

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2458

02/22/2012 Authored by Torkelson, Dill, Gunther and Fabian

The bill was read for the first time and referred to the Committee on Government Operations and Elections

03/19/2012 Adoption of Report: Pass and re-referred to the Committee on State Government Finance

1.1 A bill for an act
1.2 relating to state government; creating an advisory inspections process; proposing
1.3 coding for new law in Minnesota Statutes, chapter 15.

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

1.5 Section 1. [15.985] ADVISORY INSPECTIONS.

1.6 (a) A state agency that has authority to impose a fine or penalty as a result of
1.7 an inspection must conduct an advisory inspection upon request of a person who is
1.8 potentially subject to the fine or penalty. If an advisory inspection results in findings that
1.9 potentially could make a person subject to a fine or other penalty imposed by the agency,
1.10 the agency must notify the person in writing of those findings within ten days of the
1.11 inspection. If within 60 days of receiving notice the person notifies that agency it has
1.12 corrected the situation that made the person potentially subject to the fine or penalty, and
1.13 the agency later determines that the situation is corrected, the agency may not impose a
1.14 fine or penalty as a result of the findings in the advisory inspection.

1.15 (b) For purposes of this section:

1.16 (1) "inspection" includes an examination of real or personal property, or an audit or
1.17 other examination of financial or other documents;

1.18 (2) "penalty" includes a civil or administrative fine or other sanction, a cease and
1.19 desist order, or other injunctive-type relief;

1.20 (3) "person" includes a real person and businesses, including corporations,
1.21 partnerships, limited liability companies, and unincorporated associations; and

1.22 (4) "state agency" means a department, agency, board, commission, constitutional
1.23 office, or other group in the executive branch of state government.

2.1 (c) If an agency revises, amends, extends, or adds additional violations to a notice,
2.2 the person has 60 days from the date of those changes to correct the situation without
2.3 fine or penalty.

2.4 (d) This section does not apply to:

2.5 (1) criminal penalties;

2.6 (2) situations in which implementation of this section is prohibited by federal law or
2.7 would result in loss of federal funding or other federal sanctions;

2.8 (3) conduct constituting fraud;

2.9 (4) violations in a manner that endangers a human life;

2.10 (5) violations that are part of a pattern that has occurred repeatedly, shows willful
2.11 intent, and for which it may be demonstrated that the alternative inspections process is
2.12 being used to avoid enforcement;

2.13 (6) violations that occur within three years of violating an applicable law; and

2.14 (7) the Department of Revenue.

2.15 **EFFECTIVE DATE.** This section is effective July 1, 2012.