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S.F. No. 3036 – Establishing a preliminary application procedure for professional licenses, registrations, and certificates (with the A-1 amendment)

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Date: March 19, 2022

S.F. 3036 establishes a preliminary application process for individuals to submit to a licensor to determine whether a criminal conviction or alleged misconduct might make the individual ineligible for a license, registration, or certificate.

Section 1 (214.035) establishes the preliminary application process.

Subdivision 1 defines state licensor and licensor.

Subd. 2, paragraph (a) requires state licensors to permit a person to submit a preliminary application for a determination as to whether a criminal conviction or any other record of alleged misconduct that may be considered by the state licensor would make the person ineligible for a license, registration, or certificate issued by the state licensor.

Paragraph (b) requires an applicant to submit the preliminary application to the licensor. The licensor may require the applicant to provide a copy of the applicant's criminal record or complete a background check if required by statute to obtain a license, registration, or certificate.

Paragraph (c) permits the licensor to charge a fee to cover expenses incurred in connection with processing the preliminary application or the initial fee for the applicable license, registration, or certificate. Specifies that if the applicant applies for a license, registration, or certificate, the preliminary application fee paid must be credited toward the initial fee. Permits an applicant to request a waiver of the fee. Requires the licensor to deposit any fees collected in the same fund as other fees collected by that licensor.

Paragraph (d) requires the licensor, upon receipt of a completed application, to determine whether under state law a criminal conviction or other alleged misconduct would make the applicant ineligible to receive a license, registration, or certificate from the licensor. The licensor is required to issue a written decision within 60 days. If the licensor determines that

the conviction or alleged misconduct would make the applicant ineligible the licensor in its written decision must: (1) state the reasons the license, registration, or certificate would be denied; and (2) inform the applicant of any actions or steps the applicant could take to qualify for a license, registration, or certificate.

Paragraph (e) states that if the licensor determines that no convictions or alleged misconduct would make the applicant ineligible for a license, registration, or certificate the decision is binding on the licensor unless the applicant: (1) is convicted of a crime or commits any other disqualifying act that may be considered after the submission of the preliminary application; (2) provided incomplete information; or (3) provided inaccurate or fraudulent information.

Subd. 3, paragraph (a) requires each state licensor to annually report to the department of employment and economic development: (1) the number of individuals who applied for a license, registration or certificate from the licensor; (2) the number of individuals who were found to be ineligible due to a criminal conviction or other alleged misconduct; (3) the number of individuals who submitted a preliminary application; and (4) the number of individuals who submitted a preliminary application that were found to be ineligible due to a criminal conviction or alleged misconduct.

Paragraph (b) requires the commissioner of employment and economic development to compile all the reports received and annually provide a compiled report to the legislature and make the report available on the department's website.