

1.1 **Senator McEwen from the Committee on Labor, to which was referred**

1.2 **S.F. No. 61:** A bill for an act relating to labor and industry; modifying fair labor standards
1.3 provisions for agricultural and food processing workers; amending Minnesota Statutes 2022,
1.4 sections 177.27, subdivision 4; 179.86, subdivisions 1, 3, by adding subdivisions; 181.14,
1.5 subdivision 1; 181.635, subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86,
1.6 subdivision 1; 181.87, subdivisions 2, 3, 7; 181.88; 181.89, subdivision 2, by adding a
1.7 subdivision.

1.8 Reports the same back with the recommendation that the bill be amended as follows:

1.9 Page 1, delete section 1 and insert:

1.10 "Section 1. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

1.11 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
1.12 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,
1.13 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),
1.14 181.275, subdivision 2a, 181.635, 181.722, 181.79, 181.85 to 181.89, and 181.939 to
1.15 181.943, or with any rule promulgated under section 177.28. The commissioner shall issue
1.16 an order requiring an employer to comply with sections 177.41 to 177.435 if the violation
1.17 is repeated. For purposes of this subdivision only, a violation is repeated if at any time
1.18 during the two years that preceded the date of violation, the commissioner issued an order
1.19 to the employer for violation of sections 177.41 to 177.435 and the order is final or the
1.20 commissioner and the employer have entered into a settlement agreement that required the
1.21 employer to pay back wages that were required by sections 177.41 to 177.435. The
1.22 department shall serve the order upon the employer or the employer's authorized
1.23 representative in person or by certified mail at the employer's place of business. An employer
1.24 who wishes to contest the order must file written notice of objection to the order with the
1.25 commissioner within 15 calendar days after being served with the order. A contested case
1.26 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15
1.27 calendar days after being served with the order, the employer fails to file a written notice
1.28 of objection with the commissioner, the order becomes a final order of the commissioner."

1.29 Page 2, line 16, after "(6)" insert "when workers' compensation insurance coverage is
1.30 required by chapter 176,"

1.31 Page 2, after line 25, insert:

1.32 "(c) The Department of Labor and Industry shall provide a standard explanation form
1.33 for use at the employer's option for providing the information required in subdivision 3.
1.34 The form shall be available in English and Spanish and additional languages upon request."

1.35 Page 2, line 26, delete "(c)" and insert "(d)"

2.1 Page 3, line 11, after the period, insert "The fine shall be payable to the employee
2.2 aggrieved."

2.3 Page 5, line 13, after the period, insert "The fine shall be payable to the employee
2.4 aggrieved."

2.5 Page 5, line 27, before "migrant" insert "one or more"

2.6 Page 5, line 28, reinstate the stricken "in any calendar year"

2.7 Page 6, line 18, after "(9)" insert "when workers' compensation insurance coverage is
2.8 required by chapter 176,"

2.9 Page 6, after line 19, insert:

2.10 "(b) The Department of Labor and Industry shall provide a standard employment
2.11 statement form for use at the employer's option for providing the information required in
2.12 subdivision 1. The form shall be available in English and Spanish and additional languages
2.13 upon request."

2.14 Page 6, line 20, delete "(b)" and insert "(c)"

2.15 Page 7, line 3, delete "or" and insert a comma and after "state" insert ", or local"

2.16 Page 7, line 9, after "known" insert "physical" and after "address" insert "or email
2.17 address"

2.18 Page 7, line 16, delete "\$16" and insert "\$50"

2.19 And when so amended the bill do pass and be re-referred to the Committee on Judiciary
2.20 and Public Safety. Amendments adopted. Report adopted.

2.21 
2.22 (Committee Chair)

2.23 January 24, 2023.....
2.24 (Date of Committee recommendation)