

acquired to qualify and be held by the company under paragraph (a) within five years after acquisition; and

(e) (d) not acquire real property under clauses paragraphs (a) and (b) to (c) if the property is to be used primarily for agricultural, horticultural, ranch, mining, or church purposes.

All real property acquired or held under this subdivision shall be carried at a value equal to the lesser of (1) cost plus the cost of capitalized improvements, less normal depreciation, or (2) market value.

Sec. 41. [61A.315] INVESTMENTS AND HOLDINGS; LIMITATIONS.

The sum of the value of assets permitted to be acquired pursuant to sections 61A.31, subdivision 3 and 61A.28, subdivision 6, paragraphs (a) and (b) shall not exceed 30 percent of admitted assets as of the end of the preceding calendar year.

Sec. 42. REPEALER.

Minnesota Statutes 1980, Sections 60A.031, Subdivision 2; and 60A.11, Subdivisions 2, 3, 4, 5, 6, 7, and 8, are repealed.

Approved May 15, 1981

CHAPTER 212 — H.F.No. 192

An act relating to labor; regulating migrant labor; requiring employers and recruiters to provide employment statements to migrant workers; setting requirements for employment statements and for payment of wages to migrant workers; providing for private causes of action; proposing new law coded in Minnesota Statutes, Chapter 181.

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

Section 1. [181.85] DEFINITIONS.

Subdivision 1. GENERALLY. For the purposes of sections 1 to 6, the terms defined in this section have the meanings given them.

Subd. 2. AGRICULTURAL LABOR. "Agricultural labor" means field labor associated with the cultivation and harvest of fruits and vegetables and work performed in processing fruits and vegetables for market.

Subd. 3. MIGRANT WORKER. "Migrant worker" means an individual at least 17 years of age who travels more than 100 miles to Minnesota from some other state to perform seasonal agricultural labor in Minnesota.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 4. EMPLOYER. "Employer" means a processor of fruits or vegetables that employs, either directly or indirectly through a recruiter, more than 30 migrant workers per day for more than seven days in any calendar year.

Subd. 5. RECRUIT. "Recruit" means to induce an individual, directly or indirectly through an agent or recruiter, to travel to Minnesota to perform agricultural labor by an offer of employment or of the possibility of employment.

Subd. 6. RECRUITER. "Recruiter" means an individual or person other than an employer that for a fee, either for itself or for another individual or person, solicits, hires, or furnishes migrant workers, excluding members of an individual recruiter's immediate family, for agricultural labor to be performed for an employer in this state. "Recruiter" does not include a public agency providing employment services.

Sec. 2. [181.86] EMPLOYMENT STATEMENT.

Subdivision 1. TERMS. An employer that recruits a migrant worker shall provide the migrant worker, at the time the worker is recruited, with a written employment statement which shall state clearly and plainly, in English and Spanish:

(1) The date on which and the place at which the statement was completed and provided to the migrant worker;

(2) The name and permanent address of the migrant worker, of the employer, and of the recruiter who recruited the migrant worker;

(3) The date on which the migrant worker is to arrive at the place of employment, the date on which employment is to begin, the approximate hours of employment, and the minimum period of employment;

(4) The crops and the operations on which the migrant worker will be employed;

(5) The wage rates to be paid;

(6) The payment terms, as provided in section 3;

(7) Any deduction to be made from wages; and

(8) Whether housing will be provided.

Subd. 2. CONTRACT. The employment statement is an enforceable contract between the migrant worker and the employer.

Sec. 3. [181.87] PAYMENT TERMS.

Subdivision 1. ENTITLED TO PAYMENT. Each migrant worker who is recruited by an employer is entitled to payment in accordance with this section.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. BIWEEKLY PAY. The employer shall pay wages due to the migrant worker at least every two weeks, except on termination, when the employer shall pay within three days.

Subd. 3. GUARANTEED HOURS. The employer shall guarantee to each recruited migrant worker a minimum of 70 hours pay for work in any two successive weeks and, should the pay for hours actually offered by the employer and worked by the migrant worker provide a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker the difference within three days after the scheduled payday for the pay period involved. Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the employment statement, or the federal minimum wage, whichever is higher. Any pay in addition to the hourly wage rate specified in the employment statement shall be applied against the guarantee. This guarantee applies for the minimum period of employment specified in the employment statement beginning with the date on which employment is to begin as specified in the employment statement. The date on which employment is to begin may be changed by the employer by written, telephonic, or telegraphic notice to the migrant worker, at his last known address, no later than ten days prior to the previously stated beginning date. The migrant worker shall contact the recruiter to obtain the latest information regarding the date upon which employment is to begin no later than five days prior to the previously stated beginning date. This guarantee shall be reduced, when there is no work available for a period of seven or more consecutive days during any two week period subsequent to the commencement of work, by five hours pay for each such day, when the unavailability of work is caused by climatic conditions or an act of God, provided that the employer pays the migrant worker, on the normal payday, the sum of \$5 for each such day.

Subd. 4. WORKER FIRED OR QUILTS. If the migrant worker quits or is fired for cause prior to the completion of the operation for which he was hired, the migrant worker is entitled to no further guarantee under subdivision 3 from that employer. If the migrant worker quits or is fired for cause before the completion of a two week pay period, he is entitled to no guarantee for that period.

Subd. 5. HOUSING VACATED. The employer may require the migrant worker to vacate the provided housing on final payment of all wages.

Subd. 6. REFUSAL TO WORK; ILLNESS. If on any day for which work is offered the migrant worker refuses or because of illness or disability is unable to perform work which is offered, the employer may reduce the guarantee available in the pay period by the number of hours of work actually offered by the employer that day.

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Subd. 7. STATEMENT ITEMIZING DEDUCTIONS FROM WAGES. The employer shall provide a written statement at the time wages are paid clearly itemizing each deduction from wages.

Sec. 4. [181.88] RECORD KEEPING.

Every employer subject to the provisions of sections 1 to 6 shall maintain complete and accurate records of the names of, the daily hours worked by, the rate of pay for and the wages paid each pay period to every individual migrant worker recruited by that employer, and shall preserve the records for a period of at least three years.

Sec. 5. [181.89] CIVIL ACTIONS.

Subdivision 1. MAY BRING ACTION. Any migrant worker claiming to be aggrieved by a violation of sections 2 to 4 may bring a civil action for damages and injunctive relief against his employer.

Subd. 2. JUDGMENT; DAMAGES. If the court finds that any defendant has violated the provisions of sections 2 to 4, the court shall enter judgment for the actual damages incurred by the plaintiff or the appropriate penalty as provided by this subdivision, whichever is greater. The court may also award court costs and a reasonable attorney's fee. The penalties shall be as follows:

(1) Whenever the court finds that an employer has violated the record keeping requirements of section 4, \$50;

(2) Whenever the court finds that an employer has recruited a migrant worker without providing a written employment statement as provided in section 2, subdivision 1, \$250;

(3) Whenever the court finds that an employer has recruited a migrant worker after having provided a written employment statement, but finds that the employment statement fails to comply with the requirement of section 2, subdivision 1 or section 3, \$250;

(4) Whenever the court finds that an employer has failed to comply with the terms of an employment statement which he has provided to a migrant worker or has failed to comply with any payment term required by section 3, \$250;

(5) Whenever the court finds that an employer has failed to pay wages to a migrant worker within a time period set forth in section 3, subdivision 2 or 3, \$250; and

(6) Whenever penalties are awarded, they shall be awarded severally in favor of each migrant worker plaintiff and against each defendant found liable.

Sec. 6. [181.90] USE WAGNER-PEYSER SYSTEM.

An employer who uses the federal work clearance order system under the Wagner-Peyser Act of 1933, 48 Stat. 113, as amended, is deemed to recruit

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the migrant workers who are thereby induced to travel to Minnesota to perform agricultural labor. The provisions of sections 1 to 5 shall not be construed to prohibit the use of the work clearance order system by an employer who recruits migrant workers, but use of the federal work clearance order system by an employer shall not excuse the employer from compliance with sections 1 to 5.

Sec. 7. [181.91] PRESERVATION OF EXISTING REMEDIES.

The remedies provided in sections 1 to 6 are not exclusive, but are in addition to remedies provided in other law.

Sec. 8. EFFECTIVE DATE.

This act is effective November 1, 1981.

Approved May 15, 1981

CHAPTER 213 — H.F.No. 14

An act relating to agriculture; requiring notice of real estate improvement liens to be given to certain farmers; amending Minnesota Statutes 1980, Section 514.011, by adding subdivisions; repealing Minnesota Statutes 1980, Section 514.011, Subdivision 4.

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

Section 1. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4a. EXCEPTIONS; SAME OWNERSHIP. The notice required by this section shall not be required to be given where the property is managed or controlled by substantially the same persons who manage or control the owner of the improved real estate.

Sec. 2. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4b. EXCEPTIONS; MULTIPLE DWELLING. The notice required by this section shall not be required to be given in connection with an improvement to real property consisting of or providing more than four family units when the improvement is wholly residential in character.

Sec. 3. Minnesota Statutes 1980, Section 514.011, is amended by adding a subdivision to read:

Subd. 4c. EXCEPTIONS; NONAGRICULTURAL AND NONRESIDENTIAL REAL ESTATE. The notice required by this section shall not be

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