

A bill for an act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275, subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, ~~or~~ 181.991, and with any rule promulgated under section 177.28. The commissioner shall issue an order requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated. For purposes of this subdivision only, a violation is repeated if at any time during the two years that preceded the date of violation, the commissioner issued an order to the employer for violation of sections 177.41 to 177.435 and the order is final or the commissioner and the employer have entered into a settlement agreement that required the employer to pay back wages that were required by sections 177.41 to 177.435. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with 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) employees of charitable hospitals as defined by section 179.35, subdivision 3, except that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public employees for purposes of sections 179A.051, 179A.052, and 179A.13;

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

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

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

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

(i) personal secretaries to judges;

(ii) law clerks;

(iii) managerial employees;

(iv) confidential employees; and

(v) supervisory employees; or

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 3. **Franchise agreement amendment.** Notwithstanding any law to the contrary, 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

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

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

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

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

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

**182.676 SAFETY COMMITTEES.**

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

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

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

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

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

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

The commissioner may adopt rules necessary to implement this section.

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

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

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

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

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

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

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

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

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

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

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

(1) conveyors, excluding vertical reciprocating conveyors;

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

(3) dock levelers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

for residential purposes, or will retain ownership for rental purposes upon completion of the building or improvement. This exemption does not apply to an owner who constructs

or improves ~~property~~ residential real estate for purposes of resale or speculation ~~if the~~

~~building or improving is performed by the owner's bona fide employees or by individual~~

~~owners personally. A. An owner of residential building contractor or residential remodeler~~

real estate will be presumed to be building or improving for purposes of speculation if the

~~contractor or remodeler~~ owner constructs or improves more than one property within any

24-month period, unless the properties will be retained by the owner for rental purposes;

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

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

(6) a mechanical contractor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**326B.988 EXCEPTIONS.**

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

(1) boilers and pressure vessels in buildings occupied solely for residence purposes with 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A sacred community under this section must:

(1) be appropriately insured;

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

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

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

(8) have smoke and carbon monoxide detectors installed.

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

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

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

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

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

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

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

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

(c) An arbitrator may permit such discovery as the arbitrator decides is appropriate in 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.