

113.13

ARTICLE 5

51.7

ARTICLE 4

113.14

WAGE THEFT

51.8

EMPLOYMENT POLICY

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

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

113.19 (1) the contractor:

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

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

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

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

113.28 (2) the contractor or related entity is in compliance with and, during the three-year period
 113.29 before submitting the verification, has not violated section 177.24, 177.25, 177.41 to 177.44,
 114.1 181.03, 181.101, 181.13, 181.14, or 181.722, and has not violated United States Code, title
 114.2 29, sections 201 to 219, or United States Code, title 40, sections 3141 to 3148. For purposes
 114.3 of this clause, a violation occurs when a contractor or related entity:

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

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

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

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

114.15 (v) has been issued a ruling or findings of underpayment by the administrator of the
 114.16 Wage and Hour Division of the United States Department of Labor that have become final

114.17 or have been upheld by an administrative law judge or the Administrative Review Board;
114.18 ~~or~~

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

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

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

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

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

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

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

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

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

53.2 Sec. 2. Minnesota Statutes 2018, section 177.27, subdivision 1, is amended to read:

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

115.19 Subd. 1a. **Authority to investigate.** To carry out the purposes of this chapter and chapters
115.20 181, 181A, and 184, and utilizing the enforcement authority of section 175.20, the
115.21 commissioner is authorized to enter the places of business and employment of any employer
115.22 in the state to investigate wages, hours, and other conditions and practices of work, collect
115.23 evidence, and conduct interviews. The commissioner is authorized to enter the places of
115.24 business and employment during working hours and without delay. The commissioner may
115.25 use investigation methods that include but are not limited to examination, surveillance,
115.26 transcription, copying, scanning, photographing, audio or video recording, testing, and
115.27 sampling along with taking custody of evidence. Evidence that may be collected includes
115.28 but is not limited to documents, records, books, registers, payrolls, electronically and digitally
115.29 stored information, machinery, equipment, tools, and other tangible items that in any way
115.30 relate to wages, hours, and other conditions and practices of work. The commissioner may
115.31 privately interview any individual, including owners, employers, operators, agents, workers,
115.32 and other individuals who may have knowledge of the conditions and practices of work
115.33 under investigation.

116.1 Sec. 3. Minnesota Statutes 2018, section 177.27, subdivision 2, is amended to read:

116.2 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
116.3 of employees working in the state to submit to the commissioner photocopies, certified
116.4 copies, or, if necessary, the originals of employment records which the commissioner deems
116.5 necessary or appropriate. The records which may be required include full and correct
116.6 statements in writing, including sworn statements by the employer, containing information
116.7 relating to wages, hours, names, addresses, and any other information pertaining to the
116.8 employer's employees and the conditions of their employment as the commissioner deems
116.9 necessary or appropriate.

116.10 The commissioner may require the records to be submitted by certified mail delivery
116.11 or, if necessary, by personal delivery by the employer or a representative of the employer,
116.12 as authorized by the employer in writing.

53.3 Subdivision 1. **Examination of records.** The commissioner may enter during reasonable
53.4 office hours or upon request and inspect the place of business or employment of any employer
53.5 of employees working in the state, to examine and inspect books, registers, payrolls, and
53.6 other records of any employer that in any way relate to wages, hours, and other conditions
53.7 of employment of any employees. The commissioner may transcribe any or all of the books,
53.8 registers, payrolls, and other records as the commissioner deems necessary or appropriate
53.9 and may question the employees to ascertain compliance with sections 177.21 to 177.435.
53.10 The commissioner may investigate wage claims or complaints by an employee against an
53.11 employer if: (1) the failure to pay a wage may violate Minnesota law or an order or rule of
53.12 the department; and (2) the employee making the wage claim or complaint has provided a
53.13 written demand for payment to the employer at least five days prior to the commissioner
53.14 initiating an investigation.

116.13 The commissioner may fine the employer up to \$1,000 for each failure to submit or
116.14 deliver records as required by this section, and up to \$10,000 for each repeated failure. This
116.15 penalty is in addition to any penalties provided under section 177.32, subdivision 1. In
116.16 determining the amount of a civil penalty under this subdivision, the appropriateness of
116.17 such penalty to the size of the employer's business and the gravity of the violation shall be
116.18 considered.

116.19 Sec. 4. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
116.20 read:

116.21 Subd. 11. **Subpoenas.** In order to carry out the purposes of this chapter and chapter 181,
116.22 181A, or 184, the commissioner may issue subpoenas to compel persons to appear before
116.23 the commissioner to give testimony and produce and permit inspection, copying, testing,
116.24 or sampling of documents, electronically stored information, tangible items, or other items
116.25 in the possession, custody, or control of that person that are deemed necessary or appropriate
116.26 by the commissioner. A subpoena may specify the form or format in which electronically
116.27 stored information is to be produced. Upon the application of the commissioner, a district
116.28 court shall treat the failure of any person to obey a subpoena lawfully issued by the
116.29 commissioner under this subdivision as a contempt of court.

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

116.32 Subd. 12. **Court orders for entrance and inspection.** To carry out the purposes of this
116.33 chapter and chapters 181, 181A, and 184, and utilizing the enforcement authority of section
117.1 175.20, the commissioner is authorized to enter places of business and employment of any
117.2 employer in the state to investigate wages, hours, and other conditions and practices of
117.3 work, collect evidence, and conduct interviews. The commissioner is authorized to enter
117.4 the places of business and employment during working hours and without delay. Upon the
117.5 anticipated refusal based on a refusal to permit entrance on a prior occasion or actual refusal
117.6 of an employer, owner, operator, or agent in charge of an employer's place of business or
117.7 employment, the commissioner may apply for an order in the district court in the county in
117.8 which the place of business or employment is located, to compel an employer, owner,
117.9 operator, or agent in charge of the place of business or employment to permit the
117.10 commissioner entry to investigate wages, hours, and other conditions and practices of work,
117.11 collect evidence, and interview witnesses.

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

117.14 Subd. 13. **State licensing or regulatory power.** In the case of an employer which is
117.15 subject to the licensing or regulatory power of the state or any political subdivision or agency
117.16 thereof, if the commissioner issues an order to comply under subdivision 4, the commissioner
117.17 may provide the licensing or regulatory agency a copy of the order to comply. Unless the
117.18 order to comply is reversed in the course of administrative or judicial review, the order to
117.19 comply is binding on the agency and the agency may take appropriate action, including

117.20 action related to the eligibility, renewal, suspension, or revocation of a license or certificate
117.21 of public convenience and necessity if the agency is otherwise authorized to take such action.

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

117.24 Subd. 14. **Public contracts.** In the case of an employer that is a party to a public contract,
117.25 if the commissioner issues an order to comply under subdivision 4, the commissioner may
117.26 provide a copy of the order to comply to the contract letting agency. Unless the order to
117.27 comply is reversed in the course of administrative or judicial review, an order to comply is
117.28 binding on the contract letting agency and the agency may take appropriate administrative
117.29 action, including the imposition of financial penalties and eligibility for, termination or
117.30 nonrenewal of a contract, in whole or in part, if the agency is otherwise authorized to take
117.31 the action.

118.1 Sec. 8. Minnesota Statutes 2018, section 177.27, is amended by adding a subdivision to
118.2 read:

118.3 Subd. 15. **Notice to employees of compliance orders and citations.** In a compliance
118.4 order or citation issued under this chapter and chapters 181, 181A, and 184, the commissioner
118.5 may require that the provisions of a compliance order or citation setting out the violations
118.6 found by the commissioner and any subsequent document setting out the resolution of the
118.7 compliance order or citation through settlement agreement or other final disposition, upon
118.8 receipt by the employer, be made available for review by the employees of the employer
118.9 using the means the employer uses to provide other work-related notices to the employer's
118.10 employees. The means used by the employer must be at least as effective as the following
118.11 options for providing notice: (1) posting a copy of the compliance order or citation at each
118.12 location where employees perform work and where the notice must be readily observed and
118.13 easily reviewed by all employees performing work; or (2) providing a paper or electronic
118.14 copy of the compliance order or citation to employees. Each citation and proposed penalty
118.15 shall be posted or made available to employees for a minimum period of 20 days. Upon
118.16 issuance of a compliance order or citation to an employer, the commissioner may also
118.17 provide the provisions of the compliance order or citation setting out the violations found
118.18 by the commissioner and any resolution of a compliance order or citation through settlement
118.19 agreement or other final disposition to the employer's employees who may be affected by
118.20 the order or citation and how the order or citation and resolution may affect their interests.

118.21 Sec. 9. Minnesota Statutes 2018, section 177.30, is amended to read:
118.22 177.30 KEEPING RECORDS; PENALTY.

118.23 (a) Every employer subject to sections 177.21 to 177.44 must make and keep a record
118.24 of:

118.25 (1) the name, address, and occupation of each employee;

118.26 (2) the rate of pay, and the amount paid each pay period to each employee, including
 118.27 whether each employee is paid by the hour, shift, day, week, salary, piece, commission, or
 118.28 other;

118.29 (3) the hours worked each day and each workweek by the employee, including for all
 118.30 employees paid at piece rate, the number of pieces completed at each piece rate;

118.31 (4) any personnel policies provided to employees;

118.32 (5) a copy of the notice provided to each employee as required by section 181.032,
 118.33 paragraph (d);

119.1 (6) for each employer subject to sections 177.41 to 177.44, and while performing work
 119.2 on public works projects funded in whole or in part with state funds, the employer shall
 119.3 furnish under oath signed by an owner or officer of an employer to the contracting authority
 119.4 and the project owner every two weeks, a certified payroll report with respect to the wages
 119.5 and benefits paid each employee during the preceding weeks specifying for each employee:
 119.6 name; identifying number; prevailing wage master job classification; hours worked each
 119.7 day; total hours; rate of pay; gross amount earned; each deduction for taxes; total deductions;
 119.8 net pay for week; dollars contributed per hour for each benefit, including name and address
 119.9 of administrator; benefit account number; and telephone number for health and welfare,
 119.10 vacation or holiday, apprenticeship training, pension, and other benefit programs; and

119.11 ~~(5)~~ (7) other information the commissioner finds necessary and appropriate to enforce
 119.12 sections 177.21 to 177.435. The records must be kept for three years in ~~or near~~ the premises
 119.13 where an employee works except each employer subject to sections 177.41 to 177.44, and
 119.14 while performing work on public works projects funded in whole or in part with state funds,
 119.15 the records must be kept for three years after the contracting authority has made final payment
 119.16 on the public works project.

119.17 (b) All records required to be kept under paragraph (a) must be readily available for
 119.18 inspection by the commissioner upon demand. The records must be either kept at the place
 119.19 where employees are working or kept in a manner that allows the employer to comply with
 119.20 this paragraph within 24 hours.

119.21 (c) The commissioner may fine an employer up to \$1,000 for each failure to maintain
 119.22 records as required by this section, and up to \$10,000 for each repeated failure. This penalty
 119.23 is in addition to any penalties provided under section 177.32, subdivision 1. In determining
 119.24 the amount of a civil penalty under this subdivision, the appropriateness of such penalty to
 119.25 the size of the employer's business and the gravity of the violation shall be considered.

119.26 (d) If the records maintained by the employer do not provide sufficient information to
 119.27 determine the exact amount of back wages due an employee, the commissioner may make
 119.28 a determination of wages due based on available evidence.

119.29 Sec. 10. Minnesota Statutes 2018, section 177.32, subdivision 1, is amended to read:

53.15 Sec. 3. Minnesota Statutes 2018, section 177.32, subdivision 1, is amended to read:

119.30 Subdivision 1. **Misdemeanors.** (a) An employer who does any of the following is guilty
119.31 of a misdemeanor:

119.32 (1) hinders or delays the commissioner in the performance of duties required under
119.33 sections 177.21 to 177.435, or chapter 181;

120.1 (2) refuses to admit the commissioner to the place of business or employment of the
120.2 employer, as required by section 177.27, subdivision 1;

120.3 (3) repeatedly fails to make, keep, and preserve records as required by section 177.30;

120.4 (4) falsifies any record;

120.5 (5) refuses to make any record available, or to furnish a sworn statement of the record
120.6 or any other information as required by section 177.27;

120.7 (6) repeatedly fails to post a summary of sections 177.21 to 177.44 or a copy or summary
120.8 of the applicable rules as required by section 177.31;

120.9 (7) pays or agrees to pay wages at a rate less than the rate required under sections 177.21
120.10 to 177.44, or described and provided by an employer to its employees under section 181.032;

120.11 (8) refuses to allow adequate time from work as required by section 177.253; or

120.12 (9) otherwise violates any provision of sections 177.21 to 177.44, or commits wage theft
120.13 as described in section 181.03, subdivision 1.

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

120.15 (b) An employer is guilty of a gross misdemeanor if the employer is found to have
120.16 intentionally retaliated against an employee for asserting rights or remedies under sections
120.17 177.21 to 177.44 or section 181.03.

120.18 Sec. 11. [177.45] ENFORCEMENT; REMEDIES.

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

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

53.16 Subdivision 1. **Misdemeanors.** (a) An employer who does any of the following is guilty
53.17 of a misdemeanor:

53.18 (1) hinders or delays the commissioner in the performance of duties required under
53.19 sections 177.21 to 177.435, or sections 181.01 to 181.72;

53.20 (2) refuses to admit the commissioner to the place of business or employment of the
53.21 employer, as required by section 177.27, subdivision 1;

53.22 (3) repeatedly fails to make, keep, and preserve records as required by section 177.30;

53.23 (4) falsifies any record;

53.24 (5) refuses to make any record available, or to furnish a sworn statement of the record
53.25 or any other information as required by section 177.27;

53.26 (6) repeatedly fails to post a summary of sections 177.21 to 177.44 or a copy or summary
53.27 of the applicable rules as required by section 177.31;

53.28 (7) pays or agrees to pay wages at a rate less than the rate required under sections 177.21
53.29 to 177.44;

53.30 (8) refuses to allow adequate time from work as required by section 177.253; ~~or~~

53.31 (9) otherwise violates any provision of sections 177.21 to 177.44; or

54.1 (10) commits wage theft as described in section 181.03, subdivision 1.

54.2 (b) An employer who violates paragraph (a), clause (10), after having been previously
54.3 convicted of violating that clause is guilty of a gross misdemeanor.

54.4 (c) Nothing in paragraph (a), clause (10), or paragraph (b), or section 609.035 or 609.04
54.5 shall limit the power of the state to prosecute or punish a person for conduct that constitutes
54.6 any other crime under any other law of this state.

54.7 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
54.8 committed on or after that date.

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

120.25 Sec. 12. Minnesota Statutes 2018, section 181.03, subdivision 1, is amended to read:

120.26 Subdivision 1. **Prohibited practices.** ~~An employer may not, directly or indirectly and~~
 120.27 ~~with intent to defraud:~~ (a) No employer shall commit wage theft.

120.28 (b) For purposes of this section, wage theft is committed if:

120.29 (1) ~~cause~~ an employer has failed to pay an employee all wages, salary, gratuities, earnings,
 120.30 or commissions at the employee's rate or rates of pay or at the rate or rates required by law,
 121.1 including any applicable statute, regulation, rule, ordinance, government resolution or policy,
 121.2 contract, or other legal authority, whichever rate of pay is greater;

121.3 (2) an employer directly or indirectly causes any employee to give a receipt for wages
 121.4 for a greater amount than that actually paid to the employee for services rendered;

121.5 ~~(2) (3) an employer~~ directly or indirectly demand demands or receive receives from any
 121.6 employee any rebate or refund from the wages owed the employee under contract of
 121.7 employment with the employer; or

121.8 ~~(2) (4) an employer~~ in any manner make makes or attempt attempts to make it appear
 121.9 that the wages paid to any employee were greater than the amount actually paid to the
 121.10 employee.

121.11 Sec. 13. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 121.12 read:

121.13 Subd. 4. **Enforcement.** The use of an enforcement provision in this section shall not
 121.14 preclude the use of any other enforcement provision provided by law.

121.15 Sec. 14. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 121.16 read:

121.17 Subd. 5. **Citations.** (a) In addition to other remedies and penalties provided by this
 121.18 chapter and chapter 177, the commissioner may issue a citation for a civil penalty of up to
 121.19 \$1,000 for any wage theft of up to \$1,000 by serving the citation on the employer. The
 121.20 citation may direct the employer to pay employees in a manner prescribed by the
 121.21 commissioner any wages, salary, gratuities, earnings, or commissions owed to the employee

55.5 Sec. 5. Minnesota Statutes 2018, section 181.03, subdivision 1, is amended to read:

55.6 Subdivision 1. **Prohibited practices.** ~~An employer may not, directly or indirectly and~~
 55.7 ~~with intent to defraud:~~

55.8 (a) No employer shall commit wage theft.

55.9 (b) For purposes of this section, wage theft is committed if an employer, with intent to
 55.10 defraud:

55.11 (1) fails to pay an employee all wages to which that employee is entitled;

55.12 ~~(1) cause~~ (2) directly or indirectly causes any employee to give a receipt for wages for
 55.13 a greater amount than that actually paid to the employee for services rendered;

55.14 ~~(2) (3) directly or indirectly demand demands or receive receives~~ from any employee
 55.15 any rebate or refund from the wages owed the employee under contract of employment with
 55.16 the employer; ~~or~~

55.17 ~~(2) in any manner make~~ (4) makes or attempt attempts to make it appear in any manner
 55.18 that the wages paid to any employee were greater than the amount actually paid to the
 55.19 employee; or

55.20 (5) retaliates against an employee for asserting rights or remedies under this section,
 55.21 including but not limited to filing a complaint with the Department of Labor and Industry,
 55.22 telling the employer of intention to file a complaint, or making a written demand for payment
 55.23 to the employer as provided under section 177.27, subdivision 1.

55.24 Sec. 6. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 55.25 read:

55.26 Subd. 4. **Enforcement.** The commissioner may enforce this section. The use of an
 55.27 enforcement provision in this section shall not preclude the use of any other enforcement
 55.28 provision provided by law.

121.22 within 15 days of service of the citation on the employer. The commissioner shall serve the
 121.23 citation upon the employer or the employer's authorized representative in person or by
 121.24 certified mail at the employer's place of business or registered office address with the
 121.25 secretary of state. The citation shall require the employer to correct the violation and cease
 121.26 and desist from committing the violation.

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

122.1 Sec. 15. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 122.2 read:

122.3 Subd. 6. **Administrative review.** Within 15 days after the commissioner of labor and
 122.4 industry issues a citation under subdivision 5, the employer to whom the citation is issued
 122.5 may request an expedited hearing to review the citation. The request for hearing must be
 122.6 in writing and must be served on the commissioner at the address specified in the citation.
 122.7 If the employer does not request a hearing or if the employer's written request for hearing
 122.8 is not served on the commissioner by the 15th day after the commissioner issues the citation,
 122.9 the citation becomes a final order of the commissioner and is not subject to review by any
 122.10 court or agency. The hearing request must state the reasons for seeking review of the citation.
 122.11 The employer to whom the citation is issued and the commissioner are the parties to the
 122.12 expedited hearing. The commissioner must notify the employer to whom the citation is
 122.13 issued of the time and place of the hearing at least 15 days before the hearing. The hearing
 122.14 shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by
 122.15 this section. If a hearing has been held, the commissioner shall not issue a final order until
 122.16 at least five days after the date of the administrative law judge's report. Any person aggrieved
 122.17 by the administrative law judge's report may, within those five days, serve written comments
 122.18 to the commissioner on the report and the commissioner shall consider and enter the
 122.19 comments in the record. The commissioner's final order shall comply with sections 14.61,
 122.20 subdivision 2, and 14.62, subdivisions 1 and 2a, and may be appealed in the manner provided
 122.21 in sections 14.63 to 14.69.

122.22 Sec. 16. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 122.23 read:

122.24 Subd. 7. **Effect on other laws.** Nothing in this section shall be construed to limit the
 122.25 application of other state or federal laws.

122.26 Sec. 17. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 122.27 read:

56.1 Sec. 7. Minnesota Statutes 2018, section 181.03, is amended by adding a subdivision to
 56.2 read:

56.3 Subd. 5. **Effect on other laws.** Nothing in this section shall be construed to limit the
 56.4 application of other state or federal laws.

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

123.1 Sec. 18. Minnesota Statutes 2018, section 181.032, is amended to read:
 123.2 181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE
 123.3 TO EMPLOYEE.

123.4 (a) At the end of each pay period, the employer shall provide each employee an earnings
 123.5 statement, either in writing or by electronic means, covering that pay period. An employer
 123.6 who chooses to provide an earnings statement by electronic means must provide employee
 123.7 access to an employer-owned computer during an employee's regular working hours to
 123.8 review and print earnings statements.

123.9 (b) The earnings statement may be in any form determined by the employer but must
 123.10 include:

- 123.11 (1) the name of the employee;
- 123.12 (2) the ~~hourly~~ rate or rates of pay (if applicable) and basis thereof, including whether
 123.13 the employee is paid by hour, shift, day, week, salary, piece, commission, or other method;
- 123.14 (3) allowances, if any, claimed pursuant to permitted meals and lodging;
- 123.15 (4) the total number of hours worked by the employee unless exempt from chapter 177;
- 123.16 ~~(4)~~ (5) the total amount of gross pay earned by the employee during that period;
- 123.17 ~~(5)~~ (6) a list of deductions made from the employee's pay;
- 123.18 ~~(6)~~ (7) the net amount of pay after all deductions are made;
- 123.19 ~~(7)~~ (8) the date on which the pay period ends; ~~and~~
- 123.20 ~~(8)~~ (9) the legal name of the employer and the operating name of the employer if different
 123.21 from the legal name;
- 123.22 (10) the physical address of the employer's main office or principal place of business,
 123.23 and a mailing address if different; and
- 123.24 (11) the telephone number of the employer.

123.25 (c) An employer must provide earnings statements to an employee in writing, rather
 123.26 than by electronic means, if the employer has received at least 24 hours notice from an
 123.27 employee that the employee would like to receive earnings statements in written form. Once
 123.28 an employer has received notice from an employee that the employee would like to receive

- 123.29 earnings statements in written form, the employer must comply with that request on an
123.30 ongoing basis.
- 124.1 (d) At the start of employment, an employer shall provide each employee a written notice
124.2 containing the following information:
- 124.3 (1) the rate or rates of pay and basis thereof, including whether the employee is paid by
124.4 the hour, shift, day, week, salary, piece, commission, or other method, and the specific
124.5 application of any additional rates;
- 124.6 (2) allowances, if any, claimed pursuant to permitted meals and lodging;
- 124.7 (3) paid vacation, sick time, or other paid time off accruals and terms of use;
- 124.8 (4) the employee's employment status and whether the employee is exempt from minimum
124.9 wage, overtime, and other provisions of chapter 177, and on what basis;
- 124.10 (5) a list of deductions that may be made from the employee's pay;
- 124.11 (6) the dates on which the pay periods start and end and the regularly scheduled payday;
- 124.12 (7) the legal name of the employer and the operating name of the employer if different
124.13 from the legal name;
- 124.14 (8) the physical address of the employer's main office or principal place of business, and
124.15 a mailing address if different; and
- 124.16 (9) the telephone number of the employer.
- 124.17 (e) The employer must keep a copy of the notice under paragraph (d) signed by each
124.18 employee acknowledging receipt of the notice. The notice must be provided to each employee
124.19 in English and in the employee's native language.
- 124.20 (f) An employer must provide the employee any written changes to the information
124.21 contained in the notice under paragraph (d) at least seven calendar days prior to the time
124.22 the changes take effect. The changes must be signed by the employee before the changes
124.23 go into effect. The employer must keep a signed copy of all notice of changes as well as
124.24 the initial notices under paragraph (d).
- 124.25 Sec. 19. Minnesota Statutes 2018, section 181.101, is amended to read:
124.26 181.101 WAGES; HOW OFTEN PAID.
- 124.27 (a) Except as provided in paragraph (b), every employer must pay all wages earned by
124.28 an employee at least once every ~~31~~ 16 days on a regular payday designated in advance by
124.29 the employer regardless of whether the employee requests payment at longer intervals.
124.30 ~~Unless paid earlier, the wages earned during the first half of the first 31-day pay period~~
124.31 ~~become due on the first regular payday following the first day of work. An employer's pay~~
125.1 ~~period must be no longer than 16 days. All wages earned in a pay period must be paid to~~
125.2 ~~an employee within 16 days of the end of that pay period. If wages earned are not paid, the~~

125.3 commissioner of labor and industry or the commissioner's representative may serve a demand
 125.4 for payment on behalf of an employee. If payment is not made within ~~ten~~ five days of service
 125.5 of the demand, the commissioner may charge and collect the wages earned and a ~~penalty~~
 125.6 liquidated damages in the amount of the employee's average daily earnings at the ~~employee's~~
 125.7 rate ~~agreed upon in the contract of employment~~ or rates of pay or at the rate or rates required
 125.8 by law, including any applicable statute, regulation, rule, ordinance, government resolution
 125.9 or policy, contract, or other legal authority, whichever rate of pay is greater, ~~not exceeding~~
 125.10 ~~15 days in all~~, for each day beyond the ~~ten-day~~ five-day limit following the demand. Money
 125.11 collected by the commissioner must be paid to the employee concerned. This section does
 125.12 not prevent an employee from prosecuting a claim for wages. This section does not prevent
 125.13 a school district, other public school entity, or other school, as defined under section 120A.22,
 125.14 from paying any wages earned by its employees during a school year on regular paydays
 125.15 in the manner provided by an applicable contract or collective bargaining agreement, or a
 125.16 personnel policy adopted by the governing board. For purposes of this section, "employee"
 125.17 includes a person who performs agricultural labor as defined in section 181.85, subdivision
 125.18 2. For purposes of this section, wages are earned on the day an employee works.

125.19 (b) An employer of a volunteer firefighter, as defined in section 424A.001, subdivision
 125.20 10, a member of an organized first responder squad that is formally recognized by a political
 125.21 subdivision in the state, or a volunteer ambulance driver or attendant must pay all wages
 125.22 earned by the volunteer firefighter, first responder, or volunteer ambulance driver or attendant
 125.23 at least once every 31 days, unless the employer and the employee mutually agree upon
 125.24 payment at longer intervals.

125.25 Sec. 20. [181.1721] ENFORCEMENT; REMEDIES.

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

125.28 Subd. 2. **Remedies cumulative.** The remedies provided in this chapter are cumulative
 125.29 and do not restrict any remedy that is otherwise available, including remedies provided
 125.30 under section 8.31. The remedies available under this section are not exclusive and are in
 125.31 addition to any other requirements, rights, remedies, and penalties provided by law.

125.32 Sec. 21. Minnesota Statutes 2018, section 609.52, subdivision 1, is amended to read:

125.33 Subdivision 1. **Definitions.** In this section:

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

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

126.9 (3) "Value" means the retail market value at the time of the theft, or if the retail market
126.10 value cannot be ascertained, the cost of replacement of the property within a reasonable
126.11 time after the theft, or in the case of a theft or the making of a copy of an article representing
126.12 a trade secret, where the retail market value or replacement cost cannot be ascertained, any
126.13 reasonable value representing the damage to the owner which the owner has suffered by
126.14 reason of losing an advantage over those who do not know of or use the trade secret. For a
126.15 check, draft, or other order for the payment of money, "value" means the amount of money
126.16 promised or ordered to be paid under the terms of the check, draft, or other order. For a
126.17 theft committed within the meaning of subdivision 2, clause (5), items (i) and (ii), if the
126.18 property has been restored to the owner, "value" means the value of the use of the property
126.19 or the damage which it sustained, whichever is greater, while the owner was deprived of
126.20 its possession, but not exceeding the value otherwise provided herein. For a theft committed
126.21 within the meaning of subdivision 2, clause (9), if the property has been restored to the
126.22 owner, "value" means the rental value of the property, determined at the rental rate contracted
126.23 by the defendant or, if no rental rate was contracted, the rental rate customarily charged by
126.24 the owner for use of the property, plus any damage that occurred to the property while the
126.25 owner was deprived of its possession, but not exceeding the total retail value of the property
126.26 at the time of rental. For a theft committed within the meaning of subdivision 2, clause (19),
126.27 "value" means the difference between wages legally required to be reported or paid to an
126.28 employee and the amount actually reported or paid to the employee.

126.29 (4) "Article" means any object, material, device or substance, including any writing,
126.30 record, recording, drawing, sample specimen, prototype, model, photograph, microorganism,
126.31 blueprint or map, or any copy of any of the foregoing.

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

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

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

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

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

127.11 (8) "Property of another" includes property in which the actor is co-owner or has a lien,
127.12 pledge, bailment, or lease or other subordinate interest, property transferred by the actor in
127.13 circumstances which are known to the actor and which make the transfer fraudulent as
127.14 defined in section 513.44, property possessed pursuant to a short-term rental contract, and

127.15 property of a partnership of which the actor is a member, unless the actor and the victim
127.16 are husband and wife. It does not include property in which the actor asserts in good faith
127.17 a claim as a collection fee or commission out of property or funds recovered, or by virtue
127.18 of a lien, setoff, or counterclaim.

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

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

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

127.27 (12) "Retailer" has the meaning given in section 604.15, subdivision 1.

127.28 Sec. 22. Minnesota Statutes 2018, section 609.52, subdivision 2, is amended to read:

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

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

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

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

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

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

128.19 (iii) the preparation or filing of a claim for reimbursement, a rate application, or a cost
128.20 report used to establish a rate or claim for payment for medical care provided to a recipient

- 128.21 of medical assistance under chapter 256B, which intentionally and falsely states the costs
128.22 of or actual services provided by a vendor of medical care; or
- 128.23 (iv) the preparation or filing of a claim for reimbursement for providing treatment or
128.24 supplies required to be furnished to an employee under section 176.135 which intentionally
128.25 and falsely states the costs of or actual treatment or supplies provided; or
- 128.26 (v) the preparation or filing of a claim for reimbursement for providing treatment or
128.27 supplies required to be furnished to an employee under section 176.135 for treatment or
128.28 supplies that the provider knew were medically unnecessary, inappropriate, or excessive;
128.29 or
- 128.30 (4) by swindling, whether by artifice, trick, device, or any other means, obtains property
128.31 or services from another person; or
- 128.32 (5) intentionally commits any of the acts listed in this subdivision but with intent to
128.33 exercise temporary control only and:
- 129.1 (i) the control exercised manifests an indifference to the rights of the owner or the
129.2 restoration of the property to the owner; or
- 129.3 (ii) the actor pledges or otherwise attempts to subject the property to an adverse claim;
129.4 or
- 129.5 (iii) the actor intends to restore the property only on condition that the owner pay a
129.6 reward or buy back or make other compensation; or
- 129.7 (6) finds lost property and, knowing or having reasonable means of ascertaining the true
129.8 owner, appropriates it to the finder's own use or to that of another not entitled thereto without
129.9 first having made reasonable effort to find the owner and offer and surrender the property
129.10 to the owner; or
- 129.11 (7) intentionally obtains property or services, offered upon the deposit of a sum of money
129.12 or tokens in a coin or token operated machine or other receptacle, without making the
129.13 required deposit or otherwise obtaining the consent of the owner; or
- 129.14 (8) intentionally and without claim of right converts any article representing a trade
129.15 secret, knowing it to be such, to the actor's own use or that of another person or makes a
129.16 copy of an article representing a trade secret, knowing it to be such, and intentionally and
129.17 without claim of right converts the same to the actor's own use or that of another person. It
129.18 shall be a complete defense to any prosecution under this clause for the defendant to show
129.19 that information comprising the trade secret was rightfully known or available to the
129.20 defendant from a source other than the owner of the trade secret; or
- 129.21 (9) leases or rents personal property under a written instrument and who:
- 129.22 (i) with intent to place the property beyond the control of the lessor conceals or aids or
129.23 abets the concealment of the property or any part thereof; or

129.24 (ii) sells, conveys, or encumbers the property or any part thereof without the written
129.25 consent of the lessor, without informing the person to whom the lessee sells, conveys, or
129.26 encumbers that the same is subject to such lease or rental contract with intent to deprive the
129.27 lessor of possession thereof; or

129.28 (iii) does not return the property to the lessor at the end of the lease or rental term, plus
129.29 agreed-upon extensions, with intent to wrongfully deprive the lessor of possession of the
129.30 property; or

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

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

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

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

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

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

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

130.26 (ii) attaching any unauthorized device to any cable, wire, microwave, or other component
130.27 of a licensed cable communications system as defined in chapter 238. Nothing herein shall
130.28 be construed to prohibit the electronic video rerecording of program material transmitted

130.29 on the cable communications system by a subscriber for fair use as defined by Public Law
130.30 94-553, section 107; or

130.31 (13) except as provided in clauses (12) and (14), obtains the services of another with
130.32 the intention of receiving those services without making the agreed or reasonably expected
130.33 payment of money or other consideration; or

131.1 (14) intentionally deprives another of a lawful charge for telecommunications service
131.2 by:

131.3 (i) making, using, or attempting to make or use an unauthorized connection whether
131.4 physical, electrical, by wire, microwave, radio, or other means to a component of a local
131.5 telecommunication system as provided in chapter 237; or

131.6 (ii) attaching an unauthorized device to a cable, wire, microwave, radio, or other
131.7 component of a local telecommunication system as provided in chapter 237.

131.8 The existence of an unauthorized connection is prima facie evidence that the occupier
131.9 of the premises:

131.10 (A) made or was aware of the connection; and
131.11 (B) was aware that the connection was unauthorized;

131.12 (15) with intent to defraud, diverts corporate property other than in accordance with
131.13 general business purposes or for purposes other than those specified in the corporation's
131.14 articles of incorporation; or

131.15 (16) with intent to defraud, authorizes or causes a corporation to make a distribution in
131.16 violation of section 302A.551, or any other state law in conformity with it; or

131.17 (17) takes or drives a motor vehicle without the consent of the owner or an authorized
131.18 agent of the owner, knowing or having reason to know that the owner or an authorized agent
131.19 of the owner did not give consent; or

131.20 (18) intentionally, and without claim of right, takes motor fuel from a retailer without
131.21 the retailer's consent and with intent to deprive the retailer permanently of possession of
131.22 the fuel by driving a motor vehicle from the premises of the retailer without having paid
131.23 for the fuel dispensed into the vehicle; or

131.24 (19) intentionally engages in or authorizes a prohibited practice of wage theft as described
131.25 in section 181.03, subdivision 1.

131.26 (b) Proof that the driver of a motor vehicle into which motor fuel was dispensed drove
131.27 the vehicle from the premises of the retailer without having paid for the fuel permits the
131.28 factfinder to infer that the driver acted intentionally and without claim of right, and that the
131.29 driver intended to deprive the retailer permanently of possession of the fuel. This paragraph
131.30 does not apply if: (1) payment has been made to the retailer within 30 days of the receipt
131.31 of notice of nonpayment under section 604.15; or (2) a written notice as described in section

131.32 604.15, subdivision 4, disputing the retailer's claim, has been sent. This paragraph does not
132.1 apply to the owner of a motor vehicle if the vehicle or the vehicle's license plate has been
132.2 reported stolen before the theft of the fuel.

132.3 Sec. 23. Minnesota Statutes 2018, section 609.52, subdivision 3, is amended to read:

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

132.5 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than
132.6 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen
132.7 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),
132.8 (15), ~~or (16)~~, or (19), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

132.9 (2) to imprisonment for not more than ten years or to payment of a fine of not more than
132.10 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the
132.11 property stolen was an article representing a trade secret, an explosive or incendiary device,
132.12 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the
132.13 exception of marijuana; or

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

132.16 (a) the value of the property or services stolen is more than \$1,000 but not more than
132.17 \$5,000; or

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

132.20 (c) the value of the property or services stolen is more than \$500 but not more than
132.21 \$1,000 and the person has been convicted within the preceding five years for an offense
132.22 under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision
132.23 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United
132.24 States, or a foreign jurisdiction, in conformity with any of those sections, and the person
132.25 received a felony or gross misdemeanor sentence for the offense, or a sentence that was
132.26 stayed under section 609.135 if the offense to which a plea was entered would allow
132.27 imposition of a felony or gross misdemeanor sentence; or

132.28 (d) the value of the property or services stolen is not more than \$1,000, and any of the
132.29 following circumstances exist:

132.30 (i) the property is taken from the person of another or from a corpse, or grave or coffin
132.31 containing a corpse; or

133.1 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,
133.2 filed or deposited according to law with or in the keeping of any public officer or office; or

133.3 (iii) the property is taken from a burning, abandoned, or vacant building or upon its
133.4 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,
133.5 or the proximity of battle; or

133.6 (iv) the property consists of public funds belonging to the state or to any political
133.7 subdivision or agency thereof; or

133.8 (v) the property stolen is a motor vehicle; or

133.9 (4) to imprisonment for not more than one year or to payment of a fine of not more than
133.10 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not
133.11 more than \$1,000; or

133.12 (5) in all other cases where the value of the property or services stolen is \$500 or less,
133.13 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,
133.14 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),
133.15 (4), and (13), the value of the money or property or services received by the defendant in
133.16 violation of any one or more of the above provisions within any six-month period may be
133.17 aggregated and the defendant charged accordingly in applying the provisions of this
133.18 subdivision; provided that when two or more offenses are committed by the same person
133.19 in two or more counties, the accused may be prosecuted in any county in which one of the
133.20 offenses was committed for all of the offenses aggregated under this paragraph.