1.1 moves to amend H.F. No. 6 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2018, section 16C.285, subdivision 3, is amended to read:

Subd. 3. Minimum criteria. "Responsible contractor" means a contractor that conforms to the responsibility requirements in the solicitation document for its portion of the work on the project and verifies that it meets the following minimum criteria:

(1) the contractor:

(i) is in compliance with workers' compensation and unemployment insurance requirements;

(ii) is in compliance with Department of Revenue and Department of Employment and Economic Development registration requirements if it has employees;

(iii) has a valid federal tax identification number or a valid Social Security number if an individual; and

(iv) has filed a certificate of authority to transact business in Minnesota with the secretary of state if a foreign corporation or cooperative;

(2) the contractor or related entity is in compliance with and, during the three-year period before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44, 181.13, 181.14, or 181.722, and has not violated United States Code, title 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes of this clause, a violation occurs when a contractor or related entity:

(i) repeatedly fails to pay statutorily required wages or penalties on one or more separate projects for a total underpayment of $25,000 or more within the three-year period, provided
that a failure to pay is "repeated" only if it involves two or more separate and distinct
occurrences of underpayment during the three-year period;

(ii) has been issued an order to comply by the commissioner of labor and industry that
has become final;

(iii) has been issued at least two determination letters within the three-year period by
the Department of Transportation finding an underpayment by the contractor or related
entity to its own employees;

(iv) has been found by the commissioner of labor and industry to have repeatedly or
willfully violated any of the sections referenced in this clause pursuant to section 177.27;

(v) has been issued a ruling or findings of underpayment by the administrator of the
Wage and Hour Division of the United States Department of Labor that have become final
or have been upheld by an administrative law judge or the Administrative Review Board;

(vi) has been found liable for underpayment of wages or penalties or misrepresenting a
construction worker as an independent contractor in an action brought in a court having
jurisdiction; or

(vii) has been convicted of a violation of section 609.52, subdivision 2, clause (19).

Provided that, if the contractor or related entity contests a determination of underpayment
by the Department of Transportation in a contested case proceeding, a violation does not
occur until the contested case proceeding has concluded with a determination that the
contractor or related entity underpaid wages or penalties;

(3) the contractor or related entity is in compliance with and, during the three-year period
before submitting the verification, has not violated section 181.723 or chapter 326B. For
purposes of this clause, a violation occurs when a contractor or related entity has been issued
a final administrative or licensing order;

(4) the contractor or related entity has not, more than twice during the three-year period
before submitting the verification, had a certificate of compliance under section 363A.36
revoked or suspended based on the provisions of section 363A.36, with the revocation or
suspension becoming final because it was upheld by the Office of Administrative Hearings
or was not appealed to the office;

(5) the contractor or related entity has not received a final determination assessing a
monetary sanction from the Department of Administration or Transportation for failure to
meet targeted group business, disadvantaged business enterprise, or veteran-owned business
goals, due to a lack of good faith effort, more than once during the three-year period before
submitting the verification;

(6) the contractor or related entity is not currently suspended or debarred by the federal
government or the state of Minnesota or any of its departments, commissions, agencies, or
political subdivisions that have authority to debar a contractor; and

(7) all subcontractors and motor carriers that the contractor intends to use to perform
project work have verified to the contractor through a signed statement under oath by an
owner or officer that they meet the minimum criteria listed in clauses (1) to (6).

Any violations, suspensions, revocations, or sanctions, as defined in clauses (2) to (5),
occurring prior to July 1, 2014, shall not be considered in determining whether a contractor
or related entity meets the minimum criteria."

Page 1, line 20, reinstate the stricken language and delete "$10,000"

Page 1, line 21, before the period, insert "and up to $10,000 for each repeated failure"

Page 2, delete section 2 and insert:

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

Subd. 11. Subpoenas. In order to carry out the purposes of this chapter and chapters
181, 181A, or 184, the commissioner may issue subpoenas to compel persons to appear
before the commissioner to give testimony and produce and permit inspection, copying
testing, or sampling of documents, electronically stored information, or tangible items, or
other items in the possession, custody, or control of that person that are deemed necessary
or appropriate by the commissioner. A subpoena may specify the form or format in which
electronically stored information is to be produced. Upon the application of the commissioner,
a district court shall treat the failure of any person to obey a subpoena lawfully issued by
the commissioner under this subdivision as a contempt of court."

Page 3, line 8, reinstate the stricken language and delete "$10,000"

Page 3, line 9, before the period, insert "and up to $10,000 for each repeated failure"

Page 3, after line 12, insert:

"(d) If the records maintained by the employer do not provide sufficient information to
determine the exact amount of back wages due an employee, the commissioner may make
a determination of wages due based on available evidence."
Page 3, line 17, before the semicolon, insert ", or chapter 181"

Page 3, line 27, before the semicolon, insert ", or described and provided by an employer to its employees under section 181.032"

Page 3, line 29, before the period, insert ", or commits wage theft as described in section 181.03, subdivision 1"

Page 4, delete lines 1 to 3 and insert:

"Intent is not an element of a misdemeanor under this paragraph."

(b) An employer is guilty of a gross misdemeanor if the employer is found to have intentionally retaliated against an employee for asserting rights or remedies under sections 177.21 to 177.44 or section 181.03.

Page 4, before line 4, insert:

"Sec. 5. [177.45] ENFORCEMENT; REMEDIES."

Subdivision 1. Violation as unlawful practice in business, commerce, or trade. A violation of any provision of this chapter is an unlawful practice in business, commerce, or trade under section 8.31, subdivision 1.

Subd. 2. Public enforcement. In addition to the public enforcement of this chapter by the department, the attorney general shall enforce this chapter under section 8.31.

Subd. 3. Remedies cumulative. The remedies provided in this chapter are cumulative and do not restrict any remedy that is otherwise available, including remedies provided under section 8.31. The provisions of this section are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law."

Page 4, line 8, after "wages" insert ", salary, gratuities, earnings, or commissions"

Page 4, line 9, after "entitled" insert ", including all wages that are required to be described and provided by an employer to its employees under section 181.032 or as required under sections 177.41 to 177.44"

Page 4, line 14, reinstate the stricken language

Page 4, line 17, reinstate the stricken language and delete "; or"

Page 4, delete lines 18 to 20

Page 4, line 23, delete "The commissioner may enforce this section."

Page 4, line 28, after "commissioner" insert "of labor and industry"
5.1 Page 4, line 29, after "$1,000" insert "for any individual employee within any single pay period"

5.2 Page 5, line 12, delete "(a)" and after "commissioner" insert "of labor and industry"

5.3 Page 5, delete lines 31 to 34

5.4 Page 6, after line 4, insert:

5.5 "Sec. 10. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to read:

Subd. 8. Retaliation. An employer must not retaliate against an employee for asserting rights or remedies under this section, including but not limited to filing a complaint with the Department of Labor and Industry or telling the employer of intention to file a complaint. A rebuttable presumption of unlawful retaliation under this section exists whenever an employer takes adverse action against an employee within 90 days of the employee asserting rights or remedies under this section."

5.6 Page 7, line 8, after "method" insert ", and the specific application of any additional rates"

5.7 Page 8, lines 3 to 6, delete the new language and insert "An employer's pay period must be no longer than 16 days. All wages earned in a pay period must be paid to an employee within ten days of the end of that pay period."

5.8 Page 8, line 9, after "of" insert "double"

5.9 Page 8, line 10, strike "agreed upon in the contract of employment" and insert "or rates required to be described and provided by an employer to its employees under section 181.032, or as required under sections 177.41 to 177.44"

5.10 Page 8, after line 25, insert:

"Sec. 12. [181.1721] ENFORCEMENT; REMEDIES.

Subdivision 1. Violation as unlawful practice in business, commerce, or trade. A violation of any of the provisions of sections 181.01 to 181.172 is an unlawful practice in business, commerce, or trade under section 8.31, subdivision 1.

Subd. 2. Public enforcement. In addition to any enforcement of provisions of this chapter by the Department of Labor and Industry, the attorney general shall enforce sections 181.01 to 181.172 under section 8.31."
Subd. 3. Remedies cumulative. The remedies provided in sections 181.01 to 181.172
are cumulative and do not restrict any remedy that is otherwise available, including remedies
provided under section 8.31. The provisions of this section are not exclusive and are in
addition to any other requirements, rights, remedies, and penalties provided by law.

Sec. 13. Minnesota Statutes 2018, section 609.52, subdivision 1, is amended to read:

Subdivision 1. Definitions. In this section:

(1) "Property" means all forms of tangible property, whether real or personal, without
limitation including documents of value, electricity, gas, water, corpses, domestic animals,
dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility
companies and articles, as defined in clause (4), representing trade secrets, which articles
shall be deemed for the purposes of Extra Session Laws 1967, chapter 15 to include any
trade secret represented by the article.

(2) "Movable property" is property whose physical location can be changed, including
without limitation things growing on, affixed to, or found in land.

(3) "Value" means the retail market value at the time of the theft, or if the retail market
value cannot be ascertained, the cost of replacement of the property within a reasonable
time after the theft, or in the case of a theft or the making of a copy of an article representing
a trade secret, where the retail market value or replacement cost cannot be ascertained, any
reasonable value representing the damage to the owner which the owner has suffered by
reason of losing an advantage over those who do not know of or use the trade secret. For a
check, draft, or other order for the payment of money, "value" means the amount of money
promised or ordered to be paid under the terms of the check, draft, or other order. For a
theft committed within the meaning of subdivision 2, clause (5), items (i) and (ii), if the
property has been restored to the owner, "value" means the value of the use of the property
or the damage which it sustained, whichever is greater, while the owner was deprived of
its possession, but not exceeding the value otherwise provided herein. For a theft committed
within the meaning of subdivision 2, clause (9), if the property has been restored to the
owner, "value" means the rental value of the property, determined at the rental rate contracted
by the defendant or, if no rental rate was contracted, the rental rate customarily charged by
the owner for use of the property, plus any damage that occurred to the property while the
owner was deprived of its possession, but not exceeding the total retail value of the property
at the time of rental. For a theft committed within the meaning of subdivision 2, clause (19),
"value" means the difference between wages legally required to be reported or paid to an
employee and the amount actually reported or paid to the employee.
(4) "Article" means any object, material, device or substance, including any writing, record, recording, drawing, sample specimen, prototype, model, photograph, microorganism, blueprint or map, or any copy of any of the foregoing.

(5) "Representing" means describing, depicting, containing, constituting, reflecting or recording.

(6) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) derives independent economic value, actual or potential, from not being generally known to, and not being readilyascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and

(ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(7) "Copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing, or sketch made of or from an article while in the presence of the article.

(8) "Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other subordinate interest, property transferred by the actor in circumstances which are known to the actor and which make the transfer fraudulent as defined in section 513.44, property possessed pursuant to a short-term rental contract, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, setoff, or counterclaim.

(9) "Services" include but are not limited to labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment services, advertising services, telecommunication services, and the supplying of equipment for use including rental of personal property or equipment.

(10) "Motor vehicle" means a self-propelled device for moving persons or property or pulling implements from one place to another, whether the device is operated on land, rails, water, or in the air.

(11) "Motor fuel" has the meaning given in section 604.15, subdivision 1.

(12) "Retailer" has the meaning given in section 604.15, subdivision 1.
Sec. 14. Minnesota Statutes 2018, section 609.52, subdivision 2, is amended to read:

Subd. 2. Acts constituting theft. (a) Whoever does any of the following commits theft and may be sentenced as provided in subdivision 3:

(1) intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property; or

(2) with or without having a legal interest in movable property, intentionally and without consent, takes the property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or

(3) obtains for the actor or another the possession, custody, or title to property of or performance of services by a third person by intentionally deceiving the third person with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:

(i) the issuance of a check, draft, or order for the payment of money, except a forged check as defined in section 609.631, or the delivery of property knowing that the actor is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or

(ii) a promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or

(iii) the preparation or filing of a claim for reimbursement, a rate application, or a cost report used to establish a rate or claim for payment for medical care provided to a recipient of medical assistance under chapter 256B, which intentionally and falsely states the costs of or actual services provided by a vendor of medical care; or

(iv) the preparation or filing of a claim for reimbursement for providing treatment or supplies required to be furnished to an employee under section 176.135 which intentionally and falsly states the costs of or actual treatment or supplies provided; or

(v) the preparation or filing of a claim for reimbursement for providing treatment or supplies required to be furnished to an employee under section 176.135 for treatment or supplies that the provider knew were medically unnecessary, inappropriate, or excessive; or
(4) by swindling, whether by artifice, trick, device, or any other means, obtains property or services from another person; or

(5) intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and:

(i) the control exercised manifests an indifference to the rights of the owner or the restoration of the property to the owner; or

(ii) the actor pledges or otherwise attempts to subject the property to an adverse claim; or

(iii) the actor intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or

(6) finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to the finder's own use or to that of another not entitled thereto without first having made reasonable effort to find the owner and offer and surrender the property to the owner; or

(7) intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner; or

(8) intentionally and without claim of right converts any article representing a trade secret, knowing it to be such, to the actor's own use or that of another person or makes a copy of an article representing a trade secret, knowing it to be such, and intentionally and without claim of right converts the same to the actor's own use or that of another person. It shall be a complete defense to any prosecution under this clause for the defendant to show that information comprising the trade secret was rightfully known or available to the defendant from a source other than the owner of the trade secret; or

(9) leases or rents personal property under a written instrument and who:

(i) with intent to place the property beyond the control of the lessor conceals or aids or abets the concealment of the property or any part thereof; or

(ii) sells, conveys, or encumbers the property or any part thereof without the written consent of the lessor, without informing the person to whom the lessee sells, conveys, or encumbers that the same is subject to such lease or rental contract with intent to deprive the lessor of possession thereof; or
(iii) does not return the property to the lessor at the end of the lease or rental term, plus agreed-upon extensions, with intent to wrongfully deprive the lessor of possession of the property; or

(iv) returns the property to the lessor at the end of the lease or rental term, plus agreed-upon extensions, but does not pay the lease or rental charges agreed upon in the written instrument, with intent to wrongfully deprive the lessor of the agreed-upon charges.

For the purposes of items (iii) and (iv), the value of the property must be at least $100.

Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or fails or refuses to return the property or pay the rental contract charges to lessor within five days after written demand for the return has been served personally in the manner provided for service of process of a civil action or sent by certified mail to the last known address of the lessee, whichever shall occur later, shall be evidence of intent to violate this clause. Service by certified mail shall be deemed to be complete upon deposit in the United States mail of such demand, postpaid and addressed to the person at the address for the person set forth in the lease or rental agreement, or, in the absence of the address, to the person's last known place of residence; or

(10) alters, removes, or obliterates numbers or symbols placed on movable property for purpose of identification by the owner or person who has legal custody or right to possession thereof with the intent to prevent identification, if the person who alters, removes, or obliterates the numbers or symbols is not the owner and does not have the permission of the owner to make the alteration, removal, or obliteration; or

(11) with the intent to prevent the identification of property involved, so as to deprive the rightful owner of possession thereof, alters or removes any permanent serial number, permanent distinguishing number or manufacturer's identification number on personal property or possesses, sells or buys any personal property knowing or having reason to know that the permanent serial number, permanent distinguishing number or manufacturer's identification number has been removed or altered; or

(12) intentionally deprives another of a lawful charge for cable television service by:

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive, or other connection; or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall
be construed to prohibit the electronic video rerecording of program material transmitted
on the cable communications system by a subscriber for fair use as defined by Public Law
94-553, section 107; or
(13) except as provided in clauses (12) and (14), obtains the services of another with
the intention of receiving those services without making the agreed or reasonably expected
payment of money or other consideration; or
(14) intentionally deprives another of a lawful charge for telecommunications service
by:
   (i) making, using, or attempting to make or use an unauthorized connection whether
physical, electrical, by wire, microwave, radio, or other means to a component of a local
telecommunication system as provided in chapter 237; or
   (ii) attaching an unauthorized device to a cable, wire, microwave, radio, or other
component of a local telecommunication system as provided in chapter 237.
The existence of an unauthorized connection is prima facie evidence that the occupier
of the premises:
   (A) made or was aware of the connection; and
   (B) was aware that the connection was unauthorized;
(15) with intent to defraud, diverts corporate property other than in accordance with
general business purposes or for purposes other than those specified in the corporation's
articles of incorporation; or
(16) with intent to defraud, authorizes or causes a corporation to make a distribution in
violation of section 302A.551, or any other state law in conformity with it; or
(17) takes or drives a motor vehicle without the consent of the owner or an authorized
agent of the owner, knowing or having reason to know that the owner or an authorized agent
of the owner did not give consent; or
(18) intentionally, and without claim of right, takes motor fuel from a retailer without
the retailer's consent and with intent to deprive the retailer permanently of possession of
the fuel by driving a motor vehicle from the premises of the retailer without having paid
for the fuel dispensed into the vehicle; or
(19) intentionally engages in or authorizes a prohibited practice of wage theft as described
in section 181.03, subdivision 1.
(b) Proof that the driver of a motor vehicle into which motor fuel was dispensed drove
the vehicle from the premises of the retailer without having paid for the fuel permits the
factfinder to infer that the driver acted intentionally and without claim of right, and that the
driver intended to deprive the retailer permanently of possession of the fuel. This paragraph
does not apply if: (1) payment has been made to the retailer within 30 days of the receipt
of notice of nonpayment under section 604.15; or (2) a written notice as described in section
604.15, subdivision 4, disputing the retailer's claim, has been sent. This paragraph does not
apply to the owner of a motor vehicle if the vehicle or the vehicle's license plate has been
reported stolen before the theft of the fuel.

Sec. 15. Minnesota Statutes 2018, section 609.52, subdivision 3, is amended to read:

Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

(1) to imprisonment for not more than 20 years or to payment of a fine of not more than
$100,000, or both, if the property is a firearm, or the value of the property or services stolen
is more than $35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
(15), or (16), or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

(2) to imprisonment for not more than ten years or to payment of a fine of not more than
$20,000, or both, if the value of the property or services stolen exceeds $5,000, or if the
property stolen was an article representing a trade secret, an explosive or incendiary device,
or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
exception of marijuana; or

(3) to imprisonment for not more than five years or to payment of a fine of not more
than $10,000, or both, if any of the following circumstances exist:

(a) the value of the property or services stolen is more than $1,000 but not more than
$5,000; or

(b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant
to section 152.02; or

(c) the value of the property or services stolen is more than $500 but not more than
$1,000 and the person has been convicted within the preceding five years for an offense
under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision
1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United
States, or a foreign jurisdiction, in conformity with any of those sections, and the person
received a felony or gross misdemeanor sentence for the offense, or a sentence that was
stayed under section 609.135 if the offense to which a plea was entered would allow
imposition of a felony or gross misdemeanor sentence; or
(d) the value of the property or services stolen is not more than $1,000, and any of the
following circumstances exist:
   (i) the property is taken from the person of another or from a corpse, or grave or coffin
   containing a corpse; or
   (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
   filed or deposited according to law with or in the keeping of any public officer or office; or
   (iii) the property is taken from a burning, abandoned, or vacant building or upon its
   removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
   or the proximity of battle; or
   (iv) the property consists of public funds belonging to the state or to any political
   subdivision or agency thereof; or
   (v) the property stolen is a motor vehicle; or
(4) to imprisonment for not more than one year or to payment of a fine of not more than
$3,000, or both, if the value of the property or services stolen is more than $500 but not
more than $1,000; or
(5) in all other cases where the value of the property or services stolen is $500 or less,
to imprisonment for not more than 90 days or to payment of a fine of not more than $1,000,
or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
(4), and (13), the value of the money or property or services received by the defendant in
violation of any one or more of the above provisions within any six-month period may be
aggregated and the defendant charged accordingly in applying the provisions of this
subdivision; provided that when two or more offenses are committed by the same person
in two or more counties, the accused may be prosecuted in any county in which one of the
offenses was committed for all of the offenses aggregated under this paragraph."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly