

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 2782

(SENATE AUTHORS: MCEWEN)

DATE	D-PG	OFFICIAL STATUS
03/09/2023	1476	Introduction and first reading Referred to Labor
04/03/2023	2899a 2959	Comm report: To pass as amended and re-refer to Finance Rule 12.10: report of votes in committee

1.1 A bill for an act

1.2 relating to state government; establishing the biennial budget for the Department

1.3 of Labor and Industry, Workers' Compensation Court of Appeals, and Bureau of

1.4 Mediation Services; providing protections for agricultural and food processing

1.5 workers; establishing nursing home workforce standards; modifying combative

1.6 sports; providing for safe workplaces for meat and poultry processing workers;

1.7 regulating restrictive employment agreements; modifying other miscellaneous

1.8 policy provisions; requiring reports; appropriating money; amending Minnesota

1.9 Statutes 2022, sections 15.71, by adding subdivisions; 15.72, by adding a

1.10 subdivision; 116J.871, subdivision 2; 175.16, subdivision 1; 177.26, subdivisions

1.11 1, 2; 177.27, subdivisions 4, 7; 178.01; 178.011, subdivision 7; 178.03, subdivision

1.12 1; 178.11; 179.86, subdivisions 1, 3, by adding subdivisions; 181.14, subdivision

1.13 1; 181.635, subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86, subdivision

1.14 1; 181.87, subdivisions 2, 3, 7; 181.88; 181.89, subdivision 2, by adding a

1.15 subdivision; 181.9435, subdivision 1; 181.9436; 182.654, subdivision 11; 182.666,

1.16 subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 290.0132, by adding a

1.17 subdivision; 326B.092, subdivision 6; 326B.096; 326B.103, subdivision 13, by

1.18 adding subdivisions; 326B.106, subdivisions 1, 4, by adding a subdivision;

1.19 326B.802, subdivision 15; 337.01, subdivision 3; 337.05, subdivision 1; 341.21,

1.20 subdivisions 2a, 2b, 2c, 4f, 7, by adding a subdivision; 341.221; 341.25; 341.27;

1.21 341.28, subdivisions 2, 3, by adding subdivisions; 341.30, subdivision 4; 341.32,

1.22 subdivision 2; 341.321; 341.33; 341.355; proposing coding for new law in

1.23 Minnesota Statutes, chapters 179; 181; 182; 341; repealing Minnesota Statutes

1.24 2022, section 177.26, subdivision 3.

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

1.26 **ARTICLE 1**
1.27 **APPROPRIATIONS**

1.28 Section 1. **APPROPRIATIONS.**

1.29 (a) The sums shown in the columns marked "Appropriations" are appropriated to the
1.30 agencies and for the purposes specified in this article. The appropriations are from the
1.31 general fund, or another named fund, and are available for the fiscal years indicated for

2.1 each purpose. The figures "2024" and "2025" used in this article mean that the appropriations
 2.2 listed under them are available for the fiscal year ending June 30, 2024, or June 30, 2025,
 2.3 respectively. "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The
 2.4 biennium" is fiscal years 2024 and 2025.

2.5 (b) If an appropriation in this article is enacted more than once in the 2023 regular or
 2.6 special legislative session, the appropriation must be given effect only once.

2.7 **APPROPRIATIONS**

2.8 **Available for the Year**

2.9 **Ending June 30**

2.10 **2024**

2025

2.11 **Sec. 2. DEPARTMENT OF LABOR AND**
 2.12 **INDUSTRY**

2.13 **Subdivision 1. Total Appropriation** **\$ 46,561,000 \$ 43,504,000**

2.14 **Appropriations by Fund**

	<u>2024</u>	<u>2025</u>
2.15 <u>General</u>	<u>6,911,000</u>	<u>5,227,000</u>
2.16 <u>Workers'</u>		
2.17 <u>Compensation</u>	<u>29,739,000</u>	<u>31,512,000</u>
2.18 <u>Workforce</u>		
2.19 <u>Development</u>	<u>9,911,000</u>	<u>6,765,000</u>

2.21 The amounts that may be spent for each
 2.22 purpose are specified in the following
 2.23 subdivisions.

2.24 **Subd. 2. General Support** **8,765,000 9,106,000**

2.25 This appropriation is from the workers'
 2.26 compensation fund.

2.27 **Subd. 3. Labor Standards** **6,972,000 6,608,000**

2.28 **Appropriations by Fund**

2.29 <u>General</u>	<u>5,409,000</u>	<u>4,973,000</u>
2.30 <u>Workforce</u>		
2.31 <u>Development</u>	<u>1,563,000</u>	<u>1,635,000</u>

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

3.1 (b) \$1,563,000 the first year and \$1,635,000
 3.2 the second year are from the workforce
 3.3 development fund for prevailing wage
 3.4 enforcement.

3.5 (c) \$268,000 the first year and \$276,000 the
 3.6 second year are for outreach and enforcement
 3.7 efforts related to changes to the nursing
 3.8 mothers, lactating employees, and pregnancy
 3.9 accommodations law.

3.10 (d) \$184,000 the first year and \$142,000 the
 3.11 second year are to strengthen workplace
 3.12 protections for agricultural and food
 3.13 processing workers.

3.14 (e) \$661,000 the first year and \$357,000 the
 3.15 second year are to perform work for the
 3.16 Nursing Home Workforce Standards Board.
 3.17 The base is \$404,000 in fiscal year 2026 and
 3.18 \$357,000 in fiscal year 2027.

3.19 (f) \$225,000 the first year and \$169,000 the
 3.20 second year are for the purposes of article 6.

3.21 (g) \$245,000 the first year and \$138,000 the
 3.22 second year are to the Attorney General's
 3.23 Office for the purposes of article 6.

3.24 (h) \$59,000 the first year and \$25,000 the
 3.25 second year are to the Department of Revenue
 3.26 to implement and administer the change to the
 3.27 state income tax subtraction for the purposes
 3.28 of article 7.

3.29 (i) \$175,000 the first year and \$175,000 the
 3.30 second year are to the Attorney General's
 3.31 Office to enforce construction workers wage
 3.32 protections.

3.33 Subd. 4. **Workers' Compensation**

15,190,000

15,725,000

4.1 This appropriation is from the workers'
 4.2 compensation fund.

4.3 **Subd. 5. Workplace Safety** 7,043,000 6,681,000

4.4 Appropriations by Fund

4.5 General 1,259,000 -0-

4.6 Workers'
 4.7 Compensation 5,784,000 6,681,000

4.8 (a) \$477,000 the first year and \$1,128,000 the
 4.9 second year are from the workers'
 4.10 compensation fund for education and outreach,
 4.11 staffing, and technology development of the
 4.12 ergonomics program under Minnesota
 4.13 Statutes, section 182.677. The base
 4.14 appropriation is \$1,487,000 in fiscal year 2026
 4.15 and \$1,196,000 in fiscal year 2027.

4.16 (b) \$1,259,000 the first year for the
 4.17 ergonomics safety grant program. This amount
 4.18 is available until June 30, 2026. This is a
 4.19 onetime appropriation.

4.20 **Subd. 6. Workforce Development Initiatives** 2,659,000 2,371,000

4.21 (a) This appropriation is from the workforce
 4.22 development fund.

4.23 (b) \$300,000 each year is from the workforce
 4.24 development fund for the pipeline program.

4.25 (c) \$200,000 each year is from the workforce
 4.26 development fund for identification of
 4.27 competency standards under Minnesota
 4.28 Statutes, section 175.45.

4.29 (d) \$1,500,000 each year is from the
 4.30 workforce development fund for youth skills
 4.31 training grants under Minnesota Statutes,
 4.32 section 175.46.

5.1 (e) \$359,000 the first year and \$371,000 the
 5.2 second year are from the workforce
 5.3 development fund for administration of the
 5.4 youth skills training grants under Minnesota
 5.5 Statutes, section 175.46.

5.6 (f) \$300,000 the first year is for a grant to
 5.7 Independent School District No. 294, Houston,
 5.8 for the Minnesota Virtual Academy's career
 5.9 pathways program with Operating Engineers
 5.10 Local 49. The program may include up to five
 5.11 semesters of courses and must lead to
 5.12 eligibility into the Operating Engineers Local
 5.13 49 apprenticeship program.

5.14 (1) The grant may be used to encourage and
 5.15 support student participation in the career
 5.16 pathways program through additional
 5.17 academic, counseling, and other support
 5.18 services provided by the student's enrolling
 5.19 school district. The Minnesota Virtual
 5.20 Academy may contract with a student's
 5.21 enrolling school district to provide these
 5.22 services.

5.23 (2) The career pathways program must provide
 5.24 outreach to and encourage participation in its
 5.25 programming by students of color, Indigenous
 5.26 students, students from families with low
 5.27 income, students located throughout
 5.28 Minnesota, and underserved students. This
 5.29 appropriation does not cancel and is available
 5.30 until June 30, 2025.

5.31	<u>Subd. 7. Combative Sports</u>	<u>243,000</u>	<u>254,000</u>
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5.32	<u>Subd. 8. Apprenticeship</u>	<u>5,689,000</u>	<u>2,759,000</u>
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5.33 (a) This appropriation is from the workforce
 5.34 development fund.

6.1 (b) \$1,330,000 the first year and \$1,392,000
6.2 the second year are from the workforce
6.3 development fund for the apprenticeship
6.4 program under Minnesota Statutes, chapter
6.5 178.

6.6 (c) \$1,134,000 the first year and \$1,142,000
6.7 the second year are from the workforce
6.8 development fund for labor education and
6.9 advancement program grants under Minnesota
6.10 Statutes, section 178.11.

6.11 (d) \$3,000,000 onetime in the first year is from
6.12 the workforce development fund for grants to
6.13 registered apprenticeship programs for clean
6.14 economy occupations. Of this amount, up to
6.15 five percent is for administration and
6.16 monitoring of the program. This appropriation
6.17 is available until June 30, 2026. Grant funds
6.18 may be used to:

6.19 (1) purchase equipment or training materials
6.20 in clean technologies;

6.21 (2) fund instructor professional development
6.22 in clean technologies;

6.23 (3) design and refine curriculum in clean
6.24 technologies; and

6.25 (4) train apprentices and upskill incumbent
6.26 workers in clean technologies.

6.27 (e) \$225,000 the first year and \$225,000 the
6.28 second year are from the workforce
6.29 development fund for grants to Building
6.30 Strong Communities for the Helmets to
6.31 Hardhats Minnesota initiative. Grant money
6.32 must be used to recruit, retain, assist, and
6.33 support National Guard, reserve, and active
6.34 duty military members' and veterans'

7.1 participation in apprenticeship programs
 7.2 registered with the Department of Labor and
 7.3 Industry and connect service members and
 7.4 veterans with career training and employment
 7.5 in the building and construction industry. The
 7.6 recruitment, selection, employment, and
 7.7 training must be without discrimination due
 7.8 to race, color, creed, religion, national origin,
 7.9 sex, sexual orientation, marital status, physical
 7.10 or mental disability, receipt of public
 7.11 assistance, or age.

7.12 **Sec. 3. WORKERS' COMPENSATION COURT**
 7.13 **OF APPEALS** \$ 2,583,000 \$ 2,563,000

7.14 This appropriation is from the workers'
 7.15 compensation fund.

7.16 **Sec. 4. BUREAU OF MEDIATION SERVICES** \$ 2,957,000 \$ 3,039,000

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

7.23 (b) \$47,000 each year is for rulemaking,
 7.24 staffing, and other costs associated with peace
 7.25 officer grievance procedures.

7.26 **ARTICLE 2**
 7.27 **AGRICULTURE AND FOOD PROCESSING WORKERS**

7.28 Section 1. Minnesota Statutes 2022, section 179.86, subdivision 1, is amended to read:

7.29 Subdivision 1. **Definition.** For the purpose of this section, "employer" means an employer
 7.30 in the meatpacking or poultry processing industry.

8.1 Sec. 2. Minnesota Statutes 2022, section 179.86, subdivision 3, is amended to read:

8.2 Subd. 3. **Information provided to employee by employer.** (a) At the start of
 8.3 employment, an employer must provide an explanation in an employee's native language
 8.4 of the employee's rights and duties as an employee ~~either~~ both person to person ~~or~~ and
 8.5 through written materials that, at a minimum, include:

8.6 (1) a complete description of the salary and benefits plans as they relate to the employee;

8.7 (2) a job description for the employee's position;

8.8 (3) a description of leave policies;

8.9 (4) a description of the work hours and work hours policy; ~~and~~

8.10 (5) a description of the occupational hazards known to exist for the position; and

8.11 (6) when workers' compensation insurance coverage is required by chapter 176, the
 8.12 name of the employer's workers' compensation insurance carrier, the carrier's phone number,
 8.13 and the insurance policy number.

8.14 (b) The explanation must also include information on the following employee rights as
 8.15 protected by state or federal law and a description of where additional information about
 8.16 those rights may be obtained:

8.17 (1) the right to organize and bargain collectively and refrain from organizing and
 8.18 bargaining collectively;

8.19 (2) the right to a safe workplace; ~~and~~

8.20 (3) the right to be free from discrimination; and

8.21 (4) the right to workers' compensation insurance coverage.

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

8.25 (d) The requirements under this subdivision are in addition to the requirements under
 8.26 section 181.032.

8.27 Sec. 3. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to
 8.28 read:

8.29 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of
 8.30 action for damages for the greater of \$1,000 per violation or twice the employee's actual

9.1 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of
 9.2 \$1,400 or three times actual damages for an employee injured by an intentional violation
 9.3 of this section. Damages awarded under this subdivision shall be reduced by the amount of
 9.4 any fine paid to the employee under subdivision 6.

9.5 Sec. 4. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to
 9.6 read:

9.7 Subd. 6. **Fine.** The commissioner of labor and industry shall fine an employer not less
 9.8 than \$400 or more than \$1,000 for each violation of subdivision 3. The fine shall be payable
 9.9 to the employee aggrieved, except the amount payable to the employee shall be reduced by
 9.10 any damages awarded under subdivision 5.

9.11 Sec. 5. Minnesota Statutes 2022, section 181.14, subdivision 1, is amended to read:

9.12 Subdivision 1. **Prompt payment required.** (a) When any such employee quits or resigns
 9.13 employment, the wages or commissions earned and unpaid at the time the employee quits
 9.14 or resigns shall be paid in full not later than the first regularly scheduled payday following
 9.15 the employee's final day of employment, unless an employee is subject to a collective
 9.16 bargaining agreement with a different provision. Wages are earned and unpaid if the
 9.17 employee was not paid for all time worked at the employee's regular rate of pay or at the
 9.18 rate required by law, including any applicable statute, regulation, rule, ordinance, government
 9.19 resolution or policy, contract, or other legal authority, whichever rate of pay is greater. If
 9.20 the first regularly scheduled payday is less than five calendar days following the employee's
 9.21 final day of employment, full payment may be delayed until the second regularly scheduled
 9.22 payday but shall not exceed a total of 20 calendar days following the employee's final day
 9.23 of employment.

9.24 (b) Notwithstanding the provisions of paragraph (a), in the case of migrant workers, as
 9.25 defined in section 181.85, the wages or commissions earned and unpaid at the time the
 9.26 employee quits or resigns shall become due and payable within ~~five~~ three days thereafter.

9.27 Sec. 6. Minnesota Statutes 2022, section 181.635, subdivision 1, is amended to read:

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

9.29 (a) "Employer" means a person who employs another to perform a service for hire.
 9.30 Employer includes any agent or attorney of an employer who, for money or other valuable
 9.31 consideration paid or promised to be paid, performs any recruiting.

10.1 (b) "Person" means a corporation, partnership, limited liability company, limited liability
10.2 partnership, association, individual, or group of persons.

10.3 (c) "Recruits" means to induce an individual, directly or through an agent, to relocate
10.4 to Minnesota or within Minnesota to work in food processing by an offer of employment
10.5 or of the possibility of employment.

10.6 (d) "Food processing" means canning, packing, or otherwise processing poultry or meat
10.7 for consumption.

10.8 (e) "Terms and conditions of employment" means the following:

10.9 (1) nature of the work to be performed;

10.10 (2) wage rate, nature and amount of deductions for tools, clothing, supplies, or other
10.11 items;

10.12 (3) anticipated hours of work per week, including overtime;

10.13 (4) anticipated slowdown or shutdown or if hours of work per week vary more than 25
10.14 percent from clause (3);

10.15 (5) duration of the work;

10.16 (6) workers' compensation coverage and name, address, and telephone number of insurer
10.17 and Department of Labor and Industry;

10.18 (7) employee benefits available, including any health plans, sick leave, or paid vacation;

10.19 (8) transportation and relocation arrangements with allocation of costs between employer
10.20 and employee;

10.21 (9) availability and description of housing and any costs to employee associated with
10.22 housing; and

10.23 (10) any other item of value offered, and allocation of costs of item between employer
10.24 and employee.

10.25 Sec. 7. Minnesota Statutes 2022, section 181.635, subdivision 2, is amended to read:

10.26 Subd. 2. **Recruiting; required disclosure.** (a) An employer shall provide written
10.27 disclosure of the terms and conditions of employment to a person at the time it recruits the
10.28 person to relocate to work in the food processing industry. The disclosure requirement does
10.29 not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1).
10.30 The disclosure must be written in English and Spanish, or English and another language if
10.31 the person's preferred language is not English or Spanish, dated and signed by the employer

11.1 and the person recruited, and maintained by the employer for ~~two~~ three years. A copy of
 11.2 the signed and completed disclosure must be delivered immediately to the recruited person.
 11.3 The disclosure may not be construed as an employment contract.

11.4 (b) The requirements under this subdivision are in addition to the requirements under
 11.5 section 181.032.

11.6 Sec. 8. Minnesota Statutes 2022, section 181.635, subdivision 3, is amended to read:

11.7 Subd. 3. **Civil action.** A person injured by a violation of this section has a cause of action
 11.8 for damages for the greater of ~~\$500~~ \$1,000 per violation or twice their actual damages, plus
 11.9 costs and reasonable attorney's fees. A damage award shall be the greater of ~~\$750~~ \$1,400
 11.10 or three times actual damages for a person injured by an intentional violation of this section.
 11.11 Damages awarded under this subdivision shall be reduced by the amount of any fine paid
 11.12 to the employee under subdivision 4.

11.13 Sec. 9. Minnesota Statutes 2022, section 181.635, subdivision 4, is amended to read:

11.14 Subd. 4. **Fine.** The Department of Labor and Industry shall fine an employer not less
 11.15 than ~~\$200~~ \$400 or more than ~~\$500~~ \$1,000 for each violation of this section. The fine shall
 11.16 be payable to the employee aggrieved, except the amount payable to the employee shall be
 11.17 reduced by any damages awarded under subdivision 3.

11.18 Sec. 10. Minnesota Statutes 2022, section 181.635, subdivision 6, is amended to read:

11.19 Subd. 6. **Standard disclosure form.** The Department of Labor and Industry shall provide
 11.20 a standard form for use at the employer's option in making the disclosure required in
 11.21 subdivision 2. The form shall be available in English and Spanish and additional languages
 11.22 upon request.

11.23 Sec. 11. Minnesota Statutes 2022, section 181.85, subdivision 2, is amended to read:

11.24 Subd. 2. **Agricultural labor.** "Agricultural labor" means field labor associated with the
 11.25 cultivation and harvest of fruits and vegetables and work performed in processing fruits and
 11.26 vegetables for market, as well as labor performed in agriculture as defined in Minnesota
 11.27 Rules, part 5200.0260.

11.28 Sec. 12. Minnesota Statutes 2022, section 181.85, subdivision 4, is amended to read:

11.29 Subd. 4. **Employer.** "Employer" means ~~a processor of fruits or vegetables~~ an individual,
 11.30 partnership, association, corporation, business trust, or any person or group of persons that

12.1 employs, either directly or indirectly through a recruiter, ~~more than 30~~ one or more migrant
 12.2 workers ~~per day for more than seven days~~ in any calendar year.

12.3 Sec. 13. Minnesota Statutes 2022, section 181.86, subdivision 1, is amended to read:

12.4 Subdivision 1. **Terms.** (a) An employer that recruits a migrant worker shall provide the
 12.5 migrant worker, at the time the worker is recruited, with a written employment statement
 12.6 which shall state clearly and plainly, in English and Spanish, or English and another language
 12.7 if the worker's preferred language is not English or Spanish:

12.8 (1) the date on which and the place at which the statement was completed and provided
 12.9 to the migrant worker;

12.10 (2) the name and permanent address of the migrant worker, of the employer, and of the
 12.11 recruiter who recruited the migrant worker;

12.12 (3) the date on which the migrant worker is to arrive at the place of employment, the
 12.13 date on which employment is to begin, the approximate hours of employment, and the
 12.14 minimum period of employment;

12.15 (4) the crops and the operations on which the migrant worker will be employed;

12.16 (5) the wage rates to be paid;

12.17 (6) the payment terms, as provided in section 181.87;

12.18 (7) any deduction to be made from wages; ~~and~~

12.19 (8) whether housing will be provided; and

12.20 (9) when workers' compensation insurance coverage is required by chapter 176, the
 12.21 name of the employer's workers' compensation insurance carrier, the carrier's phone number,
 12.22 and the insurance policy number.

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

12.26 (c) The requirements under this subdivision are in addition to the requirements under
 12.27 section 181.032.

13.1 Sec. 14. Minnesota Statutes 2022, section 181.87, subdivision 2, is amended to read:

13.2 Subd. 2. **Biweekly pay.** The employer shall pay wages due to the migrant worker at
13.3 least every two weeks, except on termination, when the employer shall pay within three
13.4 days unless payment is required sooner pursuant to section 181.13.

13.5 Sec. 15. Minnesota Statutes 2022, section 181.87, subdivision 3, is amended to read:

13.6 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant
13.7 worker a minimum of 70 hours pay for work in any two successive weeks and, should the
13.8 pay for hours actually offered by the employer and worked by the migrant worker provide
13.9 a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker
13.10 the difference within three days after the scheduled payday for the pay period involved.
13.11 Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the
13.12 employment statement, or the federal, state, or local minimum wage, whichever is ~~higher~~
13.13 highest. Any pay in addition to the hourly wage rate specified in the employment statement
13.14 shall be applied against the guarantee. This guarantee applies for the minimum period of
13.15 employment specified in the employment statement beginning with the date on which
13.16 employment is to begin as specified in the employment statement. The date on which
13.17 employment is to begin may be changed by the employer by written, telephonic, or
13.18 telegraphic notice to the migrant worker, at the worker's last known physical address or
13.19 email address, no later than ten days prior to the previously stated beginning date. The
13.20 migrant worker shall contact the recruiter to obtain the latest information regarding the date
13.21 upon which employment is to begin no later than five days prior to the previously stated
13.22 beginning date. This guarantee shall be reduced, when there is no work available for a period
13.23 of seven or more consecutive days during any two-week period subsequent to the
13.24 commencement of work, by five hours pay for each such day, when the unavailability of
13.25 work is caused by climatic conditions or an act of God, provided that the employer pays
13.26 the migrant worker, on the normal payday, the sum of ~~\$5~~ \$50 for each such day.

13.27 Sec. 16. Minnesota Statutes 2022, section 181.87, subdivision 7, is amended to read:

13.28 Subd. 7. **Statement itemizing deductions from wages.** The employer shall provide a
13.29 written statement at the time wages are paid clearly itemizing each deduction from wages.
13.30 The written statement shall also comply with all other requirements for an earnings statement
13.31 in section 181.032.

14.1 Sec. 17. Minnesota Statutes 2022, section 181.88, is amended to read:

14.2 **181.88 RECORD KEEPING.**

14.3 Every employer subject to the provisions of sections 181.85 to 181.90 shall maintain
 14.4 complete and accurate records ~~of the names of, the daily hours worked by, the rate of pay~~
 14.5 ~~for and the wages paid each pay period to~~ for every individual migrant worker recruited by
 14.6 that employer, as required by section 177.30 and shall ~~preserve the records~~ also maintain
 14.7 the employment statements required under section 181.86 for a period of at least three years.

14.8 Sec. 18. Minnesota Statutes 2022, section 181.89, subdivision 2, is amended to read:

14.9 Subd. 2. **Judgment; damages.** If the court finds that any defendant has violated the
 14.10 provisions of sections 181.86 to 181.88, the court shall enter judgment for the actual damages
 14.11 incurred by the plaintiff or the appropriate penalty as provided by this subdivision, whichever
 14.12 is greater. The court may also award court costs and a reasonable attorney's fee. The penalties
 14.13 shall be as follows:

14.14 (1) whenever the court finds that an employer has violated the record-keeping
 14.15 requirements of section 181.88, ~~\$50~~ \$200;

14.16 (2) whenever the court finds that an employer has recruited a migrant worker without
 14.17 providing a written employment statement as provided in section 181.86, subdivision 1,
 14.18 ~~\$250~~ \$800;

14.19 (3) whenever the court finds that an employer has recruited a migrant worker after having
 14.20 provided a written employment statement, but finds that the employment statement fails to
 14.21 comply with the requirement of section 181.86, subdivision 1 or section 181.87, ~~\$250~~ \$800;

14.22 (4) whenever the court finds that an employer has failed to comply with the terms of an
 14.23 employment statement which the employer has provided to a migrant worker or has failed
 14.24 to comply with any payment term required by section 181.87, ~~\$500~~ \$1,600;

14.25 (5) whenever the court finds that an employer has failed to pay wages to a migrant worker
 14.26 within a time period set forth in section 181.87, subdivision 2 or 3, ~~\$500~~ \$1,600; and

14.27 (6) whenever penalties are awarded, they shall be awarded severally in favor of each
 14.28 migrant worker plaintiff and against each defendant found liable.

15.1 Sec. 19. Minnesota Statutes 2022, section 181.89, is amended by adding a subdivision to
15.2 read:

15.3 Subd. 3. **Enforcement.** In addition to any other remedies available, the commissioner
15.4 may assess the penalties in subdivision 2 and provide the penalty to the migrant worker
15.5 aggrieved by the employer's noncompliance.

15.6 ARTICLE 3

15.7 NURSING HOME WORKFORCE STANDARDS

15.8 Section 1. TITLE.

15.9 Minnesota Statutes, sections 181.211 to 181.217, shall be known as the "Minnesota
15.10 Nursing Home Workforce Standards Board Act."

15.11 Sec. 2. Minnesota Statutes 2022, section 177.27, subdivision 7, is amended to read:

15.12 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
15.13 violated a section identified in subdivision 4, or any rule adopted under section 177.28,
15.14 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner
15.15 shall order the employer to cease and desist from engaging in the violative practice and to
15.16 take such affirmative steps that in the judgment of the commissioner will effectuate the
15.17 purposes of the section or rule violated. The commissioner shall order the employer to pay
15.18 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount
15.19 actually paid to the employee by the employer, and for an additional equal amount as
15.20 liquidated damages. Any employer who is found by the commissioner to have repeatedly
15.21 or willfully violated a section or sections identified in subdivision 4 shall be subject to a
15.22 civil penalty of up to \$1,000 for each violation for each employee. In determining the amount
15.23 of a civil penalty under this subdivision, the appropriateness of such penalty to the size of
15.24 the employer's business and the gravity of the violation shall be considered. In addition, the
15.25 commissioner may order the employer to reimburse the department and the attorney general
15.26 for all appropriate litigation and hearing costs expended in preparation for and in conducting
15.27 the contested case proceeding, unless payment of costs would impose extreme financial
15.28 hardship on the employer. If the employer is able to establish extreme financial hardship,
15.29 then the commissioner may order the employer to pay a percentage of the total costs that
15.30 will not cause extreme financial hardship. Costs include but are not limited to the costs of
15.31 services rendered by the attorney general, private attorneys if engaged by the department,
15.32 administrative law judges, court reporters, and expert witnesses as well as the cost of
15.33 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's

16.1 order from the date the order is signed by the commissioner until it is paid, at an annual rate
16.2 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
16.3 escrow accounts for purposes of distributing damages.

16.4 Sec. 3. [181.211] DEFINITIONS.

16.5 Subdivision 1. **Application.** The terms defined in this section apply to sections 181.211
16.6 to 181.217.

16.7 Subd. 2. **Board.** "Board" means the Minnesota Nursing Home Workforce Standards
16.8 Board established under section 181.212.

16.9 Subd. 3. **Certified worker organization.** "Certified worker organization" means a
16.10 worker organization that is certified by the board to conduct nursing home worker trainings
16.11 under section 181.214.

16.12 Subd. 4. **Commissioner.** "Commissioner" means the commissioner of labor and industry.

16.13 Subd. 5. **Compensation.** "Compensation" means all income and benefits paid by a
16.14 nursing home employer to a nursing home worker or on behalf of a nursing home worker,
16.15 including but not limited to wages, bonuses, differentials, paid leave, pay for scheduling
16.16 changes, and pay for training or occupational certification.

16.17 Subd. 6. **Employer organization.** "Employer organization" means:

16.18 (1) an organization that is exempt from federal income taxation under section 501(c)(6)
16.19 of the Internal Revenue Code and that represents nursing home employers; or

16.20 (2) an entity that employers, who together employ a majority of nursing home workers
16.21 in Minnesota, have selected as a representative.

16.22 Subd. 7. **Nursing home.** "Nursing home" means a nursing home licensed under chapter
16.23 144A, or a boarding care home licensed under sections 144.50 to 144.56.

16.24 Subd. 8. **Nursing home employer.** "Nursing home employer" means an employer of
16.25 nursing home workers in a licensed, Medicaid-certified facility that is reimbursed under
16.26 chapter 256R.

16.27 Subd. 9. **Nursing home worker.** "Nursing home worker" means any worker who provides
16.28 services in a nursing home in Minnesota, including direct care staff, non-direct care staff,
16.29 and contractors, but excluding administrative staff, medical directors, nursing directors,
16.30 physicians, and individuals employed by a supplemental nursing services agency.

17.1 Subd. 10. **Worker organization.** "Worker organization" means an organization that is
 17.2 exempt from federal income taxation under section 501(c)(3), 501(c)(4), or 501(c)(5) of
 17.3 the Internal Revenue Code, that is not dominated or interfered with by any nursing home
 17.4 employer within the meaning of United States Code, title 29, section 158a(2), and that has
 17.5 at least five years of demonstrated experience engaging with and advocating for nursing
 17.6 home workers.

17.7 Sec. 4. **[181.212] MINNESOTA NURSING HOME WORKFORCE STANDARDS**
 17.8 **BOARD; ESTABLISHMENT.**

17.9 Subdivision 1. **Board established; membership.** (a) The Minnesota Nursing Home
 17.10 Workforce Standards Board is created with the powers and duties established by law. The
 17.11 board is composed of the following voting members:

17.12 (1) the commissioner of human services or a designee;

17.13 (2) the commissioner of health or a designee;

17.14 (3) the commissioner of labor and industry or a designee;

17.15 (4) three members who represent nursing home employers or employer organizations,
 17.16 appointed by the governor in accordance with section 15.066; and

17.17 (5) three members who represent nursing home workers or worker organizations,
 17.18 appointed by the governor in accordance with section 15.066.

17.19 (b) In making appointments under clause (4), the governor shall consider the geographic
 17.20 distribution of nursing homes within the state.

17.21 Subd. 2. **Terms; vacancies.** (a) Board members appointed under subdivision 1, clause
 17.22 (4) or (5), shall serve four-year terms following the initial staggered-lot determination.

17.23 (b) For members appointed under subdivision 1, clause (4) or (5), the governor shall fill
 17.24 vacancies occurring prior to the expiration of a member's term by appointment for the
 17.25 unexpired term. A member appointed under subdivision 1, clause (4) or (5), must not be
 17.26 appointed to more than two consecutive terms.

17.27 (c) A member serves until a successor is appointed.

17.28 Subd. 3. **Chairperson.** The board shall elect a member by majority vote to serve as its
 17.29 chairperson and shall determine the term to be served by the chairperson.

17.30 Subd. 4. **Staffing.** The commissioner may employ an executive director for the board
 17.31 and other personnel to carry out duties of the board under sections 181.211 to 181.217.

18.1 Subd. 5. **Board compensation.** Compensation of board members is governed by section
18.2 15.0575.

18.3 Subd. 6. **Application of other laws.** Meetings of the board are subject to chapter 13D.
18.4 The board is subject to chapter 13. The board shall comply with section 15.0597.

18.5 Subd. 7. **Voting.** The affirmative vote of five board members is required for the board
18.6 to take any action, including actions necessary to establish minimum nursing home
18.7 employment standards under section 181.213.

18.8 Subd. 8. **Hearings and investigations.** To carry out its duties, the board shall hold public
18.9 hearings on, and conduct investigations into, working conditions in the nursing home industry
18.10 in accordance with section 181.213.

18.11 Subd. 9. **Department support.** The commissioner shall provide staff support to the
18.12 board. The support includes professional, legal, technical, and clerical staff necessary to
18.13 perform rulemaking and other duties assigned to the board. The commissioner shall supply
18.14 necessary office space and supplies to assist the board in its duties.

18.15 Subd. 10. **Antitrust compliance.** The board shall establish operating procedures that
18.16 meet all state and federal antitrust requirements and may prohibit board member access to
18.17 data to meet the requirements of this subdivision.

18.18 Subd. 11. **Annual report.** By December 1, 2023, and each December 1 thereafter, the
18.19 executive director of the board shall submit a report to the chairs and ranking minority
18.20 members of the house of representatives and senate committees with jurisdiction over labor
18.21 and human services on any actions taken and any standards adopted by the board.

18.22 Sec. 5. **[181.213] DUTIES OF THE BOARD; MINIMUM NURSING HOME**
18.23 **EMPLOYMENT STANDARDS.**

18.24 Subdivision 1. **Authority to establish minimum nursing home employment**
18.25 **standards.** (a) The board must adopt rules establishing minimum nursing home employment
18.26 standards that are reasonably necessary and appropriate to protect the health and welfare
18.27 of nursing home workers, to ensure that nursing home workers are properly trained about
18.28 and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy
18.29 the purposes of sections 181.211 to 181.217. Standards established by the board must include
18.30 standards on compensation for nursing home workers, and may include recommendations
18.31 under paragraph (c). The board may not adopt standards that are less protective of or
18.32 beneficial to nursing home workers as any other applicable statute or rule or any standard
18.33 previously established by the board unless there is a determination by the board under

19.1 subdivision 2 that existing standards exceed the operating payment rate and external fixed
19.2 costs payment rates included in the most recent budget and economic forecast completed
19.3 under section 16A.103. In establishing standards under this section, the board must establish
19.4 statewide standards, and may adopt standards that apply to specific nursing home occupations.

19.5 (b) The board must adopt rules establishing initial standards for wages for nursing home
19.6 workers no later than August 1, 2024. The board may use the authority in section 14.389
19.7 to adopt rules under this paragraph. The board shall consult with the department in the
19.8 development of these standards prior to beginning the rule adoption process.

19.9 (c) To the extent that any minimum standards that the board finds are reasonably
19.10 necessary and appropriate to protect the health and welfare of nursing home workers fall
19.11 within the jurisdiction of chapter 182, the board shall not adopt rules establishing the
19.12 standards but shall instead recommend the occupational health and safety standards to the
19.13 commissioner. The commissioner shall adopt nursing home health and safety standards
19.14 under section 182.655 as recommended by the board, unless the commissioner determines
19.15 that the recommended standard is outside the statutory authority of the commissioner,
19.16 presents enforceability challenges, is infeasible to implement, or is otherwise unlawful and
19.17 issues a written explanation of this determination.

19.18 Subd. 2. **Investigation of market conditions.** (a) The board must investigate market
19.19 conditions and the existing wages, benefits, and working conditions of nursing home workers
19.20 for specific geographic areas of the state and specific nursing home occupations. Based on
19.21 this information, the board must seek to adopt minimum nursing home employment standards
19.22 that meet or exceed existing industry conditions for a majority of nursing home workers in
19.23 the relevant geographic area and nursing home occupation. Except for standards exceeding
19.24 the threshold determined in paragraph (d), initial employment standards established by the
19.25 board are effective beginning January 1, 2025, and shall remain in effect until any subsequent
19.26 standards are adopted by rules.

19.27 (b) The board must consider the following types of information in making determinations
19.28 that employment standards are reasonably necessary to protect the health and welfare of
19.29 nursing home workers:

19.30 (1) wage rate and benefit data collected by or submitted to the board for nursing home
19.31 workers in the relevant geographic area and nursing home occupations;

19.32 (2) statements showing wage rates and benefits paid to nursing home workers in the
19.33 relevant geographic area and nursing home occupations;

20.1 (3) signed collective bargaining agreements applicable to nursing home workers in the
20.2 relevant geographic area and nursing home occupations;

20.3 (4) testimony and information from current and former nursing home workers, worker
20.4 organizations, nursing home employers, and employer organizations;

20.5 (5) local minimum nursing home employment standards;

20.6 (6) information submitted by or obtained from state and local government entities; and

20.7 (7) any other information pertinent to establishing minimum nursing home employment
20.8 standards.

20.9 (c) In considering wage and benefit increases, the board must determine the impact of
20.10 nursing home operating payment rates determined pursuant to section 256R.21, subdivision
20.11 3, and the employee benefits portion of the external fixed costs payment rate determined
20.12 pursuant to section 256R.25. If the board, in consultation with the commissioner of human
20.13 services, determines the operating payment rate and employee benefits portion of the external
20.14 fixed costs payment rate will increase to comply with the new employment standards, the
20.15 board shall report to the legislature the increase in funding needed to increase payment rates
20.16 to comply with the new employment standards and must make implementation of any new
20.17 nursing home employment standards contingent upon an appropriation, as determined by
20.18 sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new
20.19 employment standards.

20.20 (d) In evaluating the impact of the employment standards on payment rates determined
20.21 by sections 256R.21 and 256R.25, the board, in consultation with the commissioner of
20.22 human services, must consider the following:

20.23 (1) the statewide average wage rates for employees pursuant to section 256R.10,
20.24 subdivision 5, and benefit rates pursuant to section 256R.02, subdivisions 18 and 22, as
20.25 determined by the annual Medicaid cost report used to determine the operating payment
20.26 rate and the employee benefits portion of the external fixed costs payment rate for the first
20.27 day of the calendar year immediately following the date the board has established minimum
20.28 wage and benefit levels;

20.29 (2) compare the results of clause (1) to the operating payment rate and employee benefits
20.30 portion of the external fixed costs payment rate increase for the first day of the second
20.31 calendar year after the adoption of any nursing home employment standards included in the
20.32 most recent budget and economic forecast completed under section 16A.103; and

21.1 (3) if the established nursing home employment standards result in an increase in costs
21.2 that exceed the operating payment rate and external fixed costs payment rate increase
21.3 included in the most recent budget and economic forecast completed under section 16A.103,
21.4 effective on the proposed implementation date of the new nursing home employment
21.5 standards, the board must determine if the rates will need to be increased to meet the new
21.6 employment standards and the standards must not be effective until an appropriation sufficient
21.7 to cover the rate increase and federal approval of the rate increase is obtained.

21.8 (e) The budget and economic forecasts completed under section 16A.103 shall not
21.9 assume an increase in payment rates determined under chapter 256R resulting from the new
21.10 employment standards until the board certifies the rates will need to be increased and the
21.11 legislature appropriates funding for the increase in payment rates.

21.12 Subd. 3. **Review of standards.** At least once every two years, the board shall:

21.13 (1) conduct a full review of the adequacy of the minimum nursing home employment
21.14 standards previously established by the board; and

21.15 (2) following that review, adopt new rules, amend or repeal existing rules, or make
21.16 recommendations to adopt new rules or amend or repeal existing rules for minimum nursing
21.17 home employment standards using the expedited rulemaking process in section 14.389, as
21.18 appropriate to meet the purposes of sections 181.211 to 181.217.

21.19 Subd. 4. **Variance and waiver.** The board shall adopt procedures for considering
21.20 temporary variances and waivers of the established standards for individual nursing homes
21.21 based on the board's evaluation of the risk of closure due to compliance with all or part of
21.22 an applicable standard.

21.23 Subd. 5. **Conflict.** (a) In the event of a conflict between a standard established by the
21.24 board in rule and a rule adopted by another state agency, the rule adopted by the board shall
21.25 apply to nursing home workers and nursing home employers.

21.26 (b) Notwithstanding paragraph (a), in the event of a conflict between a standard
21.27 established by the board in rule and a rule adopted by another state agency, the rule adopted
21.28 by the other state agency shall apply to nursing home workers and nursing home employers
21.29 if the rule adopted by the other state agency is adopted after the board's standard and the
21.30 rule adopted by the other state agency is more protective or beneficial than the board's
21.31 standard.

21.32 (c) Notwithstanding paragraph (a), if the commissioner of health determines that a
21.33 standard established by the board in rule or recommended by the board conflicts with

22.1 requirements in federal regulations for nursing home certification or with state statutes or
 22.2 rules governing licensure of nursing homes, the federal regulations or state nursing home
 22.3 licensure statutes or rules shall take precedence, and the conflicting board standard or rule
 22.4 shall not apply to nursing home workers or nursing home employers.

22.5 Subd. 6. **Effect on other agreements.** Nothing in sections 181.211 to 181.217 shall be
 22.6 construed to:

22.7 (1) limit the rights of parties to a collective bargaining agreement to bargain and agree
 22.8 with respect to nursing home employment standards; or

22.9 (2) diminish the obligation of a nursing home employer to comply with any contract,
 22.10 collective bargaining agreement, or employment benefit program or plan that meets or
 22.11 exceeds, and does not conflict with, the minimum standards and requirements in sections
 22.12 181.211 to 181.217 or established by the board.

22.13 Sec. 6. **[181.214] DUTIES OF THE BOARD; TRAINING FOR NURSING HOME**
 22.14 **WORKERS.**

22.15 Subdivision 1. **Certification of worker organizations.** The board shall certify worker
 22.16 organizations that it finds are qualified to provide training to nursing home workers according
 22.17 to this section. The board shall by rule establish certification criteria that a worker
 22.18 organization must meet in order to be certified and provide a process for renewal of
 22.19 certification upon the board's review of the worker organization's compliance with this
 22.20 section. In adopting rules to establish certification criteria under this subdivision, the board
 22.21 may use the authority in section 14.389. The criteria must ensure that a worker organization,
 22.22 if certified, is able to provide:

22.23 (1) effective, interactive training on the information required by this section; and

22.24 (2) follow-up written materials and responses to inquiries from nursing home workers
 22.25 in the languages in which nursing home workers are proficient.

22.26 Subd. 2. **Curriculum.** (a) The board shall establish requirements for the curriculum for
 22.27 the nursing home worker training required by this section. A curriculum must at least provide
 22.28 the following information to nursing home workers:

22.29 (1) the applicable compensation and working conditions in the minimum standards or
 22.30 local minimum standards established by the board;

22.31 (2) the antiretaliation protections established in section 181.216;

23.1 (3) information on how to enforce sections 181.211 to 181.217 and on how to report
 23.2 violations of sections 181.211 to 181.217 or of standards established by the board, including
 23.3 contact information for the Department of Labor and Industry, the board, and any local
 23.4 enforcement agencies, and information on the remedies available for violations;

23.5 (4) the purposes and functions of the board and information on upcoming hearings,
 23.6 investigations, or other opportunities for nursing home workers to become involved in board
 23.7 proceedings;

23.8 (5) other rights, duties, and obligations under sections 181.211 to 181.217;

23.9 (6) any updates or changes to the information provided according to clauses (1) to (5)
 23.10 since the most recent training session;

23.11 (7) any other information the board deems appropriate to facilitate compliance with
 23.12 sections 181.211 to 181.217; and

23.13 (8) information on labor standards in other applicable local, state, and federal laws, rules,
 23.14 and ordinances regarding nursing home working conditions or nursing home worker health
 23.15 and safety.

23.16 (b) Before establishing initial curriculum requirements, the board must hold at least one
 23.17 public hearing to solicit input on the requirements.

23.18 Subd. 3. **Topics covered in training session.** A certified worker organization is not
 23.19 required to cover all of the topics listed in subdivision 2 in a single training session. A
 23.20 curriculum used by a certified worker organization may provide instruction on each topic
 23.21 listed in subdivision 2 over the course of up to three training sessions.

23.22 Subd. 4. **Annual review of curriculum requirements.** The board must review the
 23.23 adequacy of its curriculum requirements at least annually and must revise the requirements
 23.24 as appropriate to meet the purposes of sections 181.211 to 181.217. As part of each annual
 23.25 review of the curriculum requirements, the board must hold at least one public hearing to
 23.26 solicit input on the requirements.

23.27 Subd. 5. **Duties of certified worker organizations.** A certified worker organization:

23.28 (1) must use a curriculum for its training sessions that meets requirements established
 23.29 by the board;

23.30 (2) must provide trainings that are interactive and conducted in the languages in which
 23.31 the attending nursing home workers are proficient;

24.1 (3) must, at the end of each training session, provide attending nursing home workers
 24.2 with follow-up written or electronic materials on the topics covered in the training session,
 24.3 in order to fully inform nursing home workers of their rights and opportunities under sections
 24.4 181.211 to 181.217;

24.5 (4) must make itself reasonably available to respond to inquiries from nursing home
 24.6 workers during and after training sessions; and

24.7 (5) may conduct surveys of nursing home workers who attend a training session to assess
 24.8 the effectiveness of the training session and industry compliance with sections 181.211 to
 24.9 181.217 and other applicable laws, rules, and ordinances governing nursing home working
 24.10 conditions or worker health and safety.

24.11 Subd. 6. **Nursing home employer duties regarding training.** (a) A nursing home
 24.12 employer must submit written documentation to the board to certify that every two years
 24.13 each of its nursing home workers completes one hour of training that meets the requirements
 24.14 of this section and is provided by a certified worker organization. A nursing home employer
 24.15 may, but is not required to, host training sessions on the premises of the nursing home.

24.16 (b) If requested by a certified worker organization, a nursing home employer must, after
 24.17 a training session provided by the certified worker organization, provide the certified worker
 24.18 organization with the names and contact information of the nursing home workers who
 24.19 attended the training session, unless a nursing home worker opts out according to paragraph
 24.20 (c).

24.21 (c) A nursing home worker may opt out of having the worker's nursing home employer
 24.22 provide the worker's name and contact information to a certified worker organization that
 24.23 provided a training session attended by the worker by submitting a written statement to that
 24.24 effect to the nursing home employer.

24.25 Subd. 7. **Training compensation.** A nursing home employer must compensate its nursing
 24.26 home workers at their regular hourly rate of wages and benefits for each hour of training
 24.27 completed as required by this section and reimburse any reasonable travel expenses associated
 24.28 with attending training sessions not held on the premises of the nursing home.

24.29 Sec. 7. **[181.215] REQUIRED NOTICES.**

24.30 Subdivision 1. **Provision of notice.** (a) Nursing home employers must provide notices
 24.31 informing nursing home workers of the rights and obligations provided under sections
 24.32 181.211 to 181.217 of applicable minimum nursing home employment standards and local
 24.33 minimum standards and that for assistance and information, nursing home workers should

25.1 contact the Department of Labor and Industry. A nursing home employer must provide
 25.2 notice using the same means that the nursing home employer uses to provide other
 25.3 work-related notices to nursing home workers. Provision of notice must be at least as
 25.4 conspicuous as:

25.5 (1) posting a copy of the notice at each work site where nursing home workers work
 25.6 and where the notice may be readily seen and reviewed by all nursing home workers working
 25.7 at the site; or

25.8 (2) providing a paper or electronic copy of the notice to all nursing home workers and
 25.9 applicants for employment as a nursing home worker.

25.10 (b) The notice required by this subdivision must include text provided by the board that
 25.11 informs nursing home workers that they may request the notice to be provided in a particular
 25.12 language. The nursing home employer must provide the notice in the language requested
 25.13 by the nursing home worker. The board must assist nursing home employers in translating
 25.14 the notice in the languages requested by their nursing home workers.

25.15 Subd. 2. **Minimum content and posting requirements.** The board must adopt rules
 25.16 under section 14.389 specifying the minimum content and posting requirements for the
 25.17 notices required in subdivision 1. The board must make available to nursing home employers
 25.18 a template or sample notice that satisfies the requirements of this section and rules adopted
 25.19 under this section.

25.20 **Sec. 8. [181.216] RETALIATION PROHIBITED.**

25.21 (a) A nursing home employer shall not discharge, discipline, penalize, interfere with,
 25.22 threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home
 25.23 worker because the person has exercised or attempted to exercise rights protected under
 25.24 this act, including but not limited to:

25.25 (1) exercising any right afforded to the nursing home worker under sections 181.211 to
 25.26 181.217;

25.27 (2) participating in any process or proceeding under sections 181.211 to 181.217,
 25.28 including but not limited to board hearings, board or department investigations, or other
 25.29 related proceedings; or

25.30 (3) attending or participating in the training required by section 181.214.

25.31 (b) It shall be unlawful for an employer to:

26.1 (1) inform another employer that a nursing home worker or former nursing home worker
 26.2 has engaged in activities protected under sections 181.211 to 181.217; or

26.3 (2) report or threaten to report the actual or suspected citizenship or immigration status
 26.4 of a nursing home worker, former nursing home worker, or family member of a nursing
 26.5 home worker to a federal, state, or local agency for exercising or attempting to exercise any
 26.6 right protected under this act.

26.7 (c) A person found to have experienced retaliation in violation of this section shall be
 26.8 entitled to back pay and reinstatement to the person's previous position, wages, benefits,
 26.9 hours, and other conditions of employment.

26.10 **Sec. 9. [181.217] ENFORCEMENT.**

26.11 Subdivision 1. **Minimum nursing home employment standards.** Except as provided
 26.12 in section 181.213, subdivision 4, paragraph (b) or (c), the minimum wages and other
 26.13 compensation established by the board in rule as minimum nursing home employment
 26.14 standards shall be the minimum wages and other compensation for nursing home workers
 26.15 or a subgroup of nursing home workers as a matter of state law. Except as provided in
 26.16 section 181.213, subdivision 4, paragraph (b) or (c), it shall be unlawful for a nursing home
 26.17 employer to employ a nursing home worker for lower wages or other compensation than
 26.18 that established as the minimum nursing home employment standards.

26.19 Subd. 2. **Investigations.** The commissioner may investigate possible violations of sections
 26.20 181.214 to 181.217 or of the minimum nursing home employment standards established by
 26.21 the board whenever it has cause to believe that a violation has occurred, either on the basis
 26.22 of a report of a suspected violation or on the basis of any other credible information, including
 26.23 violations found during the course of an investigation.

26.24 Subd. 3. **Civil action by nursing home worker.** (a) One or more nursing home workers
 26.25 may bring a civil action in district court seeking redress for violations of sections 181.211
 26.26 to 181.217 or of any applicable minimum nursing home employment standards or local
 26.27 minimum nursing home employment standards. Such an action may be filed in the district
 26.28 court of the county where a violation or violations are alleged to have been committed or
 26.29 where the nursing home employer resides, or in any other court of competent jurisdiction,
 26.30 and may represent a class of similarly situated nursing home workers.

26.31 (b) Upon a finding of one or more violations, a nursing home employer shall be liable
 26.32 to each nursing home worker for the full amount of the wages, benefits, and overtime
 26.33 compensation, less any amount the nursing home employer is able to establish was actually

27.1 paid to each nursing home worker, and for an additional equal amount as liquidated damages.
 27.2 In an action under this subdivision, nursing home workers may seek damages and other
 27.3 appropriate relief provided by section 177.27, subdivision 7, or otherwise provided by law,
 27.4 including reasonable costs, disbursements, witness fees, and attorney fees. A court may also
 27.5 issue an order requiring compliance with sections 181.211 to 181.217 or with the applicable
 27.6 minimum nursing home employment standards or local minimum nursing home employment
 27.7 standards. A nursing home worker found to have experienced retaliation in violation of
 27.8 section 181.216 shall be entitled to back pay and reinstatement to the worker's previous
 27.9 position, wages, benefits, hours, and other conditions of employment.

27.10 (c) An agreement between a nursing home employer and nursing home worker or labor
 27.11 union that fails to meet the minimum standards and requirements in sections 181.211 to
 27.12 181.217 or established by the board is not a defense to an action brought under this
 27.13 subdivision.

27.14 **Sec. 10. INITIAL APPOINTMENTS.**

27.15 The governor shall make initial appointments to the Minnesota Nursing Home Workforce
 27.16 Standards Board under Minnesota Statutes, section 181.212, no later than August 1, 2023.
 27.17 Notwithstanding Minnesota Statutes, section 181.212, subdivision 2, the initial terms of
 27.18 members appointed under Minnesota Statutes, section 181.212, subdivision 1, clauses (4)
 27.19 and (5), shall be determined by lot by the secretary of state and shall be as follows:

27.20 (1) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
 27.21 1, clauses (4) and (5), shall serve a two-year term;

27.22 (2) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
 27.23 1, clauses (4) and (5), shall serve a three-year term; and

27.24 (3) one member appointed under each of Minnesota Statutes, section 181.212, subdivision
 27.25 1, clauses (4) and (5), shall serve a four-year term.

27.26 The commissioner of labor and industry must convene the first meeting within 30 days after
 27.27 the governor completes appointments to the board. The board must elect a chair at its first
 27.28 meeting.

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

28.1

ARTICLE 4

28.2

COMBATIVE SPORTS

28.3 Section 1. Minnesota Statutes 2022, section 341.21, subdivision 2a, is amended to read:

28.4 Subd. 2a. **Combatant.** "Combatant" means an individual who employs the act of attack
 28.5 and defense as a professional boxer, professional or amateur tough person, ~~martial artist~~
 28.6 professional or amateur kickboxer, or professional or amateur mixed martial artist while
 28.7 engaged in a combative sport.

28.8 Sec. 2. Minnesota Statutes 2022, section 341.21, subdivision 2b, is amended to read:

28.9 Subd. 2b. **Combative sport.** "Combative sport" means a sport that employs the act of
 28.10 attack and defense with the fists, with or without using padded gloves, or feet that is practiced
 28.11 as a sport under the rules of the Association of Boxing Commissions, unified rules for mixed
 28.12 martial arts, or their equivalent. Combative sports include professional boxing ~~and,~~
 28.13 professional and amateur tough person, professional or amateur kickboxing, and professional
 28.14 and amateur mixed martial arts contests.

28.15 Sec. 3. Minnesota Statutes 2022, section 341.21, subdivision 2c, is amended to read:

28.16 Subd. 2c. **Combative sports contest.** "Combative sports contest" means a professional
 28.17 boxing, a professional or amateur tough person, a professional or amateur kickboxing, or
 28.18 a professional or amateur ~~martial art contest~~ or mixed martial arts contest, bout, competition,
 28.19 match, or exhibition.

28.20 Sec. 4. Minnesota Statutes 2022, section 341.21, subdivision 4f, is amended to read:

28.21 Subd. 4f. **Martial art.** "Martial art" means a variety of weaponless disciplines of combat
 28.22 or self-defense that utilize physical skill and coordination, and are practiced as combat
 28.23 sports. The disciplines include, but are not limited to, Wing Chun, ~~kickboxing~~, Tae kwon
 28.24 do, savate, karate, ~~Muay Thai~~, sanshou, Jiu Jitsu, judo, ninjitsu, kung fu, Brazilian Jiu Jitsu,
 28.25 wrestling, grappling, tai chi, and other weaponless martial arts disciplines.

28.26 Sec. 5. Minnesota Statutes 2022, section 341.21, is amended by adding a subdivision to
 28.27 read:

28.28 Subd. 4i. **Kickboxing.** "Kickboxing" means the act of attack and defense with the fists
 28.29 using padded gloves and bare feet.

29.1 Sec. 6. Minnesota Statutes 2022, section 341.21, subdivision 7, is amended to read:

29.2 Subd. 7. **Tough person contest.** "Tough person contest," including contests marketed
 29.3 as tough man or tough woman contests, means a ~~contest of two-minute rounds consisting~~
 29.4 ~~of not more than four rounds between two or more individuals who use their hands, or their~~
 29.5 ~~feet, or both in any manner. Tough person contest includes kickboxing and other recognized~~
 29.6 ~~martial art contest~~ boxing match or similar contest where each combatant wears headgear
 29.7 and gloves that weigh at least 12 ounces.

29.8 Sec. 7. Minnesota Statutes 2022, section 341.221, is amended to read:

29.9 **341.221 ADVISORY COUNCIL.**

29.10 (a) The commissioner must appoint a Combative Sports Advisory Council to advise the
 29.11 commissioner on the administration of duties under this chapter.

29.12 (b) The council shall have ~~nine~~ five members appointed by the commissioner. ~~One~~
 29.13 ~~member must be a retired judge of the Minnesota District Court, Minnesota Court of Appeals,~~
 29.14 ~~Minnesota Supreme Court, the United States District Court for the District of Minnesota,~~
 29.15 ~~or the Eighth Circuit Court of Appeals. At least four~~ All five members must have knowledge
 29.16 ~~of the boxing industry. At least four members must have knowledge of the mixed martial~~
 29.17 ~~arts industry~~ combative sports. The commissioner shall make serious efforts to appoint
 29.18 qualified women to serve on the council.

29.19 ~~(e) Council members shall serve terms of four years with the terms ending on the first~~
 29.20 ~~Monday in January.~~

29.21 ~~(d)~~ (c) The council shall annually elect from its membership a chair.

29.22 ~~(e)~~ (d) Meetings shall be convened by the commissioner, or by the chair with the approval
 29.23 of the commissioner.

29.24 ~~(f) The commissioner shall designate two of the members to serve until the first Monday~~
 29.25 ~~in January 2013; two members to serve until the first Monday in January 2014; two members~~
 29.26 ~~to serve until the first Monday in January 2015; and three members to serve until the first~~
 29.27 ~~Monday in January 2016.~~

29.28 (e) Appointments to the council and the terms of council members are governed by
 29.29 sections 15.059 and 15.0597.

29.30 ~~(g)~~ (f) Removal of members, filling of vacancies, and compensation of members shall
 29.31 be as provided in section 15.059.

30.1 (g) Meetings convened for the purpose of advising the commissioner on issues related
 30.2 to a challenge filed under section 341.345 are exempt from the open meeting requirements
 30.3 of chapter 13D.

30.4 Sec. 8. Minnesota Statutes 2022, section 341.25, is amended to read:

30.5 **341.25 RULES.**

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

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

30.11 ~~(e) The commissioner must adopt unified rules for mixed martial arts contests.~~

30.12 ~~(d) The commissioner may adopt the rules of the Association of Boxing Commissions,~~
 30.13 ~~with amendments.~~

30.14 ~~(e)~~ (c) The most recent version of the Unified Rules of Mixed Martial Arts, as
 30.15 promulgated by the Association of Boxing Commissions ~~and amended August 2, 2016, are,~~
 30.16 is incorporated by reference and made a part of this chapter except as qualified by this
 30.17 chapter and Minnesota Rules, chapter 2202. In the event of a conflict between this chapter
 30.18 and the Unified Rules, this chapter must govern.

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

30.23 (e) The most recent version of the Unified Rules of Kickboxing, as promulgated by the
 30.24 Association of Boxing Commissions, is incorporated by reference and made a part of this
 30.25 chapter except as qualified by this chapter and any applicable Minnesota Rules. In the event
 30.26 of a conflict between this chapter and the Unified Rules, this chapter must govern.

30.27 Sec. 9. Minnesota Statutes 2022, section 341.27, is amended to read:

30.28 **341.27 COMMISSIONER DUTIES.**

30.29 The commissioner shall:

30.30 (1) issue, deny, renew, suspend, or revoke licenses;

31.1 (2) make and maintain records of its acts and proceedings including the issuance, denial,
31.2 renewal, suspension, or revocation of licenses;

31.3 (3) keep public records of the council open to inspection at all reasonable times;

31.4 (4) develop rules to be implemented under this chapter;

31.5 (5) conform to the rules adopted under this chapter;

31.6 (6) develop policies and procedures for regulating boxing, kickboxing, and mixed martial
31.7 arts;

31.8 (7) approve regulatory bodies to oversee martial arts and amateur boxing contests under
31.9 section 341.28, subdivision 5;

31.10 ~~(7)~~ (8) immediately suspend an individual license for a medical condition, including but
31.11 not limited to a medical condition resulting from an injury sustained during a match, bout,
31.12 or contest that has been confirmed by the ringside physician. The medical suspension must
31.13 be lifted after the commissioner receives written information from a physician licensed in
31.14 the home state of the licensee indicating that the combatant may resume competition, and
31.15 any other information that the commissioner may by rule require. Medical suspensions are
31.16 not subject to section 326B.082 or the contested case procedures provided in sections 14.57
31.17 to 14.69; and

31.18 ~~(8)~~ (9) immediately suspend an individual combatant license for a mandatory rest period,
31.19 which must commence at the conclusion of every combative sports contest in which the
31.20 license holder competes and does not receive a medical suspension. A rest suspension must
31.21 automatically lift after 14 calendar days from the date the combative sports contest passed
31.22 without notice or additional proceedings. Rest suspensions are not subject to section 326B.082
31.23 or the contested case procedures provided in sections 14.57 to 14.69.

31.24 Sec. 10. Minnesota Statutes 2022, section 341.28, subdivision 2, is amended to read:

31.25 Subd. 2. **Regulatory authority; tough person contests.** All professional and amateur
31.26 tough person contests are subject to this chapter. All tough person contests are subject to
31.27 the most recent version of the Unified Rules of Boxing, as promulgated by the Association
31.28 of Boxing Commissions rules. Every contestant in a tough person contest shall have a
31.29 physical examination prior to their bouts. Every contestant in a tough person contest shall
31.30 wear headgear and padded gloves that weigh at least 12 ounces. ~~All tough person bouts are~~
31.31 ~~limited to two-minute rounds and a maximum of four total rounds.~~ Officials at all tough
31.32 person contests shall be licensed under this chapter.

32.1 Sec. 11. Minnesota Statutes 2022, section 341.28, subdivision 3, is amended to read:

32.2 Subd. 3. **Regulatory authority; mixed martial arts contests; ~~similar sporting~~**
 32.3 **events.** All professional and amateur mixed martial arts contests, ~~martial arts contests except~~
 32.4 ~~amateur contests regulated by the Minnesota State High School League (MSHSL), recognized~~
 32.5 ~~martial arts studios and schools in Minnesota, and recognized national martial arts~~
 32.6 ~~organizations holding contests between students, ultimate fight contests, and similar sporting~~
 32.7 ~~events~~ are subject to this chapter and all officials at these events must be licensed under this
 32.8 chapter.

32.9 Sec. 12. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to
 32.10 read:

32.11 Subd. 4. **Regulatory authority; kickboxing contests.** All professional and amateur
 32.12 kickboxing contests are subject to this chapter and all officials at these events must be
 32.13 licensed under this chapter.

32.14 Sec. 13. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to
 32.15 read:

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

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

32.24 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit
 32.25 bout results to the commissioner within 72 hours after the event. If the regulatory body
 32.26 issues suspensions, the regulatory body must submit to the commissioner a list of any
 32.27 suspensions resulting from the event within 72 hours after the event. Regulatory bodies that
 32.28 oversee combative sports or martial arts contests under subdivision 6 are not subject to this
 32.29 paragraph.

33.1 Sec. 14. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to
33.2 read:

33.3 Subd. 6. **Regulatory authority; certain students.** Combative sports or martial arts
33.4 contests regulated by the Minnesota State High School League, National Collegiate Athletic
33.5 Association, National Junior Collegiate Athletic Association, National Association of
33.6 Intercollegiate Athletics, or any similar organization that governs interscholastic athletics
33.7 are not subject to this chapter and officials at these events are not required to be licensed
33.8 under this chapter.

33.9 Sec. 15. Minnesota Statutes 2022, section 341.30, subdivision 4, is amended to read:

33.10 Subd. 4. **Prelicensure requirements.** (a) Before the commissioner issues a promoter's
33.11 license to an individual, corporation, or other business entity, the applicant shall, ~~a minimum~~
33.12 ~~of six weeks before the combative sport contest is scheduled to occur,~~ complete a licensing
33.13 application on the Office of Combative Sports website or on forms ~~furnished or approved~~
33.14 prescribed by the commissioner and shall:

33.15 ~~(1) provide the commissioner with a copy of any agreement between a combatant and~~
33.16 ~~the applicant that binds the applicant to pay the combatant a certain fixed fee or percentage~~
33.17 ~~of the gate receipts;~~

33.18 ~~(2)~~ (1) show on the licensing application the owner or owners of the applicant entity and
33.19 the percentage of interest held by each owner holding a 25 percent or more interest in the
33.20 applicant;

33.21 ~~(3)~~ (2) provide the commissioner with a copy of the latest financial statement of the
33.22 applicant;

33.23 ~~(4) provide the commissioner with a copy or other proof acceptable to the commissioner~~
33.24 ~~of the insurance contract or policy required by this chapter;~~

33.25 ~~(5)~~ (3) provide proof, where applicable, of authorization to do business in the state of
33.26 Minnesota; and

33.27 ~~(6)~~ (4) deposit with the commissioner a ~~cash bond or~~ surety bond in an amount set by
33.28 the commissioner, which must not be less than \$10,000. The bond shall be executed in favor
33.29 of this state and shall be conditioned on the faithful performance by the promoter of the
33.30 promoter's obligations under this chapter and the rules adopted under it.

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

34.1 (1) submit to the commissioner the results of a current medical ~~examination~~ examinations
34.2 on forms ~~furnished or approved~~ prescribed by the commissioner that state that the combatant
34.3 is cleared to participate in a combative sport contest. The medical examination must include
34.4 an ophthalmological and neurological examination, and documentation of test results for
34.5 HBV, HCV, and HIV, and any other blood test as the commissioner by rule may require.
34.6 The ophthalmological examination must be designed to detect any retinal defects or other
34.7 damage or condition of the eye that could be aggravated by combative sports. The
34.8 neurological examination must include an electroencephalogram or medically superior test
34.9 if the combatant has been knocked unconscious in a previous contest. The commissioner
34.10 may also order an electroencephalogram or other appropriate neurological or physical
34.11 examination before any contest if it determines that the examination is desirable to protect
34.12 the health of the combatant. The commissioner shall not issue a license to an applicant
34.13 submitting positive test results for HBV, HCV, or HIV; The applicant must undergo and
34.14 submit the results of the following medical examinations, which do not exempt a combatant
34.15 from the requirements in section 341.33:

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

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

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

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

34.30 (2) complete a licensing application on the Office of Combative Sports website or on
34.31 forms ~~furnished or approved~~ prescribed by the commissioner; and

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

35.1 (c) Before the commissioner issues a license to a referee, judge, or timekeeper, the
 35.2 applicant must submit proof of qualifications that may include certified training from the
 35.3 Association of Boxing Commissions, licensure with other regulatory bodies, professional
 35.4 references, or a log of bouts worked.

35.5 (d) Before the commissioner issues a license to a ringside physician, the applicant must
 35.6 submit proof that they are licensed to practice medicine in the state of Minnesota and in
 35.7 good standing.

35.8 Sec. 16. Minnesota Statutes 2022, section 341.32, subdivision 2, is amended to read:

35.9 Subd. 2. **Expiration and application.** Licenses issued on or after January 1, 2023, shall
 35.10 expire annually on December 31 one year after the date of issuance. A license may be
 35.11 applied for each year by filing an application for licensure and satisfying all licensure
 35.12 requirements established in section 341.30, and submitting payment of the license fees
 35.13 established in section 341.321. An application for a license and renewal of a license must
 35.14 be on a form provided by the commissioner.

35.15 Sec. 17. Minnesota Statutes 2022, section 341.321, is amended to read:

35.16 **341.321 FEE SCHEDULE.**

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

35.19 (1) referees, \$25;

35.20 (2) promoters, \$700;

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

35.22 (4) trainers and seconds, \$80;

35.23 (5) timekeepers, \$25;

35.24 (6) professional combatants, \$70;

35.25 (7) amateur combatants, \$50; and

35.26 (8) ringside physicians, \$25.

35.27 ~~License fees for promoters are due at least six weeks prior to the combative sport contest.~~
 35.28 All ~~other~~ license fees shall be paid no later than the weigh-in prior to the contest. No license
 35.29 may be issued until all prelicensure requirements in section 341.30 are satisfied and fees
 35.30 are paid.

36.1 ~~(b) The commissioner shall establish a contest fee for each combative sport contest and~~
 36.2 ~~shall consider the size and type of venue when establishing a contest fee. The~~ A promoter
 36.3 or event organizer of an event regulated by the Department of Labor and Industry must pay,
 36.4 per event, a combative sport contest fee is \$1,500 per event or not more than four percent
 36.5 of the gross ticket sales, whichever is greater, as determined by the commissioner when the
 36.6 combative sport contest is scheduled. The fee must be paid as follows:

36.7 ~~(c) A professional or amateur combative sport contest fee is nonrefundable and shall be~~
 36.8 ~~paid as follows:~~

36.9 (1) \$500 at the time the combative sport contest is scheduled; ~~and~~

36.10 (2) \$1,000 at the weigh-in prior to the contest;

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

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

36.17 ~~If four percent of the gross ticket sales is greater than \$1,500, the balance is due to the~~
 36.18 ~~commissioner within seven days of the completed contest.~~

36.19 ~~(d) The commissioner may establish the maximum number of complimentary tickets~~
 36.20 ~~allowed for each event by rule.~~

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

36.23 **Sec. 18. [341.322] PAYMENT SCHEDULE.**

36.24 The commissioner may establish a schedule of payments to be paid by a promoter to
 36.25 referees, judges and knockdown judges, timekeepers, and ringside physicians.

36.26 **Sec. 19. [341.323] EVENT APPROVAL.**

36.27 Subdivision 1. **Preapproval documentation.** Before the commissioner approves a
 36.28 combative sports contest, the promoter shall provide the commissioner, at least six weeks
 36.29 before the combative sport contest is scheduled to occur, information about the time, date,
 36.30 and location of the contest and at least 72 hours before the combative sport contest is
 36.31 scheduled to occur:

37.1 (1) a copy of any agreement between a combatant and the promoter that binds the
 37.2 promoter to pay the combatant a certain fixed fee or percentage of the gate receipts;

37.3 (2) a copy or other proof acceptable to the commissioner of the insurance contract or
 37.4 policy required by this chapter;

37.5 (3) proof acceptable to the commissioner that the promoter will provide, at the cost of
 37.6 the promoter, at least one uniformed security guard or uniformed off-duty member of law
 37.7 enforcement to provide security at any event regulated by the Department of Labor and
 37.8 Industry. The commissioner may require a promoter to take additional security measures
 37.9 to ensure the safety of participants and spectators at an event; and

37.10 (4) proof acceptable to the commissioner that the promoter will provide an ambulance
 37.11 service as required by section 341.324.

37.12 Subd. 2. **Proper licensure.** Before the commissioner approves a combative sport contest,
 37.13 the commissioner must ensure that the promoter is properly licensed under this chapter.
 37.14 The promoter must maintain proper licensure from the time it schedules a combative sports
 37.15 contest through the date of the contest.

37.16 Subd. 3. **Discretion.** Nothing in this section limits the commissioner's discretion in
 37.17 deciding whether to approve a combative sport contest or event.

37.18 **Sec. 20. [341.324] AMBULANCE.**

37.19 A promoter must ensure, at the cost of the promoter, that a licensed ambulance service
 37.20 with two emergency medical technicians is on the premises during a combative sports
 37.21 contest.

37.22 **Sec. 21. Minnesota Statutes 2022, section 341.33, is amended to read:**

37.23 **341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

37.24 **Subdivision 1. Examination by physician.** All combatants must be examined by a
 37.25 physician licensed by this state within 36 hours before entering the ring, and the examining
 37.26 physician shall immediately file with the commissioner a written report of the examination.
 37.27 The physician's examination may report on the condition of the combatant's heart and general
 37.28 physical and general neurological condition. The physician's report may record the condition
 37.29 of the combatant's nervous system and brain as required by the commissioner. The physician
 37.30 may prohibit the combatant from entering the ring if, in the physician's professional opinion,
 37.31 it is in the best interest of the combatant's health. The cost of the examination is payable by
 37.32 the promoter conducting the contest or exhibition.

38.1 Subd. 2. **Attendance of physician.** A promoter holding or sponsoring a combative sport
 38.2 contest shall have in attendance a physician licensed by ~~this state~~ Minnesota. ~~The~~
 38.3 ~~commissioner may establish a schedule of fees to be paid to each attending physician by~~
 38.4 ~~the promoter holding or sponsoring the contest.~~

38.5 Sec. 22. **[341.331] PROHIBITED PERFORMANCE ENHANCING SUBSTANCES**
 38.6 **AND TESTING.**

38.7 **Subdivision 1. Performance enhancing substances and masking agents prohibited.** All
 38.8 combatants are prohibited from using the substances listed in the following classes contained
 38.9 in the World Anti-Doping Code published by the World Anti-Doping Agency, unless a
 38.10 combatant meets an applicable exception set forth therein:

38.11 (1) S0, nonapproved substances;

38.12 (2) S1, anabolic agents;

38.13 (3) S2, peptide hormones, growth factors, and related substances and mimetics;

38.14 (4) S3, beta-2 agonists;

38.15 (5) S4, hormone and metabolic modulators; and

38.16 (6) S5, diuretics and masking agents.

38.17 **Subd. 2. Testing.** The commissioner may administer drug testing to discover violations
 38.18 of subdivision 1 as follows:

38.19 (a) The commissioner may require a combatant to submit to a drug test to determine if
 38.20 substances are present in the combatant's system in violation of subdivision 1. This testing
 38.21 may occur at any time after the official weigh-in, on the day of the contest in which the
 38.22 combatant is participating, or within 24 hours of competing in a combative sports contest
 38.23 in a manner prescribed by the commissioner. The commissioner may require testing based
 38.24 on reasonable cause or random selection. Grounds for reasonable cause includes observing
 38.25 or receiving credible information that a combatant has used prohibited performance enhancing
 38.26 drugs. If testing is based on random selection, both combatants competing in a selected bout
 38.27 shall submit to a drug test.

38.28 (b) Specimens may include urine, hair samples, or blood. Specimens shall be tested at
 38.29 a facility acceptable to the commissioner. Results of all drug tests shall be submitted directly
 38.30 to the commissioner.

38.31 (c) The promoter shall pay the costs relating to drug testing combatants. Any requests
 38.32 for follow-up or additional testing must be paid by the combatant.

39.1 Subd. 3. **Discipline.** (a) If a combatant fails to provide a sample for drug testing when
 39.2 required, and the request is made before a bout, the combatant shall not be allowed to
 39.3 compete in the bout. If the request is made after a bout, and the combatant fails to provide
 39.4 a sample for drug testing, the combatant shall be subject to disciplinary action under section
 39.5 341.29.

39.6 (b) If a combatant's specimen tests positive for any prohibited substances, the combatant
 39.7 shall be subject to disciplinary action under section 341.29.

39.8 (c) A combatant who is disciplined and was the winner of a bout shall be disqualified
 39.9 and the decision shall be changed to no contest. The results of a bout shall remain unchanged
 39.10 if a combatant who is disciplined was the loser of the bout.

39.11 Sec. 23. **[341.345] CHALLENGING THE OUTCOME OF A COMBATIVE SPORT**
 39.12 **CONTEST.**

39.13 Subdivision 1. **Challenge.** (a) If a combatant disagrees with the outcome of a combative
 39.14 sport contest regulated by the Department of Labor and Industry in which the combatant
 39.15 participated, the combatant may challenge the outcome.

39.16 (b) If a third party makes a challenge on behalf of a combatant, the third party must
 39.17 provide written confirmation that they are authorized to make the challenge on behalf of
 39.18 the combatant. The written confirmation must contain the combatant's signature and must
 39.19 be submitted with the challenge.

39.20 Subd. 2. **Form.** A challenge must be submitted on a form prescribed by the commissioner,
 39.21 set forth all relevant facts and the basis for the challenge, and state what remedy is being
 39.22 sought. A combatant may submit photos, videos, documents, or any other evidence the
 39.23 combatant would like the commissioner to consider in connection to the challenge. A
 39.24 combatant may challenge the outcome of a contest only if it is alleged that:

39.25 (1) the referee made an incorrect call or missed a rule violation that directly affected the
 39.26 outcome of the contest;

39.27 (2) there was collusion amongst officials to affect the outcome of the contest; or

39.28 (3) scores were miscalculated.

39.29 Subd. 3. **Timing.** A challenge must be submitted within ten days of the contest.

39.30 (a) For purposes of this subdivision, the day of the contest shall not count toward the
 39.31 ten-day period. If the tenth day falls on a Saturday, Sunday, or legal holiday, then a combatant

40.1 shall have until the next day that is not a Saturday, Sunday, or legal holiday to submit a
40.2 challenge.

40.3 (b) The challenge must be submitted to the commissioner at the address, fax number,
40.4 or email address designated on the commissioner's website. The date on which a challenge
40.5 is submitted by mail shall be the postmark date on the envelope in which the challenge is
40.6 mailed. If the challenge is faxed or emailed, it must be received by the commissioner by
40.7 4:30 p.m. Central Time on the day the challenge is due.

40.8 Subd. 4. **Opponent's response.** If the requirements of subdivisions 1 to 3 are met, the
40.9 commissioner shall send a complete copy of the challenge documents, along with any
40.10 supporting materials submitted, to the opposing combatant by mail, fax, or email. The
40.11 opposing combatant has 14 days from the date the commissioner sends the challenge and
40.12 supporting materials to submit a response to the commissioner. Additional response time
40.13 is not added when the commissioner sends the challenge to the opposing combatant by mail.
40.14 The opposing combatant may submit photos, videos, documents, or any other evidence the
40.15 opposing combatant would like the commissioner to consider in connection to the challenge.
40.16 The response must be submitted to the commissioner at the address, fax number, or email
40.17 address designated on the commissioner's website. The date on which a response is submitted
40.18 by mail is the postmark date on the envelope in which the response is mailed. If the response
40.19 is faxed or emailed, it must be received by the commissioner by 4:30 p.m. Central Time on
40.20 the day the response is due.

40.21 Subd. 5. **Licensed official review.** The commissioner may, if the commissioner
40.22 determines it would be helpful in resolving the issues raised in the challenge, send a complete
40.23 copy of the challenge or response, along with any supporting materials submitted, to any
40.24 licensed official involved in the combative sport contest at issue by mail, fax, or email and
40.25 request the official's views on the issues raised in the challenge.

40.26 Subd. 6. **Order.** The commissioner shall issue an order on the challenge within 60 days
40.27 after receiving the opposing combatant's response. If the opposing combatant does not
40.28 submit a response, the commissioner shall issue an order on the challenge within 75 days
40.29 after receiving the challenge.

40.30 Subd. 7. **Nonacceptance.** If the requirements of subdivisions 1 through 3 are not met,
40.31 the commissioner must not accept the challenge and may send correspondence to the person
40.32 who submitted the challenge stating the reasons for nonacceptance of the challenge. A
40.33 combatant has no further appeal rights if the combatant's challenge is not accepted by the
40.34 commissioner.

41.1 Subd. 8. **Administrative hearing.** After the commissioner issues an order under
 41.2 subdivision 6, each combatant under section 326B.082, subdivision 8, has 30 days after
 41.3 service of the order to submit a request for hearing before an administrative law judge.

41.4 Sec. 24. Minnesota Statutes 2022, section 341.355, is amended to read:

41.5 **341.355 CIVIL PENALTIES.**

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

41.12 **ARTICLE 5**

41.13 **MISCELLANEOUS POLICY**

41.14 Section 1. Minnesota Statutes 2022, section 116J.871, subdivision 2, is amended to read:

41.15 **Subd. 2. Prevailing wage required.** (a) A state agency may provide financial assistance
 41.16 to a person only if the person receiving or benefiting from the financial assistance certifies
 41.17 to the commissioner of labor and industry that laborers and mechanics at the project site
 41.18 during construction, installation, remodeling, and repairs for which the financial assistance
 41.19 was provided will be paid the prevailing wage rate as defined in section 177.42, subdivision
 41.20 6. The person receiving or benefiting from the financial assistance is also subject to the
 41.21 requirements and enforcement provisions of sections 177.27, 177.30, 177.32, 177.41 to
 41.22 177.435, and 177.45.

41.23 (b) For purposes of complying with section 177.30, paragraph (a), clauses (6) and (7),
 41.24 the state agency awarding the financial assistance is considered the contracting authority
 41.25 and the project is considered a public works project. The person receiving or benefiting
 41.26 from the financial assistance shall notify all employers on the project of the record keeping
 41.27 and reporting requirements in section 177.30, paragraph (a), clauses (6) and (7). Each
 41.28 employer shall submit the required information to the contracting authority.

41.29 Sec. 2. Minnesota Statutes 2022, section 175.16, subdivision 1, is amended to read:

41.30 **Subdivision 1. Established.** The Department of Labor and Industry shall consist of the
 41.31 following divisions: Division of Workers' Compensation, Division of Construction Codes
 41.32 and Licensing, Division of Occupational Safety and Health, Division of Statistics, Division

42.1 of Labor Standards, and Division of Apprenticeship, and such other divisions as the
 42.2 commissioner of the Department of Labor and Industry may deem necessary and establish.
 42.3 Each division of the department and persons in charge thereof shall be subject to the
 42.4 supervision of the commissioner of the Department of Labor and Industry and, in addition
 42.5 to such duties as are or may be imposed on them by statute, shall perform such other duties
 42.6 as may be assigned to them by the commissioner. Notwithstanding any other law to the
 42.7 contrary, the commissioner is the administrator and supervisor of all of the department's
 42.8 dispute resolution functions and personnel and may delegate authority to compensation
 42.9 judges and others to make determinations under sections 176.106, 176.238, and 176.239
 42.10 and to approve settlement of claims under section 176.521.

42.11 Sec. 3. Minnesota Statutes 2022, section 177.26, subdivision 1, is amended to read:

42.12 Subdivision 1. **Creation.** The Division of Labor Standards ~~and Apprenticeship~~ in the
 42.13 Department of Labor and Industry is supervised and controlled by the commissioner of
 42.14 labor and industry.

42.15 Sec. 4. Minnesota Statutes 2022, section 177.26, subdivision 2, is amended to read:

42.16 Subd. 2. **Powers and duties.** The Division of Labor Standards ~~and Apprenticeship~~ shall
 42.17 administer this chapter and chapters ~~178~~, 181, 181A, and 184.

42.18 Sec. 5. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

42.19 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
 42.20 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,
 42.21 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),
 42.22 181.214 to 181.217, 181.275, subdivision 2a, 181.635, 181.722, 181.79, and 181.939 to
 42.23 181.943, or with any rule promulgated under section 177.28, 181.213, or 181.215. The
 42.24 commissioner shall issue an order requiring an employer to comply with sections 177.41
 42.25 to 177.435 if the violation is repeated. For purposes of this subdivision only, a violation is
 42.26 repeated if at any time during the two years that preceded the date of violation, the
 42.27 commissioner issued an order to the employer for violation of sections 177.41 to 177.435
 42.28 and the order is final or the commissioner and the employer have entered into a settlement
 42.29 agreement that required the employer to pay back wages that were required by sections
 42.30 177.41 to 177.435. The department shall serve the order upon the employer or the employer's
 42.31 authorized representative in person or by certified mail at the employer's place of business.
 42.32 An employer who wishes to contest the order must file written notice of objection to the
 42.33 order with the commissioner within 15 calendar days after being served with the order. A

43.1 contested case proceeding must then be held in accordance with sections 14.57 to 14.69.
 43.2 If, within 15 calendar days after being served with the order, the employer fails to file a
 43.3 written notice of objection with the commissioner, the order becomes a final order of the
 43.4 commissioner.

43.5 Sec. 6. Minnesota Statutes 2022, section 178.01, is amended to read:

43.6 **178.01 PURPOSES.**

43.7 The purposes of this chapter are: to open to all people regardless of race, sex, creed,
 43.8 color or national origin, the opportunity to obtain training and on-the-job learning that will
 43.9 equip them for profitable employment and citizenship; to establish as a means to this end,
 43.10 a program of voluntary apprenticeship under approved apprenticeship agreements providing
 43.11 facilities for their training and guidance in the arts, skills, and crafts of industry and trade
 43.12 or occupation, with concurrent, supplementary instruction in related subjects; to promote
 43.13 apprenticeship opportunities under conditions providing adequate training and on-the-job
 43.14 learning and reasonable earnings; to relate the supply of skilled workers to employment
 43.15 demands; to establish standards for apprentice training; to establish an Apprenticeship Board
 43.16 and apprenticeship committees to assist in effectuating the purposes of this chapter; to
 43.17 provide for a Division of ~~Labor Standards and Apprenticeship~~ within the Department of
 43.18 Labor and Industry; to provide for reports to the legislature regarding the status of apprentice
 43.19 training in the state; to establish a procedure for the determination of apprenticeship
 43.20 agreement controversies; and to accomplish related ends.

43.21 Sec. 7. Minnesota Statutes 2022, section 178.011, subdivision 7, is amended to read:

43.22 Subd. 7. **Division.** "Division" means the department's ~~Labor Standards and Apprenticeship~~
 43.23 Division, established under sections 175.16 and 178.03, and the State Apprenticeship Agency
 43.24 as defined in Code of Federal Regulations, title 29, part 29, section 29.2.

43.25 Sec. 8. Minnesota Statutes 2022, section 178.03, subdivision 1, is amended to read:

43.26 Subdivision 1. **Establishment of division.** There is established a Division of ~~Labor~~
 43.27 ~~Standards and Apprenticeship~~ in the Department of Labor and Industry. This division shall
 43.28 be administered by a director, and be under the supervision of the commissioner.

44.1 Sec. 9. Minnesota Statutes 2022, section 178.11, is amended to read:

44.2 **178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.**

44.3 The commissioner shall establish the labor education advancement grant program for
 44.4 the purpose of facilitating the participation or retention of minorities people of color,
 44.5 Indigenous people, and women in ~~apprenticeable trades and occupations~~ registered
 44.6 apprenticeship programs. The commissioner shall award grants to community-based and
 44.7 nonprofit organizations and Minnesota Tribal governments as defined in section 10.65,
 44.8 serving the targeted populations on a competitive request-for-proposal basis. Interested
 44.9 organizations shall apply for the grants in a form prescribed by the commissioner. As part
 44.10 of the application process, applicants must provide a statement of need for the grant, a
 44.11 description of the targeted population and apprenticeship opportunities, a description of
 44.12 activities to be funded by the grant, evidence supporting the ability to deliver services,
 44.13 information related to coordinating grant activities with other employment and learning
 44.14 programs, identification of matching funds, a budget, and performance objectives. Each
 44.15 submitted application shall be evaluated for completeness and effectiveness of the proposed
 44.16 grant activity.

44.17 Sec. 10. Minnesota Statutes 2022, section 181.9435, subdivision 1, is amended to read:

44.18 Subdivision 1. **Investigation.** The Division of Labor Standards ~~and Apprenticeship~~ shall
 44.19 receive complaints of employees against employers relating to sections 181.172, paragraph
 44.20 (a) or (d), and 181.939 to 181.9436 and investigate informally whether an employer may
 44.21 be in violation of sections 181.172, paragraph (a) or (d), and 181.939 to 181.9436. The
 44.22 division shall attempt to resolve employee complaints by informing employees and employers
 44.23 of the provisions of the law and directing employers to comply with the law. For complaints
 44.24 related to section 181.939, the division must contact the employer within two business days
 44.25 and investigate the complaint within ten days of receipt of the complaint.

44.26 Sec. 11. Minnesota Statutes 2022, section 181.9436, is amended to read:

44.27 **181.9436 POSTING OF LAW.**

44.28 The Division of Labor Standards ~~and Apprenticeship~~ shall develop, with the assistance
 44.29 of interested business and community organizations, an educational poster stating employees'
 44.30 rights under sections 181.940 to 181.9436. The department shall make the poster available,
 44.31 upon request, to employers for posting on the employer's premises.

45.1 Sec. 12. Minnesota Statutes 2022, section 182.666, subdivision 1, is amended to read:

45.2 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly
45.3 violates the requirements of section 182.653, or any standard, rule, or order adopted under
45.4 the authority of the commissioner as provided in this chapter, may be assessed a fine not to
45.5 exceed ~~\$70,000~~ \$156,259 for each violation. The minimum fine for a willful violation is
45.6 ~~\$5,000~~ \$11,162.

45.7 Sec. 13. Minnesota Statutes 2022, section 182.666, subdivision 2, is amended to read:

45.8 Subd. 2. **Serious violations.** Any employer who has received a citation for a serious
45.9 violation of its duties under section 182.653, or any standard, rule, or order adopted under
45.10 the authority of the commissioner as provided in this chapter, shall be assessed a fine not
45.11 to exceed ~~\$7,000~~ \$15,625 for each violation. If a serious violation under section 182.653,
45.12 subdivision 2, causes or contributes to the death of an employee, the employer shall be
45.13 assessed a fine of up to \$25,000 for each violation.

45.14 Sec. 14. Minnesota Statutes 2022, section 182.666, subdivision 3, is amended to read:

45.15 Subd. 3. **Nonserious violations.** Any employer who has received a citation for a violation
45.16 of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically
45.17 determined not to be of a serious nature as provided in section 182.651, subdivision 12,
45.18 may be assessed a fine of up to ~~\$7,000~~ \$15,625 for each violation.

45.19 Sec. 15. Minnesota Statutes 2022, section 182.666, subdivision 4, is amended to read:

45.20 Subd. 4. **Failure to correct a violation.** Any employer who fails to correct a violation
45.21 for which a citation has been issued under section 182.66 within the period permitted for
45.22 its correction, which period shall not begin to run until the date of the final order of the
45.23 commissioner in the case of any review proceedings under this chapter initiated by the
45.24 employer in good faith and not solely for delay or avoidance of penalties, may be assessed
45.25 a fine of not more than ~~\$7,000~~ \$15,625 for each day during which the failure or violation
45.26 continues.

45.27 Sec. 16. Minnesota Statutes 2022, section 182.666, subdivision 5, is amended to read:

45.28 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,
45.29 as prescribed under this chapter, except those prescribed under section 182.661, subdivision
45.30 3a, shall be assessed a fine of up to ~~\$7,000~~ \$15,625 for each violation.

46.1 Sec. 17. Minnesota Statutes 2022, section 182.666, is amended by adding a subdivision
46.2 to read:

46.3 Subd. 6a. **Increases for inflation.** (a) Each year, beginning in 2023, the commissioner
46.4 shall determine the percentage change in the Minneapolis-St. Paul-Bloomington, MN-WI,
46.5 Consumer Price Index for All Urban Consumers (CPI-U) from the month of October in the
46.6 preceding calendar year to the month of October in the current calendar year.

46.7 (b) The commissioner shall increase the fines in subdivisions 1 to 5, except for the fine
46.8 for a serious violation under section 182.653, subdivision 2, that causes or contributes to
46.9 the death of an employee, by the percentage change determined by the commissioner under
46.10 paragraph (a), if the percentage change is greater than zero. The fines shall be increased to
46.11 the nearest one dollar.

46.12 (c) If the percentage change determined by the commissioner under paragraph (a) is not
46.13 greater than zero, the commissioner shall not change any of the fines in subdivisions 1 to
46.14 5.

46.15 (d) A fine increased under this subdivision takes effect on the next January 15 after the
46.16 commissioner determines the percentage change under paragraph (a) and applies to all fines
46.17 assessed on or after the next January 15.

46.18 (e) No later than December 1 of each year, the commissioner shall give notice in the
46.19 State Register of any increase to the fines in subdivisions 1 to 5.

46.20 Sec. 18. **[182.677] ERGONOMICS.**

46.21 Subdivision 1. **Definitions.** (a) For purposes of this section, the definitions in this
46.22 subdivision apply unless otherwise specified.

46.23 (b) "Health care facility" means a hospital with a North American Industrial Classification
46.24 system code of 622110, 622210, or 622310; an outpatient surgical center with a North
46.25 American Industrial Classification system code of 621493; and a nursing home with a North
46.26 American Industrial Classification system code of 623110.

46.27 (c) "Warehouse distribution center" means an employer with 100 or more employees in
46.28 Minnesota and a North American Industrial Classification system code of 493110, 423110
46.29 to 423990, 424110 to 424990, 454110, or 492110.

46.30 (d) "Meatpacking site" means a meatpacking or poultry processing site with 100 or more
46.31 employees in Minnesota and a North American Industrial Classification system code of
46.32 311611 to 311615, except 311613.

47.1 (e) "Musculoskeletal disorder" or "MSD" means a disorder of the muscles, nerves,
47.2 tendons, ligaments, joints, cartilage, blood vessels, or spinal discs.

47.3 Subd. 2. **Ergonomics program required.** (a) Every licensed health care facility,
47.4 warehouse distribution center, or meatpacking site in the state shall create and implement
47.5 an effective written ergonomics program establishing the employer's plan to minimize the
47.6 risk of its employees developing or aggravating musculoskeletal disorders by utilizing an
47.7 ergonomics process. The ergonomics program shall focus on eliminating the risk. To the
47.8 extent risk exists, the ergonomics program must include feasible administrative or engineering
47.9 controls to reduce the risk.

47.10 (b) The program shall include:

47.11 (1) an assessment of hazards with regard to prevention of musculoskeletal disorders;

47.12 (2) an initial and ongoing training of employees on ergonomics and its benefits, including
47.13 the importance of reporting early symptoms of musculoskeletal disorders;

47.14 (3) a procedure to ensure early reporting of musculoskeletal disorders to prevent or
47.15 reduce the progression of symptoms, the development of serious injuries, and lost-time
47.16 claims;

47.17 (4) a process for employees to provide possible solutions that may be implemented to
47.18 reduce, control, or eliminate workplace musculoskeletal disorders;

47.19 (5) procedures to ensure that physical plant modifications and major construction projects
47.20 are consistent with program goals; and

47.21 (6) annual evaluations of the ergonomics program and whenever a change to the work
47.22 process occurs.

47.23 Subd. 3. **Annual evaluation of program required.** There must be an established
47.24 procedure to annually assess the effectiveness of the ergonomics program, including
47.25 evaluation of corrective actions taken in response to reporting of symptoms by employees.
47.26 The annual assessment shall determine the success of the implemented ergonomic solutions
47.27 and whether goals set by the ergonomics program have been met.

47.28 Subd. 4. **Employee training.** (a) An employer subject to this section must train all new
47.29 and existing employees on the following:

47.30 (1) the name of each individual on the employer's safety committee;

47.31 (2) the facility's hazard prevention and control plan;

48.1 (3) the early signs and symptoms of musculoskeletal injuries and the procedures for
48.2 reporting them;

48.3 (4) the procedures for reporting injuries and other hazards;

48.4 (5) any administrative or engineering controls related to ergonomic hazards that are in
48.5 place or will be implemented at the facility;

48.6 (6) how to use personal protective equipment, whether it is available, and where it is
48.7 located; and

48.8 (7) the requirements of subdivision 9.

48.9 (b) New and current employees must be trained according to paragraph (a) prior to
48.10 starting work. The employer must provide the training during working hours and compensate
48.11 the employee for attending the training at the employee's standard rate of pay. All training
48.12 must be in a language and with vocabulary that the employee can understand.

48.13 (c) Updates to the information conveyed in the training shall be communicated to
48.14 employees as soon as practicable.

48.15 Subd. 5. **Involvement of employees.** Employers subject to this section must solicit
48.16 feedback for its ergonomics program through its safety committee required by section
48.17 182.676, in addition to any other opportunities for employee participation the employer
48.18 may provide. The safety committee must be directly involved in ergonomics worksite
48.19 assessments and participate in the annual evaluation required by subdivision 3.

48.20 Subd. 6. **Workplace program or AWAIR.** An employer subject to this section must
48.21 reference its ergonomics program in a written Workplace Accident and Injury Reduction
48.22 (AWAIR) program required by section 182.653, subdivision 8.

48.23 Subd. 7. **Recordkeeping.** An employer subject to this section must maintain:

48.24 (1) a written certification dated and signed by each person who provides training and
48.25 each employee who receives training pursuant to this section. The certification completed
48.26 by the training providers must state that the employer has provided training consistent with
48.27 the requirements of this section;

48.28 (2) a record of all worker visits to on-site medical or first aid personnel for the last five
48.29 years, regardless of severity or type of illness or injury; and

48.30 (3) a record of all ergonomic injuries suffered by employees for the last five years.

49.1 Subd. 8. **Availability of records.** (a) The employer must ensure that the certification
49.2 records required by subdivision 7, clause (1), are up to date and available to the
49.3 commissioner, employees, and authorized employee representatives, if any, upon request.

49.4 (b) Upon the request of the commissioner, an employee, or an authorized employee
49.5 representative, the employer must provide the requestor a redacted version of the medical
49.6 or first aid records and records of all ergonomic injuries. The name, contact information,
49.7 and occupation of an employee, and any other information that would reveal the identity
49.8 of an employee, must be removed in the redacted version. The redacted version must only
49.9 include, to the extent it would not reveal the identity of an employee, the location where
49.10 the employee worked, the date of the injury or visit, a description of the medical treatment
49.11 or first aid provided, and a description of the injury suffered.

49.12 (c) The employer must also make available to the commissioner the unredacted medical
49.13 or first aid records and unredacted records of ergonomic injuries required by subdivision
49.14 7, clause (2), upon request.

49.15 Subd. 9. **Reporting encouraged.** Any employer subject to this section must not institute
49.16 or maintain any program, policy, or practice that discourages employees from reporting
49.17 injuries, hazards, or safety and health standard violations, including ergonomic-related
49.18 hazards and symptoms of musculoskeletal disorders.

49.19 Subd. 10. **Training materials.** The commissioner shall make training materials on
49.20 implementation of this section available to all employers, upon request, at no cost as part
49.21 of the duties of the commissioner under section 182.673.

49.22 Subd. 11. **Enforcement.** This section shall be enforced by the commissioner under
49.23 sections 182.66 and 182.661. A violation of this section is subject to the penalties provided
49.24 under section 182.666.

49.25 Subd. 12. **Grant program.** (a) The commissioner shall establish an ergonomics grant
49.26 program to provide matching funding for employers who are subject to this section to make
49.27 ergonomic improvements recommended by an on-site safety survey. Minnesota Rules,
49.28 chapter 5203, applies to the administration of the grant program.

49.29 (b) To be eligible for a grant under this section, an employer must:

49.30 (1) be a licensed health care facility, warehouse distribution center, or meatpacking site
49.31 as defined by subdivision 1;

50.1 (2) have current workers' compensation insurance provided through the assigned risk
50.2 plan, provided by an insurer subject to penalties under chapter 176, or as an approved
50.3 self-insured employer; and

50.4 (3) have an on-site safety survey with results that recommend specific equipment or
50.5 practices that will reduce the risk of injury or illness to employees and prevent
50.6 musculoskeletal disorders. This survey must have been conducted by a Minnesota
50.7 occupational safety and health compliance investigator or workplace safety consultant, an
50.8 in-house safety and health committee, a workers' compensation insurance underwriter, a
50.9 private consultant, or a person under contract with the assigned risk plan.

50.10 (c) Grant funds may be used for all or part of the cost of the following:

50.11 (1) purchasing and installing recommended equipment intended to prevent
50.12 musculoskeletal disorders;

50.13 (2) operating or maintaining recommended equipment intended to prevent musculoskeletal
50.14 disorders;

50.15 (3) property, if the property is necessary to meet the recommendations of the on-site
50.16 safety survey that are related to prevention of musculoskeletal disorders;

50.17 (4) training required to operate recommended safety equipment to prevent musculoskeletal
50.18 disorders; and

50.19 (5) tuition reimbursement for educational costs related to identifying ergonomic-related
50.20 issues that are related to the recommendations of the on-site safety survey.

50.21 (d) The commissioner shall evaluate applications, submitted on forms developed by the
50.22 commissioner, based on whether the proposed project:

50.23 (1) is technically and economically feasible;

50.24 (2) is consistent with the recommendations of the on-site safety survey and the objective
50.25 of reducing risk of injury or illness to employees and preventing musculoskeletal disorders;

50.26 (3) was submitted by an applicant with sufficient experience, knowledge, and commitment
50.27 for the project to be implemented in a timely manner;

50.28 (4) has the necessary financial commitments to cover all project costs;

50.29 (5) has the support of all public entities necessary for its completion; and

50.30 (6) complies with federal, state, and local regulations.

51.1 (e) Grants under this section shall provide a match of up to \$10,000 for private funds
 51.2 committed by the employer to implement the recommended ergonomics-related equipment
 51.3 or practices.

51.4 (f) Grants will be awarded to all applicants that meet the eligibility and evaluation criteria
 51.5 under paragraphs (b), (c), and (d) until funding is depleted. If there are more eligible requests
 51.6 than funding, awards will be prorated.

51.7 (g) Grant recipients are not eligible to apply for another grant under chapter 176 until
 51.8 two years after the date of the award.

51.9 Subd. 13. **Standard development.** The commissioner may propose an ergonomics
 51.10 standard using the authority provided in section 182.655.

51.11 Sec. 19. Minnesota Statutes 2022, section 326B.092, subdivision 6, is amended to read:

51.12 Subd. 6. **Fees nonrefundable.** Application and examination fees, license fees, license
 51.13 renewal fees, and late fees are nonrefundable except for:

51.14 (1) license renewal fees received more than two years after expiration of the license, as
 51.15 described in section 326B.094, subdivision 2;

51.16 (2) any overpayment of fees; and

51.17 (3) if the license is not issued or renewed, the contractor recovery fund fee and any
 51.18 additional assessment paid under subdivision 7, paragraph (e).

51.19 Sec. 20. Minnesota Statutes 2022, section 326B.096, is amended to read:

51.20 **326B.096 REINSTATEMENT OF LICENSES.**

51.21 Subdivision 1. **Reinstatement after revocation.** (a) If a license is revoked under this
 51.22 chapter and if an applicant for a license needs to pass an examination administered by the
 51.23 commissioner before becoming licensed, then, in order to have the license reinstated, the
 51.24 person who holds the revoked license must:

51.25 (1) retake the examination and achieve a passing score; and

51.26 (2) meet all other requirements for an initial license, including payment of the application
 51.27 and examination fee and the license fee. The person holding the revoked license is not
 51.28 eligible for Minnesota licensure without examination based on reciprocity.

51.29 (b) If a license is revoked under a chapter other than this chapter, then, in order to have
 51.30 the license reinstated, the person who holds the revoked license must:

52.1 (1) apply for reinstatement to the commissioner no later than two years after the effective
52.2 date of the revocation;

52.3 (2) pay a ~~\$100~~ \$50 reinstatement application fee and any applicable renewal license fee;
52.4 and

52.5 (3) meet all applicable requirements for licensure, except that, unless required by the
52.6 order revoking the license, the applicant does not need to retake any examination and does
52.7 not need to repay a license fee that was paid before the revocation.

52.8 **Subd. 2. Reinstatement after suspension.** If a license is suspended, then, in order to
52.9 have the license reinstated, the person who holds the suspended license must:

52.10 (1) apply for reinstatement to the commissioner no later than two years after the
52.11 completion of the suspension period;

52.12 (2) pay a ~~\$100~~ \$50 reinstatement application fee and any applicable renewal license fee;
52.13 and

52.14 (3) meet all applicable requirements for licensure, except that, unless required by the
52.15 order suspending the license, the applicant does not need to retake any examination and
52.16 does not need to repay a license fee that was paid before the suspension.

52.17 **Subd. 3. Reinstatement after voluntary termination.** A licensee who is not an individual
52.18 may voluntarily terminate a license issued to the person under this chapter. If a licensee has
52.19 voluntarily terminated a license under this subdivision, then, in order to have the license
52.20 reinstated, the person who holds the terminated license must:

52.21 (1) apply for reinstatement to the commissioner no later than the date that the license
52.22 would have expired if it had not been terminated;

52.23 (2) pay a ~~\$100~~ \$25 reinstatement application fee and any applicable renewal license fee;
52.24 and

52.25 (3) meet all applicable requirements for licensure, except that the applicant does not
52.26 need to repay a license fee that was paid before the termination.

52.27 **Sec. 21. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision**
52.28 **to read:**

52.29 **Subd. 6a. Electric vehicle capable space.** "Electric vehicle capable space" means a
52.30 designated automobile parking space that has electrical infrastructure, including but not
52.31 limited to raceways, cables, electrical capacity, and panelboard or other electrical distribution
52.32 space necessary for the future installation of an electric vehicle charging station.

53.1 Sec. 22. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision
53.2 to read:

53.3 Subd. 6b. **Electric vehicle charging station.** "Electric vehicle charging station" means
53.4 a designated automobile parking space that has a dedicated connection for charging an
53.5 electric vehicle.

53.6 Sec. 23. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision
53.7 to read:

53.8 Subd. 6c. **Electric vehicle ready space.** "Electric vehicle ready space" means a designated
53.9 automobile parking space that has a branch circuit capable of supporting the installation of
53.10 an electric vehicle charging station.

53.11 Sec. 24. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision
53.12 to read:

53.13 Subd. 10a. **Parking facilities.** "Parking facilities" includes parking lots, garages, ramps,
53.14 or decks.

53.15 Sec. 25. Minnesota Statutes 2022, section 326B.103, subdivision 13, is amended to read:

53.16 Subd. 13. **State licensed facility.** "State licensed facility" means a building and its
53.17 grounds that are licensed by the state as a hospital, nursing home, supervised living facility,
53.18 assisted living facility, including assisted living facility with dementia care, free-standing
53.19 outpatient surgical center, correctional facility, boarding care home, or residential hospice.

53.20 Sec. 26. Minnesota Statutes 2022, section 326B.106, subdivision 1, is amended to read:

53.21 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections
53.22 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
53.23 Construction Codes Advisory Council establish a code of standards for the construction,
53.24 reconstruction, alteration, and repair of buildings, governing matters of structural materials,
53.25 design and construction, fire protection, health, sanitation, and safety, including design and
53.26 construction standards regarding heat loss control, illumination, and climate control. The
53.27 code must also include duties and responsibilities for code administration, including
53.28 procedures for administrative action, penalties, and suspension and revocation of certification.
53.29 The code must conform insofar as practicable to model building codes generally accepted
53.30 and in use throughout the United States, including a code for building conservation. In the
53.31 preparation of the code, consideration must be given to the existing statewide specialty

54.1 codes presently in use in the state. Model codes with necessary modifications and statewide
54.2 specialty codes may be adopted by reference. The code must be based on the application
54.3 of scientific principles, approved tests, and professional judgment. To the extent possible,
54.4 the code must be adopted in terms of desired results instead of the means of achieving those
54.5 results, avoiding wherever possible the incorporation of specifications of particular methods
54.6 or materials. To that end the code must encourage the use of new methods and new materials.
54.7 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall
54.8 administer and enforce the provisions of those sections.

54.9 (b) The commissioner shall develop rules addressing the plan review fee assessed to
54.10 similar buildings without significant modifications including provisions for use of building
54.11 systems as specified in the industrial/modular program specified in section 326B.194.
54.12 Additional plan review fees associated with similar plans must be based on costs
54.13 commensurate with the direct and indirect costs of the service.

54.14 (c) Beginning with the 2018 edition of the model building codes and every six years
54.15 thereafter, the commissioner shall review the new model building codes and adopt the model
54.16 codes as amended for use in Minnesota, within two years of the published edition date. The
54.17 commissioner may adopt amendments to the building codes prior to the adoption of the
54.18 new building codes to advance construction methods, technology, or materials, or, where
54.19 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency
54.20 or the use of a building.

54.21 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model
54.22 residential energy code and the new model commercial energy code in accordance with
54.23 federal law for which the United States Department of Energy has issued an affirmative
54.24 determination in compliance with United States Code, title 42, section 6833. The
54.25 commissioner may adopt amendments prior to adoption of the new energy codes, as amended
54.26 for use in Minnesota, to advance construction methods, technology, or materials, or, where
54.27 necessary to protect the health, safety, and welfare of the public, or to improve the efficiency
54.28 or use of a building.

54.29 (e) Beginning in 2024, the commissioner shall act on the new model commercial energy
54.30 code by adopting each new published edition of ASHRAE 90.1 or a more efficient standard.
54.31 The commercial energy code in effect in 2036 and thereafter must achieve an 80 percent
54.32 reduction in annual net energy consumption or greater, using the ASHRAE 90.1-2004 as a
54.33 baseline. The commissioner shall adopt commercial energy codes from 2024 to 2036 that
54.34 incrementally move toward achieving the 80 percent reduction in annual net energy
54.35 consumption. By January 15 of the year following each new code adoption, the commissioner

55.1 shall make a report on progress under this section to the legislative committees with
 55.2 jurisdiction over the energy code. The commissioner may adjust the standard as necessary
 55.3 upon consideration of the impact to building affordability, energy reliability, and other
 55.4 factors deemed appropriate. Nothing in this paragraph shall be construed to limit the
 55.5 installation, operation, or use of a system, appliance, or other equipment based on the energy
 55.6 source used to power the system, appliance, or other equipment.

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

55.12 Sec. 27. Minnesota Statutes 2022, section 326B.106, subdivision 4, is amended to read:

55.13 Subd. 4. **Special requirements. (a) Space for commuter vans.** The code must require
 55.14 that any parking ramp or other parking facility constructed in accordance with the code
 55.15 include an appropriate number of spaces suitable for the parking of motor vehicles having
 55.16 a capacity of seven to 16 persons and which are principally used to provide prearranged
 55.17 commuter transportation of employees to or from their place of employment or to or from
 55.18 a transit stop authorized by a local transit authority.

55.19 (b) **Smoke detection devices.** The code must require that all dwellings, lodging houses,
 55.20 apartment houses, and hotels as defined in section 299F.362 comply with the provisions of
 55.21 section 299F.362.

55.22 (c) **Doors in nursing homes and hospitals.** The State Building Code may not require
 55.23 that each door entering a sleeping or patient's room from a corridor in a nursing home or
 55.24 hospital with an approved complete standard automatic fire extinguishing system be
 55.25 constructed or maintained as self-closing or automatically closing.

55.26 (d) **Child care facilities in churches; ground level exit.** A licensed day care center
 55.27 serving fewer than 30 preschool age persons and which is located in a belowground space
 55.28 in a church building is exempt from the State Building Code requirement for a ground level
 55.29 exit when the center has more than two stairways to the ground level and its exit.

55.30 (e) **Family and group family day care.** Until the legislature enacts legislation specifying
 55.31 appropriate standards, the definition of dwellings constructed in accordance with the
 55.32 International Residential Code as adopted as part of the State Building Code applies to

56.1 family and group family day care homes licensed by the Department of Human Services
56.2 under Minnesota Rules, chapter 9502.

56.3 (f) **Enclosed stairways.** No provision of the code or any appendix chapter of the code
56.4 may require stairways of existing multiple dwelling buildings of two stories or less to be
56.5 enclosed.

56.6 (g) **Double cylinder dead bolt locks.** No provision of the code or appendix chapter of
56.7 the code may prohibit double cylinder dead bolt locks in existing single-family homes,
56.8 townhouses, and first floor duplexes used exclusively as a residential dwelling. Any
56.9 recommendation or promotion of double cylinder dead bolt locks must include a warning
56.10 about their potential fire danger and procedures to minimize the danger.

56.11 (h) **Relocated residential buildings.** A residential building relocated within or into a
56.12 political subdivision of the state need not comply with the State Energy Code or section
56.13 326B.439 provided that, where available, an energy audit is conducted on the relocated
56.14 building.

56.15 (i) **Automatic garage door opening systems.** The code must require all residential
56.16 buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82
56.17 and 325F.83.

56.18 (j) **Exterior wood decks, patios, and balconies.** The code must permit the decking
56.19 surface and upper portions of exterior wood decks, patios, and balconies to be constructed
56.20 of (1) heartwood from species of wood having natural resistance to decay or termites,
56.21 including redwood and cedars, (2) grades of lumber which contain sapwood from species
56.22 of wood having natural resistance to decay or termites, including redwood and cedars, or
56.23 (3) treated wood. The species and grades of wood products used to construct the decking
56.24 surface and upper portions of exterior decks, patios, and balconies must be made available
56.25 to the building official on request before final construction approval.

56.26 (k) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be
56.27 imposed by municipalities under the State Building Code, except as required under section
56.28 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section 326B.92
56.29 administered by the Department of Labor and Industry. All data regarding the material
56.30 production processes, including the bioprocess system's structural design and layout, are
56.31 nonpublic data as provided by section 13.7911.

56.32 (l) **Use of ungraded lumber.** The code must allow the use of ungraded lumber in
56.33 geographic areas of the state where the code did not generally apply as of April 1, 2008, to
56.34 the same extent that ungraded lumber could be used in that area before April 1, 2008.

57.1 (m) **Window cleaning safety.** ~~The code must require the installation of dedicated~~
 57.2 ~~anchorages for the purpose of suspended window cleaning on (1) new buildings four stories~~
 57.3 ~~or greater; and (2) buildings four stories or greater, only on those areas undergoing~~
 57.4 ~~reconstruction, alteration, or repair that includes the exposure of primary structural~~
 57.5 ~~components of the roof.~~ The commissioner shall adopt rules, using the expedited rulemaking
 57.6 process in section 14.389, requiring window cleaning safety features that comply with a
 57.7 nationally recognized standard as part of the State Building Code. Window cleaning safety
 57.8 features shall be provided for all windows on:

57.9 (1) new buildings where determined by the code; and

57.10 (2) existing buildings undergoing alterations where both of the following conditions are
 57.11 met:

57.12 (i) the windows do not currently have safe window cleaning features; and

57.13 (ii) the proposed work area being altered can include provisions for safe window cleaning.

57.14 ~~The commissioner may waive all or a portion of the requirements of this paragraph~~
 57.15 ~~related to reconstruction, alteration, or repair, if the installation of dedicated anchorages~~
 57.16 ~~would not result in significant safety improvements due to limits on the size of the project,~~
 57.17 ~~or other factors as determined by the commissioner.~~

57.18 (n) **Adult-size changing facilities.** The commissioner shall adopt rules requiring
 57.19 adult-size changing facilities as part of the State Building Code.

57.20 Sec. 28. Minnesota Statutes 2022, section 326B.106, is amended by adding a subdivision
 57.21 to read:

57.22 Subd. 16. **Electric vehicle charging.** The code shall require a minimum number of
 57.23 electric vehicle ready spaces, electric vehicle capable spaces, and electric vehicle charging
 57.24 stations either within or adjacent to new commercial and multifamily structures that provide
 57.25 on-site parking facilities. Residential structures with fewer than four dwelling units are
 57.26 exempt from this subdivision.

57.27 Sec. 29. Minnesota Statutes 2022, section 326B.802, subdivision 15, is amended to read:

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

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

57.30 (1) excavation;

57.31 (2) trenching;

58.1 (3) grading; and

58.2 (4) site grading.

58.3 (b) **Masonry and concrete.** Masonry and concrete includes work in any of the following
58.4 areas:

58.5 (1) drain systems;

58.6 (2) poured walls;

58.7 (3) slabs and poured-in-place footings;

58.8 (4) masonry walls;

58.9 (5) masonry fireplaces;

58.10 (6) masonry veneer; and

58.11 (7) water resistance and waterproofing.

58.12 (c) **Carpentry.** Carpentry includes work in any of the following areas:

58.13 (1) rough framing;

58.14 (2) finish carpentry;

58.15 (3) doors, windows, and skylights;

58.16 (4) porches and decks, excluding footings;

58.17 (5) wood foundations; and

58.18 (6) drywall installation, excluding taping and finishing.

58.19 (d) **Interior finishing.** Interior finishing includes work in any of the following areas:

58.20 (1) floor covering;

58.21 (2) wood floors;

58.22 (3) cabinet and counter top installation;

58.23 (4) insulation and vapor barriers;

58.24 (5) interior or exterior painting;

58.25 (6) ceramic, marble, and quarry tile;

58.26 (7) ornamental guardrail and installation of prefabricated stairs; and

58.27 (8) wallpapering.

59.1 (e) **Exterior finishing.** Exterior finishing includes work in any of the following areas:

59.2 (1) siding;

59.3 (2) soffit, fascia, and trim;

59.4 (3) exterior plaster and stucco;

59.5 (4) painting; and

59.6 (5) rain carrying systems, including gutters and down spouts.

59.7 (f) **Drywall and plaster.** Drywall and plaster includes work in any of the following

59.8 areas:

59.9 (1) installation;

59.10 (2) taping;

59.11 (3) finishing;

59.12 (4) interior plaster;

59.13 (5) painting; and

59.14 (6) wallpapering.

59.15 (g) **Residential roofing.** Residential roofing includes work in any of the following areas:

59.16 (1) roof coverings;

59.17 (2) roof sheathing;

59.18 (3) roof weatherproofing and insulation; ~~and~~

59.19 (4) repair of roof support system, but not construction of new roof support system; and

59.20 (5) penetration of roof coverings for purposes of attaching a solar photovoltaic system.

59.21 (h) **General installation specialties.** Installation includes work in any of the following

59.22 areas:

59.23 (1) garage doors and openers;

59.24 (2) pools, spas, and hot tubs;

59.25 (3) fireplaces and wood stoves;

59.26 (4) asphalt paving and seal coating; ~~and~~

59.27 (5) ornamental guardrail and prefabricated stairs; and

59.28 (6) assembly of the support system for a solar photovoltaic system.

60.1 Sec. 30. **RULEMAKING AUTHORITY.**

60.2 The commissioner of labor and industry shall adopt rules, using the expedited rulemaking
 60.3 process in Minnesota Statutes, section 14.389, that set forth adult-size changing facilities
 60.4 to conform with the addition of Minnesota Statutes, section 326B.106, subdivision 4,
 60.5 paragraph (n), under this act.

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

60.7 Sec. 31. **REPEALER.**

60.8 Minnesota Statutes 2022, section 177.26, subdivision 3, is repealed.

60.9 **ARTICLE 6**

60.10 **SAFE WORKPLACES FOR MEAT AND POULTRY PROCESSING WORKERS**

60.11 Section 1. **[179.87] TITLE.**

60.12 Sections 179.87 to 179.8757 may be titled the "Safe Workplaces for Meat and Poultry
 60.13 Processing Workers Act."

60.14 Sec. 2. **[179.871] DEFINITIONS.**

60.15 Subdivision 1. **Definitions.** For purposes of sections 179.87 to 179.8757, the terms in
 60.16 this section have the meanings given.

60.17 Subd. 2. **Authorized employee representative.** "Authorized employee representative"
 60.18 has the meaning given in section 182.651, subdivision 22.

60.19 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of labor and industry
 60.20 or the commissioner's designee.

60.21 Subd. 4. **Coordinator.** "Coordinator" means the meatpacking industry worker rights
 60.22 coordinator or the coordinator's designee.

60.23 Subd. 5. **Meat-processing worker.** "Meat-processing worker" or "worker" means any
 60.24 individual who a meat-processing employer suffers or permits to work directly in contact
 60.25 with raw meatpacking products in a meatpacking operation, including independent contractors
 60.26 and persons performing work for an employer through a temporary service or staffing
 60.27 agency. Workers in a meatpacking operation who inspect or package meatpacking products
 60.28 and workers who clean, maintain, or sanitize equipment or surfaces are included in the
 60.29 definition of a meat-processing worker. Meat-processing worker does not include a federal,
 60.30 state, or local government inspector.

61.1 Subd. 6. **Meatpacking operation.** "Meatpacking operation" or "meat-processing
 61.2 employer" means a meatpacking or poultry processing site with 100 or more employees in
 61.3 Minnesota and a North American Industrial Classification system (NAICS) code of 311611
 61.4 to 311615, excluding NAICS code 311613. Meatpacking operation or meat-processing
 61.5 employer does not mean a grocery store, butcher shop, meat market, deli, restaurant, or
 61.6 other business preparing meatpacking products for immediate consumption or for sale in a
 61.7 retail establishment or otherwise directly to an end-consumer.

61.8 Subd. 7. **Meatpacking products.** "Meatpacking products" means meat food products
 61.9 and poultry food products as defined in section 31A.02, subdivision 10.

61.10 **Sec. 3. [179.8715] WORKER RIGHTS COORDINATOR.**

61.11 (a) The commissioner must appoint a meatpacking industry worker rights coordinator
 61.12 in the Department of Labor and Industry and provide the coordinator with necessary office
 61.13 space, furniture, equipment, supplies, and assistance.

61.14 (b) The commissioner must enforce sections 179.87 to 179.8757, including inspecting,
 61.15 reviewing, and recommending improvements to the practices and procedures of meatpacking
 61.16 operations in Minnesota. A meat-processing employer must grant the commissioner full
 61.17 access to all meatpacking operations in this state at any time that meatpacking products are
 61.18 being processed or meat-processing workers are on the job.

61.19 (c) No later than December 1 each year, beginning December 1, 2024, the coordinator
 61.20 must submit a report to the governor and the chairs and ranking minority members of the
 61.21 legislative committees with jurisdiction over labor. The report must include recommendations
 61.22 to promote better treatment of meat-processing workers. The coordinator shall also post the
 61.23 report on the Department of Labor and Industry's website.

61.24 **Sec. 4. [179.872] REFUSAL TO WORK UNDER DANGEROUS CONDITIONS.**

61.25 A meat-processing worker has the right to refuse to work under dangerous conditions
 61.26 in accordance with section 182.654, subdivision 11. Pursuant to section 182.654, subdivision
 61.27 11, the worker shall continue to receive pay and shall not be subject to discrimination.

61.28 **Sec. 5. [179.875] ENFORCEMENT AND COMPLIANCE.**

61.29 Subdivision 1. **Administrative enforcement.** The commissioner, either on the
 61.30 commissioner's initiative or in response to a complaint, may inspect a meatpacking operation
 61.31 and subpoena records and witnesses as provided in sections 175.20, 177.27, and 182.659.

62.1 If a meat-processing employer does not comply with the commissioner's inspection, the
62.2 commissioner may seek relief as provided in this section or chapter 175 or 182.

62.3 Subd. 2. **Compliance authority.** The commissioner may issue a compliance order under
62.4 section 177.27, subdivision 4, requiring an employer to comply with sections 179.8755,
62.5 paragraphs (b) and (c); 179.8756, subdivisions 1 to 3 and 4, paragraphs (f) and (g); and
62.6 179.8757. The commissioner also has authority, pursuant to section 182.662, subdivision
62.7 1, to issue a stop work or business closure order when there is a condition or practice that
62.8 could result in death or serious physical harm.

62.9 Subd. 3. **Private civil action.** If a meat-processing employer does not comply with a
62.10 provision in sections 179.87 to 179.8757, an aggrieved worker, authorized employee
62.11 representative, or other person may bring a civil action in a court of competent jurisdiction
62.12 within three years of an alleged violation and, upon prevailing, must be awarded the relief
62.13 provided in this section. Pursuing administrative relief is not a prerequisite for bringing a
62.14 civil action.

62.15 Subd. 4. **Other government enforcement.** The attorney general may enforce sections
62.16 179.87 to 179.8757 under section 8.31. A city or county attorney may also enforce these
62.17 sections. Such law enforcement agencies may inspect meatpacking operations and subpoena
62.18 records and witnesses and, where such agencies determine that a violation has occurred,
62.19 may bring a civil action as provided in this section.

62.20 Subd. 5. **Relief.** (a) In a civil action or administrative proceeding brought to enforce
62.21 sections 179.87 to 179.8757, the court or commissioner must order relief as provided in this
62.22 subdivision.

62.23 (b) For any violation of sections 179.87 to 179.8757:

62.24 (1) an injunction to order compliance and restrain continued violations;

62.25 (2) payment to a prevailing worker by a meat-processing employer of reasonable costs,
62.26 disbursements, and attorney fees; and

62.27 (3) a civil penalty payable to the state of not less than \$100 per day per worker affected
62.28 by the meat-processing employer's noncompliance with sections 179.87 to 179.8757.

62.29 (c) Any worker who brings a complaint under sections 179.87 to 179.8757 and suffers
62.30 retaliation is entitled to treble damages in addition to lost pay and recovery of attorney fees
62.31 and costs.

63.1 (d) Any company who is found to have retaliated against a meat-processing worker must
63.2 pay a fine of up to \$10,000 to the commissioner, in addition to other penalties available
63.3 under law.

63.4 Subd. 6. Whistleblower enforcement; penalty distribution. (a) The relief provided in
63.5 this section may be recovered through a private civil action brought on behalf of the
63.6 commissioner in a court of competent jurisdiction by another individual, including an
63.7 authorized employee representative, pursuant to this subdivision.

63.8 (b) The individual must give written notice to the coordinator of the specific provision
63.9 or provisions of sections 179.87 to 179.8757 alleged to have been violated. The individual
63.10 or representative organization may commence a civil action under this subdivision if no
63.11 enforcement action is taken by the commissioner within 30 days.

63.12 (c) Civil penalties recovered pursuant to this subdivision must be distributed as follows:

63.13 (1) 70 percent to the commissioner for enforcement of sections 179.87 to 179.8757; and

63.14 (2) 30 percent to the individual or authorized employee representative.

63.15 (d) The right to bring an action under this subdivision shall not be impaired by private
63.16 contract. A public enforcement action must be tried promptly, without regard to concurrent
63.17 adjudication of a private claim for the same alleged violation.

63.18 Sec. 6. [179.8755] RETALIATION AGAINST EMPLOYEES AND
63.19 WHISTLEBLOWERS PROHIBITED.

63.20 (a) Pursuant to section 182.669, no meat-processing employer or other person may
63.21 discharge or discriminate against a worker because the employee has raised a concern about
63.22 a meatpacking operation's health and safety practices to the employer or otherwise exercised
63.23 any right authorized under sections 182.65 to 182.674.

63.24 (b) No meat-processing employer or other person may attempt to require any worker to
63.25 sign a contract or other agreement that would limit or prevent the worker from disclosing
63.26 information about workplace health and safety practices or hazards, or to otherwise abide
63.27 by a workplace policy that would limit or prevent such disclosures. Any such agreements
63.28 or policies are hereby void and unenforceable as contrary to the public policy of this state.
63.29 An employer's attempt to impose such a contract, agreement, or policy shall constitute an
63.30 adverse action enforceable under section 179.875.

63.31 (c) Reporting or threatening to report a meat-processing worker's suspected citizenship
63.32 or immigration status, or the suspected citizenship or immigration status of a family member

64.1 of the worker, to a federal, state, or local agency because the worker exercises a right under
64.2 sections 179.87 to 179.8757 constitutes an adverse action for purposes of establishing a
64.3 violation of that worker's rights. For purposes of this paragraph, "family member" means a
64.4 spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild
64.5 related by blood, adoption, marriage, or domestic partnership.

64.6 **Sec. 7. [179.8756] MEATPACKING WORKER CHRONIC INJURIES AND**
64.7 **WORKPLACE SAFETY.**

64.8 Subdivision 1. **Facility committee.** (a) The meat-processing employer's ergonomics
64.9 program under section 182.677, subdivision 2, must be developed and implemented by a
64.10 committee of individuals who are knowledgeable of the tasks and work processes performed
64.11 by workers at the employer's facility. The committee must include:

64.12 (1) a certified professional ergonomist;

64.13 (2) a licensed, board-certified physician, with preference given to a physician who has
64.14 specialized experience and training in occupational medicine; and

64.15 (3) at least three workers employed in the employer's facility who have completed a
64.16 general industry outreach course approved by the commissioner, one of whom must be an
64.17 authorized employee representative if the employer is party to a collective bargaining
64.18 agreement.

64.19 (b) If it is not practicable for a certified professional ergonomist or a licensed,
64.20 board-certified physician to be a member of the committee required by paragraph (b), the
64.21 meatpacking employer must have their ergonomics program reviewed by a certified
64.22 professional ergonomist and a licensed, board-certified physician prior to implementation
64.23 of the program and annually thereafter.

64.24 Subd. 2. **New task and annual safety training.** (a) Meat-processing employers must
64.25 provide every worker who is assigned a new task if the worker has no previous work
64.26 experience with training on how to safely perform the task, the ergonomic and other hazards
64.27 associated with the task, and training on the early signs and symptoms of musculoskeletal
64.28 injuries and the procedures for reporting them. The employer must give a worker an
64.29 opportunity within 30 days of receiving the new task training to receive refresher training
64.30 on the topics covered in the new task training. The employer must provide this training in
64.31 a language and with vocabulary that the employee can understand.

64.32 (b) Meat-processing employers must provide each worker with no less than eight hours
64.33 of safety training each year. This annual training must address health and safety topics that

65.1 are relevant to the establishment and the worker's job assignment, such as cuts, lacerations,
 65.2 amputations, machine guarding, biological hazards, lockout/tagout, hazard communication,
 65.3 ergonomic hazards, and personal protective equipment. At least two of the eight hours of
 65.4 annual training must be on topics related to the facility's ergonomic injury prevention
 65.5 program, including the assessment of surveillance data, the ergonomic hazard prevention
 65.6 and control plan, and the early signs and symptoms of musculoskeletal disorders and the
 65.7 procedures for reporting them. The employer must provide this training in a language and
 65.8 with vocabulary that the employee can understand.

65.9 Subd. 3. **Medical services and qualifications.** (a) Meat-processing employers must
 65.10 ensure that:

65.11 (1) all first-aid providers, medical assistants, nurses, and physicians engaged by the
 65.12 employer are licensed and perform their duties within the scope of their licensed practice;

65.13 (2) medical management of musculoskeletal disorders is under direct supervision of a
 65.14 licensed physician specializing in occupational medicine who will advise on best practices
 65.15 for management and prevention of work-related musculoskeletal disorders; and

65.16 (3) medical management of musculoskeletal injuries follows the most current version
 65.17 of the American College of Occupational and Environmental Medicine practice guidelines.

65.18 (b) The coordinator may compile, analyze, and publish annually, either in summary or
 65.19 detailed form, all reports or information obtained under sections 179.87 to 179.8757,
 65.20 including information about ergonomics programs, and may cooperate with the United
 65.21 States Department of Labor in obtaining national summaries of occupational deaths, injuries,
 65.22 and illnesses. The coordinator and authorized employee representative must preserve the
 65.23 anonymity of each employee with respect to whom medical reports or information is obtained.

65.24 (c) Meat-processing employers must not institute or maintain any program, policy, or
 65.25 practice that discourages employees from reporting injuries, hazards, or safety standard
 65.26 violations, unless the employee authorizes employee's information be shared.

65.27 Subd. 4. **Pandemic protections.** (a) This subdivision applies during a public health
 65.28 emergency that involves airborne transmission.

65.29 (b) Meat-processing employers must maintain a radius of space around and between
 65.30 each worker according to the Centers for Disease Control and Prevention guidelines unless
 65.31 a nonporous barrier separates the workers. An employer may accomplish such distancing
 65.32 by increasing physical space between workstations, slowing production speeds, staggering
 65.33 shifts and breaks, adjusting shift size, or a combination thereof. The employer must

66.1 reconfigure common or congregate spaces to allow for such distancing, including lunch
66.2 rooms, break rooms, and locker rooms. The employer must reinforce social distancing by
66.3 allowing workers to maintain six feet of distance along with the use of nonporous barriers.

66.4 (c) Meat-processing employers must provide employees with face masks and must make
66.5 face shields available on request. Face masks, including replacement face masks, and face
66.6 shields must be provided at no cost to the employee. All persons present at the meatpacking
66.7 operation must wear face masks in the facility except in those parts of the facility where
66.8 infection risk is low because workers work in isolation.

66.9 (d) Meat-processing employers must provide all meat-processing workers with the ability
66.10 to frequently and routinely sanitize their hands with either hand-washing or hand-sanitizing
66.11 stations. The employer must ensure that restrooms have running hot and cold water and
66.12 paper towels and are in sanitary condition. The employer must provide gloves to those who
66.13 request them.

66.14 (e) Meat-processing employers must clean and regularly disinfect all frequently touched
66.15 surfaces in the workplace, such as workstations, training rooms, machinery controls, tools,
66.16 protective garments, eating surfaces, bathrooms, showers, and other similar areas. Employers
66.17 must install and maintain ventilation systems that ensure unidirectional air flow, outdoor
66.18 air, and filtration in both production areas and common areas such as cafeterias and locker
66.19 rooms.

66.20 (f) Meat-processing employers must disseminate all required communications, notices,
66.21 and any published materials regarding these protections in English, Spanish, and other
66.22 languages as required for employees to understand the communication.

66.23 (g) Consistent with sections 177.253 and 177.254, meat-processing employers must
66.24 provide adequate break time for workers to use the bathroom, wash their hands, and don
66.25 and doff protective equipment. Nothing in this section relieves an employer of its obligation
66.26 to comply with federal and state wage and hour laws.

66.27 (h) Meat-processing employers must provide sufficient personal protective equipment
66.28 for each employee for each shift, plus replacements, at no cost to the employee.
66.29 Meat-processing employers must provide training in proper use of personal protective
66.30 equipment, safety procedures, and sanitation.

66.31 (i) Meat-processing employers must record all injuries and illnesses in the facility and
66.32 make these records available upon request to the health and safety committee. The name,
66.33 contact information, and occupation of an employee, and any other information that would
66.34 reveal the identity of an employee, must be removed. The redacted records must only include,

67.1 to the extent it would not reveal the identity of an employee, the location where the employee
 67.2 worked, the date of the injury or visit, a description of the medical treatment or first aid
 67.3 provided, and a description of the injury suffered. The employer also must make its records
 67.4 available to the commissioner, and where there is a collective bargaining agreement, to the
 67.5 authorized bargaining representative.

67.6 (j) Except for paragraphs (f) and (g), this section shall be enforced by the commissioner
 67.7 under sections 182.66 and 182.661. A violation of this section is subject to the penalties
 67.8 provided under section 182.666. Paragraphs (f) and (g) are enforceable by the commissioner
 67.9 as described in section 179.875, subdivision 2.

67.10 (k) This subdivision may also be enforced as described in section 179.875, subdivisions
 67.11 3 to 6.

67.12 **Sec. 8. [179.8757] NOTIFICATION REQUIRED.**

67.13 (a) Meat-processing employers must provide written information and notifications about
 67.14 employee rights under section 179.86 and sections 179.87 to 179.8757 to workers in their
 67.15 language of fluency at least annually. If a worker is unable to understand written information
 67.16 and notifications, the employer must provide such information and notices orally in the
 67.17 worker's language of fluency.

67.18 (b) The coordinator must notify covered employers of the provisions of sections 179.87
 67.19 to 179.8757 and any recent updates at least annually.

67.20 (c) The coordinator must place information explaining sections 179.87 to 179.8757 on
 67.21 the Department of Labor and Industry's website in at least English, Spanish, and any other
 67.22 language that at least ten percent of meat-processing workers communicate in fluently. The
 67.23 coordinator must also make the information accessible to persons with impaired visual
 67.24 acuity.

67.25 **Sec. 9. Minnesota Statutes 2022, section 182.654, subdivision 11, is amended to read:**

67.26 **Subd. 11. Refusal to work under dangerous conditions.** An employee acting in good
 67.27 faith has the right to refuse to work under conditions which the employee reasonably believes
 67.28 present an imminent danger of death or serious physical harm to the employee.

67.29 A reasonable belief of imminent danger of death or serious physical harm includes but
 67.30 is not limited to a reasonable belief of the employee that the employee has been assigned
 67.31 to work in an unsafe or unhealthful manner with a hazardous substance, harmful physical
 67.32 agent or infectious agent.

68.1 An employer may not discriminate against an employee for a good faith refusal to
68.2 perform assigned tasks if the employee has requested that the employer correct the hazardous
68.3 conditions but the conditions remain uncorrected.

68.4 An employee who has refused in good faith to perform assigned tasks and who has not
68.5 been reassigned to other tasks by the employer shall, in addition to retaining a right to
68.6 continued employment, receive pay for the tasks which would have been performed if (1)
68.7 the employee requests the commissioner to inspect and determine the nature of the hazardous
68.8 condition, and (2) the commissioner determines that the employee, by performing the
68.9 assigned tasks, would have been placed in imminent danger of death or serious physical
68.10 harm.

68.11 Additionally, an administrative law judge may order, in addition to the relief found in
68.12 section 182.669:

68.13 (1) reinstatement of the worker to the same position held before any adverse personnel
68.14 action or to an equivalent position, reinstatement of full fringe benefits and seniority rights,
68.15 and compensation for unpaid wages, benefits and other remuneration, or front pay in lieu
68.16 of reinstatement; and

68.17 (2) compensatory damages payable to the aggrieved worker equal to the greater of \$5,000
68.18 or twice the actual damages, including unpaid wages, benefits and other remuneration, and
68.19 punitive damages.

68.20 **ARTICLE 7**

68.21 **REGULATION OF RESTRICTIVE EMPLOYMENT AGREEMENTS**

68.22 Section 1. **[181.141] SEXUAL HARASSMENT OR ABUSE SETTLEMENT;**
68.23 **PAYMENT AS SEVERANCE OR WAGES PROHIBITED.**

68.24 In a sexual harassment or abuse settlement between an employer and an employee, when
68.25 there is a financial settlement provided, the financial settlement cannot be provided as wages
68.26 or severance pay to the employee regardless of whether the settlement includes a
68.27 nondisclosure agreement.

68.28 **EFFECTIVE DATE.** This section is effective the day following final enactment and
68.29 applies to settlements entered into on or after that date.

69.1 Sec. 2. [181.987] COVENANTS NOT TO COMPETE VOID IN EMPLOYMENT
69.2 AGREEMENTS; SUBSTANTIVE PROTECTIONS OF MINNESOTA LAW APPLY.

69.3 Subdivision 1. **Definitions.** (a) "Covenant not to compete" means an agreement between
69.4 an employee and employer that restricts the employee, after termination of the employment,
69.5 from performing:

69.6 (1) work for another employer for a specified period of time;

69.7 (2) work in a specified geographical area; or

69.8 (3) work for another employer in a capacity that is similar to the employee's work for
69.9 the employer that is party to the agreement.

69.10 A covenant not to compete does not include a nondisclosure agreement, or agreement
69.11 designed to protect trade secrets or confidential information. A covenant not to compete
69.12 does not include a nonsolicitation agreement, or agreement restricting the ability to use
69.13 client or contact lists, or solicit customers of the employer.

69.14 (b) "Employer" means any individual, partnership, association, corporation, business,
69.15 trust, or any person or group of persons acting directly or indirectly in the interest of an
69.16 employer in relation to an employee.

69.17 (c) "Employee" as used in this section means any individual who performs services for
69.18 an employer, including independent contractors.

69.19 (d) "Independent contractor" means any individual whose employment is governed by
69.20 a contract and whose compensation is not reported to the Internal Revenue Service on a
69.21 W-2 form. For purposes of this section, independent contractor also includes any corporation,
69.22 limited liability corporation, partnership, or other corporate entity when an employer requires
69.23 an individual to form such an organization for purposes of entering into a contract for
69.24 services as a condition of receiving compensation under an independent contractor agreement.

69.25 Subd. 2. **Covenants not to compete void and unenforceable.** (a) Any covenant not to
69.26 compete contained in a contract or agreement is void and unenforceable.

69.27 (b) Notwithstanding paragraph (a), a covenant not to compete is valid and enforceable
69.28 if:

69.29 (1) the covenant not to compete is agreed upon during the sale of a business. The person
69.30 selling the business and the partners, members, or shareholders, and the buyer of the business
69.31 may agree on a temporary and geographically restricted covenant not to compete that will

70.1 prohibit the seller of the business from carrying on a similar business within a reasonable
 70.2 geographic area and for a reasonable length of time; or

70.3 (2) the covenant not to compete is agreed upon in anticipation of the dissolution of a
 70.4 business. The partners, members, or shareholders, upon or in anticipation of a dissolution
 70.5 of a partnership, limited liability company, or corporation may agree that all or any number
 70.6 of the parties will not carry on a similar business within a reasonable geographic area where
 70.7 the business has been transacted.

70.8 (c) Nothing in this subdivision shall be construed to render void or unenforceable any
 70.9 other provisions in a contract or agreement containing a void or unenforceable covenant
 70.10 not to compete.

70.11 (d) In addition to injunctive relief and any other remedies available, a court may award
 70.12 an employee who is enforcing rights under this section reasonable attorney fees.

70.13 Subd. 3. **Choice of law; venue.** (a) An employer must not require an employee who
 70.14 primarily resides and works in Minnesota, as a condition of employment, to agree to a
 70.15 provision in an agreement or contract that would do either of the following:

70.16 (1) require the employee to adjudicate outside of Minnesota a claim arising in Minnesota;
 70.17 or

70.18 (2) deprive the employee of the substantive protection of Minnesota law with respect to
 70.19 a controversy arising in Minnesota.

70.20 (b) Any provision of a contract or agreement that violates paragraph (a) is voidable at
 70.21 any time by the employee and if a provision is rendered void at the request of the employee,
 70.22 the matter shall be adjudicated in Minnesota and Minnesota law shall govern the dispute.

70.23 (c) In addition to injunctive relief and any other remedies available, a court may award
 70.24 an employee who is enforcing rights under this section reasonable attorney fees.

70.25 (d) For purposes of this section, adjudication includes litigation and arbitration.

70.26 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 70.27 applies to contracts and agreements entered into on or after that date.

70.28 Sec. 3. Minnesota Statutes 2022, section 290.0132, is amended by adding a subdivision
 70.29 to read:

70.30 Subd. 31. **Damages for sexual harassment or abuse.** The amount of qualifying damages
 70.31 received is a subtraction. For purposes of this subdivision, "qualifying damages" means:

71.1 (1) damages received under a sexual harassment or abuse claim that are not excluded
 71.2 from gross income under section 104(a)(2) of the Internal Revenue Code because the injury
 71.3 or sickness for which the damages are paid are not physical; or

71.4 (2) severance pay received under a financial settlement of a sexual harassment or abuse
 71.5 claim that does not include a nondisclosure agreement.

71.6 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
 71.7 31, 2022.

71.8 **ARTICLE 8**

71.9 **BUILDING AND CONSTRUCTION CONTRACTS**

71.10 Section 1. Minnesota Statutes 2022, section 15.71, is amended by adding a subdivision
 71.11 to read:

71.12 **Subd. 1a. Indemnification agreement.** "Indemnification agreement" means an agreement
 71.13 by the promisor to indemnify, defend, or hold harmless the promisee against liability or
 71.14 claims of liability for damages arising out of bodily injury to persons or out of physical
 71.15 damage to tangible or real property.

71.16 Sec. 2. Minnesota Statutes 2022, section 15.71, is amended by adding a subdivision to
 71.17 read:

71.18 **Subd. 1b. Promisee.** "Promisee" includes that party's independent contractors, agents,
 71.19 employees, or indemnitees.

71.20 Sec. 3. Minnesota Statutes 2022, section 15.72, is amended by adding a subdivision to
 71.21 read:

71.22 **Subd. 3. Unenforceability of certain agreements.** (a) An indemnification agreement
 71.23 contained in, or executed in connection with, a contract for a public improvement is
 71.24 unenforceable except to the extent that:

71.25 (1) the underlying injury or damage is attributable to the negligent or otherwise wrongful
 71.26 act or omission, including breach of a specific contractual duty, of the promisor or the
 71.27 promisor's independent contractors, agents, employees, or delegates; or

71.28 (2) an owner, a responsible party, or a governmental entity agrees to indemnify a
 71.29 contractor directly or through another contractor with respect to strict liability under
 71.30 environmental laws.

72.1 (b) A provision in a public building or construction contract that requires a party to
 72.2 provide insurance coverage to one or more other parties, including third parties, for the
 72.3 negligence or intentional acts or omissions of any of those other parties, including third
 72.4 parties, is against public policy and is void and unenforceable.

72.5 (c) Paragraph (b) does not affect the validity of a provision that requires a party to provide
 72.6 or obtain workers' compensation insurance, construction performance or payment bonds,
 72.7 builder's risk policies, owner or contractor-controlled insurance programs or policies, or
 72.8 project-specific insurance for claims arising out of the promisor's negligent acts or omissions
 72.9 or the negligent acts or omissions of the promisors, independent contractors, agents,
 72.10 employees, or delegates.

72.11 (d) Paragraph (b) does not affect the validity of a provision that requires the promisor
 72.12 to provide or obtain insurance coverage for the promisee's vicarious liability, or liability
 72.13 imposed by warranty, arising out of the acts or omissions of the promisor.

72.14 (e) Paragraph (b) does not apply to building and construction contracts for work within
 72.15 50 feet of public or private railroads, or railroads regulated by the Federal Railroad
 72.16 Administration.

72.17 Sec. 4. Minnesota Statutes 2022, section 337.01, subdivision 3, is amended to read:

72.18 Subd. 3. **Indemnification agreement.** "Indemnification agreement" means an agreement
 72.19 by the promisor to indemnify, defend, or hold harmless the promisee against liability or
 72.20 claims of liability for damages arising out of bodily injury to persons or out of physical
 72.21 damage to tangible or real property.

72.22 Sec. 5. Minnesota Statutes 2022, section 337.05, subdivision 1, is amended to read:

72.23 Subdivision 1. **Agreements valid.** (a) Except as otherwise provided in paragraph (b),
 72.24 sections 337.01 to 337.05 do not affect the validity of agreements whereby a promisor agrees
 72.25 to provide specific insurance coverage for the benefit of others.

72.26 (b) A provision that requires a party to provide insurance coverage to one or more other
 72.27 parties, including third parties, for the negligence or intentional acts or omissions of any of
 72.28 those other parties, including third parties, is against public policy and is void and
 72.29 unenforceable.

72.30 (c) Paragraph (b) does not affect the validity of a provision that requires a party to provide
 72.31 or obtain workers' compensation insurance, construction performance or payment bonds,
 72.32 ~~or project-specific insurance, including, without limitation, builder's risk policies or owner~~

73.1 ~~or contractor-controlled insurance programs or policies~~ builder's risk policies, owner or
73.2 contractor-controlled insurance programs or policies, or project-specific insurance for claims
73.3 arising out of the promisor's negligent acts or omissions or the negligent acts or omissions
73.4 of the promisors, independent contractors, agents, employees, or delegates.

73.5 (d) Paragraph (b) does not affect the validity of a provision that requires the promisor
73.6 to provide or obtain insurance coverage for the promisee's vicarious liability, or liability
73.7 imposed by warranty, arising out of the acts or omissions of the promisor.

73.8 (e) Paragraph (b) does not apply to building and construction contracts for work within
73.9 50 feet of public or private railroads, or railroads regulated by the Federal Railroad
73.10 Administration.

73.11 Sec. 6. **EFFECTIVE DATE.**

73.12 Sections 1 to 5 are effective the day following final enactment and apply to agreements
73.13 entered into on or after that date.

APPENDIX
Repealed Minnesota Statutes: S2782-1

177.26 DIVISION OF LABOR STANDARDS.

Subd. 3. **Employees; transfer from Division of Women and Children.** All persons employed by the department in the Division of Women and Children are transferred to the Division of Labor Standards. A transferred person does not lose rights acquired by reason of employment at the time of transfer.