

Sec. 18. Minnesota Statutes 1990, section 317A.827, is amended by adding a subdivision to read:

Subd. 3. REACTIVATION. If a corporation is dissolved for failure to file the annual registration for three consecutive years, it may reactivate by paying a \$25 fee, filing the annual registration, and filing any necessary amendment, including the filing fees for the amendment.

Presented to the governor April 17, 1992

Signed by the governor April 23, 1992, 11:48 a.m.

CHAPTER 504—H.F.No. 2106

An act relating to financial institutions; currency exchanges; imposing distance limitations and operating restrictions; requiring local approval of licenses; amending Minnesota Statutes 1990, sections 8.31, subdivision 1; 53A.02; 53A.03; 53A.04; 53A.05; and 53A.08; proposing coding for new law in Minnesota Statutes, chapter 53A; repealing Minnesota Statutes 1990, section 53A.14.

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

Section 1. Minnesota Statutes 1990, section 8.31, subdivision 1, is amended to read:

Subdivision 1. **INVESTIGATE OFFENSES AGAINST THE PROVISIONS OF CERTAIN DESIGNATED SECTIONS; ASSIST IN ENFORCEMENT.** The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, the nonprofit corporation act (sections 317A.001 to 317A.909), the act against unfair discrimination and competition (sections 325D.01 to 325D.08), the unlawful trade practices act (sections 325D.09 to 325D.16), the antitrust act (sections 325D.49 to 325D.66), section 325F.67 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), ~~and~~ the prevention of consumer fraud act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided.

Sec. 2. Minnesota Statutes 1990, section 53A.02, is amended to read:

53A.02 LICENSE.

Subdivision 1. REQUIREMENT. A person may not engage in the business of a currency exchange without first obtaining a license from the commissioner. ~~A person may operate currency exchanges at more than one location with one license. Not more than one place of business may be operated under the same license, but the commissioner may issue more than one license to the same~~

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licensee upon compliance by the applicant with all the provisions of this chapter for each new license issued.

Subd. 2. DISTANCE LIMITATION. No license may be issued or renewed under this chapter if the place of business to be operated under the license is located or proposed to be located within one-half mile of another licensed currency exchange. The distance limitation imposed by this subdivision is measured by a straight line from the closest points of the closest structures involved.

Subd. 3. PROHIBITION. A licensee may not contract with another person or business entity to manage the currency exchange business. This subdivision does not prohibit the licensee from employing persons to operate a currency exchange facility.

Sec. 3. Minnesota Statutes 1990, section 53A.03, is amended to read:

53A.03 APPLICATION FOR LICENSE; FEES.

(a) An application for a license must be in writing, under oath, and in the form prescribed and furnished by the commissioner and must contain the following:

(1) the full name and address (both of residence and place of business) of the applicant, and if the applicant is a partnership or association, of every member, and the name and business address if the applicant is a corporation;

(2) the county and municipality, with street and number, if any, of all currency exchange locations operated by the applicant; and

(3) the applicant's occupation or profession, for the ten years immediately preceding the application; present or previous connection with any other currency exchange in this or any other state; whether the applicant has ever been convicted of any crime; and the nature of the applicant's occupancy of the premises to be licensed; and if the applicant is a partnership or a corporation, the information specified in this paragraph must be supplied for each partner and each officer and director of the corporation. If the applicant is a partnership or a nonpublicly held corporation, the information specified in this paragraph must be required of each partner and each officer, director, and stockholders owning in excess of ten percent of the corporate stock of the corporation.

(b) The application shall be accompanied by a nonrefundable fee of \$250 for the review of the initial application. Upon approval by the commissioner, an additional license fee of \$50 must be paid by the applicant as an annual license fee for the remainder of the calendar year. An annual license fee of \$50 is due for each subsequent calendar year of operation upon submission of a license renewal application on or before December 1. Fees must be deposited in the state treasury and credited to the general fund. Upon payment of the required annual license fee, the commissioner shall issue a license for the year beginning January 1.

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(c) The commissioner shall require the applicant to submit to a background investigation conducted by the bureau of criminal apprehension as a condition of licensure. As part of the background investigation, the bureau of criminal apprehension shall conduct criminal history checks of Minnesota records and is authorized to exchange fingerprints with the Federal Bureau of Investigation for the purpose of a criminal background check of the national files. The cost of the investigation must be paid by the applicant.

(d) For purposes of this section, "applicant" includes an employee who exercises management or policy control over the company, a director, an officer, a limited or general partner, a manager, or a shareholder holding more than ten percent of the outstanding stock of the corporation.

Sec. 4. Minnesota Statutes 1990, section 53A.04, is amended to read:

53A.04 APPROVAL OR DENIAL OF AN APPLICATION.

The commissioner shall approve or deny an application within 30 days from the completed filing of it: (a) Within 30 days after the receipt of a complete application, the commissioner shall deny the application or submit the application to the governing body of the local unit of government in which the applicant is located or is proposing to be located. The commissioner may not approve the application without the concurrence of the governing body. The governing body shall give published notice of its intention to consider the issue and shall solicit testimony from interested persons, including those in the community in which the applicant is located or is proposing to be located. If the governing body has not approved or disapproved the issue within 60 days of receipt of the application, concurrence is presumed. The commissioner must approve or disapprove the application within 30 days from receiving the decision of the governing body. The governing body shall have the sole responsibility for its decision. The state shall have no responsibility for that decision.

(b) If the application is denied, the commissioner shall send by mail notice of the denial and the reason for the denial to the applicant at the address contained in the application. If an application is denied, the applicant may, within 30 days of receiving the notice of a denial, request a contested case hearing pursuant to chapter 14; provided that if the denial is based upon the refusal of the governing body to concur the governing body must afford the applicant a hearing. The applicant shall have no right to the hearing provided for in this section if the denial is based upon the governing body's refusal to concur but shall have a hearing before the governing body.

(c) This section applies to initial applications and renewal applications.

(d) The state shall have no responsibility for the action of the governing body.

Sec. 5. Minnesota Statutes 1990, section 53A.05, is amended to read:

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53A.05 CHANGE OF NAME, OWNERSHIP, OR LOCATION.

Subdivision 1. NAME OR LOCATION. If a licensee proposes to change the name or location of any or all of its currency exchanges, ~~or adds a new currency exchange location;~~ the licensee shall file an application for approval of the change with the commissioner. The commissioner shall not approve a change of location if the requirements of sections 53A.02, subdivision 2, and 53A.04 have not been satisfied. If the change is approved by the commissioner, the commissioner shall issue an amended license in the licensee's new name or location. A \$50 fee must be paid for the amended license.

Subd. 2. OWNERSHIP. The licensee shall notify the commissioner 30 business days in advance of any change in ownership of the currency exchange. The commissioner may revoke the currency exchange license if the new ownership would have resulted in a denial of the initial license under the provisions of chapter 53A.

Sec. 6. Minnesota Statutes 1990, section 53A.08, is amended to read:

53A.08 BOND.

Any Before a license may be issued to a currency exchange that engages in the sale of money orders or travelers' checks shall comply with bonding requirements pursuant to section 48.151, the applicant shall file annually with and have approved by the commissioner a surety bond, issued by a bonding company authorized to do business in this state in the principal amount of \$10,000. The bond must run to the commissioner and is for the benefit of creditors of the currency exchange for liability incurred by the currency exchange on money orders issued or sold by the currency exchange, for liability incurred by the currency exchange for sums due to a payee or endorsee of a check, draft, or money order left with the currency exchange for collection, and for liability incurred by the currency exchange in connection with providing currency exchange services. The commissioner may require a licensee to file a bond in an additional amount if the commissioner considers it necessary to meet the requirements of this section. In determining the additional amount of the bond which may be required, the commissioner may require the licensee to file its financial records, including all bank statements, pertaining to the sale of money orders for the preceding 12-month period. In no case may the bond be less than the initial \$10,000 or more than the outstanding liabilities.

Sec. 7. [53A.081] ANNUAL REPORT AND INVESTIGATIONS.

Subdivision 1. ANNUAL REPORT. On or before March 1, a licensee shall file an annual report with the commissioner for the previous calendar year. The report must contain information that the commissioner may reasonably require concerning, and for the purpose of examining, the business and operations of each licensed currency exchange.

Subd. 2. INVESTIGATION. The commissioner may at any time and shall at least once in each year investigate the currency exchange business of any

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licensee and of every person, partnership, association, and corporation engaged in the business of operating a currency exchange in the manner provided under section 45.027.

Subd. 3. FEES AND EXPENSES. The licensee shall pay the costs of an examination or investigation in the manner provided under section 60A.03, subdivision 5.

Sec. 8. REPEALER.

Minnesota Statutes 1990, section 53A.14, is repealed.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 8 are effective the day following final enactment. Section 2, subdivisions 2 and 3, apply to licenses issued for new places of business that begin operating on or after the effective date. Sections 1; 2, subdivision 1; and 3 to 8 apply to licenses issued or renewed on or after that date.

Presented to the governor April 17, 1992

Signed by the governor April 23, 1992, 11:54 a.m.

CHAPTER 505—H.F.No. 1957

An act relating to local government; clarifying the duties of the county highway engineer; restricting compensation for local elected officials; providing for terms for Cook county hospital district board members; amending Minnesota Statutes 1990, sections 43A.17, by adding a subdivision; 163.07, subdivision 1; and Laws 1989, chapter 211, section 8, subdivision 3.

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

Section 1. Minnesota Statutes 1990, section 43A.17, is amended by adding a subdivision to read:

Subd. 10. LOCAL ELECTED OFFICIALS; CERTAIN COMPENSATION PROHIBITED. The compensation plan for an elected official of a statutory or home rule charter city, county, town, or school district may not include a provision for vacation or sick leave. The salary of an official covered by this subdivision may not be diminished because of the official's absence from official duties because of vacation or sickness.

Sec. 2. Minnesota Statutes 1990, section 163.07, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT.** The county board of each county shall

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