

(19) Transitional housing facilities. "Transitional housing facility" means a facility that meets the following requirements. (i) It provides temporary housing to parents and children who are receiving AFDC or parents of children who are temporarily in foster care. (ii) It has the purpose of reuniting families and enabling parents to obtain self-sufficiency, advance their education, get job training, or become employed in jobs that provide a living wage. (iii) It provides support services such as child care, work readiness training, and career development counseling; and a self-sufficiency program with periodic monitoring of each resident's progress in completing the program's goals. (iv) It provides services to a resident of the facility for at least six months but no longer than three years, except residents enrolled in an educational or vocational institution or job training program. These residents may receive services during the time they are enrolled but in no event longer than four years. (v) It is sponsored by an organization that has received a grant under either section 256.7365 for the biennium ending June 30, 1989, or section 462A.07, subdivision 15, for the biennium ending June 30, 1991, for the purposes of providing the services in items (i) to (iv). (vi) It is sponsored by an organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1987. This exemption applies notwithstanding the fact that the sponsoring organization receives financing by a direct federal loan or federally insured loan or a loan made by the Minnesota housing finance agency under the provisions of either Title II of the National Housing Act or the Minnesota housing finance agency law of 1971 or rules promulgated by the agency pursuant to it, and notwithstanding the fact that the sponsoring organization receives funding under Section 8 of the United States Housing Act of 1937, as amended.

(20) Wind energy conversion systems, as defined in section 216C.06, subdivision 12, installed after January 1, 1991, and used as an electric power source.

Sec. 3. **EFFECTIVE DATE.**

Section 2 is effective for taxes payable in 1992 and afterward.

Presented to the governor May 30, 1991

Signed by the governor June 3, 1991, 4:04 p.m.

CHAPTER 316—S.F.No. 928

An act relating to agriculture; providing for enforcement of agricultural laws; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Section 1. **[17.981] DEFINITION.**

New language is indicated by underline, deletions by ~~strikeout~~.

As used in sections 1 to 4, "person" means an individual, corporation, association, cooperative, or partnership.

Sec. 2. [17.982] CRIMINAL AND ADMINISTRATIVE PENALTIES.

Subdivision 1. CRIMINAL PENALTIES. A person who violates chapter 29, 31, 31A, or 34 for which a penalty has not been prescribed is guilty of a misdemeanor.

Subd. 2. ADMINISTRATIVE PENALTIES. (a) The commissioner may, as an alternative to misdemeanor prosecution, impose an administrative penalty on a person who violates a statute or rule enforceable by the commissioner. For a first violation, the commissioner may impose an administrative penalty of not more than \$1,000 for each violation. For a second or succeeding violation, the commissioner may impose an administrative penalty of not more than \$1,500 for each violation. Each day a violation continues is a separate violation.

(b) In determining the amount of the administrative penalty the commissioner may consider:

- (1) the willfulness of the violation;
- (2) the gravity of the violation;
- (3) the person's history of past violations;
- (4) the number of violations;
- (5) the economic benefit from the violation; and
- (6) other factors identified in the commissioner's citation.

(c) For a second or succeeding violation, the commissioner shall determine the amount of a penalty by considering the factors in paragraph (b) and:

- (1) similarity between the violations;
- (2) time elapsed since the last violation; and
- (3) the person's response to the most recent violation.

Sec. 3. [17.983] ADMINISTRATIVE PENALTIES AND ENFORCEMENT.

Subdivision 1. ADMINISTRATIVE PENALTIES; CITATION. If a person has violated chapter 29, 31, 31A, or 34, the commissioner may issue a written citation to the person by personal service or by certified mail. The citation shall describe the nature of the violation and the statute or rule alleged to have been violated; state the time for correction; and the amount of any proposed fine. The citation must advise the person to notify the commissioner in writing within 30 days if the person wishes to appeal the citation. If the person fails to

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appeal the citation, the citation is the final order and not subject to further review.

Subd. 2. FAILURE TO CORRECT. If a person fails to correct a violation within the time prescribed by the commissioner, the commissioner shall notify the person by certified mail of the failure to correct and the penalty amount assessed. The notice must state that the person must notify the commissioner in writing within 30 days if the person wishes to appeal the penalty. If the person fails to appeal the penalty in writing within 30 days of receipt of the notice, the penalty is a final order and not subject to further review.

Subd. 3. CONTESTED CASE. If a person appeals a citation or a penalty assessment within the time limits in subdivisions 1 and 2, the commissioner, within 40 days after receiving the appeal, shall initiate a contested proceeding under chapter 14. The report of the administrative law judge is the final decision of the commissioner of agriculture.

Sec. 4. [17.984] INVESTIGATION.

Subdivision 1. AUTHORITY. To carry out the commissioner's enforcement duties under chapter 29, 31, 31A, or 34, the commissioner may, upon presenting appropriate credentials, during regular working hours and at other reasonable times, inspect premises subject to the commissioner's enforcement and licensing authority for reasons related to the commissioner's enforcement and licensing authority; request information from persons with information relevant to an inspection; and inspect relevant papers and records, including business records. The commissioner may issue notices in lieu of citations for minor violations if a notice is in the public interest.

Subd. 2. FAILURE TO COMPLY. The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which the premises is located to compel compliance with subpoenas or to permit an inspection.

Presented to the governor May 30, 1991

Signed by the governor June 3, 1991, 4:01 p.m.

CHAPTER 317—S.F.No. 1224

An act relating to retirement; state unclassified employees retirement program; permitting plan participants who move to unclassified positions not covered by the plan to elect to participate in the plan; providing for collection of certain omitted contributions; authorizing a medical leave and reemployed annuitant provision for the Minneapolis teachers retirement fund; amending Minnesota Statutes 1990, section 352D.02, by adding a subdivision; and 354A.12, by adding a subdivision.

New language is indicated by underline, deletions by ~~strikeout~~.