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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **432**

February 2, 2009

Authored by Mullery

The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act
1.2 relating to employment; modifying the payment of benefits at layoff or
1.3 termination; modifying criminal penalties; amending Minnesota Statutes 2008,
1.4 section 181.74, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2008, section 181.74, subdivision 1, is amended to read:

1.7 Subdivision 1. **Gross misdemeanor.** Any employer required under the provisions of
1.8 an agreement, either written or verbal, to which the employer is a party to pay or provide
1.9 benefits or wage supplements to employees or to a third party or fund for the benefit of
1.10 employees, and who refuses to pay the amount or amounts necessary to provide such
1.11 benefits or furnish such supplements within 30 days after an employee is terminated or
1.12 laid off, or after such payments are required to be made under law or under agreement,
1.13 is guilty of a gross misdemeanor. If such employer is a corporation, any officer who
1.14 intentionally violates the provisions of this section shall be guilty of a gross misdemeanor.
1.15 The institution of bankruptcy proceedings according to law shall be a defense to any
1.16 criminal action under this section.