

63.6	ARTICLE 3			
63.7	LABOR APPROPRIATIONS			
63.8	Section 1. <u>APPROPRIATIONS.</u>			
63.9	(a) The sums shown in the columns under "Appropriations" are added to the			
63.10	<u>appropriations in Laws 2023, chapter 53, or other law to the specified agency. The</u>			
63.11	<u>appropriations are from the general fund, or another named fund, and are available for the</u>			
63.12	<u>fiscal years indicated for each purpose. The figures "2024" and "2025" used in this article</u>			
63.13	<u>mean that the appropriations listed under them are available for the fiscal year ending June</u>			
63.14	<u>30, 2024, or June 30, 2025, respectively. "The first year" is fiscal year 2024. "The second</u>			
63.15	<u>year" is fiscal year 2025. "The biennium" is fiscal years 2024 and 2025.</u>			
63.16	(b) If an appropriation in this article is enacted more than once in the 2024 regular or			
63.17	<u>special legislative session, the appropriation must be given effect only once.</u>			
63.18	APPROPRIATIONS			
63.19	Available for the Year			
63.20	Ending June 30			
63.21	20242025			
63.22	Sec. 2. <u>DEPARTMENT OF HEALTH</u>	\$	-0-	\$ 174,000
63.23	\$174,000 the second year is for technical			
63.24	assistance for rulemaking for acceptable blood			
63.25	lead levels for workers. This is a onetime			
63.26	<u>appropriation</u> and is available until June 30,			
63.27	<u>2026.</u>			

141.9	ARTICLE 3			
141.10	LABOR APPROPRIATIONS			
141.11	Section 1. <u>APPROPRIATIONS.</u>			
141.12	The sums shown in the columns marked "Appropriations" are appropriated to the agencies			
141.13	<u>and for the purposes specified in sections 2 to 4. The appropriations are from the general</u>			
141.14	<u>fund, or another named fund, and are available for the fiscal years indicated for each purpose.</u>			
141.15	<u>The figures "2024" and "2025" used in this article mean that the appropriations listed under</u>			
141.16	<u>them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively.</u>			
141.17	<u>"The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium"</u>			
141.18	<u>is fiscal years 2024 and 2025.</u>			
141.19	APPROPRIATIONS			
141.20	Available for the Year			
141.21	Ending June 30			
141.22	20242025			
141.23	Sec. 2. <u>DEPARTMENT OF HEALTH</u>	\$	-0-	\$ 174,000
141.24	\$174,000 the second year is for technical			
141.25	assistance for rulemaking for acceptable blood			
141.26	lead levels for workers. This <u>appropriation is</u>			
141.27	<u>onetime and is available until June 30, 2026.</u>			
141.28	Sec. 3. <u>BOARD OF REGENTS OF THE</u>			
141.29	<u>UNIVERSITY OF MINNESOTA</u>	\$	-0-	\$ 335,000
141.30	\$335,000 the second year is for labor relations			
141.31	<u>staffing costs. The base for this appropriation</u>			
141.32	<u>is \$452,000 for fiscal year 2026 and \$403,000</u>			
141.33	<u>for fiscal year 2027 and each year thereafter.</u>			

63.28	Sec. 3. <u>DEPARTMENT OF EMPLOYMENT</u>			
63.29	<u>AND ECONOMIC DEVELOPMENT</u>	\$	-0-	\$ 10,736,000

63.30 \$9,000,000 the second year is for a grant to
63.31 Tending the Soil, to design, redesign, renovate,
63.32 construct, furnish, and equip the Rise Up
64.1 Center, a building located in Minneapolis, that
64.2 will house a workforce development and job
64.3 training center, administrative offices, and a
64.4 public gathering space.

142.1	Sec. 4. <u>DEPARTMENT OF LABOR AND</u>			
142.2	<u>INDUSTRY</u>	\$	-0-	\$ 2,000,000

142.3 (a) \$9,000,000 the second year is for a grant
142.4 to Tending the Soil to redevelop a building
142.5 located at 2808 Hennepin Avenue South in
142.6 Minneapolis, for use as the Rise Up Center to
142.7 house a workforce development and job
142.8 training center, office spaces for the
142.9 administration of workforce development
142.10 programs, and a public gathering space. The
142.11 center, when complete, shall be capable of
142.12 training up to 3,000 low-income workers
142.13 annually from diverse backgrounds in the
142.14 fields of green energy, construction, food
142.15 processing, and other stable careers through
142.16 preapprenticeships and job readiness training,
142.17 in partnership with labor and grassroots
142.18 organizations. This is a onetime appropriation
142.19 and is available until June 30, 2029.
142.20 Notwithstanding Minnesota Statutes, section
142.21 16B.98, subdivision 14, the commissioner may
142.22 use up to one percent of this appropriation for
142.23 administrative costs.

142.24 (b) Beginning January 15, 2025, the
142.25 commissioner of labor and industry must
142.26 annually report to the legislative committees
142.27 with jurisdiction over economic development,
142.28 workforce development, jobs, and labor
142.29 regarding the uses of funds in this grant. The
142.30 report must include how much of the grant
142.31 funds remain unspent. The report must also
142.32 detail the number of workers served by the
142.33 grant. A final report is due the January 15
142.34 immediately following the cancellation or
142.35 exhaustion of this grant. As a condition of
142.36 receiving the grant, Tending the Soil must
143.1 agree to provide the commissioner any
143.2 information needed to complete this report.

64.5 \$1,736,000 the second year is for
64.6 implementation of the broadband provisions
64.7 in article 9.

64.8 Sec. 4. Laws 2023, chapter 53, article 19, section 2, subdivision 1, is amended to read:

64.9					44,044,000
64.10	Subdivision 1. Total Appropriation	\$	47,710,000	\$	44,720,000

64.11 Appropriations by Fund

64.12		2024	2025
64.13			<u>4,889,000</u>
64.14	General	7,200,000	<u>5,286,000</u>
64.15	Workers'		<u>32,390,000</u>
64.16	Compensation	30,599,000	<u>32,669,000</u>
64.17	Workforce		
64.18	Development	9,911,000	<u>6,765,000</u>

64.19 The amounts that may be spent for each
64.20 purpose are specified in the following

143.3 Sec. 5. Laws 2023, chapter 53, article 14, section 1, is amended to read:

143.4 Section 1. **EARNED SICK AND SAFE TIME APPROPRIATIONS.**

143.5 (a) \$1,445,000 in fiscal year 2024 and \$2,209,000 \$1,899,000 in fiscal year 2025 are
143.6 appropriated from the general fund to the commissioner of labor and industry for enforcement
143.7 and other duties regarding earned sick and safe time under Minnesota Statutes, sections
143.8 181.9445 to 181.9448, and chapter 177. The base for this appropriation is \$1,899,000 for
143.9 fiscal year 2026 and each year thereafter.

143.10 (b) \$300,000 in fiscal year 2024 and \$300,000 in fiscal year 2025 are appropriated from
143.11 the general fund to the commissioner of labor and industry for grants to community
143.12 organizations under Minnesota Statutes, section 177.50, subdivision 4. This is a onetime
143.13 appropriation.

143.14 (c) \$310,000 in fiscal year 2025 is appropriated from the general fund to the commissioner
143.15 of labor and industry for rulemaking related to earned sick and safe time under Minnesota
143.16 Statutes, sections 181.9445 to 181.9448, and chapter 177. This is a onetime appropriation
143.17 and is available until June 30, 2027.

143.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

143.19 Sec. 6. Laws 2023, chapter 53, article 19, section 2, subdivision 1, is amended to read:

143.20		44,044,000
143.21 Subdivision 1. Total Appropriation	\$ 47,710,000 \$	<u>44,627,000</u>

143.22 Appropriations by Fund

143.23		2024	2025
143.24			4,889,000
143.25	General	7,200,000	<u>5,132,000</u>
143.26	Workers'		32,390,000
143.27	Compensation	30,599,000	<u>32,669,000</u>
143.28	Workforce		6,765,000
143.29	Development	9,911,000	6,826,000

143.30 The amounts that may be spent for each
143.31 purpose are specified in the following

64.21 subdivisions. The general fund base for this
64.22 appropriation is ~~\$4,936,000~~ \$5,006,000 in
64.23 fiscal year 2026 and ~~\$4,958,000~~ \$5,028,000
64.24 in fiscal year 2027 and each year thereafter.
64.25 The workers compensation fund base is
64.26 ~~\$32,749,000~~ \$32,892,000 in fiscal year 2026
64.27 and \$32,458,000 in fiscal year 2027 and each
64.28 year thereafter. The workforce development
64.29 fund base is \$6,765,000 in fiscal year 2026
64.30 and each year thereafter.

64.31 Sec. 5. Laws 2023, chapter 53, article 19, section 2, subdivision 3, is amended to read:

64.32			6,270,000
64.33	Subd. 3. Labor Standards	6,520,000	<u>6,667,000</u>

65.1 Appropriations by Fund

65.2			4,635,000
65.3	General	4,957,000	<u>5,032,000</u>
65.4	Workforce		
65.5	Development	1,563,000	<u>1,635,000</u>

65.6 The general fund base for this appropriation
65.7 is ~~\$4,682,000~~ \$4,752,000 in fiscal year 2026
65.8 and ~~\$4,704,000~~ \$4,774,000 in fiscal year 2027
65.9 and each year thereafter.

65.10 (a) \$2,046,000 each year is for wage theft
65.11 prevention.

65.12 (b) \$1,563,000 the first year and \$1,635,000
65.13 the second year are from the workforce
65.14 development fund for prevailing wage
65.15 enforcement.

65.16 (c) \$134,000 the first year and \$134,000 the
65.17 second year are for outreach and enforcement
65.18 efforts related to changes to the nursing
65.19 mothers, lactating employees, and pregnancy
65.20 accommodations law.

65.21 (d) \$661,000 the first year and \$357,000 the
65.22 second year are to perform work for the
65.23 Nursing Home Workforce Standards Board.

143.32 subdivisions. The general fund base for this
143.33 appropriation is ~~\$4,936,000~~ \$5,077,000 in
144.1 fiscal year 2026 and ~~\$4,958,000~~ \$5,099,000
144.2 in fiscal year 2027 and each year thereafter.
144.3 The workers compensation fund base is
144.4 ~~\$32,749,000~~ \$32,892,000 in fiscal year 2026
144.5 and \$32,458,000 in fiscal year 2027 and each
144.6 year thereafter. The workforce development
144.7 fund base is ~~\$6,765,000~~ \$6,826,000 in fiscal
144.8 year 2026 and each year thereafter.

144.9 Sec. 7. Laws 2023, chapter 53, article 19, section 2, subdivision 3, is amended to read:

144.10			6,270,000
144.11	Subd. 3. Labor Standards	6,520,000	<u>6,574,000</u>

144.12 Appropriations by Fund

144.13			4,635,000
144.14	General	4,957,000	<u>4,878,000</u>
144.15	Workforce		<u>1,635,000</u>
144.16	Development	1,563,000	<u>1,696,000</u>

144.17 The general fund base for this appropriation
144.18 is ~~\$4,682,000~~ \$4,823,000 in fiscal year 2026
144.19 and ~~\$4,704,000~~ \$4,845,000 in fiscal year 2027
144.20 and each year thereafter.

144.21 (a) \$2,046,000 each year is for wage theft
144.22 prevention.

144.23 (b) \$1,563,000 the first year and ~~\$1,635,000~~
144.24 \$1,696,000 the second year are from the
144.25 workforce development fund for prevailing
144.26 wage enforcement.

144.27 (c) \$134,000 the first year and \$134,000 the
144.28 second year are for outreach and enforcement
144.29 efforts related to changes to the nursing
144.30 mothers, lactating employees, and pregnancy
144.31 accommodations law.

144.32 (d) \$661,000 the first year and \$357,000 the
144.33 second year are to perform work for the
144.34 Nursing Home Workforce Standards Board.

65.24 The base for this appropriation is \$404,000 in
65.25 fiscal year 2026 and \$357,000 in fiscal year
65.26 2027.

65.27 (e) \$225,000 the first year and \$169,000 the
65.28 second year are for the purposes of the Safe
65.29 Workplaces for Meat and Poultry Processing
65.30 Workers Act.

65.31 (f) \$27,000 the first year is for the creation
65.32 and distribution of a veterans' benefits and
65.33 services poster under Minnesota Statutes,
65.34 section 181.536.

66.1 (g) \$141,000 the second year is to inform and
66.2 educate employers relating to Minnesota
66.3 Statutes, section 181.960. This is a onetime
66.4 appropriation.

66.5 (h) \$200,000 the second year is for education
66.6 and training related to employee
66.7 misclassification. This is a onetime
66.8 appropriation and is available until June 30,
66.9 2026.

66.10 Sec. 6. Laws 2023, chapter 53, article 19, section 2, subdivision 5, is amended to read:

66.11			7,559,000
66.12	Subd. 5. Workplace Safety	8,644,000	<u>7,838,000</u>

66.13	Appropriations by Fund		
66.14	General	2,000,000	-0-
66.15	Workers'		7,559,000
66.16	Compensation	6,644,000	<u>7,838,000</u>

66.17 The workers compensation fund base for this
66.18 appropriation is ~~\$7,918,000~~ \$8,061,000 in
66.19 fiscal year 2026 and \$7,627,000 in fiscal year
66.20 2027 and each year thereafter.

66.21 \$2,000,000 the first year is for the ergonomics
66.22 safety grant program. This appropriation is
66.23 available until June 30, 2026. This is a onetime
66.24 appropriation.

145.1 The base for this appropriation is \$404,000 in
145.2 fiscal year 2026 and \$357,000 in fiscal year
145.3 2027.

145.4 (e) \$225,000 the first year and \$169,000 the
145.5 second year are for the purposes of the Safe
145.6 Workplaces for Meat and Poultry Processing
145.7 Workers Act.

145.8 (f) \$27,000 the first year is for the creation
145.9 and distribution of a veterans' benefits and
145.10 services poster under Minnesota Statutes,
145.11 section 181.536.

145.12 (g) \$141,000 the second year is to inform and
145.13 educate employers relating to Minnesota
145.14 Statutes, section 181.960.

145.15 Sec. 8. Laws 2023, chapter 53, article 19, section 2, subdivision 5, is amended to read:

145.16			7,559,000
145.17	Subd. 5. Workplace Safety	8,644,000	<u>7,838,000</u>

145.18	Appropriations by Fund		
145.19	General	2,000,000	-0-
145.20	Workers'		7,559,000
145.21	Compensation	6,644,000	<u>7,838,000</u>

145.22 The workers compensation fund base for this
145.23 appropriation is ~~\$7,918,000~~ \$8,061,000 in
145.24 fiscal year 2026 and \$7,627,000 in fiscal year
145.25 2027 and each year thereafter.

145.26 \$2,000,000 the first year is for the ergonomics
145.27 safety grant program. This appropriation is
145.28 available until June 30, 2026. This is a onetime
145.29 appropriation.

66.25 Sec. 7. Laws 2023, chapter 53, article 19, section 4, is amended to read:

66.26	Sec. 4. BUREAU OF MEDIATION SERVICES	\$	3,707,000	\$	3,789,000
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66.27 ~~(a)~~ \$750,000 each year is for purposes of the
66.28 Public Employment Relations Board under
66.29 Minnesota Statutes, section 179A.041.

66.30 (b) \$68,000 each year is for grants to area
66.31 labor management committees. Grants may
66.32 be awarded for a 12-month period beginning
66.33 July 1 each year. Any unencumbered balance
67.1 remaining at the end of the first year does not
67.2 cancel but is available for the second year.

67.3 ~~(c) \$47,000 each year is for rulemaking,~~
67.4 ~~staffing, and other costs associated with peace~~
67.5 ~~officer grievance procedures.~~

67.6 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2023.

67.7 ARTICLE 4

67.8 **COMBATIVE SPORTS**

67.9 Section 1. Minnesota Statutes 2022, section 326B.89, subdivision 5, is amended to read:

67.10 Subd. 5. **Payment limitations.** The commissioner shall not pay compensation from the
67.11 fund to an owner or a lessee in an amount greater than ~~\$75,000~~ \$100,000 per licensee. The
67.12 commissioner shall not pay compensation from the fund to owners and lessees in an amount
67.13 that totals more than \$550,000 per licensee. The commissioner shall only pay compensation
67.14 from the fund for a final judgment that is based on a contract directly between the licensee
67.15 and the homeowner or lessee that was entered into prior to the cause of action and that
67.16 requires licensure as a residential building contractor or residential remodeler.

67.17 **EFFECTIVE DATE.** This section is effective July 1, 2024.

67.18 Sec. 2. Minnesota Statutes 2023 Supplement, section 341.25, is amended to read:

67.19 **341.25 RULES.**

67.20 (a) The commissioner may adopt rules that include standards for the physical examination
67.21 and condition of combatants and referees.

67.22 (b) The commissioner may adopt other rules necessary to carry out the purposes of this
67.23 chapter, including, but not limited to, the conduct of all combative sport contests and their
67.24 manner, supervision, time, and place.

145.30 Sec. 9. Laws 2023, chapter 53, article 19, section 4, is amended to read:

145.31	Sec. 4. BUREAU OF MEDIATION SERVICES	\$	3,707,000	\$	3,789,000
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146.1 ~~(a)~~ \$750,000 each year is for purposes of the
146.2 Public Employment Relations Board under
146.3 Minnesota Statutes, section 179A.041.

(b) \$68,000 each year is for grants to area labor management committees. Grants may be awarded for a 12 month period beginning July 1 each year. Any unencumbered balance remaining at the end of the first year does not cancel but is available for the second year.

146.10 ~~(c) \$47,000 each year is for rulemaking,~~
146.11 ~~staffing, and other costs associated with peace~~
146.12 ~~officer grievance procedures.~~

146.13 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2023.

146.14 ARTICLE 4

146.15 **COMBATIVE SPORTS - DEPARTMENT OF LABOR AND INDUSTRY**

193.6 Section 1. Minnesota Statutes 2022, section 326B.89, subdivision 5, is amended to read:

193.7 Subd. 5. **Payment limitations.** The commissioner shall not pay compensation from the
193.8 fund to an owner or a lessee in an amount greater than ~~\$75,000~~ \$100,000 per licensee. The
193.9 commissioner shall not pay compensation from the fund to owners and lessees in an amount
193.10 that totals more than \$550,000 per licensee. The commissioner shall only pay compensation
193.11 from the fund for a final judgment that is based on a contract directly between the licensee
193.12 and the homeowner or lessee that was entered into prior to the cause of action and that
193.13 requires licensure as a residential building contractor or residential remodeler.

193.14 **EFFECTIVE DATE.** This section is effective July 1, 2024.

146.16 Section 1. Minnesota Statutes 2023 Supplement, section 341.25, is amended to read:

146.17 **341.25 RULES.**

146.18 (a) The commissioner may adopt rules that include standards for the physical examination
146.19 and condition of combatants and referees.

146.20 (b) The commissioner may adopt other rules necessary to carry out the purposes of this
146.21 chapter, including, but not limited to, the conduct of all combative sport contests and their
146.22 manner, supervision, time, and place.

67.25 (c) The most recent version of the Unified Rules of Mixed Martial Arts, as promulgated
67.26 by the Association of Boxing Commissions, is incorporated by reference and made a part
67.27 of this chapter except as qualified by this chapter and Minnesota Rules, chapter 2202. In
67.28 the event of a conflict between this chapter and the Unified Rules, this chapter must govern.

67.29 (d) The most recent version of the Unified Rules of Boxing, as promulgated by the
67.30 Association of Boxing Commissions, is incorporated by reference and made a part of this
68.1 chapter except as qualified by this chapter and Minnesota Rules, chapter 2201. In the event
68.2 of a conflict between this chapter and the Unified Rules, this chapter must govern.

68.3 (e) The most recent version of the Unified Rules of Kickboxing and Unified Rules of
68.4 Muay Thai, as promulgated by the Association of Boxing Commissions, ~~is~~ are incorporated
68.5 by reference and made a part of this chapter except as qualified by this chapter and any
68.6 applicable Minnesota Rules. In the event of a conflict between this chapter and ~~the Unified~~
68.7 ~~Rules~~ those rules, this chapter must govern. If a promoter seeks to hold a kickboxing event
68.8 governed by a different set of kickboxing rules, the promoter must send the commissioner
68.9 a copy of the rules under which the proposed bouts will be conducted at least 45 days before
68.10 the event. The commissioner may approve or deny the use of the alternative rules at the
68.11 commissioner's discretion. If the alternative rules are approved for an event, this chapter
68.12 and any applicable Minnesota Rules, except of those incorporating the Unified Rules of
68.13 Kickboxing and Unified Rules of Muay Thai, must govern if there is a conflict between the
68.14 rules and Minnesota law.

68.15 Sec. 3. Minnesota Statutes 2023 Supplement, section 341.28, subdivision 5, is amended
68.16 to read:

68.17 Subd. 5. **Regulatory authority; martial arts and amateur boxing.** (a) Unless this
68.18 chapter specifically states otherwise, contests or exhibitions for martial arts and amateur
68.19 boxing are exempt from the requirements of this chapter and officials at these events are
68.20 not required to be licensed under this chapter.

68.21 (b) Martial arts and amateur boxing contests, unless subject to the exceptions set forth
68.22 in subdivision 6 or 7, must be regulated by a nationally recognized organization approved
68.23 by the commissioner. The organization must have a set of written standards, procedures, or
68.24 rules used to sanction the combative sports it oversees.

68.25 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit
68.26 bout results to the commissioner within 72 hours after the event. If the regulatory body
68.27 issues suspensions, the regulatory body must submit to the commissioner a list of any
68.28 suspensions resulting from the event within 72 hours after the event. Regulatory bodies that
68.29 oversee combative sports or martial arts contests under subdivision 6 or 7 are not subject
68.30 to this paragraph.

146.23 (c) The most recent version of the Unified Rules of Mixed Martial Arts, as promulgated
146.24 by the Association of Boxing Commissions, is incorporated by reference and made a part
146.25 of this chapter except as qualified by this chapter and Minnesota Rules, chapter 2202. In
146.26 the event of a conflict between this chapter and the Unified Rules, this chapter must govern.

146.27 (d) The most recent version of the Unified Rules of Boxing, as promulgated by the
146.28 Association of Boxing Commissions, is incorporated by reference and made a part of this
146.29 chapter except as qualified by this chapter and Minnesota Rules, chapter 2201. In the event
146.30 of a conflict between this chapter and the Unified Rules, this chapter must govern.

146.31 (e) The most recent version of the Unified Rules of Kickboxing and Unified Rules of
146.32 Muay Thai, as promulgated by the Association of Boxing Commissions, ~~is~~ are incorporated
147.1 by reference and made a part of this chapter except as qualified by this chapter and any
147.2 applicable Minnesota Rules. In the event of a conflict between this chapter and ~~the Unified~~
147.3 ~~Rules~~ those rules, this chapter must govern. If a promoter seeks to hold a kickboxing event
147.4 governed by a different set of kickboxing rules, the promoter must send the commissioner
147.5 a copy of the rules under which the proposed bouts will be conducted at least 45 days before
147.6 the event. The commissioner may approve or deny the use of the alternative rules at the
147.7 commissioner's discretion. If the alternative rules are approved for an event, this chapter
147.8 and any applicable Minnesota Rules, except of those incorporating the Unified Rules of
147.9 Kickboxing and Unified Rules of Muay Thai, must govern if there is a conflict between the
147.10 rules and Minnesota law.

147.11 Sec. 2. Minnesota Statutes 2023 Supplement, section 341.28, subdivision 5, is amended
147.12 to read:

147.13 Subd. 5. **Regulatory authority; martial arts and amateur boxing.** (a) Unless this
147.14 chapter specifically states otherwise, contests or exhibitions for martial arts and amateur
147.15 boxing are exempt from the requirements of this chapter and officials at these events are
147.16 not required to be licensed under this chapter.

147.17 (b) Martial arts and amateur boxing contests, unless subject to the exceptions set forth
147.18 in subdivision 6 or 7, must be regulated by a nationally recognized organization approved
147.19 by the commissioner. The organization must have a set of written standards, procedures, or
147.20 rules used to sanction the combative sports it oversees.

147.21 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit
147.22 bout results to the commissioner within 72 hours after the event. If the regulatory body
147.23 issues suspensions, the regulatory body must submit to the commissioner a list of any
147.24 suspensions resulting from the event within 72 hours after the event. Regulatory bodies that
147.25 oversee combative sports or martial arts contests under subdivision 6 or 7 are not subject
147.26 to this paragraph.

69.1 Sec. 4. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to
69.2 read:

69.3 Subd. 7. **Regulatory authority; youth competition.** Combative sports or martial arts
69.4 contests between individuals under the age of 18 years are exempt from the requirements
69.5 of this chapter and officials at these events are not required to be licensed under this chapter.
69.6 A contest under this subdivision must be regulated by (1) a widely recognized organization
69.7 that regularly oversees youth competition, or (2) a local government.

69.8 Sec. 5. Minnesota Statutes 2022, section 341.29, is amended to read:

69.9 **341.29 JURISDICTION OF COMMISSIONER.**

69.10 The commissioner shall:

69.11 (1) have sole direction, supervision, regulation, control, and jurisdiction over all
69.12 combative sport contests that are held within this state unless a contest is exempt from the
69.13 application of this chapter under federal law;

69.14 (2) have sole control, authority, and jurisdiction over all licenses required by this chapter;

69.15 (3) grant a license to an applicant if, in the judgment of the commissioner, the financial
69.16 responsibility, experience, character, and general fitness of the applicant are consistent with
69.17 the public interest, ~~convenience, or necessity~~ and in the best interests of combative sports
69.18 and conforms with this chapter and the commissioner's rules;

69.19 (4) deny, suspend, or revoke a license using the enforcement provisions of section
69.20 326B.082, except that the licensing reapplication time frames remain within the sole
69.21 discretion of the commissioner; and

69.22 (5) serve final nonlicensing orders in performing the duties of this chapter which are
69.23 subject to the contested case procedures provided in sections 14.57 to 14.69.

69.24 Sec. 6. Minnesota Statutes 2023 Supplement, section 341.30, subdivision 4, is amended
69.25 to read:

69.26 Subd. 4. **Prelicensure requirements.** (a) Before the commissioner issues a promoter's
69.27 license to an individual, corporation, or other business entity, the applicant shall complete
69.28 a licensing application on the Office of Combative Sports website or on forms prescribed
69.29 by the commissioner and shall:

70.1 (1) show on the licensing application the owner or owners of the applicant entity and
70.2 the percentage of interest held by each owner holding a 25 percent or more interest in the
70.3 applicant;

70.4 (2) provide the commissioner with a copy of the latest financial statement of the applicant;

70.5 (3) provide proof, where applicable, of authorization to do business in the state of
70.6 Minnesota; and

147.27 Sec. 3. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to
147.28 read:

147.29 Subd. 7. **Regulatory authority; youth competition.** Combative sports or martial arts
147.30 contests between individuals under the age of 18 years are exempt from the requirements
147.31 of this chapter and officials at these events are not required to be licensed under this chapter.
147.32 A contest under this subdivision must be regulated by (1) a widely recognized organization
147.33 that regularly oversees youth competition, or (2) a local government.

148.1 Sec. 4. Minnesota Statutes 2022, section 341.29, is amended to read:

148.2 **341.29 JURISDICTION OF COMMISSIONER.**

148.3 The commissioner shall:

148.4 (1) have sole direction, supervision, regulation, control, and jurisdiction over all
148.5 combative sport contests that are held within this state unless a contest is exempt from the
148.6 application of this chapter under federal law;

148.7 (2) have sole control, authority, and jurisdiction over all licenses required by this chapter;

148.8 (3) grant a license to an applicant if, in the judgment of the commissioner, the financial
148.9 responsibility, experience, character, and general fitness of the applicant are consistent with
148.10 the public interest, ~~convenience, or necessity~~ and in the best interests of combative sports
148.11 and conforms with this chapter and the commissioner's rules;

148.12 (4) deny, suspend, or revoke a license using the enforcement provisions of section
148.13 326B.082, except that the licensing reapplication time frames remain within the sole
148.14 discretion of the commissioner; and

148.15 (5) serve final nonlicensing orders in performing the duties of this chapter which are
148.16 subject to the contested case procedures provided in sections 14.57 to 14.69.

148.17 Sec. 5. Minnesota Statutes 2023 Supplement, section 341.30, subdivision 4, is amended
148.18 to read:

148.19 Subd. 4. **Prelicensure requirements.** (a) Before the commissioner issues a promoter's
148.20 license to an individual, corporation, or other business entity, the applicant shall complete
148.21 a licensing application on the Office of Combative Sports website or on forms prescribed
148.22 by the commissioner and shall:

148.23 (1) show on the licensing application the owner or owners of the applicant entity and
148.24 the percentage of interest held by each owner holding a 25 percent or more interest in the
148.25 applicant;

148.26 (2) provide the commissioner with a copy of the latest financial statement of the applicant;

148.27 (3) provide proof, where applicable, of authorization to do business in the state of
148.28 Minnesota; and

70.7 (4) deposit with the commissioner a surety bond in an amount set by the commissioner,
70.8 which must not be less than \$10,000. The bond shall be executed in favor of this state and
70.9 shall be conditioned on the faithful performance by the promoter of the promoter's obligations
70.10 under this chapter and the rules adopted under it.

70.11 (b) Before the commissioner issues a license to a combatant, the applicant shall:

70.12 (1) submit to the commissioner the results of current medical examinations on forms
70.13 prescribed by the commissioner that state that the combatant is cleared to participate in a
70.14 combative sport contest. The applicant must undergo and submit the results of the following
70.15 medical examinations, which do not exempt a combatant from the requirements in section
70.16 341.33:

70.17 (i) a physical examination performed by a licensed medical doctor, doctor of osteopathic
70.18 medicine, advance practice nurse practitioner, or a physician assistant. Physical examinations
70.19 are valid for one year from the date of the exam;

70.20 (ii) an ophthalmological examination performed by an ophthalmologist or optometrist
70.21 that includes dilation designed to detect any retinal defects or other damage or a condition
70.22 of the eye that could be aggravated by combative sports. Ophthalmological examinations
70.23 are valid for one year from the date of the exam;

70.24 (iii) blood work results for HBsAg (Hepatitis B surface antigen), HCV (Hepatitis C
70.25 antibody), and HIV. Blood work results are good for one year from the date blood was
70.26 drawn. The commissioner shall not issue a license to an applicant submitting positive test
70.27 results for HBsAg, HCV, or HIV; and

70.28 (iv) other appropriate neurological or physical examinations before any contest, if the
70.29 commissioner determines that the examination is desirable to protect the health of the
70.30 combatant;

70.31 (2) complete a licensing application on the Office of Combative Sports website or on
70.32 forms prescribed by the commissioner; and

71.1 (3) provide proof that the applicant is 18 years of age. Acceptable proof is a photo driver's
71.2 license, state photo identification card, passport, or birth certificate combined with additional
71.3 photo identification.

71.4 (c) Before the commissioner issues an amateur combatant license to an individual, the
71.5 applicant must submit proof of qualifications that includes at a minimum: (1) an applicant's
71.6 prior bout history and evidence showing that the applicant has completed at least six months
71.7 of training in a combative sport; or (2) a letter of recommendation from a coach or trainer.

71.8 (d) Before the commissioner issues a professional combatant license to an individual,
71.9 the applicant must submit proof of qualifications that includes an applicant's prior bout
71.10 history showing the applicant has competed in at least four sanctioned combative sports
71.11 contests. If the applicant has not competed in at least four sanctioned combative sports
71.12 contests, the commissioner may still grant the applicant a license if the applicant provides

148.29 (4) deposit with the commissioner a surety bond in an amount set by the commissioner,
148.30 which must not be less than \$10,000. The bond shall be executed in favor of this state and
149.1 shall be conditioned on the faithful performance by the promoter of the promoter's obligations
149.2 under this chapter and the rules adopted under it.

149.3 (b) Before the commissioner issues a license to a combatant, the applicant shall:

149.4 (1) submit to the commissioner the results of current medical examinations on forms
149.5 prescribed by the commissioner that state that the combatant is cleared to participate in a
149.6 combative sport contest. The applicant must undergo and submit the results of the following
149.7 medical examinations, which do not exempt a combatant from the requirements in section
149.8 341.33:

149.9 (i) a physical examination performed by a licensed medical doctor, doctor of osteopathic
149.10 medicine, advance practice nurse practitioner, or a physician assistant. Physical examinations
149.11 are valid for one year from the date of the exam;

149.12 (ii) an ophthalmological examination performed by an ophthalmologist or optometrist
149.13 that includes dilation designed to detect any retinal defects or other damage or a condition
149.14 of the eye that could be aggravated by combative sports. Ophthalmological examinations
149.15 are valid for one year from the date of the exam;

149.16 (iii) blood work results for HBsAg (Hepatitis B surface antigen), HCV (Hepatitis C
149.17 antibody), and HIV. Blood work results are good for one year from the date blood was
149.18 drawn. The commissioner shall not issue a license to an applicant submitting positive test
149.19 results for HBsAg, HCV, or HIV; and

149.20 (iv) other appropriate neurological or physical examinations before any contest, if the
149.21 commissioner determines that the examination is desirable to protect the health of the
149.22 combatant;

149.23 (2) complete a licensing application on the Office of Combative Sports website or on
149.24 forms prescribed by the commissioner; and

149.25 (3) provide proof that the applicant is 18 years of age. Acceptable proof is a photo driver's
149.26 license, state photo identification card, passport, or birth certificate combined with additional
149.27 photo identification.

149.28 (c) Before the commissioner issues an amateur combatant license to an individual, the
149.29 applicant must submit proof of qualifications that includes at a minimum: (1) an applicant's
149.30 prior bout history and evidence showing that the applicant has completed at least six months
149.31 of training in a combative sport; or (2) a letter of recommendation from a coach or trainer.

149.32 (d) Before the commissioner issues a professional combatant license to an individual,
149.33 the applicant must submit proof of qualifications that includes an applicant's prior bout
150.1 history showing the applicant has competed in at least four sanctioned combative sports
150.2 contests. If the applicant has not competed in at least four sanctioned combative sports
150.3 contests, the commissioner may still grant the applicant a license if the applicant provides

71.13 evidence demonstrating that the applicant has sufficient skills and experience in combative
71.14 sports or martial arts to compete as a professional combatant.

71.15 ~~(e)~~ (e) Before the commissioner issues a license to a referee, judge, or timekeeper, the
71.16 applicant must submit proof of qualifications that may include certified training from the
71.17 Association of Boxing Commissions, licensure with other regulatory bodies, professional
71.18 references, or a log of bouts worked.

71.19 ~~(f)~~ (f) Before the commissioner issues a license to a ringside physician, the applicant
71.20 must submit proof that they are licensed to practice medicine in the state of Minnesota and
71.21 in good standing.

71.22 Sec. 7. Minnesota Statutes 2023 Supplement, section 341.321, is amended to read:

71.23 **341.321 FEE SCHEDULE.**

71.24 (a) The fee schedule for professional and amateur licenses issued by the commissioner
71.25 is as follows:

71.26 (1) referees, \$25;

71.27 (2) promoters, \$700;

71.28 (3) judges and knockdown judges, \$25;

71.29 (4) trainers and seconds, \$40;

71.30 (5) timekeepers, \$25;

71.31 (6) professional combatants, \$70;

72.1 (7) amateur combatants, \$35; and

72.2 (8) ringside physicians, \$25.

72.3 All license fees shall be paid no later than the weigh-in prior to the contest. No license may
72.4 be issued until all prelicensure requirements in section 341.30 are satisfied and fees are
72.5 paid.

72.6 (b) A promoter or event organizer of an event regulated by the Department of Labor and
72.7 Industry must pay, per event, a combative sport contest fee of.

72.8 (c) If the promoter sells tickets for the event, the event fee is \$1,500 ~~per event~~ or four
72.9 percent of the gross ticket sales, whichever is greater. The fee must be paid as follows:

72.10 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;

72.11 (2) \$1,000 at the weigh-in prior to the contest;

72.12 (3) if four percent of the gross ticket sales is greater than \$1,500, the balance is due to
72.13 the commissioner within 14 days of the completed contest; and

150.4 evidence demonstrating that the applicant has sufficient skills and experience in combative
150.5 sports or martial arts to compete as a professional combatant.

150.6 ~~(e)~~ (e) Before the commissioner issues a license to a referee, judge, or timekeeper, the
150.7 applicant must submit proof of qualifications that may include certified training from the
150.8 Association of Boxing Commissions, licensure with other regulatory bodies, professional
150.9 references, or a log of bouts worked.

150.10 ~~(f)~~ (f) Before the commissioner issues a license to a ringside physician, the applicant
150.11 must submit proof that they are licensed to practice medicine in the state of Minnesota and
150.12 in good standing.

150.13 Sec. 6. Minnesota Statutes 2023 Supplement, section 341.321, is amended to read:

150.14 **341.321 FEE SCHEDULE.**

150.15 (a) The fee schedule for professional and amateur licenses issued by the commissioner
150.16 is as follows:

150.17 (1) referees, \$25;

150.18 (2) promoters, \$700;

150.19 (3) judges and knockdown judges, \$25;

150.20 (4) trainers and seconds, \$40;

150.21 (5) timekeepers, \$25;

150.22 (6) professional combatants, \$70;

150.23 (7) amateur combatants, \$35; and

150.24 (8) ringside physicians, \$25.

150.25 All license fees shall be paid no later than the weigh-in prior to the contest. No license may
150.26 be issued until all prelicensure requirements in section 341.30 are satisfied and fees are
150.27 paid.

150.28 (b) A promoter or event organizer of an event regulated by the Department of Labor and
150.29 Industry must pay, per event, a combative sport contest fee of.

151.1 (c) If the promoter sells tickets for the event, the event fee is \$1,500 ~~per event~~ or four
151.2 percent of the gross ticket sales, whichever is greater. The fee must be paid as follows:

151.3 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;

151.4 (2) \$1,000 at the weigh-in prior to the contest;

151.5 (3) if four percent of the gross ticket sales is greater than \$1,500, the balance is due to
151.6 the commissioner within 14 days of the completed contest; and

72.14 (4) the value of all complimentary tickets distributed for an event, to the extent they
72.15 exceed five percent of total event attendance, counts toward gross tickets sales for the
72.16 purposes of determining a combative sports contest fee. For purposes of this clause, the
72.17 lowest advertised ticket price shall be used to calculate the value of complimentary tickets.

72.18 (d) If the promoter does not sell tickets and receives only a flat payment from a venue
72.19 to administer the event, the event fee is \$1,500 per event or four percent of the flat payment,
72.20 whichever is greater. The fee must be paid as follows:

72.21 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;
72.22 (2) \$1,000 at the weigh-in prior to the contest; and

72.23 (3) if four percent of the flat payment is greater than \$1,500, the balance is due to the
72.24 commissioner within 14 days of the completed contest.

72.25 ~~(e)~~ (c) All fees and penalties collected by the commissioner must be deposited in the
72.26 commissioner account in the special revenue fund.

72.27 Sec. 8. Minnesota Statutes 2023 Supplement, section 341.33, is amended by adding a
72.28 subdivision to read:

72.29 Subd. 3. **Medical records.** The commissioner may, if the commissioner determines that
72.30 doing so would be desirable to protect the health of a combatant, provide the combatant's
72.31 medical information collected under this chapter to the physician conducting a prebout exam
73.1 under this section or to the ringside physician or physicians assigned to the combatant's
73.2 combative sports contest.

73.3 Sec. 9. Minnesota Statutes 2023 Supplement, section 341.355, is amended to read:

73.4 **341.355 CIVIL PENALTIES.**

73.5 When the commissioner finds that a person has violated one or more provisions of any
73.6 statute, rule, or order that the commissioner is empowered to regulate, enforce, or issue, the
73.7 commissioner may impose, for each violation, a civil penalty of up to \$10,000 for each
73.8 violation, or a civil penalty that deprives the person of any economic advantage gained by
73.9 the violation, or both. The commissioner may also impose these penalties against a person
73.10 who has violated section 341.28, subdivision 5, paragraph (b) or (c), or subdivision 7.

151.7 (4) the value of all complimentary tickets distributed for an event, to the extent they
151.8 exceed five percent of total event attendance, counts toward gross tickets sales for the
151.9 purposes of determining a combative sports contest fee. For purposes of this clause, the
151.10 lowest advertised ticket price shall be used to calculate the value of complimentary tickets.

151.11 (d) If the promoter does not sell tickets and receives only a flat payment from a venue
151.12 to administer the event, the event fee is \$1,500 per event or four percent of the flat payment,
151.13 whichever is greater. The fee must be paid as follows:

151.14 (1) \$500 at the time the combative sport contest is scheduled, which is nonrefundable;
151.15 (2) \$1,000 at the weigh-in prior to the contest; and

151.16 (3) if four percent of the flat payment is greater than \$1,500, the balance is due to the
151.17 commissioner within 14 days of the completed contest.

151.18 ~~(e)~~ (c) All fees and penalties collected by the commissioner must be deposited in the
151.19 commissioner account in the special revenue fund.

151.20 Sec. 7. Minnesota Statutes 2023 Supplement, section 341.33, is amended by adding a
151.21 subdivision to read:

151.22 Subd. 3. **Medical records.** The commissioner may, if the commissioner determines that
151.23 doing so would be desirable to protect the health of a combatant, provide the combatant's
151.24 medical information collected under this chapter to the physician conducting a prebout exam
151.25 under this section or to the ringside physician or physicians assigned to the combatant's
151.26 combative sports contest.

151.27 Sec. 8. **[341.352] DATA PRIVACY.**

151.28 All health records collected, created, or maintained under this chapter are private data
151.29 on individuals, as defined in section 13.02, subdivision 12.

152.1 Sec. 9. Minnesota Statutes 2023 Supplement, section 341.355, is amended to read:

152.2 **341.355 CIVIL PENALTIES.**

152.3 When the commissioner finds that a person has violated one or more provisions of any
152.4 statute, rule, or order that the commissioner is empowered to regulate, enforce, or issue, the
152.5 commissioner may impose, for each violation, a civil penalty of up to \$10,000 for each
152.6 violation, or a civil penalty that deprives the person of any economic advantage gained by
152.7 the violation, or both. The commissioner may also impose these penalties against a person
152.8 who has violated section 341.28, subdivision 5, paragraph (b) or (c), or subdivision 7.

House Language H5242-3		Labor	May 08, 2024 08:59 AM	Senate Language UEH5242-1	
73.11	ARTICLE 5		193.4	ARTICLE 9	
73.12	CONSTRUCTION CODES AND LICENSING		193.5	CONSTRUCTION CODES AND LICENSING	
73.13	Section 1. Minnesota Statutes 2023 Supplement, section 326B.106, subdivision 1, is				
73.14	amended to read:				
73.15	Subdivision 1. Adoption of code. (a) Subject to paragraphs (c) and (d) and sections				
73.16	326B.101 to 326B.194, the commissioner shall by rule and in consultation with the				
73.17	Construction Codes Advisory Council establish a code of standards for the construction,				
73.18	reconstruction, alteration, and repair of buildings, governing matters of structural materials,				
73.19	design and construction, fire protection, health, sanitation, and safety, including design and				
73.20	construction standards regarding heat loss control, illumination, and climate control. The				
73.21	code must also include duties and responsibilities for code administration, including				
73.22	procedures for administrative action, penalties, and suspension and revocation of certification.				
73.23	The code must conform insofar as practicable to model building codes generally accepted				
73.24	and in use throughout the United States, including a code for building conservation. In the				
73.25	preparation of the code, consideration must be given to the existing statewide specialty				
73.26	codes presently in use in the state. Model codes with necessary modifications and statewide				
73.27	specialty codes may be adopted by reference. The code must be based on the application				
73.28	of scientific principles, approved tests, and professional judgment. To the extent possible,				
73.29	the code must be adopted in terms of desired results instead of the means of achieving those				
73.30	results, avoiding wherever possible the incorporation of specifications of particular methods				
73.31	or materials. To that end the code must encourage the use of new methods and new materials.				
73.32	Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall				
73.33	administer and enforce the provisions of those sections.				
74.1	(b) The commissioner shall develop rules addressing the plan review fee assessed to				
74.2	similar buildings without significant modifications including provisions for use of building				
74.3	systems as specified in the industrial/modular program specified in section 326B.194.				
74.4	Additional plan review fees associated with similar plans must be based on costs				
74.5	commensurate with the direct and indirect costs of the service.				
74.6	(c) Beginning with the 2018 edition of the model building codes and every six years				
74.7	thereafter, the commissioner shall review the new model building codes and adopt the model				
74.8	codes as amended for use in Minnesota, within two years of the published edition date. The				
74.9	commissioner may adopt amendments to the building codes prior to the adoption of the				
74.10	new building codes to advance construction methods, technology, or materials, or, where				
74.11	necessary to protect the health, safety, and welfare of the public, or to improve the efficiency				
74.12	or the use of a building.				
74.13	(d) Notwithstanding paragraph (c), the commissioner shall act on each new model				
74.14	residential energy code and the new model commercial energy code in accordance with				
74.15	federal law for which the United States Department of Energy has issued an affirmative				
74.16	determination in compliance with United States Code, title 42, section 6833. The				
74.17	commissioner may adopt amendments prior to adoption of the new energy codes, as amended				
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74.18 for use in Minnesota, to advance construction methods, technology, or materials, or, where
74.19 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency
74.20 or use of a building.

74.21 (e) Beginning in 2024, the commissioner shall act on the new model commercial energy
74.22 code by adopting each new published edition of ASHRAE 90.1 or a more efficient standard.
74.23 The commercial energy code in effect in 2036 and thereafter must achieve an 80 percent
74.24 reduction in annual net energy consumption or greater, using the ASHRAE 90.1-2004 as a
74.25 baseline. The commissioner shall adopt commercial energy codes from 2024 to 2036 that
74.26 incrementally move toward achieving the 80 percent reduction in annual net energy
74.27 consumption. By January 15 of the year following each new code adoption, the commissioner
74.28 shall make a report on progress under this section to the legislative committees with
74.29 jurisdiction over the energy code.

74.30 (f) Nothing in this section shall be interpreted to limit the ability of a public utility to
74.31 offer code support programs, or to claim energy savings resulting from such programs,
74.32 through its energy conservation and optimization plans approved by the commissioner of
74.33 commerce under section 216B.241 or an energy conservation and optimization plan filed
74.34 by a consumer-owned utility under section 216B.2403.

75.1 (g) Beginning in 2026, the commissioner shall act on the new model residential energy
75.2 code by adopting each new published edition of the International Energy Conservation Code
75.3 or a more efficient standard. The residential energy code in effect in 2038 and thereafter
75.4 must achieve a 70 percent reduction in annual net energy consumption or greater, using the
75.5 2006 International Energy Conservation Code State Level Residential Codes Energy Use
75.6 Index for Minnesota, as published by the United States Department of Energy's Building
75.7 Energy Codes Program, as a baseline. The commissioner shall adopt residential energy
75.8 codes from 2026 to 2038 that incrementally move toward achieving the 70 percent reduction
75.9 in annual net energy consumption. By January 15 of the year following each new code
75.10 adoption, the commissioner shall submit a report on progress under this section to the
75.11 legislative committees with jurisdiction over the energy code.

75.12 Sec. 2. Minnesota Statutes 2022, section 326B.802, subdivision 13, is amended to read:

75.13 Subd. 13. **Residential real estate.** "Residential real estate" means a new or existing
75.14 building constructed for habitation by one to four families, and includes detached garages
75.15 and swimming pools.

75.16 Sec. 3. Minnesota Statutes 2023 Supplement, section 326B.802, subdivision 15, is amended
75.17 to read:

75.18 Subd. 15. **Special skill.** "Special skill" means one of the following eight categories:

75.19 (a) **Excavation.** Excavation includes work in any of the following areas:

75.20 (1) excavation;

75.21 (2) trenching;

- 75.22 (3) grading; and
- 75.23 (4) site grading.
- 75.24 (b) **Masonry and concrete.** Masonry and concrete includes work in any of the following
- 75.25 areas:
 - 75.26 (1) drain systems;
 - 75.27 (2) poured walls;
 - 75.28 (3) slabs and poured-in-place footings;
 - 75.29 (4) masonry walls;
 - 75.30 (5) masonry fireplaces;
 - 76.1 (6) masonry veneer; and
 - 76.2 (7) water resistance and waterproofing.
- 76.3 (c) **Carpentry.** Carpentry includes work in any of the following areas:
 - 76.4 (1) rough framing;
 - 76.5 (2) finish carpentry;
 - 76.6 (3) doors, windows, and skylights;
 - 76.7 (4) porches and decks, excluding footings;
 - 76.8 (5) wood foundations; and
 - 76.9 (6) drywall installation, excluding taping and finishing.
- 76.10 (d) **Interior finishing.** Interior finishing includes work in any of the following areas:
 - 76.11 (1) floor covering;
 - 76.12 (2) wood floors;
 - 76.13 (3) cabinet and counter top installation;
 - 76.14 (4) insulation and vapor barriers;
 - 76.15 (5) interior or exterior painting;
 - 76.16 (6) ceramic, marble, and quarry tile;
 - 76.17 (7) ornamental guardrail and installation of prefabricated stairs; and
 - 76.18 (8) wallpapering.
- 76.19 (e) **Exterior finishing.** Exterior finishing includes work in any of the following areas:

- 76.20 (1) siding;
- 76.21 (2) soffit, fascia, and trim;
- 76.22 (3) exterior plaster and stucco;
- 76.23 (4) painting; and
- 76.24 (5) rain carrying systems, including gutters and down spouts.
- 76.25 (f) **Drywall and plaster.** Drywall and plaster includes work in any of the following
- 76.26 areas:
 - 76.27 (1) installation;
 - 77.1 (2) taping;
 - 77.2 (3) finishing;
 - 77.3 (4) interior plaster;
 - 77.4 (5) painting; and
 - 77.5 (6) wallpapering.
- 77.6 (g) **Residential roofing.** Residential roofing includes work in any of the following areas:
 - 77.7 (1) roof coverings;
 - 77.8 (2) roof sheathing;
 - 77.9 (3) roof weatherproofing and insulation;
 - 77.10 (4) repair of roof support system, but not construction of new roof support system; and
 - 77.11 (5) penetration of roof coverings for purposes of attaching a solar photovoltaic system.
- 77.12 (h) **General installation specialties.** Installation includes work in any of the following
- 77.13 areas:
 - 77.14 (1) garage doors and openers;
 - 77.15 (2) ~~pools~~, spas; and hot tubs;
 - 77.16 (3) fireplaces and wood stoves;
 - 77.17 (4) asphalt paving and seal coating;
 - 77.18 (5) ornamental guardrail and prefabricated stairs; and
 - 77.19 (6) assembly of the support system for a solar photovoltaic system.

House Language H5242-3	Labor	May 08, 2024 08:59 AM	Senate Language UEH5242-1
77.20 Sec. 4. Minnesota Statutes 2022, section 326B.89, subdivision 1, is amended to read:			
77.21 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have 77.22 the meanings given them.			
77.23 (b) "Gross annual receipts" means the total amount derived from residential contracting 77.24 or residential remodeling activities, regardless of where the activities are performed, and 77.25 must not be reduced by costs of goods sold, expenses, losses, or any other amount.			
77.26 (c) "Licensee" means a person licensed as a residential contractor or residential remodeler.			
77.27 (d) "Residential real estate" means a new or existing building constructed for habitation 77.28 by one to four families, and includes detached garages intended for storage of vehicles 78.1 associated with the residential real estate, and private swimming pools connected with the 78.2 residential real estate, which are controlled and used by the owner or the owner's family or 78.3 invited guests and are not used as part of a business.			
78.4 (e) "Fund" means the contractor recovery fund.			
78.5 (f) "Owner" when used in connection with real property, means a person who has any 78.6 legal or equitable interest in real property and includes a condominium or townhome 78.7 association that owns common property located in a condominium building or townhome 78.8 building or an associated detached garage. Owner does not include any real estate developer 78.9 or any owner using, or intending to use, the property for a business purpose and not as 78.10 owner-occupied residential real estate.			
78.11 (g) "Cycle One" means the time period between July 1 and December 31.			
78.12 (h) "Cycle Two" means the time period between January 1 and June 30.			
78.13 ARTICLE 6		152.9 ARTICLE 5	
78.14 BUREAU OF MEDIATION SERVICES		152.10 BUREAU OF MEDIATION SERVICES	
78.15 Section 1. Minnesota Statutes 2022, section 626.892, subdivision 10, is amended to read:		152.11 Section 1. Minnesota Statutes 2022, section 626.892, subdivision 10, is amended to read:	
78.16 Subd. 10. Training. (a) A person appointed to the arbitrator roster under this section 78.17 must complete training as required by the commissioner during the person's appointment. 78.18 At a minimum, an initial training must include:		152.12 Subd. 10. Training. (a) A person appointed to the arbitrator roster under this section 152.13 must complete training as required by the commissioner during the person's appointment. 152.14 At a minimum, an initial training must include:	
78.19 (1) at least six hours on the topics of cultural competency, racism, implicit bias, and 78.20 recognizing and valuing community diversity and cultural differences; and		152.15 (1) at least six hours on the topics of cultural competency, racism, implicit bias, and 152.16 recognizing and valuing community diversity and cultural differences; and	
78.21 (2) at least six hours on topics related to the daily experience of peace officers, which 78.22 may include ride-alongs with on-duty officers or other activities that provide exposure to 78.23 the environments, choices, and judgments required of officers in the field.		152.17 (2) at least six hours on topics related to the daily experience of peace officers, which 152.18 may include ride-alongs with on-duty officers or other activities that provide exposure to 152.19 the environments, choices, and judgments required of officers in the field.	
78.24 (b) The commissioner may adopt rules establishing training requirements consistent 78.25 with this subdivision.		152.20 (b) The commissioner may adopt rules establishing training requirements consistent 152.21 with this subdivision.	
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78.26 ~~(b) An arbitrator appointed to the roster of arbitrators in 2020 must complete the required~~
78.27 ~~initial training by July 1, 2021.~~ (c) An arbitrator appointed to the roster of arbitrators after
78.28 2020 must complete the required initial training within six months of the arbitrator's
78.29 appointment.

78.30 ~~(e) (d) The Bureau of Mediation Services must pay for all costs associated with the~~
78.31 ~~required training must be borne by the arbitrator.~~

79.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

79.2 Sec. 2. **REPEALER.**

79.3 (a) Minnesota Statutes 2022, sections 179.81; 179.82; 179.83, subdivision 1; 179.84,
79.4 subdivision 1; and 179.85, are repealed.

79.5 (b) Minnesota Rules, parts 5520.0100; 5520.0110; 5520.0120; 5520.0200; 5520.0250;
79.6 5520.0300; 5520.0500; 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620;
79.7 5520.0700; 5520.0710; and 5520.0800, are repealed.

79.8 **ARTICLE 7**

79.9 **PUBLIC EMPLOYMENT LABOR RELATIONS**

152.22 ~~(b) An arbitrator appointed to the roster of arbitrators in 2020 must complete the required~~
152.23 ~~initial training by July 1, 2021.~~ (c) An arbitrator appointed to the roster of arbitrators after
152.24 2020 must complete the required initial training within six months of the arbitrator's
152.25 appointment.

152.26 ~~(e) (d) The Bureau of Mediation Services must pay for all costs associated with the~~
152.27 ~~required training must be borne by the arbitrator.~~

152.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.

152.29 Sec. 2. **REPEALER.**

152.30 (a) Minnesota Statutes 2022, sections 179.81; 179.82; 179.83, subdivision 1; 179.84,
152.31 subdivision 1; and 179.85, are repealed.

153.1 (b) Minnesota Rules, parts 5520.0100; 5520.0110; 5520.0120, subparts 1, 2, 3, 4, 5, 6,
153.2 and 7; 5520.0200; 5520.0250, subparts 1, 2, and 4; 5520.0300; 5520.0500, subparts 1, 2,
153.3 3, 4, 5, and 6; 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620; 5520.0700;
153.4 5520.0710; and 5520.0800, are repealed.

153.5 **ARTICLE 6**

153.6 **PUBLIC EMPLOYEE LABOR RELATIONS (PELRA)**

153.7 Section 1. Minnesota Statutes 2023 Supplement, section 13.43, subdivision 6, is amended
153.8 to read:

153.9 Subd. 6. **Access by labor organizations, Bureau of Mediation Services, Public**
153.10 **Employment Relations Board.** (a) Notwithstanding classification by any other provision
153.11 of this chapter upon request from an exclusive representative, personnel data must be
153.12 disseminated to labor organizations and the Public Employment Relations Board to the
153.13 extent necessary to conduct elections, investigate and process grievances, and implement
153.14 the provisions of chapters 179 and 179A.

153.15 (b) Personnel data shall be disseminated to labor organizations, the Public Employment
153.16 Relations Board, and the Bureau of Mediation Services to the extent the dissemination is
153.17 ordered or authorized by the commissioner of the Bureau of Mediation Services or the
153.18 Public Employment Relations Board or its employees or agents. Employee Social Security
153.19 numbers are not necessary to implement the provisions of chapters 179 and 179A.

153.20 ~~(b) (c)~~ Personnel data described under section 179A.07, subdivision 8, must be
153.21 disseminated to an exclusive representative under the terms of that subdivision.

153.22 ~~(e) (d)~~ An employer who disseminates personnel data to a labor organization pursuant
153.23 to this subdivision shall not be subject to liability under section 13.08. Nothing in this
153.24 paragraph shall impair or limit any remedies available under section 325E.61.

- 153.25 ~~(d)~~ (e) The home addresses, nonemployer issued phone numbers and email addresses,
153.26 dates of birth, and emails or other communications between exclusive representatives and
153.27 their members, prospective members, and nonmembers are private data on individuals.
- 153.28 Sec. 2. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is amended
153.29 to read:
- 153.30 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means
153.31 any person appointed or employed by a public employer except:
- 153.32 (1) elected public officials;
- 154.1 (2) election officers;
- 154.2 (3) commissioned or enlisted personnel of the Minnesota National Guard;
- 154.3 (4) emergency employees who are employed for emergency work caused by natural
154.4 disaster;
- 154.5 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
154.6 or 35 percent of the normal work week in the employee's appropriate unit;
- 154.7 (6) employees, other than employees working for a Minnesota school district or charter
154.8 school in a position for which no license is required by the Professional Educator Licensing
154.9 Standards Board, whose positions are basically temporary or seasonal in character and: (i)
154.10 are not for more than 67 working days in any calendar year; or (ii) ~~are not working for a~~
154.11 ~~Minnesota school district or charter school; or (iii)~~ are not for more than 100 working days
154.12 in any calendar year and the employees are under the age of 22, are full-time students
154.13 enrolled in a nonprofit or public educational institution prior to being hired by the employer,
154.14 and have indicated, either in an application for employment or by being enrolled at an
154.15 educational institution for the next academic year or term, an intention to continue as students
154.16 during or after their temporary employment;
- 154.17 (7) employees providing services for not more than two consecutive quarters to the
154.18 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
154.19 professional or technical services contract as defined in section 16C.08, subdivision 1;
- 154.20 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
154.21 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
154.22 employees for purposes of sections 179A.051, 179A.052, and 179A.13;
- 154.23 (9) full-time undergraduate students employed by the school which they attend under a
154.24 work-study program or in connection with the receipt of financial aid, irrespective of number
154.25 of hours of service per week;
- 154.26 (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor
154.27 in an adult vocational education program;
- 154.28 (11) with respect to court employees;

- 154.29 (i) personal secretaries to judges;
- 154.30 (ii) law clerks;
- 154.31 (iii) managerial employees;
- 154.32 (iv) confidential employees; and
- 155.1 (v) supervisory employees; or
- 155.2 (12) with respect to employees of Hennepin Healthcare System, Inc., managerial,
- 155.3 supervisory, and confidential employees.
- 155.4 (b) The following individuals are public employees regardless of the exclusions of
- 155.5 paragraph (a), clauses (5) to (7):
- 155.6 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
- 155.7 State Colleges and Universities except at the university established in the Twin Cities
- 155.8 metropolitan area under section 136F.10 or for community services or community education
- 155.9 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
- 155.10 who is a public employee, where the replacement employee is employed more than 30
- 155.11 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
- 155.12 position created due to increased enrollment, curriculum expansion, courses which are a
- 155.13 part of the curriculum whether offered annually or not, or other appropriate reasons;
- 155.14 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
- 155.15 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
- 155.16 year and the cumulative number of days worked in that same position by all employees
- 155.17 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
- 155.18 includes a substantially equivalent position if it is not the same position solely due to a
- 155.19 change in the classification or title of the position;
- 155.20 (3) an early childhood family education teacher employed by a school district; and
- 155.21 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
- 155.22 Universities as the instructor of record to teach (i) one class for more than three credits in
- 155.23 a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.
- 155.24 Sec. 3. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 18, is amended
- 155.25 to read:
- 155.26 Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent
- 155.27 or assistant superintendent, principal, assistant principal, or a supervisory or confidential
- 155.28 employee, employed by a school district:
- 155.29 (1) in a position for which the person must be licensed by the Professional Educator
- 155.30 Licensing and Standards Board or the commissioner of education;

79.10 Section 1. Minnesota Statutes 2023 Supplement, section 179A.041, subdivision 10, is
79.11 amended to read:

79.12 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of
79.13 ~~the~~ a board meeting when ~~it~~ the board is:

79.14 (1) deliberating on the merits of an unfair labor practice charges charge under sections
79.15 179.11, 179.12, and 179A.13;

155.31 (2) in a position as a physical therapist, occupational therapist, art therapist, music
155.32 therapist, or audiologist; or

156.1 (3) in a position creating and delivering instruction to children in a preschool, school
156.2 readiness, school readiness plus, or prekindergarten program or other school district or
156.3 charter school-based early education program, except that ~~an employee~~ employees in a
156.4 bargaining unit certified before January 1, 2023, may remain in a bargaining unit that does
156.5 not include teachers unless an exclusive representative files a petition for a unit clarification
156.6 on the status of a preschool, school readiness, school readiness plus, or prekindergarten
156.7 program or other school district or charter school-based early education program position
156.8 or to transfer exclusive representative status.

156.9 Sec. 4. Minnesota Statutes 2022, section 179A.041, subdivision 2, is amended to read:

156.10 Subd. 2. **Alternate members.** (a) The appointing authorities shall appoint alternate
156.11 members to serve ~~only~~ in the ~~case~~ event of a member having a conflict of interest or being
156.12 unavailable for a meeting under subdivision 9, as follows:

156.13 (1) one alternate, appointed by the governor, who is an officer or employee of an exclusive
156.14 representative of public employees, to serve as an alternate to the member appointed by the
156.15 governor who is an officer or employee of an exclusive representative of public employees.
156.16 This alternate must not be an officer or employee of the same exclusive representative of
156.17 public employees as the member for whom the alternate serves;

156.18 (2) one alternate, appointed by the governor, who is a representative of public employers,
156.19 to serve as an alternate to the member appointed by the governor who is a representative of
156.20 public employers. This alternate must not represent the same public employer as the member
156.21 for whom the alternate serves; and

156.22 (3) one alternate, appointed by the member who is an officer or employee of an exclusive
156.23 representative of public employees and the member who is a representative of public
156.24 employers, who is not an officer or employee of an exclusive representative of public
156.25 employees, or a representative of a public employer, to serve as an alternate for the member
156.26 that represents the public at large.

156.27 (b) Each alternate member shall serve a term that is coterminous with the term of the
156.28 member for whom the alternate member serves as an alternate.

156.29 Sec. 5. Minnesota Statutes 2023 Supplement, section 179A.041, subdivision 10, is amended
156.30 to read:

156.31 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of
156.32 ~~the~~ a board meeting when ~~it~~ the board is:

157.1 (1) deliberating on the merits of an unfair labor practice charges charge under sections
157.2 179.11, 179.12, and 179A.13;

79.16 (2) reviewing a hearing officer's recommended decision and order of a hearing officer
 79.17 under section 179A.13; or

79.18 (3) reviewing decisions of the commissioner of the Bureau of Mediation Services relating
 79.19 to a commissioner's decision on an unfair labor practices practice under section 179A.12,
 79.20 subdivision 11.

79.21 Sec. 2. Minnesota Statutes 2023 Supplement, section 179A.06, subdivision 6, is amended
 79.22 to read:

79.23 Subd. 6. **Payroll deduction, authorization, and remittance.** (a) Public employees have
 79.24 the right to may request and be allowed payroll deduction for the exclusive representative
 79.25 and the its associated political fund associated with the exclusive representative and registered
 79.26 pursuant to under section 10A.12. If there is no exclusive representative, public employees
 79.27 may request payroll deduction for the employee organization of their choice. A public
 79.28 employer must provide payroll deduction according to any public employee's request under
 79.29 this paragraph.

80.1 (b) A public employer must rely on a certification from any an exclusive representative
 80.2 requesting remittance of a deduction that the employee organization has and will maintain
 80.3 an authorization; signed, either by hand or electronically according to section 325L.02,
 80.4 paragraph (h), by the public employee from whose salary or wages the deduction is to be
 80.5 made, which may include an electronic signature by the public employee as defined in
 80.6 section 325L.02, paragraph (h). An exclusive representative making such a certification
 80.7 must not be is not required to provide the public employer a copy of the authorization unless
 80.8 a dispute arises about the authorization's existence or terms of the authorization. The exclusive
 80.9 representative must indemnify the public employer for any successful claims made by the
 80.10 employee for unauthorized deductions in reliance on the certification.

80.11 (b) (c) A dues payroll deduction authorization remains in effect is effective until the
 80.12 exclusive representative notifies the employer receives notice from the exclusive
 80.13 representative that a public employee has changed or canceled their the employee's
 80.14 authorization in writing in accordance with the terms of the original authorizing document,
 80.15 and authorization. When determining whether deductions have been properly changed or
 80.16 canceled, a public employer must rely on information from the exclusive representative
 80.17 receiving remittance of the deduction regarding whether the deductions have been properly
 80.18 changed or canceled. The exclusive representative must indemnify the public employer,
 80.19 including any reasonable attorney fees and litigation costs, for any successful claims made
 80.20 by the employee for unauthorized deductions made in reliance on such information.

80.21 (e) (d) Deduction authorization under this section is:

80.22 (1) independent from the public employee's membership status in the employee
 80.23 organization to which payment is remitted; and is

157.3 (2) reviewing a hearing officer's recommended decision and order of a hearing officer
 157.4 under section 179A.13; or

157.5 (3) reviewing decisions of the a commissioner of the Bureau of Mediation Services
 157.6 relating to decision on an unfair labor practices practice under section 179A.12, subdivision
 157.7 11.

157.8 Sec. 6. Minnesota Statutes 2023 Supplement, section 179A.06, subdivision 6, is amended
 157.9 to read:

157.10 Subd. 6. **Payroll deduction, authorization, and remittance.** (a) Public employees have
 157.11 the right to A public employee may request and be allowed payroll deduction for the
 157.12 exclusive representative that represents the employee's position and the its associated political
 157.13 fund associated with the exclusive representative and registered pursuant to under section
 157.14 10A.12. If no exclusive representative represents an employee's position, the public employee
 157.15 may request payroll deduction for the organization of the employee's choice. A public
 157.16 employer must provide payroll deduction according to any public employee's request under
 157.17 this paragraph.

157.18 (b) A public employer must rely on a certification from any an exclusive representative
 157.19 requesting remittance of a deduction that the organization has and will maintain an
 157.20 authorization; signed, either by hand or electronically according to section 325L.02, paragraph
 157.21 (h), by the public employee from whose salary or wages the deduction is to be made, which
 157.22 may include an electronic signature by the public employee as defined in section 325L.02,
 157.23 paragraph (h). An exclusive representative making such a certification must not be is not
 157.24 required to provide the public employer a copy of the authorization unless a dispute arises
 157.25 about the authorization's existence or terms of the authorization. The exclusive representative
 157.26 must indemnify the public employer for any successful claims made by the employee for
 157.27 unauthorized deductions in reliance on the certification.

157.28 (b) (c) A dues payroll deduction authorization remains in effect is effective until the
 157.29 exclusive representative notifies the employer receives notice from the exclusive
 157.30 representative that a public employee has changed or canceled their the employee's
 157.31 authorization in writing in accordance with the terms of the original authorizing document,
 157.32 and authorization. When determining whether deductions have been properly changed or
 157.33 canceled, a public employer must rely on information from the exclusive representative
 157.34 receiving remittance of the deduction regarding whether the deductions have been properly
 158.1 changed or canceled. The exclusive representative must indemnify the public employer,
 158.2 including any reasonable attorney fees and litigation costs, for any successful claims made
 158.3 by the employee for unauthorized deductions made in reliance on such information.

158.4 (e) (d) Deduction authorization under this section is:

158.5 (1) independent from the public employee's membership status in the organization to
 158.6 which payment is remitted; and is

80.24 (2) effective regardless of whether a collective bargaining agreement authorizes the
80.25 deduction.

80.26 ~~(d) Employers~~ (e) An employer must ~~commence~~ begin deductions within 30 days of ~~notice of authorization from the~~ after an exclusive
80.27 representative submits a certification under paragraph (b); and must

80.29 (2) remit the deductions to the exclusive representative within 30 days of the deduction.
80.30 ~~The failure of an employer to comply with the provisions of this paragraph shall be an unfair~~
80.31 ~~labor practice under section 179A.13, the relief for which shall be reimbursement by the~~
80.32 ~~employer of deductions that should have been made or remitted based on a valid authorization~~
80.33 ~~given by the employee or employees.~~

81.1 (e) ~~In the absence of an exclusive representative, public employees have the right to~~
81.2 ~~request and be allowed payroll deduction for the organization of their choice.~~

81.3 (f) An exclusive representative must indemnify a public employer:

81.4 (1) for any successful employee claim for unauthorized employer deductions made by
81.5 relying on an exclusive representative's certification under paragraph (b); and

81.6 (2) for any successful employee claim for unauthorized employer deductions made by
81.7 relying on information for changing or canceling deductions under paragraph (c), with
81.8 indemnification including any reasonable attorney fees and litigation costs.

81.9 ~~(f)~~ (g) Any dispute under this subdivision must be resolved through an unfair labor
81.10 practice proceeding under section 179A.13. It is an unfair labor practice if an employer fails
81.11 to comply with paragraph (e), and the employer must reimburse deductions that should have
81.12 been made or remitted based on a valid authorization given by the employee or employees.

81.13 Sec. 3. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 8, is amended
81.14 to read:

81.15 Subd. 8. **Bargaining unit information.** (a) Within 20 calendar days ~~from the date of~~
81.16 ~~hire of after~~ a bargaining unit employee is hired, a public employer must provide the
81.17 following ~~contact~~ information on the employee to an the unit's exclusive representative in
81.18 an Excel file format or other format agreed to by the exclusive representative:

81.19 (1) name;

81.20 (2) job title;

81.21 (3) worksite location, including location ~~within~~ in a facility when appropriate;

81.22 (4) home address;

81.23 (5) work telephone number;

81.24 (6) home and personal cell phone numbers on file with the public employer;

158.7 (2) effective regardless of whether a collective bargaining agreement authorizes the
158.8 deduction.

158.9 ~~(d) Employers~~ (e) An employer must ~~commence~~ begin deductions within 30 days of ~~notice of authorization from the~~ after an exclusive
158.10 representative submits a certification under paragraph (b); and must

158.12 (2) remit the deductions to the exclusive representative within 30 days of the deduction.
158.13 ~~The failure of an employer to comply with the provisions of this paragraph shall be an unfair~~
158.14 ~~labor practice under section 179A.13, the relief for which shall be reimbursement by the~~
158.15 ~~employer of deductions that should have been made or remitted based on a valid authorization~~
158.16 ~~given by the employee or employees.~~

158.17 (e) ~~In the absence of an exclusive representative, public employees have the right to~~
158.18 ~~request and be allowed payroll deduction for the organization of their choice.~~

158.19 (f) An exclusive representative must indemnify a public employer:

158.20 (1) for any successful employee claim for unauthorized employer deductions made by
158.21 relying on an exclusive representative's certification under paragraph (b); and

158.22 (2) for any successful employee claim for unauthorized employer deductions made by
158.23 relying on information for changing or canceling deductions under paragraph (c), with
158.24 indemnification including any reasonable attorney fees and litigation costs.

158.25 ~~(f)~~ (g) Any dispute under this subdivision must be resolved through an unfair labor
158.26 practice proceeding under section 179A.13. It is an unfair labor practice if an employer fails
158.27 to comply with paragraph (e), and the employer must reimburse deductions that should have
158.28 been made or remitted based on a valid authorization given by the employee or employees.

159.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 8, is amended
159.2 to read:

159.3 Subd. 8. **Bargaining unit information.** (a) Within 20 calendar days ~~from the date of~~
159.4 ~~hire of after~~ a bargaining unit employee is hired, a public employer must provide the
159.5 following ~~contact~~ information on the employee to an the unit's exclusive representative or
159.6 its affiliate in an Excel file format or other format agreed to by the exclusive representative:

159.7 (1) name;

159.8 (2) job title;

159.9 (3) worksite location, including location ~~within~~ in a facility when appropriate;

159.10 (4) home address;

159.11 (5) work telephone number;

159.12 (6) home and personal cell phone numbers on file with the public employer;

81.25 (7) date of hire; and

81.26 (8) work email address and personal email address on file with the public employer.

81.27 (b) Every 120 calendar days ~~beginning on January 1, 2024~~, a public employer must
81.28 provide to ~~an~~ a bargaining unit's exclusive representative in an Excel file or similar format
81.29 agreed to by the exclusive representative the ~~following~~ information under paragraph (a) for
81.30 all bargaining unit employees: ~~name; job title; worksite location, including location within~~
81.31 ~~a facility when appropriate; home address; work telephone number; home and personal cell~~
82.1 ~~phone numbers on file with the public employer; date of hire; and work email address and~~
82.2 ~~personal email address on file with the public employer.~~

82.3 (c) ~~A public employer must notify an exclusive representative within 20 calendar days~~
82.4 ~~of the separation of~~ If a bargaining unit employee separates from employment or transfer
82.5 transfers out of ~~the~~ a bargaining unit ~~of a bargaining unit employee~~, the employee's public
82.6 employer must notify the employee's exclusive representative within 20 calendar days after
82.7 the separation or transfer.

82.8 Sec. 4. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 9, is amended
82.9 to read:

82.10 Subd. 9. **Access.** (a) A public employer must allow an exclusive representative to meet
82.11 in person with a newly hired ~~employees, without charge to the pay or leave time of the~~
82.12 ~~employees, for 30 minutes;~~ employee within 30 calendar days from the date of hire; during
82.13 new employee orientations or, if the employer does not conduct new employee orientations,
82.14 at individual or group meetings. For an orientation or meeting under this paragraph, an
82.15 employer must allow the employee and exclusive representative up to 30 minutes to meet
82.16 and must not charge the employee's pay or leave time during the orientation or meeting. An
82.17 orientation or meeting may be held virtually or for longer than 30 minutes only by mutual
82.18 agreement of the employer and exclusive representative.

82.19 (b) An exclusive representative ~~shall~~ must receive ~~no less than~~ at least ten days' notice
82.20 ~~in advance~~ of an orientation, ~~except that~~ but a shorter notice may be provided ~~where~~ if there
82.21 is an urgent need critical to the employer's operations ~~of the public employer~~ that was not
82.22 reasonably foreseeable. Notice of and attendance at new employee orientations and other
82.23 meetings under this paragraph ~~must be~~ and paragraph (a) are limited to:

82.24 (1) the public employer;

82.25 (2) the employees;

159.13 (7) date of hire; and

159.14 (8) work email address and personal email address on file with the public employer.

159.15 (b) Every 120 calendar days ~~beginning on January 1, 2024~~, a public employer must
159.16 provide to ~~an~~ a bargaining unit's exclusive representative in an Excel file or similar format
159.17 agreed to by the exclusive representative the ~~following~~ information under paragraph (a) for
159.18 all bargaining unit employees: ~~name; job title; worksite location, including location within~~
159.19 ~~a facility when appropriate; home address; work telephone number; home and personal cell~~
159.20 ~~phone numbers on file with the public employer; date of hire; and work email address and~~
159.21 ~~personal email address on file with the public employer.~~

159.22 (c) ~~A public employer must notify an exclusive representative within 20 calendar days~~
159.23 ~~of the separation of~~ If a bargaining unit employee separates from employment or transfer
159.24 transfers out of ~~the bargaining unit of a bargaining unit employee~~, the employee's public
159.25 employer must notify the employee's exclusive representative within 20 calendar days after
159.26 the separation or transfer, including whether the unit departure was due to a transfer,
159.27 promotion, demotion, discharge, resignation, or retirement.

159.28 Sec. 8. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 9, is amended
159.29 to read:

159.30 Subd. 9. **Access.** (a) A public employer must allow an exclusive representative or the
159.31 representative's agent to meet in person with a newly hired ~~employees, without charge to~~
160.1 ~~the pay or leave time of the employees, for 30 minutes;~~ employee within 30 calendar days
160.2 from the date of hire; during new employee orientations or, if the employer does not conduct
160.3 new employee orientations, at individual or group meetings arranged by the employer in
160.4 coordination with the exclusive representative or the representative's agent during the newly
160.5 hired employees' regular working hours. For an orientation or meeting under this paragraph,
160.6 an employer must allow the employee and exclusive representative up to 30 minutes to meet
160.7 and must not charge the employee's pay or leave time during the orientation or meeting, or
160.8 the pay or leave time of an employee of the public employer acting as an agent of the
160.9 exclusive representative using time off under subdivision 6. An orientation or meeting may
160.10 be held virtually or for longer than 30 minutes only by mutual agreement of the employer
160.11 and exclusive representative.

160.12 (b) An exclusive representative ~~shall~~ must receive ~~no less than~~ at least ten days' notice
160.13 ~~in advance~~ of an orientation, ~~except that~~ but a shorter notice may be provided ~~where~~ if there
160.14 is an urgent need critical to the employer's operations ~~of the public employer~~ that was not
160.15 reasonably foreseeable. Notice of and attendance at new employee orientations and other
160.16 meetings under this paragraph ~~must be~~ and paragraph (a) are limited to the public employer;

160.17 (1) the employees;

160.18 (2) the exclusive representative, and;

82.26 (3) the exclusive representative; and

82.27 (4) any vendor contracted to provide a service for purposes of the meeting. Meetings
 82.28 may be held virtually or for longer than 30 minutes only by mutual agreement of the public
 82.29 employer and exclusive representative.

82.30 ~~(b)~~ (c) A public employer must allow an exclusive representative to communicate with
 82.31 bargaining unit members using their employer-issued email addresses regarding by email
 82.32 on:

83.1 (1) collective bargaining;

83.2 (2) the administration of collective bargaining agreements;

83.3 (3) the investigation of grievances; and other workplace-related complaints and issues;
 83.4 and

83.5 (4) internal matters involving the governance or business of the exclusive representative;
 83.6 consistent with the employer's generally applicable technology use policies.

83.7 (d) An exclusive representative may communicate with bargaining unit members under
 83.8 paragraph (c) via the members' employer-issued email addresses, but the communication
 83.9 must be consistent with the employer's generally applicable technology use policies.

83.10 ~~(e)~~ (e) A public employer must allow an exclusive representative to meet with bargaining
 83.11 unit members in facilities owned or leased by the public employer regarding to communicate
 83.12 on:

83.13 (1) collective bargaining;

83.14 (2) the administration of collective bargaining agreements;

83.15 (3) the investigation of grievances and other workplace-related complaints and issues;
 83.16 and

83.17 (4) internal matters involving the governance or business of the exclusive representative;
 83.18 provided the use does not interfere with governmental operations and the exclusive
 83.19 representative complies with worksite security protocols established by the public employer.

83.20 (f) The following applies for a meeting under paragraph (e):

83.21 (1) a meeting cannot interfere with government operations;

83.22 (2) the exclusive representative must comply with employer-established worksite security
 83.23 protocols;

83.24 Meetings conducted (3) a meeting in a government buildings pursuant to this paragraph
 83.25 must not building cannot be for the purpose of supporting or opposing any candidate for

160.19 (3) any vendor contracted to provide a service for purposes of the meeting. Meetings
 160.20 may be held virtually or for longer than 30 minutes; and

160.21 (4) the public employer or its designee, who may attend only by mutual agreement of
 160.22 the public employer and exclusive representative.

160.23 ~~(b)~~ (c) A public employer must allow an exclusive representative to communicate with
 160.24 bargaining unit members using their employer-issued email addresses regarding by email
 160.25 on:

160.26 (1) collective bargaining;

160.27 (2) the administration of collective bargaining agreements;

160.28 (3) the investigation of grievances; and other workplace-related complaints and issues;
 160.29 and

160.30 (4) internal matters involving the governance or business of the exclusive representative;
 160.31 consistent with the employer's generally applicable technology use policies.

161.1 (d) An exclusive representative may communicate with bargaining unit members under
 161.2 paragraph (c) via the members' employer-issued email addresses, but the communication
 161.3 must be consistent with the employer's generally applicable technology use policies.

161.4 ~~(e)~~ (e) A public employer must allow an exclusive representative to meet with bargaining
 161.5 unit members in facilities owned or leased by the public employer regarding to communicate
 161.6 on:

161.7 (1) collective bargaining;

161.8 (2) the administration of collective bargaining agreements;

161.9 (3) the investigation of grievances and other workplace-related complaints and issues;
 161.10 and

161.11 (4) internal matters involving the governance or business of the exclusive representative;
 161.12 provided the use does not interfere with governmental operations and the exclusive
 161.13 representative complies with worksite security protocols established by the public employer.
 161.14 Meetings conducted.

161.15 (f) The following applies for a meeting under paragraph (e):

161.16 (1) a meeting cannot interfere with government operations;

161.17 (2) the exclusive representative must comply with employer-established worksite security
 161.18 protocols;

161.19 (3) a meeting in a government buildings pursuant to this paragraph must not building
 161.20 cannot be for the purpose of supporting or opposing any candidate for partisan political

83.26 partisan political office or for ~~the purpose of distributing literature or information regarding~~
83.27 on partisan elections; and
83.28 (4) an exclusive representative conducting a meeting in a government building or other
83.29 government facility ~~pursuant to this subdivision~~ may be charged for maintenance, security,
83.30 and other costs related to ~~the use of~~ using the government building or facility that would
83.31 not otherwise be incurred by the government entity.

84.1 Sec. 5. Minnesota Statutes 2023 Supplement, section 179A.10, subdivision 2, is amended
84.2 to read:

84.3 Subd. 2. **State employees.** (a) Unclassified employees, unless otherwise excluded, are
84.4 included within the units ~~which that~~ include the classifications to which they are assigned
84.5 for purposes of compensation. Supervisory employees ~~shall only can~~ be assigned only to
84.6 units unit 12 and or 16. The following units are the appropriate units of executive branch
84.7 state employees:

- 84.8 (1) law enforcement unit;
- 84.9 (2) craft, maintenance, and labor unit;
- 84.10 (3) service unit;
- 84.11 (4) health care nonprofessional unit;
- 84.12 (5) health care professional unit;
- 84.13 (6) clerical and office unit;
- 84.14 (7) technical unit;
- 84.15 (8) correctional guards unit;
- 84.16 (9) state university instructional unit;
- 84.17 (10) state college instructional unit;

161.21 office or for ~~the purpose of distributing literature or information regarding~~ on partisan
161.22 elections; and

161.23 (4) an exclusive representative conducting a meeting in a government building or other
161.24 government facility ~~pursuant to this subdivision~~ may be charged for maintenance, security,
161.25 and other costs related to ~~the use of~~ using the government building or facility that would
161.26 not otherwise be incurred by the government entity.

161.27 Sec. 9. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision to
161.28 read:

161.29 Subd. 4. **Unit mergers.** Upon the request of an exclusive representative for bargaining
161.30 units other than those defined in section 179A.10, subdivision 2, the commissioner must
161.31 designate as a single unit two bargaining units represented by the exclusive representative,
161.32 subject to subdivision 2 as well as any other statutory bargaining unit designation.

162.1 Sec. 10. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision
162.2 to read:

162.3 Subd. 5. **Position classifications.** For the purpose of determining whether a new position
162.4 should be included in an existing bargaining unit, the position shall be analyzed with respect
162.5 to its assigned duties, without regard to title or telework status.

162.6 Sec. 11. Minnesota Statutes 2023 Supplement, section 179A.10, subdivision 2, is amended
162.7 to read:

162.8 Subd. 2. **State employees.** (a) Unclassified employees, unless otherwise excluded, are
162.9 included within the units ~~which that~~ include the classifications to which they are assigned
162.10 for purposes of compensation. Supervisory employees ~~shall only can~~ be assigned only to
162.11 units unit 12 and or 16. The following units are the appropriate units of executive branch
162.12 state employees:

- 162.13 (1) law enforcement unit;
- 162.14 (2) craft, maintenance, and labor unit;
- 162.15 (3) service unit;
- 162.16 (4) health care nonprofessional unit;
- 162.17 (5) health care professional unit;
- 162.18 (6) clerical and office unit;
- 162.19 (7) technical unit;
- 162.20 (8) correctional guards unit;
- 162.21 (9) state university instructional unit;
- 162.22 (10) state college instructional unit;

84.18 (11) state university administrative unit;
84.19 (12) professional engineering unit;
84.20 (13) health treatment unit;
84.21 (14) general professional unit;
84.22 (15) professional state residential instructional unit;
84.23 (16) supervisory employees unit;
84.24 (17) public safety radio communications operator unit;
84.25 (18) licensed peace officer special unit; and
84.26 (19) licensed peace officer leader unit.
84.27 ~~Each unit consists of the classifications or positions assigned to it in the schedule of~~
84.28 ~~state employee job classification and positions maintained by the commissioner. The~~
85.1 ~~commissioner may only make changes in the schedule in existence on the day prior to~~
85.2 ~~August 1, 1984, as required by law or as provided in subdivision 4.~~
85.3 (b) The following positions are included in the licensed peace officer special unit:
85.4 (1) State Patrol lieutenant;
85.5 (2) NR district supervisor - enforcement;
85.6 (3) assistant special agent in charge;
85.7 (4) corrections investigation assistant director 2;
85.8 (5) corrections investigation supervisor; and
85.9 (6) commerce supervisor special agent.
85.10 (c) The following positions are included in the licensed peace officer leader unit:
85.11 (1) State Patrol captain;
85.12 (2) NR program manager 2 enforcement; and
85.13 (3) special agent in charge.
85.14 (d) Each unit consists of the classifications or positions assigned to it in the schedule of
85.15 state employee job classification and positions maintained by the commissioner. The
85.16 commissioner may make changes in the schedule in existence on the day before August 1,
85.17 1984, only;
85.18 (1) as required by law; or

162.23 (11) state university administrative unit;
162.24 (12) professional engineering unit;
162.25 (13) health treatment unit;
162.26 (14) general professional unit;
162.27 (15) professional state residential instructional unit;
162.28 (16) supervisory employees unit;
162.29 (17) public safety radio communications operator unit;
163.1 (18) licensed peace officer special unit; and
163.2 (19) licensed peace officer leader unit.
163.3 ~~Each unit consists of the classifications or positions assigned to it in the schedule of~~
163.4 ~~state employee job classification and positions maintained by the commissioner. The~~
163.5 ~~commissioner may only make changes in the schedule in existence on the day prior to~~
163.6 ~~August 1, 1984, as required by law or as provided in subdivision 4.~~
163.7 (b) The following positions are included in the licensed peace officer special unit:
163.8 (1) State Patrol lieutenant;
163.9 (2) NR district supervisor - enforcement;
163.10 (3) assistant special agent in charge;
163.11 (4) corrections investigation assistant director 2;
163.12 (5) corrections investigation supervisor; and
163.13 (6) commerce supervisor special agent.
163.14 (c) The following positions are included in the licensed peace officer leader unit:
163.15 (1) State Patrol captain;
163.16 (2) NR program manager 2 enforcement; and
163.17 (3) special agent in charge.
163.18 (d) Each unit consists of the classifications or positions assigned to it in the schedule of
163.19 state employee job classification and positions maintained by the commissioner. The
163.20 commissioner may make changes in the schedule in existence on the day before August 1,
163.21 1984, only;
163.22 (1) as required by law; or

85.19 (2) as provided in subdivision 4.

85.20 Sec. 6. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 2a, is amended
85.21 to read:

85.22 Subd. 2a. **Majority verification procedure.** (a) ~~Notwithstanding any other provision~~
85.23 ~~of this section,~~ An employee organization may file a petition with the commissioner
85.24 requesting certification as the exclusive representative of ~~an~~ a proposed appropriate unit
85.25 ~~based on a verification that for which there is no currently certified exclusive representative.~~
85.26 The petition must verify that over 50 percent of the employees in the proposed appropriate
85.27 unit wish to be represented by the petitioner organization. ~~The commissioner shall require~~
85.28 ~~dated representation authorization signatures of affected employees as verification of the~~
85.29 ~~employee organization's claim of majority status.~~

86.1 (b) ~~Upon receipt of an employee organization's petition, accompanied by employee~~
86.2 ~~authorization signatures under this subdivision, the commissioner shall investigate the~~
86.3 ~~petition.~~ If the commissioner determines that over 50 percent of the employees in ~~an~~ the
86.4 appropriate unit have provided authorization signatures designating the petitioning employee
86.5 organization ~~specified in the petition~~ as their exclusive representative, the commissioner
86.6 ~~shall not order an election but shall~~ must certify the employee organization as the employees'
86.7 exclusive representative without ordering an election under this section.

86.8 Sec. 7. Minnesota Statutes 2022, section 179A.12, subdivision 5, is amended to read:

86.9 Subd. 5. **Commissioner to investigate.** ~~The commissioner shall,~~ Upon receipt of an
86.10 ~~employee organization's receiving a petition to the commissioner~~ under subdivision 3 1a
86.11 or 2a, the commissioner must:

86.12 (1) investigate to determine if sufficient evidence of a question of representation exists;
86.13 and

86.14 (2) hold hearings necessary to determine the appropriate unit and other matters necessary
86.15 to determine the representation rights of the affected employees and employer.

86.16 Sec. 8. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 6, is amended
86.17 to read:

86.18 Subd. 6. **Authorization signatures.** ~~In~~ (a) When determining the numerical status of
86.19 an employee organization for purposes of this section, the commissioner ~~shall~~ must require
86.20 a dated representation authorization ~~signatures of affected employees~~ signature of each
86.21 ~~affected employee~~ as verification of the statements contained in the ~~joint request or petitions~~
86.22 petition. ~~These~~

86.23 (b) An authorization signatures shall be signature is privileged and confidential
86.24 information available to the commissioner only. ~~An electronic signatures signature,~~ as
86.25 defined in section 325L.02, paragraph (h), ~~shall be is~~ valid as an authorization signatures
86.26 signature.

163.23 (2) as provided in subdivision 4.

163.24 Sec. 12. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 2a, is amended
163.25 to read:

163.26 Subd. 2a. **Majority verification procedure.** (a) ~~Notwithstanding any other provision~~
163.27 ~~of this section,~~ An employee organization may file a petition with the commissioner
163.28 requesting certification as the exclusive representative of ~~an~~ a proposed appropriate unit
163.29 ~~based on a verification that for which there is no currently certified exclusive representative.~~
163.30 The petition must include over 50 percent of the employees in the proposed appropriate
164.1 unit who wish to be represented by the petitioner organization. ~~The commissioner shall~~
164.2 ~~require dated representation authorization signatures of affected employees as verification~~
164.3 ~~of the employee organization's claim of majority status.~~

164.4 (b) ~~Upon receipt of an employee organization's petition, accompanied by employee~~
164.5 ~~authorization signatures under this subdivision, the commissioner shall investigate the~~
164.6 ~~petition.~~ If the commissioner determines that over 50 percent of the employees in ~~an~~ the
164.7 appropriate unit have provided authorization signatures designating the petitioning employee
164.8 organization ~~specified in the petition~~ as their exclusive representative, the commissioner
164.9 ~~shall not order an election but shall~~ must certify the employee organization as the employees'
164.10 exclusive representative without ordering an election under this section.

164.11 Sec. 13. Minnesota Statutes 2022, section 179A.12, subdivision 5, is amended to read:

164.12 Subd. 5. **Commissioner to investigate.** ~~The commissioner shall,~~ Upon receipt of an
164.13 ~~employee organization's receiving a petition to the commissioner~~ under subdivision 3 1a
164.14 or 2a, the commissioner must:

164.15 (1) investigate to determine if sufficient evidence of a question of representation exists;
164.16 and

164.17 (2) hold hearings necessary to determine the appropriate unit and other matters necessary
164.18 to determine the representation rights of the affected employees and employer.

164.19 Sec. 14. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 6, is amended
164.20 to read:

164.21 Subd. 6. **Authorization signatures.** ~~In~~ (a) When determining the numerical status of
164.22 an employee organization for purposes of this section, the commissioner ~~shall~~ must require
164.23 a dated representation authorization ~~signatures of affected employees~~ signature of each
164.24 ~~affected employee~~ as verification of the statements contained in the ~~joint request or petitions~~
164.25 petition. ~~These~~

164.26 (b) An authorization signatures shall be signature is privileged and confidential
164.27 information available to the commissioner only. ~~An electronic signatures signature,~~ as
164.28 defined in section 325L.02, paragraph (h), ~~shall be is~~ valid as an authorization signatures
164.29 signature.

86.27 (c) ~~An authorization signatures shall be signature is valid for a period of one year~~
86.28 following the signature date of signature.

87.1 Sec. 9. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 11, is amended
87.2 to read:

87.3 Subd. 11. **Unfair labor practices.** The commissioner may void the result of an election
87.4 or majority verification procedure and order a new election or procedure if the commissioner
87.5 finds ~~that one of the following~~:

87.6 (1) there was an unfair labor practice that:

87.7 (i) was committed by an employer or, a representative candidate or, an employee, or a
87.8 group of employees; and that the unfair labor practice

87.9 (ii) affected the result of an the election or the majority verification procedure pursuant
87.10 to subdivision 2a; or that

87.11 (2) procedural or other irregularities in the conduct of the election or majority verification
87.12 procedure may have substantially affected its the results, the commissioner may void the
87.13 result and order a new election or majority verification procedure.

164.30 (c) ~~An authorization signatures shall be signature is valid for a period of one year~~
164.31 following the signature date of signature.

165.1 Sec. 15. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 11, is amended
165.2 to read:

165.3 Subd. 11. **Unfair labor practices.** The commissioner may void the result of an election
165.4 or majority verification procedure and order a new election or procedure if the commissioner
165.5 finds ~~that one of the following~~:

165.6 (1) there was an unfair labor practice that:

165.7 (i) was committed by an employer or, a representative candidate or, an employee, or a
165.8 group of employees; and that the unfair labor practice

165.9 (ii) affected the result of an the election or the majority verification procedure pursuant
165.10 to subdivision 2a; or that

165.11 (2) procedural or other irregularities in the conduct of the election or majority verification
165.12 procedure may have substantially affected its the results, the commissioner may void the
165.13 result and order a new election or majority verification procedure.

165.14 Sec. 16. Minnesota Statutes 2022, section 179A.13, subdivision 1, is amended to read:

165.15 Subdivision 1. **Actions.** (a) The practices specified in this section are unfair labor
165.16 practices. Any employee, employer, employee or employer organization, exclusive
165.17 representative, or any other person or organization aggrieved by an unfair labor practice as
165.18 defined in this section may file an unfair labor practice charge with the board.

165.19 (b) Whenever it is charged that any party has engaged in or is engaging in any unfair
165.20 labor practice, an investigator designated by the board shall promptly conduct an investigation
165.21 of the charge. Unless after the investigation the board finds that the charge has no reasonable
165.22 basis in law or fact, the board shall promptly issue a complaint and cause to be served upon
165.23 the party a complaint stating the charges, accompanied by a notice of hearing before a
165.24 qualified hearing officer designated by the board at the offices of the bureau or other location
165.25 as the board deems appropriate, not less than five days nor more than 20 days more than
165.26 30 days after serving the complaint absent mutual agreement of the parties, provided that
165.27 no complaint shall be issued based upon any unfair labor practice occurring more than six
165.28 months prior to the filing of a charge. A complaint issued under this subdivision may be
165.29 amended by the board at any time prior to the issuance of an order based thereon. The party
165.30 who is the subject of the complaint has the right to file an answer to the original or amended
165.31 complaint prior to hearing and to appear in person or by a representative and give testimony
165.32 at the place and time fixed in the complaint. In the discretion of the hearing officer conducting
165.33 the hearing or the board, any other party may be allowed to intervene in the proceeding and
166.1 to present testimony. The board or designated hearing officers shall not be bound by the
166.2 rules of evidence applicable to courts, except as to the rules of privilege recognized by law.

166.3 (c) Designated investigators must conduct the investigation of charges.

166.4 (d) Hearing officers must be licensed to practice law in the state of Minnesota have a
166.5 juris doctor and must conduct the hearings and issue recommended decisions and orders.

166.6 (e) The board or its designees shall have the power to issue subpoenas and administer
166.7 oaths. If any party willfully fails or neglects to appear or testify or to produce books, papers,
166.8 and records pursuant to the issuance of a subpoena, the board may apply to a court of
166.9 competent jurisdiction to request that the party be ordered to appear to testify or produce
166.10 the requested evidence.

166.11 (f) A full and complete record shall be kept of all proceedings before the board or
166.12 designated hearing officer and shall be transcribed by a reporter appointed by the board.

166.13 (g) The party on whom the burden of proof rests shall be required to sustain the burden
166.14 by a preponderance of the evidence.

166.15 (h) At any time prior to the close of a hearing, the parties may by mutual agreement
166.16 request referral to mediation, at which time the commissioner shall appoint a mediator, and
166.17 the hearing shall be suspended pending the results of the mediation.

166.18 (i) If, upon a preponderance of the evidence taken, the hearing officer determines that
166.19 any party named in the charge has engaged in or is engaging in an unfair labor practice,
166.20 then a recommended decision and order shall be issued stating findings of fact and
166.21 conclusions, and requiring the party to cease and desist from the unfair labor practice, to
166.22 post a cease-and-desist notice in the workplace, and ordering any appropriate relief to
166.23 effectuate the policies of this section, including but not limited to reinstatement, back pay,
166.24 and any other remedies that make a charging party whole. If back pay is awarded, the award
166.25 must include interest at the rate of seven percent per annum. The order further may require
166.26 the party to make reports from time to time, and demonstrate the extent to which the party
166.27 has complied with the order.

166.28 (j) If there is no preponderance of evidence that the party named in the charge has
166.29 engaged in or is engaging in the unfair labor practice, then the hearing officer shall issue a
166.30 recommended decision and order stating findings of fact and dismissing the complaint.

166.31 (k) Parties may file exceptions to the hearing officer's recommended decision and order
166.32 with the board no later than 30 days after service of the recommended decision and order.
166.33 The board shall review the recommended decision and order upon timely filing of exceptions
167.1 or upon its own motion. If no timely exceptions have been filed, the parties must be deemed
167.2 to have waived their exceptions. Unless the board reviews the recommended decision and
167.3 order upon its own motion, it must not be legal precedent and must be final and binding
167.4 only on the parties to the proceeding as issued in an order issued by the board. If the board
167.5 does review the recommended decision and order, the board may adopt all, part, or none of
167.6 the recommended decision and order, depending on the extent to which it is consistent with
167.7 the record and applicable laws. The board shall issue and serve on all parties its decision
167.8 and order. The board shall retain jurisdiction over the case to ensure the parties' compliance

167.9 with the board's order. Unless overturned by the board, the parties must comply with the
167.10 recommended decision and order.

167.11 (l) Until the record has been filed in the court of appeals or district court, the board at
167.12 any time, upon reasonable notice and in a manner it deems appropriate, may modify or set
167.13 aside, in whole or in part, any finding or order made or issued by it.

167.14 (m) Upon a final order that an unfair labor practice has been committed, the board or
167.15 the charging party may petition the district court for the enforcement of the order and for
167.16 appropriate temporary relief or a restraining order. When the board petitions the court, the
167.17 charging party may intervene as a matter of right.

167.18 (n) Whenever it appears that any party has violated a final order of the board issued
167.19 pursuant to this section, the board must petition the district court for an order directing the
167.20 party and its officers, agents, servants, successors, and assigns to comply with the order of
167.21 the board. The board shall be represented in this action by its general counsel, who has been
167.22 appointed by the board. The court may grant or refuse, in whole or in part, the relief sought,
167.23 provided that the court also may stay an order of the board pending disposition of the
167.24 proceedings. The court may punish a violation of its order as in civil contempt.

167.25 (o) The board shall have power, upon issuance of an unfair labor practice complaint
167.26 alleging that a party has engaged in or is engaging in an unfair labor practice, to petition
167.27 the district court for appropriate temporary relief or a restraining order. Upon the filing of
167.28 any such petition, the court shall cause notice thereof to be served upon such parties, and
167.29 thereupon shall have jurisdiction to grant to the board or commissioner temporary relief or
167.30 a restraining order as it deems appropriate. Nothing in this paragraph precludes a charging
167.31 party from seeking injunctive relief in district court after filing the unfair labor practice
167.32 charge.

167.33 (p) The proceedings in paragraphs (m), (n), and (o) shall be commenced in the district
167.34 court for the county in which the unfair labor practice which is the subject of the order or
168.1 administrative complaint was committed, or where a party alleged to have committed the
168.2 unfair labor practice resides or transacts business.

168.3 Sec. 17. Minnesota Statutes 2022, section 179A.13, subdivision 2, is amended to read:

168.4 Subd. 2. **Employers.** Public employers, their agents and representatives are prohibited
168.5 from:

168.6 (1) interfering, restraining, or coercing employees in the exercise of the rights guaranteed
168.7 in sections 179A.01 to 179A.25;

168.8 (2) dominating or interfering with the formation, existence, or administration of any
168.9 employee organization or contributing other support to it;

168.10 (3) discriminating in regard to hire or tenure to encourage or discourage membership in
168.11 an employee organization;

- 168.12 (4) discharging or otherwise discriminating against an employee because the employee
168.13 has signed or filed an affidavit, petition, or complaint or given information or testimony
168.14 under sections 179A.01 to 179A.25;
- 168.15 (5) refusing to meet and negotiate in good faith with the exclusive representative of its
168.16 employees in an appropriate unit;
- 168.17 (6) refusing to comply with grievance procedures contained in an agreement;
- 168.18 (7) distributing or circulating a blacklist of individuals exercising a legal right or of
168.19 members of a labor organization for the purpose of preventing blacklisted individuals from
168.20 obtaining or retaining employment;
- 168.21 (8) violating rules established by the commissioner regulating the conduct of
168.22 representation elections;
- 168.23 (9) refusing to comply with a valid decision of a binding arbitration panel or arbitrator;
- 168.24 (10) violating or refusing to comply with any lawful order or decision issued by the
168.25 commissioner or the board;
- 168.26 (11) refusing to provide, upon the request of the exclusive representative, all information
168.27 pertaining to the public employer's budget both present and proposed, revenues, and other
168.28 financing information provided that in the executive branch of state government this clause
168.29 may not be considered contrary to the budgetary requirements of sections 16A.10 and
168.30 16A.11; ~~or~~
- 169.1 (12) granting or offering to grant the status of permanent replacement employee to a
169.2 person for performing bargaining unit work for the employer during a lockout of employees
169.3 in an employee organization or during a strike authorized by an employee organization that
169.4 is an exclusive representative;
- 169.5 (13) failing or refusing to provide information that is relevant to enforcement or
169.6 negotiation of a contract within a reasonable time from receiving a request by an exclusive
169.7 representative, not to exceed ten days for information relevant to contract enforcement or
169.8 30 days for information relevant to contract negotiation absent mutual agreement by the
169.9 parties; or
- 169.10 (14) refusing to reassign a position after the commissioner has determined the position
169.11 was not placed into the correct bargaining unit.
- 169.12 Sec. 18. Minnesota Statutes 2022, section 179A.40, subdivision 1, is amended to read:
- 169.13 Subdivision 1. **Units.** The following are the appropriate employee units of the Hennepin
169.14 Healthcare System, Inc. All units shall exclude supervisors, managerial employees, and
169.15 confidential employees. No additional units of Hennepin Healthcare System, Inc., shall be
169.16 eligible to be certified for the purpose of meeting and negotiating with an exclusive
169.17 representative. The units include all:

House Language H5242-3	Labor	May 08, 2024 08:59 AM	Senate Language UEH5242-1
		<div> <div>169.18</div> <div>(1) registered nurses;</div> </div> <div> <div>169.19</div> <div>(2) physicians <u>except those employed as interns, residents, or fellows;</u></div> </div> <div> <div>169.20</div> <div>(3) professionals <u>except for registered nurses and physicians;</u></div> </div> <div> <div>169.21</div> <div>(4) technical and paraprofessional employees;</div> </div> <div> <div>169.22</div> <div>(5) carpenters, electricians, painters, and plumbers;</div> </div> <div> <div>169.23</div> <div>(6) health general service employees;</div> </div> <div> <div>169.24</div> <div>(7) interpreters;</div> </div> <div> <div>169.25</div> <div>(8) emergency medical technicians/emergency medical dispatchers (EMT/EMD), and</div> </div> <div> <div>169.26</div> <div><u>paramedics;</u></div> </div> <div> <div>169.27</div> <div>(9) bioelectronics specialists, bioelectronics technicians, and electronics technicians;</div> </div> <div> <div>169.28</div> <div>(10) skilled maintenance employees; and</div> </div> <div> <div>169.29</div> <div>(11) clerical employees-; <u>and</u></div> </div> <div> <div>169.30</div> <div>(12) physicians employed as interns, residents, and fellows.</div> </div> <div> <div>170.1</div> <div>Sec. 19. <u>Minnesota Statutes 2022, section 179A.54, subdivision 5, is amended to read:</u></div> </div> <div> <div>170.2</div> <div>Subd. 5. Legislative action on Collective bargaining agreements. Any agreement</div> </div> <div> <div>170.3</div> <div>reached between the state and the exclusive representative of individual providers under</div> </div> <div> <div>170.4</div> <div>chapter 179A shall be submitted to the legislature to be accepted or rejected in accordance</div> </div> <div> <div>170.5</div> <div>with sections 3.855 and 179A.22 The commissioner of management and budget is authorized</div> </div> <div> <div>170.6</div> <div>to enter into and implement agreements, including interest arbitration decisions, with the</div> </div> <div> <div>170.7</div> <div>exclusive representative of individual providers as provided in section 179A.22, subdivision</div> </div> <div> <div>170.8</div> <div>4, except for terms and conditions requiring appropriations, changes to state law, or approval</div> </div> <div> <div>170.9</div> <div>from the federal government which shall be contingent upon and executed following receipt</div> </div> <div> <div>170.10</div> <div>of appropriations and state and federal approval.</div> </div> <div> <div>170.11</div> <div>Sec. 20. <u>RULEMAKING.</u></div> </div> <div> <div>170.12</div> <div>The commissioner <u>of the Bureau of Mediation Services</u> must adopt rules on petitions</div> </div> <div> <div>170.13</div> <div>for majority verification, including technical changes needed for consistency with Minnesota</div> </div> <div> <div>170.14</div> <div>Statutes, section 179A.12, and the commissioner may use the expedited rulemaking process</div> </div> <div> <div>170.15</div> <div><u>under Minnesota Statutes, section 14.389.</u></div> </div> <div> <div>170.16</div> <div>Sec. 21. <u>REVISOR INSTRUCTION.</u></div> </div> <div> <div>170.17</div> <div>The revisor of statutes must renumber Minnesota Statutes, section 179A.12, subdivision</div> </div> <div> <div>170.18</div> <div><u>3, as Minnesota Statutes, section 179A.12, subdivision 1a.</u></div> </div>	<div>87.14</div> <div>Sec. 10. <u>RULEMAKING.</u></div> <div>87.15</div> <div>The commissioner must adopt rules on petitions for majority verification, including</div> <div>87.16</div> <div>technical changes needed for consistency with Minnesota Statutes, section 179A.12, and</div> <div>87.17</div> <div>the commissioner may use the expedited rulemaking process under Minnesota Statutes,</div> <div>87.18</div> <div><u>section 14.389.</u></div> <div>87.19</div> <div>Sec. 11. <u>REVISOR INSTRUCTION.</u></div> <div>87.20</div> <div>The revisor of statutes must renumber Minnesota Statutes, section 179A.12, subdivision</div> <div>87.21</div> <div><u>3, as Minnesota Statutes, section 179A.12, subdivision 1a.</u></div>

87.22

ARTICLE 8

87.23

MISCELLANEOUS LABOR PROVISIONS

87.24 Section 1. Minnesota Statutes 2023 Supplement, section 116J.871, subdivision 1, **as**
87.25 **amended by Laws 2024, chapter 85, section 15,** is amended to read:

87.26 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
87.27 the meanings given them.

87.28 (b) "Economic development" means financial assistance provided to a person directly
87.29 or to a local unit of government or nonprofit organization on behalf of a person who is
87.30 engaged in the manufacture or sale of goods and services. Economic development does not
88.1 include (1) financial assistance for rehabilitation of existing housing; (2) financial assistance
88.2 for new housing construction in which total financial assistance at a single project site is
88.3 less than \$100,000; or (3) financial assistance for the new construction of fully detached
88.4 single-family affordable homeownership units for which the financial assistance covers no
88.5 more than ten fully detached single-family affordable homeownership units. For purposes
88.6 of this paragraph, "affordable homeownership" means housing targeted at households with
88.7 incomes, at initial occupancy, at or below 115 percent of the state or area median income,
88.8 whichever is greater, as determined by the United States Department of Housing and Urban
88.9 Development.

88.10 (c) "Financial assistance" means (1) a grant awarded by a state agency for economic
88.11 development related purposes if a single business receives \$200,000 or more of the grant
88.12 proceeds; (2) a loan or the guaranty or purchase of a loan made by a state agency for
88.13 economic development related purposes if a single business receives \$500,000 or more of
88.14 the loan proceeds; ~~or~~ (3) a reduction, credit, or abatement of a tax assessed under chapter
88.15 297A where the tax reduction, credit, or abatement applies to a geographic area smaller
88.16 than the entire state and was granted for economic development related purposes; **(4) tax**
88.17 **increment financing pursuant to section 469.174, provided that such tax increment financing**
88.18 **(i) provides financial assistance to a development that consists, in part or in whole, of 25**
88.19 **units or more of multifamily housing, or (ii) provides \$100,000 or more of financial assistance**
88.20 **to a development; or (5) allocations of low-income housing credits by all suballocators as**
88.21 **defined under section 462A.222, for which tax credits are used for multifamily housing**
88.22 **projects consisting of more than ten units.** Financial assistance does not include payments
88.23 by the state of aids and credits under chapter 273 or 477A to a political subdivision.

88.24 (d) "Project site" means the location where improvements are made that are financed in
88.25 whole or in part by the financial assistance; or the location of employees that receive financial
88.26 assistance in the form of employment and training services as defined in section 116L.19,
88.27 subdivision 4, or customized training from a technical college.

88.28 (e) "State agency" means any agency defined under section 16B.01, subdivision 2,
88.29 Enterprise Minnesota, Inc., and the **Department of** Iron Range Resources and Rehabilitation.

184.9

ARTICLE 8

184.10

MISCELLANEOUS LABOR PROVISIONS

184.11 Section 1. Minnesota Statutes 2023 Supplement, section 116J.871, subdivision 1, is
184.12 amended to read:

184.13 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
184.14 the meanings given them.

184.15 (b) "Economic development" means financial assistance provided to a person directly
184.16 or to a local unit of government or nonprofit organization on behalf of a person who is
184.17 engaged in the manufacture or sale of goods and services. Economic development does not
184.18 include (1) financial assistance for rehabilitation of existing housing; (2) financial assistance
184.19 for new housing construction in which total financial assistance at a single project site is
184.20 less than \$100,000; or (3) financial assistance for the new construction of fully detached
184.21 single-family affordable homeownership units for which the financial assistance covers no
184.22 more than ten fully detached single-family affordable homeownership units. For purposes
184.23 of this paragraph, "affordable homeownership" means housing targeted at households with
184.24 incomes, at initial occupancy, at or below 115 percent of the state or area median income,
184.25 whichever is greater, as determined by the United States Department of Housing and Urban
184.26 Development.

184.27 (c) "Financial assistance" means (1) a grant awarded by a state agency for economic
184.28 development related purposes if a single business receives \$200,000 or more of the grant
184.29 proceeds; (2) a loan or the guaranty or purchase of a loan made by a state agency for
184.30 economic development related purposes if a single business receives \$500,000 or more of
184.31 the loan proceeds; ~~or~~ (3) a reduction, credit, or abatement of a tax assessed under chapter
184.32 297A where the tax reduction, credit, or abatement applies to a geographic area smaller
184.33 than the entire state and was granted for economic development related purposes; **or (4)**
185.1 **allocations of low-income housing credits by all suballocators as defined under section**
185.2 **462A.222, for which tax credits are used for multifamily housing projects consisting of**
185.3 **more than ten units.** Financial assistance does not include payments by the state of aids and
185.4 credits under chapter 273 or 477A to a political subdivision.

185.5 (d) "Project site" means the location where improvements are made that are financed in
185.6 whole or in part by the financial assistance; or the location of employees that receive financial
185.7 assistance in the form of employment and training services as defined in section 116L.19,
185.8 subdivision 4, or customized training from a technical college.

185.9 (e) "State agency" means any agency defined under section 16B.01, subdivision 2,
185.10 Enterprise Minnesota, Inc., and the Iron Range Resources and Rehabilitation **Board.**

88.30 **EFFECTIVE DATE.** This section is effective for financial assistance provided after
88.31 August 1, 2024, and applies only to tax increment financing districts for which the request
88.32 for certification was made on or after August 1, 2024.

89.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 177.42, subdivision 2, is amended
89.2 to read:

89.3 Subd. 2. **Project.** "Project" means demolition, erection, construction, alteration,
89.4 improvement, restoration, remodeling, or repairing of a public building, structure, facility,
89.5 land, or other public work, which includes any work suitable for and intended for use by
89.6 the public, or for the public benefit, financed in whole or part by state funds. Project also
89.7 includes demolition, erection, construction, alteration, improvement, restoration, remodeling,
89.8 or repairing of a building, structure, facility, land, or public work when:

89.9 (1) the acquisition of property, predesign, design, or demolition is financed in whole or
89.10 part by state funds; or

89.11 (2) the project is owned by a city, county, or school district and the materials and supplies
89.12 used or consumed in and equipment incorporated into the construction, reconstruction,
89.13 upgrade, expansion, renovation, or remodeling of the project qualify for an exemption from
89.14 sales and use tax under chapter 297A or special law.

89.15 Sec. 3. Minnesota Statutes 2022, section 181.960, subdivision 3, is amended to read:

89.16 Subd. 3. **Employer.** "Employer" means a person who has ~~20~~ one or more employees.
89.17 Employer does not include a state agency, statewide system, political subdivision, or advisory
89.18 board or commission that is subject to chapter 13.

185.11 **EFFECTIVE DATE.** This section is effective for financial assistance provided after
185.12 August 1, 2024, except Minnesota Statutes, section 462A.051, subdivision 2, does not apply
185.13 for requests for proposals that were initiated prior to August 1, 2024.

187.1 Sec. 3. Minnesota Statutes 2022, section 181.960, subdivision 3, is amended to read:

187.2 Subd. 3. **Employer.** "Employer" means a person who has ~~20~~ one or more employees.
187.3 Employer does not include a state agency, statewide system, political subdivision, or advisory
187.4 board or commission that is subject to chapter 13.

190.26 Sec. 9. **[462A.051] WAGE THEFT PREVENTION AND USE OF RESPONSIBLE**
190.27 **CONTRACTORS.**

190.28 Subdivision 1. **Application.** This section applies to all forms of financial assistance
190.29 provided by the Minnesota Housing Finance Agency, as well as the allocation of federal
190.30 low-income housing credits, for the development, construction, rehabilitation, renovation,
190.31 or retrofitting of multiunit residential housing, including loans, grants, tax credits, loan
190.32 guarantees, loan insurance, and other financial assistance.

191.1 Subd. 2. **Disclosures.** An applicant for financial assistance under this chapter shall
191.2 disclose in the application any conviction, court judgment, agency determination, legal
191.3 settlement, ongoing criminal or civil investigation, or lawsuit involving alleged violations
191.4 of sections 177.24, 177.25, 177.32, 177.41 to 177.44, 181.03, 181.101, 181.13, 181.14,
191.5 181.722, 181.723, 181A.01 to 181A.12, or 609.52, subdivision 2, paragraph (a), clause (19),
191.6 or United States Code, title 29, sections 201 to 219, or title 40, sections 3141 to 3148, arising
191.7 or occurring within the preceding five years on a construction project owned or managed
191.8 by the developer or owner of the proposed project, the intended general contractor for the
191.9 proposed project, or any of their respective parent companies, subsidiaries, or other affiliated
191.10 companies. An applicant for financial assistance shall make the disclosures required by this

191.11 subdivision available within 14 calendar days to any member of the public who submits a
 191.12 request by mail or electronic correspondence. The applicant shall designate a public
 191.13 information officer who will serve as a point of contact for public inquiries.

191.14 Subd. 3. **Responsible contractors required.** As a condition of receiving financial
 191.15 assistance, the applicant shall verify that every contractor or subcontractor of any tier
 191.16 performing work on the proposed project meets the minimum criteria to be a responsible
 191.17 contractor under section 16C.285, subdivision 3. This verification must meet the criteria
 191.18 defined in section 16C.285, subdivision 4.

191.19 Subd. 4. **Certified contractor lists.** As a condition of receiving financial assistance, the
 191.20 applicant shall have available at the development site main office, a list of every contractor
 191.21 and subcontractor of any tier that performs work or is expected to perform work on the
 191.22 proposed project, as described in section 16C.285, subdivision 5, including the following
 191.23 information for each contractor and subcontractor: business name, scope of work, Department
 191.24 of Labor and Industry registration number, business name of the entity contracting its
 191.25 services, business telephone number and email address, and actual or anticipated number
 191.26 of workers on the project. The applicant shall establish the initial contractor list 30 days
 191.27 before the start of construction and shall update the list each month thereafter until
 191.28 construction is complete. The applicant shall post the contractor list in a conspicuous location
 191.29 at the project site and make the contractor list available to members of the public upon
 191.30 request.

191.31 Subd. 5. **Wage theft remedy.** If any contractor or subcontractor of any tier is found to
 191.32 have failed to pay statutorily required wages under section 609.52, subdivision 1, clause
 191.33 (13), on a project receiving financial assistance or an allocation of federal low-income
 191.34 housing tax credits from or through the agency, the recipient is responsible for correcting
 191.35 the violation.

192.1 Subd. 6. **Wage theft prevention plans; disqualification.** (a) If any contractor or
 192.2 subcontractor of any tier fails to pay statutorily required wages on a project receiving
 192.3 financial assistance from or through the agency as determined by an enforcement entity,
 192.4 the recipient must have a wage theft prevention plan to be eligible for further financial
 192.5 assistance from the agency. The project developer's wage theft prevention plan must describe
 192.6 detailed measures that the project developer and its general contractor have taken and are
 192.7 committed to take to prevent wage theft on the project, including provisions in any
 192.8 construction contracts and subcontracts on the project. The plan must be submitted to the
 192.9 Department of Labor and Industry for review. The Department of Labor and Industry may
 192.10 require the project developer to amend the plan or adopt policies or protocols in the plan.
 192.11 Once approved by the Department of Labor and Industry, the wage theft prevention plan
 192.12 must be submitted by the project developer to the agency with any subsequent application
 192.13 for financial assistance from the agency. Such wage theft prevention plans shall be made
 192.14 available to members of the public by the agency upon request.

192.15 (b) A developer is disqualified from receiving financial assistance from or through the
 192.16 agency for three years if any of the developer's contractors or subcontractors of any tier are

89.19 **Sec. 4. RULEMAKING; ACCEPTABLE BLOOD LEAD LEVELS FOR WORKERS.**

89.20 The commissioner of labor and industry, in consultation with the commissioner of health,
89.21 shall adopt rules to:

89.22 (1) lower the acceptable blood lead levels above which require mandatory removal of
89.23 workers from the lead exposure; and

89.24 (2) lower the blood lead levels required before a worker is allowed to return to work.
89.25 The thresholds established must be based on the most recent public health information on
89.26 the safety of lead exposure.

90.1 **ARTICLE 9**90.2 **BROADBAND AND PIPELINE SAFETY**

90.3 Section 1. Minnesota Statutes 2022, section 116J.395, subdivision 6, is amended to read:

90.4 Subd. 6. **Awarding grants.** (a) In evaluating applications and awarding grants, the
90.5 commissioner shall give priority to applications that are constructed in areas identified by
90.6 the director of the Office of Broadband Development as unserved.

90.7 (b) In evaluating applications and awarding grants, the commissioner may give priority
90.8 to applications that:

90.9 (1) are constructed in areas identified by the director of the Office of Broadband
90.10 Development as underserved;

90.11 (2) offer new or substantially upgraded broadband service to important community
90.12 institutions including, but not limited to, libraries, educational institutions, public safety
90.13 facilities, and healthcare facilities;

90.14 (3) facilitate the use of telehealth and electronic health records;

192.17 found by an enforcement agency to have, within three years after entering into a wage theft
192.18 prevention plan under paragraph (a), failed to pay statutorily required wages on a project
192.19 receiving financial assistance from or through the agency for a total underpayment of \$25,000
192.20 or more.

192.21 Subd. 7. **Enforcement.** The agency may deny an application for financial assistance
192.22 that does not comply with this section or if the applicant refuses to enter into the agreements
192.23 required by this section. The agency may withhold financial assistance that has been
192.24 previously approved if the agency determines that the applicant has engaged in unacceptable
192.25 practices by failing to comply with this section until the violation is cured.

192.26 **EFFECTIVE DATE.** This section is effective for financial assistance provided after
192.27 August 1, 2024, except Minnesota Statutes, section 462A.051, subdivision 2, does not apply
192.28 for requests for proposals that were initiated prior to August 1, 2024.

192.29 Sec. 10. RULEMAKING; ACCEPTABLE BLOOD LEAD LEVELS FOR
192.30 WORKERS.

192.31 The commissioner of labor and industry, in consultation with the commissioner of health,
192.32 shall adopt rules to:

192.33 (1) lower the acceptable blood lead levels above which require mandatory removal of
192.34 workers from the lead exposure; and

193.1 (2) lower the blood lead levels required before a worker is allowed to return to work.
193.2 The thresholds established must be based on the most recent public health information on
193.3 the safety of lead exposure.

- 90.15 (4) serve economically distressed areas of the state, as measured by indices of
90.16 unemployment, poverty, or population loss that are significantly greater than the statewide
90.17 average;
- 90.18 (5) provide technical support and train residents, businesses, and institutions in the
90.19 community served by the project to utilize broadband service;
- 90.20 (6) include a component to actively promote the adoption of the newly available
90.21 broadband services in the community;
- 90.22 (7) provide evidence of strong support for the project from citizens, government,
90.23 businesses, and institutions in the community;
- 90.24 (8) provide access to broadband service to a greater number of unserved or underserved
90.25 households and businesses; ~~or~~
- 90.26 (9) leverage greater amounts of funding for the project from other private and public
90.27 sources; or
- 90.28 (10) commit to implementation of workforce best practices as defined in paragraph (e).
- 90.29 (c) The commissioner shall endeavor to award grants under this section to qualified
90.30 applicants in all regions of the state.
- 91.1 (d) No less than the following percentages of general fund appropriations for the
91.2 border-to-border broadband grant program shall be reserved for applicants that agree to
91.3 implement the workforce best practices as defined in paragraph (e), based on the year in
91.4 which the grants were awarded:
- 91.5 (1) 50 percent in 2024;
- 91.6 (2) 60 percent in 2025; and
- 91.7 (3) 70 percent in 2026 and thereafter.
- 91.8 The applicant's agreement to implement the workforce best practices as defined in paragraph
91.9 (e) must be an express condition of providing the grant in the grant agreement.
- 91.10 (e) An applicant for a grant under this section is considered to implement workforce
91.11 best practices only if the applicant can demonstrate that:
- 91.12 (1) there is credible evidence of support for the application and the applicant's workforce
91.13 needs on the project for which the grant is provided from one or more labor,
91.14 labor-management, or other workforce organizations that have a track record of representing
91.15 and advocating for workers or recruiting, training, and securing employment for people of
91.16 color, Indigenous people, women, or people with disabilities in the construction industry;
91.17 and

91.18 (2) all laborers and mechanics performing construction, installation, remodeling, or
91.19 repairs on the project sites for which the grant is provided:

91.20 (i) are paid the prevailing wage rate as defined in section 177.42, subdivision 6, and the
91.21 applicant and all of its construction contractors and subcontractors agree that the payment
91.22 of prevailing wage to such laborers and mechanics is subject to the requirements and
91.23 enforcement provisions under sections 177.27, 177.30, 177.32, 177.41 to 177.435, and
91.24 177.45, which the commissioner of labor and industry shall have the authority to enforce;
91.25 or

91.26 (ii) receive from their employer:

91.27 (A) at least 80 hours of skills training annually, of which at least 40 hours must consist
91.28 of hands-on instruction;

91.29 (B) employer-paid family health insurance coverage; and

91.30 (C) employer-paid retirement benefit payments equal to no less than 15 percent of the
91.31 employee's total taxable wages.

92.1 (f) In the event that the commissioner does not receive enough qualified applications to
92.2 achieve the standards under paragraph (d), the commissioner shall consult with prospective
92.3 applicants and labor and workforce organizations under paragraph (e), clause (1), to solicit
92.4 additional qualified applications.

92.5 Sec. 2. **[116J.3991] BROADBAND, EQUITY, ACCESS, AND DEPLOYMENT**
92.6 **(BEAD).**

92.7 Subdivision 1. **Implementation.** The commissioner shall implement a Broadband,
92.8 Equity, Access, and Deployment (BEAD) Program that prioritizes applicants for state
92.9 funding that demonstrate the following, provided that implementation of this requirement
92.10 must not prevent the state from receiving any federal broadband grant funding:

92.11 (1) use of a directly employed workforce, as opposed to a subcontracted workforce, to
92.12 perform broadband placing, splicing, and maintenance work. Public entity applicants may
92.13 meet this requirement by use of a directly employed workforce or committing to contract
92.14 with an Internet service provider that will use a directly employed workforce; or

92.15 (2) commitment to implement workforce best practices under section 116J.395,
92.16 subdivision 6, paragraph (e), on the project or projects for which the applicant seeks public
92.17 funding.

92.18 Subd. 2. **Project evaluation.** In projects funded by the BEAD Program, the criteria
92.19 under subdivision 1 and section 116J.395, subdivision 6, paragraph (e), shall receive a
92.20 priority point allocation in the point scheme for project applications, such that these criteria
92.21 shall receive the maximum allowable points in the BEAD scoring framework.

92.22 Subd. 3. **Disclosures.** Applicants' disclosures responding to the criteria in subdivision
92.23 1 and section 116J.395, subdivision 6, paragraph (e), must be publicly available on the
92.24 department website, and all workforce commitments made under this section and section
92.25 116J.395 shall become enforceable, certified commitments and conditions of the grant.

92.26 Subd. 4. **Workforce plan data.** (a) Grantees in projects funded by the program under
92.27 this section and section 116J.395 are required to provide in annual reports information on
92.28 the workforce performing installation work funded through the grant, including:

92.29 (1) the number of installation labor hours performed by workforce directly employed
92.30 by the grantee or the Internet service provider;

92.31 (2) the number of installation labor hours performed by contractors and subcontractors
92.32 on grant-funded projects with subtotals for hours worked by Minnesota residents, people
92.33 of color, Indigenous people, women, and people with disabilities;

93.1 (3) the name, business address, and number of labor hours performed by each contractor
93.2 and subcontractor that participated in construction of a grant-funded project;

93.3 (4) the percentages of workforce performing installation labor whose straight-time hourly
93.4 pay rate was at least \$25 and who received employer-paid medical coverage and retirement
93.5 benefits; and

93.6 (5) any other workforce plan information as determined by the commissioner.

93.7 (b) Following an award, the workforce plan and the requirement to submit ongoing
93.8 workforce reports shall be incorporated as material conditions of the contract with the
93.9 department and become enforceable, certified commitments.

93.10 Subd. 5. **Failure to meet requirements or falsification of data.** If successful applicants
93.11 fail to meet the program requirements under this section, or otherwise falsify information
93.12 regarding such requirements, the commissioner shall investigate the failure and issue an
93.13 appropriate action, up to and including a determination that the applicant is ineligible for
93.14 future participation in broadband grant programs funded by the department.

93.15 Sec. 3. **[181.912] UNDERGROUND TELECOMMUNICATIONS**
93.16 **INFRASTRUCTURE.**

93.17 Subdivision 1. **Definitions.** For the purposes of this section:

93.18 (1) "directional drilling" means a drilling method that utilizes a steerable drill bit to cut
93.19 a bore hole for installing underground utilities;

93.20 (2) "safety-qualified underground telecommunications installer" means a person who
93.21 has completed underground utilities installation certification under subdivision 3;

185.14 Sec. 2. **[181.912] UNDERGROUND TELECOMMUNICATIONS**
185.15 **INFRASTRUCTURE.**

185.16 Subdivision 1. **Definitions.** For the purposes of this section:

185.17 (1) "directional drilling" means a drilling method that utilizes a steerable drill bit to cut
185.18 a bore hole for installing underground utilities;

185.19 (2) "safety-qualified underground telecommunications installer" means a person who
185.20 has completed underground utilities installation certification under subdivision 3;

93.22 (3) "underground telecommunications utilities" means buried broadband, telephone and
93.23 other telecommunications transmission, distribution and service lines, and associated
93.24 facilities; and

93.25 (4) "underground utilities" means buried electric transmission and distribution lines, gas
93.26 and hazardous liquids pipelines and distribution lines, sewer and water pipelines, telephone
93.27 or telecommunications lines, and associated facilities.

93.28 Subd. 2. **Installation requirements.** The installation of underground telecommunications
93.29 infrastructure that is located within ten feet of existing underground utilities or that crosses
93.30 said utilities must be performed by safety-qualified underground telecommunications
93.31 installers as follows:

94.1 (1) the location of existing utilities by hand or hydro excavation or other accepted methods
94.2 must be performed by a safety-qualified underground telecommunications installer;

94.3 (2) where telecommunications infrastructure is installed by means of directional drilling,
94.4 the monitoring of the location and depth of the drill head must be performed by a
94.5 safety-qualified underground telecommunications installer; and

94.6 (3) no less than two safety-qualified underground telecommunications installers must
94.7 be present at all times at any location where telecommunications infrastructure is being
94.8 installed by means of directional drilling.

94.9 Subd. 3. **Certification Standards.** (a) The commissioner of labor and industry shall
94.10 approve standards for a safety-qualified underground telecommunications installer
94.11 certification program that requires a person to:

94.12 (1) complete a 40-hour initial course that includes classroom and hands-on instruction
94.13 covering proper work procedures for safe installation of underground utilities, including:

94.14 (i) regulations applicable to excavation near existing utilities;

94.15 (ii) identification, location, and verification of utility lines using hand or hydro excavation
94.16 or other accepted methods;

94.17 (iii) response to line strike incidents;

94.18 (iv) traffic control procedures;

94.19 (v) use of a tracking device to safely guide directional drill equipment along a drill path;
94.20 and

94.21 (vi) avoidance and mitigation of safety hazards posed by underground utility installation
94.22 projects;

94.23 (2) demonstrate knowledge of the course material by successfully completing an
94.24 examination approved by the commissioner; and

185.21 (3) "underground telecommunications utilities" means buried broadband, telephone and
185.22 other telecommunications transmission, distribution and service lines, and associated
185.23 facilities; and

185.24 (4) "underground utilities" means buried electric transmission and distribution lines, gas
185.25 and hazardous liquids pipelines and distribution lines, sewer and water pipelines, telephone
185.26 or telecommunications lines, and associated facilities.

185.27 Subd. 2. **Installation requirements.** The installation of underground telecommunications
185.28 infrastructure that is located within ten feet of existing underground utilities or that crosses
185.29 said utilities must be performed by safety-qualified underground telecommunications
185.30 installers as follows:

185.31 (1) the location of existing utilities by hand or hydro excavation or other accepted methods
185.32 must be performed by a safety-qualified underground telecommunications installer;

186.1 (2) where telecommunications infrastructure is installed by means of directional drilling,
186.2 the monitoring of the location and depth of the drill head must be performed by a
186.3 safety-qualified underground telecommunications installer; and

186.4 (3) no less than two safety-qualified underground telecommunications installers must
186.5 be present at all times at any location where telecommunications infrastructure is being
186.6 installed by means of directional drilling.

186.7 Subd. 3. **Certification standards.** (a) The commissioner of labor and industry shall
186.8 approve standards for a safety-qualified underground telecommunications installer
186.9 certification program that requires a person to:

186.10 (1) complete a 40-hour initial course that includes classroom and hands-on instruction
186.11 covering proper work procedures for safe installation of underground utilities, including:

186.12 (i) regulations applicable to excavation near existing utilities;

186.13 (ii) identification, location, and verification of utility lines using hand or hydro excavation
186.14 or other accepted methods;

186.15 (iii) response to line strike incidents;

186.16 (iv) traffic control procedures;

186.17 (v) use of a tracking device to safely guide directional drill equipment along a drill path;
186.18 and

186.19 (vi) avoidance and mitigation of safety hazards posed by underground utility installation
186.20 projects;

186.21 (2) demonstrate knowledge of the course material by successfully completing an
186.22 examination approved by the commissioner; and

94.25 (3) complete a four-hour refresher course within three years of completing the original
94.26 course and every three years thereafter in order to maintain certification.

94.27 (b) The commissioner must develop an approval process for training providers under
94.28 this subdivision, and may suspend or revoke the approval of any training provider that fails
94.29 to demonstrate consistent delivery of approved curriculum or success in preparing participants
94.30 to complete the examination.

95.1 **EFFECTIVE DATE.** The requirement for use of safety-qualified underground
95.2 telecommunications installers under subdivision 2 is effective on July 1, 2025.

95.3 Sec. 4. Minnesota Statutes 2022, section 216B.17, is amended by adding a subdivision to
95.4 read:

95.5 Subd. 9. **Telecommunications and cable communications systems.** (a) The commission
95.6 has authority under this section to investigate, upon complaint or on its own motion, conduct
95.7 by or on behalf of a telecommunications carrier, telephone company, or cable
95.8 communications system provider that impacts public utility or cooperative electric association
95.9 infrastructure. If the commission finds that the conduct damaged or unreasonably interfered
95.10 with the function of the infrastructure, the commission may take any action authorized under
95.11 sections 216B.52 to 216B.61 with respect to the provider.

95.12 (b) For purposes of this subdivision:

95.13 (1) "telecommunications carrier" has the meaning given in section 237.01, subdivision
95.14 6;

95.15 (2) "telephone company" has the meaning given in section 237.01, subdivision 7; and

95.16 (3) "cable communications system provider" means an owner or operator of a cable
95.17 communications system as defined in section 238.02, subdivision 3.

95.18 Sec. 5. Minnesota Statutes 2022, section 299J.01, is amended to read:

95.19 **299J.01 AUTHORITY OF OFFICE OF PIPELINE SAFETY.**

95.20 The commissioner of public safety shall, to the extent authorized by agreement with the
95.21 United States Secretary of Transportation, act as agent for the United States Secretary of
95.22 Transportation to implement the federal Hazardous Liquid Pipeline Safety Act, United
95.23 States Code, title 49, sections 2001 to 2014, the federal and Natural Gas Pipeline Safety
95.24 Act acts, United States Code, title 49, sections 1671 to 1686 60101 to 60141, and federal
95.25 pipeline safety regulations with respect to interstate pipelines located within this state. The
95.26 commissioner shall, to the extent authorized by federal law, regulate pipelines in the state
95.27 as authorized by sections 299J.01 to 299J.17 and 299F.56 to 299F.641.

186.23 (3) complete a four-hour refresher course within three years of completing the original
186.24 course and every three years thereafter in order to maintain certification.

186.25 (b) The commissioner must develop an approval process for training providers under
186.26 this subdivision, and may suspend or revoke the approval of any training provider that fails
186.27 to demonstrate consistent delivery of approved curriculum or success in preparing participants
186.28 to complete the examination.

186.29 **EFFECTIVE DATE.** This section is effective July 1, 2025.

96.1 Sec. 6. Minnesota Statutes 2022, section 299J.02, is amended by adding a subdivision to
96.2 read:

96.3 Subd. 14. **Utility corridor.** "Utility corridor" means land that contains access to
96.4 above-ground utility infrastructure or an underground facility as defined in section 216D.01,
96.5 subdivision 11.

96.6 Sec. 7. Minnesota Statutes 2022, section 299J.04, subdivision 2, is amended to read:

96.7 Subd. 2. **Delegated duties.** (a) The commissioner shall seek and accept federal
96.8 designation of the office's pipeline inspectors as federal agents for the purposes of
96.9 enforcement of the federal Hazardous Liquid Pipeline Safety Act, United States Code, title
96.10 49, sections 2001 to 2014, the federal and Natural Gas Pipeline Safety Act acts, United
96.11 States Code, title 49, sections 1671 to 1686 60101 to 60141, and federal rules adopted to
96.12 implement those acts. The commissioner shall establish and submit to the United States
96.13 Secretary of Transportation an inspection program that complies with requirements for
96.14 delegated interstate agent inspection authority.

96.15 (b) To the extent that federal delegation of interstate agent inspection authority permits,
96.16 the inspection program for interstate pipelines and LNG facilities must be the same as the
96.17 inspection program for intrastate pipelines and LNG facilities. If the United States Secretary
96.18 of Transportation delegates inspection authority to the state as provided in this subdivision,
96.19 the commissioner, at a minimum, shall do the following to carry out the delegated federal
96.20 authority:

96.21 (1) inspect pipelines and LNG facilities periodically as specified in the inspection
96.22 program;

96.23 (2) collect inspection fees;

96.24 (3) order and oversee the testing of pipelines and LNG facilities as authorized by federal
96.25 law and regulations; and

96.26 (4) file reports with the United States Secretary of Transportation as required to maintain
96.27 the delegated inspection authority.

96.28 Sec. 8. Minnesota Statutes 2022, section 299J.11, is amended to read:

96.29 **299J.11 ADOPTION OF FEDERAL PIPELINE INSPECTION RULES.**

96.30 (a) To enable the state to act as an agent of the United States Secretary of Transportation
96.31 and to qualify for annual federal certification to enforce the federal pipeline inspection
97.1 program authorized by the Hazardous Liquid Pipeline Safety Act, United States Code, title
97.2 49, sections 2001 to 2014, the federal and Natural Gas Pipeline Safety Act acts, United
97.3 States Code, title 49, sections 1671 to 1686 60101 to 60141, and the rules implementing
97.4 those acts, the federal pipeline inspection rules and safety standards, and regulations and
97.5 standards that may be adopted that amend them, are adopted.

97.6 (b) An individual or contractor performing construction or maintenance work within 20
97.7 feet of a utility corridor must comply with the operator qualification rules set forth in Code
97.8 of Federal Regulations, title 49, parts 192, subpart N, and 195, subpart G.

97.9 (c) An individual or contractor performing construction or maintenance work within 20
97.10 feet of a utility corridor must comply with the workplace drug and alcohol testing rules set
97.11 forth in Code of Federal Regulations, title 49, part 40.

97.12 Sec. 9. **REPEALER.**

97.13 Minnesota Statutes 2022, section 116J.398, is repealed.

97.14 **ARTICLE 10**

97.15 **EMPLOYEE MISCLASSIFICATION PROHIBITED**

97.16 Section 1. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 1, is amended
97.17 to read:

97.18 Subdivision 1. **Examination of records.** The commissioner may enter during reasonable
97.19 office hours or upon request and inspect the place of business or employment of any employer
97.20 of employees working in the state, to examine and inspect books, registers, payrolls, and
97.21 other records of any employer that in any way relate to wages, hours, and other conditions
97.22 of employment of any employees. The commissioner may transcribe any or all of the books,
97.23 registers, payrolls, and other records as the commissioner deems necessary or appropriate
97.24 and may question the employer, employees, and other persons to ascertain compliance with
97.25 any of the sections ~~177.21 to 177.435 and 181.165~~ listed in subdivision 4. The commissioner
97.26 may investigate wage claims or complaints by an employee against an employer if the failure
97.27 to pay a wage may violate Minnesota law or an order or rule of the department.

97.28 **EFFECTIVE DATE.** This section is effective July 1, 2024.

98.1 Sec. 2. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 2, is amended
98.2 to read:

98.3 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
98.4 of employees working in the state to submit to the commissioner photocopies, certified
98.5 copies, or, if necessary, the originals of ~~employment~~ records that relate to employment or
98.6 employment status which the commissioner deems necessary or appropriate. The records
98.7 which may be required include full and correct statements in writing, including sworn
98.8 statements by the employer, containing information relating to wages, hours, names,
98.9 addresses, and any other information pertaining to the employer's employees and the
98.10 conditions of their employment as the commissioner deems necessary or appropriate.

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

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

98.19 **EFFECTIVE DATE.** This section is effective July 1, 2024.

98.20 Sec. 3. Minnesota Statutes 2022, section 177.27, subdivision 3, is amended to read:

98.21 Subd. 3. **Adequacy of records.** If the records maintained by the employer do not provide
98.22 sufficient information to determine the exact amount of back wages due an employee, the
98.23 commissioner may make a determination of wages due based on available evidence ~~and~~
98.24 ~~mediate a settlement with the employer.~~

98.25 **EFFECTIVE DATE.** This section is effective July 1, 2024.

98.26 Sec. 4. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
98.27 to read:

98.28 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
98.29 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,
98.30 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172, paragraph
98.31 (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.722, 181.723, 181.79,
98.32 181.85 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991, 268B.09,
99.1 subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under section
99.2 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an employer
99.3 to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated.
99.4 For purposes of this subdivision only, a violation is repeated if at any time during the two
99.5 years that preceded the date of violation, the commissioner issued an order to the employer
99.6 for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the order is final or
99.7 the commissioner and the employer have entered into a settlement agreement that required
99.8 the employer to pay back wages that were required by sections 177.41 to 177.435. The
99.9 department shall serve the order upon the employer or the employer's authorized
99.10 representative in person or by certified mail at the employer's place of business. An employer
99.11 who wishes to contest the order must file written notice of objection to the order with the
99.12 commissioner within 15 calendar days after being served with the order. A contested case
99.13 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,
99.14 within 15 calendar days after being served with the order, the employer fails to file a written
99.15 notice of objection with the commissioner, the order becomes a final order of the
99.16 commissioner. For the purposes of this subdivision, an employer includes a contractor that
99.17 has assumed a subcontractor's liability within the meaning of section 181.165.

99.18 **EFFECTIVE DATE.** This section is effective July 1, 2024.

99.19 Sec. 5. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 7, is amended
99.20 to read:

99.21 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
99.22 violated a section identified in subdivision 4, or any rule adopted under section 177.28,
99.23 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner
99.24 shall order the employer to cease and desist from engaging in the violative practice and to
99.25 take such affirmative steps that in the judgment of the commissioner will effectuate the
99.26 purposes of the section or rule violated. In addition to remedies, damages, and penalties
99.27 provided for in the violated section, the commissioner shall order the employer to pay to
99.28 the aggrieved parties back pay, gratuities, and compensatory damages, less any amount
99.29 actually paid to the employee aggrieved parties by the employer, and for an additional equal
99.30 amount as liquidated damages. Any employer who is found by the commissioner to have
99.31 repeatedly or willfully violated a section or sections identified in subdivision 4 shall be
99.32 subject to a an additional civil penalty of up to \$10,000 for each violation for each employee.
99.33 In determining the amount of a civil penalty under this subdivision, the appropriateness of
99.34 such penalty to the size of the employer's business and the gravity of the violation shall be
99.35 considered. In addition, the commissioner may order the employer to reimburse the
100.1 department and the attorney general for all appropriate litigation and hearing costs expended
100.2 in preparation for and in conducting the contested case proceeding, unless payment of costs
100.3 would impose extreme financial hardship on the employer. If the employer is able to establish
100.4 extreme financial hardship, then the commissioner may order the employer to pay a
100.5 percentage of the total costs that will not cause extreme financial hardship. Costs include
100.6 but are not limited to the costs of services rendered by the attorney general, private attorneys
100.7 if engaged by the department, administrative law judges, court reporters, and expert witnesses
100.8 as well as the cost of transcripts. Interest shall accrue on, and be added to, the unpaid balance
100.9 of a commissioner's order from the date the order is signed by the commissioner until it is
100.10 paid, at an annual rate provided in section 549.09, subdivision 1, paragraph (c). The
100.11 commissioner may establish escrow accounts for purposes of distributing remedies and
100.12 damages.

100.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

100.14 Sec. 6. Minnesota Statutes 2022, section 181.171, subdivision 1, is amended to read:

100.15 Subdivision 1. **Civil action; damages.** A person may bring a civil action seeking redress
100.16 for violations of sections 181.02, 181.03, 181.031, 181.032, 181.08, 181.09, 181.10, 181.101,
100.17 181.11, 181.13, 181.14, 181.145, and 181.15, 181.722, and 181.723 directly to district court.
100.18 An employer who is found to have violated the above sections is liable to the aggrieved
100.19 party for the civil penalties or damages provided for in the section violated. An employer
100.20 who is found to have violated the above sections shall also be liable for compensatory
100.21 damages and other appropriate relief including but not limited to injunctive relief.

100.22 **EFFECTIVE DATE.** This section is effective July 1, 2024.

100.23 Sec. 7. Minnesota Statutes 2022, section 181.722, is amended to read:

100.24 **181.722 MISREPRESENTATION MISCLASSIFICATION OF EMPLOYMENT**
100.25 **RELATIONSHIP PROHIBITED EMPLOYEES.**

100.26 Subdivision 1. ~~**Prohibition**~~ Prohibited activities related to employment status. No
100.27 employer shall misrepresent the nature of its employment relationship with its employees
100.28 to any federal, state, or local government unit; to other employers; or to its employees. An
100.29 employer misrepresents the nature of its employment relationship with its employees if it
100.30 makes any statement regarding the nature of the relationship that the employer knows or
100.31 has reason to know is untrue and if it fails to report individuals as employees when legally
100.32 required to do so.

101.1 (a) A person shall not:

101.2 (1) fail to classify, represent, or treat an individual who is the person's employee pursuant
101.3 to subdivision 3 as an employee in accordance with the requirements of any applicable local,
101.4 state, or federal law. A violation under this clause is in addition to any violation of local,
101.5 state, or federal law;

101.6 (2) fail to report or disclose to any person or to any local, state, or federal government
101.7 agency an individual who is the person's employee pursuant to subdivision 3 as an employee
101.8 when required to do so under any applicable local, state, or federal law. Each failure to
101.9 report or disclose an individual as an employee shall constitute a separate violation of this
101.10 clause; or

101.11 (3) require or request an individual who is the person's employee pursuant to subdivision
101.12 3 to enter into any agreement or complete any document that misclassifies, misrepresents,
101.13 or treats the individual as an independent contractor or otherwise does not reflect that the
101.14 individual is the person's employee pursuant to subdivision 3. Each agreement or completed
101.15 document constitutes a separate violation of this provision.

101.16 (b) An owner, partner, principal, member, officer, or agent, on behalf of the person, who
101.17 knowingly or repeatedly engaged in any of the prohibited activities in this subdivision may
101.18 be held individually liable.

101.19 (c) An order issued by the commissioner to a person for engaging in any of the prohibited
101.20 activities in this subdivision is in effect against any successor person. A person is a successor
101.21 person if the person shares three or more of the following with the person to whom the order
101.22 was issued:

101.23 (1) has one or more of the same owners, members, principals, officers, or managers;

101.24 (2) performs similar work within the state of Minnesota;

101.25 (3) has one or more of the same telephone or fax numbers;

- 101.26 (4) has one or more of the same email addresses or websites;
- 101.27 (5) employs or engages substantially the same individuals to provide or perform services;
- 101.28 (6) utilizes substantially the same vehicles, facilities, or equipment; or
- 101.29 (7) lists or advertises substantially the same project experience and portfolio of work.
- 101.30 Subd. 1a. **Definitions.** (a) "Person" means any individual, sole proprietor, limited liability
- 101.31 company, limited liability partnership, corporation, partnership, incorporated or
- 101.32 unincorporated association, joint stock company, or any other legal or commercial entity.
- 102.1 (b) "Department" means the Department of Labor and Industry.
- 102.2 (c) "Commissioner" means the commissioner of labor and industry or a duly designated
- 102.3 representative of the commissioner who is either an employee of the Department of Labor
- 102.4 and Industry or a person working under contract with the Department of Labor and Industry.
- 102.5 (d) "Individual" means a human being.
- 102.6 (e) "Knowingly" means knew or could have known with the exercise of reasonable
- 102.7 diligence.
- 102.8 Subd. 2. ~~Agreements to misclassify prohibited.~~ No employer shall require or request
- 102.9 any employee to enter into any agreement, or sign any document, that results in
- 102.10 misclassification of the employee as an independent contractor or otherwise does not
- 102.11 accurately reflect the employment relationship with the employer.
- 102.12 Subd. 3. **Determination of employment relationship.** For purposes of this section, the
- 102.13 nature of an employment relationship is determined using the same tests and in the same
- 102.14 manner as employee status is determined under the applicable workers' compensation and
- 102.15 unemployment insurance program laws and rules.
- 102.16 Subd. 4. **Civil remedy Damages and penalties.** ~~A construction worker, as defined in~~
- 102.17 ~~section 179.254, who is not an independent contractor and has been injured by a violation~~
- 102.18 ~~of this section, may bring a civil action for damages against the violator. If the construction~~
- 102.19 ~~worker injured is an employee of the violator of this section, the employee's representative,~~
- 102.20 ~~as defined in section 179.01, subdivision 5, may bring a civil action for damages against~~
- 102.21 ~~the violator on behalf of the employee. The court may award attorney fees, costs, and~~
- 102.22 ~~disbursements to a construction worker recovering under this section.~~
- 102.23 (a) The following damages and penalties may be imposed for a violation of this section:
- 102.24 (1) compensatory damages to the individual the person has failed to classify, represent,
- 102.25 or treat as an employee pursuant to subdivision 3. Compensatory damages includes but is
- 102.26 not limited to the value of supplemental pay including minimum wage; overtime; shift
- 102.27 differentials; vacation pay, sick pay, and other forms of paid time off; health insurance; life
- 102.28 and disability insurance; retirement plans; savings plans and any other form of benefit;
- 102.29 employer contributions to unemployment insurance; Social Security and Medicare; and any

102.30 costs and expenses incurred by the individual resulting from the person's failure to classify,
102.31 represent, or treat the individual as an employee;

102.32 (2) a penalty of up to \$10,000 for each individual the person failed to classify, represent,
102.33 or treat as an employee pursuant to subdivision 3;

103.1 (3) a penalty of up to \$10,000 for each violation of subdivision 1; and

103.2 (4) a penalty of \$1,000 for each person who delays, obstructs, or otherwise fails to
103.3 cooperate with the commissioner's investigation. Each day of delay, obstruction, or failure
103.4 to cooperate constitutes a separate violation.

103.5 (b) This section may be investigated and enforced under the commissioner's authority
103.6 under state law.

103.7 Subd. 5. **Reporting of violations.** Any court finding that a violation of this section has
103.8 occurred shall transmit a copy of its findings of fact and conclusions of law to the
103.9 commissioner of labor and industry. The commissioner of labor and industry shall report
103.10 the finding to relevant local, state, and federal agencies, including the commissioner of
103.11 commerce, the commissioner of employment and economic development, the commissioner
103.12 of revenue, the federal Internal Revenue Service, and the United States Department of Labor.

103.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

103.14 Sec. 8. Minnesota Statutes 2022, section 181.723, is amended to read:

103.15 **181.723 MISCLASSIFICATION OF CONSTRUCTION CONTRACTORS**
103.16 **EMPLOYEES.**

103.17 Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

103.18 (a) "Person" means any individual, sole proprietor, limited liability company, limited
103.19 liability partnership, corporation, partnership, incorporated or unincorporated association,
103.20 sole proprietorship, joint stock company, or any other legal or commercial entity.

103.21 (b) "Department" means the Department of Labor and Industry.

103.22 (c) "Commissioner" means the commissioner of labor and industry or a duly designated
103.23 representative of the commissioner who is either an employee of the Department of Labor
103.24 and Industry or person working under contract with the Department of Labor and Industry.

103.25 (d) "Individual" means a human being.

103.26 (e) "Day" means calendar day unless otherwise provided.

103.27 (f) "Knowingly" means knew or could have known with the exercise of reasonable
103.28 diligence.

103.29 (g) "Business entity" means a person other than an individual or a sole proprietor as that
103.30 term is defined in paragraph (a), except the term does not include an individual.

104.1 (h) "Independent contractor" means a business entity that meets all the requirements
104.2 under subdivision 4, paragraph (a).

104.3 Subd. 2. **Limited application.** This section only applies to ~~individuals~~ persons providing
104.4 or performing ~~public or private sector commercial or residential~~ building construction or
104.5 improvement services. Building construction ~~and~~ or improvement services ~~do not~~ include
104.6 all public or private sector commercial or residential building construction or improvement
104.7 services except for: (1) the manufacture, supply, or sale of products, materials, or
104.8 merchandise; (2) landscaping services for the maintenance or removal of existing plants,
104.9 shrubs, trees, and other vegetation, whether or not the services are provided as part of a
104.10 contract for the building construction or improvement services; and (3) all other landscaping
104.11 services, unless the other landscaping services are provided as part of a contract for the
104.12 building construction or improvement services.

104.13 Subd. 3. **Employee-employer relationship.** Except as provided in subdivision 4, for
104.14 purposes of chapters 176, 177, 181, 181A, 182, ~~and 268, as of January 1, 2009 and 326B,~~
104.15 an individual who provides or performs building construction or improvement services for
104.16 a person that are in the course of the person's trade, business, profession, or occupation is
104.17 an employee of that person and that person is an employer of the individual.

104.18 Subd. 4. **Independent contractor.** (a) An individual is an independent contractor and
104.19 not an employee of the person for whom the individual is providing or performing services
104.20 in the course of the person's trade, business, profession, or occupation only if the individual
104.21 is operating as a business entity that meets all of the following requirements at the time the
104.22 services were provided or performed:

104.23 ~~(1) maintains a separate business with the individual's own office, equipment, materials,~~
104.24 ~~and other facilities;~~

104.25 ~~(2)(i) holds or has applied for a federal employer identification number or (ii) has filed~~
104.26 ~~business or self-employment income tax returns with the federal Internal Revenue Service~~
104.27 ~~if the individual has performed services in the previous year;~~

104.28 ~~(3) is operating under contract to perform the specific services for the person for specific~~
104.29 ~~amounts of money and under which the individual controls the means of performing the~~
104.30 ~~services;~~

104.31 ~~(4) is incurring the main expenses related to the services that the individual is performing~~
104.32 ~~for the person under the contract;~~

105.1 ~~(5) is responsible for the satisfactory completion of the services that the individual has~~
105.2 ~~contracted to perform for the person and is liable for a failure to complete the services;~~

105.3 ~~(6) receives compensation from the person for the services performed under the contract~~
105.4 ~~on a commission or per-job or competitive bid basis and not on any other basis;~~

- 105.5 ~~(7) may realize a profit or suffer a loss under the contract to perform services for the~~
105.6 ~~person;~~
- 105.7 ~~(8) has continuing or recurring business liabilities or obligations; and~~
- 105.8 ~~(9) the success or failure of the individual's business depends on the relationship of~~
105.9 ~~business receipts to expenditures.~~
- 105.10 ~~An individual who is not registered, if required by section 326B.701, is presumed to be~~
105.11 ~~an employee of a person for whom the individual performs services in the course of the~~
105.12 ~~person's trade, business, profession, or occupation. The person for whom the services were~~
105.13 ~~performed may rebut this presumption by showing that the unregistered individual met all~~
105.14 ~~nine factors in this paragraph at the time the services were performed.~~
- 105.15 ~~(b) If an individual is an owner or partial owner of a business entity, the individual is~~
105.16 ~~an employee of the person for whom the individual is performing services in the course of~~
105.17 ~~the person's trade, business, profession, or occupation, and is not an employee of the business~~
105.18 ~~entity in which the individual has an ownership interest, unless:~~
- 105.19 ~~(1) the business entity meets the nine factors in paragraph (a);~~
- 105.20 ~~(2) invoices and payments are in the name of the business entity; and~~
- 105.21 ~~(3) the business entity is registered with the secretary of state, if required.~~
- 105.22 ~~If the business entity in which the individual has an ownership interest is not registered,~~
105.23 ~~if required by section 326B.701, the individual is presumed to be an employee of a person~~
105.24 ~~for whom the individual performs services and not an employee of the business entity in~~
105.25 ~~which the individual has an ownership interest. The person for whom the services were~~
105.26 ~~performed may rebut the presumption by showing that the business entity met the~~
105.27 ~~requirements of clauses (1) to (3) at the time the services were performed.~~
- 105.28 ~~(1) was established and maintained separately from and independently of the person for~~
105.29 ~~whom the services were provided or performed;~~
- 105.30 ~~(2) owns, rents, or leases equipment, tools, vehicles, materials, supplies, office space,~~
105.31 ~~or other facilities that are used by the business entity to provide or perform building~~
105.32 ~~construction or improvement services;~~
- 106.1 ~~(3) provides or performs, or offers to provide or perform, the same or similar building~~
106.2 ~~construction or improvement services for multiple persons or the general public;~~
- 106.3 ~~(4) is in compliance with all of the following:~~
- 106.4 ~~(i) holds a federal employer identification number if required by federal law;~~
- 106.5 ~~(ii) holds a Minnesota tax identification number if required by Minnesota law;~~

106.6 (iii) has received and retained 1099 forms for income received for building construction
106.7 or improvement services provided or performed, if required by Minnesota or federal law;

106.8 (iv) has filed business or self-employment income tax returns, including estimated tax
106.9 filings, with the federal Internal Revenue Service and the Department of Revenue, as the
106.10 business entity or as a self-employed individual reporting income earned, for providing or
106.11 performing building construction or improvement services, if any, in the previous 12 months;
106.12 and

106.13 (v) has completed and provided a W-9 federal income tax form to the person for whom
106.14 the services were provided or performed if required by federal law;

106.15 (5) is in good standing as defined by section 5.26, if applicable;

106.16 (6) has a Minnesota unemployment insurance account if required by chapter 268;

106.17 (7) has obtained required workers' compensation insurance coverage if required by
106.18 chapter 176;

106.19 (8) holds current business licenses, registrations, and certifications if required by chapter
106.20 326B and sections 327.31 to 327.36;

106.21 (9) is operating under a written contract to provide or perform the specific services for
106.22 the person that;

106.23 (i) is signed and dated by both an authorized representative of the business entity and
106.24 of the person for whom the services are being provided or performed;

106.25 (ii) is fully executed no later than 30 days after the date work commences;

106.26 (iii) identifies the specific services to be provided or performed under the contract;

106.27 (iv) provides for compensation from the person for the services provided or performed
106.28 under the contract on a commission or per-job or competitive bid basis and not on any other
106.29 basis; and

106.30 (v) the requirements of item (ii) shall not apply to change orders;

107.1 (10) submits invoices and receives payments for completion of the specific services
107.2 provided or performed under the written proposal, contract, or change order in the name of
107.3 the business entity. Payments made in cash do not meet this requirement;

107.4 (11) the terms of the written proposal, contract, or change order provide the business
107.5 entity control over the means of providing or performing the specific services, and the
107.6 business entity in fact controls the provision or performance of the specific services;

107.7 (12) incurs the main expenses and costs related to providing or performing the specific
107.8 services under the written proposal, contract, or change order;

107.9 (13) is responsible for the completion of the specific services to be provided or performed
107.10 under the written proposal, contract, or change order and is responsible, as provided under
107.11 the written proposal, contract, or change order, for failure to complete the specific services;
107.12 and

107.13 (14) may realize additional profit or suffer a loss, if costs and expenses to provide or
107.14 perform the specific services under the written proposal, contract, or change order are less
107.15 than or greater than the compensation provided under the written proposal, contract, or
107.16 change order.

107.17 (b)(1) Any individual providing or performing the services as or for a business entity is
107.18 an employee of the person who engaged the business entity, unless the business entity meets
107.19 all of the requirements under subdivision 4, paragraph (a).

107.20 (2) Any individual who is determined to be the person's employee is acting as an agent
107.21 of and in the interest of the person when engaging any other individual or business entity
107.22 to provide or perform any portion of the services that the business entity was engaged by
107.23 the person to provide or perform.

107.24 (3) Any individual engaged by an employee of the person, at any tier under the person,
107.25 is also the person's employee, unless the individual is providing or performing the services
107.26 as or for a business entity that meets the requirements of subdivision 4, paragraph (a).

107.27 (4) Clauses (1) to (3) do not create an employee-employer relationship between a person
107.28 and an individual if: (i) there is an intervening business entity in the contractual chain
107.29 between the person and the individual that meets the requirements of subdivision 4, paragraph
107.30 (a); or (ii) the person establishes that an intervening business entity treats and classifies the
107.31 individual as an employee for purposes of, and in compliance with, chapters 176, 177, 181,
107.32 181A, 268, 268B, 270C, and 290.

108.1 Subd. 7. **Prohibited activities related to independent contractor status.** (a) The
108.2 prohibited activities in this subdivision paragraphs (b) and (c) are in addition to those the
108.3 activities prohibited in sections 326B.081 to 326B.085.

108.4 (b) An individual providing or performing building construction or improvement services
108.5 shall not hold himself or herself out represent themselves as an independent contractor
108.6 unless the individual is operating as a business entity that meets all the requirements of
108.7 subdivision 4, paragraph (a).

108.8 (c) A person who provides or performs building construction or improvement services
108.9 in the course of the person's trade, business, occupation, or profession shall not:

108.10 (1) as a condition of payment for services provided or performed, require an individual
108.11 through coercion, misrepresentation, or fraudulent means, who is an employee pursuant to
108.12 this section, to register as a construction contractor under section 326B.701, or to adopt or
108.13 agree to being classified, represented, or treated as an independent contractor status or form

108.14 a business entity. Each instance of conditioning payment to an individual who is an employee
108.15 on one of these conditions shall constitute a separate violation of this provision;

108.16 (2) knowingly misrepresent or misclassify an individual as an independent contractor,
108.17 fail to classify, represent, or treat an individual who is an employee pursuant to this section
108.18 as an employee in accordance with the requirements of any of the chapters listed in
108.19 subdivision 3. Failure to classify, represent, or treat an individual who is an employee
108.20 pursuant to this section as an employee in accordance with each requirement of a chapter
108.21 listed in subdivision 3 shall constitute a separate violation of this provision;

108.22 (3) fail to report or disclose to any person or to any local, state, or federal government
108.23 agency an individual who is an employee pursuant to subdivision 3, as an employee when
108.24 required to do so under any applicable local, state, or federal law. Each failure to report or
108.25 disclose an individual as an employee shall constitute a separate violation of this provision;

108.26 (4) require or request an individual who is an employee pursuant to this section to enter
108.27 into any agreement or complete any document that misclassifies, misrepresents, or treats
108.28 the individual as an independent contractor or otherwise does not reflect that the individual
108.29 is an employee pursuant to this section. Each agreement or completed document shall
108.30 constitute a separate violation of this provision; or

108.31 (5) require an individual who is an employee under this section to register under section
108.32 326B.701.

109.1 (d) In addition to the person providing or performing building construction or
109.2 improvement services in the course of the person's trade, business, occupation, or profession,
109.3 any owner, partner, principal, member, officer, or agent who engaged in any of the prohibited
109.4 activities in this subdivision knowingly or repeatedly may be held individually liable.

109.5 (e) An order issued by the commissioner to a person for engaging in any of the prohibited
109.6 activities in this subdivision is in effect against any successor person. A person is a successor
109.7 person if the person shares three or more of the following with the person to whom the order
109.8 was issued:

109.9 (1) has one or more of the same owners, members, principals, officers, or managers;

109.10 (2) performs similar work within the state of Minnesota;

109.11 (3) has one or more of the same telephone or fax numbers;

109.12 (4) has one or more of the same email addresses or websites;

109.13 (5) employs or engages substantially the same individuals to provide or perform building
109.14 construction or improvement services;

109.15 (6) utilizes substantially the same vehicles, facilities, or equipment; or

109.16 (7) lists or advertises substantially the same project experience and portfolio of work.

109.17 (f) If a person who has engaged an individual to provide or perform building construction
109.18 or improvement services that are in the course of the person's trade, business, profession,
109.19 or occupation, classifies, represents, treats, reports, or discloses the individual as an
109.20 independent contractor, the person shall maintain, for at least three years, and in a manner
109.21 that may be readily produced to the commissioner upon demand, all the information and
109.22 documentation upon which the person based the determination that the individual met all
109.23 the requirements under subdivision 4, paragraph (a), at the time the individual was engaged
109.24 and at the time the services were provided or performed.

109.25 (g) The following damages and penalties may be imposed for a violation of this section:

109.26 (1) compensatory damages to the individual the person failed to classify, represent, or
109.27 treat as an employee pursuant to this section. Compensatory damages include but are not
109.28 limited to the value of supplemental pay including minimum wage; overtime; shift
109.29 differentials; vacation pay; sick pay; and other forms of paid time off; health insurance; life
109.30 and disability insurance; retirement plans; saving plans and any other form of benefit;
109.31 employer contributions to unemployment insurance; Social Security and Medicare and any
110.1 costs and expenses incurred by the individual resulting from the person's failure to classify,
110.2 represent, or treat the individual as an employee;

110.3 (2) a penalty of up to \$10,000 for each individual the person failed to classify, represent,
110.4 or treat as an employee pursuant to this section;

110.5 (3) a penalty of up to \$10,000 for each violation of this subdivision; and

110.6 (4) a penalty of \$1,000 for any person who delays, obstructs, or otherwise fails to
110.7 cooperate with the commissioner's investigation. Each day of delay, obstruction, or failure
110.8 to cooperate constitutes a separate violation.

110.9 (h) This section may be investigated and enforced under the commissioner's authority
110.10 under state law.

110.11 Subd. 13. **Rulemaking.** The commissioner may, in consultation with the commissioner
110.12 of revenue and the commissioner of employment and economic development, adopt, amend,
110.13 suspend, and repeal rules under the rulemaking provisions of chapter 14 that relate to the
110.14 commissioner's responsibilities under this section. ~~This subdivision is effective May 26,~~
110.15 ~~2007.~~

110.16 Subd. 15. **Notice and review by commissioners of revenue and employment and**
110.17 **economic development.** When the commissioner has reason to believe that a person has
110.18 violated subdivision 7, ~~paragraph (b); or (c), clause (1) or (2);~~ the commissioner must notify
110.19 the commissioner of revenue and the commissioner of employment and economic
110.20 development. Upon receipt of notification from the commissioner, the commissioner of
110.21 revenue must review the information returns required under section 6041A of the Internal
110.22 Revenue Code. The commissioner of revenue shall also review the submitted certification
110.23 that is applicable to returns audited or investigated under section 289A.35.

110.24 **EFFECTIVE DATE.** This section is effective July 1, 2024, except that the amendments
110.25 to subdivision 4 are effective for building construction or improvement services provided
110.26 or performed on or after March 1, 2025.

110.27 Sec. 9. **[181.724] INTERGOVERNMENTAL MISCLASSIFICATION**
110.28 **ENFORCEMENT AND EDUCATION PARTNERSHIP ACT.**

110.29 Subdivision 1. **Citation.** This section and section 181.725 may be cited as the
110.30 "Intergovernmental Misclassification Enforcement and Education Partnership Act."

110.31 Subd. 2. **Policy and statement of purpose.** It is the policy of the state of Minnesota to
110.32 prevent employers from misclassifying workers, because employee misclassification allows
111.1 an employer to illegally evade obligations under state labor, employment, and tax laws,
111.2 including but not limited to the laws governing minimum wage, overtime, unemployment
111.3 insurance, paid family medical leave, earned sick and safe time, workers' compensation
111.4 insurance, temporary disability insurance, the payment of wages, and payroll taxes.

111.5 Subd. 3. **Definitions.** (a) For the purposes of this section and section 181.725, the
111.6 following terms have the meanings given, unless the language or context clearly indicates
111.7 that a different meaning is intended.

111.8 (b) "Partnership entity" means one of the following governmental entities with jurisdiction
111.9 over employee misclassification in Minnesota:

111.10 (1) the Department of Labor and Industry;

111.11 (2) the Department of Revenue;

111.12 (3) the Department of Employment and Economic Development;

111.13 (4) the Department of Commerce; and

111.14 (5) the attorney general in the attorney general's enforcement capacity under sections
111.15 177.45 and 181.1721.

111.16 (c) "Employee misclassification" means the practice by an employer of not properly
111.17 classifying workers as employees.

111.18 Subd. 4. **Coordination, collaboration, and information sharing.** For purposes of this
111.19 section, a partnership entity:

111.20 (1) shall communicate with other entities to help detect and investigate instances of
111.21 employee misclassification;

111.22 (2) may request from, provide to, or receive from the other partnership entities data
111.23 necessary for the purpose of detecting and investigating employee misclassification, unless
111.24 prohibited by federal law; and

- 111.25 (3) may collaborate with one another when investigating employee misclassification,
111.26 unless prohibited by federal law. Collaboration includes but is not limited to referrals,
111.27 strategic enforcement, and joint investigations by two or more partnership entities.
- 111.28 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 112.1 Sec. 10. **[181.725] INTERGOVERNMENTAL MISCLASSIFICATION**
112.2 **ENFORCEMENT AND EDUCATION PARTNERSHIP.**
- 112.3 Subdivision 1. **Composition.** The Intergovernmental Misclassification Enforcement and
112.4 Education Partnership is composed of the following members or their designees, who shall
112.5 serve on behalf of their respective partnership entities:
- 112.6 (1) the commissioner of labor and industry;
112.7 (2) the commissioner of revenue;
112.8 (3) the commissioner of employment and economic development;
112.9 (4) the commissioner of commerce; and
112.10 (5) the attorney general.
- 112.11 Subd. 2. **Meetings.** The commissioner of labor and industry, in consultation with other
112.12 members of the partnership, shall convene and lead meetings of the partnership to discuss
112.13 issues related to the investigation of employee misclassification and public outreach.
112.14 Members of the partnership may select a designee to attend any such meeting. Meetings
112.15 must occur at least quarterly.
- 112.16 Subd. 2a. **Additional meetings.** (a) In addition to regular quarterly meetings under
112.17 subdivision 2, the commissioner of labor and industry, in consultation with members of the
112.18 partnership, may convene and lead additional meetings for the purpose of discussing and
112.19 making recommendations under subdivision 4a.
- 112.20 (b) This subdivision expires July 31, 2025, unless a different expiration date is specified
112.21 in law.
- 112.22 Subd. 3. **Roles.** Each partnership entity may use the information received through its
112.23 participation in the partnership to investigate employee misclassification within their relevant
112.24 jurisdictions as follows:
- 112.25 (1) the Department of Labor and Industry in its enforcement authority under chapters
112.26 176, 177, and 181;
112.27 (2) the Department of Revenue in its enforcement authority under chapters 289A and
112.28 290;
112.29 (3) the Department of Employment and Economic Development in its enforcement
112.30 authority under chapters 268 and 268B;

- 113.1 (4) the Department of Commerce in its enforcement authority under chapters 45, 60A,
113.2 60K, 79, and 79A; and
- 113.3 (5) the attorney general in the attorney general's enforcement authority under sections
113.4 177.45 and 181.1721.
- 113.5 Subd. 4. **Annual presentation to the legislature.** At the request of the chairs, the
113.6 Intergovernmental Misclassification Enforcement and Education Partnership shall present
113.7 annually to members of the house of representatives and senate committees with jurisdiction
113.8 over labor. The presentation shall include information about how the partnership carried
113.9 out its duties during the preceding calendar year.
- 113.10 Subd. 4a. **First presentation.** (a) By March 1, 2025, the Intergovernmental
113.11 Misclassification Enforcement and Education Partnership shall make its first presentation
113.12 to members of the house of representatives and senate committees with jurisdiction over
113.13 labor. The first presentation may be made in a form and manner determined by the
113.14 partnership. In addition to providing information about how the partnership carried out its
113.15 duties in its first year, the presentation shall include the following information and
113.16 recommendations, including any budget requests to carry out the recommendations:
- 113.17 (1) consider any staffing recommendations for the partnership and each partnership
113.18 entity to carry out the duties and responsibilities under this section;
- 113.19 (2) provide a summary of the industries, areas, and employers with high numbers of
113.20 misclassification violations and recommendations for proactive review and enforcement
113.21 efforts;
- 113.22 (3) propose a system for making cross referrals between partnership entities;
- 113.23 (4) identify cross-training needs and a proposed cross-training plan; and
- 113.24 (5) propose a metric or plan for monitoring and assessing:
- 113.25 (i) the number and severity of employee misclassification violations; and
- 113.26 (ii) the adequacy and effectiveness of the partnership's duties related to employee
113.27 misclassification, including but not limited to the partnership's efforts on education, outreach,
113.28 detection, investigation, deterrence, and enforcement of employee misclassification.
- 113.29 (b) This subdivision expires July 31, 2025, unless a different expiration date is specified
113.30 in law.
- 113.31 Subd. 5. **Separation.** The Intergovernmental Misclassification Enforcement and
113.32 Education Partnership is not a separate agency or board and is not subject to chapter 13D.
114.1 Data shared or created by the partnership entities under this section or section 181.724 are
114.2 subject to chapter 13 and hold the data classification prescribed by law.

114.3 Subd. 6. **Duties.** The Intergovernmental Misclassification Enforcement and Education
114.4 Partnership shall:

114.5 (1) set goals to maximize Minnesota's efforts to detect, investigate, and deter employee
114.6 misclassification;

114.7 (2) share information to facilitate the detection and investigation of employee
114.8 misclassification;

114.9 (3) develop a process or procedure that provides a person with relevant information and
114.10 connects them with relevant partnership entities, regardless of which partnership entity that
114.11 person contacts for assistance;

114.12 (4) identify best practices in investigating employee misclassification;

114.13 (5) identify resources needed for better enforcement of employee misclassification;

114.14 (6) inform and educate stakeholders on rights and responsibilities related to employee
114.15 misclassification;

114.16 (7) serve as a unified point of contact for workers, businesses, and the public impacted
114.17 by misclassification;

114.18 (8) inform the public on enforcement actions taken by the partnership entities; and

114.19 (9) perform other duties as necessary to:

114.20 (i) increase the effectiveness of detection, investigation, enforcement, and deterrence of
114.21 employee misclassification; and

114.22 (ii) carry out the purposes of the partnership.

114.23 Subd. 7. **Public outreach.** (a) The commissioner of labor and industry shall maintain
114.24 on the department's website information about the Intergovernmental Misclassification
114.25 Enforcement and Education Partnership, including information about how to file a complaint
114.26 related to employee misclassification.

114.27 (b) Each partnership entity shall maintain on its website information about worker
114.28 classification laws, including requirements for employers and employees, consequences for
114.29 misclassifying workers, and contact information for other partnership entities.

114.30 Subd. 8. **No limitation of other duties.** This section does not limit the duties or
114.31 authorities of a partnership entity, or any other government entity, under state law.

115.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.2 Sec. 11. Minnesota Statutes 2022, section 270B.14, subdivision 17, is amended to read:

115.3 Subd. 17. **Disclosure to Department of Commerce.** (a) The commissioner may disclose
115.4 to the commissioner of commerce information required to administer the Uniform Disposition
115.5 of Unclaimed Property Act in sections 345.31 to 345.60, including the Social Security

115.6 numbers of the taxpayers whose refunds are on the report of abandoned property submitted
115.7 by the commissioner to the commissioner of commerce under section 345.41. Except for
115.8 data published under section 345.42, the information received that is private or nonpublic
115.9 data retains its classification, and can be used by the commissioner of commerce only for
115.10 the purpose of verifying that the persons claiming the refunds are the owners.

115.11 (b) The commissioner may disclose a return or return information to the commissioner
115.12 of commerce under section 45.0135 to the extent necessary to investigate employer
115.13 compliance with section 176.181.

115.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.15 Sec. 12. Minnesota Statutes 2022, section 270B.14, is amended by adding a subdivision
115.16 to read:

115.17 Subd. 23. **Disclosure to the attorney general.** The commissioner may disclose a return
115.18 or return information to the attorney general for the purpose of determining whether a
115.19 business is an employer and to the extent necessary to enforce section 177.45 or 181.1721.

115.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115.21 Sec. 13. Minnesota Statutes 2022, section 326B.081, subdivision 3, is amended to read:

115.22 Subd. 3. **Applicable law.** "Applicable law" means the provisions of sections 181.165,
115.23 181.722, 181.723, 325E.66, 327.31 to 327.36, this chapter, and chapter 341, and all rules,
115.24 orders, stipulation agreements, settlements, compliance agreements, licenses, registrations,
115.25 certificates, and permits adopted, issued, or enforced by the department under sections
115.26 181.165, 181.722, 181.723, 325E.66, 327.31 to 327.36, this chapter, or chapter 341.

115.27 **EFFECTIVE DATE.** This section is effective July 1, 2024.

115.28 Sec. 14. Minnesota Statutes 2022, section 326B.081, subdivision 6, is amended to read:

115.29 Subd. 6. **Licensing order.** "Licensing order" means an order issued under section
115.30 326B.082, subdivision 12, paragraph (a).

116.1 **EFFECTIVE DATE.** This section is effective July 1, 2024.

116.2 Sec. 15. Minnesota Statutes 2022, section 326B.081, subdivision 8, is amended to read:

116.3 Subd. 8. **Stop work order.** "Stop work order" means an order issued under section
116.4 326B.082, subdivision 10.

116.5 **EFFECTIVE DATE.** This section is effective March 1, 2025.

116.6 Sec. 16. Minnesota Statutes 2022, section 326B.082, subdivision 1, is amended to read:

116.7 Subdivision 1. **Remedies available.** The commissioner may enforce all applicable law
116.8 under this section. The commissioner may use any enforcement provision in this section,
116.9 including the assessment of monetary penalties, against a person required to have a license,

116.10 registration, certificate, or permit under the applicable law based on conduct that would
116.11 provide grounds for action against a licensee, registrant, certificate holder, or permit holder
116.12 under the applicable law. The use of an enforcement provision in this section shall not
116.13 preclude the use of any other enforcement provision in this section or otherwise provided
116.14 by law. The commissioner's investigation and enforcement authority under this section may
116.15 be used by the commissioner in addition to or as an alternative to any other investigation
116.16 and enforcement authority provided by law.

116.17 **EFFECTIVE DATE.** This section is effective July 1, 2024.

116.18 Sec. 17. Minnesota Statutes 2022, section 326B.082, subdivision 2, is amended to read:

116.19 Subd. 2. **Access to information and property; subpoenas.** (a) In order to carry out the
116.20 purposes of the applicable law, the commissioner may:

116.21 (1) administer oaths and affirmations, certify official acts, interview, question, take oral
116.22 or written statements, demand data and information, and take depositions;

116.23 (2) request, examine, take possession of, test, sample, measure, photograph, record, and
116.24 copy any documents, apparatus, devices, equipment, or materials;

116.25 (3) at a time and place indicated by the commissioner, request persons to appear before
116.26 the commissioner to give testimony, provide data and information, and produce documents,
116.27 apparatus, devices, equipment, or materials;

116.28 (4) issue subpoenas to compel persons to ~~appear before the commissioner to give~~
116.29 testimony, provide data and information, and to produce documents, apparatus, devices,
116.30 equipment, or materials; and

117.1 (5) with or without notice, enter without delay ~~upon~~ and access all areas of any property,
117.2 public or private, for the purpose of taking any action authorized under this subdivision or
117.3 the applicable law, including ~~obtaining~~ to request, examine, take possession of, test, sample,
117.4 measure, photograph, record, and copy any data, information, remedying documents,
117.5 apparatus, devices, equipment, or materials; to interview, question, or take oral or written
117.6 statements; to remedy violations; or ~~conducting~~ to conduct surveys, inspections, or
117.7 investigations.

117.8 (b) Persons requested by the commissioner to give testimony, provide data and
117.9 information, or produce documents, apparatus, devices, equipment, or materials shall respond
117.10 within the time and in the manner specified by the commissioner. If no time to respond is
117.11 specified in the request, then a response shall be submitted within 30 days of the
117.12 commissioner's service of the request.

117.13 (c) Upon the refusal or anticipated refusal of a property owner, lessee, property owner's
117.14 representative, or lessee's representative to permit the commissioner's entry ~~onto~~ and access
117.15 to all areas of any property as provided in paragraph (a), the commissioner may apply for
117.16 an administrative inspection order in the Ramsey County District Court or, at the
117.17 commissioner's discretion, in the district court in the county in which the property is located.

117.18 The commissioner may anticipate that a property owner or lessee will refuse entry and
117.19 access to all areas of a property if the property owner, lessee, property owner's representative,
117.20 or lessee's representative has refused to permit entry or access to all areas of a property on
117.21 a prior occasion or has informed the commissioner that entry or access to areas of a property
117.22 will be refused. Upon showing of administrative probable cause by the commissioner, the
117.23 district court shall issue an administrative inspection order that compels the property owner
117.24 or lessee to permit the commissioner to enter and be allowed access to all areas of the
117.25 property for the purposes specified in paragraph (a).

117.26 (d) Upon the application of the commissioner, a district court shall treat the failure of
117.27 any person to obey a subpoena lawfully issued by the commissioner under this subdivision
117.28 as a contempt of court.

117.29 **EFFECTIVE DATE.** This section is effective July 1, 2024.

117.30 Sec. 18. Minnesota Statutes 2022, section 326B.082, subdivision 4, is amended to read:

117.31 Subd. 4. **Fax or email transmission.** When this section or section 326B.083 permits a
117.32 request for reconsideration or request for hearing to be served by fax on the commissioner,
117.33 or when the commissioner instructs that a request for reconsideration or request for hearing
117.34 be served by email on the commissioner, the fax or email shall not exceed 15 printed pages
118.1 in length. The request shall be considered timely served if the fax or email is received by
118.2 the commissioner, at the fax number or email address identified by the commissioner in the
118.3 order or notice of violation, no later than 4:30 p.m. central time on the last day permitted
118.4 for faxing or emailing the request. Where the quality or authenticity of the faxed or emailed
118.5 request is at issue, the commissioner may require the original request to be filed. Where the
118.6 commissioner has not identified quality or authenticity of the faxed or emailed request as
118.7 an issue and the request has been faxed or emailed in accordance with this subdivision, the
118.8 person faxing or emailing the request does not need to file the original request with the
118.9 commissioner.

118.10 **EFFECTIVE DATE.** This section is effective July 1, 2024.

118.11 Sec. 19. Minnesota Statutes 2022, section 326B.082, subdivision 6, is amended to read:

118.12 Subd. 6. **Notices of violation.** (a) The commissioner may issue a notice of violation to
118.13 any person who the commissioner determines has committed a violation of the applicable
118.14 law. The notice of violation must state a summary of the facts that constitute the violation
118.15 and the applicable law violated. The notice of violation may require the person to correct
118.16 the violation. If correction is required, the notice of violation must state the deadline by
118.17 which the violation must be corrected.

118.18 (b) In addition to any person, a notice of violation may be issued to any individual
118.19 identified in section 181.723, subdivision 7, paragraph (d). A notice of violation is effective
118.20 against any successor person as defined in section 181.723, subdivision 7, paragraph (c).

118.21 ~~(b)~~ (c) The commissioner shall issue the notice of violation by:

118.22 (1) serving the notice of violation on the property owner or on the person who committed
118.23 the violation; or

118.24 (2) posting the notice of violation at the location where the violation occurred.

118.25 ~~(c)~~ (d) If the person to whom the commissioner has issued the notice of violation believes
118.26 the notice was issued in error, then the person may request reconsideration of the parts of
118.27 the notice that the person believes are in error. The request for reconsideration must be in
118.28 writing and must be served on, faxed, or emailed to the commissioner at the address, fax
118.29 number, or email address specified in the notice of violation by the tenth day after the
118.30 commissioner issued the notice of violation. The date on which a request for reconsideration
118.31 is served by mail shall be the postmark date on the envelope in which the request for
118.32 reconsideration is mailed. If the person does not serve, fax, or email a written request for
118.33 reconsideration or if the person's written request for reconsideration is not served on or
119.1 faxed to the commissioner by the tenth day after the commissioner issued the notice of
119.2 violation, the notice of violation shall become a final order of the commissioner and will
119.3 not be subject to review by any court or agency. The request for reconsideration must:

119.4 (1) specify which parts of the notice of violation the person believes are in error;

119.5 (2) explain why the person believes the parts are in error; and

119.6 (3) provide documentation to support the request for reconsideration.

119.7 The commissioner shall respond in writing to requests for reconsideration made under
119.8 this paragraph within 15 days after receiving the request. A request for reconsideration does
119.9 not stay a requirement to correct a violation as set forth in the notice of violation. After
119.10 reviewing the request for reconsideration, the commissioner may affirm, modify, or rescind
119.11 the notice of violation. The commissioner's response to a request for reconsideration is final
119.12 and shall not be reviewed by any court or agency.

119.13 **EFFECTIVE DATE.** This section is effective July 1, 2024.

119.14 Sec. 20. Minnesota Statutes 2022, section 326B.082, subdivision 7, is amended to read:

119.15 Subd. 7. **Administrative orders; correction; assessment of monetary penalties.** (a)
119.16 The commissioner may issue an administrative order to any person who the commissioner
119.17 determines has committed a violation of the applicable law. The commissioner shall issue
119.18 the administrative order by serving the administrative order on the person. The administrative
119.19 order may require the person to correct the violation, may require the person to cease and
119.20 desist from committing the violation, and may assess monetary damages and penalties. The
119.21 commissioner shall follow the procedures in section 326B.083 when issuing administrative
119.22 orders. Except as provided in paragraph (b), the commissioner may issue to each person a
119.23 monetary penalty of up to \$10,000 for each violation of applicable law committed by the
119.24 person. The commissioner may order that part or all of the monetary penalty will be forgiven
119.25 if the person to whom the order is issued demonstrates to the commissioner by the 31st day

119.26 after the order is issued that the person has corrected the violation or has developed a
119.27 correction plan acceptable to the commissioner.

119.28 (b) The commissioner may issue an administrative order for failure to correct a violation
119.29 by the deadline stated in a final notice of violation issued under subdivision 6 or a final
119.30 administrative order issued under paragraph (a). Each day after the deadline during which
119.31 the violation remains uncorrected is a separate violation for purposes of calculating the
119.32 maximum monetary penalty amount.

120.1 (c) Upon the application of the commissioner, a district court shall find the failure of
120.2 any person to correct a violation as required by a final notice of violation issued under
120.3 subdivision 6 or a final administrative order issued by the commissioner under this
120.4 subdivision as a contempt of court.

120.5 (d) In addition to any person, an administrative order may be issued to any individual
120.6 identified in section 181.723, subdivision 7, paragraph (d). An administrative order shall
120.7 be effective against any successor person as defined in section 181.723, subdivision 7,
120.8 paragraph (e).

120.9 **EFFECTIVE DATE.** This section is effective July 1, 2024.

120.10 Sec. 21. Minnesota Statutes 2022, section 326B.082, subdivision 10, is amended to read:

120.11 Subd. 10. **Stop work orders.** (a) ~~If the commissioner determines based on an inspection~~
120.12 ~~or investigation that a person has violated or is about to violate the applicable law, The~~
120.13 ~~commissioner may issue to the person a stop work order requiring the person to cease and~~
120.14 ~~desist from committing the violation~~ cessation of all business operations of a person at one
120.15 or more of the person's workplaces and places of business or across all of the person's
120.16 workplaces and places of business. A stop work order may only be issued to any person
120.17 who the commissioner has determined, based on an inspection or investigation, has violated
120.18 the applicable law, has engaged in any of the activities under subdivision 11, paragraph (b),
120.19 or section 326B.701, subdivision 5, or has failed to comply with a final notice, final
120.20 administrative order, or final licensing order issued by the commissioner under this section
120.21 or a final order to comply issued by the commissioner under section 177.27, or to any person
120.22 identified in paragraph (c).

120.23 (b) The stop work order is effective upon its issuance under paragraph (c). The order
120.24 remains in effect until the commissioner issues an order lifting the stop work order. The
120.25 commissioner shall issue an order lifting the stop work order upon finding that the person
120.26 has come into compliance with the applicable law, has come into compliance with a final
120.27 order or notice of violation issued by the commissioner, has ceased and desisted from
120.28 engaging in any of the activities under subdivision 11, paragraph (b), or section 326B.701,
120.29 subdivision 5, and has paid in any remedies, damages, penalties, and other monetary
120.30 sanctions, including wages owed to employees under paragraph (j), to the satisfaction of
120.31 the commissioner, or if the commissioner or appellate court modifies or vacates the order.

120.32 (c) In addition to any person, a stop work order may be issued to any individual identified
120.33 in section 181.723, subdivision 7, paragraph (d). The stop work order is effective against
120.34 any successor person as defined in section 181.723, subdivision 7, paragraph (e).

121.1 ~~(b)~~ (d) If the commissioner determines that a condition exists on real property that
121.2 ~~violates the applicable law~~ is the basis for issuing a stop work order, the commissioner may
121.3 also issue a stop work order to the owner or lessee of the real property ~~to cease and desist~~
121.4 ~~from committing the violation and to correct the condition that is in violation~~ to cease and
121.5 desist from committing the violation and to correct the condition that is in violation.

121.6 ~~(e)~~ (e) The commissioner shall issue the stop work order by:

121.7 (1) serving the order on the person ~~who has committed or is about to commit the violation;~~

121.8 (2) posting the order at the location where the violation was committed ~~or is about to be~~
121.9 ~~committed~~ or at the location where the ~~violating~~ condition exists that is the basis for issuing
121.10 the stop work order; or

121.11 (3) serving the order on any owner or lessee of the real property where the ~~violating~~
121.12 ~~condition exists~~ violations or conditions exist.

121.13 ~~(f)~~ (f) A stop work order shall:

121.14 (1) describe the act, conduct, or practice committed ~~or about to be committed~~, or the
121.15 condition, and include a reference to the applicable law ~~that the act, conduct, practice, or~~
121.16 ~~condition violates or would violate~~, the final order or final notice of violation, the provisions
121.17 in subdivision 11, paragraph (b); the provisions in section 326B.701, subdivision 5; or
121.18 liability under section 181.165, as applicable; and

121.19 (2) provide notice that any person aggrieved by the stop work order may request a hearing
121.20 as provided in paragraph ~~(e)~~ (g).

121.21 ~~(e)~~ (g) Within 30 days after the commissioner issues a stop work order, any person
121.22 aggrieved by the order may request an expedited hearing to review the commissioner's
121.23 action. The request for hearing must be made in writing and must be served on, emailed,
121.24 or faxed to the commissioner at the address, email address, or fax number specified in the
121.25 order. If the person does not request a hearing or if the person's written request for hearing
121.26 is not served on, emailed, or faxed to the commissioner on or before the 30th day after the
121.27 commissioner issued the stop work order, the order will become a final order of the
121.28 commissioner and will not be subject to review by any court or agency. The date on which
121.29 a request for hearing is served by mail is the postmark date on the envelope in which the
121.30 request for hearing is mailed. The hearing request must specifically state the reasons for
121.31 seeking review of the order. The person who requested the hearing and the commissioner
121.32 are the parties to the expedited hearing. The hearing shall be commenced within ten days
121.33 after the commissioner receives the request for hearing. The hearing shall be conducted
122.1 under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision.
122.2 The administrative law judge shall issue a report containing findings of fact, conclusions

122.3 of law, and a recommended order within ten days after the completion of the hearing, the
122.4 receipt of late-filed exhibits, or the submission of written arguments, whichever is later.
122.5 Any party aggrieved by the administrative law judge's report shall have five days after the
122.6 date of the administrative law judge's report to submit written exceptions and argument to
122.7 the commissioner that the commissioner shall consider and enter in the record. Within 15
122.8 days after receiving the administrative law judge's report, the commissioner shall issue an
122.9 order vacating, modifying, or making permanent the stop work order. The commissioner
122.10 and the person requesting the hearing may by agreement lengthen any time periods described
122.11 in this paragraph. The Office of Administrative Hearings may, in consultation with the
122.12 agency, adopt rules specifically applicable to cases under this subdivision.

122.13 ~~(f)~~ (h) A stop work order issued under this subdivision ~~shall be~~ is in effect until it is
122.14 lifted by the commissioner under paragraph (b) or is modified or vacated by the commissioner
122.15 or an appellate court under paragraph (b). The administrative hearing provided by this
122.16 subdivision and any appellate judicial review as provided in chapter 14 shall constitute the
122.17 exclusive remedy for any person aggrieved by a stop order.

122.18 (i) The commissioner may assess a civil penalty of \$5,000 per day against a person for
122.19 each day the person conducts business operations that are in violation of a stop work order
122.20 issued under this section.

122.21 (j) Once a stop work order becomes final, any of the person's employees affected by a
122.22 stop work order issued pursuant to this subdivision shall be entitled to average daily earnings
122.23 from the person for up to the first ten days of work lost by the employee because of the
122.24 issuance of a stop work order. Lifting of a stop work order may be conditioned on payment
122.25 of wages to employees. The commissioner may issue an order to comply under section
122.26 177.27 to obtain payment from persons liable for the payment of wages owed to the
122.27 employees under this section.

122.28 ~~(g)~~ (k) Upon the application of the commissioner, a district court shall find the failure
122.29 of any person to comply with a final stop work order lawfully issued by the commissioner
122.30 under this subdivision as a contempt of court.

122.31 (l) Notwithstanding section 13.39, the data in a stop work order issued under this
122.32 subdivision are classified as public data after the commissioner has issued the order.

122.33 (m) When determining the appropriateness and extent of a stop work order the
122.34 commissioner shall consider the factors set forth in section 14.045, subdivision 3.

123.1 **EFFECTIVE DATE.** This section is effective March 1, 2025.

123.2 Sec. 22. Minnesota Statutes 2022, section 326B.082, subdivision 11, is amended to read:

123.3 Subd. 11. **Licensing orders; grounds; reapplication.** (a) The commissioner may deny
123.4 an application for a permit, license, registration, or certificate if the applicant does not meet
123.5 or fails to maintain the minimum qualifications for holding the permit, license, registration,
123.6 or certificate, or has any unresolved violations or unpaid fees, or monetary damages or

123.7 penalties related to the activity for which the permit, license, registration, or certificate has
123.8 been applied for or was issued.

123.9 (b) The commissioner may deny, suspend, limit, place conditions on, or revoke a person's
123.10 permit, license, registration, or certificate, or censure the person holding or acting as
123.11 qualifying person for the permit, license, registration, or certificate, if the commissioner
123.12 finds that the person:

123.13 (1) committed one or more violations of the applicable law;

123.14 (2) committed one or more violations of chapter 176, 177, 181, 181A, 182, 268, 270C,
123.15 or 363A;

123.16 ~~(2)~~ (3) submitted false or misleading information to ~~the any~~ state agency in connection
123.17 with activities for which the permit, license, registration, or certificate was issued, or in
123.18 connection with the application for the permit, license, registration, or certificate;

123.19 ~~(3)~~ (4) allowed the alteration or use of the person's own permit, license, registration, or
123.20 certificate by another person;

123.21 ~~(4)~~ (5) within the previous five years, was convicted of a crime in connection with
123.22 activities for which the permit, license, registration, or certificate was issued;

123.23 ~~(5)~~ (6) violated: (i) a final administrative order issued under subdivision 7, (ii) a final
123.24 stop work order issued under subdivision 10, (iii) injunctive relief issued under subdivision
123.25 9, or (iv) a consent order, order to comply, or other final order ~~of~~ issued by the commissioner
123.26 or the commissioner of human rights, employment and economic development, or revenue;

123.27 ~~(6)~~ (7) delayed, obstructed, or otherwise failed to cooperate with a commissioner's
123.28 investigation, including a request to give testimony, to provide data and information, to
123.29 produce documents, things, apparatus, devices, equipment, or materials, or to enter and
123.30 access all areas of any property ~~under subdivision 2~~;

123.31 ~~(7)~~ (8) retaliated in any manner against any employee or person who makes a complaint,
123.32 is questioned by, cooperates with, or provides information to the commissioner ~~or an~~
124.1 employee or agent authorized by the commissioner who seeks access to property or things
124.2 under subdivision 2;

124.3 ~~(8)~~ (9) engaged in any fraudulent, deceptive, or dishonest act or practice; or

124.4 ~~(9)~~ (10) performed work in connection with the permit, license, registration, or certificate
124.5 or conducted the person's affairs in a manner that demonstrates incompetence,
124.6 untrustworthiness, or financial irresponsibility.

124.7 (c) In addition to any person, a licensing order may be issued to any individual identified
124.8 in section 181.723, subdivision 7, paragraph (d). A licensing order is effective against any
124.9 successor person as defined in section 181.723, subdivision 7, paragraph (c).

124.10 ~~(d)~~ (d) If the commissioner revokes or denies a person's permit, license, registration, or
124.11 certificate under paragraph (b), the person is prohibited from reapplying for the same type
124.12 of permit, license, registration, or certificate for at least two years after the effective date
124.13 of the revocation or denial. The commissioner may, as a condition of reapplication, require
124.14 the person to obtain a bond or comply with additional reasonable conditions the commissioner
124.15 considers necessary to protect the public, including but not limited to demonstration of
124.16 current and ongoing compliance with the laws the violation of which were the basis for
124.17 revoking or denying the person's permit, license, registration, or certificate under paragraph
124.18 (b) or that the person has ceased and desisted in engaging in activities under paragraph (b)
124.19 that were the basis for revoking or denying the person's permit, license, registration, or
124.20 certificate under paragraph (b).

124.21 ~~(e)~~ (e) If a permit, license, registration, or certificate expires, or is surrendered, withdrawn,
124.22 or terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding
124.23 under this subdivision within two years after the permit, license, registration, or certificate
124.24 was last effective and enter a revocation or suspension order as of the last date on which
124.25 the permit, license, registration, or certificate was in effect.

124.26 **EFFECTIVE DATE.** This section is effective July 1, 2024.

124.27 Sec. 23. Minnesota Statutes 2022, section 326B.082, subdivision 13, is amended to read:

124.28 Subd. 13. **Summary suspension.** In any case where the commissioner has issued an
124.29 order to revoke, suspend, or deny a license, registration, certificate, or permit under
124.30 subdivisions 11, paragraph (b), and 12, the commissioner may summarily suspend the
124.31 person's permit, license, registration, or certificate before the order becomes final. The
124.32 commissioner shall issue a summary suspension order when the safety of life or property
124.33 is threatened or to prevent the commission of fraudulent, deceptive, untrustworthy, or
125.1 dishonest acts against the public, including but not limited to violations of section 181.723,
125.2 subdivision 7. The summary suspension shall not affect the deadline for submitting a request
125.3 for hearing under subdivision 12. If the commissioner summarily suspends a person's permit,
125.4 license, registration, or certificate, a timely request for hearing submitted under subdivision
125.5 12 shall also be considered a timely request for hearing on continuation of the summary
125.6 suspension. If the commissioner summarily suspends a person's permit, license, registration,
125.7 or certificate under this subdivision and the person submits a timely request for a hearing,
125.8 then a hearing on continuation of the summary suspension must be held within ten days
125.9 after the commissioner receives the request for hearing unless the parties agree to a later
125.10 date.

125.11 **EFFECTIVE DATE.** This section is effective July 1, 2024.

125.12 Sec. 24. Minnesota Statutes 2022, section 326B.082, is amended by adding a subdivision
125.13 to read:

125.14 Subd. 16a. **Additional penalties and damages.** Any person who delays, obstructs, or
125.15 otherwise fails to cooperate with the commissioner's investigation may be issued a penalty

125.16 of \$1,000. Each day of delay, obstruction, or failure to cooperate shall constitute a separate
125.17 violation.

125.18 **EFFECTIVE DATE.** This section is effective July 1, 2024.

125.19 Sec. 25. Minnesota Statutes 2022, section 326B.701, is amended to read:

125.20 **326B.701 CONSTRUCTION CONTRACTOR REGISTRATION.**

125.21 Subdivision 1. **Definitions.** The following definitions apply to this section:

125.22 (a) "Building construction or improvement services" means public or private sector
125.23 commercial or residential building construction or improvement services.

125.24 ~~(a)~~ (b) "Business entity" means a person ~~other than an individual or a sole proprietor as~~
125.25 ~~that term is defined in paragraph (h), except the term does not include an individual.~~

125.26 (c) "Commissioner" means the commissioner of labor and industry or a duly designated
125.27 representative of the commissioner who is either an employee of the Department of Labor
125.28 and Industry or person working under contract with the Department of Labor and Industry.

125.29 (d) "Day" means calendar day unless otherwise provided.

125.30 (e) "Department" means the Department of Labor and Industry.

126.1 ~~(b)~~ (f) "Document" or "documents" includes papers; books; records; memoranda; data;
126.2 contracts; drawings; graphs; charts; photographs; digital, video, and audio recordings;
126.3 records; accounts; files; statements; letters; emails; invoices; bills; notes; and calendars
126.4 maintained in any form or manner.

126.5 (g) "Individual" means a human being.

126.6 (h) "Person" means any individual, sole proprietor, limited liability company, limited
126.7 liability partnership, corporation, partnership, incorporated or unincorporated association,
126.8 joint stock company, or any other legal or commercial entity.

126.9 Subd. 2. **Applicability; registration requirement.** ~~(a) Persons who perform public or~~
126.10 ~~private sector commercial or residential building construction or improvement services as~~
126.11 ~~described in subdivision 2 must register with the commissioner as provided in this section.~~
126.12 ~~The purpose of registration is to assist the Department of Labor and Industry, the Department~~
126.13 ~~of Employment and Economic Development, and the Department of Revenue to enforce~~
126.14 ~~laws related to misclassification of employees.~~

126.15 ~~(b)~~ (a) Except as provided in paragraph ~~(e)~~ (b), any person who provides or performs
126.16 building construction or improvement services in the state ~~on or after September 15, 2012,~~
126.17 ~~of Minnesota must register with the commissioner as provided in this section before providing~~
126.18 ~~or performing building construction or improvement services for another person. The~~
126.19 ~~requirements for registration under this section are not a substitute for, and do not relieve~~

- 126.20 a person from complying with, any other law requiring that the person be licensed, registered,
126.21 or certified.
- 126.22 ~~(e)~~ (b) The registration requirements in this section do not apply to:
- 126.23 (1) a person who, at the time the person is providing or performing the building
126.24 construction or improvement services, holds a current license, certificate, or registration
126.25 under chapter 299M or 326B;
- 126.26 ~~(2) a person who holds a current independent contractor exemption certificate issued~~
126.27 ~~under this section that is in effect on September 15, 2012, except that the person must register~~
126.28 ~~under this section no later than the date the exemption certificate expires, is revoked, or is~~
126.29 ~~canceled;~~
- 126.30 ~~(3)~~ (2) a person who has given a bond to the state under section 326B.197 or 326B.46;
- 126.31 ~~(4)~~ (3) an employee of the person providing or performing the building construction or
126.32 improvement services, if the person was in compliance with laws related to employment of
126.33 the individual at the time the construction services were performed;
- 127.1 ~~(5)~~ (4) an architect or professional engineer engaging in professional practice as defined
127.2 in section 326.02, subdivisions 2 and 3;
- 127.3 ~~(6)~~ (5) a school district or technical college governed under chapter 136F;
- 127.4 ~~(7)~~ (6) a person providing or performing building construction or improvement services
127.5 on a volunteer basis, including but not limited to Habitat for Humanity and Builders Outreach
127.6 Foundation, and their individual volunteers when engaged in activities on their behalf; or
- 127.7 ~~(8)~~ (7) a person exempt from licensing under section 326B.805, subdivision 6, clause
127.8 ~~(5)~~ (4).
- 127.9 Subd. 3. **Registration application.** (a) Persons required to register under this section
127.10 must submit electronically, in the manner prescribed by the commissioner, a complete
127.11 application according to paragraphs (b) to (d) this subdivision.
- 127.12 (b) A complete application must include all of the following information and
127.13 documentation about any individual who is registering as an individual or a sole proprietor,
127.14 or who owns 25 percent or more of a business entity being registered the person who is
127.15 applying for a registration:
- 127.16 (1) the individual's full person's legal name and title at the applicant's business;
- 127.17 (2) the person's assumed names filed with the secretary of state, if applicable;
- 127.18 ~~(2)~~ (3) the individual's business address and person's telephone number;
- 127.19 ~~(3)~~ the percentage of the applicant's business owned by the individual; and

- 127.20 ~~(4) the individual's Social Security number.~~
- 127.21 ~~(e) A complete application must also include the following information:~~
- 127.22 ~~(1) the applicant's legal name; assumed name filed with the secretary of state, if any;~~
- 127.23 ~~designated business address; physical address; telephone number; and email address;~~
- 127.24 ~~(2) the applicant's Minnesota tax identification number, if one is required or has been~~
- 127.25 ~~issued;~~
- 127.26 ~~(3) the applicant's federal employer identification number, if one is required or has been~~
- 127.27 ~~issued;~~
- 127.28 ~~(4) evidence of the active status of the applicant's business filings with the secretary of~~
- 127.29 ~~state, if one is required or has been issued;~~
- 127.30 ~~(5) whether the applicant has any employees at the time the application is filed;~~
- 128.1 ~~(6) the names of all other persons with an ownership interest in the business entity who~~
- 128.2 ~~are not identified in paragraph (b), and the percentage of the interest owned by each person;~~
- 128.3 ~~except that the names of shareholders with less than ten percent ownership in a publicly~~
- 128.4 ~~traded corporation need not be provided;~~
- 128.5 ~~(7) information documenting compliance with workers' compensation and unemployment~~
- 128.6 ~~insurance laws;~~
- 128.7 ~~(4) the person's email address;~~
- 128.8 ~~(5) the person's business address;~~
- 128.9 ~~(6) the person's physical address, if different from the business address;~~
- 128.10 ~~(7) the legal name, telephone number, and email address of the person's registered agent,~~
- 128.11 ~~if applicable, and the registered agent's business address and physical address, if different~~
- 128.12 ~~from the business address;~~
- 128.13 ~~(8) the jurisdiction in which the person is organized, if that jurisdiction is not in~~
- 128.14 ~~Minnesota, as applicable;~~
- 128.15 ~~(9) the legal name of the person in the jurisdiction in which it is organized, if the legal~~
- 128.16 ~~name is different than the legal name provided in clause (1), as applicable;~~
- 128.17 ~~(10) all of the following identification numbers, if all of these identification numbers~~
- 128.18 ~~have been issued to the person. A complete application must include at least one of the~~
- 128.19 ~~following identification numbers:~~
- 128.20 ~~(i) the person's Social Security number;~~
- 128.21 ~~(ii) the person's Minnesota tax identification number; or~~

- 128.22 (iii) the person's federal employer identification number;
- 128.23 (11) evidence of the active status of the person's business filings with the secretary of
- 128.24 state, if applicable;
- 128.25 (12) whether the person has any employees at the time the application is filed, and if so,
- 128.26 how many employees the person employs;
- 128.27 (13) the legal names of all persons with an ownership interest in the business entity, if
- 128.28 applicable, and the percentage of the interest owned by each person, except that the names
- 128.29 of shareholders with less than ten percent ownership in a publicly traded corporation need
- 128.30 not be provided;
- 129.1 (14) information documenting the person's compliance with workers' compensation and
- 129.2 unemployment insurance laws for the person's employees, if applicable;
- 129.3 (15) whether the person or any persons with an ownership interest in the business entity
- 129.4 as disclosed under clause (13) have been issued a notice of violation, administrative order,
- 129.5 licensing order, or order to comply by the Department of Labor and Industry in the last ten
- 129.6 years;
- 129.7 ~~(8)~~ (16) a certification that the ~~person~~ individual signing the application has: reviewed
- 129.8 it; ~~determined~~ asserts that the information and documentation provided is true and accurate;
- 129.9 and ~~determined~~ that the ~~person signing individual~~ is authorized to sign and file the application
- 129.10 as an agent or authorized representative of the ~~applicant~~ person. The name of the ~~person~~
- 129.11 individual signing, entered on an electronic application, shall constitute a valid signature
- 129.12 of the agent or authorized representative on behalf of the ~~applicant~~ person; and
- 129.13 ~~(9)~~ (17) a signed authorization for the Department of Labor and Industry to verify the
- 129.14 information and documentation provided on or with the application.
- 129.15 ~~(d)~~ (c) A registered person must notify the commissioner within 15 days after there is a
- 129.16 change in any of the information on the application as approved. This notification must be
- 129.17 provided electronically in the manner prescribed by the commissioner. However, if the
- 129.18 ~~business entity~~ structure or legal form of the business entity has changed, the person must
- 129.19 submit a new registration application ~~and registration fee, if any, for the new business entity.~~
- 129.20 ~~(e) The registered~~ (d) A person must ~~remain registered~~ maintain a current and up-to-date
- 129.21 registration while providing or performing building construction or improvement services
- 129.22 ~~for another person.~~ The provisions of sections 326B.091, 326B.094, 326B.095, and 326B.097
- 129.23 apply to this section. ~~A person with an expired registration shall not provide construction~~
- 129.24 ~~services for another person if registration is required under this section.~~ Registration
- 129.25 application and expiration time frames are as follows:
- 129.26 ~~(1) all registrations issued on or before December 31, 2015, expire on December 31,~~
- 129.27 ~~2015;~~

129.28 ~~(2)~~ (1) all registrations issued after December 31, 2015, expire on the following December
129.29 31 of each odd-numbered year; and

129.30 ~~(2)~~ (2) a person may submit a ~~registration or~~ renewal application starting October 1 of
129.31 the year the registration expires. If a renewal application is submitted later than December
129.32 1 of the expiration year, the registration may expire before the department has issued or
129.33 denied the ~~registration~~ renewal.

130.1 Subd. 4. **Website.** (a) The commissioner shall develop and maintain a website on which
130.2 ~~applicants for registration~~ persons can submit a registration or renewal application. The
130.3 website shall be designed to receive and process ~~registration~~ applications and promptly
130.4 issue registration certificates electronically to successful applicants.

130.5 (b) The commissioner shall maintain ~~the certificates of registration on the department's~~
130.6 ~~official public website, which shall include~~ the following information on the department's
130.7 official public website:

130.8 (1) the registered person's legal ~~business~~ name, including any assumed name, ~~as~~ filed
130.9 with the secretary of state;

130.10 (2) the legal names of the persons with an ownership interest in the business entity;

130.11 ~~(2)~~ (3) the registered person's business address ~~designated~~ and physical address, if
130.12 different from the business address, provided on the application; and

130.13 ~~(2)~~ (4) the effective date of the registration and the expiration date.

130.14 Subd. 5. **Prohibited activities related to registration.** (a) The prohibited activities in
130.15 this subdivision are in addition to those prohibited in ~~sections 326B.081 to 326B.085~~ section
130.16 326B.082, subdivision 11.

130.17 (b) A person who provides or performs building construction or improvement services
130.18 ~~in the course of the person's trade, business, occupation, or profession~~ shall not:

130.19 (1) ~~contract with~~ provide or perform building construction or improvement services for
130.20 ~~another person~~ without first being registered, if required by to be registered under this
130.21 section;

130.22 (2) require an individual who is the person's employee to register; or

130.23 ~~(2) contract with or pay~~ (3) engage another person to provide or perform building
130.24 construction or improvement services if the other person is required to be registered under
130.25 this section and is not registered if required by subdivision 2. All payments to an unregistered
130.26 person for construction services on a single project site shall be considered a single violation.
130.27 It is not a violation of this clause:

130.28 (i) for a person to ~~contract with or pay~~ have engaged an unregistered person if the
130.29 unregistered person ~~was registered at the time the contract for construction services was~~

130.30 ~~entered into~~ held a current registration on the date they began providing or performing the
130.31 building construction or improvement services; or

131.1 (ii) for a homeowner or business to ~~contract with or pay~~ engage an unregistered person
131.2 if the homeowner or business is not in the trade, business, profession, or occupation of
131.3 performing building construction or improvement services; or.

131.4 ~~(3) be penalized for violations of this subdivision that are committed by another person.~~
131.5 This clause applies only to violations of this paragraph.

131.6 (c) Each day a person who is required to be registered provides or performs building
131.7 construction or improvement services while unregistered shall be considered a separate
131.8 violation.

131.9 Subd. 6. **Investigation and enforcement; remedies; and penalties.** ~~(a) Notwithstanding~~
131.10 ~~the maximum penalty amount in section 326B.082, subdivisions 7 and 12, the maximum~~
131.11 ~~penalty for failure to register is \$2,000, but the commissioner shall forgive the penalty if~~
131.12 ~~the person registers within 30 days of the date of the penalty order.~~

131.13 ~~(b) The penalty for contracting with or paying an unregistered person to perform~~
131.14 ~~construction services in violation of subdivision 5, paragraph (b), clause (2), shall be as~~
131.15 ~~provided in section 326B.082, subdivisions 7 and 12, but the commissioner shall forgive~~
131.16 ~~the penalty for the first violation.~~

131.17 The commissioner may investigate and enforce this section under the authority in chapters
131.18 177 and 326B.

131.19 Subd. 7. **Notice requirement.** ~~Notice of a penalty order for failure to register must~~
131.20 ~~include a statement that the penalty shall be forgiven if the person registers within 30 days~~
131.21 ~~of the date of the penalty order.~~

131.22 Subd. 8. **Data classified.** Data in applications and any required documentation submitted
131.23 to the commissioner under this section are private data on individuals or nonpublic data as
131.24 defined in section 13.02. ~~Data in registration certificates issued by the commissioner are~~
131.25 ~~public data; except that for the registration information published on the department's website~~
131.26 ~~may be accessed for registration verification purposes only.~~ Data that document a suspension,
131.27 revocation, or cancellation of a ~~certificate~~ registration are public data. ~~Upon request of~~
131.28 Notwithstanding its classification as private data on individuals or nonpublic data, data in
131.29 applications and any required documentation submitted to the commissioner under this
131.30 section may be used by the commissioner to investigate and take enforcement action related
131.31 to laws for which the commissioner has enforcement responsibility and the commissioner
131.32 may share data and documentation with the Department of Revenue, the Department of
131.33 Commerce, the Department of Human Rights, or the Department of Employment and
131.34 Economic Development. The commissioner may release to the ~~requesting department~~
132.1 departments data classified as private or nonpublic under this subdivision or investigative
132.2 data that are not public under section 13.39 that relate to ~~the issuance or denial of applications~~
132.3 ~~or revocations of certificates~~ prohibited activities under this section and section 181.723.

132.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

132.5 **ARTICLE 11**

132.6 **MINORS APPEARING IN INTERNET CONTENT**

132.7 Section 1. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision
132.8 to read:

132.9 Subd. 5a. **Online platform.** "Online platform" means any public-facing website, web
132.10 application, or digital application, including a mobile application. Online platform includes
132.11 a social network, advertising network, mobile operating system, search engine, email service,
132.12 monetization platform to sell digital services, streaming service, paid subscription, or Internet
132.13 access service.

132.14 Sec. 2. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to
132.15 read:

132.16 Subd. 7a. **Content creation.** "Content creation" means content shared on an online
132.17 platform in exchange for compensation.

132.18 Sec. 3. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to
132.19 read:

132.20 Subd. 7b. **Content creator.** "Content creator" means an individual or individuals 18
132.21 years of age or older, including family members, who create video content performed in
132.22 Minnesota in exchange for compensation, and includes any proprietorship, partnership,
132.23 company, or other corporate entity assuming the name or identity of a particular individual
132.24 or individuals, or family members, for the purposes of that content creator. Content creator
132.25 does not include a person under the age of 18 who produces their own video content.

132.26 Sec. 4. **[181A.13] COMPENSATION FOR INTERNET CONTENT CREATION.**

132.27 Subdivision 1. **Minors featured in content creation.** (a) Except as otherwise provided
132.28 in this section, a minor is considered engaged in the work of content creation when the
132.29 following criteria are met at any time during the previous 12-month period:

133.1 (1) at least 30 percent of the content creator's compensated video content produced within
133.2 a 30-day period included the likeness, name, or photograph of any minor. Content percentage
133.3 is measured by the percentage of time the likeness, name, or photograph of a minor or if
133.4 more than one minor regularly appears in the creator's content, any of the minors, visually

187.5 Sec. 4. Minnesota Statutes 2022, section 181A.03, subdivision 1, is amended to read:

187.6 Subdivision 1. **General.** As used in sections 181A.01 to ~~181A.12~~ 181A.13, the terms
187.7 defined in this section shall have the following meanings.

187.8 Sec. 5. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to
187.9 read:

187.10 Subd. 5a. **Online platform.** "Online platform" means any public-facing website, web
187.11 application, or digital application, including a mobile application. Online platform includes
187.12 a social network, advertising network, mobile operating system, search engine, email service,
187.13 monetization platform to sell digital services, streaming service, paid subscription, or Internet
187.14 access service.

187.15 Sec. 6. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to
187.16 read:

187.17 Subd. 8. **Content creation.** "Content creation" means content shared on an online
187.18 platform that generates compensation.

187.19 Sec. 7. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to
187.20 read:

187.21 Subd. 9. **Content creator.** "Content creator" means an individual or individuals 18 years
187.22 of age or older, including family members, who create content performed in Minnesota that
187.23 generates compensation, and includes any proprietorship, partnership, company, or other
187.24 corporate entity assuming the name or identity of a particular individual or individuals, or
187.25 family members, for the purposes of that content creator.

187.26 Sec. 8. **[181A.13] COMPENSATION FOR INTERNET CONTENT CREATION.**

187.27 Subdivision 1. **Minors featured in content creation.** (a) Except as otherwise provided
187.28 in this section, a minor is considered engaged in the work of content creation when the
187.29 following criteria are met at any time during the previous 12-month period:

188.1 (1) at least 30 percent of the content creator's compensated content produced within a
188.2 30-day period included the likeness, name, or photograph of any minor. Content percentage
188.3 is measured by the percentage of time the likeness, name, or photograph of a minor or, if
188.4 more than one minor regularly appears in the creator's content, any of the minors, visually

133.5 appears or is the subject of an oral narrative in a video segment as compared to the total
133.6 length of the segment; and

133.7 (2) the number of views received per video segment on any online platform met the
133.8 online platform's threshold for generating compensation or the content creator received
133.9 actual compensation for video content equal to or greater than \$0.01 per view.

133.10 (b) A minor under the age of 14 is prohibited from engaging in the work of content
133.11 creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content
133.12 creator, the minor shall receive 100 percent of the proceeds of the creator's compensation
133.13 for the content they have appeared in, less any amount owed to another minor.

133.14 (c) A minor who is at least age 14 but under the age of 18 may produce, create, and
133.15 publish their own content and is entitled to all compensation for their own content creation.
133.16 A minor engaged in the work of content creation as the producer, creator, and publisher of
133.17 content must also follow the requirements in paragraph (b).

133.18 (d) A minor who appears incidentally in a video that depicts a public event that a
133.19 reasonable person would know to be broadcast, including a concert, competition, or sporting
133.20 event, and is published by a content creator is not considered a violation of this section.

133.21 Subd. 2. **Records required.** (a) All video content creators whose content features a
133.22 minor engaged in the work of content creation shall maintain the following records and
133.23 retain the records until the minor reaches the age of 21:

133.24 (1) the name and documentary proof of the age of the minor engaged in the work of
133.25 content creation;

133.26 (2) the amount of content creation that generated compensation as described in subdivision
133.27 1 during the reporting period;

133.28 (3) the total number of minutes of content creation for which the content creator received
133.29 compensation during the reporting period;

133.30 (4) the total number of minutes a minor was featured in content creation during the
133.31 reporting period;

133.32 (5) the total compensation generated from content creation featuring a minor during the
133.33 reporting period; and

134.1 (6) the amount deposited into the trust account for the benefit of the minor engaged in
134.2 the work of content creation as required by subdivision 3.

134.3 (b) The records required by this subdivision must be readily accessible to the minor for
134.4 review. The content creator shall provide notice to the minor of the existence of the records.

134.5 Subd. 3. **Trust required.** (a) A minor who is engaged in the work of content creation
134.6 consistent with this section must be compensated by the content creator. The content creator

188.5 appears or is the subject of an oral narrative in a segment as compared to the total length of
188.6 the segment; and

188.7 (2) the number of views received on any online platform met the online platform's
188.8 threshold for generating compensation or the content creator received actual compensation
188.9 for content equal to or greater than \$0.01 per view.

188.10 (b) A minor under the age of 14 is prohibited from engaging in the work of content
188.11 creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content
188.12 creator, the minor shall receive 100 percent of the proceeds of the creator's compensation
188.13 for the content the minor has appeared in, less any amount owed to another minor.

188.14 (c) A minor who is under the age of 18 and over the age of 13 may produce, create, and
188.15 publish their own content and are entitled to all compensation for their own content creation.
188.16 A minor engaged in the work of content creation as the producer, creator, and publisher of
188.17 content must also follow the requirements in paragraph (b).

188.18 (d) A minor who appears incidentally in a video that depicts a public event that a
188.19 reasonable person would know to be a broadcast, including a concert, competition, or
188.20 sporting event, and is published by a content creator is not considered a violation of this
188.21 section.

188.22 Subd. 2. **Records required.** (a) All content creators whose content features a minor
188.23 engaged in the work of content creation shall maintain the following records and retain the
188.24 records until the minor reaches the age of 21:

188.25 (1) the name and documentary proof of the age of the minor engaged in the work of
188.26 content creation;

188.27 (2) the amount of content creation that generated compensation as described in subdivision
188.28 1 during the reporting period;

188.29 (3) the total number of minutes of content creation for which the content creator received
188.30 compensation during the reporting period;

188.31 (4) the total number of minutes a minor was featured in content creation during the
188.32 reporting period;

189.1 (5) the total compensation generated from content creation featuring a minor during the
189.2 reporting period; and

189.3 (6) the amount deposited into the trust account for the benefit of the minor engaged in
189.4 the work of content creation as required by subdivision 3.

189.5 (b) The records required by this subdivision must be readily accessible to the minor for
189.6 review. The content creator shall provide notice to the minor of the existence of the records.

189.7 Subd. 3. **Trust required.** (a) A minor who is engaged in the work of content creation
189.8 consistent with this section must be compensated by the content creator. The content creator

134.7 must set aside gross earnings on the video content that includes the likeness, name, or
 134.8 photograph of the minor in a trust account to be preserved for the benefit of the minor until
 134.9 the minor reaches the age of majority, according to the following distribution:

134.10 (1) if only one minor meets the content threshold described in subdivision 1, the
 134.11 percentage of total gross earnings on any video segment, including the likeness, name, or
 134.12 photograph of the minor that is equal to or greater than half of the content percentage that
 134.13 includes the minor as described in subdivision 1; or

134.14 (2) if more than one minor meets the content threshold described in subdivision 1 and
 134.15 a video segment includes more than one of those minors, the percentage described in clause
 134.16 (1) for all minors in any segment must be equally divided between the minors regardless
 134.17 of differences in percentage of content provided by the individual minors.

134.18 (b) A trust account required under this section must, at a minimum, provide that:

134.19 (1) the money in the account is available only to the minor engaged in the work of content
 134.20 creation;

134.21 (2) the account is held by a bank, corporate fiduciary, or trust company, as those terms
 134.22 are defined in chapter 48A;

134.23 (3) the money in the account becomes available to the minor engaged in the work of
 134.24 content creation upon the minor attaining the age of 18 years or upon a declaration that the
 134.25 minor is emancipated; and

134.26 (4) that the account meets the requirements of chapter 527, the Uniform Transfers to
 134.27 Minors Act.

134.28 (c) If a content creator knowingly or recklessly violates this section, a minor satisfying
 134.29 the criteria described in subdivision 1 may commence a civil action to enforce the provisions
 134.30 of this section regarding the trust account. In any action brought in accordance with this
 134.31 section, the court may award the following damages:

134.32 (1) actual damages including any compensation owed under this section;

135.1 (2) punitive damages; and

135.2 (3) the costs of the action, including attorney fees and litigation costs.

135.3 (d) This section does not affect a right or remedy available under any other law of the
 135.4 state.

135.5 (e) Nothing in this section shall be interpreted to have any effect on a party that is neither
 135.6 the content creator nor the minor who engaged in the work of content creation.

135.7 Subd. 4. Civil cause of action; violations. (a) Along with the civil action provided in
 135.8 subdivision 3, paragraph (c), the minor may commence a civil action against the content

189.9 must set aside gross earnings on the content that includes the likeness, name, or photograph
 189.10 of the minor in a trust account to be preserved for the benefit of the minor until the minor
 189.11 reaches the age of majority, according to the following distribution:

189.12 (1) if only one minor meets the content threshold described in subdivision 1, the
 189.13 percentage of total gross earnings on any segment, including the likeness, name, or
 189.14 photograph of the minor that is equal to or greater than half of the content percentage that
 189.15 includes the minor as described in subdivision 1; or

189.16 (2) if more than one minor meets the content threshold described in subdivision 1 and
 189.17 a segment includes more than one of those minors, the percentage described in clause (1)
 189.18 for all minors in any segment must be equally divided between the minors regardless of
 189.19 differences in percentage of content provided by the individual minors.

189.20 (b) A trust account required under this section must, at a minimum, provide that:

189.21 (1) the money in the account is available only to the minor engaged in the work of content
 189.22 creation;

189.23 (2) the account is held by a bank, corporate fiduciary, or trust company, as those terms
 189.24 are defined in chapter 48A;

189.25 (3) the money in the account becomes available to the minor engaged in the work of
 189.26 content creation upon the minor attaining the age of 18 years or upon a declaration that the
 189.27 minor is emancipated; and

189.28 (4) that the account meets the requirements of chapter 527, the Uniform Transfers to
 189.29 Minors Act.

189.30 Subd. 4. Civil action; enforcement. (a) If a content creator knowingly or recklessly
 189.31 violates this section, a minor or a person who was a minor at the time of the alleged violation
 189.32 may commence a civil action to enforce the provisions of this section regarding the trust

135.9 creator for damages, injunctive relief, and any other relief the court finds just and equitable
135.10 to enforce this section.

135.11 (b) The attorney general may enforce subdivision 1, pursuant to section 8.31, and may
135.12 recover costs and fees.

135.13 Subd. 5. **Content removal.** Content containing the likeness of a child must be deleted
135.14 and removed from any online platform by the individual who posted the content, the account
135.15 owner, or another person who has control over the account when the request is made by a
135.16 minor age 13 or older whose likeness appears in the content, or by an adult who was under
135.17 the age of 18 when their likeness was used in the content.

135.18 **EFFECTIVE DATE.** This section is effective July 1, 2025.

190.1 account. In any action brought in accordance with this paragraph, the court may award
190.2 actual damages, including any compensation owed under this section.

190.3 (b) Along with the civil action provided in paragraph (a), the minor may commence a
190.4 civil action against the content creator for damages, injunctive relief, and any other relief
190.5 the court finds just and equitable to enforce this section.

190.6 (c) The attorney general may enforce subdivision 1 of this section, pursuant to section
190.7 8.31, and may recover costs and fees.

190.8 (d) This section does not affect a right or remedy available under any other law of the
190.9 state.

190.10 (e) Nothing in this section shall be interpreted to have any effect on a party that is neither
190.11 the content creator nor the minor who engaged in the work of content creation.

190.12 Subd. 5. **Content deletion requests.** (a) A person 13 years of age or older who was
190.13 featured as a minor child in content of a content creator may request the permanent deletion
190.14 of the content from an online platform. An online platform must have an easily accessible
190.15 form available online for submission of the deletion request.

190.16 (b) An online platform that receives a deletion request shall remove and permanently
190.17 delete the content for which the request was made within seven days after the request was
190.18 submitted.

190.19 (c) Any contract between a content creator and an online platform that would reasonably
190.20 be anticipated to feature a minor child must include notification to the social media platform
190.21 of the rights under this subdivision.

190.22 Subd. 6. **Minimum age exemption.** A minor 14 years of age or older who is compensated
190.23 under this section is exempt from the minimum age provisions of section 181A.04,
190.24 subdivision 1.

190.25 **EFFECTIVE DATE.** This section is effective July 1, 2025.

170.19 **ARTICLE 7**

170.20 **EARNED SICK AND SAFE TIME MODIFICATIONS**

170.21 Section 1. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
170.22 to read:

170.23 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
170.24 employer to comply with sections 177.21 to 177.435, 177.50, 179.86, 181.02, 181.03,
170.25 181.031, 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172,
170.26 paragraph (a) or (d), 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.722, 181.79,
170.27 181.85 to 181.89, 181.939 to 181.943, 181.9445 to 181.9448, 181.987, 181.991, 268B.09,
170.28 subdivisions 1 to 6, and 268B.14, subdivision 3, with any rule promulgated under section

170.29 177.28, 181.213, or 181.215. The commissioner shall issue an order requiring an employer
170.30 to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated.
170.31 For purposes of this subdivision only, a violation is repeated if at any time during the two
170.32 years that preceded the date of violation, the commissioner issued an order to the employer
171.1 for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the order is final or
171.2 the commissioner and the employer have entered into a settlement agreement that required
171.3 the employer to pay back wages that were required by sections 177.41 to 177.435. The
171.4 department shall serve the order upon the employer or the employer's authorized
171.5 representative in person or by certified mail at the employer's place of business. An employer
171.6 who wishes to contest the order must file written notice of objection to the order with the
171.7 commissioner within 15 calendar days after being served with the order. A contested case
171.8 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,
171.9 within 15 calendar days after being served with the order, the employer fails to file a written
171.10 notice of objection with the commissioner, the order becomes a final order of the
171.11 commissioner. For the purposes of this subdivision, an employer includes a contractor that
171.12 has assumed a subcontractor's liability within the meaning of section 181.165.

171.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

171.14 Sec. 2. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a
171.15 subdivision to read:

171.16 Subd. 6. **Rulemaking authority.** The commissioner may adopt rules to carry out the
171.17 purposes of this section and sections 181.9445 to 181.9448.

171.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

171.19 Sec. 3. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a
171.20 subdivision to read:

171.21 Subd. 7. **Remedies.** (a) If an employer does not provide earned sick and safe time
171.22 pursuant to section 181.9446, or does not allow the use of earned sick and safe time pursuant
171.23 to section 181.9447, the employer is liable to all employees who were not provided or not
171.24 allowed to use earned sick and safe time for an amount equal to all earned sick and safe
171.25 time that should have been provided or could have been used, plus an additional equal
171.26 amount as liquidated damages.

171.27 (b) If the employer does not possess records sufficient to determine the earned sick and
171.28 safe time an employee should have been provided pursuant to paragraph (a), the employer
171.29 is liable to the employee for an amount equal to 48 hours of earned sick and safe time for
171.30 each year earned sick and safe time was not provided, plus an additional equal amount as
171.31 liquidated damages.

171.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

172.1 Sec. 4. Minnesota Statutes 2023 Supplement, section 181.032, is amended to read:

172.2 **181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE**
 172.3 **TO EMPLOYEE.**

172.4 (a) At the end of each pay period, the employer shall provide each employee an earnings
 172.5 statement, either in writing or by electronic means, covering that pay period. An employer
 172.6 who chooses to provide an earnings statement by electronic means must provide employee
 172.7 access to an employer-owned computer during an employee's regular working hours to
 172.8 review and print earnings statements, and must make statements available for review or
 172.9 printing for a period of three years.

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

172.12 (1) the name of the employee;

172.13 (2) the rate or rates of pay and basis thereof, including whether the employee is paid by
 172.14 hour, shift, day, week, salary, piece, commission, or other method;

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

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

172.17 ~~(5) the total number of earned sick and safe time hours accrued and available for use~~
 172.18 ~~under section 181.9446;~~

172.19 ~~(6) the total number of earned sick and safe time hours used during the pay period under~~
 172.20 ~~section 181.9447;~~

172.21 ~~(7)~~ (5) the total amount of gross pay earned by the employee during that period;

172.22 ~~(8)~~ (6) a list of deductions made from the employee's pay;

172.23 ~~(9)~~ (7) any amount deducted by the employer under section 268B.14, subdivision 3, and
 172.24 the amount paid by the employer based on the employee's wages under section 268B.14,
 172.25 subdivision 1;

172.26 ~~(10)~~ (8) the net amount of pay after all deductions are made;

172.27 ~~(11)~~ (9) the date on which the pay period ends;

172.28 ~~(12)~~ (10) the legal name of the employer and the operating name of the employer if
 172.29 different from the legal name;

172.30 ~~(13)~~ (11) the physical address of the employer's main office or principal place of business,
 172.31 and a mailing address if different; and

173.1 ~~(14)~~ (12) the telephone number of the employer.

- 173.2 (c) An employer must provide earnings statements to an employee in writing, rather
173.3 than by electronic means, if the employer has received at least 24 hours notice from an
173.4 employee that the employee would like to receive earnings statements in written form. Once
173.5 an employer has received notice from an employee that the employee would like to receive
173.6 earnings statements in written form, the employer must comply with that request on an
173.7 ongoing basis.
- 173.8 (d) At the start of employment, an employer shall provide each employee a written notice
173.9 containing the following information:
- 173.10 (1) the rate or rates of pay and basis thereof, including whether the employee is paid by
173.11 the hour, shift, day, week, salary, piece, commission, or other method, and the specific
173.12 application of any additional rates;
- 173.13 (2) allowances, if any, claimed pursuant to permitted meals and lodging;
- 173.14 (3) paid vacation, sick time, or other paid time-off accruals and terms of use;
- 173.15 (4) the employee's employment status and whether the employee is exempt from minimum
173.16 wage, overtime, and other provisions of chapter 177, and on what basis;
- 173.17 (5) a list of deductions that may be made from the employee's pay;
- 173.18 (6) the number of days in the pay period, the regularly scheduled pay day, and the pay
173.19 day on which the employee will receive the first payment of wages earned;
- 173.20 (7) the legal name of the employer and the operating name of the employer if different
173.21 from the legal name;
- 173.22 (8) the physical address of the employer's main office or principal place of business, and
173.23 a mailing address if different; and
- 173.24 (9) the telephone number of the employer.
- 173.25 (e) The employer must keep a copy of the notice under paragraph (d) signed by each
173.26 employee acknowledging receipt of the notice. The notice must be provided to each employee
173.27 in English. The English version of the notice must include text provided by the commissioner
173.28 that informs employees that they may request, by indicating on the form, the notice be
173.29 provided in a particular language. If requested, the employer shall provide the notice in the
173.30 language requested by the employee. The commissioner shall make available to employers
173.31 the text to be included in the English version of the notice required by this section and assist
173.32 employers with translation of the notice in the languages requested by their employees.
- 174.1 (f) An employer must provide the employee any written changes to the information
174.2 contained in the notice under paragraph (d) prior to the date the changes take effect.
- 174.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

- 174.4 Sec. 5. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 4, is amended
174.5 to read:
- 174.6 Subd. 4. **Earned sick and safe time.** "Earned sick and safe time" means leave, including
174.7 paid time off and other paid leave systems, that is paid at the same ~~hourly~~ base rate as an
174.8 employee earns from employment that may be used for the same purposes and under the
174.9 same conditions as provided under section 181.9447, but in no case shall this ~~hourly~~ base
174.10 rate be less than that provided under section 177.24 or an applicable local minimum wage.
- 174.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 174.12 Sec. 6. Minnesota Statutes 2023 Supplement, section 181.9445, is amended by adding a
174.13 subdivision to read:
- 174.14 Subd. 4a. **Base rate.** "Base rate" means:
- 174.15 (1) for employees paid on an hourly basis, the same rate received per hour of work;
- 174.16 (2) for employees paid on an hourly basis who receive multiple hourly rates, the rate
174.17 the employee would have been paid for the period of time in which leave was taken;
- 174.18 (3) for employees paid on a salary basis, the same rate guaranteed to the employee as if
174.19 the employee had not taken the leave; and
- 174.20 (4) for employees paid solely on a commission, piecework, or any basis other than hourly
174.21 or salary, a rate no less than the applicable local, state, or federal minimum wage, whichever
174.22 is greater.
- 174.23 For purposes of this section and section 181.9446, base rate does not include commissions;
174.24 shift differentials that are in addition to an hourly rate; premium payments for overtime
174.25 work; premium payments for work on Saturdays, Sundays, holidays, or scheduled days off;
174.26 bonuses; or gratuities as defined by section 177.23.
- 174.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 175.1 Sec. 7. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 5, is amended
175.2 to read:
- 175.3 Subd. 5. **Employee.** "Employee" means any person who is employed by an employer,
175.4 including temporary and part-time employees, who ~~performs~~ is anticipated by the employer
175.5 to perform work for at least 80 hours in a year for that employer in Minnesota. Employee
175.6 does not include:
- 175.7 (1) an independent contractor; ~~or~~
- 175.8 (2) an individual who is a volunteer firefighter or paid on-call firefighter, with a
175.9 department charged with the prevention or suppression of fires within the boundaries of the
175.10 state; is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15;

175.11 or is an ambulance service personnel as defined in section 144E.001, subdivision 3a, who
175.12 serves in a paid on-call position;

175.13 (3) an individual who is an elected official or a person who is appointed to fill a vacancy
175.14 in an elected office as part of a legislative governing body of Minnesota or a political
175.15 subdivision; or

175.16 (4) an individual employed by a farmer, family farm, or a family farm corporation to
175.17 provide physical labor on or management of a farm if:

175.18 (i) the farmer, family farm, or family farm corporation employs five or fewer employees;
175.19 or

175.20 (ii) the farmer, family farm, or family farm corporation employs the individual to perform
175.21 work for 28 days or less each year.

175.22 ~~(2) an individual employed by an air carrier as a flight deck or cabin crew member who:~~

175.23 ~~(i) is subject to United States Code, title 45, sections 181 to 188;~~

175.24 ~~(ii) works less than a majority of their hours in Minnesota in a calendar year; and~~

175.25 ~~(iii) is provided with paid leave equal to or exceeding the amounts in section 181.9446.~~

175.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

175.27 Sec. 8. Minnesota Statutes 2023 Supplement, section 181.9446, is amended to read:

175.28 **181.9446 ACCRUAL OF EARNED SICK AND SAFE TIME.**

175.29 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
175.30 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.

176.1 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
176.2 the employer agrees to a higher amount.

176.3 (b)(1) Except as provided in clause (2), employers must permit an employee to carry
176.4 over accrued but unused sick and safe time into the following year. The total amount of
176.5 accrued but unused earned sick and safe time for an employee must not exceed 80 hours at
176.6 any time, unless an employer agrees to a higher amount.

176.7 (2) In lieu of permitting the carryover of accrued but unused sick and safe time into the
176.8 following year as provided under clause (1), an employer may provide an employee with
176.9 earned sick and safe time for the year that meets or exceeds the requirements of this section
176.10 that is available for the employee's immediate use at the beginning of the subsequent year
176.11 as follows: (i) 48 hours, if an employer pays an employee for accrued but unused sick and
176.12 safe time at the end of a year at the same hourly base rate as an employee earns from
176.13 employment and in no case at a rate less than that provided under section 177.24 or an
176.14 applicable local minimum wage; or (ii) 80 hours, if an employer does not pay an employee
176.15 for accrued but unused sick and safe time at the end of a year at the same or greater hourly

176.16 rate as an employee earns from employment. In no case shall this hourly rate be less than
176.17 that provided under section 177.24, or an applicable local minimum wage.

176.18 (c) Employees who are exempt from overtime requirements under United States Code,
176.19 title 29, section 213(a)(1), as amended through January 1, 2024, are deemed to work 40
176.20 hours in each workweek for purposes of accruing earned sick and safe time, except that an
176.21 employee whose normal workweek is less than 40 hours will accrue earned sick and safe
176.22 time based on the normal workweek.

176.23 (d) Earned sick and safe time under this section begins to accrue at the commencement
176.24 of employment of the employee.

176.25 (e) Employees may use earned sick and safe time as it is accrued.

176.26 Sec. 9. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 1, is amended
176.27 to read:

176.28 Subdivision 1. **Eligible use.** An employee may use accrued earned sick and safe time
176.29 for:

176.30 (1) an employee's:

176.31 (i) mental or physical illness, injury, or other health condition;

177.1 (ii) need for medical diagnosis, care, or treatment of a mental or physical illness, injury,
177.2 or health condition; ~~or~~

177.3 (iii) need for preventive medical or health care; or

177.4 (iv) need to make arrangements for or attend funeral services or a memorial, or address
177.5 financial or legal matters that arise after the death of a family member;

177.6 (2) care of a family member:

177.7 (i) with a mental or physical illness, injury, or other health condition;

177.8 (ii) who needs medical diagnosis, care, or treatment of a mental or physical illness,
177.9 injury, or other health condition; or

177.10 (iii) who needs preventive medical or health care;

177.11 (3) absence due to domestic abuse, sexual assault, or stalking of the employee or
177.12 employee's family member, provided the absence is to:

177.13 (i) seek medical attention related to physical or psychological injury or disability caused
177.14 by domestic abuse, sexual assault, or stalking;

177.15 (ii) obtain services from a victim services organization;

177.16 (iii) obtain psychological or other counseling;

177.17 (iv) seek relocation or take steps to secure an existing home due to domestic abuse,
177.18 sexual assault, or stalking; or

177.19 (v) seek legal advice or take legal action, including preparing for or participating in any
177.20 civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault,
177.21 or stalking;

177.22 (4) closure of the employee's place of business due to weather or other public emergency
177.23 or an employee's need to care for a family member whose school or place of care has been
177.24 closed due to weather or other public emergency;

177.25 (5) the employee's inability to work or telework because the employee is: (i) prohibited
177.26 from working by the employer due to health concerns related to the potential transmission
177.27 of a communicable illness related to a public emergency; or (ii) seeking or awaiting the
177.28 results of a diagnostic test for, or a medical diagnosis of, a communicable disease related
177.29 to a public emergency and such employee has been exposed to a communicable disease or
177.30 the employee's employer has requested a test or diagnosis; and

178.1 (6) when it has been determined by the health authorities having jurisdiction or by a
178.2 health care professional that the presence of the employee or family member of the employee
178.3 in the community would jeopardize the health of others because of the exposure of the
178.4 employee or family member of the employee to a communicable disease, whether or not
178.5 the employee or family member has actually contracted the communicable disease.

178.6 For the purposes of this subdivision, a public emergency shall include a declared
178.7 emergency as defined in section 12.03 or a declared local emergency under section 12.29.

178.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

178.9 Sec. 10. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 3, is amended
178.10 to read:

178.11 Subd. 3. **Documentation.** (a) When an employee uses earned sick and safe time for
178.12 more than three consecutive scheduled work days, an employer may require reasonable
178.13 documentation that the earned sick and safe time is covered by subdivision 1.

178.14 (b) For earned sick and safe time under subdivision 1, clauses (1), (2), (5), and (6),
178.15 reasonable documentation may include a signed statement by a health care professional
178.16 indicating the need for use of earned sick and safe time. However, if the employee or
178.17 employee's family member did not receive services from a health care professional, or if
178.18 documentation cannot be obtained from a health care professional in a reasonable time or
178.19 without added expense, then reasonable documentation for the purposes of this paragraph
178.20 may include a written statement from the employee indicating that the employee is using
178.21 or used earned sick and safe time for a qualifying purpose covered by subdivision 1, clause
178.22 (1), (2), (5), or (6).

178.23 (c) For earned sick and safe time under subdivision 1, clause (3), an employer must
178.24 accept a court record or documentation signed by a volunteer or employee of a victims

178.25 services organization, an attorney, a police officer, or an antiviolen
178.26 documentation. If documentation cannot be obtained in a reasonable time or without added
178.27 expense, then reasonable documentation for the purposes of this paragraph may include a
178.28 written statement from the employee indicating that the employee is using or used earned
178.29 sick and safe time for a qualifying purpose covered under subdivision 1, clause (3).

178.30 (d) For earned sick and safe time to care for a family member under subdivision 1, clause
178.31 (4), an employer must accept as reasonable documentation a written statement from the
178.32 employee indicating that the employee is using or used earned sick and safe time for a
178.33 qualifying purpose as reasonable documentation.

179.1 (e) An employer must not require disclosure of details relating to domestic abuse, sexual
179.2 assault, or stalking or the details of an employee's or an employee's family member's medical
179.3 condition as related to an employee's request to use earned sick and safe time under this
179.4 section.

179.5 (f) Written statements by an employee may be written in the employee's first language
179.6 and need not be notarized or in any particular format.

179.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

179.8 Sec. 11. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 5, is amended
179.9 to read:

179.10 Subd. 5. **Increment of time used.** Earned sick and safe time may be used in the ~~smallest~~
179.11 ~~increment of time tracked by the employer's payroll system, provided such increment is not~~
179.12 ~~more than four hours~~ same increment of time for which employees are paid, provided an
179.13 employer is not required to provide leave in less than 15-minute increments nor can the
179.14 employer require use of earned sick and safe time in more than four-hour increments.

179.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

179.16 Sec. 12. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 10, is amended
179.17 to read:

179.18 Subd. 10. **Employer records and required statement to employees.** (a) Employers
179.19 shall retain accurate records documenting hours worked by employees and earned sick and
179.20 safe time taken and comply with all requirements under section 177.30.

179.21 (b) At the end of each pay period, the employer shall provide, in writing or electronically,
179.22 information stating the employee's current amount of:

179.23 (1) the total number of earned sick and safe time hours available to the employee for
179.24 use under section 181.9446; and

179.25 (2) the total number of earned sick and safe time hours used during the pay period under
179.26 section 181.9447.

179.27 Employers may choose a reasonable system for providing this information, including
179.28 but not limited to listing information on or attached to each earnings statement or an
179.29 electronic system where employees can access this information. An employer who chooses
179.30 to provide this information by electronic means must provide employee access to an
179.31 employer-owned computer during an employee's regular working hours to review and print.

180.1 ~~(b)~~ (c) An employer must allow an employee to inspect records required by this section
180.2 and relating to that employee at a reasonable time and place.

180.3 (d) The records required by this section must be kept for three years.

180.4 (e) All records required to be kept under this section must be readily available for
180.5 inspection by the commissioner upon demand. The records must be either kept at the place
180.6 where employees are working or kept in a manner that allows the employer to comply with
180.7 this paragraph within 72 hours.

180.8 Sec. 13. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 11, is amended
180.9 to read:

180.10 Subd. 11. **Confidentiality and nondisclosure.** (a) If, in conjunction with this section,
180.11 an employer possesses:

180.12 (1) health or medical information regarding an employee or an employee's family
180.13 member;

180.14 (2) information pertaining to domestic abuse, sexual assault, or stalking;

180.15 (3) information that the employee has requested or obtained leave under this section; or

180.16 (4) any written or oral statement, documentation, record, or corroborating evidence
180.17 provided by the employee or an employee's family member, the employer must treat such
180.18 information as confidential.

180.19 Information given by an employee may only be disclosed by an employer if the disclosure
180.20 is requested or consented to by the employee, when ordered by a court or administrative
180.21 agency, or when otherwise required by federal or state law.

180.22 (b) Records and documents relating to medical certifications, recertifications, or medical
180.23 histories of employees or family members of employees created for purposes of section
180.24 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
180.25 separate from the usual personnel files. At the request of the employee, the employer must
180.26 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
180.27 three years prior to the current calendar year, unless state or federal law, rule, or regulation
180.28 requires the employer to retain such records.

180.29 (c) Employers may not discriminate against any employee based on records created for
180.30 the purposes of section 177.50 or sections 181.9445 to 181.9448.

180.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

181.1 Sec. 14. Minnesota Statutes 2023 Supplement, section 181.9447, is amended by adding

181.2 a subdivision to read:

181.3 Subd. 12. **Weather event exception.** Notwithstanding subdivision 1, an employee may

181.4 not use sick and safe time under the conditions in subdivision 1, clause (4), if:

181.5 (1) the employee's preassigned or foreseeable work duties during a public emergency

181.6 or weather event would require the employee to respond to the public emergency or weather

181.7 event;

181.8 (2) the employee is a firefighter; a peace officer subject to licensure under sections

181.9 626.84 to 626.863; a 911 telecommunicator as defined in section 403.02, subdivision 17c;

181.10 a guard at a correctional facility; or a public employee holding a commercial driver's license;

181.11 and

181.12 (3) one of the following two conditions are met:

181.13 (i) the employee is represented by an exclusive representative under section 179A.03,

181.14 subdivision 8, and the collective bargaining agreement or memorandum of understanding

181.15 governing the employee's position explicitly references section 181.9447, subdivision 1,

181.16 clause (4), and clearly and unambiguously waives application of that section for the

181.17 employee's position; or

181.18 (ii) the employee is not represented by an exclusive representative, the employee is

181.19 needed for the employer to maintain minimum staffing requirements, and the employer has

181.20 a written policy explicitly referencing section 181.9447, subdivision 1, clause (4), that is

181.21 provided to such employees in a manner that meets the requirements of other earned sick

181.22 and safe time notices under section 181.9447, subdivision 9.

181.23 Sec. 15. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 1, is amended

181.24 to read:

181.25 Subdivision 1. **No Effect on more generous sick and safe time policies.** (a) Nothing

181.26 in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting

181.27 or retaining earned sick and safe time policies that meet or exceed, and do not otherwise

181.28 conflict with, the minimum standards and requirements provided in sections 181.9445 to

181.29 181.9448. All paid time off and other paid leave made available to an employee by an

181.30 employer in excess of the minimum amount required in section 181.9446 for absences from

181.31 work due to personal illness or injury, but not including short-term or long-term disability

181.32 or other salary continuation benefits, must meet or exceed the minimum standards and

181.33 requirements provided in sections 181.9445 to 181.9448, except for section 181.9446. For

182.1 paid leave accrued prior to January 1, 2024, for absences from work due to personal illness

182.2 or injury, an employer may require an employee who uses such leave to follow the written

182.3 notice and documentation requirements in the employer's applicable policy or applicable

182.4 collective bargaining agreement as of December 31, 2023, in lieu of the requirements of

182.5 section 181.9447, subdivisions 2 and 3, provided that an employer does not require an
182.6 employee to use leave accrued on or after January 1, 2024, before using leave accrued prior
182.7 to that date.

182.8 (b) Nothing in sections 181.9445 to 181.9448 shall be construed to limit the right of
182.9 parties to a collective bargaining agreement to bargain and agree with respect to earned sick
182.10 and safe time policies or to diminish the obligation of an employer to comply with any
182.11 contract, collective bargaining agreement, or any employment benefit program or plan that
182.12 meets or exceeds, and does not otherwise conflict with, the minimum standards and
182.13 requirements provided in this section.

182.14 (c) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or
182.15 otherwise affect the applicability of any other law, regulation, requirement, policy, or
182.16 standard that provides for a greater amount, accrual, or use by employees of paid sick and
182.17 safe time or that extends other protections to employees.

182.18 (d) Nothing in sections 181.9445 to 181.9448 shall be construed or applied so as to
182.19 create any power or duty in conflict with federal law.

182.20 (e) Employers who provide earned sick and safe time to their employees under a paid
182.21 time off policy or other paid leave policy that may be used for the same purposes and under
182.22 the same conditions as earned sick and safe time, and that meets or exceeds, and does not
182.23 otherwise conflict with, the minimum standards and requirements provided in sections
182.24 181.9445 to 181.9448 are not required to provide additional earned sick and safe time.

182.25 (f) The provisions of sections 181.9445 to 181.9448 may be waived by a collective
182.26 bargaining agreement with a bona fide building and construction trades labor organization
182.27 that has established itself as the collective bargaining representative for the affected building
182.28 and construction industry employees, provided that for such waiver to be valid, it shall
182.29 explicitly reference sections 181.9445 to 181.9448 and clearly and unambiguously waive
182.30 application of those sections to such employees.

182.31 (g) An individual provider, as defined in section 256B.0711, subdivision 1, paragraph
182.32 (d), who provides services through a consumer support grant under section 256.476,
182.33 consumer-directed community supports under section 256B.4911, or community first services
182.34 and supports under section 256B.85, to a family member who is a participant, as defined
183.1 in section 256B.0711, subdivision 1, paragraph (e), may individually waive the provisions
183.2 of sections 181.9445 to 181.9448 for the remainder of the participant's service plan year,
183.3 provided that the funds are returned to the participant's budget. Once an individual provider
183.4 has waived the provisions of sections 181.9445 to 181.9448, they may not accrue earned
183.5 sick and safe time until the start of the participant's next service plan year.

183.6 ~~(g)~~ (h) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a
183.7 policy whereby employees may donate unused accrued sick and safe time to another
183.8 employee.

183.9 ~~(H)~~ (i) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick
183.10 and safe time to an employee before accrual by the employee.

183.11 **EFFECTIVE DATE.** This section is effective the day following final enactment, except
183.12 paragraph (a) is effective January 1, 2025.

183.13 Sec. 16. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 2, is amended
183.14 to read:

183.15 Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not
183.16 require financial or other reimbursement to an employee from an employer upon the
183.17 employee's termination, resignation, retirement, or other separation from employment for
183.18 accrued earned sick and safe time that has not been used. If an employee is transferred to
183.19 a separate division, entity, or location, but remains employed by the same employer, the
183.20 employee is entitled to all earned sick and safe time accrued at the prior division, entity, or
183.21 location and is entitled to use all earned sick and safe time as provided in sections 181.9445
183.22 to 181.9448. When there is a separation from employment and the employee is rehired
183.23 within 180 days of separation by the same employer, previously accrued earned sick and
183.24 safe time that had not been used or otherwise disbursed to the benefit of the employee upon
183.25 separation must be reinstated. An employee is entitled to use accrued earned sick and safe
183.26 time and accrue additional earned sick and safe time at the commencement of reemployment.

183.27 **EFFECTIVE DATE.** This section is effective the day following final enactment.

183.28 Sec. 17. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 3, is amended
183.29 to read:

183.30 Subd. 3. **Employer succession.** (a) When a different employer succeeds or takes the
183.31 place of an existing employer, all employees of the original employer who remain employed
183.32 by the successor employer are entitled to all earned sick and safe time accrued but not used
184.1 when employed by the original employer, and are entitled to use all earned sick and safe
184.2 time previously accrued but not used.

184.3 (b) If, ~~at the time of transfer of the business,~~ employees are terminated by the original
184.4 employer and hired within 30 days by the successor employer following the ~~transfer~~ employer
184.5 succession, those employees are entitled to all earned sick and safe time accrued but not
184.6 used when employed by the original employer, and are entitled to use all earned sick and
184.7 safe time previously accrued but not used.

184.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

193.15

ARTICLE 10

193.16

UNIVERSITY OF MINNESOTA COLLECTIVE BARGAINING

193.17 Section 1. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is
193.18 amended to read:

193.19 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means
193.20 any person appointed or employed by a public employer except:

193.21 (1) elected public officials;

193.22 (2) election officers;

193.23 (3) commissioned or enlisted personnel of the Minnesota National Guard;

193.24 (4) emergency employees who are employed for emergency work caused by natural
193.25 disaster;

193.26 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
193.27 or 35 percent of the normal work week in the employee's appropriate unit;

193.28 (6) employees whose positions are basically temporary or seasonal in character and: (i)
193.29 are not for more than 67 working days in any calendar year; (ii) are not working for a
193.30 Minnesota school district or charter school; or (iii) are not for more than 100 working days
193.31 in any calendar year and the employees are under the age of 22, are full-time students
194.1 enrolled in a nonprofit or public educational institution prior to being hired by the employer,
194.2 excluding employment by the Board of Regents of the University of Minnesota, and have
194.3 indicated, either in an application for employment or by being enrolled at an educational
194.4 institution for the next academic year or term, an intention to continue as students during
194.5 or after their temporary employment;

194.6 (7) employees providing services for not more than two consecutive quarters to the
194.7 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
194.8 professional or technical services contract as defined in section 16C.08, subdivision 1;

194.9 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
194.10 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
194.11 employees for purposes of sections 179A.051, 179A.052, and 179A.13;

194.12 (9) full-time undergraduate students employed by the school, excluding employment by
194.13 the Board of Regents of the University of Minnesota, which they attend under a work-study
194.14 program or in connection with the receipt of financial aid, irrespective of number of hours
194.15 of service per week;

194.16 (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor
194.17 in an adult vocational education program;

194.18 (11) with respect to court employees;

- 194.19 (i) personal secretaries to judges;
- 194.20 (ii) law clerks;
- 194.21 (iii) managerial employees;
- 194.22 (iv) confidential employees; and
- 194.23 (v) supervisory employees; or
- 194.24 (12) with respect to employees of Hennepin Healthcare System, Inc., managerial,
- 194.25 supervisory, and confidential employees.
- 194.26 (b) The following individuals are public employees regardless of the exclusions of
- 194.27 paragraph (a), clauses (5) to (7):
- 194.28 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
- 194.29 State Colleges and Universities except at the university established in the Twin Cities
- 194.30 metropolitan area under section 136F.10 or for community services or community education
- 194.31 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
- 194.32 who is a public employee, where the replacement employee is employed more than 30
- 195.1 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
- 195.2 position created due to increased enrollment, curriculum expansion, courses which are a
- 195.3 part of the curriculum whether offered annually or not, or other appropriate reasons;
- 195.4 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
- 195.5 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
- 195.6 year and the cumulative number of days worked in that same position by all employees
- 195.7 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"
- 195.8 includes a substantially equivalent position if it is not the same position solely due to a
- 195.9 change in the classification or title of the position;
- 195.10 (3) an early childhood family education teacher employed by a school district; ~~and~~
- 195.11 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
- 195.12 Universities or the University of Minnesota as the instructor of record to teach (i) one class
- 195.13 for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a
- 195.14 fiscal year; and
- 195.15 (5) an individual who: (i) is paid by the Board of Regents of the University of Minnesota
- 195.16 for work performed at the direction of the university or any of its employees or contractors;
- 195.17 and (ii) is enrolled in three or more university credit-bearing classes or one semester as a
- 195.18 full-time student or postdoctoral fellow during the fiscal year in which the work is performed.
- 195.19 For purposes of this section, work paid by the university includes but is not limited to work
- 195.20 that is required as a condition of receiving a stipend or tuition benefit, whether or not the
- 195.21 individual also receives educational benefit from performing that work. Individuals who
- 195.22 perform supervisory functions in regard to any individuals who are employees under this

195.23 clause are not considered supervisory employees for the purpose of section 179A.06,
195.24 subdivision 2.

195.25 Sec. 2. Minnesota Statutes 2022, section 179A.11, subdivision 1, is amended to read:

195.26 Subdivision 1. **Units.** (a) The following are the appropriate units of University of
195.27 Minnesota employees. The listed units include but are not limited to the positions described.
195.28 A position may be added to a unit if the commissioner makes a determination under section
195.29 179A.09 that the unit is appropriate for the position. All units shall exclude managerial and
195.30 confidential employees. Supervisory employees shall only be assigned to unit 13. No
195.31 additional units of University of Minnesota employees shall be recognized for the purpose
195.32 of meeting and negotiating.

196.1 (1) The Law Enforcement Unit ~~consists of~~ includes the positions of all employees with
196.2 the power of arrest.

196.3 (2) The Craft and Trades Unit ~~consists of~~ includes the positions of all employees whose
196.4 work requires specialized manual skills and knowledge acquired through formal training
196.5 or apprenticeship or equivalent on-the-job training or experience.

196.6 (3) The Service, Maintenance, and Labor Unit ~~consists of~~ includes the positions of all
196.7 employees whose work is typically that of maintenance, service, or labor and which does
196.8 not require extensive previous training or experience, except as provided in unit 4.

196.9 (4) The Health Care Nonprofessional and Service Unit ~~consists of~~ includes the positions
196.10 of all nonprofessional employees of the University of Minnesota hospitals, dental school,
196.11 and health service whose work is unique to those settings, excluding labor and maintenance
196.12 employees as defined in unit 3.

196.13 (5) The Nursing Professional Unit ~~consists of~~ includes all positions which are required
196.14 to be filled by registered nurses.

196.15 (6) The Clerical and Office Unit ~~consists of~~ includes the positions of all employees
196.16 whose work is typically clerical or secretarial, including nontechnical data recording and
196.17 retrieval and general office work, except as provided in unit 4.

196.18 (7) The Technical Unit ~~consists of~~ includes the positions of all employees whose work
196.19 is not typically manual and which requires specialized knowledge or skills acquired through
196.20 two-year academic programs or equivalent experience or on-the-job training, except as
196.21 provided in unit 4.

196.22 ~~(8) The Twin Cities Instructional Unit consists of the positions of all instructional~~
196.23 ~~employees with the rank of professor, associate professor, assistant professor, including~~
196.24 ~~research associate or instructor, including research fellow, located on the Twin Cities~~
196.25 ~~campuses.~~

196.26 ~~(9) (8) The Outstate Instructional Unit consists of~~ includes the positions of all instructional
196.27 employees with the rank of professor, associate professor, assistant professor, including

196.28 research associate or instructor, including research fellow, located at the Duluth campus,
 196.29 provided that the positions of instructional employees of the same ranks at the Morris,
 196.30 Crookston, or ~~Waseca~~ Rochester campuses shall be included within this unit if a majority
 196.31 of the eligible employees voting at a campus so vote during an election conducted by the
 196.32 commissioner, provided that the election or majority verification procedure shall not be
 196.33 held until the Duluth campus has voted in favor of representation. The election shall be held
 197.1 or majority verification procedure shall take place when an employee organization or group
 197.2 of employees petitions the commissioner stating that a majority of the eligible employees
 197.3 at one of these campuses wishes to join the unit and this petition is supported by a showing
 197.4 of at least 30 percent support from eligible employees at that campus and is filed between
 197.5 September 1 and November 1.

197.6 Should both units 8 and 9 elect exclusive bargaining representatives, those representatives
 197.7 may by mutual agreement jointly negotiate a contract with the regents, or may negotiate
 197.8 separate contracts with the regents. If the exclusive bargaining representatives jointly
 197.9 negotiate a contract with the regents, the contract shall be ratified by each unit. For the
 197.10 purposes of this section, an "instructional employee" is an individual who spends 35 percent
 197.11 or more of their work time creating, delivering, and assessing the mastery of credit-bearing
 197.12 coursework.

197.13 (10) The Graduate Assistant Unit ~~consists of~~ includes the positions of all graduate
 197.14 assistants who are enrolled in the graduate school and who hold the rank of research assistant,
 197.15 teaching assistant, teaching associate I or II, project assistant, graduate school fellow,
 197.16 graduate school trainee, professional school fellow, professional school trainee, or
 197.17 administrative fellow I or II. The listed ranks do not coincide with the ranks that are
 197.18 categorized by the University of Minnesota as professionals in training, even though in
 197.19 some cases the job titles may be the same.

197.20 (11) The Academic Professional and Administrative Staff Unit consists of all academic
 197.21 professional and administrative staff positions that are not defined as included in an
 197.22 instructional unit, the supervisory unit, the clerical unit, or the technical unit.

197.23 (12) The Noninstructional Professional Unit consists of the positions of all employees
 197.24 meeting the requirements of section 179A.03, subdivision 13, clause (1) or (2), which are
 197.25 not defined as included within an instructional unit, the Academic Professional and
 197.26 Administrative Staff Unit, or the supervisory unit.

197.27 (13) The Supervisory Employees Unit consists of the positions of all supervisory
 197.28 employees.

197.29 (b) An employee of the University of Minnesota whose position is not enumerated in
 197.30 paragraph (a) may petition the commissioner to determine an appropriate unit for the position.
 197.31 The commissioner must make a determination for an appropriate unit as provided in section
 197.32 179A.09 and the commissioner must give special weight to the desires of the petitioning
 197.33 employee or representatives of the petitioning employee.

198.1 Sec. 3. Minnesota Statutes 2022, section 179A.11, subdivision 2, is amended to read:

198.2 Subd. 2. **University of Minnesota employee severance.** (a) Each of the following
198.3 groups of University of Minnesota employees has the right, as specified in this subdivision,
198.4 to separate from the instructional and supervisory units: (1) health sciences instructional
198.5 employees at all campuses with the rank of professor, associate professor, assistant professor,
198.6 including research associate, or instructor, including research fellow, (2) instructional
198.7 employees of the law school with the rank of professor, associate professor, assistant
198.8 professor, including research associate, or instructor, including research fellow, (3)
198.9 instructional supervisors, (4) noninstructional professional supervisors, and (5) academic
198.10 professional and administrative staff supervisors.

198.11 ~~This~~ (b) The right to separate may be exercised:

198.12 (1) by petition between September 1 and November 1. If a group separates from its unit,
198.13 it has no right to meet and negotiate, but retains the right to meet and confer with the
198.14 appropriate officials on any matter of concern to the group. The right to separate must be
198.15 exercised as follows: An employee organization or group of employees claiming that a
198.16 majority of any one of these groups of employees on a statewide basis wish to separate from
198.17 their unit may petition the commissioner for an election during the petitioning period. If the
198.18 petition is supported by a showing of at least 30 percent support from the employees, the
198.19 commissioner ~~shall~~ may hold an election on the separation issue or the petitioning group
198.20 may proceed under the process set forth in section 179A.12. This election must be conducted
198.21 within 30 days of the close of the petition period. If a majority of votes cast endorse severance
198.22 from their unit, the commissioner shall certify that result; or

198.23 (2) by the group's exclusion from a proposed unit in a representation petition.

198.24 (c) Where not inconsistent with other provisions of this section, the election is governed
198.25 by section 179A.12. If a group of employees severs, it may rejoin that unit by following the
198.26 procedures for severance during the periods for severance.

198.27 Sec. 4. Minnesota Statutes 2022, section 179A.11, is amended by adding a subdivision to
198.28 read:

198.29 Subd. 3. **Joint bargaining.** Units organized under this section that have elected exclusive
198.30 bargaining representatives may by mutual agreement of the exclusive representatives jointly
198.31 negotiate a contract with the regents or may negotiate separate contracts with the regents.
198.32 If the exclusive bargaining representatives jointly negotiate a contract with the regents, the
198.33 contract must be ratified by each unit.