

1.1 A bill for an act
1.2 relating to state government; modifying labor policy provisions; modifying building
1.3 codes, occupational safety and health, and employment law; amending Minnesota
1.4 Statutes 2022, sections 13.43, subdivision 6; 120A.414, subdivision 2; 122A.181,
1.5 subdivision 5; 122A.26, subdivision 2; 122A.40, subdivision 5; 122A.41,
1.6 subdivision 2; 177.27, subdivision 4; 177.42, subdivision 2; 179A.03, subdivisions
1.7 14, 18, 19; 179A.06, subdivision 6, by adding a subdivision; 179A.07, subdivisions
1.8 1, 6, by adding subdivisions; 179A.12, subdivisions 6, 11, by adding a subdivision;
1.9 182.659, subdivisions 1, 8; 182.66, by adding a subdivision; 182.661, by adding
1.10 a subdivision; 182.676; 326B.093, subdivision 4; 326B.106, by adding a
1.11 subdivision; 326B.163, subdivision 5, by adding a subdivision; 326B.164,
1.12 subdivision 13; 326B.31, subdivision 30; 326B.32, subdivision 1; 326B.36,
1.13 subdivision 7, by adding a subdivision; 326B.805, subdivision 6; 326B.921,
1.14 subdivision 8; 326B.925, subdivision 1; 326B.988; 572B.17; proposing coding
1.15 for new law in Minnesota Statutes, chapters 16A; 181; 327; repealing Minnesota
1.16 Statutes 2022, section 179A.12, subdivision 2.

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

1.18 Section 1. Minnesota Statutes 2022, section 13.43, subdivision 6, is amended to read:

1.19 Subd. 6. **Access by labor organizations.** (a) Personnel data ~~may~~ must be disseminated
1.20 to labor organizations to the extent ~~that the responsible authority determines that the~~
1.21 ~~dissemination is necessary to conduct elections, notify employees of fair share fee~~
1.22 ~~assessments, investigate and process grievances,~~ and implement the provisions of chapters
1.23 179 and 179A. Personnel data shall be disseminated to labor organizations and to the Bureau
1.24 of Mediation Services to the extent the dissemination is ordered or authorized by the
1.25 commissioner of the Bureau of Mediation Services. Personnel data described under section
1.26 179A.07, subdivision 8, must be disseminated to an exclusive representative under the terms
1.27 of that subdivision. Employee Social Security numbers are not necessary to implement the
1.28 provisions of chapters 179 and 179A.

2.1 (b) The home addresses, nonemployer-issued phone numbers and email addresses, dates
2.2 of birth, and emails or other communications between exclusive representatives and their
2.3 members, prospective members, and nonmembers are private data on individuals.

2.4 Sec. 2. **[16A.1335] EMPLOYEE SALARIES AND BENEFITS IN EVENT OF STATE**
2.5 **GOVERNMENT SHUTDOWN.**

2.6 Subdivision 1. **Definition.** As used in this section, "government shutdown" means that,
2.7 as of July 1 of an odd-numbered year, legislation appropriating money for the general
2.8 operations of (1) an executive agency, (2) an office or department of the legislature, including
2.9 each house of the legislature and the Legislative Coordinating Commission, or (3) a judicial
2.10 branch agency or department, including a court, has not been enacted for the biennium
2.11 beginning July 1 of that year.

2.12 Subd. 2. **Payment required.** Notwithstanding section 16A.17, subdivision 8, state
2.13 employees must be provided payment for lost salary and benefits resulting from their absence
2.14 from work during a government shutdown. An employee is eligible for a payment under
2.15 this section only upon the employee's return to work.

2.16 Subd. 3. **Appropriation; limitation.** (a) In the event of a government shutdown, the
2.17 amount necessary to pay the salary and benefits of employees of any impacted agency,
2.18 office, or department is appropriated beginning on that July 1 to that agency, office, or
2.19 department. The appropriation is made from the fund or funds from which an appropriation
2.20 was made in the previous fiscal year for salary and benefits paid to each affected employee.

2.21 (b) Amounts appropriated under this subdivision may not exceed the amount or amounts
2.22 appropriated for general operations of the affected agency, office, or department in the
2.23 previous fiscal year.

2.24 Subd. 4. **Certification of amount for employees in the legislative and judicial**
2.25 **branches.** By June 25 of an odd-numbered year, if a government shutdown appears
2.26 imminent, the director of the Legislative Coordinating Commission, the chief clerk of the
2.27 house of representatives, the secretary of the senate, and the chief clerk of the supreme court
2.28 must each certify to the commissioner of management and budget the amount needed for
2.29 salaries and benefits for each fiscal year of the next biennium, and the commissioner of
2.30 management and budget shall make the certified amount available on July 1 of that year or
2.31 on another schedule that permits payment of all salary and benefit obligations required by
2.32 this section in a timely manner.

3.1 Subd. 5. **Subsequent appropriations.** A subsequent appropriation to the agency, office,
3.2 or department for regular operations for a biennium in which this section has been applied
3.3 may only supersede and replace the appropriation provided by subdivision 3 by express
3.4 reference to this section.

3.5 Sec. 3. Minnesota Statutes 2022, section 120A.414, subdivision 2, is amended to read:

3.6 Subd. 2. **Plan.** A school board, including the board of a charter school, may adopt an
3.7 e-learning day plan after ~~consulting meeting and negotiating~~ with the exclusive representative
3.8 of the teachers. ~~A~~ If a charter school's teachers are not represented by an exclusive
3.9 representative, the charter school may adopt an e-learning day plan after consulting with
3.10 its teachers. The plan must include accommodations for students without Internet access at
3.11 home and for digital device access for families without the technology or an insufficient
3.12 amount of technology for the number of children in the household. A school's e-learning
3.13 day plan must provide accessible options for students with disabilities under chapter 125A.

3.14 Sec. 4. Minnesota Statutes 2022, section 122A.181, subdivision 5, is amended to read:

3.15 Subd. 5. **Limitations on license.** (a) A Tier 1 license is limited to the content matter
3.16 indicated on the application for the initial Tier 1 license under subdivision 1, clause (2), and
3.17 limited to the district or charter school that requested the initial Tier 1 license.

3.18 (b) A Tier 1 license does not bring an individual within the definition of a teacher for
3.19 purposes of section 122A.40, subdivision 1, or 122A.41, subdivision 1, clause (a).

3.20 ~~(c) A Tier 1 license does not bring an individual within the definition of a teacher under~~
3.21 ~~section 179A.03, subdivision 18.~~

3.22 Sec. 5. Minnesota Statutes 2022, section 122A.26, subdivision 2, is amended to read:

3.23 Subd. 2. **Exceptions.** (a) A person who teaches in a community education program
3.24 ~~which~~ that qualifies for aid pursuant to section 124D.52 shall continue to meet licensure
3.25 requirements as a teacher. A person who teaches in an early childhood and family education
3.26 program ~~which~~ that is offered through a community education program and which qualifies
3.27 for community education aid pursuant to section 124D.20 or early childhood and family
3.28 education aid pursuant to section 124D.135 shall continue to meet licensure requirements
3.29 as a teacher. A person who teaches in a community education course ~~which~~ that is offered
3.30 for credit for graduation to persons under 18 years of age shall continue to meet licensure
3.31 requirements as a teacher.

4.1 (b) A person who teaches a driver training course ~~which~~ that is offered through a
4.2 community education program to persons under 18 years of age shall be licensed by the
4.3 Professional Educator Licensing and Standards Board or be subject to section 171.35. A
4.4 license ~~which~~ that is required for an instructor in a community education program pursuant
4.5 to this ~~subdivision~~ paragraph shall not be construed to bring an individual within the
4.6 definition of a teacher for purposes of section 122A.40, subdivision 1, or 122A.41,
4.7 subdivision 1, ~~clause~~ paragraph (a).

4.8 **EFFECTIVE DATE.** This section is effective for the 2023-2024 school year and later.

4.9 Sec. 6. Minnesota Statutes 2022, section 122A.40, subdivision 5, is amended to read:

4.10 Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first
4.11 teaching experience in Minnesota in a single district is deemed to be a probationary period
4.12 of employment, and, the probationary period in each district in which the teacher is thereafter
4.13 employed shall be one year. The school board must adopt a plan for written evaluation of
4.14 teachers during the probationary period that is consistent with subdivision 8. Evaluation
4.15 must occur at least three times periodically throughout each school year for a teacher
4.16 performing services during that school year; the first evaluation must occur within the first
4.17 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops,
4.18 and other staff development opportunities and days on which a teacher is absent from school
4.19 must not be included in determining the number of school days on which a teacher performs
4.20 services. Except as otherwise provided in paragraph (b), during the probationary period any
4.21 annual contract with any teacher may or may not be renewed as the school board shall see
4.22 fit. However, the board must give any such teacher whose contract it declines to renew for
4.23 the following school year written notice to that effect before July 1. If the teacher requests
4.24 reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason
4.25 in writing, including a statement that appropriate supervision was furnished describing the
4.26 nature and the extent of such supervision furnished the teacher during the employment by
4.27 the board, within ten days after receiving such request. The school board may, after a hearing
4.28 held upon due notice, discharge a teacher during the probationary period for cause, effective
4.29 immediately, under section 122A.44.

4.30 (b) A board must discharge a probationary teacher, effective immediately, upon receipt
4.31 of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has
4.32 been revoked due to a conviction for child abuse or sexual abuse.

4.33 (c) A probationary teacher whose first three years of consecutive employment are
4.34 interrupted for active military service and who promptly resumes teaching consistent with

5.1 federal reemployment timelines for uniformed service personnel under United States Code,
5.2 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
5.3 of paragraph (a).

5.4 (d) A probationary teacher whose first three years of consecutive employment are
5.5 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
5.6 months of when the leave began is considered to have a consecutive teaching experience
5.7 for purposes of paragraph (a) if the probationary teacher completes a combined total of
5.8 three years of teaching service immediately before and after the leave.

5.9 (e) A probationary teacher must complete at least ~~120~~ 90 days of teaching service each
5.10 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
5.11 workshops, and other staff development opportunities and days on which a teacher is absent
5.12 from school do not count as days of teaching service under this paragraph.

5.13 Sec. 7. Minnesota Statutes 2022, section 122A.41, subdivision 2, is amended to read:

5.14 Subd. 2. **Probationary period; discharge or demotion.** (a) ~~All teachers in the public~~
5.15 ~~schools in cities of the first class during the first three years of consecutive employment~~
5.16 ~~shall be deemed to be in a probationary period of employment during which period any~~
5.17 ~~annual contract with any teacher may, or may not, be renewed as the school board, after~~
5.18 ~~consulting with the peer review committee charged with evaluating the probationary teachers~~
5.19 ~~under subdivision 3, shall see fit.~~ The first three consecutive years of a teacher's first teaching
5.20 experience in Minnesota in a single district is deemed to be a probationary period of
5.21 employment, and the probationary period in each district in which the teacher is thereafter
5.22 employed shall be one year. The school site management team or the school board if there
5.23 is no school site management team, shall adopt a plan for a written evaluation of teachers
5.24 during the probationary period according to subdivisions 3 and 5. Evaluation by the peer
5.25 review committee charged with evaluating probationary teachers under subdivision 3 shall
5.26 occur at least three times periodically throughout each school year for a teacher performing
5.27 services during that school year; the first evaluation must occur within the first 90 days of
5.28 teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and
5.29 other staff development opportunities and days on which a teacher is absent from school
5.30 shall not be included in determining the number of school days on which a teacher performs
5.31 services. The school board may, during such probationary period, discharge or demote a
5.32 teacher for any of the causes as specified in this code. A written statement of the cause of
5.33 such discharge or demotion shall be given to the teacher by the school board at least 30

6.1 days before such removal or demotion shall become effective, and the teacher so notified
6.2 shall have no right of appeal therefrom.

6.3 (b) A probationary teacher whose first three years of consecutive employment are
6.4 interrupted for active military service and who promptly resumes teaching consistent with
6.5 federal reemployment timelines for uniformed service personnel under United States Code,
6.6 title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes
6.7 of paragraph (a).

6.8 (c) A probationary teacher whose first three years of consecutive employment are
6.9 interrupted for maternity, paternity, or medical leave and who resumes teaching within 12
6.10 months of when the leave began is considered to have a consecutive teaching experience
6.11 for purposes of paragraph (a) if the probationary teacher completes a combined total of
6.12 three years of teaching service immediately before and after the leave.

6.13 (d) A probationary teacher must complete at least ~~120~~ 90 days of teaching service each
6.14 year during the probationary period. Days devoted to parent-teacher conferences, teachers'
6.15 workshops, and other staff development opportunities and days on which a teacher is absent
6.16 from school do not count as days of teaching service under this paragraph.

6.17 Sec. 8. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

6.18 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
6.19 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
6.20 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
6.21 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, ~~or~~ 181.991, and with any rule
6.22 promulgated under section 177.28. The commissioner shall issue an order requiring an
6.23 employer to comply with sections 177.41 to 177.435 if the violation is repeated. For purposes
6.24 of this subdivision only, a violation is repeated if at any time during the two years that
6.25 preceded the date of violation, the commissioner issued an order to the employer for violation
6.26 of sections 177.41 to 177.435 and the order is final or the commissioner and the employer
6.27 have entered into a settlement agreement that required the employer to pay back wages that
6.28 were required by sections 177.41 to 177.435. The department shall serve the order upon the
6.29 employer or the employer's authorized representative in person or by certified mail at the
6.30 employer's place of business. An employer who wishes to contest the order must file written
6.31 notice of objection to the order with the commissioner within 15 calendar days after being
6.32 served with the order. A contested case proceeding must then be held in accordance with
6.33 sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the

7.1 employer fails to file a written notice of objection with the commissioner, the order becomes
7.2 a final order of the commissioner.

7.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and
7.4 applies to franchise agreements entered into or amended on or after that date.

7.5 Sec. 9. Minnesota Statutes 2022, section 177.42, subdivision 2, is amended to read:

7.6 Subd. 2. **Project.** "Project" means acquisition of property, predesign, design, demolition,
7.7 erection, construction, remodeling, or repairing of a public building, facility, or other public
7.8 work financed in whole or part by state funds.

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

7.10 Sec. 10. Minnesota Statutes 2022, section 179A.03, subdivision 14, is amended to read:

7.11 Subd. 14. **Public employee or employee.** (a) "Public employee" or "employee" means
7.12 any person appointed or employed by a public employer except:

7.13 (1) elected public officials;

7.14 (2) election officers;

7.15 (3) commissioned or enlisted personnel of the Minnesota National Guard;

7.16 (4) emergency employees who are employed for emergency work caused by natural
7.17 disaster;

7.18 (5) part-time employees whose service does not exceed the lesser of 14 hours per week
7.19 or 35 percent of the normal work week in the employee's appropriate unit;

7.20 (6) employees whose positions are basically temporary or seasonal in character and: (i)
7.21 are not for more than 67 working days in any calendar year; ~~or~~ (ii) are not working for a
7.22 Minnesota school district or charter school; or (iii) are not for more than 100 working days
7.23 in any calendar year and the employees are under the age of 22, are full-time students
7.24 enrolled in a nonprofit or public educational institution prior to being hired by the employer,
7.25 and have indicated, either in an application for employment or by being enrolled at an
7.26 educational institution for the next academic year or term, an intention to continue as students
7.27 during or after their temporary employment;

7.28 (7) employees providing services for not more than two consecutive quarters to the
7.29 Board of Trustees of the Minnesota State Colleges and Universities under the terms of a
7.30 professional or technical services contract as defined in section 16C.08, subdivision 1;

8.1 (8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except
8.2 that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public
8.3 employees for purposes of sections 179A.051, 179A.052, and 179A.13;

8.4 (9) full-time undergraduate students employed by the school which they attend under a
8.5 work-study program or in connection with the receipt of financial aid, irrespective of number
8.6 of hours of service per week;

8.7 (10) an individual who is employed for less than 300 hours in a fiscal year as an instructor
8.8 in an adult vocational education program;

8.9 ~~(11) an individual hired by the Board of Trustees of the Minnesota State Colleges and~~
8.10 ~~Universities to teach one course for three or fewer credits for one semester in a year;~~

8.11 ~~(12)~~ (11) with respect to court employees:

8.12 (i) personal secretaries to judges;

8.13 (ii) law clerks;

8.14 (iii) managerial employees;

8.15 (iv) confidential employees; and

8.16 (v) supervisory employees; or

8.17 ~~(13)~~ (12) with respect to employees of Hennepin Healthcare System, Inc., managerial,
8.18 supervisory, and confidential employees.

8.19 (b) The following individuals are public employees regardless of the exclusions of
8.20 paragraph (a), clauses (5) ~~and (6)~~ to (7):

8.21 (1) an employee hired by a school district or the Board of Trustees of the Minnesota
8.22 State Colleges and Universities except at the university established in the Twin Cities
8.23 metropolitan area under section 136F.10 or for community services or community education
8.24 instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member
8.25 who is a public employee, where the replacement employee is employed more than 30
8.26 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching
8.27 position created due to increased enrollment, curriculum expansion, courses which are a
8.28 part of the curriculum whether offered annually or not, or other appropriate reasons;

8.29 (2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same
8.30 position has already been filled under paragraph (a), clause (6), item (i), in the same calendar
8.31 year and the cumulative number of days worked in that same position by all employees
8.32 exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position"

9.1 includes a substantially equivalent position if it is not the same position solely due to a
9.2 change in the classification or title of the position; ~~and~~

9.3 (3) an early childhood family education teacher employed by a school district; and

9.4 (4) an individual hired by the Board of Trustees of the Minnesota State Colleges and
9.5 Universities as the instructor of record to teach (i) one class for more than three credits in
9.6 a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.

9.7 Sec. 11. Minnesota Statutes 2022, section 179A.03, subdivision 18, is amended to read:

9.8 Subd. 18. **Teacher.** "Teacher" means any public employee other than a superintendent
9.9 or assistant superintendent, principal, assistant principal, or a supervisory or confidential
9.10 employee, employed by a school district:

9.11 (1) in a position for which the person must be licensed by the Professional Educator
9.12 Licensing and Standards Board or the commissioner of education; ~~or~~

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

9.15 (3) in a position creating and delivering instruction to children in a prekindergarten or
9.16 early learning program, except that an employee in a bargaining unit certified before January
9.17 1, 2023, may remain in a bargaining unit that does not include teachers unless an exclusive
9.18 representative files a petition for a unit clarification or to transfer exclusive representative
9.19 status.

9.20 **EFFECTIVE DATE.** This section is effective July 1, 2023.

9.21 Sec. 12. Minnesota Statutes 2022, section 179A.03, subdivision 19, is amended to read:

9.22 Subd. 19. **Terms and conditions of employment.** "Terms and conditions of employment"
9.23 means the hours of employment, the compensation therefor including fringe benefits except
9.24 retirement contributions or benefits other than employer payment of, or contributions to,
9.25 premiums for group insurance coverage of retired employees or severance pay, staffing
9.26 ratios, and the employer's personnel policies affecting the working conditions of the
9.27 employees. In the case of professional employees the term does not mean educational
9.28 policies of a school district. "Terms and conditions of employment" is subject to section
9.29 179A.07. In the case of school employees, "terms and conditions of employment" includes
9.30 adult-to-student ratios in classrooms, student testing, and student-to-personnel ratios.

10.1 Sec. 13. Minnesota Statutes 2022, section 179A.06, subdivision 6, is amended to read:

10.2 Subd. 6. ~~Dues checkoff~~ **Payroll deduction, authorization, and remittance.** (a) Public
10.3 employees have the right to request and be allowed ~~dues checkoff~~ payroll deduction for the
10.4 exclusive representative. ~~In the absence of an exclusive representative, public employees~~
10.5 ~~have the right to request and be allowed dues checkoff for the organization of their choice.~~
10.6 and the political fund associated with the exclusive representative and registered pursuant
10.7 to section 10A.12. A public employer must rely on a certification from any exclusive
10.8 representative requesting remittance of a deduction that the organization has and will maintain
10.9 an authorization, signed by the public employee from whose salary or wages the deduction
10.10 is to be made, which may include an electronic signature by the public employee as defined
10.11 in section 325L.02, paragraph (h). An exclusive representative making such certification
10.12 must not be required to provide the public employer a copy of the authorization unless a
10.13 dispute arises about the existence or terms of the authorization. The exclusive representative
10.14 must indemnify the public employer, including any reasonable attorney fees and litigation
10.15 costs for any successful claims made by the employee for unauthorized deductions in reliance
10.16 on the certification.

10.17 (b) A dues deduction authorization remains in effect until the employer receives notice
10.18 from the exclusive representative that a public employee has changed or canceled their
10.19 authorization in writing in accordance with the terms of the original authorizing document,
10.20 and a public employer must rely on information from the exclusive representative receiving
10.21 remittance of the deduction regarding whether the deductions have been properly changed
10.22 or canceled. The exclusive representative must indemnify the public employer for any
10.23 successful claims made by the employee for unauthorized deductions made in reliance on
10.24 such information.

10.25 (c) Deduction authorization under this section is independent from the public employee's
10.26 membership status in the organization to which payment is remitted and is effective regardless
10.27 of whether a collective bargaining agreement authorizes the deduction.

10.28 (d) Employers must commence deductions within 30 days of notice of authorization
10.29 from the exclusive representative and must remit the deductions to the exclusive
10.30 representative within 30 days of the deduction. The failure of an employer to comply with
10.31 the provisions of this paragraph shall be an unfair labor practice under section 179A.13, the
10.32 relief for which shall be reimbursement by the employer of deductions that should have
10.33 been made or remitted based on a valid authorization given by the employee or employees.

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

11.3 (f) Any dispute under this subdivision must be resolved through an unfair labor practice
11.4 proceeding under section 179A.13.

11.5 Sec. 14. Minnesota Statutes 2022, section 179A.06, is amended by adding a subdivision
11.6 to read:

11.7 Subd. 8. **Liability.** (a) A public employer, a labor organization, or any of its employees
11.8 or agents shall not be liable for and shall have a complete defense to claims or actions under
11.9 the laws of this state for requiring, deducting, receiving, or retaining agency or fair share
11.10 fees from public employees. Current or former public employees shall not have standing
11.11 to pursue these claims or actions if the fees were permitted at the time under the laws of
11.12 this state then in force and paid, through payroll deduction or otherwise, prior to June 27,
11.13 2018.

11.14 (b) This subdivision applies to claims or actions pending on the effective date of this
11.15 section and to claims or actions filed on or after that date.

11.16 (c) The enactment of this section shall not be interpreted to create the inference that any
11.17 relief made unavailable by this section would otherwise be available.

11.18 (d) The legislature finds and declares:

11.19 (1) application of this subdivision to pending claims or actions clarifies state law rather
11.20 than changes it. Public employees who paid agency or fair share fees as a condition of
11.21 employment according to state law and supreme court precedent prior to June 27, 2018,
11.22 had no legitimate expectation of receiving the money under any available cause of action.
11.23 Public employees and organizations who relied on and abided by state law and supreme
11.24 court precedent in deducting and accepting those fees were not liable to refund them or any
11.25 agency or fair share fees paid for collective bargaining representation that employee
11.26 organizations were obligated by state law to provide to public employees. Application of
11.27 this subdivision to pending claims will preserve, rather than interfere with, important reliance
11.28 interests; and

11.29 (2) this subdivision is necessary to provide certainty to public employers and employee
11.30 organizations that relied on state law and to avoid disruption of public employee labor
11.31 relations.

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

12.1 Sec. 15. Minnesota Statutes 2022, section 179A.07, subdivision 1, is amended to read:

12.2 Subdivision 1. **Inherent managerial policy.** A public employer is not required to meet
12.3 and negotiate on matters of inherent managerial policy. Matters of inherent managerial
12.4 policy include, but are not limited to, such areas of discretion or policy as the functions and
12.5 programs of the employer, its overall budget, utilization of technology, the organizational
12.6 structure, selection of personnel, and direction ~~and the number~~ of personnel. No public
12.7 employer shall sign an agreement which limits its right to select persons to serve as
12.8 supervisory employees or state managers under section 43A.18, subdivision 3, or requires
12.9 the use of seniority in their selection.

12.10 Sec. 16. Minnesota Statutes 2022, section 179A.07, subdivision 6, is amended to read:

12.11 Subd. 6. **Time off.** A public employer must afford reasonable time off to elected officers
12.12 or appointed representatives of the exclusive representative to conduct the duties of the
12.13 exclusive representative and must, upon request, provide for leaves of absence to elected
12.14 or appointed officials of the exclusive representative, to elected or appointed officials of an
12.15 affiliate of an exclusive representative, or to a full-time appointed official of an exclusive
12.16 representative of teachers in another Minnesota school district.

12.17 Sec. 17. Minnesota Statutes 2022, section 179A.07, is amended by adding a subdivision
12.18 to read:

12.19 Subd. 8. **Bargaining unit information.** (a) Within 20 calendar days from the date of
12.20 hire of a bargaining unit employee, a public employer must provide the following contact
12.21 information to an exclusive representative in an Excel file format or other format agreed to
12.22 by the exclusive representative: name; job title; worksite location, including location within
12.23 a facility when appropriate; home address; work telephone number; home and personal cell
12.24 phone numbers on file with the public employer; date of hire; and work email address and
12.25 personal email address on file with the public employer.

12.26 (b) Every 120 calendar days beginning on January 1, 2024, a public employer must
12.27 provide to an exclusive representative in an Excel file or similar format agreed to by the
12.28 exclusive representative the following information for all bargaining unit employees: name;
12.29 job title; worksite location, including location within a facility when appropriate; home
12.30 address; work telephone number; home and personal cell phone numbers on file with the
12.31 public employer; date of hire; and work email address and personal email address on file
12.32 with the public employer.

13.1 (c) A public employer must notify an exclusive representative within 20 calendar days
13.2 of the separation of employment or transfer out of the bargaining unit of a bargaining unit
13.3 employee.

13.4 Sec. 18. Minnesota Statutes 2022, section 179A.07, is amended by adding a subdivision
13.5 to read:

13.6 Subd. 9. Access. (a) A public employer must allow an exclusive representative to meet
13.7 in person with newly hired employees, without charge to the pay or leave time of the
13.8 employees, for 30 minutes, within 30 calendar days from the date of hire, during new
13.9 employee orientations or, if the employer does not conduct new employee orientations, at
13.10 individual or group meetings. An exclusive representative shall receive no less than ten
13.11 days' notice in advance of an orientation, except that a shorter notice may be provided where
13.12 there is an urgent need critical to the operations of the public employer that was not
13.13 reasonably foreseeable and the exclusive representative complies with worksite security
13.14 protocols established by the public employer. Notice of and attendance at new employee
13.15 orientations and other meetings under this paragraph must be limited to the public employer,
13.16 the employees, the exclusive representative, and any vendor contracted to provide a service
13.17 for purposes of the meeting. Meetings may be held virtually or for longer than 30 minutes
13.18 only by mutual agreement of the public employer and exclusive representative.

13.19 (b) A public employer must allow an exclusive representative to communicate with
13.20 bargaining unit members using their employer-issued email addresses regarding collective
13.21 bargaining, the administration of collective bargaining agreements, the investigation of
13.22 grievances, other workplace-related complaints and issues, and internal matters involving
13.23 the governance or business of the exclusive representative, consistent with the employer's
13.24 generally applicable technology use policies.

13.25 (c) A public employer must allow an exclusive representative to meet with bargaining
13.26 unit members in facilities owned or leased by the public employer regarding collective
13.27 bargaining, the administration of collective bargaining agreements, grievances and other
13.28 workplace-related complaints and issues, and internal matters involving the governance or
13.29 business of the exclusive representative, provided the use does not interfere with
13.30 governmental operations. Meetings conducted in government buildings pursuant to this
13.31 paragraph must not be for the purpose of supporting or opposing any candidate for partisan
13.32 political office or for the purpose of distributing literature or information regarding partisan
13.33 elections. An exclusive representative conducting a meeting in a government building or
13.34 other government facility pursuant to this subdivision may be charged for maintenance,

14.1 security, and other costs related to the use of the government building or facility that would
14.2 not otherwise be incurred by the government entity.

14.3 Sec. 19. Minnesota Statutes 2022, section 179A.12, is amended by adding a subdivision
14.4 to read:

14.5 Subd. 2a. **Majority verification procedure.** (a) Notwithstanding any other provision
14.6 of this section, an employee organization may file a petition with the commissioner requesting
14.7 certification as the exclusive representative of an appropriate unit based on a verification
14.8 that over 50 percent of the employees in the proposed appropriate unit wish to be represented
14.9 by the petitioner. The commissioner shall require dated representation authorization
14.10 signatures of affected employees as verification of the employee organization's claim of
14.11 majority status.

14.12 (b) Upon receipt of an employee organization's petition, accompanied by employee
14.13 authorization signatures under this subdivision, the commissioner shall investigate the
14.14 petition. If the commissioner determines that over 50 percent of the employees in an
14.15 appropriate unit have provided authorization signatures designating the employee
14.16 organization specified in the petition as their exclusive representative, the commissioner
14.17 shall not order an election but shall certify the employee organization.

14.18 Sec. 20. Minnesota Statutes 2022, section 179A.12, subdivision 6, is amended to read:

14.19 Subd. 6. **Authorization signatures.** In determining the numerical status of an employee
14.20 organization for purposes of this section, the commissioner shall require dated representation
14.21 authorization signatures of affected employees as verification of the statements contained
14.22 in the joint request or petitions. These authorization signatures shall be privileged and
14.23 confidential information available to the commissioner only. Electronic signatures, as defined
14.24 in section 325L.02, paragraph (h), shall be valid as authorization signatures. Authorization
14.25 signatures shall be valid for a period of one year following the date of signature.

14.26 Sec. 21. Minnesota Statutes 2022, section 179A.12, subdivision 11, is amended to read:

14.27 Subd. 11. **Unfair labor practices.** If the commissioner finds that an unfair labor practice
14.28 was committed by an employer or representative candidate or an employee or group of
14.29 employees, and that the unfair labor practice affected the result of an election or majority
14.30 verification procedure pursuant to subdivision 2a, or that procedural or other irregularities
14.31 in the conduct of the election or majority verification procedure may have substantially

15.1 affected its results, the commissioner may void the ~~election~~ result and order a new election
15.2 or majority verification procedure.

15.3 Sec. 22. **[181.531] EMPLOYER-SPONSORED MEETINGS OR COMMUNICATION.**

15.4 Subdivision 1. **Prohibition.** An employer or the employer's agent, representative, or
15.5 designee must not discharge, discipline, or otherwise penalize or threaten to discharge,
15.6 discipline, or otherwise penalize or take any adverse employment action against an employee:

15.7 (1) because the employee declines to attend or participate in an employer-sponsored
15.8 meeting or declines to receive or listen to communications from the employer or the agent,
15.9 representative, or designee of the employer if the meeting or communication is to
15.10 communicate the opinion of the employer about religious or political matters;

15.11 (2) as a means of inducing an employee to attend or participate in meetings or receive
15.12 or listen to communications described in clause (1); or

15.13 (3) because the employee, or a person acting on behalf of the employee, makes a
15.14 good-faith report, orally or in writing, of a violation or a suspected violation of this section.

15.15 Subd. 2. **Remedies.** An aggrieved employee may bring a civil action to enforce this
15.16 section no later than 90 days after the date of the alleged violation in the district court where
15.17 the violation is alleged to have occurred or where the principal office of the employer is
15.18 located. The court may award a prevailing employee all appropriate relief, including
15.19 injunctive relief, reinstatement to the employee's former position or an equivalent position,
15.20 back pay and reestablishment of any employee benefits, including seniority, to which the
15.21 employee would otherwise have been eligible if the violation had not occurred and any
15.22 other appropriate relief as deemed necessary by the court to make the employee whole. The
15.23 court shall award a prevailing employee reasonable attorney fees and costs.

15.24 Subd. 3. **Notice.** Within 30 days of the effective date of this section, an employer subject
15.25 to this section shall post and keep posted, a notice of employee rights under this section
15.26 where employee notices are customarily placed.

15.27 Subd. 4. **Scope.** This section does not:

15.28 (1) prohibit communications of information that the employer is required by law to
15.29 communicate, but only to the extent of the lawful requirement;

15.30 (2) limit the rights of an employer or its agent, representative, or designee to conduct
15.31 meetings involving religious or political matters so long as attendance is wholly voluntary
15.32 or to engage in communications so long as receipt or listening is wholly voluntary; or

16.1 (3) limit the rights of an employer or its agent, representative, or designee from
16.2 communicating to its employees any information, or requiring employee attendance at
16.3 meetings and other events, that is necessary for the employees to perform their lawfully
16.4 required job duties.

16.5 Subd. 5. **Definitions.** For the purposes of this section:

16.6 (1) "political matters" means matters relating to elections for political office, political
16.7 parties, proposals to change legislation, proposals to change regulations, proposals to change
16.8 public policy, and the decision to join or support any political party or political, civic,
16.9 community, fraternal, or labor organization; and

16.10 (2) "religious matters" means matters relating to religious belief, affiliation, and practice
16.11 and the decision to join or support any religious organization or association.

16.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to causes
16.13 of action accruing on or after that date.

16.14 Sec. 23. **[181.991] RESTRICTIVE FRANCHISE AGREEMENTS PROHIBITED.**

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

16.17 (b) "Employee" means an individual employed by an employer and includes independent
16.18 contractors.

16.19 (c) "Employer" has the meaning given in section 177.23, subdivision 6.

16.20 (d) "Franchise," "franchisee," and "franchisor" have the meanings given in section
16.21 80C.01, subdivisions 4 to 6.

16.22 Subd. 2. **Prohibition on restrictive franchise agreements.** (a) No franchisor may
16.23 restrict, restrain, or prohibit in any way a franchisee from soliciting or hiring an employee
16.24 of a franchisee of the same franchisor.

16.25 (b) No franchisor may restrict, restrain, or prohibit in any way a franchisee from soliciting
16.26 or hiring an employee of the franchisor.

16.27 (c) Any provision of an existing contract that violates paragraph (a) or (b) is void and
16.28 unenforceable. When a provision in an existing contract violates this section, the franchisee
16.29 must provide notice to their employees of this law.

16.30 Subd. 3. **Franchise agreement amendment.** Notwithstanding any law to the contrary,
16.31 no later than one year from the effective date of this section, franchisors shall:

17.1 (1) amend existing franchise agreements to remove any restrictive employment provision
17.2 that violates subdivision 2; or

17.3 (2) sign a memorandum of understanding with each franchisee that provides any contract
17.4 provisions that violate subdivision 2 in any way are void and unenforceable, and provides
17.5 notice to the franchisee of their rights and obligations under this law.

17.6 Subd. 4. **Severability.** If any provision of this section is found to be unconstitutional
17.7 and void, the remaining provisions of this section are valid.

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

17.9 Sec. 24. Minnesota Statutes 2022, section 182.659, subdivision 1, is amended to read:

17.10 Subdivision 1. **Authority to inspect.** In order to carry out the purposes of this chapter,
17.11 the commissioner, upon presenting appropriate credentials to the owner, operator, or agent
17.12 in charge, is authorized to enter without delay and at reasonable times any place of
17.13 employment; and to inspect and investigate during regular working hours and at other
17.14 reasonable times, and within reasonable limits and in a reasonable manner, any such place
17.15 of employment and all pertinent conditions, structures, machines, apparatus, devices,
17.16 equipment, and materials therein, and to question privately any such employer, owner,
17.17 operator, agent or employee. An employer or its representatives, including but not limited
17.18 to its management, attorneys, or consultants, may not be present for any employee interview.

17.19 Sec. 25. Minnesota Statutes 2022, section 182.659, subdivision 8, is amended to read:

17.20 Subd. 8. **Protection from subpoena; data.** Neither the commissioner nor any current
17.21 or former employee of the department, ~~including those employees of the Department of~~
17.22 ~~Health providing services to the Department of Labor and Industry, pursuant to section~~
17.23 ~~182.67, subdivision 1,~~ is subject to subpoena for purposes of inquiry into any occupational
17.24 safety and health inspection except in enforcement proceedings brought under this chapter.
17.25 Data that identify individuals who provide data to the department as part of an investigation
17.26 conducted under this chapter shall be private.

17.27 Sec. 26. Minnesota Statutes 2022, section 182.66, is amended by adding a subdivision to
17.28 read:

17.29 Subd. 4. **Classification of citation data.** Notwithstanding section 13.39, subdivision 2,
17.30 the data in a written citation is classified as public data 20 days after the employer has
17.31 received the citation. All data in the citation is public, including but not limited to the
17.32 employer's name, the employer's address, and the address of the worksite; the date or dates

18.1 of inspection; the date the citation was issued; the provision of the act, standard, rule, or
18.2 order alleged to have been violated; the severity level of the citation; the description of the
18.3 nature of the violation; the proposed abatement date; the proposed penalty; and any abatement
18.4 guidelines. If a notice of contest is filed contesting any part of a citation pursuant to section
18.5 182.661, subdivision 3, the date that the notice was filed shall also be classified as public
18.6 data 20 days after the employer has received the citation.

18.7 Sec. 27. Minnesota Statutes 2022, section 182.661, is amended by adding a subdivision
18.8 to read:

18.9 Subd. 3c. **Contestation of time for correction of a violation.** (a) Where an employer
18.10 contests the period of time fixed for correction of a violation that is not a serious, willful,
18.11 or repeat violation, the period of time shall not run until the order of the commissioner
18.12 becomes final.

18.13 (b) Where an employer or employee contests the period of time fixed for correction of
18.14 a violation that is a serious, willful, or repeat violation, the commissioner may refer the
18.15 matter to the office of administrative hearings for an expedited contested case hearing solely
18.16 on the reasonableness of the time fixed for correction. The administrative law judge may
18.17 order the employer to correct the violation pending final resolution of the cited violations
18.18 on the merits.

18.19 Sec. 28. Minnesota Statutes 2022, section 182.676, is amended to read:

18.20 **182.676 SAFETY COMMITTEES.**

18.21 (a) Every public or private employer of more than 25 employees shall establish and
18.22 administer a joint labor-management safety committee.

18.23 (b) Every public or private employer of 25 or fewer employees shall establish and
18.24 administer a safety committee if: it is subject to the requirements of section 182.653,
18.25 subdivision 8.

18.26 ~~(1) the employer has a lost workday cases incidence rate in the top ten percent of all~~
18.27 ~~rates for employers in the same industry; or~~

18.28 ~~(2) the workers' compensation premium classification assigned to the greatest portion~~
18.29 ~~of the payroll for the employer has a pure premium rate as reported by the Workers'~~
18.30 ~~Compensation Rating Association in the top 25 percent of premium rates for all classes.~~

18.31 (c) A safety committee must hold regularly scheduled meetings unless otherwise provided
18.32 in a collective bargaining agreement.

19.1 (d) Employee safety committee members must be selected by employees. An employer
19.2 that fails to establish or administer a safety committee as required by this section may be
19.3 cited by the commissioner. A citation is punishable as a serious violation under section
19.4 182.666.

19.5 The commissioner may adopt rules necessary to implement this section.

19.6 Sec. 29. Minnesota Statutes 2022, section 326B.093, subdivision 4, is amended to read:

19.7 Subd. 4. **Examination results.** If the applicant receives a passing score on the
19.8 examination and meets all other requirements for licensure, the commissioner must approve
19.9 the application and notify the applicant of the approval within 60 days of the date of the
19.10 passing score. The applicant must, within 180 days after the notification of approval, pay
19.11 the license fee. Upon receipt of the license fee, the commissioner must issue the license. If
19.12 the applicant does not pay the license fee within 180 days after the notification of approval,
19.13 the commissioner will rescind the approval and must deny the application. If the applicant
19.14 does not receive a passing score on the examination, the commissioner must deny the
19.15 application. If the application is denied because of the applicant's failure to receive a passing
19.16 score on the examination, then the applicant cannot submit a new application for the license
19.17 until at least 30 days after the ~~notification date of denial~~ the failed examination.

19.18 Sec. 30. Minnesota Statutes 2022, section 326B.106, is amended by adding a subdivision
19.19 to read:

19.20 Subd. 16. **Refrigerants designated as acceptable for use.** No provision of the code or
19.21 appendix chapter of the code may prohibit or otherwise limit the use of a refrigerant
19.22 designated as acceptable for use in accordance with United States Code, title 42, section
19.23 7671k, provided any equipment containing the refrigerant is listed and installed in full
19.24 compliance with all applicable requirements, safety standards, and use conditions imposed
19.25 pursuant to such a designation or as otherwise required by law.

19.26 Sec. 31. Minnesota Statutes 2022, section 326B.163, subdivision 5, is amended to read:

19.27 Subd. 5. **Elevator.** As used in this chapter, "elevator" means moving walks and vertical
19.28 transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters,
19.29 hand-powered elevators, endless belt lifts, and ~~wheelchair~~ platform lifts. Elevator does not
19.30 include external temporary material lifts or temporary construction personnel elevators at
19.31 sites of construction of new or remodeled buildings.

20.1 Sec. 32. Minnesota Statutes 2022, section 326B.163, is amended by adding a subdivision
20.2 to read:

20.3 Subd. 5a. **Platform lift.** As used in this chapter, "platform lift" means a powered hoisting
20.4 and lowering device designed to transport mobility-impaired persons on a guided platform.

20.5 Sec. 33. Minnesota Statutes 2022, section 326B.164, subdivision 13, is amended to read:

20.6 Subd. 13. **Exemption from licensing.** (a) Employees of a licensed elevator contractor
20.7 or licensed limited elevator contractor are not required to hold or obtain a license under this
20.8 section or be provided with direct supervision by a licensed master elevator constructor,
20.9 licensed limited master elevator constructor, licensed elevator constructor, or licensed limited
20.10 elevator constructor to install, maintain, or repair platform lifts and stairway chairlifts.
20.11 Unlicensed employees performing elevator work under this exemption must comply with
20.12 subdivision 5. This exemption does not include the installation, maintenance, repair, or
20.13 replacement of electrical wiring for elevator equipment.

20.14 (b) Contractors or individuals shall not be required to hold or obtain a license under this
20.15 section when performing work on:

20.16 (1) conveyors, excluding vertical reciprocating conveyors;

20.17 (2) platform lifts not covered under section 326B.163, subdivision 5a; or

20.18 (3) dock levelers.

20.19 Sec. 34. Minnesota Statutes 2022, section 326B.31, subdivision 30, is amended to read:

20.20 Subd. 30. **Technology system contractor.** "Technology system contractor" means a
20.21 licensed contractor whose responsible licensed individual is a licensed power limited
20.22 technician or licensed master electrician.

20.23 Sec. 35. Minnesota Statutes 2022, section 326B.32, subdivision 1, is amended to read:

20.24 Subdivision 1. **Composition.** (a) The Board of Electricity shall consist of 12 members.
20.25 Eleven members shall be appointed by the governor with the advice and consent of the
20.26 senate and shall be voting members. Appointments of members by the governor shall be
20.27 made in accordance with section 15.066. If the senate votes to refuse to consent to an
20.28 appointment of a member made by the governor, the governor shall appoint a new member
20.29 with the advice and consent of the senate. One member shall be the commissioner of labor
20.30 and industry or the commissioner's designee, who shall be a voting member. Of the 11
20.31 appointed members, the composition shall be as follows:

- 21.1 (1) one member shall be an electrical inspector;
- 21.2 (2) two members shall be representatives of the electrical suppliers in rural areas;
- 21.3 (3) two members shall be master electricians, who shall be contractors;
- 21.4 (4) two members shall be journeyworker electricians;
- 21.5 (5) one member shall be a registered consulting electrical engineer;
- 21.6 (6) ~~two members~~ one member shall be a power limited technicians technician, who shall
- 21.7 be a technology system contractors primarily engaged in the business of installing technology
- 21.8 circuits or systems contractor; and
- 21.9 (7) one member shall be a power limited technician; and
- 21.10 ~~(7)~~ (8) one member shall be a public member as defined by section 214.02.

21.11 The electrical inspector shall be appointed to a term to end December 31, 2011. One of

21.12 the rural electrical suppliers shall be appointed for a term to end December 31, 2011. The

21.13 other rural electrical supplier shall be appointed for a term to end December 31, 2010. The

21.14 consulting electrical engineer shall be appointed for a term to end December 31, 2011. One

21.15 of the master electrician contractors shall be appointed for a term to end December 31, 2011.

21.16 The other master electrician contractor shall be appointed for a term to end December 31,

21.17 2010. One of the journeyworker electricians shall be appointed for a term to end December

21.18 31, 2011. The other journeyworker electrician shall be appointed for a term to end December

21.19 31, 2010. One of the power limited technicians shall be appointed for a term to end December

21.20 31, 2011. The other power limited technician shall be appointed for a term to end December

21.21 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

21.22 (b) The consulting electrical engineer must possess a current Minnesota professional

21.23 engineering license and maintain the license for the duration of the term on the board. All

21.24 other appointed members, except for the public member and the representatives of electrical

21.25 suppliers in rural areas, must possess a current electrical license issued by the Department

21.26 of Labor and Industry and maintain that license for the duration of their terms. All appointed

21.27 members must be residents of Minnesota at the time of and throughout the member's

21.28 appointment. The term of any appointed member that does not maintain membership

21.29 qualification status shall end on the date of the status change and the governor shall appoint

21.30 a new member. It is the responsibility of the member to notify the board of their status

21.31 change.

21.32 (c) For appointed members, except the initial terms designated in paragraph (a), each

21.33 term shall be three years with the terms ending on December 31. Members appointed by

22.1 the governor shall be limited to three consecutive terms. The governor shall, all or in part,
22.2 reappoint the current members or appoint replacement members with the advice and consent
22.3 of the senate. Midterm vacancies shall be filled for the remaining portion of the term.
22.4 Vacancies occurring with less than six months time remaining in the term shall be filled for
22.5 the existing term and the following three-year term. Members may serve until their successors
22.6 are appointed but in no case later than July 1 in a year in which the term expires unless
22.7 reappointed.

22.8 Sec. 36. Minnesota Statutes 2022, section 326B.36, subdivision 7, is amended to read:

22.9 Subd. 7. **Exemptions from inspections.** Installations, materials, or equipment shall not
22.10 be subject to inspection under sections 326B.31 to 326B.399:

22.11 (1) when owned or leased, operated and maintained by any employer whose maintenance
22.12 electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing
22.13 electrical maintenance work only as defined by rule;

22.14 (2) when owned or leased, and operated and maintained by any electrical,
22.15 communications, or railway utility, cable communications company as defined in section
22.16 238.02, or telephone company as defined under section 237.01, in the exercise of its utility,
22.17 antenna, or telephone function; and

22.18 (i) are used exclusively for the generations, transformation, distribution, transmission,
22.19 load control, or metering of electric current, or the operation of railway signals, or the
22.20 transmission of intelligence, and do not have as a principal function the consumption or use
22.21 of electric current by or for the benefit of any person other than such utility, cable
22.22 communications company, or telephone company; and

22.23 (ii) are generally accessible only to employees of such utility, cable communications
22.24 company, or telephone company or persons acting under its control or direction; and

22.25 (iii) are not on the load side of the service point or point of entrance for communication
22.26 systems;

22.27 (3) when used in the street lighting operations of an electrical utility;

22.28 (4) when used as outdoor area lights which are owned and operated by an electrical
22.29 utility and which are connected directly to its distribution system and located upon the
22.30 utility's distribution poles, and which are generally accessible only to employees of such
22.31 utility or persons acting under its control or direction;

23.1 (5) when the installation, material, and equipment are in facilities subject to the
23.2 jurisdiction of the federal Mine Safety and Health Act; or

23.3 (6) when the installation, material, and equipment is part of an elevator installation for
23.4 which the elevator contractor, licensed under section 326B.164, is required to obtain a permit
23.5 from the authority having jurisdiction as provided by section 326B.184, and the inspection
23.6 has been or will be performed by an elevator inspector certified and licensed by the
23.7 department. This exemption shall apply only to installations, material, and equipment
23.8 permitted or required to be connected on the load side of the disconnecting means required
23.9 for elevator equipment under National Electrical Code Article 620, and elevator
23.10 communications and alarm systems within the machine room, car, hoistway, or elevator
23.11 lobby.

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

23.13 Sec. 37. Minnesota Statutes 2022, section 326B.36, is amended by adding a subdivision
23.14 to read:

23.15 **Subd. 8. Electric utility exemptions; additional requirements.** For exemptions to
23.16 inspections exclusively for load control allowed for electrical utilities under subdivision 7,
23.17 clause (2), item (i), the exempted work must be:

23.18 (1) performed by a licensed electrician employed by a class A electrical contractor
23.19 licensed under section 326B.33;

23.20 (2) for replacement or repair of existing equipment for an electric utility other than a
23.21 public utility as defined in section 216B.02, subdivision 4, only; and

23.22 (3) completed on or before December 31, 2028.

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

23.24 Sec. 38. Minnesota Statutes 2022, section 326B.805, subdivision 6, is amended to read:

23.25 Subd. 6. **Exemptions.** The license requirement does not apply to:

23.26 (1) an employee of a licensee performing work for the licensee;

23.27 (2) a material person, manufacturer, or retailer furnishing finished products, materials,
23.28 or articles of merchandise who does not install or attach the items;

23.29 (3) an owner of residential real estate who builds or improves ~~any structure on~~ residential
23.30 real estate; if the ~~building or improving is performed by the owner's bona fide employees~~
23.31 ~~or by individual owners personally.~~ owner occupies or will occupy the residential real estate

24.1 for residential purposes, or will retain ownership for rental purposes upon completion of
24.2 the building or improvement. This exemption does not apply to an owner who constructs
24.3 or improves ~~property~~ residential real estate for purposes of resale or speculation ~~if the~~
24.4 ~~building or improving is performed by the owner's bona fide employees or by individual~~
24.5 ~~owners personally.~~ A. An owner of residential building contractor or residential remodeler
24.6 real estate will be presumed to be building or improving for purposes of speculation if the
24.7 ~~contractor or remodeler~~ owner constructs or improves more than one property within any
24.8 24-month period, unless the properties will be retained by the owner for rental purposes;

24.9 (4) an architect or professional engineer engaging in professional practice as defined by
24.10 section 326.02, subdivisions 2 and 3;

24.11 (5) a person whose total gross annual receipts for performing specialty skills for which
24.12 licensure would be required under this section do not exceed \$15,000;

24.13 (6) a mechanical contractor;

24.14 (7) a plumber, electrician, or other person whose profession is otherwise subject to
24.15 statewide licensing, when engaged in the activity which is the subject of that licensure;

24.16 (8) specialty contractors who provide only one special skill as defined in section
24.17 326B.802;

24.18 (9) a school district, or a technical college governed under chapter 136F; and

24.19 (10) Habitat for Humanity and Builders Outreach Foundation, and their individual
24.20 volunteers when engaged in activities on their behalf.

24.21 To qualify for the exemption in clause (5), a person must obtain a certificate of exemption
24.22 from licensure from the commissioner. A certificate of exemption will be issued upon the
24.23 applicant's filing with the commissioner, an affidavit stating that the applicant does not
24.24 expect to exceed \$15,000 in gross annual receipts derived from performing services which
24.25 require licensure under this section during the calendar year in which the affidavit is received.
24.26 For the purposes of calculating fees under section 326B.092, a certificate of exemption is
24.27 an entry level license. To renew the exemption in clause (5), the applicant must file an
24.28 affidavit stating that the applicant did not exceed \$15,000 in gross annual receipts during
24.29 the past calendar year. If a person, operating under the exemption in clause (5), exceeds
24.30 \$15,000 in gross receipts during any calendar year, the person must immediately surrender
24.31 the certificate of exemption and apply for the appropriate license. The person must remain
24.32 licensed until such time as the person's gross annual receipts during a calendar year fall
24.33 below \$15,000. The person may then apply for an exemption for the next calendar year.

25.1 Sec. 39. Minnesota Statutes 2022, section 326B.921, subdivision 8, is amended to read:

25.2 Subd. 8. **Reciprocity with other states.** ~~The commissioner may issue a temporary license~~
25.3 ~~without examination, upon payment of the required fee, to nonresident applicants who are~~
25.4 ~~licensed under the laws of a state having standards for licensing which the commissioner~~
25.5 ~~determines are substantially equivalent to the standards of this state if the other state grants~~
25.6 ~~similar privileges to Minnesota residents duly licensed in this state. Applicants who receive~~
25.7 ~~a temporary license under this section may acquire an aggregate of 24 months of experience~~
25.8 ~~before they have to apply and pass the licensing examination. Applicants must register with~~
25.9 ~~the commissioner of labor and industry and the commissioner shall set a fee for a temporary~~
25.10 ~~license. Applicants have five years in which to comply with this section.~~

25.11 (a) The commissioner may enter into reciprocity agreements for personal licenses with
25.12 another state if approved by the board. Once approved by the board, the commissioner may
25.13 issue a personal license without requiring the applicant to pass an examination provided the
25.14 applicant:

25.15 (1) submits an application under this section;

25.16 (2) pays the application and examination fee and license fee required under section
25.17 326B.092; and

25.18 (3) holds a valid comparable license in the state participating in the agreement.

25.19 (b) Reciprocity agreements are subject to the following:

25.20 (1) the parties to the agreement must administer a statewide licensing program that
25.21 includes examination and qualifying experience or training comparable to Minnesota's
25.22 licensing program;

25.23 (2) the experience and training requirements under which an individual applicant qualified
25.24 for examination in the qualifying state must be deemed equal to or greater than required for
25.25 an applicant making application in Minnesota at the time the applicant acquired the license
25.26 in the qualifying state;

25.27 (3) the applicant must have acquired the license in the qualifying state through an
25.28 examination deemed equivalent to the same class of license examination in Minnesota;

25.29 (4) at the time of application, the applicant must hold a valid license in the qualifying
25.30 state and have held the license continuously for at least one year before making application
25.31 in Minnesota;

26.1 (5) an applicant is not eligible for a license under this subdivision if the applicant has
26.2 failed the same or greater class of license examination in Minnesota, or if the applicant's
26.3 license of the same or greater class has been revoked or suspended; and

26.4 (6) an applicant who has failed to renew a personal license for two years or more after
26.5 its expiration is not eligible for a license under this subdivision.

26.6 Sec. 40. Minnesota Statutes 2022, section 326B.925, subdivision 1, is amended to read:

26.7 Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems shall
26.8 consist of 13 members. Twelve members shall be appointed by the governor with the advice
26.9 and consent of the senate and shall be voting members. Appointments of members by the
26.10 governor shall be made in accordance with section 15.066. If the senate votes to refuse to
26.11 consent to an appointment of a member made by the governor, the governor shall appoint
26.12 a new member with the advice and consent of the senate. One member shall be the
26.13 commissioner of labor and industry or the commissioner of labor and industry's designee,
26.14 who shall be a voting member. Of the 12 appointed members, the composition shall be as
26.15 follows:

26.16 (1) one member shall be a high pressure piping inspector;

26.17 (2) one member shall be a licensed mechanical engineer;

26.18 (3) one member shall be a representative of the high pressure piping industry;

26.19 (4) four members shall be master high pressure pipefitters engaged in the business of
26.20 high pressure piping, two from the metropolitan area and two from greater Minnesota;

26.21 (5) two members shall be journeyworker high pressure pipefitters ~~engaged in the business~~
26.22 ~~of high pressure piping systems installation~~, one from the metropolitan area and one from
26.23 greater Minnesota;

26.24 (6) one member shall be a representative of industrial companies that use high pressure
26.25 piping systems in their industrial process;

26.26 (7) one member shall be a representative from utility companies in Minnesota; and

26.27 (8) one member shall be a public member as defined by section 214.02.

26.28 The high pressure piping inspector shall be appointed for a term to end December 31,
26.29 2011. The professional mechanical engineer shall be appointed for a term to end December
26.30 31, 2010. The representative of the high pressure piping industry shall be appointed for a
26.31 term to end December 31, 2011. Two of the master high pressure pipefitters shall be
26.32 appointed for a term to end December 31, 2011. The other two master high pressure

27.1 pipefitters shall be appointed for a term to end December 31, 2010. One of the journeyworker
27.2 high pressure pipefitters shall be appointed for a term to end December 31, 2011. The other
27.3 journeyworker high pressure pipefitter shall be appointed for a term to end December 31,
27.4 2010. The one representative of industrial companies that use high pressure piping systems
27.5 in their industrial process shall be appointed for a term to end December 31, 2010. The one
27.6 representative of a utility company in Minnesota shall be appointed for a term to end
27.7 December 31, 2010. The public member shall be appointed for a term to end December 31,
27.8 2010.

27.9 (b) The licensed professional mechanical engineer must possess a current Minnesota
27.10 professional engineering license and maintain the license for the duration of their term. All
27.11 other appointed members, except for the representative of the piping industry, the
27.12 representative of industrial companies that use high pressure piping systems, the public
27.13 member, and the representative of public utility companies in Minnesota, must possess a
27.14 current high pressure piping license issued by the Department of Labor and Industry and
27.15 maintain that license for the duration of their term. All appointed members must be residents
27.16 of Minnesota at the time of and throughout the member's appointment. The term of any
27.17 appointed member that does not maintain membership qualification status shall end on the
27.18 date of status change and the governor shall appoint a new member. It is the responsibility
27.19 of the member to notify the board of the member's status change.

27.20 (c) For appointed members, except the initial terms designated in paragraph (a), each
27.21 term shall be three years with the terms ending on December 31. Members appointed by
27.22 the governor shall be limited to three consecutive terms. The governor shall, all or in part,
27.23 reappoint the current members or appoint replacement members with the advice and consent
27.24 of the senate. Midterm vacancies shall be filled for the remaining portion of the term.
27.25 Vacancies occurring with less than six months time remaining in the term shall be filled for
27.26 the existing term and the following three-year term. Members may serve until their successors
27.27 are appointed but in no case later than July 1 in a year in which the term expires unless
27.28 reappointed.

27.29 Sec. 41. Minnesota Statutes 2022, section 326B.988, is amended to read:

27.30 **326B.988 EXCEPTIONS.**

27.31 (a) The provisions of sections 326B.95 to 326B.998 shall not apply to:

27.32 (1) boilers and pressure vessels in buildings occupied solely for residence purposes with
27.33 accommodations for not more than five families;

- 28.1 (2) railroad locomotives operated by railroad companies for transportation purposes;
- 28.2 (3) air tanks installed on the right-of-way of railroads and used directly in the operation
28.3 of trains;
- 28.4 (4) boilers and pressure vessels under the direct jurisdiction of the United States;
- 28.5 (5) unfired pressure vessels having an internal or external working pressure not exceeding
28.6 15 psig with no limit on size;
- 28.7 (6) pressure vessels used for storage of compressed air not exceeding five cubic feet in
28.8 volume and equipped with an ASME code stamped safety valve set at a maximum of 100
28.9 psig;
- 28.10 (7) pressure vessels having an inside diameter not exceeding six inches;
- 28.11 (8) every vessel that contains water under pressure, including those containing air that
28.12 serves only as a cushion, whose design pressure does not exceed 300 psig and whose design
28.13 temperature does not exceed 210 degrees Fahrenheit;
- 28.14 (9) boiler or pressure vessels located on farms used solely for agricultural or horticultural
28.15 purposes; for purposes of this section, boilers used for mint oil extraction are considered
28.16 used for agricultural or horticultural purposes, provided that the owner or lessee complies
28.17 with the inspection requirements contained in section 326B.958;
- 28.18 (10) tanks or cylinders used for storage or transfer of liquefied petroleum gases;
- 28.19 (11) unfired pressure vessels in petroleum refineries;
- 28.20 (12) an air tank or pressure vessel which is an integral part of a passenger motor bus,
28.21 truck, or trailer;
- 28.22 (13) hot water heating and other hot liquid boilers not exceeding a heat input of 750,000
28.23 BTU per hour;
- 28.24 (14) hot water supply boilers (~~water heaters~~) not exceeding a heat input of 500,000
28.25 200,000 BTU per hour, ~~a water temperature of 210 degrees Fahrenheit, or potable water~~
28.26 heaters not exceeding a heat input of 200,000 BTU per hour or a nominal water capacity
28.27 of 120 gallons, or a pressure of 160 psig;
- 28.28 (15) a laundry and dry cleaning press not exceeding five cubic feet of steam volume;
- 28.29 (16) pressure vessels operated full of water or other liquid not materially more hazardous
28.30 than water, if the vessel's contents' temperature does not exceed 210 degrees Fahrenheit or
28.31 a pressure of 200 psig;

29.1 (17) steam-powered turbines at papermaking facilities which are powered by steam
29.2 generated by steam facilities at a remote location;

29.3 (18) manually fired boilers for model locomotive, boat, tractor, stationary engine, or
29.4 antique motor vehicles constructed or maintained only as a hobby for exhibition, educational
29.5 or historical purposes and not for commercial use, if the boilers have an inside diameter of
29.6 12 inches or less, or a grate area of two square feet or less, and are equipped with an ASME
29.7 stamped safety valve of adequate size, a water level indicator, and a pressure gauge;

29.8 (19) any pressure vessel used as an integral part of an electrical circuit breaker;

29.9 (20) pressure vessels used for the storage of refrigerant if they are built to ASME code
29.10 specifications, registered with the national board, and equipped with an ASME code-stamped
29.11 pressure-relieving device set no higher than the maximum allowable working pressure of
29.12 the vessel. This does not include pressure vessels used in ammonia refrigeration systems;

29.13 (21) pressure vessels used for the storage of oxygen, nitrogen, helium, carbon dioxide,
29.14 argon, nitrous oxide, or other medical gas, provided the vessel is constructed to ASME or
29.15 Minnesota Department of Transportation specifications and equipped with an ASME
29.16 code-stamped pressure-relieving device. The owner of the vessels shall perform annual
29.17 visual inspections and planned maintenance on these vessels to ensure vessel integrity;

29.18 (22) pressure vessels used for the storage of compressed air for self-contained breathing
29.19 apparatuses;

29.20 (23) hot water heating or other hot liquid boilers vented directly to the atmosphere; and

29.21 (24) pressure vessels used for the storage of compressed air not exceeding 1.5 cubic feet
29.22 (11.22 gallons) in volume with a maximum allowable working pressure of 600 psi or less.

29.23 (b) An engineer's license is not required for hot water supply boilers.

29.24 (c) An engineer's license and annual inspection by the department is not required for
29.25 boilers, steam cookers, steam kettles, steam sterilizers or other steam generators not exceeding
29.26 100,000 BTU per hour input, 25 kilowatt, and a pressure of 15 psig.

29.27 (d) Electric boilers not exceeding a maximum working pressure of 50 psig, maximum
29.28 of 30 kilowatt input or three horsepower rating shall be inspected as pressure vessels and
29.29 shall not require an engineer license to operate.

29.30 Sec. 42. **[327.30] SACRED COMMUNITIES AND MICRO-UNIT DWELLINGS.**

29.31 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
29.32 the meanings given.

30.1 (b) "Chronically homeless" has the meaning given in United States Code, title 42, section
30.2 11360, as amended through May 20, 2009.

30.3 (c) "Designated volunteers" means persons who have not experienced homelessness and
30.4 have been approved by the religious institution to live in a sacred community as their sole
30.5 form of housing.

30.6 (d) "Extremely low income" means an income that is equal to or less than 30 percent of
30.7 the area median income, adjusted for family size, as estimated by the Department of Housing
30.8 and Urban Development.

30.9 (e) "Micro unit" means a mobile residential dwelling providing permanent housing
30.10 within a sacred community that meets the requirements of subdivision 4.

30.11 (f) "Religious institution" means a church, synagogue, mosque, or other religious
30.12 organization organized under chapter 315.

30.13 (g) "Sacred community" means a residential settlement established on or contiguous to
30.14 the grounds of a religious institution's primary worship location primarily for the purpose
30.15 of providing permanent housing for chronically homeless persons, extremely low-income
30.16 persons, and designated volunteers that meets the requirements of subdivision 3.

30.17 Subd. 2. **Dwelling in micro units in sacred communities authorized.** Religious
30.18 institutions are authorized to provide permanent housing to people who are chronically
30.19 homeless, extremely low-income, or designated volunteers, in sacred communities composed
30.20 of micro units subject to the provisions of this section.

30.21 Subd. 3. **Sacred community requirements.** (a) A sacred community must provide
30.22 residents of micro units access to water and electric utilities either by connecting the micro
30.23 units to the utilities that are serving the principal building on the lot or by other comparable
30.24 means, or by providing the residents access to permanent common kitchen facilities and
30.25 common facilities for toilet, bathing, and laundry with the number and type of fixtures
30.26 required for an R-2 boarding house under Minnesota Rules, part 1305.2902. Any units that
30.27 are plumbed shall not be included in determining the minimum number of fixtures required
30.28 for the common facilities.

30.29 (b) A sacred community under this section must:

30.30 (1) be appropriately insured;

30.31 (2) have between one-third and 40 percent of the micro units occupied by designated
30.32 volunteers; and

31.1 (3) provide the municipality with a written plan approved by the religious institution's
31.2 governing board that outlines:

31.3 (i) disposal of water and sewage from micro units if not plumbed;

31.4 (ii) septic tank drainage if plumbed units are not hooked up to the primary worship
31.5 location's system;

31.6 (iii) adequate parking, lighting, and access to units by emergency vehicles;

31.7 (iv) protocols for security and addressing conduct within the settlement; and

31.8 (v) safety protocols for severe weather.

31.9 (c) A sacred community meeting the requirements of this section shall be approved and
31.10 regulated as a permitted use, conditional use, or planned unit development, as determined
31.11 by the municipality. When approved, additional permitting is not required for individual
31.12 micro units.

31.13 (d) Sacred communities are subject to the laws governing landlords and tenants under
31.14 chapter 504B.

31.15 Subd. 4. **Micro unit requirements.** (a) In order to be eligible to be placed within a
31.16 sacred community, a micro unit must be built to the requirements of the American National
31.17 Standards Institute (ANSI) Code 119.5, which includes standards for heating, electrical
31.18 systems, and fire and life safety. A micro unit must also meet the following technical
31.19 requirements:

31.20 (1) be no more than 400 gross square feet;

31.21 (2) be built on a permanent chassis and anchored to pin foundations with engineered
31.22 fasteners;

31.23 (3) have exterior materials that are compatible in composition, appearance, and durability
31.24 to the exterior materials used in standard residential construction;

31.25 (4) have a minimum insulation rating of R-20 in walls, R-30 in floors, and R-38 in
31.26 ceilings, as well as residential grade insulated doors and windows;

31.27 (5) have a dry, compostable, or plumbed toilet or other system meeting the requirements
31.28 of the Minnesota Pollution Control Agency, Chapters 7035, 7040, 7049, and 7080, or other
31.29 applicable rules;

32.1 (6) have either an electrical system that meets NFPA 70 NEC, section 551 or 552 as
32.2 applicable or a low voltage electrical system that meets ANSI/RVIA Low Voltage Standard,
32.3 current edition;

32.4 (7) have minimum wall framing with two inch by four inch wood or metal studs with
32.5 framing of 16 inches to 24 inches on center, or the equivalent in structural insulated panels,
32.6 with a floor load of 40 pounds per square foot and a roof live load of 42 pounds per square
32.7 foot; and

32.8 (8) have smoke and carbon monoxide detectors installed.

32.9 (b) All micro units, including their anchoring, must be inspected and certified for
32.10 compliance with these requirements by a licensed Minnesota professional engineer or
32.11 qualified third-party inspector for ANSI compliance accredited pursuant to either the
32.12 American Society for Testing and Materials Appendix E541 or ISO/IEC 17020.

32.13 (c) Micro units that connect to utilities such as water, sewer, gas, or electric, must obtain
32.14 any permits or inspections required by the municipality or utility company for that connection.

32.15 (d) Micro units must comply with municipal setback requirements established by
32.16 ordinance for manufactured homes. If a municipality does not have such an ordinance, micro
32.17 units must be set back on all sides by at least ten feet.

32.18 **EFFECTIVE DATE.** This section is effective January 1, 2024.

32.19 Sec. 43. Minnesota Statutes 2022, section 572B.17, is amended to read:

32.20 **572B.17 WITNESSES; SUBPOENAS; DEPOSITIONS; DISCOVERY.**

32.21 (a) An arbitrator may issue a subpoena for the attendance of a witness and for the
32.22 production of records and other evidence at any hearing and may administer oaths. A
32.23 subpoena must be served in the manner for service of subpoenas in a civil action and, upon
32.24 motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the
32.25 manner for enforcement of subpoenas in a civil action.

32.26 (b) On request of a party to or a witness in an arbitration proceeding, an arbitrator may
32.27 permit a deposition of any witness to provide testimony at the arbitration hearing, including
32.28 a witness who cannot be subpoenaed for or is unable to attend a hearing, to be taken under
32.29 conditions determined by the arbitrator for use as evidence in order to make the proceeding
32.30 fair, expeditious, and cost-effective.

32.31 (c) An arbitrator may permit such discovery as the arbitrator decides is appropriate in
32.32 the circumstances, taking into account the needs of the parties to the arbitration proceeding

33.1 and other affected persons and the desirability of making the proceeding fair, expeditious,
33.2 and cost-effective.

33.3 (d) If an arbitrator permits discovery under subsection (c), the arbitrator may order a
33.4 party to the arbitration proceeding to comply with the arbitrator's discovery-related orders,
33.5 including the issuance of a subpoena for the attendance of a witness and for the production
33.6 of records and other evidence at a discovery proceeding, and may take action against a party
33.7 to the arbitration proceeding who does not comply to the extent permitted by law as if the
33.8 controversy were the subject of a civil action in this state.

33.9 (e) An arbitrator may issue a protective order to prevent the disclosure of privileged
33.10 information, confidential information, trade secrets, data classified as nonpublic or private
33.11 pursuant to chapter 13, and other information protected from disclosure as if the controversy
33.12 were the subject of a civil action in this state.

33.13 (f) All laws compelling a person under subpoena to testify and all fees for attending a
33.14 judicial proceeding, a deposition, or a discovery proceeding as a witness apply to an
33.15 arbitration proceeding as if the controversy were the subject of a civil action under the laws
33.16 and rules of civil procedure of this state.

33.17 (g) The court may enforce a subpoena or discovery-related order for the attendance of
33.18 a witness within this state and for the production of records and other evidence issued by
33.19 an arbitrator in connection with an arbitration proceeding in another state upon conditions
33.20 determined by the court in order to make the arbitration proceeding fair, expeditious, and
33.21 cost-effective. A subpoena or discovery-related order issued by an arbitrator must be served
33.22 in the manner provided by law for service of subpoenas in a civil action in this state and,
33.23 upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced
33.24 in the manner provided by law for enforcement of subpoenas in a civil action in this state.

33.25 Sec. 44. **REPEALER.**

33.26 Minnesota Statutes 2022, section 179A.12, subdivision 2, is repealed.

179A.12 EXCLUSIVE REPRESENTATION; ELECTIONS; DECERTIFICATION.

Subd. 2. **Certification upon joint request.** The commissioner may certify an employee organization as an exclusive representative in an appropriate unit upon the joint request of the employer and the organization if, after investigation, the commissioner finds that no unfair labor practice was committed in initiating and submitting the joint request and that the employee organization represents over 50 percent of the employees in the appropriate unit. This subdivision does not reduce the time period or nullify any bar to the employee organization's certification existing at the time of the filing of the joint request.