

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1204

02/14/2017 Authored by Rarick
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform
03/02/2017 Adoption of Report: Re-referred to the Committee on Job Growth and Energy Affordability Policy and Finance
03/16/2017 Adoption of Report: Placed on the General Register
Read for the Second Time
05/01/2017 Referred to the Chief Clerk for Comparison with S. F. No. 1457
05/04/2017 Postponed Indefinitely

1.1 A bill for an act
1.2 relating to labor and industry; making housekeeping changes; modifying
1.3 employment agents and construction codes and licensing; regulating combative
1.4 sports; modifying OSHA regulations; amending Minnesota Statutes 2016, sections
1.5 182.653, subdivision 9; 182.659, subdivision 8; 182.67, subdivision 1; 184.38,
1.6 subdivision 17; 184.41; 326B.095; 326B.127, subdivision 5; 326B.133, subdivision
1.7 8; 326B.164, subdivisions 1, 3, 6, 7; 326B.439; 326B.46, subdivision 2; 326B.91,
1.8 subdivisions 3, 6; 326B.92, subdivision 2; 326B.921, subdivisions 1, 2, 3, 4, 5, 6,
1.9 7; 326B.922; 326B.925, subdivision 1; 341.25; 341.27; 341.321; repealing
1.10 Minnesota Statutes 2016, section 326B.37, subdivision 15; Minnesota Rules, parts
1.11 5200.0780; 5226.0100; 5226.0200; 5226.0300.

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

1.13 **ARTICLE 1**

1.14 **HOUSEKEEPING**

1.15 Section 1. Minnesota Statutes 2016, section 184.38, subdivision 17, is amended to read:

1.16 Subd. 17. **Applicant information restrictions; agency shutdown requirements.** Except
1.17 for applicant information given in the course of normal agency operations, no employment
1.18 agent shall voluntarily sell, give, or otherwise transfer any files, records, or other information
1.19 relating to its employment agency applicants and employers to any person other than a
1.20 ~~licensed~~ an employment agent ~~or a person who agrees to obtain an employment agency~~
1.21 ~~license~~. Every employment agent who ceases to engage in the business of or act as an
1.22 employment agent shall notify the department of such fact within 30 days thereof, and shall
1.23 advise the department as to the disposition of all files and other records relating to its
1.24 employment agency business.

Sec. 2. Minnesota Statutes 2016, section 184.41, is amended to read:

184.41 VIOLATIONS.

~~Any person who engages in the business of or acts as an employment agent or counselor and any~~ (a) An employment agent, manager, or counselor who violates the provisions of this chapter is guilty of a misdemeanor.

(b) In addition to the penalties for commission of a misdemeanor, the department may bring an action for an injunction against any employment agent, manager, or counselor who violates the applicable provisions of this chapter.

Sec. 3. Minnesota Statutes 2016, section 326B.095, is amended to read:

326B.095 INCOMPLETE LICENSE APPLICATIONS.

This section applies to both applications for initial licenses and license renewal applications. If the department determines that an application is incomplete, the department must notify the applicant of the deficiencies that must be corrected in order to complete the application. ~~If the applicant wishes to complete the application, The department must receive the completed~~ corrected application within ~~90~~ 30 days after the date the department ~~mailed or delivered the incomplete application to the applicant. If the department does not receive the completed application by this deadline, the commissioner must deny the application and the applicant will forfeit all fees except as provided in section 326B.092, subdivision 6.~~ notified the applicant of the deficiencies that must be corrected. If the application is for license renewal and the department receives the corrected application after the license has expired, then the corrected application must be accompanied by the late fee.

Sec. 4. Minnesota Statutes 2016, section 326B.127, subdivision 5, is amended to read:

Subd. 5. **Interpretative authority.** To achieve uniform and consistent application of the State Building Code, the commissioner has final interpretative authority applicable to all codes adopted as part of the State Building Code except for the Plumbing Code ~~and~~ the Electrical Code, and the High Pressure Piping Code. A final interpretative committee composed of seven members, consisting of three building officials, two inspectors from the affected field, and two construction industry representatives, shall review requests for final interpretations relating to that field for which the commissioner has final interpretative authority. The Plumbing Board has final interpretative authority applicable to the State Plumbing Code and shall review requests for final interpretation made to the board that relate to the State Plumbing Code. The Board of Electricity has final interpretative authority

applicable to the State Electrical Code and shall review requests for final interpretation made to the board that relate to the State Electrical Code. The Board of High Pressure Piping Systems has final interpretative authority applicable to the State High Pressure Piping Code and shall review requests for final interpretation made to the board that relate to the State High Pressure Piping Code. Except for requests for final interpretations that relate to the State Plumbing Code, the State Electrical Code, and the State High Pressure Piping Code, requests for final interpretation must come from a local or state level building code board of appeals. The commissioner must establish procedures for membership of the final interpretative committees. The appropriate committee shall review the request and make a recommendation to the commissioner for the final interpretation within 30 days of the request. The commissioner must issue a final interpretation within ten business days after the receipt of the recommendation from the final interpretative committee. The Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems shall review a request and issue a final interpretation within 30 days of the request. Any person aggrieved by a final interpretation may appeal the interpretation within 30 days of its issuance by the commissioner or the board in accordance with chapter 14. The final interpretation must be published within ten business days of its issuance and made available to the public. Municipal building officials shall administer all final interpretations issued by the commissioner, the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems until the final interpretations are considered by the commissioner, the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems for adoption as part of the State Building Code, State Plumbing Code, State Electrical Code, and the State High Pressure Piping Code.

Sec. 5. Minnesota Statutes 2016, section 326B.133, subdivision 8, is amended to read:

Subd. 8. **Continuing education requirements; extension of time.** (a) This subdivision establishes the number of continuing education ~~units~~ hours required within each two-year certification period.

A certified building official shall accumulate ~~16~~ 38 hours of continuing education ~~units~~ in any education program that is approved under Minnesota Rules, part 1301.1000.

A certified building official-limited shall, ~~in each year of the initial two-year certification period,~~ accumulate ~~eight~~ 38 hours of continuing education ~~units~~ in any education program that is approved under Minnesota Rules, part 1301.1000. ~~Continuing education units shall be reported annually during the initial two-year certification period by the method established in rule. A certified building official-limited shall accumulate 16 continuing education units~~

4.1 ~~for each two-year certification period thereafter in any education program that is approved~~
4.2 ~~under Minnesota Rules, part 1301.1000.~~

4.3 An accessibility specialist must accumulate ~~four~~ nine hours of approved continuing
4.4 education ~~units~~ hours in any of the education programs described in that are provided under
4.5 Minnesota Rules, part 1301.1000, subpart 1 or 2. The ~~four units~~ nine hours must be ~~for in~~
4.6 courses relating to building accessibility, plan review, field inspection, or building code
4.7 administration.

4.8 Continuing education programs may be approved as established in rule.

4.9 (b) Subject to sections 326B.101 to 326B.194, the commissioner may by rule establish
4.10 or approve continuing education programs for certified building officials dealing with
4.11 matters of building code administration, inspection, and enforcement.

4.12 Each person certified as a building official for the state must satisfactorily complete
4.13 applicable educational programs established or approved by the commissioner to renew
4.14 certification.

4.15 (c) The state building official may grant an extension of time to comply with continuing
4.16 education requirements if the certificate holder requesting the extension of time shows cause
4.17 for the extension. The request for the extension must be in writing. For purposes of this
4.18 section, the certificate holder's current certification effective dates shall remain the same.
4.19 The extension does not relieve the certificate holder from complying with the continuing
4.20 education requirements for the next two-year period.

4.21 Sec. 6. Minnesota Statutes 2016, section 326B.164, subdivision 1, is amended to read:

4.22 Subdivision 1. **Master elevator constructor.** (a) Except as otherwise provided by law,
4.23 no individual shall perform or supervise elevator work, unless:

4.24 (1) the individual is licensed by the commissioner as a master elevator constructor; and

4.25 (2) the elevator work is for a licensed elevator contractor and the individual is an
4.26 employee, partner, or officer of, or is the licensed contractor.

4.27 (b) An applicant for a master elevator constructor license shall:

4.28 (1) have at least one year of experience, acceptable to the commissioner, as a licensed
4.29 journeyman elevator constructor; or

4.30 (2) have at least six years' experience, acceptable to the commissioner, in planning for,
4.31 laying out, supervising, and installing apparatus, equipment, and wiring for elevators.

~~(e) Individuals licensed as master elevator constructors under section 326B.33, subdivision 11, as of December 31, 2013, shall not be required to pass an examination under this section but, effective January 1, 2014, shall be subject to the requirements of sections 326B.163 to 326B.191.~~

~~(d)~~ (c) Except for the initial license term, as a condition of license renewal, master elevator constructors must attain a minimum of 16 hours of continuing education credit approved by the commissioner every renewal period. Not less than 12 hours shall be based on the Minnesota Elevator Code or elevator technology, and not less than four hours shall be based on the National Electrical Code.

Sec. 7. Minnesota Statutes 2016, section 326B.164, subdivision 3, is amended to read:

Subd. 3. **Journeyman elevator constructor.** (a) Except as otherwise provided by law, no individual shall perform and supervise elevator work except for planning or laying out of elevator work, unless:

(1) the individual is licensed by the commissioner as a journeyman elevator constructor; and

(2) the elevator work is for an elevator contractor, and the individual is an employee, partner, or officer of the licensed elevator contractor.

(b) An applicant for a journeyman elevator constructor license shall have completed a four-year elevator mechanics apprenticeship registered with the United States Department of Labor or worked at least 9,000 hours in five consecutive years for a licensed elevator contractor, acceptable to the commissioner, installing, maintaining, modernizing, testing, wiring, and repairing elevators.

~~(e) Individuals licensed as journeyman elevator constructors under section 326B.33, subdivision 8, as of December 31, 2013, shall not be required to pass an examination under this section but, effective January 1, 2014, shall be subject to the requirements of sections 326B.163 to 326B.191.~~

~~(d)~~ (c) As a condition of license renewal, journeyman elevator constructors must attain a minimum of 16 hours of continuing education credit approved by the commissioner every renewal period. Not less than 12 hours shall be based on the Minnesota Elevator Code or elevator technology, and not less than four hours shall be based on the National Electrical Code.

Sec. 8. Minnesota Statutes 2016, section 326B.164, subdivision 6, is amended to read:

Subd. 6. **Registration of unlicensed individuals.** (a) Unlicensed individuals performing elevator work for a contractor shall register with the department in the manner prescribed by the commissioner. Experience credit for elevator work performed in Minnesota after January 1, 2009, by an applicant for a license identified in this section shall not be granted where the applicant has not registered with the department or is not licensed by the department.

(b) As a condition of renewal of registration, unlicensed individuals shall attain a minimum of two hours of continuing education credit, approved by the commissioner, every renewal period. The continuing education course shall be based on the Minnesota Elevator Code or elevator technology.

~~(c) Individuals registered under section 326B.33, subdivision 13, whose registration expires after July 31, 2013, shall be subject to the registration requirements of this subdivision and the requirements of sections 326B.163 to 326B.191.~~

Sec. 9. Minnesota Statutes 2016, section 326B.164, subdivision 7, is amended to read:

Subd. 7. **Contractor's license required.** ~~(a)~~ No individual, other than an employee, partner, or officer of a licensed contractor, as defined by section 326B.163, subdivision 10, shall perform or offer to perform elevator work with or without compensation, unless the individual obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform or supervise the elevator work authorized by holding any class of personal license.

~~(b) Companies licensed under section 326B.33, subdivision 14, as of July 31, 2013, shall not be required to comply with this subdivision.~~

Sec. 10. Minnesota Statutes 2016, section 326B.439, is amended to read:

326B.439 BAN ON LEAD IN PLUMBING.

Solders and flux containing not more than 0.2 percent lead, and pipes and pipe fittings containing not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures shall be used in any plumbing installation which conveys a potable water supply. A Minnesota seller of lead solder, except for a seller whose primary business is contracting in plumbing, heating, and air conditioning, shall not sell any solder containing 0.2 percent lead unless the seller displays a sign which states,

7.1 "Contains Lead
7.2 Minnesota law prohibits the use of this solder in any
7.3 plumbing installation which is connected to a potable water
7.4 supply."

7.5 Sec. 11. Minnesota Statutes 2016, section 326B.46, subdivision 2, is amended to read:

7.6 Subd. 2. **Bond; insurance.** (a) The bond and insurance requirements of paragraphs (b)
7.7 and (c) apply to each person who performs or offers to perform plumbing work within the
7.8 state, including any person who offers to perform or performs sewer or water service
7.9 installation without a contractor's license. If the person performs or offers to perform any
7.10 plumbing work other than sewer or water service installation, then the person must meet
7.11 the requirements of paragraphs (b) and (c) as a condition of holding a contractor's license.

7.12 (b) Each person who performs or offers to perform plumbing work within the state shall
7.13 give and maintain bond to the state in the penal sum of at least \$25,000 for (1) all plumbing
7.14 work entered into within the state or (2) all plumbing work and subsurface sewage treatment
7.15 work entered into within the state. The bond must comply with section 326B.0921. If the
7.16 bond is for both plumbing work and subsurface sewage treatment work, the bond must
7.17 comply with the requirements of this section ~~and~~₂ section 115.56, subdivision 2, paragraph
7.18 (e). ~~The bond must comply with section 326B.0921.~~

7.19 (c) Each person who performs or offers to perform plumbing work within the state shall
7.20 have and maintain in effect public liability insurance, including products liability insurance
7.21 with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage
7.22 insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed
7.23 to do business in the state of Minnesota. Each person who performs or offers to perform
7.24 plumbing work within the state shall maintain on file with the commissioner a certificate
7.25 evidencing the insurance. In the event of a policy cancellation, the insurer shall send written
7.26 notice to the commissioner at the same time that a cancellation request is received from or
7.27 a notice is sent to the insured.

7.28 Sec. 12. Minnesota Statutes 2016, section 326B.91, subdivision 3, is amended to read:

7.29 Subd. 3. ~~Contracting Master high pressure pipefitter.~~ "Contracting Master high
7.30 pressure pipefitter" means an individual, such as a steamfitter, engaged in the planning,
7.31 superintending, and practical installation of high pressure piping and appurtenances, and
7.32 otherwise lawfully qualified to construct high pressure piping installations and make
7.33 replacements to existing plants, who is also qualified to conduct the business of high pressure

8.1 piping installations and who is familiar with the laws, rules, and minimum standards
8.2 governing them.

8.3 Sec. 13. Minnesota Statutes 2016, section 326B.91, subdivision 6, is amended to read:

8.4 Subd. 6. **Journeyman high pressure pipefitter.** "Journeyman high pressure pipefitter"
8.5 means an individual, such as a steamfitter, who is not a ~~contracting master~~ high pressure
8.6 pipefitter and who is engaged in the practical installation of high pressure piping and
8.7 appurtenances in the employ of a ~~contracting master~~ high pressure pipefitter.

8.8 Sec. 14. Minnesota Statutes 2016, section 326B.92, subdivision 2, is amended to read:

8.9 Subd. 2. **Permissive municipal regulation.** The commissioner may enter into an
8.10 agreement with a municipality, in which the municipality agrees to perform inspections and
8.11 issue permits for the construction and installation of high pressure piping systems within
8.12 the municipality's geographical area of jurisdiction, if:

8.13 (a) The municipality has adopted:

8.14 (1) the code for power piping systems, Minnesota Rules, parts 5230.0250 to ~~5230.5920~~
8.15 5230.5920;

8.16 (2) an ordinance that authorizes the municipality to issue permits to persons holding a
8.17 high pressure piping ~~business contractor~~ license issued by the department and only for
8.18 construction or installation that would, if performed properly, fully comply with all Minnesota
8.19 Statutes and Minnesota Rules;

8.20 (3) an ordinance that authorizes the municipality to perform the inspections that are
8.21 required under Minnesota Statutes or Minnesota Rules governing the construction and
8.22 installation of high pressure piping systems; and

8.23 (4) an ordinance that authorizes the municipality to enforce the code for power piping
8.24 systems in its entirety.

8.25 (b) The municipality agrees to issue permits only to persons holding a high pressure
8.26 piping ~~business contractor~~ license as required by law at the time of the permit issuance, and
8.27 only for construction or installation that would, if performed properly, comply with all
8.28 Minnesota Statutes and Minnesota Rules governing the construction or installation of high
8.29 pressure piping systems.

8.30 (c) The municipality agrees to issue permits only on forms approved by the department.

(d) The municipality agrees that, for each permit issued by the municipality, the municipality shall perform one or more inspections of the construction or installation to determine whether the construction or installation complies with all Minnesota Statutes and Minnesota Rules governing the construction or installation of high pressure piping systems, and shall prepare a written report of each inspection.

(e) The municipality agrees to notify the commissioner within 24 hours after the municipality discovers any violation of the licensing laws related to high pressure piping.

(f) The municipality agrees to notify the commissioner immediately if the municipality discovers that any entity has failed to meet a deadline set by the municipality for correction of a violation of the high pressure piping laws.

(g) The commissioner determines that the individuals who will conduct the inspections for the municipality do not have any conflict of interest in conducting the inspections.

(h) Individuals who will conduct the inspections for the municipality are permanent employees of the municipality and are licensed ~~contracting~~ master high pressure pipefitters or licensed journeyman high pressure pipefitters.

(i) The municipality agrees to notify the commissioner within ten days of any changes in the names or qualifications of the individuals who conduct the inspections for the municipality.

(j) The municipality agrees to enforce in its entirety the code for power piping systems on all projects.

(k) The municipality shall not approve any piping installation unless the installation conforms to all applicable provisions of the high pressure piping laws in effect at the time of the installation.

(l) The municipality agrees to promptly require compliance or revoke a permit that it has issued if there is noncompliance with any of the applicable provisions of the high pressure piping laws in connection with the work covered by the permit. The municipality agrees to revoke the permit if any laws regulating the licensing of pipefitters have been violated.

(m) The municipality agrees to keep official records of all documents received, including permit applications, and of all permits issued, reports of inspections, and notices issued in connection with inspections.

(n) The municipality agrees to maintain the records described in paragraph (m) in the official records of the municipality for the period required for the retention of public records

10.1 under section 138.17, and shall make these records readily available for review according
10.2 to section 13.37.

10.3 (o) Not later than the tenth day of each month, the municipality shall submit to the
10.4 commissioner a report of all high pressure piping permits issued by the municipality during
10.5 the preceding month. This report shall be in a format approved by the commissioner and
10.6 shall include:

10.7 (1) the name of the contractor;

10.8 (2) the license number of the contractor's license issued by the commissioner;

10.9 (3) the permit number;

10.10 (4) the address of the job;

10.11 (5) the date the permit was issued;

10.12 (6) a brief description of the work; and

10.13 (7) the amount of the inspection fee.

10.14 (p) Not later than the 31st day of January of each year, the municipality shall submit a
10.15 summary report to the commissioner identifying the status of each high pressure piping
10.16 project for which the municipality issued a permit during the preceding year, and the status
10.17 of high pressure piping projects for which the municipality issued a permit during a prior
10.18 year where no final inspection had occurred by the first day of the preceding year. This
10.19 summary report shall include:

10.20 (1) the permit number;

10.21 (2) the date of any final inspection; and

10.22 (3) identification of any violation of high pressure piping laws related to work covered
10.23 by the permit.

10.24 (q) The municipality and the commissioner agree that if at any time during the agreement
10.25 the municipality does not have in effect the code for high pressure piping systems or any
10.26 of the ordinances described in paragraph (a), or if the commissioner determines that the
10.27 municipality is not properly administering and enforcing the code for high pressure piping
10.28 or is otherwise not complying with the agreement:

10.29 (1) the commissioner may, effective 14 days after the municipality's receipt of written
10.30 notice, terminate the agreement and have the administration and enforcement of the high
10.31 pressure piping code in the involved municipality undertaken by the department;

11.1 (2) the municipality may challenge the termination in a contested case before the
11.2 commissioner pursuant to the Administrative Procedure Act; and

11.3 (3) while any challenge under clause (2) is pending, the commissioner may exercise
11.4 oversight of the municipality to the extent needed to ensure that high pressure piping
11.5 inspections are performed and permits are issued in accordance with the high pressure piping
11.6 laws.

11.7 (r) The municipality and the commissioner agree that the municipality may terminate
11.8 the agreement with or without cause on 90 days' written notice to the commissioner.

11.9 (s) The municipality and the commissioner agree that no municipality shall revoke,
11.10 suspend, or place restrictions on any high pressure piping license issued by the commissioner.
11.11 If the municipality identifies during an inspection any violation that may warrant revocation,
11.12 suspension, or placement of restrictions on a high pressure piping license issued by the
11.13 commissioner, the municipality shall promptly notify the commissioner of the violation and
11.14 the commissioner shall determine whether revocation, suspension, or placement of restrictions
11.15 on any high pressure piping license issued by the commissioner is appropriate.

11.16 Sec. 15. Minnesota Statutes 2016, section 326B.921, subdivision 1, is amended to read:

11.17 Subdivision 1. **License required; rules; time credit.** No individual shall engage in or
11.18 work at the business of a ~~contracting master~~ high pressure pipefitter unless issued a
11.19 ~~contracting master~~ high pressure pipefitter license to do so by the department under rules
11.20 adopted by the board. No license shall be required for repairs on existing installations. No
11.21 individual shall engage in or work at the business of journeyman high pressure pipefitter
11.22 unless issued a journeyman high pressure pipefitter competency license to do so by the
11.23 department under rules adopted by the board. An individual possessing a ~~contracting master~~
11.24 high pressure pipefitter competency license may also work as a journeyman high pressure
11.25 pipefitter.

11.26 No person shall construct or install high pressure piping, nor install high pressure piping
11.27 in connection with the dealing in and selling of high pressure pipe material and supplies,
11.28 unless, at all times, an individual possessing a ~~contracting master~~ high pressure pipefitter
11.29 competency license or a journeyman high pressure pipefitter competency license is
11.30 responsible for ensuring that the high pressure pipefitting work is in conformity with
11.31 Minnesota Statutes and Minnesota Rules.

12.1 The board shall prescribe rules, not inconsistent herewith, for the examination and
12.2 competency licensing of ~~contracting master~~ high pressure pipefitters and journeyman high
12.3 pressure pipefitters.

12.4 An employee performing the duties of inspector for the department in regulating
12.5 pipefitting shall not receive time credit for the inspection duties when making an application
12.6 for a license required by this section.

12.7 Sec. 16. Minnesota Statutes 2016, section 326B.921, subdivision 2, is amended to read:

12.8 Subd. 2. **High pressure pipefitting business contractor license.** Before obtaining a
12.9 permit for high pressure piping work, a person must obtain or utilize a business contractor
12.10 with a high pressure piping business contractor license.

12.11 A person must have at all times as a full-time employee at least one individual holding
12.12 a ~~contracting master~~ high pressure pipefitter competency license. Only full-time employees
12.13 who hold ~~contracting master~~ high pressure pipefitter licenses are authorized to obtain high
12.14 pressure piping permits in the name of the business contractor. The ~~contracting master~~ high
12.15 pressure pipefitter competency license holder can be the employee of only one high pressure
12.16 piping business contractor at a time. An application for a high pressure piping business
12.17 contractor license shall include a verified statement that the applicant or licensee has complied
12.18 with this subdivision.

12.19 To retain its business contractor license without reapplication, a person holding a high
12.20 pressure piping business contractor license that ceases to employ an individual holding a
12.21 ~~contracting master~~ high pressure pipefitter competency license shall have 60 days from the
12.22 last day of employment of its previous ~~contracting master~~ pipefitter competency license
12.23 holder to employ another license holder. The department must be notified no later than five
12.24 days after the last day of employment of the previous license holder.

12.25 No high pressure pipefitting work may be performed during any period when the high
12.26 pressure pipefitting business contractor does not have a ~~contracting master~~ high pressure
12.27 pipefitter competency license holder on staff. If a license holder is not employed within 60
12.28 days after the last day of employment of the previous license holder, the pipefitting business
12.29 contractor license shall lapse.

12.30 The board shall prescribe by rule procedures for application for and issuance of business
12.31 contractor licenses.

13.1 Sec. 17. Minnesota Statutes 2016, section 326B.921, subdivision 3, is amended to read:

13.2 Subd. 3. **Registration requirement.** All unlicensed individuals, other than pipefitter
13.3 apprentices, must be registered under subdivision 4. No licensed high pressure piping
13.4 ~~business~~ contractor shall employ an unlicensed individual to assist in the practical
13.5 construction and installation of high pressure piping and appurtenances unless the unlicensed
13.6 individual is registered with the department. A pipefitter apprentice or registered unlicensed
13.7 individual employed by a high pressure piping ~~business~~ contractor may assist in the practical
13.8 construction and installation of high pressure piping and appurtenances only while under
13.9 direct supervision of a licensed ~~contracting~~ master high pressure pipefitter or licensed
13.10 journeyman high pressure pipefitter employed by the same high pressure piping ~~business~~
13.11 contractor. The licensed ~~contracting~~ master high pressure pipefitter or licensed journeyman
13.12 high pressure pipefitter shall supervise no more than two pipefitter apprentices or registered
13.13 unlicensed individuals. The licensed ~~contracting~~ master high pressure pipefitter or
13.14 journeyman high pressure pipefitter is responsible for ensuring that all high pressure piping
13.15 work performed by the pipefitter apprentice or registered unlicensed individual complies
13.16 with Minnesota Statutes and Minnesota Rules.

13.17 Sec. 18. Minnesota Statutes 2016, section 326B.921, subdivision 4, is amended to read:

13.18 Subd. 4. **Registration with commissioner.** An unlicensed individual may register to
13.19 assist in the practical construction and installation of high pressure piping and appurtenances
13.20 while in the employ of a licensed high pressure piping ~~business~~ contractor by completing
13.21 and submitting to the commissioner a registration form provided by the commissioner, with
13.22 all fees required by section 326B.092. The board may prescribe rules, not inconsistent with
13.23 this section, for the registration of unlicensed individuals.

13.24 Applications for initial registration may be submitted at any time. Registration must be
13.25 renewed annually and shall be valid for one calendar year beginning January 1.

13.26 Sec. 19. Minnesota Statutes 2016, section 326B.921, subdivision 5, is amended to read:

13.27 Subd. 5. **Bond.** As a condition of licensing, each applicant for a high pressure piping
13.28 ~~business~~ contractor license shall give and maintain a bond to the state in the total sum of
13.29 \$15,000 conditioned upon the faithful and lawful performance of all work contracted for
13.30 or performed within the state. The bond shall run to and be for the benefit of persons injured
13.31 or suffering financial loss by reason of failure of payment or performance. Claims and
13.32 actions on the bond may be brought according to sections 574.26 to 574.38.

14.1 The term of the bond must be concurrent with the term of the high pressure pipefitting
14.2 ~~business~~ contractor license and run without interruption from the date of the issuance of the
14.3 license to the end of the calendar year. All high pressure pipefitting ~~business~~ contractor
14.4 licenses must be annually renewed on a calendar year basis.

14.5 The bond must be filed with the department and shall be in lieu of any other ~~business~~
14.6 contractor license bonds required by any political subdivision for high pressure pipefitting.
14.7 The bond must be written by a corporate surety licensed to do business in the state.

14.8 Sec. 20. Minnesota Statutes 2016, section 326B.921, subdivision 6, is amended to read:

14.9 Subd. 6. **Insurance.** In addition to the bond described in subdivision 5, each applicant
14.10 for a high pressure pipefitting ~~business~~ contractor license or renewal shall have in force
14.11 public liability insurance, including products liability insurance, with limits of at least
14.12 \$100,000 per person and \$300,000 per occurrence and property damage insurance with
14.13 limits of at least \$50,000.

14.14 The insurance must be kept in force for the entire term of the high pressure pipefitting
14.15 ~~business~~ contractor license, and the license shall be suspended by the department if at any
14.16 time the insurance is not in force.

14.17 The insurance must be written by an insurer licensed to do business in the state and shall
14.18 be in lieu of any other insurance required by any subdivision of government for high pressure
14.19 pipefitting. Each person holding a high pressure pipefitting ~~business~~ contractor license shall
14.20 maintain on file with the department a certificate evidencing the insurance. In the event of
14.21 a policy cancellation, the insurer shall send written notice to the commissioner at the same
14.22 time that a cancellation request is received from or a notice is sent to the insured.

14.23 Sec. 21. Minnesota Statutes 2016, section 326B.921, subdivision 7, is amended to read:

14.24 Subd. 7. **License, registration, and renewal fees.** For purposes of calculating license,
14.25 registration, and renewal fees required under section 326B.092:

14.26 (1) the registration of an unlicensed individual under subdivision 4 is an entry level
14.27 license;

14.28 (2) a journeyman high pressure pipefitter license is a journeyman license;

14.29 (3) a ~~contracting~~ master high pressure pipefitter license is a master license; and

14.30 (4) a high pressure piping ~~business~~ contractor license is a business license.

15.1 Sec. 22. Minnesota Statutes 2016, section 326B.922, is amended to read:

15.2 **326B.922 LICENSE APPLICATION AND RENEWAL.**

15.3 (a) Application for a ~~contracting master~~ high pressure pipefitter, a journeyman high
15.4 pressure pipefitter, or a high pressure piping ~~business~~ contractor license shall be made to
15.5 the department, with all fees required by section 326B.092.

15.6 (b) The applicant for a ~~contracting master~~ high pressure pipefitter or a journeyman high
15.7 pressure pipefitter license shall be licensed only after passing an examination developed
15.8 and administered by the department in accordance with rules adopted by the board.

15.9 (c) All initial ~~contracting master~~ high pressure pipefitter licenses, journeyman high
15.10 pressure pipefitter licenses, and high pressure piping ~~business~~ contractor licenses are effective
15.11 for more than one calendar year and expire on December 31 of the year after the year in
15.12 which the application is made. The commissioner shall in a manner determined by the
15.13 commissioner, without the need for any rulemaking under chapter 14, phase in the renewal
15.14 of ~~contracting master~~ high pressure pipefitter, journeyman high pressure pipefitter, and high
15.15 pressure piping ~~business~~ contractor licenses from one year to two years. By June 30, 2012,
15.16 all such licenses shall be two-year licenses.

15.17 Sec. 23. Minnesota Statutes 2016, section 326B.925, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

The high pressure piping inspector shall be appointed for a term to end December 31, 2011. The professional mechanical engineer shall be appointed for a term to end December 31, 2010. The representative of the high pressure piping industry shall be appointed for a term to end December 31, 2011. Two of the ~~contracting master~~ high pressure pipefitters shall be appointed for a term to end December 31, 2011. The other two ~~contracting master~~ high pressure pipefitters shall be appointed for a term to end December 31, 2010. One of the journeyman high pressure pipefitters shall be appointed for a term to end December 31, 2011. The other journeyman high pressure pipefitter shall be appointed for a term to end December 31, 2010. The one representative of industrial companies that use high pressure piping systems in their industrial process shall be appointed for a term to end December 31, 2010. The one representative of a utility company in Minnesota shall be appointed for a term to end December 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

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

(c) For appointed members, except the initial terms designated in paragraph (a), each term shall be three years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part,

17.1 reappoint the current members or appoint replacement members with the advice and consent
17.2 of the senate. Midterm vacancies shall be filled for the remaining portion of the term.
17.3 Vacancies occurring with less than six months time remaining in the term shall be filled for
17.4 the existing term and the following three-year term. Members may serve until their successors
17.5 are appointed but in no case later than July 1 in a year in which the term expires unless
17.6 reappointed.

17.7 Sec. 24. **REVISOR'S INSTRUCTION.**

17.8 The revisor of statutes shall renumber Minnesota Rules, part 4715.3130, to Minnesota
17.9 Rules, part 1300.0215, subpart 6, where it appears in Minnesota Statutes, section 326B.43.

17.10 Sec. 25. **REVISOR'S INSTRUCTION.**

17.11 The revisor of statutes shall replace the term "journeyman" or "journeymans" with
17.12 "journeyworker" or "journeyworkers" wherever it appears in Minnesota Statutes, chapter
17.13 326B. All journeyman licenses issued under Minnesota Statutes, chapter 326B, before the
17.14 effective date of this act are deemed journeyworker licenses.

17.15 Sec. 26. **REPEALER.**

17.16 (a) Minnesota Statutes 2016, section 326B.37, subdivision 15, is repealed.

17.17 (b) Minnesota Rules, parts 5200.0780; 5226.0100; 5226.0200; and 5226.0300, are
17.18 repealed.

17.19 **ARTICLE 2**

17.20 **COMBATIVE SPORTS**

17.21 Section 1. Minnesota Statutes 2016, section 341.25, is amended to read:

17.22 **341.25 RULES.**

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

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

17.28 (c) The commissioner must adopt unified rules for mixed martial arts contests.

18.1 (d) The commissioner may adopt the rules of the Association of Boxing Commissions,
18.2 with amendments.

18.3 (e) The Unified Rules of Mixed Martial Arts, as promulgated by the Association of
18.4 Boxing Commissions and amended August 2, 2016, are incorporated by reference and made
18.5 a part of this chapter except as qualified by this chapter and Minnesota Rules, chapter 2201.
18.6 In the event of a conflict between this chapter and the Unified Rules, this chapter must
18.7 govern.

18.8 Sec. 2. Minnesota Statutes 2016, section 341.27, is amended to read:

18.9 **341.27 COMMISSIONER DUTIES.**

18.10 The commissioner shall:

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

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

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

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

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

18.17 (6) develop policies and procedures for regulating boxing and mixed martial arts;

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

18.26 (8) immediately suspend an individual combatant license for a mandatory rest period,
18.27 which must commence at the conclusion of every combative sports contest in which the
18.28 license holder competes and does not receive a medical suspension. A rest suspension must
18.29 automatically lift after ~~seven~~ 14 calendar days from the date the combative sports contest
18.30 passed without notice or additional proceedings. Rest suspensions are not subject to section
18.31 326B.082 or the contested case procedures provided in sections 14.57 to 14.69.

19.1 Sec. 3. Minnesota Statutes 2016, section 341.321, is amended to read:

19.2 **341.321 FEE SCHEDULE.**

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

19.5 (1) referees, \$80;

19.6 (2) promoters, \$700;

19.7 (3) judges and knockdown judges, \$80;

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

19.9 (5) ring announcers, \$80;

19.10 (6) timekeepers, \$80;

19.11 (7) professional combatants, \$70;

19.12 (8) amateur combatants, \$50;

19.13 (9) managers, \$80; and

19.14 (10) ringside physicians, \$80.

19.15 ~~In addition to the license fee, an individual who applies for a license within the 48 hours~~
19.16 ~~preceding when the combative sporting event is held shall pay a late fee of \$100 plus the~~
19.17 ~~original license fee. License fees for promoters are due at least six weeks prior to the~~
19.18 ~~combative sport contest. All other license fees shall be paid no later than the weigh-in prior~~
19.19 ~~to the contest. No license may be issued until all precensure requirements are satisfied and~~
19.20 ~~fees are paid.~~

19.21 (b) The commissioner shall establish a contest fee for each combative sport contest and
19.22 shall consider the size and type of venue when establishing a contest fee. The ~~professional~~
19.23 combative sport contest fee is \$1,500 per event or not more than four percent of the gross
19.24 ticket sales, whichever is greater, as determined by the commissioner when the combative
19.25 sport contest is scheduled. ~~The amateur combative sport contest fee shall be \$1,500 or not~~
19.26 ~~more than four percent of the gross ticket sales, whichever is greater.~~

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

19.29 (1) \$500 at the time the combative sport contest is scheduled; and

19.30 (2) \$1,000 at the weigh-in prior to the contest.

20.1 If four percent of the gross ticket sales is greater than \$1,500, the balance is due to the
20.2 commissioner within ~~24 hours~~ seven days of the completed contest.

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

20.5 (e) All fees and penalties collected by the commissioner must be deposited in the
20.6 commissioner account in the special revenue fund.

20.7 ARTICLE 3

20.8 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

20.9 Section 1. Minnesota Statutes 2016, section 182.653, subdivision 9, is amended to read:

20.10 Subd. 9. **Standard industrial classification list.** The commissioner shall adopt, in
20.11 accordance with section 182.655, a rule specifying a list of either standard industrial
20.12 classifications of employers or North American industry classifications of employers who
20.13 must comply with subdivision 8. The commissioner shall demonstrate the need to include
20.14 each industrial classification on the basis of the safety record or workers' compensation
20.15 record of that industry segment. An employer must comply with subdivision 8 six months
20.16 following the date the standard industrial classification or North American industry
20.17 classification that applies to the ~~employee~~ employer is placed on the list. The list shall be
20.18 updated every five years.

20.19 Sec. 2. Minnesota Statutes 2016, section 182.659, subdivision 8, is amended to read:

20.20 Subd. 8. **Protection from subpoena; data.** Neither the commissioner nor any employee
20.21 of the department, ~~including those employees of the Department of Health providing services~~
20.22 ~~to the Department of Labor and Industry, pursuant to section 182.67, subdivision 1,~~ is subject
20.23 to subpoena for purposes of inquiry into any occupational safety and health inspection
20.24 except in enforcement proceedings brought under this chapter. Data that identify individuals
20.25 who provide data to the department as part of an investigation conducted under this chapter
20.26 shall be private.

20.27 Sec. 3. Minnesota Statutes 2016, section 182.67, subdivision 1, is amended to read:

20.28 Subdivision 1. **Department's authority; cooperation with other departments.** The
20.29 department has sole authority and responsibility for the administration and enforcement of
20.30 this chapter. ~~The commissioner will consult with the Department of Health in matters related~~
20.31 ~~to occupational health and will through written agreement determine those reasonably~~

- 21.1 ~~appropriate services which the Department of Health will provide in order to effectuate the~~
21.2 ~~provisions of this chapter.~~ Any other department or official of this state or political
21.3 subdivision thereof which would in any way affect the administration or enforcement of
21.4 this chapter shall cooperate and coordinate all such activities with the department to assure
21.5 orderly and efficient administration and enforcement of this chapter.

APPENDIX
Article locations in 17-0452

ARTICLE 1 HOUSEKEEPING Page.Ln 1.13

ARTICLE 2 COMBATIVE SPORTS Page.Ln 17.19

ARTICLE 3 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ... Page.Ln 20.7

326B.37 INSPECTION FEE SCHEDULE.

Subd. 15. **Utility interconnected wind generation installations.** (a) Fees associated with utility interconnected generation installations consisting of one or more generator sources interconnected with a utility power system and not supplying other premises loads are calculated according to paragraph (b) or (c).

(b) The inspection fee is calculated according to subdivisions 2, 3, 4, and 6, paragraphs (d), (f), (j), and (k). A fee must be included for the generators and utility interconnect feeders, but not for a utility service.

(c) There is a plan review fee and an inspection fee for the entire electrical installation. The plan review fee is based on the valuation of the electrical installation related to one of the generator systems that is part of the overall installation, not to include the supporting tower or other nonelectrical equipment or structures, calculated according to section 326B.153, subdivision 2. The inspection fee is \$80 for each individual tower, including any voltage matching transformers located at the tower, and the fee for the feeders interconnecting the individual towers to the utility power system is calculated according to subdivisions 4 and 6, paragraph (k).

5200.0780 PROHIBITED ACTIVITIES IN CONNECTION WITH AN AGENCY.

An employment agency shall not be conducted in connection with any other activity in which a charge is made to the applicant for personal service, except vocational training schools licensed or accredited by the Department of Education. This part does not prevent the separate operation of a temporary help service at the same office or an office adjacent to a licensed employment agency, provided that any permanent placement activities are conducted by an employment agent licensed in accordance with the law and these rules.

5226.0100 PERMITS AND FEES FOR INSTALLATIONS AND ALTERATIONS.

A person, firm, or corporation that seeks to install or alter an elevator shall first obtain a permit from the department, or with a municipality that is authorized by law to issue a permit, before beginning installation or alteration. An application for a permit must be submitted on forms from the department or an authorized municipality. Plans and specifications describing the permitted work must be submitted with the application for a permit. A permit will be issued to the applicant when the plans and specifications have been approved and the appropriate permit fee has been paid. The permit issued by the department or an authorized municipality is only valid for work commenced within 12 months of issuance and completed within two years of issuance.

The department's fees for a permit to install or alter an elevator are:

A. A permit fee to install or alter an elevator is \$100, and \$500 if work that requires a permit is begun without a permit.

B. Inspection fees for installation and alteration of permitted elevator work are 1-1/2 percent of the total cost of the permitted work for labor and materials including related electrical and mechanical equipment. The total inspection fee shall not exceed \$1,000 per permit. The cost of special decorative fixtures in the permitted work may be deducted from the cost of the permitted elevator work up to a maximum of five percent of the total cost of the permitted work upon approval of the commissioner.

C. An elevator that passes department inspection will be issued an operating permit by the department.

D. Vertical reciprocating conveyors, (American Society of Mechanical Engineers/American National Standards Institute Standard B20.1) are subject to filing and inspection fees for new and altered installations, but are exempt from routine inspection by an elevator inspector.

5226.0200 FEES.

Subpart 1. **Inspection fees.** The fees for routine or periodic inspection of existing elevators are:

- A. two stop elevators, \$50;
- B. three stop elevators, \$75;
- C. four stop elevators, \$100;
- D. five stop elevators, \$125;
- E. six or more stop elevators, \$150; and
- F. escalators and moving walks, \$100.

Subp. 2. **Exceptions.** Vertical reciprocating conveyors, endless belt lifts, dock hoists, stage lifts, special purpose personal hoists, and mechanized garage parking devices are not subject to routine or periodic inspection by the department unless an accident occurs or a complaint is filed.

Subp. 3. **Elevator inspector application and renewal fees.** The fee for elevator inspector application is \$50. An annual inspector certificate may be renewed for a fee of \$25. If a certificate is not renewed within 30 days of the expiration date, the fee for renewal is \$50.

5226.0300 CONTRACTOR LICENSE FEE.

The fee for initial application and initial license of an elevator contractor is \$500. The fee to renew a license is \$125. A revoked license may be renewed by payment of the initial application fee. The same fees are required for elevator contractors operating under a temporary license. The contractor is responsible for carrying all appropriate insurance, meeting all bonding requirements, and meeting all federal, state, and local law and code requirements.