with private persons that are necessary in the performance of the planning assistance function of the commissioner. The commissioner may assist any local government unit in filling out application forms for the federal grants-in-aid. In furtherance of their planning functions, any city or town, however organized, may expend money and contract with agencies of the federal government, appropriate departments of state government, other local units of government and with private persons; and

(8) adopt measures 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 other means of publicity and education that will give full effect to the provisions of sections 116J.58 to 116J.63.

History: 1947 c 587 s 7; 1957 c 842 s 1; 1959 c 598 s 1; 1969 c 1129 art 3 s 2; 1971 c 24 s 41; 1973 c 123 art 5 s 7; 1981 c 356 s 208,248; 1983 c 289 s 56; 1984 c 604 s 3; 1986 c 444

116J.613 WASHINGTON OFFICE.

The commissioner may appoint employees in the Washington, D.C., office of the state of Minnesota in accordance with chapter 43A, and prescribe their duties.

In the operation of the Washington, D.C., office of the state of Minnesota, the commissioner may expend money appropriated by the legislature for promotional purposes in the same manner as private persons, firms, corporations, and associations expend money for promotional purposes. Promotional expenditures for food, lodging, or travel are not governed by the travel rules of the commissioner of employee relations.

History: 1987 c 312 art 1 s 18

116J.615 OFFICE OF TOURISM.

Subdivision 1. Duties of director. The director of tourism shall:

- (1) publish, disseminate, and distribute informational and promotional literature;
- (2) promote and encourage the expansion and development of international tourism marketing;
- (3) advertise and disseminate information about travel opportunities in the state of Minnesota;
- (4) aid various local communities to improve their tourism marketing programs;
- (5) coordinate and implement a comprehensive state tourism marketing program that takes into consideration all public and private businesses and attractions;
- (6) conduct market research and analysis to improve marketing techniques in the area of tourism;
- (7) investigate and study conditions affecting Minnesota's tourism industry, 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 director in promoting and developing Minnesota's tourism industry, both within and outside the state;
- (8) apply for, accept, receive, and expend any funds for the promotion of tourism in Minnesota. All money received by the director under this subdivision shall be deposited in the state treasury and is appropriated to the director for the purposes for which the money has been received. The money does not cancel and is available until expended; and
- (9) plan and conduct information and publicity programs to attract tourists, visitors, and other interested persons from outside the state to this state; encourage and

coordinate efforts of other public and private organizations or groups of citizens to publicize facilities and attractions in this state; and work with representatives of the hospitality and tourism industry to carry out its programs.

Subd. 2. **Art and historical exhibitions.** In order to promote tourism, trade, and cultural enrichment, the director of tourism may arrange for the exhibition of art collections and historical displays from other nations in the state capitol and in other public buildings throughout the state of Minnesota. The director of tourism shall cooperate with the state historical society in implementing this cultural exchange program and may enter into any contracts or joint ventures that are necessary to achieve the objectives of this section.

Subd. 3. **Regional tourism offices.** Employees in regional tourism offices are in the unclassified civil service.

History: 1983 c 289 s 57; 1988 c 686 art 1 s 63

116J.62 [Repealed, 1983 c 289 s 119]

116J.63 SALE OF PAMPHLETS AND PUBLICATIONS; FEES; ADVERTISING.

Subdivision 1. The commissioner may sell reports, publications, or related publicity or promotional material of the department that the commissioner determines should not be supplied gratis to those who wish to employ them in the conduct of their business.

Subd. 2. Fees for reports, publications, or related publicity or promotional material are not subject to the rulemaking requirements of chapter 14 and are not subject to sections 16A.128 and 16A.1281. The fees prescribed by the commissioner must be commensurate with the distribution objective of the department for the material produced or with the cost of furnishing the services. All fees for materials and services must be deposited in the general fund.

Subd. 3. Department publications may contain advertising and may receive advertising revenue from profit and nonprofit organizations, associations, individuals and corporations, and other state, federal or local government agencies. Advertising revenues shall be deposited in the general fund. The commissioner shall set advertising rates and fees commensurate with services rendered and distribution objectives.

History: 1947 c 587 s 14; 1979 c 333 s 99; 1981 c 356 s 248; 1986 c 444; 1987 c 312 art 1 s 19

116J.64 LOANS TO INDIANS.

Subdivision 1. For purposes of this section the following terms shall have the meanings ascribed to them herein.

Subd. 2. "Indian" means a person of one-quarter or more Indian blood and who is an enrolled member of a federally recognized Minnesota based band or tribe.

Subd. 3. "Person" means an individual Indian, or a partnership comprising Indians only, or a corporation whose stock is owned wholly by Indians.

Subd. 4. "Tribal council" means the reservation business committee or equivalent duly constituted tribal authority.

Subd. 5. "Agency" means the Indian affairs council.

Subd. 6. The remaining 20 percent of the tax revenue received by the county auditor under section 273.165, subdivision 1 shall be remitted by the county auditor to the state treasurer and shall be deposited in a special account called the "Indian business loan account," which shall be a revolving fund created and established under the jurisdiction and control of the agency, which may engage in a business loan program for American Indians as that term is defined in subdivision 2. The tribal councils may administer the fund, provided that, before making any eligible loans, each tribal council must submit to the agency, for its review and approval, a plan for that council's loan program which specifically describes, as to that program, its content, utilization of

funds, administration, operation, implementation, and other matters required by the agency. All such programs must provide for a reasonable balance in the distribution of funds appropriated pursuant to this section for the purpose of making business loans between Indians residing on and off the reservations within the state. As a condition to the making of such eligible loans, the tribal councils shall enter into a loan agreement and other contractual arrangements with the agency for the purpose of carrying out the provisions of this chapter, and shall agree that all official books and records relating to the business loan program shall be subject to audit by the legislative auditor in the same manner prescribed for agencies of state government.

Whenever any moneys are appropriated by the state treasurer to the agency solely for the above-specified purpose or purposes, the agency shall establish a separate bookkeeping account or accounts in the Indian business loan fund to record the receipt and disbursement of such money and of the income, gain and loss from the investment and reinvestment thereof.

Subd. 7. An Indian desiring a loan for the purpose of starting a business enterprise, expanding an existing business, or for technical and management assistance, shall make application to the Indian affairs council. The Indian affairs council shall prescribe the necessary forms and advise the prospective borrower as to the conditions under which the application may be expected to receive favorable consideration. The application shall be forwarded to the appropriate tribal council for approval or disapproval, and shall be in conformity with the plans submitted by said tribal councils. If the application is approved, the Indian affairs council shall forward the application, together with all relevant documents pertinent thereto, to the commissioner of finance, who shall draw a warrant in favor of the applicable tribal council with appropriate notations identifying the borrower. The tribal council shall thereafter reimburse suppliers and vendors for purchases of equipment, real estate and inventory made by the borrower pursuant to the conditions or guidelines established by the Indian affairs council. The tribal council shall maintain records of transactions for each borrower in a manner consistent with good accounting practice. Simple interest at two percent of the amount of the debt owed shall be charged. When any portion of a debt is repaid, the tribal council shall remit the amount so received plus interest paid thereon to the state treasurer through the Indian affairs council. The amount so received shall be credited to the Indian business loan account. The tribal council shall secure a fidelity bond from a surety company, in favor of the state treasurer, in an amount equal to the maximum amount to the credit of its loan account during the fiscal year. On the placing of a loan, additional money equal to ten percent of the total amount made available to any tribal council for loans during the fiscal year shall be paid to the council prior to December 31 for the purpose of financing administrative costs.

Subd. 8. Loans made under subdivision 7 shall be limited to a period of 20 years, if made for the purpose of financing nonreal estate purchases. Loans made for the purpose of financing real estate purchases, where such real property is to be used for nonresidential purposes only, shall be limited to a period of 40 years, and shall be a lien on the real property so acquired. Under no circumstances shall the state take a position junior to third lien. In instances where it is impossible or undesirable to secure a lien against real property, the state may secure a lien against personal property for an amount equal to the face value of the loan.

Subd. 9. Any person misrepresenting facts regarding the Indian ancestry of a prospective borrower for the purpose of securing a loan under subdivision 7, whether such borrower be an individual, partnership or corporation, shall be guilty of a gross misdemeanor.

Subd. 10. The county auditor shall remit the tax revenue received yearly to the state treasurer as required by subdivision 6 no later than December 15.

Subd. 11. There is appropriated annually an amount equal to the tax revenue allotted under subdivision 7.

History: 1973 c 254 s 3; 1973 c 492 s 14; 1973 c 650 art 20 s 4; 1977 c 430 s 25 subd 1; 1979 c 333 s 100-102; 1980 c 391 s 1-3; 1981 c 308 s 1-7; 1981 c 356 s 210,211,248; 1982 c 424 s 128; 1984 c 558 art 4 s 1,2; 1Sp1985 c 14 art 4 s 16; 1986 c 444

116J.65 [Renumbered 116M.04]**116J.66 BUSINESS ASSISTANCE.**

The commissioner shall establish within the department a business assistance center. The center shall consist of (1) a bureau of small business which shall have as its sole function the provision of assistance to small businesses in the state and (2) a bureau of licenses to assist all businesses in obtaining state licenses and permits. This center shall be accorded at least equal status with the other major operating units within the department.

History: 1978 c 709 s 2; 1979 c 246 s 2; 1981 c 356 s 214,248

116J.67 [Renumbered 116M.05]**116J.68 BUREAU OF SMALL BUSINESS.**

Subdivision 1. The bureau of small business within the business assistance center shall serve as a clearinghouse and referral service for information needed by small businesses including those operated by a socially or economically disadvantaged person.

Subd. 2. The bureau shall:

(a) provide information and assistance with respect to all aspects of business planning and business management related to the start-up, operation, or expansion of a small business in Minnesota;

(b) refer persons interested in the start-up, operation, or expansion of a small business in Minnesota to assistance programs sponsored by federal agencies, state agencies, educational institutions, chambers of commerce, civic organizations, community development groups, private industry associations, and other organizations;

(c) plan, develop, and implement a master file of information on small business assistance programs of federal, state, and local governments, and other public and private organizations so as to provide comprehensive, timely information to the bureau's clients;

(d) employ staff with adequate and appropriate skills and education and training for the delivery of information and assistance;

(e) seek out and utilize, to the extent practicable, contributed expertise and services of federal, state, and local governments, educational institutions, and other public and private organizations;

(f) maintain a close and continued relationship with the director of the procurement program within the department of administration so as to facilitate the department's duties and responsibilities under sections 16B.19 to 16B.22 relating to the small business set aside program of the state;

(g) develop an information system which will enable the commissioner and other state agencies to efficiently store, retrieve, analyze, and exchange data regarding small business development and growth in the state. All executive branch agencies of state government and the secretary of state shall to the extent practicable, assist the bureau in the development and implementation of the information system;

(h) establish and maintain a toll free telephone number so that all small business persons anywhere in the state can call the bureau office for assistance. An outreach program shall be established to make the existence of the bureau well known to its potential clientele throughout the state;

(i) conduct research and provide data as required by state legislature;

(j) develop and publish material on all aspects of the start-up, operation, or expansion of a small business in Minnesota;

(k) collect and disseminate information on state procurement opportunities, including information on the procurement process;

(l) develop a public awareness program through the use of newsletters, personal

MINNESOTA STATUTES 1988

contacts, and electronic and print news media advertising about state assistance programs for small businesses, including those programs specifically for socially disadvantaged small business persons;

(m) publicize to small businesses the provisions of Laws 1983, chapter 188, requiring consideration of small business issues in state agency rulemaking.

Subd. 3. [Repealed, 1984 c 604 s 5]

Subd. 4. [Repealed, 1984 c 604 s 5]

History: 1979 c 246 s 3; 1981 c 356 s 248; 1984 c 604 s 5; 1987 c 384 art 2 s 1

116J.69 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 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.

History: 1981 c 342 art 2 s 2; 1981 c 356 s 248

116J.70 DEFINITIONS.

Subdivision 1. Application. For the purposes of sections 116J.69 to 116J.71, 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 or registration 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;

MINNESOTA STATUTES 1988

2803

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.70

- (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 155A;
- (j) Boiler operators regulated pursuant to chapter 183;
- (k) Chiropractors regulated pursuant to chapter 148;
- (l) Collection agencies regulated pursuant to chapter 332;
- (m) Cosmetologists regulated pursuant to chapter 155A;
- (n) Dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
- (o) Detectives regulated pursuant to chapter 326;
- (p) Electricians regulated pursuant to chapter 326;
- (q) Embalmers regulated pursuant to chapter 149;
- (r) Engineers regulated pursuant to chapter 326;
- (s) Insurance brokers and salespersons regulated pursuant to chapter 60A;
- (t) Midwives regulated pursuant to chapter 148;
- (u) Morticians regulated pursuant to chapter 149;
- (v) Nursing home administrators regulated pursuant to chapter 144A;
- (w) Optometrists regulated pursuant to chapter 148;
- (x) Osteopathic physicians regulated pursuant to chapter 147;
- (y) Pharmacists regulated pursuant to chapter 151;
- (z) Physical therapists regulated pursuant to chapter 148;
- (aa) Physicians and surgeons regulated pursuant to chapter 147;
- (bb) Plumbers regulated pursuant to chapter 326;
- (cc) Podiatrists regulated pursuant to chapter 153;
- (dd) Practical nurses regulated pursuant to chapter 148;
- (ee) Professional fundraisers regulated pursuant to chapter 309;
- (ff) Psychologists regulated pursuant to chapter 148;
- (gg) Real estate brokers, salespersons and others regulated pursuant to chapters 82 and 83;
- (hh) Registered nurses regulated pursuant to chapter 148;
- (ii) Securities brokers, dealers, agents and investment advisers regulated pursuant to chapter 80A;
- (jj) Steamfitters regulated pursuant to chapter 326;
- (kk) Teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (ll) Veterinarians regulated pursuant to chapter 156;
- (mm) Watchmakers regulated pursuant to chapter 326;
- (nn) Water conditioning contractors and installers regulated pursuant to chapter 326;
- (oo) Water well contractors regulated pursuant to chapter 156A;
- (pp) Water and waste treatment operators regulated pursuant to chapter 115;
- (qq) Motor carriers regulated pursuant to chapter 221;
- (rr) Professional corporations regulated pursuant to chapter 319A;
- (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 or any licensing rule or standard established by the commissioner of human services.

History: 1981 c 342 art 2 s 3; 1981 c 356 s 248; 1Sp1981 c 4 art 4 s 14; 1982 c 413 s 1; 1983 c 70 s 1; 1983 c 216 art 1 s 23; 1984 c 654 art 5 s 7,58; 1Sp1986 c 3 art 1 s 12

116J.71 NEW LICENSES.

Any new business license authorized by the legislature or established by rule after June 2, 1981 shall conform to the policy in section 116J.69.

History: 1981 c 342 art 2 s 5; 1981 c 356 s 248

116J.72 EXISTING LICENSES.

Nothing in sections 116J.69 to 116J.71 shall affect the validity of duration of an existing issued license.

History: 1981 c 342 art 2 s 6; 1981 c 356 s 248; 1987 c 384 art 2 s 23

116J.73 BUREAU OF BUSINESS LICENSES; 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 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.

History: 1981 c 342 art 3 s 1; 1981 c 356 s 248

116J.74 DEFINITIONS.

Subdivision 1. **Terms.** For the purposes of sections 116J.73 to 116J.86, the following terms have the meanings given them.

Subd. 2. **Agency.** "Agency" has the meaning given it in section 14.02, subdivision 2.

Subd. 3. **Applicant.** "Applicant" means a person acting personally 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 trade and 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 section 116J.70, subdivision 2.

Subd. 7a. **Exception.** "Business license" or "license" does not include any license excepted in section 116J.70, 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.

History: 1981 c 342 art 3 s 2; 1981 c 356 s 248; 1982 c 424 s 130; 1983 c 289 s 115 subd 1; 1986 c 444; 1987 c 312 art 1 s 26 subd 2

116J.75 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 section 216C.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 necessary employees, prescribe their duties, fix their compensation, and provide for the reimbursement of their expenses.

Subd. 3. **Director's report.** The director shall report to the commissioner or a 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.

History: 1981 c 342 art 3 s 3; 1981 c 356 s 248; 1986 c 444; 1987 c 312 art 1 s 10 subd 1

116J.76 GENERAL FUNCTIONS; POWERS AND DUTIES.

The bureau, by and through the director or the director's 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;

(g) serving as an advocate for small business license applicants with state, federal, and local agencies in the process of applying for licenses and complying with licensing standards and requirements; and

(h) adopting rules, procedures, instructions, and forms as are required to carry out the functions, powers, and duties imposed upon the bureau by sections 116J.73 to 116J.86.

History: 1981 c 342 art 3 s 4; 1981 c 356 s 248; 1Sp1985 c 13 s 247; 1986 c 444

116J.77 ASSISTANCE OF OTHER AGENCIES.

To effect the purposes of sections 116J.73 to 116J.86, 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.

History: 1981 c 342 art 3 s 5; 1981 c 356 s 248

116J.78 COMPREHENSIVE LICENSE INFORMATION.

Subdivision 1. **Reports by agencies.** Not later than 90 days from June 2, 1981, each agency issuing 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.

History: 1981 c 342 art 3 s 6; 1981 c 356 s 248

116J.79 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 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.

History: 1981 c 342 art 3 s 7; 1981 c 356 s 248

116J.80 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.

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 trade and 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:

(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.

History: 1981 c 342 art 3 s 8; 1981 c 356 s 248; 1983 c 289 s 115 subd 1; 1987 c 312 art 1 s 26 subd 2

116J.81 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.

History: 1981 c 342 art 3 s 9; 1981 c 356 s 248

116J.82 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 sections 14.01 to 14.69, 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.

History: 1981 c 342 art 3 s 10; 1981 c 356 s 248; 1982 c 424 s 130; 1987 c 384 art 2 s 1

116J.83 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 116J.73 to 116J.86 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 116J.73 to 116J.86.

History: 1981 c 342 art 3 s 11; 1981 c 356 s 248

116J.84 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

MINNESOTA STATUTES 1988

2809

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.873

of any of the apportioned costs of a consolidated hearing conducted under sections 116J.79 and 116J.80.

History: 1981 c 342 art 3 s 12; 1981 c 356 s 248

116J.85 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 116J.73 to 116J.86.

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.

History: 1981 c 342 art 3 s 13; 1981 c 356 s 248

116J.86 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 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.

History: 1981 c 342 art 3 s 14; 1981 c 356 s 248

116J.87 [Repealed, 1987 c 404 s 191]

116J.873 ECONOMIC RECOVERY GRANTS.

Subdivision 1. Administration. Economic recovery grants shall be made available to local communities and recognized Indian tribal governments in accordance with the rules adopted for economic development grants in the small cities community development block grant programs, except that all units of general purpose local government are eligible applicants for economic recovery grants. The commissioner of trade and economic development shall administer the economic recovery grant program as a part of the small cities development program.

Subd. 2. Economic recovery grant defined. "Economic recovery grant" means an agreement between the state and an eligible recipient through which the state provides money to carry out specified programs, services, or activities designed to create new employment, maintain existing employment, increase the local tax base, or otherwise increase economic activity in a community.

Subd. 3. Grant evaluation. The division of community development in the department shall accept, review, and evaluate applications for grants to local units of government made in accordance with rules adopted for economic development grants in the small cities development program. Applications recommended for funding, including recommended grant awards, shall be submitted by the division to the commissioner for approval.

Subd. 4. Grant limits. An economic recovery grant may not be approved for an amount over \$500,000. The division may recommend less funding than requested if, in the opinion of the division, the amount requested is more than is necessary to meet the applicant's needs. If the amount of the grant is reduced, the reasons for the

MINNESOTA STATUTES 1988

116J.873 DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

2810

reduction shall be given to the applicant. The portion of an economic recovery grant that exceeds \$100,000 must be repaid to the state when it is repaid to the local community or recognized Indian tribal government by the person or entity to which it was loaned by the local community or Indian tribal government. Money repaid to the state is appropriated to the commissioner of trade and economic development for the purpose of making additional economic recovery grants.

History: 1984 c 654 art 2 s 107; 1987 c 312 art 1 s 26 subd 2

116J.875 [Renumbered 116M.02]

116J.88 Subdivision 1. [Renumbered 116M.03 subdivision 1]

Subd. 2. [Renumbered 116M.03 subd 2]

Subd. 3. [Repealed, 1983 c 289 s 119]

Subd. 3a. [Renumbered 116M.03 subd 3]

Subd. 4. [Renumbered 116M.03 subd 4]

Subd. 4a. [Renumbered 116M.03 subd 5]

Subd. 4b. [Renumbered 116M.03 subd 6]

Subd. 4c. [Renumbered 116M.03 subd 7]

Subd. 5. [Renumbered 116M.03 subd 8]

Subd. 6. [Renumbered 116M.03 subd 9]

Subd. 6a. [Renumbered 116M.03 subd 10]

Subd. 7. [Renumbered 116M.03 subd 11]

Subd. 7a. [Renumbered 116M.03 subd 12]

Subd. 7b. [Renumbered 116M.03 subd 13]

Subd. 8. [Renumbered 116M.03 subd 14]

Subd. 8a. [Renumbered 116M.03 subd 15]

Subd. 8b. [Renumbered 116M.03 subd 16]

Subd. 9. [Renumbered 116M.03 subd 17]

Subd. 10. [Renumbered 116M.03 subd 18]

Subd. 11. [Renumbered 116M.03 subd 19]

Subd. 12. [Renumbered 116M.03 subd 20]

Subd. 13. [Renumbered 116M.03 subd 21]

Subd. 14. [Renumbered 116M.03 subd 22]

Subd. 15. [Renumbered 116M.03 subd 23]

Subd. 16. [Renumbered 116M.03 subd 24]

Subd. 17. [Renumbered 116M.03 subd 25]

Subd. 18. [Renumbered 116M.03 subd 26]

116J.89 Subdivision 1. [Renumbered 116M.06 subdivision 1]

Subd. 1a. [Renumbered 116M.06 subd 2]

Subd. 1b. [Renumbered 116M.06 subd 3]

Subd. 1c. [Renumbered 116M.06 subd 4]

Subd. 1d. [Renumbered 116M.06 subd 5]

Subd. 2. [Renumbered 116M.06 subd 6]

Subd. 3. [Renumbered 116M.06 subd 7]

Subd. 4. [Renumbered 116M.06 subd 8]

Subd. 5. [Renumbered 116M.06 subd 9]

Subd. 6. [Renumbered 116M.06 subd 10]

Subd. 7. [Repealed, 1983 c 213 s 25]

Subd. 8. [Renumbered 116M.06 subd 11]

Subd. 9. [Renumbered 116M.06 subd 12]

MINNESOTA STATUTES 1988

2811

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

Subd. 10. [Renumbered 116M.06 subd 13]

116J.90 Subdivision 1. [Renumbered 116M.07 subdivision 1]

Subd. 2. [Renumbered 116M.07 subd 2]

Subd. 2a. [Renumbered 116M.07 subd 3]

Subd. 3. [Renumbered 116M.07 subd 4]

Subd. 3a. [Renumbered 116M.07 subd 5]

Subd. 3b. [Renumbered 116M.07 subd 6]

Subd. 3c. [Renumbered 116M.07 subd 7]

Subd. 4. [Renumbered 116M.07 subd 8]

Subd. 4a. [Renumbered 116M.07 subd 9]

Subd. 5. [Renumbered 116M.07 subd 10]

Subd. 5a. [Renumbered 116M.07 subd 11]

Subd. 6. [Renumbered 116M.07 subd 12]

Subd. 7. [Renumbered 116M.07 subd 13]

116J.91 Subdivision 1. [Renumbered 116M.08 subdivision 1]

Subd. 2. [Renumbered 116M.08 subd 2]

Subd. 3. [Renumbered 116M.08 subd 3]

Subd. 4. [Renumbered 116M.08 subd 4]

Subd. 5. [Renumbered 116M.08 subd 5]

Subd. 6. [Renumbered 116M.08 subd 6]

Subd. 7. [Renumbered 116M.08 subd 7]

Subd. 8. [Renumbered 116M.08 subd 8]

Subd. 9. [Renumbered 116M.08 subd 9]

Subd. 10. [Renumbered 116M.08 subd 10]

Subd. 11. [Renumbered 116M.08 subd 11]

Subd. 12. [Renumbered 116M.08 subd 12]

Subd. 13. [Renumbered 116M.08 subd 13]

Subd. 14. [Renumbered 116M.08 subd 14]

Subd. 15. [Renumbered 116M.08 subd 15]

Subd. 16. [Renumbered 116M.08 subd 16]

Subd. 17. [Renumbered 116M.08 subd 17]

Subd. 18. [Renumbered 116M.08 subd 18]

Subd. 19. [Renumbered 116M.08 subd 19]

Subd. 19a. [Renumbered 116M.08 subd 20]

Subd. 20. [Renumbered 116M.08 subd 21]

116J.921 [Renumbered 116M.09]

116J.922 [Repealed, 1984 c 583 s 37]

116J.923 Subdivision 1. [Renumbered 116M.10 subdivision 1]

Subd. 2. [Repealed, 1984 c 583 s 37]

Subd. 3. [Renumbered 116M.10 subd 2]

Subd. 4. [Renumbered 116M.10 subd 3]

Subd. 5. [Renumbered 116M.10 subd 4]

Subd. 6. [Renumbered 116M.10 subd 5]

Subd. 7. [Renumbered 116M.10 subd 6]

Subd. 8. [Renumbered 116M.10 subd 7]

Subd. 9. [Renumbered 116M.10 subd 8]

Subd. 10. [Renumbered 116M.10 subd 9]

Subd. 11. [Renumbered 116M.10 subd 10]

- Subd. 12. [Repealed, 1984 c 583 s 37]
- 116J.924** Subdivision 1. [Repealed, 1984 c 583 s 37]
- Subd. 2. [Renumbered 116M.11 subdivision 1]
- Subd. 3. [Renumbered 116M.11 subd 2]
- Subd. 4. [Renumbered 116M.11 subd 3]
- Subd. 5. [Renumbered 116M.11 subd 4]
- 116J.925** [Renumbered 116M.12]
- 116J.926** [Renumbered 116M.13]
- 116J.94** [Repealed, 1987 c 314 s 5]

COUNCIL ON PRODUCTIVITY AND QUALITY

116J.941 COUNCIL ON PRODUCTIVITY AND QUALITY.

Subdivision 1. **Membership.** The Minnesota council on productivity and quality consists of the commissioner of trade and economic development and eleven members, appointed from the general public to four-year terms, who have backgrounds in or are representatives of management, labor, small business, engineering, or business-management education. The governor shall appoint five members, the speaker of the house of representatives shall appoint three members, and the senate majority leader shall appoint three members. The council shall elect two co-chairs from its membership, except that the commissioner of trade and economic development may not serve as a co-chair. Compensation of public members for expenses is as provided for members of advisory task forces under section 15.059, subdivision 6.

Subd. 2. **Staff.** The council may employ an executive director. Subject to the approval of the council, the executive director may employ employees necessary to carry out the council's policies. Council employees, including the executive director, are not state employees, but, at the option of the council, may participate in the state unclassified employees retirement plan, the state deferred compensation plan, and the insurance plans for employees covered by section 43A.18, subdivision 3.

History: 1987 c 316 s 1; 1988 c 686 art 1 s 64

NOTE: This section, as added by Laws 1987, chapter 316, section 1, is repealed June 30, 1989. See Laws 1987, chapter 316, section 4.

116J.942 COUNCIL ACTIVITIES.

Subdivision 1. **Public information.** The council shall inform the business community, organized labor, and the general public of the importance of productivity and quality in the workplace to the state and its economy. To do so, the council may use advertisements, press releases, public service announcements, seminars, workshops, or any other means the council deems practical and effective.

Subd. 2. **Research.** The council shall conduct research into education programs relating to productivity and quality, the effectiveness of those programs, new production technologies, methods of quality control, innovative strategies for marketing goods and services, issues relating to the quality of the workplace, and developments in labor-management relations. The council shall establish a system for receiving and responding to requests for information in those areas.

Subd. 3. **Matching funds.** The council shall seek money or in-kind services from the private sector to match money appropriated by the state for its activities. The council may accept gifts, grants, or services from individuals, firms, corporations, foundations, or other organizations.

Subd. 4. **Consultants.** The council shall compile a list of consultants experienced in productivity and quality techniques and education and shall, upon request, provide the names of appropriately qualified consultants to businesses or labor organizations. The list may include the names of individuals, businesses, or organizations willing to provide consulting services without fee to clients selected by the council as an in-kind

MINNESOTA STATUTES 1988

2813

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.955

grant to the council. The council may establish a grant program to assist businesses or labor organizations in need of consulting services but unable to pay a consulting fee and for which no in-kind grant of services is available.

Subd. 5. Contract for research and monitoring services. The council shall contract with the commissioner of trade and economic development to investigate and monitor developments in productivity and quality in the state and the nation. The investigation may examine the effect of productivity and quality improvements on the state's economy and seek to identify kinds of businesses that could especially benefit from new productivity and quality control techniques.

Subd. 6. Report to governor and legislature. By January 15 of each odd-numbered year, the council shall report to the governor and the legislature on its activities in the preceding two years. The report must include:

(1) the means the council used to educate business, labor, and the public on the importance of productivity and quality;

(2) the number of businesses and labor organizations the council helped to find appropriately qualified consultants;

(3) the amount of private funds raised to help support the council and its activities;

(4) a summary of its research and of the results of the investigating and monitoring services provided for it under contract by the commissioner of trade and economic development;

(5) recommendations for changes in state policies that could improve productivity and quality in the state; and

(6) a recommendation as to whether the state should continue to appropriate money for the council's activities.

History: 1987 c 312 art 1 s 26 subd 2; 1987 c 316 s 2

NOTE: This section, as added by Laws 1987, chapter 316, section 2, is repealed June 30, 1989. See Laws 1987, chapter 316, section 4.

116J.951 [Repealed, 1987 c 386 art 1 s 13]

116J.955 RURAL REHABILITATION REVOLVING FUND.

Subdivision 1. Establishment. The rural rehabilitation revolving fund is established as an account in the state treasury. The money transferred to the state as a result of liquidating the rural rehabilitation corporation trust, and money derived from transfer of the trust to the state, must be credited to the rural rehabilitation revolving fund. The principal amount of the rural rehabilitation revolving fund must be invested by the state investment board. The income attributable to investment of the principal is appropriated to the commissioner for the purposes of Laws 1987, chapter 386, article 1.

Subd. 2. Expenditure of fund. The commissioner may use the rural rehabilitation revolving fund for the purposes that are allowed under the Minnesota rural rehabilitation corporation's charter and agreement with the United States Secretary of Agriculture as provided in Public Law Number 499, 81st Congress, enacted May 3, 1950 and as allowed under Laws 1987, chapter 386, article 1. Not more than three percent of the book value of the Minnesota rural rehabilitation corporation's assets may be used for administrative purposes in a year without approval of the United States Secretary of Agriculture. The commissioner may create separate accounts within the fund for use in accordance with the fund's purposes.

Subd. 3. Transfer of authorized records to commissioner. The authority, assets, books, and records held by the Minnesota rural rehabilitation corporation and later by the state executive council under Public Law Number 499, 81st Congress, May 3, 1950, is transferred to the commissioner.

History: 1985 c 254 s 2; 1987 c 386 art 1 s 1,2

116J.961 [Repealed, 1987 c 386 art 1 s 13]

116J.965 [Repealed, 1987 c 386 art 1 s 13]

TRADE PROMOTION

116J.966 COMMISSIONER'S TRADE PROMOTION DUTIES.

Subdivision 1. **Generally.** (a) The commissioner shall promote, develop, and facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and in addition to the powers granted by section 116J.035, the commissioner may:

(1) locate, develop, and promote international markets for Minnesota products and services;

(2) arrange and lead trade missions to countries with promising international markets for Minnesota goods, technology, services, and agricultural products;

(3) promote Minnesota products and services at domestic and international trade shows;

(4) organize, promote, and present domestic and international trade shows featuring Minnesota products and services;

(5) host trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;

(6) develop contacts with Minnesota businesses and gather and provide information to assist them in locating and communicating with international trading or joint venture counterparts;

(7) provide information, education, and counseling services to Minnesota businesses regarding the economic, commercial, legal, and cultural contexts of international trade;

(8) provide Minnesota businesses with international trade leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom brokering;

(9) locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(10) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services;

(11) undertake activities to support the world trade center; and

(12) enter into contracts or other agreements with private persons and public entities, including agreements to establish and maintain offices and other types of representation in foreign countries, to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to sections 16B.07 and 16B.09.

(b) The programs and activities of the commissioner of trade and economic development and the Minnesota trade division may not duplicate programs and activities of the commissioner of agriculture or the Minnesota world trade center corporation.

(c) The commissioner shall notify the chairs of the senate finance and house appropriations committees of each agreement under this subdivision to establish and maintain an office or other type of representation in a foreign country.

Subd. 2. **Agricultural promotion.** The commissioner of agriculture, the commissioner of trade and economic development, and the director of the Minnesota trade division shall cooperate with each other to promote the beneficial agricultural interests of the state. The commissioner of trade and economic development and the director of the Minnesota trade division have primary responsibility for promoting state agricultural interests to international markets. The commissioner of trade and economic development and the director of the Minnesota trade division are also responsible for

the promotion of national trade programs related to international marketing. The commissioner of agriculture has primary responsibility for promoting the agriculture interests of producers, promoting state agricultural markets, and promoting agricultural interests of the state in cooperative production and marketing efforts with other states and the United States Department of Agriculture. The commissioner of agriculture is also responsible for promoting the national marketing of state agricultural products.

History: 1987 c 312 art 1 s 20; 1988 c 686 art 1 s 65

116J.967 COMMISSIONER'S TRADE PROMOTION DUTIES.

Subdivision 1. Generally. (a) The commissioner shall promote, develop, and facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and in addition to the powers granted by section 116J.035, the commissioner may:

(1) locate, develop, and promote international markets for Minnesota products and services;

(2) arrange and lead trade missions to countries with promising international markets for Minnesota goods, technology, services, and agricultural products;

(3) promote Minnesota products and services at international trade shows;

(4) organize, promote, and present international trade shows featuring Minnesota products and services;

(5) host trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;

(6) develop contacts with Minnesota businesses and gather and provide information to assist them in locating and communicating with international trading or joint venture counterparts;

(7) provide information, education, and counseling services to Minnesota businesses regarding the economic, commercial, legal, and cultural contexts of international trade;

(8) provide Minnesota businesses with international trade leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom brokering;

(9) locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(10) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services;

(11) undertake activities to support the world trade center; and

(12) enter into contracts or other agreements with private persons and public entities to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to sections 16B.07 and 16B.09.

(b) The programs and activities of the commissioner of trade and economic development and the Minnesota trade office may not duplicate programs and activities of the commissioner of agriculture.

Subd. 2. Agricultural promotion. The commissioner of trade and economic development and the director of the Minnesota trade office shall cooperate and consult with the commissioner of agriculture in promoting the beneficial agricultural interests of the state. The commissioner of trade and economic development and the director of the Minnesota trade office shall have the primary responsibility for promoting state agricultural interests to international markets. The commissioner of agriculture has primary responsibility for promoting the agricultural interests of producers, promoting state agricultural markets, and promoting the agricultural interests of the state in cooperative production and marketing efforts with other states and the United States Department of Agriculture.

History: 1987 c 312 art 1 s 26 subd 2; 1987 c 396 art 10 s 4

116J.9671 TRADE AND EXPORT DEVELOPMENT.

The commissioner of the department of trade and economic development shall encourage and develop commerce and devise ways and means of removing trade barriers hampering the free flow of commerce between this and other states.

History: 1983 c 289 s 6; 1987 c 312 art 1 s 26 subd 1; 1987 c 396 art 10 s 3,8

116J.9672 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of section 116J.9673, the following terms have the meanings given them.

Subd. 2. **Finance authority.** "Finance authority" means the export finance authority.

Subd. 3. **Preexport.** "Preexport" means that period of time between the formation of a sale and the actual shipment of the goods.

Subd. 4. **Postexport.** "Postexport" means the period of time between a shipment of goods and receipt of final payment for the goods.

History: 1983 c 289 s 7; 1984 c 461 s 1; 1987 c 312 art 1 s 26 subd 1; 1987 c 396 art 10 s 8

116J.9673 EXPORT FINANCE AUTHORITY.

Subdivision 1. **Creation; purpose.** The export finance authority is created to aid and facilitate the financing of exports from this state. The finance authority powers shall be used exclusively to meet the credit needs of Minnesota exporters.

Subd. 2. **Board of directors.** The governor shall appoint six members to the authority's board of directors. The six members shall be knowledgeable in international finance, exporting, or international law. The commissioner of the department of trade and economic development shall be chair of the board. Membership, terms, compensation and removals are governed by section 15.0575. Board members shall perform their duties in a non-self-serving manner and in compliance with section 10A.07.

Subd. 3. **Powers.** The finance authority has the power and authority to perform the following functions and may:

- (1) insure, coinsure, and guarantee against commercial preexport and postexport credit risks;
- (2) sue and be sued;
- (3) enter into agreements and transactions with any person, partnership, or corporation, both foreign and domestic, state, federal, and foreign governments and governmental agencies;
- (4) acquire and hold personal and real property pursuant to the provisions of insurance and the granting of guarantees;
- (5) pledge and appropriate collateral;
- (6) charge premiums, interest, and fees;
- (7) provide administrative, consultative, and technical services to assist in the financing of exports;
- (8) prepare and receive reports regarding credit, insurance, and guarantees with respect to export finance;
- (9) perform all necessary and appropriate operations, administration, processing, and marketing functions related to the authority's functions; and
- (10) adopt rules necessary to carry out responsibilities under this section.

Subd. 4. **Working capital account.** An export finance authority working capital account is created as a special account in the state treasury. All premiums, interest, and fees collected under subdivision 3, clause (6), must be deposited into this account. The balance in the account may exceed \$1,000,000 through accumulated earnings. Money in the account including interest earned and appropriations made by the legislature for

MINNESOTA STATUTES 1988

2817

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.970

the purposes of this section, is appropriated annually to the finance authority for the purposes of this section. The balance in the account may decline below \$1,000,000 as required to pay defaults on guaranteed loans.

Subd. 5. Annual report. The chair and board of directors shall submit to the governor an annual report on the activities of the finance authority.

Subd. 6. Liability limitation. The finance authority may not have at any one time net liabilities greater than four times its capital and reserves.

Subd. 7. Insurance and guarantees. The finance authority may provide insurance and guarantees to the following extent:

(1) The finance authority may not provide to any one person insurance or guarantees in excess of \$250,000 for preexport transactions and \$250,000 for postexport transactions. When insuring, coinsuring, or guaranteeing the postexport portion of transactions, the finance authority shall retain not more than ten percent of the commercial risk, or alternatively, the normal and standard deductible of the insurance policy.

(2) The policy of the finance authority is to provide insurance and guarantees for export credits that would otherwise not be made and that the chair and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment.

(3) The finance authority shall contract with, among others, the Foreign Credit Insurance Association, the United States Export-Import Bank, and private insurers to secure insurance or reinsurance for country and commercial risks for the finance authority's insurance program. The finance authority may purchase insurance policies using money from the finance authority's appropriations.

(4) Losses incurred by the finance authority that relate to its insurance or guarantee activities shall be solely borne by the finance authority to the extent of its capital and reserves.

Subd. 8. Staffing. The commissioner of the department of trade and economic development shall provide staff to work for the finance authority.

History: 1983 c 289 s 8; 1984 c 461 s 2-5; 1986 c 444; 1987 c 312 art 1 s 26 subd 1; 1987 c 396 art 10 s 8; 1988 c 686 art 1 s 46

116J.968 ECONOMIC DEVELOPMENT FUND.

Notwithstanding the repeal of section 116M.06, subdivision 4, the economic development fund is continued.

History: 1987 c 384 art 3 s 29

OFFICE OF SCIENCE AND TECHNOLOGY

116J.970 SCIENCE AND TECHNOLOGY OFFICE.

Subdivision 1. Duties. The commissioner shall establish an office of science and technology, which shall:

(1) provide assistance to the committee on science and technology research and development established in section 116J.971;

(2) prepare and deliver to the legislature every January 15, a science and technology annual report that shall contain:

(i) a list of the scientifically and technologically related research and development projects and development activities funded by a grant or loan of state money;

(ii) guidelines that the legislature may use in allocating state grant or loan money for scientifically and technologically related research and development projects, to include assessments of emerging technologies and those technologies that provide significant promise for the development of job-creating businesses; and

(iii) an analysis of the efficacy and completeness of the decentralized research peer review processes mandated in section 116J.971, subdivision 5, with special emphasis

on whether or not scientifically and technologically related research and development projects in Minnesota are in conformance with the guidelines established in item (ii), and whether or not the scientifically and technologically related research and development projects have or will result in creating scientifically and technologically related jobs;

(3) keep a current roster of technology intensive businesses in the state;

(4) collect and disseminate information on financial, technical, marketing, management, and other services available to technology intensive small and emerging businesses, including potential sources of debt and equity capital;

(5) review the technological development potential of various regions of the state and cooperate with and make recommendations to the legislature, state agencies, local governments, local technology development agencies, the federal government, private businesses, and individuals for the realization of the development potential;

(6) sponsor and conduct conferences and studies, collect and disseminate information, and issue periodic reports relating to scientifically and technologically related research and development, and education in the state and represent the state at appropriate interstate and national conferences; and

(7) take other action as assigned by the commissioner.

History: 1987 c 314 s 1

NOTE: This section is repealed by Laws 1988, chapter 629, section 23, effective June 30, 1993. See Minnesota Statutes 1988, section 116J.971, subdivision 10.

116J.971 COMMITTEE ON SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.

Subdivision 1. Membership. The committee on science and technology research and development consists of:

(1) a chair appointed by the governor to a four-year term;

(2) eight members appointed by the governor to six-year terms;

(3) one member appointed by the speaker of the house of representatives at the beginning of each biennium to a two-year term;

(4) one member appointed by the minority leader of the house of representatives at the beginning of each biennium to a two-year term;

(5) one member appointed by the majority leader of the senate at the beginning of each biennium to a two-year term; and

(6) one member appointed by the minority leader of the senate at the beginning of each biennium to a two-year term.

At least one member must be appointed from each of the regions established in subdivision 2.

Subd. 2. Rural region representation. The department of trade and economic development shall divide the part of the state located outside of the metropolitan area as defined in section 473.121, subdivision 2, into six regions. A region's boundaries must be coterminous with the boundaries of one or more of the development regions established under section 462.385.

Subd. 3. Qualifications and duties of the committee on science and technology research and development. Members of the committee on science and technology research and development must be qualified in at least one of the five following areas: economic development, academic and applied research, the administration of research, the review of research processes, and the management and development of technology intensive companies. The committee shall:

(i) advise upon and approve by a majority vote the guidelines required by section 116J.970, clause (2), item (ii);

(ii) advise the director of the office of science and technology on the preparation of the analysis required by section 116J.970, clause (2), item (iii);

(iii) approve the assignment of ad hoc advisory committees on science and technology research and development as needed; and

(iv) review and comment upon, if the committee considers it to be necessary, the reports of the ad hoc advisory committees and forward the reports to the director of the office of science and technology.

Subd. 4. Ad hoc advisory committees. To perform the acts required by section 116J.970, clause (2), the committee on science and technology research and development may, from time to time, approve the creation and use of ad hoc advisory committees composed of three to 15 members each. Members of the committee on science and technology research and development may be ad hoc committee members, but members of the permanent committee may not be a majority of an ad hoc committee.

Subd. 5. Compensation. Members of the committee on science and technology research and development and of the ad hoc advisory committees receive no compensation but payment of their expenses is governed by section 15.059, subdivision 6.

Subd. 6. Peer review plans. A state agency, board, commission, authority, or institution that funds scientifically and technologically related research shall establish a peer review system to evaluate the research. The committee on science and technology research and development shall recommend guidelines for establishing effective peer review. An agency, board, commission, authority, or institution that funds scientifically and technologically related research shall, at least biennially, present to the committee on science and technology research and development or to ad hoc committees, as determined by the committee on science and technology research and development, a review and evaluation of the peer review process used in that organization.

Subd. 7. Authority to perform requested evaluations. The governor, commissioner or director of the office of science and technology, speaker of the house of representatives, house of representatives minority leader, senate majority leader, senate minority leader, chair of the house of representatives appropriations committee, chair of the senate finance committee, or a member of the legislature considering the introduction or approval of legislation containing funding for scientifically and technologically related research and development, may request the committee on science and technology research and development to evaluate a loan or grant made or to be made or the proposed legislation for funding scientifically and technologically related research and development to determine (1) whether it complies with the guidelines required by section 116J.970, clause (2), item (ii); (2) whether it is technically feasible; and (3) for development proposals, whether the proposal appears to have the potential for economic development. Ad hoc committees may be appointed by the committee on science and technology research and development to perform these reviews.

Subd. 8. Authority for review and comment upon research and development programs. Each agency, board, commission, authority or institution receiving an appropriation for the funding of scientifically and technologically related research and development must notify the office of science and technology within 60 days of making a loan or grant for scientifically or technologically related research and development. The notice shall contain a summary of the nature of and significant objectives of the research and development project funded by a grant or loan. The notice must also include information on the size and timing of previous grants or loans and anticipated additional funding needs. The committee on science and technology research and development shall, at least once each biennium, review scientifically and technologically related research funded by a state agency, board, commission, authority, or institution to assess whether or not the research and development is conducted in accordance with the guidelines required by section 116J.970, clause (2), item (ii). The committee's assessment shall be sent to the legislature on or before January 15 of every odd-numbered year.

Subd. 9. Staff appointments. The director of the office of science and technology shall appoint those staff members necessary to perform the functions of the science and technology division. The director shall appoint in the unclassified service an executive director of the committee on science and technology research and development, who shall report to the director. The executive director must hold a postbaccalaureate

MINNESOTA STATUTES 1988

116J.971 DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

2820

degree in scientific or technologically related studies, or demonstrate experience in technological policy formulation.

Subd. 10. **Expiration.** This section and section 116J.970 are repealed June 30, 1993.

History: 1987 c 312 art 1 s 26 subd 2; 1987 c 314 s 2; 1988 c 629 s 23

COMMUNITY DEVELOPMENT

116J.980 COMMUNITY DEVELOPMENT DIVISION.

Subdivision 1. **Duties.** The community development division is a division within the department of trade and economic development. It shall:

(1) be responsible for administering all state community development and assistance programs, including the economic recovery fund, the outdoor recreation grant program, the rural development board programs, the community development corporation program, the urban revitalization program, the Minnesota public facilities authority loan and grant programs, and the enterprise zone program;

(2) be responsible for state administration of federally funded community development and assistance programs, including the small cities development grant program and land and water conservation program;

(3) provide technical assistance to rural communities for community development in cooperation with regional development commissions;

(4) coordinate the development and review of state rural development policies;

(5) provide staff and consultant services to the rural development board; and

(6) be responsible for coordinating community assistance and development programs in cooperation with regional development commissions.

Subd. 2. **General complement authority.** The community development division may combine all related state and federal complement positions into general fund positions, to carry out the responsibilities under subdivision 1. The number of general fund positions must not exceed the aggregate number of all state and federal positions that are to be combined. Records of the actual number of employee hours charged to each state and federal account must be maintained for each general fund position.

History: 1987 c 312 art 1 s 26 subd 2; 1987 c 386 art 4 s 1

116J.981 MAIN STREET PROGRAM.

The commissioner shall develop and administer a main street program to assist cities in the revitalization of their businesses. The purpose of the program is to strengthen local organization and local management of business districts so that cities become more self-reliant and not dependent on future state financial assistance. The staff dedicated for this program shall assist cities that request assistance in the following manner:

(1) improving the organization of a city's business district including the leadership skills of business owners and city officials;

(2) establishing a marketing strategy to promote a city's business district to residents of the surrounding trade area;

(3) providing technical assistance in the design and rehabilitation of buildings in a city's business district including historic preservation; and

(4) establishing a strategy to strengthen existing businesses, recruit new businesses, diversify the mix of businesses, and develop vacant property in a city's business district.

History: 1987 c 386 art 4 s 2

116J.982 COMMUNITY DEVELOPMENT CORPORATIONS.

Subdivision 1. **Definitions.** For the purposes of this section, the terms in this subdivision have the meanings given them:

MINNESOTA STATUTES 1988

2821

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT 116J.982

(a) "Commissioner" means the commissioner of trade and economic development.

(b) "Economic development region" means an area so designated in the governor's executive order number 60, dated June 12, 1970, as amended.

(c) "Federal poverty level" means the income level established by the United States Community Services Administration in Code of Federal Regulations, title 45, section 1060.2-2.

(d) "Low income" means an annual income below the federal poverty level.

Subd. 2. Administration. The commissioner shall administer this section and shall enforce the rules related to the community development corporations adopted by the commissioner. The commissioner may amend, suspend, repeal, or otherwise modify these rules as provided for in chapter 14.

Subd. 3. Grants; corporations eligible. (a) The commissioner shall designate a community development corporation as eligible to receive grants under this section if the corporation is a nonprofit corporation incorporated under chapter 317 and meets the other criteria in this subdivision.

(b) The corporation, in its articles of incorporation or bylaws, shall designate a specific geographic community within which it will operate. At least ten percent of the population within the designated community must have low incomes. Within the metropolitan area as defined in section 473.121, subdivision 2, a designated community must be an identifiable neighborhood or a combination of neighborhoods or home rule charter or statutory cities, townships, unincorporated areas, or combinations of those entities. Outside the metropolitan area, designated communities, so far as possible, may not cross existing economic development boundaries. If a proposed geographic area overlaps the designated community of a community development corporation existing before August 1, 1987, the proposed community development corporation shall obtain the written consent of the existing community development corporation before the proposed corporation may be designated as eligible to receive grants under this section.

(c) The corporation shall limit voting membership to residents of its designated area.

(d) The corporation shall have a board of directors with 15 to 30 members unless the corporation can demonstrate to the satisfaction of the commissioner that a smaller or larger board is more advantageous. At least 40 percent of the directors must have incomes that do not exceed 80 percent of the county median family income or 80 percent of the statewide median family income as determined by the state demographer, whichever is less, and the remaining directors must be members of the business or financial community and the community at large. To the greatest extent possible, and at least 60 percent of, the directors must be residents of the designated community. Directors who meet the income limitations of this paragraph must be elected by the members of the corporation. The remaining directors may be elected by the members or appointed by the directors who meet the income limitations of this paragraph.

(e) The corporation shall hire low-income residents of the designated community to fill nonmanagerial and nonprofessional positions.

(f) The corporation shall demonstrate that it has or will have the technical skills to analyze projects, that it is familiar with other available public and private funding sources and economic development programs, and that it is capable of packaging economic development projects.

Subd. 4. Grant approval for projects. The commissioner shall approve a grant to a community development corporation only for a project carried on within the designated community, except when the corporation demonstrates that a project carried on outside will have a significant impact inside the designated community.

Subd. 5. Use of grant. The commissioner may approve a grant to a community development corporation for planning, including organization of the corporation, training of the directors, creation of a comprehensive community economic develop-

MINNESOTA STATUTES 1988

116J.982 DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

2822

ment plan, and development of a proposal for a venture grant, or for establishment of a business venture, including assistance to an existing business venture, purchase of partial or full ownership of a business venture, or development of resources or facilities necessary for the establishment of a business venture.

Subd. 6. Assignee. The commissioner must be named as an assignee of the rights of a state-funded community development corporation on any loan or other evidence of debt provided by a community development corporation to a private enterprise. The assignment of rights must provide that it will be effective upon the dormancy or cessation of existence of the community development corporation. "Dormancy" for the purpose of this section means the continuation of the corporation in name only without any functioning officers or activities. Upon the cessation of the activities of a state-funded community development corporation, any assigned money paid to the commissioner must be deposited in the state treasury and credited to the general fund.

Subd. 6a. Secondary market. A community development corporation may sell, at private or public sale, at the price or prices determined by the corporation, any note, mortgage, lease, sublease, lease purchase, or other instrument or obligation evidencing or securing a loan made for the purpose of economic development, job creation, redevelopment, or community revitalization by a public agency to a business, for-profit or nonprofit organization, or an individual.

Subd. 7. Factors for grant approval. Factors considered by the commissioner in approving a grant to a community development corporation must include the creation of employment opportunities, the maximization of profit, and the effect on securing money from sources other than the state.

Subd. 8. Prohibition. Grants under this section are not available for programs conducted by churches or religious organizations or for securing or developing social services.

Subd. 9. No exclusion. A person may not be excluded from participation in a program funded under this section because of race, color, religion, sex, age, or national origin.

History: 1987 c 312 art 1 s 26 subd 2; 1987 c 386 art 4 s 3; 1988 c 580 s 2