

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3945

(SENATE AUTHORS: MILLER)

DATE	D-PG	OFFICIAL STATUS
04/12/2018	7291	Introduction and first reading
		Referred to Jobs and Economic Growth Finance and Policy
04/19/2018		Comm report: To pass as amended and re-refer to Finance

1.1 A bill for an act

1.2 relating to state government; appropriating money for the governor's supplemental

1.3 jobs budget; appropriating money for the Department of Employment and Economic

1.4 Development, Minnesota Housing Finance Agency, and Workers' Compensation

1.5 Court of Appeals; making occupational and safety and health federal conformity

1.6 changes; extending a Department of Commerce utility grid assessment; modifying

1.7 manufactured homes relocation provisions; adopting wage theft provisions;

1.8 establishing criminal and civil penalties; amending Minnesota Statutes 2016,

1.9 sections 177.27, subdivision 2, by adding a subdivision; 177.30; 177.32, subdivision

1.10 1; 181.03, subdivision 1, by adding subdivisions; 181.032; 181.101; 182.659,

1.11 subdivision 8; 182.666, subdivisions 1, 2, 3, 4, 5, by adding a subdivision;

1.12 327C.095, subdivisions 1, 2, 3, 4, 12, 13; Minnesota Statutes 2017 Supplement,

1.13 sections 15A.083, subdivision 7; 216B.62, subdivision 3b.

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

1.15 **ARTICLE 1**

1.16 **JOBS APPROPRIATIONS**

1.17 Section 1. **APPROPRIATIONS**

1.18 The sums shown in the columns under "Appropriations" are added to or, if shown in

1.19 parentheses, subtracted from the appropriations in Laws 2017, chapter 94, or other law to

1.20 the specified agencies. The appropriations are from the general fund, or another named

1.21 fund, and are available for the fiscal years indicated for each purpose. The figures "2018"

1.22 and "2019" used in this article mean that the appropriations listed under them are available

1.23 for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. Appropriations for

1.24 the fiscal year ending June 30, 2018, are effective the day following final enactment.

1.25 Reductions may be taken in either fiscal year.

1.26 **APPROPRIATIONS**

1.27 **Available for the Year**

3.1 available until the commissioner of
 3.2 management and budget determines that at
 3.3 least \$2,200,000 is committed to Family Tree
 3.4 Clinic from nonstate sources to support the
 3.5 project. This appropriation is onetime and
 3.6 available until the project is completed or
 3.7 abandoned subject to Minnesota Statutes,
 3.8 section 16A.642.

3.9 (c) \$383,000 in fiscal year 2019 is for transfer
 3.10 to the general projects fund for a grant to
 3.11 Tubman to predesign and design the
 3.12 renovation of the Harriet Tubman Chrysalis
 3.13 Center in South Minneapolis and the Tubman
 3.14 Center East in Maplewood. Amounts
 3.15 expended since November 1, 2015, for
 3.16 predesign and design shall count toward the
 3.17 nonstate match for this project. This
 3.18 appropriation is onetime and available until
 3.19 the project is completed or abandoned subject
 3.20 to Minnesota Statutes, section 16A.642.

3.21 (d) \$1,400,000 in fiscal year 2019 is for
 3.22 transfer to the general projects fund for a grant
 3.23 to the Family Partnership for property
 3.24 acquisition and site preparation that will
 3.25 accommodate the construction and renovation
 3.26 of the Family Partnership. Amounts expended
 3.27 since January 1, 2014, for predesign and
 3.28 design shall count toward the nonstate match
 3.29 for this project. This appropriation is onetime
 3.30 and available until the project is completed or
 3.31 abandoned subject to Minnesota Statutes,
 3.32 section 16A.642.

3.33 **Subd. 3. Broadband Development** 0 30,000,000

3.34 \$30,000,000 in fiscal year 2019 is for transfer
 3.35 to the border-to-border broadband fund

4.1 account in the special revenue fund established
 4.2 under Minnesota Statutes, section 116J.396
 4.3 and may be used for purposes provided in
 4.4 Minnesota Statutes, section 116J.395. This
 4.5 appropriation is onetime and is available until
 4.6 spent. Of this appropriation, up to three
 4.7 percent is for costs incurred by the
 4.8 commissioner to administer Minnesota
 4.9 Statutes, section 116J.395. Administrative
 4.10 costs may include the following activities
 4.11 related to measuring progress toward the
 4.12 state's broadband goals established in
 4.13 Minnesota Statutes, section 237.012:

4.14 (1) collecting broadband deployment data from
 4.15 Minnesota providers, verifying its accuracy
 4.16 through on-the-ground testing, and creating
 4.17 state and county maps available to the public
 4.18 showing the availability of broadband service
 4.19 at various upload and download speeds
 4.20 throughout Minnesota;

4.21 (2) analyzing the deployment data collected
 4.22 to help inform future investments in broadband
 4.23 infrastructure; and

4.24 (3) conducting business and residential surveys
 4.25 that measure broadband adoption and use in
 4.26 the state.

4.27 Data provided by a broadband provider under
 4.28 this subdivision is nonpublic data under
 4.29 Minnesota Statutes, section 13.02, subdivision
 4.30 9. Maps produced under this subdivision are
 4.31 public data under Minnesota Statutes, section
 4.32 13.03.

4.33 **Sec. 3. HOUSING FINANCE AGENCY \$ 0 \$ 4,000,000**

5.1 This amount is for transfer to the housing
 5.2 development fund for the programs in
 5.3 Minnesota Statutes, sections 462A.201,
 5.4 subdivision 2, paragraph (a), clause (4), and
 5.5 462A.204, subdivision 8. The agency may
 5.6 allocate this appropriation as necessary to
 5.7 these two programs to facilitate the Homework
 5.8 Starts with Home program.

5.9 **Sec. 4. WORKERS' COMPENSATION COURT**
 5.10 **OF APPEALS** \$ 0 \$ 33,000

5.11 This appropriation is from the workers'
 5.12 compensation fund.

5.13 **ARTICLE 2**

5.14 **OCCUPATIONAL SAFETY AND HEALTH**

5.15 Section 1. Minnesota Statutes 2016, section 182.659, subdivision 8, is amended to read:

5.16 Subd. 8. **Protection from subpoena; data.** Neither the commissioner nor any employee
 5.17 of the department, ~~including those employees of the Department of Health providing services~~
 5.18 ~~to the Department of Labor and Industry, pursuant to section 182.67, subdivision 1,~~ is subject
 5.19 to subpoena for purposes of inquiry into any occupational safety and health inspection
 5.20 except in enforcement proceedings brought under this chapter. Data that identify individuals
 5.21 who provide data to the department as part of an investigation conducted under this chapter
 5.22 shall be private.

5.23 Sec. 2. Minnesota Statutes 2016, section 182.666, subdivision 1, is amended to read:

5.24 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly
 5.25 violates the requirements of section 182.653, or any standard, rule, or order adopted under
 5.26 the authority of the commissioner as provided in this chapter, may be assessed a fine not to
 5.27 exceed ~~\$70,000~~ \$126,750 for each violation. The minimum fine for a willful violation is
 5.28 ~~\$5,000~~ \$9,055.

5.29 **EFFECTIVE DATE.** This section is effective July 1, 2018.

6.1 Sec. 3. Minnesota Statutes 2016, section 182.666, subdivision 2, is amended to read:

6.2 Subd. 2. **Serious violations.** Any employer who has received a citation for a serious
6.3 violation of its duties under section 182.653, or any standard, rule, or order adopted under
6.4 the authority of the commissioner as provided in this chapter, shall be assessed a fine not
6.5 to exceed ~~\$7,000~~ \$12,675 for each violation. If a serious violation under section 182.653,
6.6 subdivision 2, causes or contributes to the death of an employee, the employer shall be
6.7 assessed a fine of up to \$25,000 for each violation.

6.8 **EFFECTIVE DATE.** This section is effective July 1, 2018.

6.9 Sec. 4. Minnesota Statutes 2016, section 182.666, subdivision 3, is amended to read:

6.10 Subd. 3. **Nonserious violations.** Any employer who has received a citation for a violation
6.11 of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically
6.12 determined not to be of a serious nature as provided in section 182.651, subdivision 12,
6.13 may be assessed a fine of up to ~~\$7,000~~ \$12,675 for each violation.

6.14 **EFFECTIVE DATE.** This section is effective July 1, 2018.

6.15 Sec. 5. Minnesota Statutes 2016, section 182.666, subdivision 4, is amended to read:

6.16 Subd. 4. **Failure to correct a violation.** Any employer who fails to correct a violation
6.17 for which a citation has been issued under section 182.66 within the period permitted for
6.18 its correction, which period shall not begin to run until the date of the final order of the
6.19 commissioner in the case of any review proceedings under this chapter initiated by the
6.20 employer in good faith and not solely for delay or avoidance of penalties, may be assessed
6.21 a fine of not more than ~~\$7,000~~ \$12,675 for each day during which the failure or violation
6.22 continues.

6.23 **EFFECTIVE DATE.** This section is effective July 1, 2018.

6.24 Sec. 6. Minnesota Statutes 2016, section 182.666, subdivision 5, is amended to read:

6.25 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,
6.26 as prescribed under this chapter, except those prescribed under section 182.661, subdivision
6.27 3a, shall be assessed a fine of up to ~~\$7,000~~ \$12,675 for each violation.

6.28 **EFFECTIVE DATE.** This section is effective July 1, 2018.

7.1 Sec. 7. Minnesota Statutes 2016, section 182.666, is amended by adding a subdivision to
7.2 read:

7.3 Subd. 6a. **Increases for inflation.** (a) No later than August 31 of each year, beginning
7.4 in 2018, the commissioner shall determine the percentage increase in the rate of inflation,
7.5 as measured by the implicit price deflator, national data for personal consumption
7.6 expenditures as determined by the United States Department of Commerce, Bureau of
7.7 Economic Analysis during the 12-month period immediately preceding that August or, if
7.8 that data is unavailable, during the most recent 12-month period for which data is available.
7.9 The fines in subdivisions 1, 2, 3, 4, and 5, except for the fine for a serious violation under
7.10 section 182.653, subdivision 2, that causes or contributes to the death of an employee, are
7.11 increased by the lesser of (1) 2.5 percent, rounded to the nearest dollar amount evenly
7.12 divisible by ten, or (2) the percentage calculated by the commissioner, rounded to the nearest
7.13 dollar amount evenly divisible by ten.

7.14 (b) The fines increased under paragraph (a) shall not be increased to an amount greater
7.15 than the corresponding federal penalties for the specified violations promulgated in United
7.16 States Code, title 29, section 666, subsections (a)-(d), (i), as amended through November
7.17 5, 1990, and adjusted according to United States Code, title 28, section 2461, note (Federal
7.18 Civil Penalties Inflation Adjustment), as amended through November 2, 2015.

7.19 (c) A fine must not be reduced under this subdivision. A fine increased under this
7.20 subdivision takes effect on the next January 1.

7.21 **EFFECTIVE DATE.** This section is effective July 1, 2018.

7.22 **ARTICLE 3**

7.23 **UTILITY GRID ASSESSMENTS**

7.24 Section 1. Minnesota Statutes 2017 Supplement, section 216B.62, subdivision 3b, is
7.25 amended to read:

7.26 **Subd. 3b. Assessment for department regional and national duties.** In addition to
7.27 other assessments in subdivision 3, the department may assess up to \$500,000 per fiscal
7.28 year for performing its duties under section 216A.07, subdivision 3a. The amount in this
7.29 subdivision shall be assessed to energy utilities in proportion to their respective gross
7.30 operating revenues from retail sales of gas or electric service within the state during the last
7.31 calendar year and shall be deposited into an account in the special revenue fund and is
7.32 appropriated to the commissioner of commerce for the purposes of section 216A.07,
7.33 subdivision 3a. An assessment made under this subdivision is not subject to the cap on

8.1 assessments provided in subdivision 3 or any other law. For the purpose of this subdivision,
 8.2 an "energy utility" means public utilities, generation and transmission cooperative electric
 8.3 associations, and municipal power agencies providing natural gas or electric service in the
 8.4 state. ~~This subdivision expires June 30, 2018.~~

8.5 ARTICLE 4

8.6 MANUFACTURED HOME PARK RELOCATION

8.7 Section 1. Minnesota Statutes 2016, section 327C.095, subdivision 1, is amended to read:

8.8 Subdivision 1. **Conversion of use; minimum notice.** (a) At least ~~nine~~ 12 months before
 8.9 the conversion of all or a portion of a manufactured home park to another use, or before
 8.10 closure of a manufactured home park or cessation of use of the land as a manufactured home
 8.11 park, the park owner must prepare a closure statement and provide a copy to the
 8.12 commissioners of health and the housing finance agency, the local planning agency, and a
 8.13 resident of each manufactured home where the residential use is being converted. The
 8.14 closure statement must include the following language in a font no smaller than 14 point:
 8.15 "YOU MAY BE ENTITLED TO COMPENSATION FROM THE MINNESOTA
 8.16 MANUFACTURED HOME RELOCATION TRUST FUND ADMINISTERED BY THE
 8.17 MINNESOTA HOUSING FINANCE AGENCY." A resident may not be required to vacate
 8.18 until ~~60~~ 90 days after the conclusion of the public hearing required under subdivision 4. If
 8.19 a lot is available in another section of the park that will continue to be operated as a park,
 8.20 the park owner must allow the resident to relocate the home to that lot unless the home,
 8.21 because of its size or local ordinance, is not compatible with that lot.

8.22 (b) Closure statements issued more than 24 months prior to the park closure must contain
 8.23 a closure date. If the closure does not take place within 24 months and the original statement
 8.24 does not contain a closure date, the statement must be reissued to the commissioners of
 8.25 health and the Housing Finance Agency, the local planning agency, and a resident of each
 8.26 manufactured home where the residential use is being converted.

8.27 Sec. 2. Minnesota Statutes 2016, section 327C.095, subdivision 2, is amended to read:

8.28 Subd. 2. **Notice of hearing; proposed change in land use.** If the planned conversion
 8.29 or cessation of operation requires a variance or zoning change, the ~~municipality~~ local
 8.30 government authority must mail a notice at least ten days before the hearing to a resident
 8.31 of each manufactured home in the park stating the time, place, and purpose of the public
 8.32 hearing. The park owner shall provide the ~~municipality~~ local government authority with a

9.1 list of the names and addresses of at least one resident of each manufactured home in the
9.2 park at the time application is made for a variance or zoning change.

9.3 Sec. 3. Minnesota Statutes 2016, section 327C.095, subdivision 3, is amended to read:

9.4 Subd. 3. **Closure statement.** Upon receipt of the closure statement from the park owner,
9.5 the local planning agency shall submit the closure statement to the governing body of the
9.6 ~~municipality~~ local government authority and request the governing body to schedule a public
9.7 hearing. The ~~municipality~~ local government authority must mail a notice at least ten days
9.8 before the hearing to a resident of each manufactured home in the park stating the time,
9.9 place, and purpose of the public hearing. The park owner shall provide the ~~municipality~~
9.10 local government authority with a list of the names and addresses of at least one resident
9.11 of each manufactured home in the park at the time the closure statement is submitted to the
9.12 local planning agency.

9.13 Sec. 4. Minnesota Statutes 2016, section 327C.095, subdivision 4, is amended to read:

9.14 Subd. 4. **Public hearing; relocation compensation; neutral third party.** The governing
9.15 body of the affected ~~municipality~~ local government authority shall hold a public hearing to
9.16 review the closure statement and any impact that the park closing may have on the displaced
9.17 residents and the park owner. At the time of, and in the notice for, the public hearing,
9.18 displaced residents must be informed that they may be eligible for payments from the
9.19 Minnesota manufactured home relocation trust fund under section 462A.35 as compensation
9.20 for reasonable relocation costs under subdivision 13, paragraphs (a) and (e).

9.21 The governing body of the ~~municipality~~ local government authority may also require
9.22 that other parties, including the ~~municipality~~ local government authority, but excluding the
9.23 park owner or its purchaser, involved in the park closing provide additional compensation
9.24 to residents to mitigate the adverse financial impact of the park closing upon the residents.

9.25 At the public hearing, the ~~municipality~~ local government authority shall appoint a neutral
9.26 third party, to be agreed upon by both the manufactured home park owner and manufactured
9.27 home owners, whose hourly cost must be reasonable and paid from the Minnesota
9.28 manufactured home relocation trust fund. The neutral third party shall act as a paymaster
9.29 and arbitrator, with decision-making authority to resolve any questions or disputes regarding
9.30 any contributions or disbursements to and from the Minnesota manufactured home relocation
9.31 trust fund by either the manufactured home park owner or the manufactured home owners.
9.32 If the parties cannot agree on a neutral third party, the ~~municipality~~ local government
9.33 authority will make a determination.

10.1 At the public hearing, the governing body of the local government authority shall make
10.2 a determination if any ordinance was in effect on May 26, 2007, that would provide
10.3 compensation to displaced residents and provide this information to the third party neutral
10.4 to determine the applicable amount of compensation under subdivision 13, paragraph (f).

10.5 Sec. 5. Minnesota Statutes 2016, section 327C.095, subdivision 12, is amended to read:

10.6 Subd. 12. **Payment to the Minnesota manufactured home relocation trust fund.** (a)
10.7 If a manufactured home owner is required to move due to the conversion of all or a portion
10.8 of a manufactured home park to another use, the closure of a park, or cessation of use of
10.9 the land as a manufactured home park, the manufactured park owner shall, upon the change
10.10 in use, pay to the commissioner of management and budget for deposit in the Minnesota
10.11 manufactured home relocation trust fund under section 462A.35, the lesser amount of the
10.12 actual costs of moving or purchasing the manufactured home approved by the neutral third
10.13 party and paid by the Minnesota Housing Finance Agency under subdivision 13, paragraph
10.14 (a) or (e), or \$3,250 for each single section manufactured home, and \$6,000 for each
10.15 multisection manufactured home, for which a manufactured home owner has made
10.16 application for payment of relocation costs under subdivision 13, paragraph (c). The
10.17 manufactured home park owner shall make payments required under this section to the
10.18 Minnesota manufactured home relocation trust fund within 60 days of receipt of invoice
10.19 from the neutral third party.

10.20 (b) A manufactured home park owner is not required to make the payment prescribed
10.21 under paragraph (a), nor is a manufactured home owner entitled to compensation under
10.22 subdivision 13, paragraph (a) or (e), if:

10.23 (1) the manufactured home park owner relocates the manufactured home owner to
10.24 another space in the manufactured home park or to another manufactured home park at the
10.25 park owner's expense;

10.26 (2) the manufactured home owner is vacating the premises and has informed the
10.27 manufactured home park owner or manager of this prior to the mailing date of the closure
10.28 statement under subdivision 1;

10.29 (3) a manufactured home owner has abandoned the manufactured home, or the
10.30 manufactured home owner is not current on the monthly lot rental, personal property taxes;

10.31 (4) the manufactured home owner has a pending eviction action for nonpayment of lot
10.32 rental amount under section 327C.09, which was filed against the manufactured home owner

11.1 prior to the mailing date of the closure statement under subdivision 1, and the writ of recovery
11.2 has been ordered by the district court;

11.3 (5) the conversion of all or a portion of a manufactured home park to another use, the
11.4 closure of a park, or cessation of use of the land as a manufactured home park is the result
11.5 of a taking or exercise of the power of eminent domain by a governmental entity or public
11.6 utility; or

11.7 (6) the owner of the manufactured home is not a resident of the manufactured home
11.8 park, as defined in section 327C.01, subdivision 9, or the owner of the manufactured home
11.9 is a resident, but came to reside in the manufactured home park after the mailing date of
11.10 the closure statement under subdivision 1.

11.11 (c) If the unencumbered fund balance in the manufactured home relocation trust fund
11.12 is less than ~~\$1,000,000~~ \$3,000,000 as of June 30 of each year, the commissioner of
11.13 management and budget shall assess each manufactured home park owner by mail the total
11.14 amount of \$15 for each licensed lot in their park, payable on or before September 15 of that
11.15 year. The commissioner of management and budget shall deposit any payments in the
11.16 Minnesota manufactured home relocation trust fund. On or before July 15 of each year, the
11.17 commissioner of management and budget shall prepare and distribute to park owners a letter
11.18 explaining whether funds are being collected for that year, information about the collection,
11.19 an invoice for all licensed lots, and a sample form for the park owners to collect information
11.20 on which park residents have been accounted for. If assessed under this paragraph, the park
11.21 owner may recoup the cost of the \$15 assessment as a lump sum or as a monthly fee of no
11.22 more than \$1.25 collected from park residents together with monthly lot rent as provided
11.23 in section 327C.03, subdivision 6. Park owners may adjust payment for lots in their park
11.24 that are vacant or otherwise not eligible for contribution to the trust fund under section
11.25 327C.095, subdivision 12, paragraph (b), and deduct from the assessment accordingly.

11.26 (d) This subdivision and subdivision 13, paragraph (c), clause (5), are enforceable by
11.27 the neutral third party, on behalf of the Minnesota Housing Finance Agency, or by action
11.28 in a court of appropriate jurisdiction. The court may award a prevailing party reasonable
11.29 attorney fees, court costs, and disbursements.

11.30 Sec. 6. Minnesota Statutes 2016, section 327C.095, subdivision 13, is amended to read:

11.31 Subd. 13. **Change in use, relocation expenses; payments by park owner.** (a) If a
11.32 manufactured home owner is required to relocate due to the conversion of all or a portion
11.33 of a manufactured home park to another use, the closure of a manufactured home park, or
11.34 cessation of use of the land as a manufactured home park under subdivision 1, and the

12.1 manufactured home owner complies with the requirements of this section, the manufactured
 12.2 home owner is entitled to payment from the Minnesota manufactured home relocation trust
 12.3 fund equal to the manufactured home owner's actual relocation costs for relocating the
 12.4 manufactured home to a new location within a ~~25-mile~~ 50-mile radius of the park that is
 12.5 being closed, up to a maximum of \$7,000 for a single-section and \$12,500 for a multisection
 12.6 manufactured home. The actual relocation costs must include the reasonable cost of taking
 12.7 down, moving, and setting up the manufactured home, including equipment rental, utility
 12.8 connection and disconnection charges, minor repairs, modifications necessary for
 12.9 transportation of the home, necessary moving permits and insurance, moving costs for any
 12.10 appurtenances, which meet applicable local, state, and federal building and construction
 12.11 codes.

12.12 (b) A manufactured home owner is not entitled to compensation under paragraph (a) if
 12.13 the manufactured home park owner is not required to make a payment to the Minnesota
 12.14 manufactured home relocation trust fund under subdivision 12, paragraph (b).

12.15 (c) Except as provided in paragraph (e), in order to obtain payment from the Minnesota
 12.16 manufactured home relocation trust fund, the manufactured home owner shall submit to the
 12.17 neutral third party and the Minnesota Housing Finance Agency, with a copy to the park
 12.18 owner, an application for payment, which includes:

12.19 (1) a copy of the closure statement under subdivision 1;

12.20 (2) a copy of the contract with a moving or towing contractor, which includes the
 12.21 relocation costs for relocating the manufactured home;

12.22 (3) a statement with supporting materials of any additional relocation costs as outlined
 12.23 in subdivision 1;

12.24 (4) a statement certifying that none of the exceptions to receipt of compensation under
 12.25 subdivision 12, paragraph (b), apply to the manufactured home owner;

12.26 (5) a statement from the manufactured park owner that the lot rental is current ~~and that~~
 12.27 ~~the annual \$15 payments to the Minnesota manufactured home relocation trust fund have~~
 12.28 ~~been paid when due;~~ and

12.29 (6) a statement from the county where the manufactured home is located certifying that
 12.30 personal property taxes for the manufactured home are paid through the end of that year.

12.31 (d) If the neutral third party has acted reasonably and does not approve or deny payment
 12.32 within 45 days after receipt of the information set forth in paragraph (c), the payment is
 12.33 deemed approved. Upon approval and request by the neutral third party, the Minnesota

13.1 Housing Finance Agency shall issue two checks in equal amount for 50 percent of the
13.2 contract price payable to the mover and towing contractor for relocating the manufactured
13.3 home in the amount of the actual relocation cost, plus a check to the home owner for
13.4 additional certified costs associated with third-party vendors, that were necessary in relocating
13.5 the manufactured home. The moving or towing contractor shall receive 50 percent upon
13.6 execution of the contract and 50 percent upon completion of the relocation and approval
13.7 by the manufactured home owner. The moving or towing contractor may not apply the funds
13.8 to any other purpose other than relocation of the manufactured home as provided in the
13.9 contract. A copy of the approval must be forwarded by the neutral third party to the park
13.10 owner with an invoice for payment of the amount specified in subdivision 12, paragraph
13.11 (a).

13.12 (e) In lieu of collecting a relocation payment from the Minnesota manufactured home
13.13 relocation trust fund under paragraph (a), the manufactured home owner may collect an
13.14 amount from the fund after reasonable efforts to relocate the manufactured home have failed
13.15 due to the age or condition of the manufactured home, or because there are no manufactured
13.16 home parks willing or able to accept the manufactured home within a 25-mile radius. A
13.17 manufactured home owner may tender title of the manufactured home in the manufactured
13.18 home park to the manufactured home park owner, and collect an amount to be determined
13.19 by an independent appraisal. The appraiser must be agreed to by both the manufactured
13.20 home park owner and the manufactured home owner. If the appraised market value cannot
13.21 be determined, the tax market value, averaged over a period of five years, can be used as a
13.22 substitute. The maximum amount that may be reimbursed under the fund is \$8,000 for a
13.23 single-section and \$14,500 for a multisection manufactured home. The minimum amount
13.24 that may be reimbursed under the fund is \$2,000 for a single section and \$4,000 for a
13.25 multisection manufactured home. The manufactured home owner shall deliver to the
13.26 manufactured home park owner the current certificate of title to the manufactured home
13.27 duly endorsed by the owner of record, and valid releases of all liens shown on the certificate
13.28 of title, and a statement from the county where the manufactured home is located evidencing
13.29 that the personal property taxes have been paid. The manufactured home owner's application
13.30 for funds under this paragraph must include a document certifying that the manufactured
13.31 home cannot be relocated, that the lot rental is current, that the annual \$15 payments to the
13.32 Minnesota manufactured home relocation trust fund have been paid when due, that the
13.33 manufactured home owner has chosen to tender title under this section, and that the park
13.34 owner agrees to make a payment to the commissioner of management and budget in the
13.35 amount established in subdivision 12, paragraph (a), less any documented costs submitted
13.36 to the neutral third party, required for demolition and removal of the home, and any debris

14.1 or refuse left on the lot, not to exceed \$1,000. The manufactured home owner must also
14.2 provide a copy of the certificate of title endorsed by the owner of record, and certify to the
14.3 neutral third party, with a copy to the park owner, that none of the exceptions to receipt of
14.4 compensation under subdivision 12, paragraph (b), clauses (1) to (6), apply to the
14.5 manufactured home owner, and that the home owner will vacate the home within 60 days
14.6 after receipt of payment or the date of park closure, whichever is earlier, provided that the
14.7 monthly lot rent is kept current.

14.8 (f) ~~The Minnesota Housing Finance Agency must make a determination of the amount~~
14.9 ~~of payment a manufactured home owner would have been entitled to under a local ordinance~~
14.10 ~~in effect on May 26, 2007.~~ Notwithstanding paragraph (a), the manufactured home owner's
14.11 compensation for relocation costs from the fund under section 462A.35, is the greater of
14.12 the amount provided under this subdivision, or the amount under the local ordinance in
14.13 effect on May 26, 2007, that is applicable to the manufactured home owner. Nothing in this
14.14 paragraph is intended to increase the liability of the park owner.

14.15 (g) Neither the neutral third party nor the Minnesota Housing Finance Agency shall be
14.16 liable to any person for recovery if the funds in the Minnesota manufactured home relocation
14.17 trust fund are insufficient to pay the amounts claimed. The Minnesota Housing Finance
14.18 Agency shall keep a record of the time and date of its approval of payment to a claimant.

14.19 (h) The agency shall report to the chairs of the senate Finance Committee and house of
14.20 representatives Ways and Means Committee by January 15 of each year on the Minnesota
14.21 manufactured home relocation trust fund, including the account balance, payments to
14.22 claimants, the amount of any advances to the fund, the amount of any insufficiencies
14.23 encountered during the previous calendar year, and any administrative charges or expenses
14.24 deducted from the trust fund balance. If sufficient funds become available, the Minnesota
14.25 Housing Finance Agency shall pay the manufactured home owner whose unpaid claim is
14.26 the earliest by time and date of approval.

14.27 ARTICLE 5

14.28 WAGE THEFT

14.29 Section 1. Minnesota Statutes 2016, section 177.27, subdivision 2, is amended to read:

14.30 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
14.31 of employees working in the state to submit to the commissioner photocopies, certified
14.32 copies, or, if necessary, the originals of employment records which the commissioner deems
14.33 necessary or appropriate. The records which may be required include full and correct

15.1 statements in writing, including sworn statements by the employer, containing information
15.2 relating to wages, hours, names, addresses, and any other information pertaining to the
15.3 employer's employees and the conditions of their employment as the commissioner deems
15.4 necessary or appropriate.

15.5 The commissioner may require the records to be submitted in a specific format by
15.6 certified mail delivery or, if necessary, by personal delivery by the employer or a
15.7 representative of the employer, as authorized by the employer in writing.

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

15.13 Sec. 2. Minnesota Statutes 2016, section 177.27, is amended by adding a subdivision to
15.14 read:

15.15 Subd. 11. Subpoenas. To carry out the purposes of this section, the commissioner may
15.16 issue subpoenas to compel persons to appear before the commissioner to give testimony
15.17 and produce documents, apparatus, devices, equipment, or materials. Upon the application
15.18 of the commissioner, a district court shall treat the failure of any person to obey a subpoena
15.19 lawfully issued by the commissioner under this subdivision as a contempt of court.

15.20 Sec. 3. Minnesota Statutes 2016, section 177.30, is amended to read:

15.21 **177.30 KEEPING RECORDS; PENALTY.**

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

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

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

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

15.30 (4) any personnel policies provided to employees;

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

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

16.13 (~~5~~) (7) other information the commissioner finds necessary and appropriate to enforce
 16.14 sections 177.21 to 177.435. The records must be kept for three years in ~~or near~~ the premises
 16.15 where an employee works except each employer subject to sections 177.41 to 177.44, and
 16.16 while performing work on public works projects funded in whole or in part with state funds,
 16.17 the records must be kept for three years after the contracting authority has made final payment
 16.18 on the public works project.

16.19 (b) All records required to be kept under paragraph (a) must be readily available for
 16.20 inspection by the commissioner on the premises of employment during reasonable office
 16.21 hours under section 177.27, subdivision 1.

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

16.27 Sec. 4. Minnesota Statutes 2016, section 177.32, subdivision 1, is amended to read:

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

16.30 (1) hinders or delays the commissioner in the performance of duties required under
 16.31 sections 177.21 to 177.435;

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

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

17.2 (4) falsifies any record;

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

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

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

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

17.10 (9) otherwise violates any provision of sections 177.21 to 177.44.

17.11 (b) An employer is guilty of a gross misdemeanor if the employer fails to pay any wages
17.12 due to an employee or employees under sections 177.21 to 177.44, and the total of any such
17.13 wages in relation to all affected employees is \$10,000 or more.

17.14 Sec. 5. Minnesota Statutes 2016, section 181.03, subdivision 1, is amended to read:

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

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

17.18 (1) cause an employer has failed to pay an employee all wages to which that employee
17.19 is entitled;

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

17.22 ~~(2)~~ (3) an employer directly or indirectly demand demands or receive receives from any
17.23 employee any rebate or refund from the wages owed the employee under contract of
17.24 employment with the employer; or

17.25 ~~(3)~~ (4) an employer in any manner make makes or attempt attempts to make it appear
17.26 that the wages paid to any employee were greater than the amount actually paid to the
17.27 employee; or

17.28 (5) an employer retaliates against an employee for asserting rights or remedies under
17.29 this section, including but not limited to filing a complaint with the Department of Labor
17.30 and Industry or telling the employer of intention to file a complaint.

18.1 Sec. 6. Minnesota Statutes 2016, section 181.03, is amended by adding a subdivision to
18.2 read:

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

18.6 Sec. 7. Minnesota Statutes 2016, section 181.03, is amended by adding a subdivision to
18.7 read:

18.8 Subd. 5. **Citations.** The commissioner may issue a citation for failure to pay wages of
18.9 up to \$1,000 by serving the citation on the employer. The citation shall direct the employer
18.10 to pay the commissioner any back pay, gratuities, and compensatory damages owed to the
18.11 employee within 15 days. The citation may require the employer to correct the violation,
18.12 may require the employer to cease and desist from committing the violation, and may assess
18.13 a monetary penalty of up to \$1,000. In determining the amount of the monetary penalty,
18.14 the commissioner shall consider the factors described in section 14.045, subdivision 3. If
18.15 the citation includes a penalty assessment, then the penalty is due and payable on the date
18.16 the citation becomes final. The commissioner shall vacate the citation if: (1) before the
18.17 citation was issued, the employer paid to the employee the back pay, gratuities, and
18.18 compensatory damages specified in the citation; and (2) within the five days after the citation
18.19 is issued, the employer provides to the commissioner evidence acceptable to the
18.20 commissioner that the employer made the payment described in clause (1).

18.21 Sec. 8. Minnesota Statutes 2016, section 181.03, is amended by adding a subdivision to
18.22 read:

18.23 Subd. 6. **Administrative review.** (a) Within 15 days after the commissioner issues a
18.24 citation under subdivision 5, the employer to whom the citation is issued may request an
18.25 expedited hearing to review the citation. The request for hearing must be in writing and
18.26 must be served on the commissioner at the address specified in the citation. If the employer
18.27 does not request a hearing or if the employer's written request for hearing is not served on
18.28 the commissioner by the 15th day after the commissioner issues the citation, the citation
18.29 becomes a final order of the commissioner and is not subject to review by any court or
18.30 agency. The hearing request must state the reasons for seeking review of the citation. The
18.31 employer to whom the citation is issued and the commissioner are the parties to the expedited
18.32 hearing. The commissioner must notify the employer to whom the citation is issued of the
18.33 time and place of the hearing at least 15 days before the hearing. The hearing shall be

19.1 conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this
 19.2 section. If a hearing has been held, the commissioner shall not issue a final order until at
 19.3 least five days after the date of the administrative law judge's report. Any person aggrieved
 19.4 by the administrative law judge's report may, within those five days, serve written comments
 19.5 to the commissioner on the report and the commissioner shall consider and enter the
 19.6 comments in the record. The commissioner's final order shall comply with sections 14.61,
 19.7 subdivision 2, and 14.62, subdivision 1 and 2a, and may be appealed in the manner provided
 19.8 in sections 14.63 to 14.69.

19.9 (b) When an employer to whom a citation under subdivision 5 was issued requests an
 19.10 expedited hearing under paragraph (a), the employer is presumed to have committed each
 19.11 violation listed in the citation. The employer to whom the citation was issued may rebut
 19.12 this presumption by showing that the employer did not commit the violation.

19.13 Sec. 9. Minnesota Statutes 2016, section 181.03, is amended by adding a subdivision to
 19.14 read:

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

19.17 Sec. 10. Minnesota Statutes 2016, section 181.032, is amended to read:

19.18 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE**
 19.19 **TO EMPLOYEE.**

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

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

19.27 (1) the name of the employee;

19.28 (2) the ~~hourly~~ hourly rate or rates of pay (if applicable) and basis thereof, including whether
 19.29 the employee is paid by hour, shift, day, week, salary, piece, commission, or other method;

19.30 (3) allowances, if any, claimed pursuant to permitted meals and lodging;

19.31 (4) the total number of hours worked by the employee unless exempt from chapter 177;

- 20.1 ~~(4)~~ (5) the total amount of gross pay earned by the employee during that period;
- 20.2 ~~(5)~~ (6) a list of deductions made from the employee's pay;
- 20.3 ~~(6)~~ (7) the net amount of pay after all deductions are made;
- 20.4 ~~(7)~~ (8) the date on which the pay period ends; ~~and~~
- 20.5 ~~(8)~~ (9) the legal name of the employer and the operating name of the employer if different
- 20.6 from the legal name;
- 20.7 (10) the physical address of the employer's main office or principal place of business,
- 20.8 and a mailing address if different; and
- 20.9 (11) the telephone number of the employer.
- 20.10 (c) An employer must provide earnings statements to an employee in writing, rather
- 20.11 than by electronic means, if the employer has received at least 24 hours notice from an
- 20.12 employee that the employee would like to receive earnings statements in written form. Once
- 20.13 an employer has received notice from an employee that the employee would like to receive
- 20.14 earnings statements in written form, the employer must comply with that request on an
- 20.15 ongoing basis.
- 20.16 (d) At the start of employment, an employer shall provide each employee a written notice
- 20.17 containing the following information:
- 20.18 (1) the rate or rates of pay and basis thereof, including whether the employee is paid by
- 20.19 the hour, shift, day, week, salary, piece, commission, or other method;
- 20.20 (2) allowances, if any, claimed pursuant to permitted meals and lodging;
- 20.21 (3) paid vacation, sick time, or other paid time off accruals and terms of use;
- 20.22 (4) whether the employee is exempt from minimum wage, overtime, and other provisions
- 20.23 of chapter 177, and on what basis;
- 20.24 (5) a list of deductions that may be made from the employee's pay;
- 20.25 (6) the dates on which the pay periods start and end and the regularly scheduled payday;
- 20.26 (7) the legal name of the employer and the operating name of the employer if different
- 20.27 from the legal name;
- 20.28 (8) the physical address of the employer's main office or principal place of business, and
- 20.29 a mailing address if different; and
- 20.30 (9) the telephone number of the employer.

21.1 (e) The employer must keep a copy of the notice under paragraph (d) signed by each
 21.2 employee acknowledging receipt of the notice. The notice must be provided to each employee
 21.3 in English and in the employee's native language.

21.4 (f) An employer must provide the employee any written changes to the information
 21.5 contained in the notice under paragraph (d) at least seven calendar days prior to the time
 21.6 the changes take effect. The changes must be signed by the employee before the changes
 21.7 go into effect. The employer must keep a signed copy of all notice of changes as well as
 21.8 the initial notices under paragraph (d).

21.9 Sec. 11. Minnesota Statutes 2016, section 181.101, is amended to read:

21.10 **181.101 WAGES; HOW OFTEN PAID.**

21.11 (a) Except as provided in paragraph (b), every employer must pay all wages earned by
 21.12 an employee at least once every ~~31~~ 16 days on a regular payday designated in advance by
 21.13 the employer regardless of whether the employee requests payment at longer intervals.
 21.14 ~~Unless paid earlier, the wages earned during the first half of the first 31-day pay period~~
 21.15 ~~become due on the first regular payday following the first day of work. Payment for the~~
 21.16 first day of work must be received no later than the first regular payday after the first 16
 21.17 calendar days of employment or within 31 calendar days of the first day of employment,
 21.18 whichever comes first. If wages earned are not paid, the commissioner of labor and industry
 21.19 or the commissioner's representative may demand payment on behalf of an employee. If
 21.20 payment is not made within ~~ten~~ five days of demand, the commissioner may charge and
 21.21 collect the wages earned and a penalty in the amount of the employee's average daily earnings
 21.22 at the rate agreed upon in the contract of employment, not exceeding 15 days in all, for each
 21.23 day beyond the ~~ten-day~~ five-day limit following the demand. Money collected by the
 21.24 commissioner must be paid to the employee concerned. This section does not prevent an
 21.25 employee from prosecuting a claim for wages. This section does not prevent a school district,
 21.26 other public school entity, or other school, as defined under section 120A.22, from paying
 21.27 any wages earned by its employees during a school year on regular paydays in the manner
 21.28 provided by an applicable contract or collective bargaining agreement, or a personnel policy
 21.29 adopted by the governing board. For purposes of this section, "employee" includes a person
 21.30 who performs agricultural labor as defined in section 181.85, subdivision 2. For purposes
 21.31 of this section, wages are earned on the day an employee works.

21.32 (b) An employer of a volunteer firefighter, as defined in section 424A.001, subdivision
 21.33 10, a member of an organized first responder squad that is formally recognized by a political
 21.34 subdivision in the state, or a volunteer ambulance driver or attendant must pay all wages

22.1 earned by the volunteer firefighter, first responder, or volunteer ambulance driver or attendant
 22.2 at least once every 31 days, unless the employer and the employee mutually agree upon
 22.3 payment at longer intervals.

22.4 **ARTICLE 6**

22.5 **WORKERS' COMPENSATION COURT OF APPEALS**

22.6 Section 1. Minnesota Statutes 2017 Supplement, section 15A.083, subdivision 7, is
 22.7 amended to read:

22.8 **Subd. 7. Workers' Compensation Court of Appeals and compensation judges.**

22.9 Salaries of judges of the Workers' Compensation Court of Appeals are ~~98.52~~ 105 percent
 22.10 of the salary for ~~district court~~ workers' compensation judges at the Office of Administrative
 22.11 Hearings. The salary of the chief judge of the Workers' Compensation Court of Appeals is
 22.12 ~~98.52~~ 107 percent of the salary for a ~~chief district court judge~~ workers' compensation judges
 22.13 at the Office of Administrative Hearings. Salaries of compensation judges are 98.52 percent
 22.14 of the salary of district court judges.

APPENDIX
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