

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.

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#### 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~~.

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

Section 1. Minnesota Statutes 1990, section 352D.02, is amended by adding a subdivision to read:

Subd. 1d. ELECTION OF PROGRAM PARTICIPATION. An employee who is a participant in the unclassified program by virtue of employment in a position listed in subdivision 1 may elect to remain in the unclassified program upon subsequent employment in an unlimited, full-time unclassified position that is not listed in subdivision 1. To elect participation in the unclassified program, the employee must give notice to the executive director of the Minnesota state retirement system within one year of the commencement of employment in an unclassified position that is not listed in subdivision 1. Upon receipt of the notice, the executive director shall transfer to the employee's account in the unclassified program an amount equal to the employer and employee contributions with six percent interest to the regular plan on the employee's behalf from the commencement of employment in the position not listed in subdivision 1 to the receipt of the notice by the executive director.

**Sec. 2. ELECTION BY CERTAIN EMPLOYEES.**

Notwithstanding the one-year period for electing participation in the unclassified program under section 1, an employee who moved from a position listed in Minnesota Statutes, section 352D.02, subdivision 1, to an unlimited, full-time unclassified position not listed there, and who commenced employment in the latter position more than one year before the effective date of this act, may elect to participate in the unclassified program by giving notice to the executive director of the Minnesota state retirement system within one year of the effective date of this act. Upon receipt of the notice, the executive director shall transfer contributions with six percent interest to the regular plan on the employee's behalf to the employee's account in the unclassified program, in accordance with section 1.

Sec. 3. Minnesota Statutes 1990, section 354A.12, is amended by adding a subdivision to read:

Subd. 1a. OBLIGATION FOR OMITTED SALARY DEDUCTIONS. If the full required contributions are not deducted from the salary of a teacher, payment of the shortage in such deductions is the sole obligation of the employing unit during the three year period following the end of the fiscal year in which the shortage occurred. The shortage is payable by the employing unit upon notification of the shortage by the executive director of the applicable retirement fund association. The employing unit shall also pay any employer contributions related to the shortage. The amount of the shortage in employee contributions and associated employer contributions is payable with interest at the rate of six percent per annum, compounded annually, from the end of the fiscal year in which the shortage occurred to the end of the month in which payment is made and the interest shall be credited to the fund. If the shortage payment and interest is not paid by the employing unit within 60 days of notification, the execu-

New language is indicated by underline, deletions by strikeout.

the director shall certify the amount of the shortage payment and interest to the commissioner of finance, who shall deduct the amount from any state aid or appropriation amount applicable to the employing unit.

**Sec. 4. MINNEAPOLIS TEACHERS MEDICAL LEAVE CREDIT.**

In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the Minneapolis teachers retirement fund association to amend its articles of incorporation or bylaws to allow basic plan members who are granted medical leave of absence by special school district No. 1, Minneapolis, to receive up to one year service credit of that leave in accordance with Minnesota Statutes, section 354A.096.

**Sec. 5. MINNEAPOLIS TEACHERS RETIREE RESUMING SERVICE.**

In accordance with Minnesota Statutes, section 354A.12, subdivision 4, approval is granted for the Minneapolis teachers retirement fund association to amend its articles of incorporation or bylaws to provide that any person who is retired and receiving a basic program formula retirement annuity under the articles of incorporation or bylaws of the association, and who has resumed teaching service for the special school district No. 1, is entitled to continue to receive retirement annuity payments except that annuity payments must be reduced in accordance with Minnesota Statutes, section 354A.31, subdivision 3, if the person's income from teaching service is an amount greater than the maximum earnings allowable for that age for the continued receipt of full benefit amounts monthly under the federal old age, survivors, and disability insurance program as set by the Secretary of Health and Human Services under United States Code, title 42, section 403.

**Sec. 6. EFFECTIVE DATE.**

Sections 1 to 5 are effective on July 1, 1991. Section 3 applies to omitted or deficient contributions on salary earned after June 30, 1988.

Presented to the governor May 30, 1991

Signed by the governor June 3, 1991, 5:23 p.m.

**CHAPTER 318—S.F.No. 1127**

*An act relating to human services; establishing an advisory council; requiring a plan to simplify rules and regulations governing services to persons with developmental disabilities and related conditions.*

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

**Section 1. ADVISORY COUNCIL.**

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