

1.1 moves to amend H.F. No. 6, the first division engrossment (DIVH0006-1),
1.2 as follows:

1.3 Page 2, line 2, after the fourth comma insert "181.03, 181.101,"

1.4 Page 3, after line 19, insert:

1.5 "Sec. 2. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
1.6 read:

1.7 Subd. 1a. **Authority to investigate.** To carry out the purposes of this chapter and chapters
1.8 181, 181A, and 184, and utilizing the enforcement authority of section 175.20, the
1.9 commissioner is authorized to enter the places of business and employment of any employer
1.10 in the state to investigate wages, hours, and other conditions and practices of work, collect
1.11 evidence, and conduct interviews. The commissioner is authorized to enter the places of
1.12 business and employment during working hours and without delay. The commissioner may
1.13 use investigation methods that include but are not limited to examination, surveillance,
1.14 transcription, copying, scanning, photographing, audio or video recording, testing, and
1.15 sampling along with taking custody of evidence. Evidence that may be collected includes
1.16 but is not limited to documents, records, books, registers, payrolls, electronically and digitally
1.17 stored information, machinery, equipment, tools, and other tangible items that in any way
1.18 relate to wages, hours, and other conditions and practices of work. The commissioner may
1.19 privately interview any individual, including owners, employers, operators, agents, workers,
1.20 and other individuals who may have knowledge of the conditions and practices of work
1.21 under investigation."

1.22 Page 4, after line 15, insert:

2.1 "Sec. 4. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
2.2 read:

2.3 Subd. 12. **Court orders for entrance and inspection.** To carry out the purposes of this
2.4 chapter and chapters 181, 181A, and 184, and utilizing the enforcement authority of section
2.5 175.20, the commissioner is authorized to enter places of business and employment of any
2.6 employer in the state to investigate wages, hours, and other conditions and practices of
2.7 work, collect evidence, and conduct interviews. The commissioner is authorized to enter
2.8 the places of business and employment during working hours and without delay. Upon the
2.9 anticipated refusal based on a refusal to permit entrance on a prior occasion or actual refusal
2.10 of an employer, owner, operator, or agent in charge of an employer's place of business or
2.11 employment, the commissioner may apply for an order in the district court in the county in
2.12 which the place of business or employment is located, to compel an employer, owner,
2.13 operator, or agent in charge of the place of business or employment to permit the
2.14 commissioner entry to investigate wages, hours, and other conditions and practices of work,
2.15 collect evidence, and interview witnesses.

2.16 Sec. 5. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
2.17 read:

2.18 Subd. 13. **State licensing or regulatory power.** In the case of an employer which is
2.19 subject to the licensing or regulatory power of the state or any political subdivision or agency
2.20 thereof, if the commissioner issues an order to comply under subdivision 4, the commissioner
2.21 may provide the licensing or regulatory agency a copy of the order to comply. Unless the
2.22 order to comply is reversed in the course of administrative or judicial review, the order to
2.23 comply is binding on the agency and the agency may take appropriate action, including
2.24 action related to the eligibility, renewal, suspension, or revocation of a license or certificate
2.25 of public convenience and necessity if the agency is otherwise authorized to take such action.

2.26 Sec. 6. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
2.27 read:

2.28 Subd. 14. **Public contracts.** In the case of an employer that is a party to a public contract,
2.29 if the commissioner issues an order to comply under subdivision 4, the commissioner may
2.30 provide a copy of the order to comply to the contract letting agency. Unless the order to
2.31 comply is reversed in the course of administrative or judicial review, an order to comply is
2.32 binding on the contract letting agency and the agency may take appropriate administrative
2.33 action, including the imposition of financial penalties and eligibility for, termination or

3.1 nonrenewal of a contract, in whole or in part, if the agency is otherwise authorized to take
 3.2 the action.

3.3 Sec. 7. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
 3.4 read:

3.5 Subd. 15. **Notice to employees of compliance orders and citations.** In a compliance
 3.6 order or citation issued under this chapter and chapters 181, 181A, and 184, the commissioner
 3.7 may require that the provisions of a compliance order or citation setting out the violations
 3.8 found by the commissioner and any subsequent document setting out the resolution of the
 3.9 compliance order or citation through settlement agreement or other final disposition, upon
 3.10 receipt by the employer, be made available for review by the employees of the employer
 3.11 using the means the employer uses to provide other work-related notices to the employer's
 3.12 employees. The means used by the employer must be at least as effective as the following
 3.13 options for providing notice: (1) posting a copy of the compliance order or citation at each
 3.14 location where employees perform work and where the notice must be readily observed and
 3.15 easily reviewed by all employees performing work; or (2) providing a paper or electronic
 3.16 copy of the compliance order or citation to employees. Each citation and proposed penalty
 3.17 shall be posted or made available to employees for a minimum period of 20 days. Upon
 3.18 issuance of a compliance order or citation to an employer, the commissioner may also
 3.19 provide the provisions of the compliance order or citation setting out the violations found
 3.20 by the commissioner and any resolution of a compliance order or citation through settlement
 3.21 agreement or other final disposition to the employer's employees who may be affected by
 3.22 the order or citation and how the order or citation and resolution may affect their interests."

3.23 Page 5, line 15, delete everything after "commissioner" and insert "upon demand. The
 3.24 records must be either kept at the place where employees are working or kept in a manner
 3.25 that allows the employer to comply with this paragraph within 24 hours."

3.26 Page 5, delete line 16

3.27 Page 6, delete section 6 and insert:

3.28 "Sec. 6. **[177.45] ENFORCEMENT; REMEDIES.**

3.29 Subdivision 1. **Public enforcement.** In addition to the enforcement of this chapter by
 3.30 the department, the attorney general may enforce this chapter under section 8.31.

3.31 Subd. 2. **Remedies cumulative.** The remedies provided in this chapter are cumulative
 3.32 and do not restrict any remedy that is otherwise available, including remedies provided

4.1 under section 8.31. The remedies available under this section are not exclusive and are in
 4.2 addition to any other requirements, rights, remedies, and penalties provided by law."

4.3 Page 6, line 30, delete everything after "commissions" and insert "at the employee's rate
 4.4 or rates of pay or at the rate or rates required by law, including any applicable statute,
 4.5 regulation, rule, ordinance, government resolution or policy, contract, or other legal authority,
 4.6 whichever rate of pay is greater;"

4.7 Page 7, delete lines 1 and 2

4.8 Page 7, delete section 9, and insert:

4.9 "Sec. 9. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 4.10 read:

4.11 Subd. 6. **Citations.** (a) In addition to other remedies and penalties provided by this
 4.12 chapter and chapter 177, the commissioner may issue a citation for a civil penalty of up to
 4.13 \$1,000 for any wage theft of up to \$1,000 by serving the citation on the employer. The
 4.14 citation may direct the employer to pay employees in a manner prescribed by the
 4.15 commissioner any wages, salary, gratuities, earnings, or commissions owed to the employee
 4.16 within 15 days of service of the citation on the employer. The commissioner shall serve the
 4.17 citation upon the employer or the employer's authorized representative in person or by
 4.18 certified mail at the employer's place of business or registered office address with the
 4.19 secretary of state. The citation shall require the employer to correct the violation and cease
 4.20 and desist from committing the violation.

4.21 (b) In determining the amount of the civil penalty, the commissioner shall consider the
 4.22 size of the employer's business and the gravity of the violation as provided in section 14.045,
 4.23 subdivision 3, paragraph (a). If the citation includes a penalty assessment, the penalty is
 4.24 due and payable on the date the citation becomes final. The commissioner may vacate the
 4.25 citation if the employer pays the amount of wages, salaries, commissions, earnings, and
 4.26 gratuities due in the citation within five days after the citation is served on the employer."

4.27 Page 10, line 8, after "(4)" insert "the employee's employment status and"

4.28 Page 11, line 3, after "may" insert "serve a"

4.29 Page 11, line 4, before "payment" insert "for" and before "demand" insert "service of
 4.30 the"

4.31 Page 11, line 5, strike " a penalty" and before "in" insert "liquidated damages"

4.32 Page 11, line 6, delete "double" and before "rate" insert "employee's"

- 5.1 Page 11, line 7, delete everything after "rates" and insert "of pay or at the rate or rates
- 5.2 required by law, including any applicable statute, regulation, rule, ordinance, government
- 5.3 resolution or policy, contract, or other legal authority, whichever rate of pay is greater"
- 5.4 Page 11, line 8, delete the new language and strike ", not exceeding 15"
- 5.5 Page 11, line 9, strike "days in all"
- 5.6 Page 11, delete section 15 and insert:
- 5.7 "Sec. 15. [181.1721] ENFORCEMENT; REMEDIES.
- 5.8 Subdivision 1. Public enforcement. In addition to the enforcement of this chapter by
- 5.9 the department, the attorney general may enforce this chapter under section 8.31.
- 5.10 Subd. 2. Remedies cumulative. The remedies provided in this chapter are cumulative
- 5.11 and do not restrict any remedy that is otherwise available, including remedies provided
- 5.12 under section 8.31. The remedies available under this section are not exclusive and are in
- 5.13 addition to any other requirements, rights, remedies, and penalties provided by law."
- 5.14 Page 19, line 22, delete "\$....." and insert "\$2,200,000" and delete "\$....." and insert
- 5.15 "\$2,200,000"
- 5.16 Page 19, line 23, delete everything after the period
- 5.17 Page 19, delete lines 24 to 26