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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **2755**

03/09/2023 Authored by Nelson, M.; Berg and Jordan  
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration  
03/15/2023 Adoption of Report: Re-referred to the Committee on Labor and Industry Finance and Policy  
04/12/2023 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to labor and industry; establishing a biennial budget for the Department

1.3 of Labor and Industry, Bureau of Mediation Services, Public Employment Relations

1.4 Board, and Workers' Compensation Court of Appeals; modifying labor and

1.5 employment provisions; authorizing rulemaking; requiring reports; appropriating

1.6 money; amending Minnesota Statutes 2022, sections 13.43, subdivision 6; 175.16,

1.7 subdivision 1; 177.26, subdivisions 1, 2; 177.27, subdivisions 4, 7; 178.01; 178.011,

1.8 subdivision 7; 178.03, subdivision 1; 178.11; 179.86, subdivisions 1, 3, by adding

1.9 subdivisions; 179A.041, by adding a subdivision; 181.14, subdivision 1; 181.635,

1.10 subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86, subdivision 1; 181.87,

1.11 subdivisions 2, 3, 7; 181.88; 181.89, subdivision 2, by adding a subdivision;

1.12 181.9435, subdivision 1; 181.9436; 182.654, subdivision 11; 182.666, subdivisions

1.13 1, 2, 3, 4, 5, by adding a subdivision; 326B.092, subdivision 6; 326B.096;

1.14 326B.103, subdivision 13, by adding subdivisions; 326B.106, subdivisions 1, 4,

1.15 by adding a subdivision; 326B.802, subdivision 15; 341.21, subdivisions 2a, 2b,

1.16 2c, 4f, 7, by adding a subdivision; 341.221; 341.25; 341.27; 341.28, subdivisions

1.17 2, 3, by adding subdivisions; 341.30, subdivision 4; 341.32, subdivision 2; 341.321;

1.18 341.33; 341.355; proposing coding for new law in Minnesota Statutes, chapters

1.19 13; 179; 181; 182; 341; repealing Minnesota Statutes 2022, section 177.26,

1.20 subdivision 3.

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

1.22 **ARTICLE 1**

1.23 **APPROPRIATIONS**

1.24 Section 1. **APPROPRIATIONS.**

1.25 (a) The sums shown in the columns marked "Appropriations" are appropriated to the

1.26 agencies and for the purposes specified in this article. The appropriations are from the

1.27 general fund, or another named fund, and are available for the fiscal years indicated for

1.28 each purpose. The figures "2024" and "2025" used in this article mean that the appropriations

1.29 listed under them are available for the fiscal year ending June 30, 2024, or June 30, 2025,



3.1 development fund for prevailing wage  
 3.2 enforcement.  
 3.3 (c) \$268,000 the first year and \$276,000 the  
 3.4 second year are for outreach and enforcement  
 3.5 efforts related to changes to the nursing  
 3.6 mothers, lactating employees, and pregnancy  
 3.7 accommodations law.  
 3.8 (d) \$184,000 the first year and \$142,000 the  
 3.9 second year are to strengthen workplace  
 3.10 protections for agricultural and food  
 3.11 processing workers.  
 3.12 (e) \$50,000 the first year is for outreach and  
 3.13 education for the safe and skilled worker act,  
 3.14 which establishes minimum training standards  
 3.15 for contractors performing work at petroleum  
 3.16 refineries in Minnesota.  
 3.17 (f) \$641,000 the first year and \$322,000 the  
 3.18 second year are to perform work for the  
 3.19 Nursing Home Workforce Standards Board.  
 3.20 (g) \$225,000 the first year and \$169,000 the  
 3.21 second year are for the purposes of the Safe  
 3.22 Workplaces for Meat and Poultry Processing  
 3.23 Workers Act.  
 3.24 (h) \$27,000 the first year is for the creation  
 3.25 and distribution of a veterans' benefits and  
 3.26 services poster under Minnesota Statutes,  
 3.27 section 181.536.

3.28	<u>Subd. 4. <b>Workers' Compensation</b></u>	<u>15,190,000</u>	<u>15,725,000</u>
3.29	<u>This appropriation is from the workers'</u>		
3.30	<u>compensation fund.</u>		
3.31	<u>Subd. 5. <b>Workplace Safety</b></u>	<u>7,899,000</u>	<u>6,772,000</u>

4.1	<u>Appropriations by Fund</u>		
4.2	<u>General</u>	<u>2,000,000</u>	<u>-0-</u>
4.3	<u>Workers'</u>		
4.4	<u>Compensation</u>	<u>5,899,000</u>	<u>6,772,000</u>

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

4.13 (b) \$2,000,000 the first year is for the  
 4.14 ergonomics safety grant program. This  
 4.15 appropriation is available until June 30, 2026.  
 4.16 This is a onetime appropriation.

4.17 (c) \$115,000 the first year and \$91,000 the  
 4.18 second year are from the workers'  
 4.19 compensation fund for enforcement and other  
 4.20 duties related to warehouse distribution  
 4.21 workers safety under Minnesota Statutes,  
 4.22 section 182.6526.

4.23	<b><u>Subd. 6. Workforce Development Initiatives</u></b>	<u>2,359,000</u>	<u>2,371,000</u>
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4.24 (a) This appropriation is from the workforce  
 4.25 development fund.

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

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

4.32 (d) \$1,500,000 each year is from the  
 4.33 workforce development fund for youth skills

5.1 training grants under Minnesota Statutes,  
 5.2 section 175.46.

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

5.8	<b><u>Subd. 7. Combative Sports</u></b>	<u>243,000</u>	<u>254,000</u>
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5.9	<b><u>Subd. 8. Apprenticeship</u></b>	<u>6,392,000</u>	<u>3,162,000</u>
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5.10 (a) This appropriation is from the workforce  
 5.11 development fund.

5.12 (b) \$1,464,000 the first year and \$1,534,000  
 5.13 the second year are from the workforce  
 5.14 development fund for the apprenticeship  
 5.15 program under Minnesota Statutes, chapter  
 5.16 178.

5.17 (c) \$1,000,000 the first year and \$1,000,000  
 5.18 the second year are from the workforce  
 5.19 development fund for labor education and  
 5.20 advancement program grants under Minnesota  
 5.21 Statutes, section 178.11.

5.22 (d) \$3,000,000 the first year is from the  
 5.23 workforce development fund for grants to  
 5.24 registered apprenticeship programs for clean  
 5.25 economy occupations. Of this amount, up to  
 5.26 five percent is for administration and  
 5.27 monitoring of the program. This appropriation  
 5.28 is onetime and available until June 30, 2026.

5.29 Grant money may be used to:

5.30 (1) purchase equipment or training materials  
 5.31 in clean technologies;

5.32 (2) fund instructor professional development  
 5.33 in clean technologies;

6.1 (3) design and refine curriculum in clean  
6.2 technologies; and

6.3 (4) train apprentices and upskill incumbent  
6.4 workers in clean technologies.

6.5 (e) \$400,000 the first year and \$400,000 the  
6.6 second year are from the workforce  
6.7 development fund for a grant to Building  
6.8 Strong Communities, Inc., for a statewide  
6.9 apprenticeship readiness program to prepare  
6.10 women, BIPOC community members, and  
6.11 veterans to enter the building and construction  
6.12 trades. These are onetime appropriations and  
6.13 are not added to the base for this purpose.

6.14 (f) \$228,000 the first year and \$228,000 the  
6.15 second year are from the workforce  
6.16 development fund for grants to Building  
6.17 Strong Communities, Inc., for the Helmets to  
6.18 Hardhats Minnesota initiative. The following  
6.19 requirements apply:

6.20 (1) grant money must be used to recruit, retain,  
6.21 assist, and support National Guard, reserve,  
6.22 and active duty military members' and  
6.23 veterans' participation in apprenticeship  
6.24 programs registered with the Department of  
6.25 Labor and Industry and connect service  
6.26 members and veterans with career training and  
6.27 employment in the building and construction  
6.28 industry. The recruitment, selection,  
6.29 employment, and training must be without  
6.30 discrimination due to race, color, creed,  
6.31 religion, national origin, sex, sexual  
6.32 orientation, marital status, physical or mental  
6.33 disability, receipt of public assistance, or age;  
6.34 and

7.1 (2) Building Strong Communities, Inc., must  
7.2 report to the commissioner of labor and  
7.3 industry and the chairs and ranking members  
7.4 of the house of representatives and senate  
7.5 committees overseeing labor and industry  
7.6 policy and finance and veterans affairs policy  
7.7 and finance by January 15 of each year on the  
7.8 Helmets to Hardhats program. The report must  
7.9 include an overview of the program's budget,  
7.10 a detailed explanation of program  
7.11 expenditures, the number of veterans and  
7.12 service members that participated in  
7.13 apprenticeship programs, the number of  
7.14 veterans and service members that received  
7.15 career training, the number of veterans and  
7.16 service members that gained employment in  
7.17 the building and construction industry, and an  
7.18 audit completed by an independent auditor.

7.19 (g) \$300,000 the first year is from the  
7.20 workforce development fund for a grant to  
7.21 Independent School District No. 294, Houston,  
7.22 for the Minnesota Virtual Academy's career  
7.23 pathways program with Operating Engineers  
7.24 Local 49. This appropriation does not cancel  
7.25 and is available until June 30, 2025. The  
7.26 following requirements apply:

7.27 (1) the career pathways program must  
7.28 encourage, support, and provide continuity for  
7.29 student participation in structured career  
7.30 pathways. The program may include up to five  
7.31 semesters of coursework and must lead to  
7.32 eligibility for the Operating Engineers Local  
7.33 49 apprenticeship program. The career  
7.34 pathways program must provide outreach to  
7.35 and encourage participation in the program by



9.1 This appropriation is from the workers'  
 9.2 compensation fund.

9.3 Sec. 4. **BUREAU OF MEDIATION SERVICES** \$ **3,707,000** \$ **3,789,000**

9.4 (a) \$750,000 each year is for purposes of the  
 9.5 Public Employment Relations Board under  
 9.6 Minnesota Statutes, section 179A.041.

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

9.13 (c) \$47,000 each year is for rulemaking,  
 9.14 staffing, and other costs associated with peace  
 9.15 officer grievance procedures.

9.16 **ARTICLE 2**

9.17 **AGRICULTURE AND FOOD PROCESSING WORKERS**

9.18 Section 1. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

9.19 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
 9.20 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,  
 9.21 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),  
 9.22 181.275, subdivision 2a, 181.635, 181.722, 181.79, 181.85 to 181.89, and 181.939 to  
 9.23 181.943, or with any rule promulgated under section 177.28. The commissioner shall issue  
 9.24 an order requiring an employer to comply with sections 177.41 to 177.435 if the violation  
 9.25 is repeated. For purposes of this subdivision only, a violation is repeated if at any time  
 9.26 during the two years that preceded the date of violation, the commissioner issued an order  
 9.27 to the employer for violation of sections 177.41 to 177.435 and the order is final or the  
 9.28 commissioner and the employer have entered into a settlement agreement that required the  
 9.29 employer to pay back wages that were required by sections 177.41 to 177.435. The  
 9.30 department shall serve the order upon the employer or the employer's authorized  
 9.31 representative in person or by certified mail at the employer's place of business. An employer  
 9.32 who wishes to contest the order must file written notice of objection to the order with the  
 9.33 commissioner within 15 calendar days after being served with the order. A contested case

10.1 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15  
10.2 calendar days after being served with the order, the employer fails to file a written notice  
10.3 of objection with the commissioner, the order becomes a final order of the commissioner.

10.4 Sec. 2. Minnesota Statutes 2022, section 179.86, subdivision 1, is amended to read:

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

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

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

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

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

10.14 (3) a description of leave policies;

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

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

10.17 (6) when workers' compensation insurance coverage is required by chapter 176, the  
10.18 name of the employer's workers' compensation insurance carrier, the carrier's telephone  
10.19 number, and the insurance policy number.

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

10.23 (1) the right to organize and bargain collectively and refrain from organizing and  
10.24 bargaining collectively;

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

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

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

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

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

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

11.5 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of  
11.6 action for damages for the greater of \$1,000 per violation or twice the employee's actual  
11.7 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of  
11.8 \$1,400 or three times actual damages for an employee injured by an intentional violation  
11.9 of this section.

11.10 Sec. 5. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to  
11.11 read:

11.12 Subd. 6. **Fine.** The commissioner of labor and industry shall fine an employer not less  
11.13 than \$400 or more than \$1,000 for each violation of subdivision 3. The fine shall be payable  
11.14 to the employee aggrieved.

11.15 Sec. 6. Minnesota Statutes 2022, section 181.14, subdivision 1, is amended to read:

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

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

12.1 Sec. 7. Minnesota Statutes 2022, section 181.635, subdivision 1, is amended to read:

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

12.3 (a) "Employer" means a person who employs another to perform a service for hire.

12.4 Employer includes any agent or attorney of an employer who, for money or other valuable  
12.5 consideration paid or promised to be paid, performs any recruiting.

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

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

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

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

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

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

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

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

12.20 (5) duration of the work;

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

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

12.24 (8) transportation and relocation arrangements with allocation of costs between employer  
12.25 and employee;

12.26 (9) availability and description of housing and any costs to employee associated with  
12.27 housing; and

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

13.1 Sec. 8. Minnesota Statutes 2022, section 181.635, subdivision 2, is amended to read:

13.2 Subd. 2. **Recruiting; required disclosure.** (a) An employer shall provide written  
13.3 disclosure of the terms and conditions of employment to a person at the time it recruits the  
13.4 person to relocate to work in the food processing industry. The disclosure requirement does  
13.5 not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1).  
13.6 The disclosure must be written in English and Spanish, or another language if the person's  
13.7 preferred language is not Spanish, dated and signed by the employer and the person recruited,  
13.8 and maintained by the employer for ~~two~~ three years. A copy of the signed and completed  
13.9 disclosure must be delivered immediately to the recruited person. The disclosure may not  
13.10 be construed as an employment contract.

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

13.13 Sec. 9. Minnesota Statutes 2022, section 181.635, subdivision 3, is amended to read:

13.14 Subd. 3. **Civil action.** A person injured by a violation of this section has a cause of action  
13.15 for damages for the greater of ~~\$500~~ \$1,000 per violation or twice their actual damages, plus  
13.16 costs and reasonable attorney's fees. A damage award shall be the greater of ~~\$750~~ \$1,400  
13.17 or three times actual damages for a person injured by an intentional violation of this section.

13.18 Sec. 10. Minnesota Statutes 2022, section 181.635, subdivision 4, is amended to read:

13.19 Subd. 4. **Fine.** The Department of Labor and Industry shall fine an employer not less  
13.20 than ~~\$200~~ \$400 or more than ~~\$500~~ \$1,000 for each violation of this section. The fine shall  
13.21 be payable to the employee aggrieved.

13.22 Sec. 11. Minnesota Statutes 2022, section 181.635, subdivision 6, is amended to read:

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

13.27 Sec. 12. Minnesota Statutes 2022, section 181.85, subdivision 2, is amended to read:

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

14.1 Sec. 13. Minnesota Statutes 2022, section 181.85, subdivision 4, is amended to read:

14.2 Subd. 4. **Employer.** "Employer" means ~~a processor of fruits or vegetables~~ an individual,  
14.3 partnership, association, corporation, business trust, or any person or group of persons that  
14.4 employs, either directly or indirectly through a recruiter, ~~more than 30~~ one or more migrant  
14.5 workers ~~per day for more than seven days~~ in any calendar year.

14.6 Sec. 14. Minnesota Statutes 2022, section 181.86, subdivision 1, is amended to read:

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

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

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

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

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

14.19 (5) the wage rates to be paid;

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

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

14.22 (8) whether housing will be provided; and

14.23 (9) when workers' compensation insurance coverage is required by chapter 176, the  
14.24 name of the employer's workers' compensation insurance carrier, the carrier's telephone  
14.25 number, and the insurance policy number.

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

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

15.1 Sec. 15. Minnesota Statutes 2022, section 181.87, subdivision 2, is amended to read:

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

15.5 Sec. 16. Minnesota Statutes 2022, section 181.87, subdivision 3, is amended to read:

15.6 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant  
15.7 worker a minimum of 70 hours pay for work in any two successive weeks and, should the  
15.8 pay for hours actually offered by the employer and worked by the migrant worker provide  
15.9 a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker  
15.10 the difference within three days after the scheduled payday for the pay period involved.  
15.11 Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the  
15.12 employment statement, or the federal, state, or local minimum wage, whichever is ~~higher~~  
15.13 highest. Any pay in addition to the hourly wage rate specified in the employment statement  
15.14 shall be applied against the guarantee. This guarantee applies for the minimum period of  
15.15 employment specified in the employment statement beginning with the date on which  
15.16 employment is to begin as specified in the employment statement. The date on which  
15.17 employment is to begin may be changed by the employer by written, telephonic, or  
15.18 telegraphic notice to the migrant worker, at the worker's last known physical address or  
15.19 email address, no later than ten days prior to the previously stated beginning date. The  
15.20 migrant worker shall contact the recruiter to obtain the latest information regarding the date  
15.21 upon which employment is to begin no later than five days prior to the previously stated  
15.22 beginning date. This guarantee shall be reduced, when there is no work available for a period  
15.23 of seven or more consecutive days during any two-week period subsequent to the  
15.24 commencement of work, by five hours pay for each such day, when the unavailability of  
15.25 work is caused by climatic conditions or an act of God, provided that the employer pays  
15.26 the migrant worker, on the normal payday, the sum of ~~\$5~~ \$50 for each such day.

15.27 Sec. 17. Minnesota Statutes 2022, section 181.87, subdivision 7, is amended to read:

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

16.1 Sec. 18. Minnesota Statutes 2022, section 181.88, is amended to read:

16.2 **181.88 RECORD KEEPING.**

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

16.8 Sec. 19. Minnesota Statutes 2022, section 181.89, subdivision 2, is amended to read:

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

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

16.16 (2) whenever the court finds that an employer has recruited a migrant worker without  
16.17 providing a written employment statement as provided in section 181.86, subdivision 1,  
16.18 ~~\$250~~ \$800;

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

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

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

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

17.1 Sec. 20. Minnesota Statutes 2022, section 181.89, is amended by adding a subdivision to  
17.2 read:

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

### 17.6 ARTICLE 3

## 17.7 NURSING HOME WORKFORCE STANDARDS

17.8 Section 1. TITLE.

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

17.11 Sec. 2. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

17.12 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
17.13 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,  
17.14 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.214  
17.15 to 181.217, 181.275, subdivision 2a, 181.722, 181.79, and 181.939 to 181.943, or with any  
17.16 rule promulgated under section 177.28, 181.213, or 181.215. The commissioner shall issue  
17.17 an order requiring an employer to comply with sections 177.41 to 177.435 if the violation  
17.18 is repeated. For purposes of this subdivision only, a violation is repeated if at any time  
17.19 during the two years that preceded the date of violation, the commissioner issued an order  
17.20 to the employer for violation of sections 177.41 to 177.435 and the order is final or the  
17.21 commissioner and the employer have entered into a settlement agreement that required the  
17.22 employer to pay back wages that were required by sections 177.41 to 177.435. The  
17.23 department shall serve the order upon the employer or the employer's authorized  
17.24 representative in person or by certified mail at the employer's place of business. An employer  
17.25 who wishes to contest the order must file written notice of objection to the order with the  
17.26 commissioner within 15 calendar days after being served with the order. A contested case  
17.27 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15  
17.28 calendar days after being served with the order, the employer fails to file a written notice  
17.29 of objection with the commissioner, the order becomes a final order of the commissioner.

17.30 Sec. 3. Minnesota Statutes 2022, section 177.27, subdivision 7, is amended to read:

17.31 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have  
17.32 violated a section identified in subdivision 4, or any rule adopted under section 177.28,

18.1 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner  
18.2 shall order the employer to cease and desist from engaging in the violative practice and to  
18.3 take such affirmative steps that in the judgment of the commissioner will effectuate the  
18.4 purposes of the section or rule violated. The commissioner shall order the employer to pay  
18.5 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount  
18.6 actually paid to the employee by the employer, and for an additional equal amount as  
18.7 liquidated damages. Any employer who is found by the commissioner to have repeatedly  
18.8 or willfully violated a section or sections identified in subdivision 4 shall be subject to a  
18.9 civil penalty of up to \$1,000 for each violation for each employee. In determining the amount  
18.10 of a civil penalty under this subdivision, the appropriateness of such penalty to the size of  
18.11 the employer's business and the gravity of the violation shall be considered. In addition, the  
18.12 commissioner may order the employer to reimburse the department and the attorney general  
18.13 for all appropriate litigation and hearing costs expended in preparation for and in conducting  
18.14 the contested case proceeding, unless payment of costs would impose extreme financial  
18.15 hardship on the employer. If the employer is able to establish extreme financial hardship,  
18.16 then the commissioner may order the employer to pay a percentage of the total costs that  
18.17 will not cause extreme financial hardship. Costs include but are not limited to the costs of  
18.18 services rendered by the attorney general, private attorneys if engaged by the department,  
18.19 administrative law judges, court reporters, and expert witnesses as well as the cost of  
18.20 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's  
18.21 order from the date the order is signed by the commissioner until it is paid, at an annual rate  
18.22 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish  
18.23 escrow accounts for purposes of distributing damages.

18.24 Sec. 4. [181.211] DEFINITIONS.

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

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

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

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

18.33 Subd. 5. **Compensation.** "Compensation" means all income and benefits paid by a  
18.34 nursing home employer to a nursing home worker or on behalf of a nursing home worker,

19.1 including but not limited to wages, bonuses, differentials, paid leave, pay for scheduling  
19.2 changes, and pay for training or occupational certification.

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

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

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

19.8 Subd. 7. **Nursing home.** "Nursing home" means a nursing home licensed under chapter  
19.9 144A, or a boarding care home licensed under sections 144.50 to 144.56.

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

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

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

19.23 Sec. 5. **[181.212] MINNESOTA NURSING HOME WORKFORCE STANDARDS**  
19.24 **BOARD; ESTABLISHMENT.**

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

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

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

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

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

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

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

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

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

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

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

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

20.18 Subd. 5. **Board compensation.** Compensation of board members is governed by section  
20.19 15.0575.

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

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

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

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

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

21.4 Sec. 6. **[181.213] DUTIES OF THE BOARD; MINIMUM NURSING HOME**  
21.5 **EMPLOYMENT STANDARDS.**

21.6 Subdivision 1. **Authority to establish minimum nursing home employment**  
21.7 **standards.** (a) The board must adopt rules establishing minimum nursing home employment  
21.8 standards that are reasonably necessary and appropriate to protect the health and welfare  
21.9 of nursing home workers, to ensure that nursing home workers are properly trained about  
21.10 and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy  
21.11 the purposes of sections 181.211 to 181.217. Standards established by the board must include  
21.12 standards on compensation for nursing home workers, and may include recommendations  
21.13 under paragraph (c). The board may not adopt standards that are less protective of or  
21.14 beneficial to nursing home workers as any other applicable statute or rule or any standard  
21.15 previously established by the board unless there is a determination by the board under  
21.16 subdivision 2 that existing standards exceed the operating payment rate and external fixed  
21.17 costs payment rates included in the most recent budget and economic forecast completed  
21.18 under section 16A.103. In establishing standards under this section, the board must establish  
21.19 statewide standards, and may adopt standards that apply to specific nursing home occupations.

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

21.24 (c) To the extent that any minimum standards that the board finds are reasonably  
21.25 necessary and appropriate to protect the health and welfare of nursing home workers fall  
21.26 within the jurisdiction of chapter 182, the board shall not adopt rules establishing the  
21.27 standards but shall instead recommend the occupational health and safety standards to the  
21.28 commissioner. The commissioner shall adopt nursing home health and safety standards  
21.29 under section 182.655 as recommended by the board, unless the commissioner determines  
21.30 that the recommended standard is outside the statutory authority of the commissioner,  
21.31 presents enforceability challenges, is infeasible to implement, or is otherwise unlawful and  
21.32 issues a written explanation of this determination.

21.33 Subd. 2. **Investigation of market conditions.** (a) The board must investigate market  
21.34 conditions and the existing wages, benefits, and working conditions of nursing home workers

22.1 for specific geographic areas of the state and specific nursing home occupations. Based on  
22.2 this information, the board must seek to adopt minimum nursing home employment standards  
22.3 that meet or exceed existing industry conditions for a majority of nursing home workers in  
22.4 the relevant geographic area and nursing home occupation. Except for standards exceeding  
22.5 the threshold determined in paragraph (d), initial employment standards established by the  
22.6 board are effective beginning January 1, 2025, and shall remain in effect until any subsequent  
22.7 standards are adopted by rules.

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

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

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

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

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

22.19 (5) local minimum nursing home employment standards;

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

22.21 (7) any other information pertinent to establishing minimum nursing home employment  
22.22 standards.

22.23 (c) In considering wage and benefit increases, the board must determine the impact of  
22.24 nursing home operating payment rates determined pursuant to section 256R.21, subdivision  
22.25 3, and the employee benefits portion of the external fixed costs payment rate determined  
22.26 pursuant to section 256R.25. If the board, in consultation with the commissioner of human  
22.27 services, determines the operating payment rate and employee benefits portion of the external  
22.28 fixed costs payment rate will increase to comply with the new employment standards, the  
22.29 board shall report to the legislature the increase in funding needed to increase payment rates  
22.30 to comply with the new employment standards and must make implementation of any new  
22.31 nursing home employment standards contingent upon an appropriation, as determined by  
22.32 sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new  
22.33 employment standards.

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

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

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

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

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

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

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

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

23.32 Subd. 4. **Variance and waiver.** The board shall adopt procedures for considering  
23.33 temporary variances and waivers of the established standards for individual nursing homes

24.1 based on the board's evaluation of the risk of closure due to compliance with all or part of  
24.2 an applicable standard.

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

24.6 (b) Notwithstanding paragraph (a), in the event of a conflict between a standard  
24.7 established by the board in rule and a rule adopted by another state agency, the rule adopted  
24.8 by the other state agency shall apply to nursing home workers and nursing home employers  
24.9 if the rule adopted by the other state agency is adopted after the board's standard and the  
24.10 rule adopted by the other state agency is more protective or beneficial than the board's  
24.11 standard.

24.12 (c) Notwithstanding paragraph (a), if the commissioner of health determines that a  
24.13 standard established by the board in rule or recommended by the board conflicts with  
24.14 requirements in federal regulations for nursing home certification or with state statutes or  
24.15 rules governing licensure of nursing homes, the federal regulations or state nursing home  
24.16 licensure statutes or rules shall take precedence, and the conflicting board standard or rule  
24.17 shall not apply to nursing home workers or nursing home employers.

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

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

24.22 (2) diminish the obligation of a nursing home employer to comply with any contract,  
24.23 collective bargaining agreement, or employment benefit program or plan that meets or  
24.24 exceeds, and does not conflict with, the minimum standards and requirements in sections  
24.25 181.211 to 181.217 or established by the board.

24.26 Sec. 7. **[181.214] DUTIES OF THE BOARD; TRAINING FOR NURSING HOME**  
24.27 **WORKERS.**

24.28 Subdivision 1. **Certification of worker organizations.** The board shall certify worker  
24.29 organizations that it finds are qualified to provide training to nursing home workers according  
24.30 to this section. The board shall by rule establish certification criteria that a worker  
24.31 organization must meet in order to be certified and provide a process for renewal of  
24.32 certification upon the board's review of the worker organization's compliance with this  
24.33 section. In adopting rules to establish certification criteria under this subdivision, the board

25.1 may use the authority in section 14.389. The criteria must ensure that a worker organization,  
25.2 if certified, is able to provide:

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

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

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

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

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

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

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

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

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

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

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

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

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

26.1 Subd. 4. Annual review of curriculum requirements. The board must review the  
26.2 adequacy of its curriculum requirements at least annually and must revise the requirements  
26.3 as appropriate to meet the purposes of sections 181.211 to 181.217. As part of each annual  
26.4 review of the curriculum requirements, the board must hold at least one public hearing to  
26.5 solicit input on the requirements.

26.6 Subd. 5. Duties of certified worker organizations. A certified worker organization:

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

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

26.11 (3) must, at the end of each training session, provide attending nursing home workers  
26.12 with follow-up written or electronic materials on the topics covered in the training session,  
26.13 in order to fully inform nursing home workers of their rights and opportunities under sections  
26.14 181.211 to 181.217;

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

26.17 (5) may conduct surveys of nursing home workers who attend a training session to assess  
26.18 the effectiveness of the training session and industry compliance with sections 181.211 to  
26.19 181.217 and other applicable laws, rules, and ordinances governing nursing home working  
26.20 conditions or worker health and safety.

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

26.26 (b) If requested by a certified worker organization, a nursing home employer must, after  
26.27 a training session provided by the certified worker organization, provide the certified worker  
26.28 organization with the names and contact information of the nursing home workers who  
26.29 attended the training session, unless a nursing home worker opts out according to paragraph  
26.30 (c).

26.31 (c) A nursing home worker may opt out of having the worker's nursing home employer  
26.32 provide the worker's name and contact information to a certified worker organization that

27.1 provided a training session attended by the worker by submitting a written statement to that  
27.2 effect to the nursing home employer.

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

27.7 Sec. 8. **[181.215] REQUIRED NOTICES.**

27.8 Subdivision 1. **Provision of notice.** (a) Nursing home employers must provide notices  
27.9 informing nursing home workers of the rights and obligations provided under sections  
27.10 181.211 to 181.217 of applicable minimum nursing home employment standards and local  
27.11 minimum standards and that for assistance and information, nursing home workers should  
27.12 contact the Department of Labor and Industry. A nursing home employer must provide  
27.13 notice using the same means that the nursing home employer uses to provide other  
27.14 work-related notices to nursing home workers. Provision of notice must be at least as  
27.15 conspicuous as:

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

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

27.21 (b) The notice required by this subdivision must include text provided by the board that  
27.22 informs nursing home workers that they may request the notice to be provided in a particular  
27.23 language. The nursing home employer must provide the notice in the language requested  
27.24 by the nursing home worker. The board must assist nursing home employers in translating  
27.25 the notice in the languages requested by their nursing home workers.

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

28.1 **Sec. 9. [181.216] RETALIATION PROHIBITED.**

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

28.6 (1) exercising any right afforded to the nursing home worker under sections 181.211 to  
28.7 181.217;

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

28.11 (3) attending or participating in the training required by section 181.214;

28.12 (4) informing another employer that a nursing home worker has engaged in activities  
28.13 protected under sections 181.211 to 181.217; or

28.14 (5) reporting or threatening to report the actual or suspected citizenship or immigration  
28.15 status of a nursing home worker, former nursing home worker, or family member of a  
28.16 nursing home worker to a federal, state, or local agency for exercising or attempting to  
28.17 exercise any right protected under this act.

28.18 (b) A nursing home worker found to have experienced retaliation in violation of this  
28.19 section shall be entitled to reinstatement to the worker's previous position, wages, benefits,  
28.20 hours, and other conditions of employment.

28.21 **Sec. 10. [181.217] ENFORCEMENT.**

28.22 Subdivision 1. **Minimum nursing home employment standards.** Except as provided  
28.23 in section 181.213, subdivision 4, paragraph (b) or (c), the minimum wages and other  
28.24 compensation established by the board in rule as minimum nursing home employment  
28.25 standards shall be the minimum wages and other compensation for nursing home workers  
28.26 or a subgroup of nursing home workers as a matter of state law. Except as provided in  
28.27 section 181.213, subdivision 4, paragraph (b) or (c), it shall be unlawful for a nursing home  
28.28 employer to employ a nursing home worker for lower wages or other compensation than  
28.29 that established as the minimum nursing home employment standards.

28.30 Subd. 2. **Investigations.** The commissioner may investigate possible violations of sections  
28.31 181.214 to 181.217 or of the minimum nursing home employment standards established by  
28.32 the board whenever it has cause to believe that a violation has occurred, either on the basis

29.1 of a report of a suspected violation or on the basis of any other credible information, including  
29.2 violations found during the course of an investigation.

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

29.10 (b) Upon a finding of one or more violations, a nursing home employer shall be liable  
29.11 to each nursing home worker for the full amount of the wages, benefits, and overtime  
29.12 compensation, less any amount the nursing home employer is able to establish was actually  
29.13 paid to each nursing home worker, and for an additional equal amount as liquidated damages.  
29.14 In an action under this subdivision, nursing home workers may seek damages and other  
29.15 appropriate relief provided by section 177.27, subdivision 7, or otherwise provided by law,  
29.16 including reasonable costs, disbursements, witness fees, and attorney fees. A court may also  
29.17 issue an order requiring compliance with sections 181.211 to 181.217 or with the applicable  
29.18 minimum nursing home employment standards or local minimum nursing home employment  
29.19 standards. A nursing home worker found to have experienced retaliation in violation of  
29.20 section 181.216 shall be entitled to reinstatement to the worker's previous position, wages,  
29.21 benefits, hours, and other conditions of employment.

29.22 (c) An agreement between a nursing home employer and nursing home worker or labor  
29.23 union that fails to meet the minimum standards and requirements in sections 181.211 to  
29.24 181.217 or established by the board is not a defense to an action brought under this  
29.25 subdivision.

29.26 **Sec. 11. INITIAL APPOINTMENTS.**

29.27 (a) The governor shall make initial appointments to the Minnesota Nursing Home  
29.28 Workforce Standards Board under Minnesota Statutes, section 181.212, no later than August  
29.29 1, 2023.

29.30 (b) Notwithstanding Minnesota Statutes, section 181.212, subdivision 2, the initial terms  
29.31 of members appointed under Minnesota Statutes, section 181.212, subdivision 1, paragraph  
29.32 (a), clauses (4) and (5), shall be determined by lot by the secretary of state and shall be as  
29.33 follows:

30.1 (1) one member appointed under each of Minnesota Statutes, section 181.212, subdivision  
30.2 1, paragraph (a), clauses (4) and (5), shall serve a two-year term;

30.3 (2) one member appointed under each of Minnesota Statutes, section 181.212, subdivision  
30.4 1, paragraph (a), clauses (4) and (5), shall serve a three-year term; and

30.5 (3) one member appointed under each of Minnesota Statutes, section 181.212, subdivision  
30.6 1, paragraph (a), clauses (4) and (5), shall serve a four-year term.

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

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

#### 30.11 **ARTICLE 4**

#### 30.12 **PETROLEUM REFINERY SKILLED WORKERS**

30.13 Section 1. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

30.14 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
30.15 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,  
30.16 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,  
30.17 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.987, or with any rule  
30.18 promulgated under section 177.28. The commissioner shall issue an order requiring an  
30.19 employer to comply with sections 177.41 to 177.435 or 181.987 if the violation is repeated.  
30.20 For purposes of this subdivision only, a violation is repeated if at any time during the two  
30.21 years that preceded the date of violation, the commissioner issued an order to the employer  
30.22 for violation of sections 177.41 to 177.435 or 181.987 and the order is final or the  
30.23 commissioner and the employer have entered into a settlement agreement that required the  
30.24 employer to pay back wages that were required by sections 177.41 to 177.435. The  
30.25 department shall serve the order upon the employer or the employer's authorized  
30.26 representative in person or by certified mail at the employer's place of business. An employer  
30.27 who wishes to contest the order must file written notice of objection to the order with the  
30.28 commissioner within 15 calendar days after being served with the order. A contested case  
30.29 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15  
30.30 calendar days after being served with the order, the employer fails to file a written notice  
30.31 of objection with the commissioner, the order becomes a final order of the commissioner.

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

31.1       Sec. 2. [181.987] USE OF SKILLED AND TRAINED CONTRACTOR  
31.2 WORKFORCES AT PETROLEUM REFINERIES.

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

31.5       (b) "Contractor" means a vendor that enters into or seeks to enter into a contract with  
31.6 an owner or operator of a petroleum refinery to perform construction, alteration, demolition,  
31.7 installation, repair, maintenance, or hazardous material handling work at the site of the  
31.8 petroleum refinery. Contractor includes all contractors or subcontractors of any tier  
31.9 performing work as described in this paragraph at the site of the petroleum refinery.  
31.10 Contractor does not include employees of the owner or operator of a petroleum refinery.

31.11       (c) "Registered apprenticeship program" means an apprenticeship program registered  
31.12 with the Department of Labor and Industry under chapter 178 or with the United States  
31.13 Department of Labor Office of Apprenticeship or a recognized state apprenticeship agency  
31.14 under Code of Federal Regulations, title 29, parts 29 and 30.

31.15       (d) "Skilled and trained workforce" means a workforce in which each employee of the  
31.16 contractor or subcontractor of any tier working at the site of the petroleum refinery in an  
31.17 apprenticeable occupation in the building and construction trades meets one of the following  
31.18 criteria:

31.19       (1) is currently registered as an apprentice in a registered apprenticeship program in the  
31.20 applicable trade;

31.21       (2) has graduated from a registered apprenticeship program in the applicable trade;

31.22       (3) has completed all of the related instruction and on-the-job learning requirements  
31.23 needed to graduate from the registered apprenticeship program their employer participates  
31.24 in; or

31.25       (4) has at least five years of experience working in the applicable trade and is currently  
31.26 participating in journeyworker upgrade training in a registered apprenticeship program in  
31.27 the applicable trade or has completed any training identified as necessary by the registered  
31.28 apprenticeship training program for the employee to become a qualified journeyworker in  
31.29 the applicable trade.

31.30       (e) "Petroleum refinery" means a facility engaged in producing gasoline, kerosene,  
31.31 distillate fuel oils, residual fuel oil, lubricants, or other products through distillation of  
31.32 petroleum or through redistillation, cracking, or reforming of unfinished petroleum  
31.33 derivatives. Petroleum refinery includes fluid catalytic cracking unit catalyst regenerators,

32.1 fluid catalytic cracking unit incinerator-waste heat boilers, fuel gas combustion devices,  
32.2 and indirect heating equipment associated with the refinery.

32.3 (f) "Apprenticeable occupation" means any trade, form of employment, or occupation  
32.4 approved for apprenticeship by the commissioner of labor and industry or the United States  
32.5 Secretary of Labor.

32.6 (g) "OEM" means original equipment manufacturer and refers to organizations that  
32.7 manufacture or fabricate equipment for sale directly to purchasers or other resellers.

32.8 Subd. 2. Use of contractors by owner, operator; requirement. (a) An owner or operator  
32.9 of a petroleum refinery shall, when contracting with contractors for the performance of  
32.10 construction, alteration, demolition, installation, repair, maintenance, or hazardous material  
32.11 handling work at the site of the petroleum refinery, require that the contractors performing  
32.12 that work, and any subcontractors of any tier, use a skilled and trained workforce when  
32.13 performing that work at the site of the petroleum refinery. The requirement to use a safe  
32.14 and skilled workforce under this section shall apply to each contractor and subcontractor  
32.15 of any tier when performing construction, alteration, demolition, installation, repair,  
32.16 maintenance, or hazardous material handling work at the site of the petroleum refinery.

32.17 (b) The requirement under this subdivision applies only when each contractor and  
32.18 subcontractor of any tier is performing work at the site of the petroleum refinery.

32.19 (c) The requirement under this subdivision does not apply when an owner or operator  
32.20 contracts with contractors or subcontractors hired to install OEM equipment and to perform  
32.21 OEM work to comply with equipment warranty requirements.

32.22 (d) A contractor's workforce must meet the requirements of subdivision 1, paragraph  
32.23 (d), according to the following schedule:

32.24 (1) 30 percent by January 1, 2024;

32.25 (2) 45 percent by January 1, 2025; and

32.26 (3) 60 percent by January 1, 2026.

32.27 (e) If a contractor is required under a collective bargaining agreement to hire workers  
32.28 referred by a labor organization for the petroleum refinery worksite, and the labor  
32.29 organization is unable to refer sufficient workers for the contractor to comply with the  
32.30 applicable percentage provided in subdivision 2, paragraph (d), within 48 hours of the  
32.31 contractor's request excluding Saturdays, Sundays, and holidays, the contractor shall be  
32.32 relieved of the obligation to comply with the applicable percentage and shall use the  
32.33 maximum percentage of a skilled and trained workforce that is available to the contractor

33.1 from the labor organization's referral procedure. The contractor shall comply with the  
33.2 applicable percentage provided in subdivision 2, paragraph (d), once the labor organization  
33.3 is able to refer sufficient workers for the contractor to comply with the applicable percentage.

33.4 (f) This section shall not apply to a contractor to the extent that an emergency makes  
33.5 compliance with this section impracticable for the contractor because the emergency requires  
33.6 immediate action by the contractor to prevent harm to public health or safety or to the  
33.7 environment. The requirements of this section shall apply to the contractor once the  
33.8 emergency ends or it becomes practicable for the contractor to obtain a skilled and trained  
33.9 workforce for the refinery worksite, whichever occurs sooner.

33.10 (g) An owner or operator is exempt from this section if:

33.11 (1) the owner or operator has entered into a project labor agreement with a council of  
33.12 building trades labor organizations requiring participation in registered apprenticeship  
33.13 programs, or all contractors and subcontractors of any tier have entered into bona fide  
33.14 collective bargaining agreements with labor organizations requiring participation in registered  
33.15 apprenticeship programs; and

33.16 (2) all contracted work at the petroleum refinery that is subject to this section is also  
33.17 subject to the project labor agreement or collective bargaining agreements requiring  
33.18 participation in such registered apprenticeship programs.

33.19 Subd. 3. **Penalties.** (a) The Division of Labor Standards shall receive complaints of  
33.20 violations of this section. The commissioner of labor and industry shall fine an owner or  
33.21 operator, contractor, or subcontractor of any tier not less than \$5,000 nor more than \$10,000  
33.22 for each violation of the requirements in this section. An owner or operator, contractor, or  
33.23 subcontractor of any tier shall be considered an employer for purposes of section 177.27.

33.24 (b) An owner or operator shall be found in violation of this section, and subject to fines  
33.25 and other penalties, for failing to:

33.26 (1) require a skilled and trained workforce in its contracts and subcontracts as required  
33.27 by subdivision 2, paragraph (a); or

33.28 (2) enforce the requirement of use of a skilled and trained workforce as required by  
33.29 subdivision 2, paragraph (a).

33.30 (c) A contractor or subcontractor shall be found in violation of this section, and subject  
33.31 to fines and other penalties, if the contractor or subcontractor fails to use a skilled and trained  
33.32 workforce as required by subdivision 2, paragraph (a).

34.1 (d) Each shift on which a violation of this section occurs shall be considered a separate  
 34.2 violation. This fine is in addition to any penalties provided under section 177.27, subdivision  
 34.3 7. In determining the amount of a fine under this subdivision, the appropriateness of the  
 34.4 fine to the size of the violator's business and the gravity of the violation shall be considered.

34.5 **EFFECTIVE DATE.** This section is effective January 1, 2024, and applies to contracts  
 34.6 entered into, extended, or renewed on or after that date. Existing contracts entered into  
 34.7 before January 1, 2024, must be renegotiated to comply with Minnesota Statutes, section  
 34.8 181.987, by January 1, 2025.

## 34.9 **ARTICLE 5**

### 34.10 **COMBATIVE SPORTS**

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

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

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

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

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

34.24 Subd. 2c. **Combative sports contest.** "Combative sports contest" means a professional  
 34.25 boxing, a professional or amateur tough person, a professional or amateur kickboxing, or  
 34.26 a professional or amateur ~~martial art contest~~ or mixed martial arts contest, bout, competition,  
 34.27 match, or exhibition.

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

34.29 Subd. 4f. **Martial art.** "Martial art" means a variety of weaponless disciplines of combat  
 34.30 or self-defense that utilize physical skill and coordination, and are practiced as combat  
 34.31 sports. The disciplines include, but are not limited to, Wing Chun, ~~kickboxing,~~ Tae kwon

35.1 do, savate, karate, ~~Muay Thai~~, sanshou, Jiu Jitsu, judo, ninjitsu, kung fu, Brazilian Jiu Jitsu,  
35.2 wrestling, grappling, tai chi, and other weaponless martial arts disciplines.

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

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

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

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

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

35.15 **341.221 ADVISORY COUNCIL.**

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

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

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

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

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

35.30 ~~(f) The commissioner shall designate two of the members to serve until the first Monday~~  
35.31 ~~in January 2013; two members to serve until the first Monday in January 2014; two members~~

36.1 ~~to serve until the first Monday in January 2015; and three members to serve until the first~~  
36.2 ~~Monday in January 2016.~~

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

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

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

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

36.11 **341.25 RULES.**

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

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

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

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

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

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

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

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

37.2 **341.27 COMMISSIONER DUTIES.**

37.3 The commissioner shall:

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

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

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

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

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

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

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

37.14 ~~(7)~~ (8) immediately suspend an individual license for a medical condition, including but  
37.15 not limited to a medical condition resulting from an injury sustained during a match, bout,  
37.16 or contest that has been confirmed by the ringside physician. The medical suspension must  
37.17 be lifted after the commissioner receives written information from a physician licensed in  
37.18 the home state of the licensee indicating that the combatant may resume competition, and  
37.19 any other information that the commissioner may by rule require. Medical suspensions are  
37.20 not subject to section 326B.082 or the contested case procedures provided in sections 14.57  
37.21 to 14.69; and

37.22 ~~(8)~~ (9) immediately suspend an individual combatant license for a mandatory rest period,  
37.23 which must commence at the conclusion of every combative sports contest in which the  
37.24 license holder competes and does not receive a medical suspension. A rest suspension must  
37.25 automatically lift after 14 calendar days from the date the combative sports contest passed  
37.26 without notice or additional proceedings. Rest suspensions are not subject to section 326B.082  
37.27 or the contested case procedures provided in sections 14.57 to 14.69.

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

37.29 Subd. 2. **Regulatory authority; tough person contests.** All professional and amateur  
37.30 tough person contests are subject to this chapter. All tough person contests are subject to  
37.31 the most recent version of the Unified Rules of Boxing, as promulgated by the Association

38.1 of Boxing Commissions ~~rules~~. Every contestant in a tough person contest shall have a  
38.2 physical examination prior to their bouts. Every contestant in a tough person contest shall  
38.3 wear headgear and padded gloves that weigh at least 12 ounces. ~~All tough person bouts are~~  
38.4 ~~limited to two-minute rounds and a maximum of four total rounds~~. Officials at all tough  
38.5 person contests shall be licensed under this chapter.

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

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

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

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

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

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

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

38.29 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit  
38.30 bout results to the commissioner within 72 hours after the event. If the regulatory body  
38.31 issues suspensions, the regulatory body must submit to the commissioner a list of any  
38.32 suspensions resulting from the event within 72 hours after the event. Regulatory bodies that

39.1 oversee combative sports or martial arts contests under subdivision 6 are not subject to this  
39.2 paragraph.

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

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

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

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

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

39.20 ~~(2)~~ (1) show on the licensing application the owner or owners of the applicant entity and  
39.21 the percentage of interest held by each owner holding a 25 percent or more interest in the  
39.22 applicant;

39.23 ~~(3)~~ (2) provide the commissioner with a copy of the latest financial statement of the  
39.24 applicant;

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

39.27 ~~(5)~~ (3) provide proof, where applicable, of authorization to do business in the state of  
39.28 Minnesota; and

39.29 ~~(6)~~ (4) deposit with the commissioner a ~~cash bond or~~ surety bond in an amount set by  
39.30 the commissioner, which must not be less than \$10,000. The bond shall be executed in favor  
39.31 of this state and shall be conditioned on the faithful performance by the promoter of the  
39.32 promoter's obligations under this chapter and the rules adopted under it.

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

40.2 (1) submit to the commissioner the results of ~~a current medical examination~~ examinations  
40.3 on forms furnished or approved prescribed by the commissioner that state that the combatant  
40.4 is cleared to participate in a combative sport contest. ~~The medical examination must include~~  
40.5 ~~an ophthalmological and neurological examination, and documentation of test results for~~  
40.6 ~~HBV, HCV, and HIV, and any other blood test as the commissioner by rule may require.~~  
40.7 ~~The ophthalmological examination must be designed to detect any retinal defects or other~~  
40.8 ~~damage or condition of the eye that could be aggravated by combative sports. The~~  
40.9 ~~neurological examination must include an electroencephalogram or medically superior test~~  
40.10 ~~if the combatant has been knocked unconscious in a previous contest. The commissioner~~  
40.11 ~~may also order an electroencephalogram or other appropriate neurological or physical~~  
40.12 ~~examination before any contest if it determines that the examination is desirable to protect~~  
40.13 ~~the health of the combatant. The commissioner shall not issue a license to an applicant~~  
40.14 ~~submitting positive test results for HBV, HCV, or HIV;~~ The applicant must undergo and  
40.15 submit the results of the following medical examinations, which do not exempt a combatant  
40.16 from the requirements in section 341.33:

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

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

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

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

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

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

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

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

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

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

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

41.19 **341.321 FEE SCHEDULE.**

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

41.22 (1) referees, \$25;

41.23 (2) promoters, ~~\$700~~ \$500;

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

41.25 (4) trainers and seconds, ~~\$80~~ \$40;

41.26 (5) timekeepers, \$25;

41.27 (6) professional combatants, ~~\$70~~ \$55;

41.28 (7) amateur combatants, ~~\$50~~ \$35; and

41.29 (8) ringside physicians, \$25.

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

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

42.11 ~~(e) A professional or amateur combative sport contest fee is nonrefundable and shall be~~  
42.12 ~~paid as follows:~~

42.13 ~~(1) \$500 at the time the combative sport contest is scheduled; and~~

42.14 ~~(2) \$1,000 at the weigh-in prior to the contest.~~

42.15 ~~(2) if four percent of the gross ticket sales is greater than \$500, the balance is due to the~~  
42.16 ~~commissioner within 14 days of the completed contest; and~~

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

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

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

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

42.27 Sec. 18. [341.322] PAYMENT SCHEDULE.

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

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

43.2 Subdivision 1. **Preapproval documentation.** Before the commissioner approves a  
43.3 combative sports contest, the promoter shall provide the commissioner, at least six weeks  
43.4 before the combative sport contest is scheduled to occur, information about the time, date,  
43.5 and location of the contest and at least 72 hours before the combative sport contest is  
43.6 scheduled to occur:

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

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

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

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

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

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

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

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

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

43.29 **341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

43.30 **Subdivision 1. Examination by physician.** All combatants must be examined by a  
43.31 **physician licensed by this state within 36 hours before entering the ring, and the examining**

44.1 physician shall immediately file with the commissioner a written report of the examination.  
44.2 Each female combatant shall take and submit a negative pregnancy test as part of the  
44.3 examination. The physician's examination may report on the condition of the combatant's  
44.4 heart and general physical and general neurological condition. The physician's report may  
44.5 record the condition of the combatant's nervous system and brain as required by the  
44.6 commissioner. The physician may prohibit the combatant from entering the ring if, in the  
44.7 physician's professional opinion, it is in the best interest of the combatant's health. The cost  
44.8 of the examination is payable by the promoter conducting the contest or exhibition.

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

44.13 Sec. 22. **[341.331] PROHIBITED PERFORMANCE ENHANCING SUBSTANCES**  
44.14 **AND TESTING.**

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

44.19 (1) S0, nonapproved substances;

44.20 (2) S1, anabolic agents;

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

44.22 (4) S3, beta-2 agonists;

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

44.24 (6) S5, diuretics and masking agents.

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

44.27 (a) The commissioner may require a combatant to submit to a drug test to determine if  
44.28 substances are present in the combatant's system in violation of subdivision 1. This testing  
44.29 may occur at any time after the official weigh-in, on the day of the contest in which the  
44.30 combatant is participating, or within 24 hours of competing in a combative sports contest  
44.31 in a manner prescribed by the commissioner. The commissioner may require testing based  
44.32 on reasonable cause or random selection. Grounds for reasonable cause includes observing

45.1 or receiving credible information that a combatant has used prohibited performance enhancing  
45.2 drugs. If testing is based on random selection, both combatants competing in a selected bout  
45.3 shall submit to a drug test.

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

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

45.9 Subd. 3. **Discipline.** (a) If a combatant fails to provide a sample for drug testing when  
45.10 required, and the request is made before a bout, the combatant shall not be allowed to  
45.11 compete in the bout. If the request is made after a bout, and the combatant fails to provide  
45.12 a sample for drug testing, the combatant shall be subject to disciplinary action under section  
45.13 341.29.

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

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

45.19 Sec. 23. **[341.345] CHALLENGING THE OUTCOME OF A COMBATIVE SPORT**  
45.20 **CONTEST.**

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

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

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

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

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

46.4 (3) scores were miscalculated.

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

46.6 (a) For purposes of this subdivision, the day of the contest shall not count toward the  
46.7 ten-day period. If the tenth day falls on a Saturday, Sunday, or legal holiday, then a combatant  
46.8 shall have until the next day that is not a Saturday, Sunday, or legal holiday to submit a  
46.9 challenge.

46.10 (b) The challenge must be submitted to the commissioner at the address, fax number,  
46.11 or email address designated on the commissioner's website. The date on which a challenge  
46.12 is submitted by mail shall be the postmark date on the envelope in which the challenge is  
46.13 mailed. If the challenge is faxed or emailed, it must be received by the commissioner by  
46.14 4:30 p.m. Central Time on the day the challenge is due.

46.15 Subd. 4. **Opponent's response.** If the requirements of subdivisions 1 to 3 are met, the  
46.16 commissioner shall send a complete copy of the challenge documents, along with any  
46.17 supporting materials submitted, to the opposing combatant by mail, fax, or email. The  
46.18 opposing combatant has 14 days from the date the commissioner sends the challenge and  
46.19 supporting materials to submit a response to the commissioner. Additional response time  
46.20 is not added when the commissioner sends the challenge to the opposing combatant by mail.  
46.21 The opposing combatant may submit photos, videos, documents, or any other evidence the  
46.22 opposing combatant would like the commissioner to consider in connection to the challenge.  
46.23 The response must be submitted to the commissioner at the address, fax number, or email  
46.24 address designated on the commissioner's website. The date on which a response is submitted  
46.25 by mail is the postmark date on the envelope in which the response is mailed. If the response  
46.26 is faxed or emailed, it must be received by the commissioner by 4:30 p.m. Central Time on  
46.27 the day the response is due.

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

47.1 Subd. 6. **Order.** The commissioner shall issue an order on the challenge within 60 days  
47.2 after receiving the opposing combatant's response. If the opposing combatant does not  
47.3 submit a response, the commissioner shall issue an order on the challenge within 75 days  
47.4 after receiving the challenge.

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

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

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

47.14 **341.355 CIVIL PENALTIES.**

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

47.21 **ARTICLE 6**

47.22 **MISCELLANEOUS**

47.23 Section 1. Minnesota Statutes 2022, section 175.16, subdivision 1, is amended to read:

47.24 Subdivision 1. **Established.** The Department of Labor and Industry shall consist of the  
47.25 following divisions: Division of Workers' Compensation, Division of Construction Codes  
47.26 and Licensing, Division of Occupational Safety and Health, Division of Statistics, Division  
47.27 of Labor Standards, and Division of Apprenticeship, and such other divisions as the  
47.28 commissioner of the Department of Labor and Industry may deem necessary and establish.  
47.29 Each division of the department and persons in charge thereof shall be subject to the  
47.30 supervision of the commissioner of the Department of Labor and Industry and, in addition  
47.31 to such duties as are or may be imposed on them by statute, shall perform such other duties  
47.32 as may be assigned to them by the commissioner. Notwithstanding any other law to the

48.1 contrary, the commissioner is the administrator and supervisor of all of the department's  
48.2 dispute resolution functions and personnel and may delegate authority to compensation  
48.3 judges and others to make determinations under sections 176.106, 176.238, and 176.239  
48.4 and to approve settlement of claims under section 176.521.

48.5 Sec. 2. Minnesota Statutes 2022, section 177.26, subdivision 1, is amended to read:

48.6 Subdivision 1. **Creation.** The Division of Labor Standards and Apprenticeship in the  
48.7 Department of Labor and Industry is supervised and controlled by the commissioner of  
48.8 labor and industry.

48.9 Sec. 3. Minnesota Statutes 2022, section 177.26, subdivision 2, is amended to read:

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

48.12 Sec. 4. Minnesota Statutes 2022, section 178.01, is amended to read:

48.13 **178.01 PURPOSES.**

48.14 The purposes of this chapter are: to open to all people regardless of race, sex, creed,  
48.15 color or national origin, the opportunity to obtain training and on-the-job learning that will  
48.16 equip them for profitable employment and citizenship; to establish as a means to this end,  
48.17 a program of voluntary apprenticeship under approved apprenticeship agreements providing  
48.18 facilities for their training and guidance in the arts, skills, and crafts of industry and trade  
48.19 or occupation, with concurrent, supplementary instruction in related subjects; to promote  
48.20 apprenticeship opportunities under conditions providing adequate training and on-the-job  
48.21 learning and reasonable earnings; to relate the supply of skilled workers to employment  
48.22 demands; to establish standards for apprentice training; to establish an Apprenticeship Board  
48.23 and apprenticeship committees to assist in effectuating the purposes of this chapter; to  
48.24 provide for a Division of Labor Standards and Apprenticeship within the Department of  
48.25 Labor and Industry; to provide for reports to the legislature regarding the status of apprentice  
48.26 training in the state; to establish a procedure for the determination of apprenticeship  
48.27 agreement controversies; and to accomplish related ends.

48.28 Sec. 5. Minnesota Statutes 2022, section 178.011, subdivision 7, is amended to read:

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

49.1 Sec. 6. Minnesota Statutes 2022, section 178.03, subdivision 1, is amended to read:

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

49.5 Sec. 7. Minnesota Statutes 2022, section 178.11, is amended to read:

49.6 **178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.**

49.7 The commissioner shall establish the labor education advancement grant program for  
 49.8 the purpose of facilitating the participation or retention of ~~minorities~~ people of color,  
 49.9 Indigenous people, and women in ~~apprenticeable trades and occupations~~ registered  
 49.10 apprenticeship programs. The commissioner shall award grants to community-based and  
 49.11 nonprofit organizations and Minnesota Tribal governments as defined in section 10.65,  
 49.12 serving the targeted populations on a competitive request-for-proposal basis. Interested  
 49.13 organizations shall apply for the grants in a form prescribed by the commissioner. As part  
 49.14 of the application process, applicants must provide a statement of need for the grant, a  
 49.15 description of the targeted population and apprenticeship opportunities, a description of  
 49.16 activities to be funded by the grant, evidence supporting the ability to deliver services,  
 49.17 information related to coordinating grant activities with other employment and learning  
 49.18 programs, identification of matching funds, a budget, and performance objectives. Each  
 49.19 submitted application shall be evaluated for completeness and effectiveness of the proposed  
 49.20 grant activity.

49.21 Sec. 8. **[181.536] POSTING OF VETERANS' BENEFITS AND SERVICES.**

49.22 Subdivision 1. **Poster creation; content.** (a) The commissioner shall consult with the  
 49.23 commissioner of veterans affairs to create and distribute a veterans' benefits and services  
 49.24 poster.

49.25 (b) The poster must, at a minimum, include information regarding the following benefits  
 49.26 and services available to veterans:

49.27 (1) contact and website information for the Department of Veterans Affairs and the  
 49.28 department's veterans' services program;

49.29 (2) substance use disorder and mental health treatment;

49.30 (3) educational, workforce, and training resources;

49.31 (4) tax benefits;

- 50.1 (5) Minnesota state veteran drivers' licenses and state identification cards;  
50.2 (6) eligibility for unemployment insurance benefits under state and federal law;  
50.3 (7) legal services; and  
50.4 (8) contact information for the U.S. Department of Veterans Affairs Veterans Crisis  
50.5 Line.

50.6 (c) The commissioner must annually review the poster's content and update the poster  
50.7 to include the most current information available.

50.8 Subd. 2. **Mandatory posting.** Every employer in the state with more than 50 full-time  
50.9 equivalent employees shall display the poster created pursuant to this section in a conspicuous  
50.10 place accessible to employees in the workplace.

50.11 Sec. 9. Minnesota Statutes 2022, section 181.9435, subdivision 1, is amended to read:

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

50.20 Sec. 10. Minnesota Statutes 2022, section 181.9436, is amended to read:

50.21 **181.9436 POSTING OF LAW.**

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

50.26 Sec. 11. Minnesota Statutes 2022, section 182.666, subdivision 1, is amended to read:

50.27 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly  
50.28 violates the requirements of section 182.653, or any standard, rule, or order adopted under  
50.29 the authority of the commissioner as provided in this chapter, may be assessed a fine not to  
50.30 exceed ~~\$70,000~~ \$156,259 for each violation. The minimum fine for a willful violation is  
50.31 ~~\$5,000~~ \$11,162.

51.1 Sec. 12. Minnesota Statutes 2022, section 182.666, subdivision 2, is amended to read:

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

51.8 Sec. 13. Minnesota Statutes 2022, section 182.666, subdivision 3, is amended to read:

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

51.13 Sec. 14. Minnesota Statutes 2022, section 182.666, subdivision 4, is amended to read:

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

51.21 Sec. 15. Minnesota Statutes 2022, section 182.666, subdivision 5, is amended to read:

51.22 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,  
51.23 as prescribed under this chapter, except those prescribed under section 182.661, subdivision  
51.24 3a, shall be assessed a fine of up to ~~\$7,000~~ \$15,625 for each violation.

51.25 Sec. 16. Minnesota Statutes 2022, section 182.666, is amended by adding a subdivision  
51.26 to read:

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

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

52.6 (c) If the percentage change determined by the commissioner under paragraph (a) is not  
52.7 greater than zero, the commissioner shall not change any of the fines in subdivisions 1 to  
52.8 5.

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

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

52.14 Sec. 17. [182.677] ERGONOMICS.

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

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

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

52.24 (d) "Meatpacking site" means a meatpacking or poultry processing site with 100 or more  
52.25 employees in Minnesota and a North American Industrial Classification system code of  
52.26 311611 to 311615, except 311613.

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

52.29 Subd. 2. **Ergonomics program required.** (a) Every licensed health care facility,  
52.30 warehouse distribution center, or meatpacking site in the state shall create and implement  
52.31 an effective written ergonomics program establishing the employer's plan to minimize the  
52.32 risk of its employees developing or aggravating musculoskeletal disorders by utilizing an

53.1 ergonomics process. The ergonomics program shall focus on eliminating the risk. To the  
53.2 extent risk exists, the ergonomics program must include feasible administrative or engineering  
53.3 controls to reduce the risk.

53.4 (b) The program shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54.3 (7) the requirements of subdivision 9.

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

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

54.10 Subd. 5. **Involvement of employees.** Employers subject to this section must solicit  
54.11 feedback for its ergonomics program through its safety committee required by section  
54.12 182.676, in addition to any other opportunities for employee participation the employer  
54.13 may provide. The safety committee must be directly involved in ergonomics worksite  
54.14 assessments and participate in the annual evaluation required by subdivision 3.

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

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

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

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

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

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

54.29 (b) Upon the request of the commissioner, an employee, or an authorized employee  
54.30 representative, the employer must provide the requestor a redacted version of the medical  
54.31 or first aid records and records of all ergonomic injuries. The name, contact information,  
54.32 and occupation of an employee, and any other information that would reveal the identity

55.1 of an employee, must be removed in the redacted version. The redacted version must only  
55.2 include, to the extent it would not reveal identity of an employee, the location where the  
55.3 employee worked, the date of the injury or visit, a description of the medical treatment or  
55.4 first aid provided, and a description of the injury suffered.

55.5 (c) The employer must also make available to the commissioner the unredacted medical  
55.6 or first aid records and unredacted records of ergonomic injuries required by subdivision  
55.7 7, clause (2), upon request.

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

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

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

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

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

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

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

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

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

56.2 (1) purchasing and installing recommended equipment intended to prevent  
56.3 musculoskeletal disorders;

56.4 (2) operating or maintaining recommended equipment intended to prevent musculoskeletal  
56.5 disorders;

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

56.8 (4) training required to operate recommended safety equipment to prevent musculoskeletal  
56.9 disorders; and

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

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

56.14 (1) is technically and economically feasible;

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

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

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

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

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

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

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

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

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

57.1 Sec. 18. Minnesota Statutes 2022, section 326B.092, subdivision 6, is amended to read:

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

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

57.6 (2) any overpayment of fees; and

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

57.9 Sec. 19. Minnesota Statutes 2022, section 326B.096, is amended to read:

57.10 **326B.096 REINSTATEMENT OF LICENSES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

58.16 Sec. 20. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision  
58.17 to read:

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

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

58.24 **Subd. 6b. Electric vehicle charging station.** "Electric vehicle charging station" means  
58.25 a designated automobile parking space that has a dedicated connection for charging an  
58.26 electric vehicle.

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

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

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

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

59.5 Sec. 24. Minnesota Statutes 2022, section 326B.103, subdivision 13, is amended to read:

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

59.10 Sec. 25. Minnesota Statutes 2022, section 326B.106, subdivision 1, is amended to read:

59.11 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections  
59.12 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the  
59.13 Construction Codes Advisory Council establish a code of standards for the construction,  
59.14 reconstruction, alteration, and repair of buildings, governing matters of structural materials,  
59.15 design and construction, fire protection, health, sanitation, and safety, including design and  
59.16 construction standards regarding heat loss control, illumination, and climate control. The  
59.17 code must also include duties and responsibilities for code administration, including  
59.18 procedures for administrative action, penalties, and suspension and revocation of certification.  
59.19 The code must conform insofar as practicable to model building codes generally accepted  
59.20 and in use throughout the United States, including a code for building conservation. In the  
59.21 preparation of the code, consideration must be given to the existing statewide specialty  
59.22 codes presently in use in the state. Model codes with necessary modifications and statewide  
59.23 specialty codes may be adopted by reference. The code must be based on the application  
59.24 of scientific principles, approved tests, and professional judgment. To the extent possible,  
59.25 the code must be adopted in terms of desired results instead of the means of achieving those  
59.26 results, avoiding wherever possible the incorporation of specifications of particular methods  
59.27 or materials. To that end the code must encourage the use of new methods and new materials.  
59.28 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall  
59.29 administer and enforce the provisions of those sections.

59.30 (b) The commissioner shall develop rules addressing the plan review fee assessed to  
59.31 similar buildings without significant modifications including provisions for use of building  
59.32 systems as specified in the industrial/modular program specified in section 326B.194.

60.1 Additional plan review fees associated with similar plans must be based on costs  
60.2 commensurate with the direct and indirect costs of the service.

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

60.10 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model  
60.11 residential energy code and the new model commercial energy code in accordance with  
60.12 federal law for which the United States Department of Energy has issued an affirmative  
60.13 determination in compliance with United States Code, title 42, section 6833. The  
60.14 commissioner shall consider amendments to the model energy codes that mitigate the impact  
60.15 of climate change and reduce greenhouse gas emissions by increasing and optimizing energy  
60.16 efficiency and improving resiliency of new buildings and existing buildings undergoing  
60.17 additions, alterations, and changes of use. The commissioner may adopt amendments prior  
60.18 to adoption of the new energy codes, as amended for use in Minnesota, to advance  
60.19 construction methods, technology, or materials, or, where necessary to protect the health,  
60.20 safety, and welfare of the public, or to improve the efficiency or use of a building.

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

60.30 (f) Nothing in this section shall be interpreted to limit the ability of a public utility to  
60.31 offer code support programs, or to claim energy savings resulting from such programs,  
60.32 through its energy conservation and optimization plans approved by the commissioner of  
60.33 commerce under section 216B.241.

61.1 Sec. 26. Minnesota Statutes 2022, section 326B.106, subdivision 4, is amended to read:

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

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

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

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

61.19 (e) **Family and group family day care.** Until the legislature enacts legislation specifying  
61.20 appropriate standards, the definition of dwellings constructed in accordance with the  
61.21 International Residential Code as adopted as part of the State Building Code applies to  
61.22 family and group family day care homes licensed by the Department of Human Services  
61.23 under Minnesota Rules, chapter 9502.

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

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

61.32 (h) **Relocated residential buildings.** A residential building relocated within or into a  
61.33 political subdivision of the state need not comply with the State Energy Code or section

62.1 326B.439 provided that, where available, an energy audit is conducted on the relocated  
62.2 building.

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

62.6 (j) **Exterior wood decks, patios, and balconies.** The code must permit the decking  
62.7 surface and upper portions of exterior wood decks, patios, and balconies to be constructed  
62.8 of (1) heartwood from species of wood having natural resistance to decay or termites,  
62.9 including redwood and cedars, (2) grades of lumber which contain sapwood from species  
62.10 of wood having natural resistance to decay or termites, including redwood and cedars, or  
62.11 (3) treated wood. The species and grades of wood products used to construct the decking  
62.12 surface and upper portions of exterior decks, patios, and balconies must be made available  
62.13 to the building official on request before final construction approval.

62.14 (k) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be  
62.15 imposed by municipalities under the State Building Code, except as required under section  
62.16 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section 326B.92  
62.17 administered by the Department of Labor and Industry. All data regarding the material  
62.18 production processes, including the bioprocess system's structural design and layout, are  
62.19 nonpublic data as provided by section 13.7911.

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

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

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

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

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

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

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

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

63.9 Sec. 27. Minnesota Statutes 2022, section 326B.106, is amended by adding a subdivision  
63.10 to read:

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

63.16 Sec. 28. Minnesota Statutes 2022, section 326B.802, subdivision 15, is amended to read:

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

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

63.19 (1) excavation;

63.20 (2) trenching;

63.21 (3) grading; and

63.22 (4) site grading.

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

63.25 (1) drain systems;

63.26 (2) poured walls;

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

63.28 (4) masonry walls;

63.29 (5) masonry fireplaces;

- 64.1 (6) masonry veneer; and
- 64.2 (7) water resistance and waterproofing.
- 64.3 (c) **Carpentry.** Carpentry includes work in any of the following areas:
- 64.4 (1) rough framing;
- 64.5 (2) finish carpentry;
- 64.6 (3) doors, windows, and skylights;
- 64.7 (4) porches and decks, excluding footings;
- 64.8 (5) wood foundations; and
- 64.9 (6) drywall installation, excluding taping and finishing.
- 64.10 (d) **Interior finishing.** Interior finishing includes work in any of the following areas:
- 64.11 (1) floor covering;
- 64.12 (2) wood floors;
- 64.13 (3) cabinet and counter top installation;
- 64.14 (4) insulation and vapor barriers;
- 64.15 (5) interior or exterior painting;
- 64.16 (6) ceramic, marble, and quarry tile;
- 64.17 (7) ornamental guardrail and installation of prefabricated stairs; and
- 64.18 (8) wallpapering.
- 64.19 (e) **Exterior finishing.** Exterior finishing includes work in any of the following areas:
- 64.20 (1) siding;
- 64.21 (2) soffit, fascia, and trim;
- 64.22 (3) exterior plaster and stucco;
- 64.23 (4) painting; and
- 64.24 (5) rain carrying systems, including gutters and down spouts.
- 64.25 (f) **Drywall and plaster.** Drywall and plaster includes work in any of the following
- 64.26 areas:
- 64.27 (1) installation;

- 65.1 (2) taping;
- 65.2 (3) finishing;
- 65.3 (4) interior plaster;
- 65.4 (5) painting; and
- 65.5 (6) wallpapering.
- 65.6 (g) **Residential roofing.** Residential roofing includes work in any of the following areas:
- 65.7 (1) roof coverings;
- 65.8 (2) roof sheathing;
- 65.9 (3) roof weatherproofing and insulation; ~~and~~
- 65.10 (4) repair of roof support system, but not construction of new roof support system; and
- 65.11 (5) penetration of roof coverings for purposes of attaching a solar photovoltaic system.
- 65.12 (h) **General installation specialties.** Installation includes work in any of the following
- 65.13 areas:
- 65.14 (1) garage doors and openers;
- 65.15 (2) pools, spas, and hot tubs;
- 65.16 (3) fireplaces and wood stoves;
- 65.17 (4) asphalt paving and seal coating; ~~and~~
- 65.18 (5) ornamental guardrail and prefabricated stairs; and
- 65.19 (6) assembly of the support system for a solar photovoltaic system.
- 65.20 Sec. 29. **RULEMAKING AUTHORITY.**
- 65.21 The commissioner of labor and industry shall adopt rules, using the expedited rulemaking
- 65.22 process in Minnesota Statutes, section 14.389, that set forth adult-size changing facilities
- 65.23 to conform with the addition of Minnesota Statutes, section 326B.106, subdivision 4,
- 65.24 paragraph (n), under this act.
- 65.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 65.26 Sec. 30. **REPEALER.**
- 65.27 Minnesota Statutes 2022, section 177.26, subdivision 3, is repealed.

## ARTICLE 7

## PUBLIC EMPLOYMENT RELATIONS BOARD

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

Subd. 6. **Access by labor organizations, Bureau of Mediation Services, Public Employment Relations Board.** Personnel data may be disseminated to labor organizations and the Public Employment Relations Board to the extent that the responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel data shall be disseminated to labor organizations, the Public Employment Relations Board, and to the Bureau of Mediation Services to the extent the dissemination is ordered or authorized by the commissioner of the Bureau of Mediation Services or the Public Employment Relations Board or its employees or agents.

Sec. 2. **[13.7909] PUBLIC EMPLOYMENT RELATIONS BOARD DATA.**

Subdivision 1. **Definition.** For purposes of this section, "board" means the Public Employment Relations Board.

Subd. 2. **Charge and complaint data.** (a) Except as provided in paragraphs (b) and (c), all data maintained by the board about a charge of unfair labor practices and appeals of determinations of the commissioner under section 179A.12, subdivision 11, are classified as protected nonpublic data or confidential data prior to being admitted into evidence at a hearing conducted pursuant to section 179A.13. Data that are admitted into evidence at a hearing conducted pursuant to section 179A.13 are public unless subject to a protective order as determined by the board or a hearing officer.

(b) Statements by individuals that are provided to the board are private data on individuals, as defined by section 13.02, subdivision 12, prior to being admitted into evidence at a hearing conducted pursuant to section 179A.13, and become public once admitted into evidence.

(c) The following data are public at all times:

(1) the filing date of unfair labor practice charges;

(2) the status of unfair labor practice charges as an original or amended charge;

(3) the names and job classifications of charging parties and charged parties;

(4) the provisions of law alleged to have been violated in unfair labor practice charges;

67.1 (5) the complaint issued by the board; and

67.2 (6) unless subject to a protective order:

67.3 (i) the full and complete record of an evidentiary hearing before a hearing officer,

67.4 including the hearing transcript, exhibits admitted into evidence, and posthearing briefs;

67.5 (ii) recommended decisions and orders of hearing officers pursuant to section 179A.13,

67.6 subdivision 1, paragraph (i);

67.7 (iii) exceptions to the hearing officer's recommended decision and order filed with the

67.8 board pursuant to section 179A.13, subdivision 1, paragraph (k);

67.9 (iv) party and nonparty briefs filed with the board; and

67.10 (v) decisions and orders issued by the board.

67.11 (d) The board may make any data classified as private, protected nonpublic, or

67.12 confidential pursuant to this subdivision accessible to any person or party if the access will

67.13 aid the implementation of chapters 179 and 179A or ensure due process protection of the

67.14 parties.

67.15 Sec. 3. Minnesota Statutes 2022, section 179A.041, is amended by adding a subdivision

67.16 to read:

67.17 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of

67.18 the board when it is deliberating on the merits of unfair labor practice charges under sections

67.19 179.11, 179.12, and 179A.13; reviewing a recommended decision and order of a hearing

67.20 officer under section 179A.13; or reviewing decisions of the commissioner of the Bureau

67.21 of Mediation Services relating to unfair labor practices under section 179A.12, subdivision

67.22 11.

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

67.24 **ARTICLE 8**

67.25 **MEAT AND POULTRY PROCESSING**

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

67.27 Sections 179.87 to 179.8757 may be titled the "Safe Workplaces for Meat and Poultry

67.28 Processing Workers Act."

68.1 Sec. 2. [179.871] DEFINITIONS.

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

68.4 Subd. 2. Authorized employee representative. "Authorized employee representative"  
68.5 has the meaning given in section 182.651, subdivision 22.

68.6 Subd. 3. Commissioner. "Commissioner" means the commissioner of labor and industry  
68.7 or the commissioner's designee.

68.8 Subd. 4. Coordinator. "Coordinator" means the meatpacking industry worker rights  
68.9 coordinator or the coordinator's designee.

68.10 Subd. 5. Meat-processing worker. "Meat-processing worker" or "worker" means any  
68.11 individual who a meat-processing employer suffers or permits to work directly in contact  
68.12 with raw meatpacking products in a meatpacking operation, including independent contractors  
68.13 and persons performing work for an employer through a temporary service or staffing  
68.14 agency. Workers in a meatpacking operation who inspect or package meatpacking products  
68.15 and workers who clean, maintain, or sanitize equipment or surfaces are included in the  
68.16 definition of a meat-processing worker.

68.17 Subd. 6. Meatpacking operation. "Meatpacking operation" or "meat-processing  
68.18 employer" means a meatpacking or poultry processing site with 100 or more employees in  
68.19 Minnesota and a North American Industrial Classification system code of 311611 to 311615,  
68.20 except 311613. Meatpacking operation or meat-processing employer does not mean a grocery  
68.21 store, deli, restaurant, or other business preparing meatpacking products for immediate  
68.22 consumption.

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

68.25 Sec. 3. [179.8715] WORKER RIGHTS COORDINATOR.

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

68.29 (b) The commissioner must enforce sections 179.87 to 179.8757, including inspecting,  
68.30 reviewing, and recommending improvements to the practices and procedures of meatpacking  
68.31 operations in Minnesota. A meat-processing employer must grant the commissioner full

69.1 access to all meatpacking operations in this state at any time that meatpacking products are  
69.2 being processed or meat-processing workers are on the job.

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

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

69.9 A meat-processing worker has the right to refuse to work under dangerous conditions  
69.10 in accordance with section 182.654, subdivision 11. Pursuant to section 182.654, subdivision  
69.11 11, the worker shall continue to receive pay and shall not be subject to discrimination.

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

69.13 Subdivision 1. **Administrative enforcement.** The commissioner, either on the  
69.14 commissioner's initiative or in response to a complaint, may inspect a meatpacking operation  
69.15 and subpoena records and witnesses as provided in sections 175.20, 177.27, and 182.659.  
69.16 If a meat-processing employer does not comply with the commissioner's inspection, the  
69.17 commissioner may seek relief as provided in this section or chapter 175 or 182.

69.18 Subd. 2. **Compliance authority.** The commissioner may issue a compliance order under  
69.19 section 177.27, subdivision 4, requiring an employer to comply with sections 179.8755,  
69.20 paragraphs (b) and (c); 179.8756, subdivisions 1 to 3 and 4, paragraphs (f) and (g); and  
69.21 179.8757. The commissioner also has authority, pursuant to section 182.662, subdivision  
69.22 1, to issue a stop-work or business-closure order when there is a condition or practice that  
69.23 could result in death or serious physical harm.

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

69.30 Subd. 4. **Other government enforcement.** The attorney general may enforce sections  
69.31 179.87 to 179.8757 under section 8.31. A city or county attorney may also enforce these  
69.32 sections. Such law enforcement agencies may inspect meatpacking operations and subpoena

70.1 records and witnesses and, where such agencies determine that a violation has occurred,  
70.2 may bring a civil action as provided in this section.

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

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

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

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

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

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

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

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

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

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

70.27 (1) 70 percent to the commissioner for enforcement of sections 179.87 to 179.8757; and

70.28 (2) 30 percent to the individual or authorized employee representative.

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

71.1 Sec. 6. **[179.8755] RETALIATION AGAINST EMPLOYEES AND**  
71.2 **WHISTLEBLOWERS PROHIBITED.**

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

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

71.14 (c) Reporting or threatening to report a meat-processing worker's suspected citizenship  
71.15 or immigration status, or the suspected citizenship or immigration status of a family member  
71.16 of the worker, to a federal, state, or local agency because the worker exercises a right under  
71.17 sections 179.87 to 179.8757 constitutes an adverse action for purposes of establishing a  
71.18 violation of that worker's rights. For purposes of this paragraph, "family member" means a  
71.19 spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild  
71.20 related by blood, adoption, marriage, or domestic partnership.

71.21 Sec. 7. **[179.8756] MEATPACKING WORKER CHRONIC INJURIES AND**  
71.22 **WORKPLACE SAFETY.**

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

71.27 (1) a certified professional ergonomist;

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

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

72.1 (b) If it is not practicable for a certified professional ergonomist or a licensed,  
72.2 board-certified physician to be a member of the committee required by paragraph (a), the  
72.3 meatpacking employer must have their safe-worker program reviewed by a certified  
72.4 professional ergonomist and a licensed, board-certified physician prior to implementation  
72.5 of the program and annually thereafter.

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

72.14 (b) Meat-processing employers must provide each worker with no less than eight hours  
72.15 of safety training each year. This annual training must address health and safety topics that  
72.16 are relevant to the establishment and the worker's job assignment, such as cuts, lacerations,  
72.17 amputations, machine guarding, biological hazards, lockout/tagout, hazard communication,  
72.18 ergonomic hazards, and personal protective equipment. At least two of the eight hours of  
72.19 annual training must be on topics related to the facility's ergonomic injury prevention  
72.20 program, including the assessment of surveillance data, the ergonomic hazard prevention  
72.21 and control plan, and the early signs and symptoms of musculoskeletal disorders and the  
72.22 procedures for reporting them. The employer must provide this training in a language and  
72.23 with vocabulary that the employee can understand.

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

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

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

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

72.33 (b) The coordinator may compile, analyze, and publish annually, either in summary or  
72.34 detailed form, all reports or information obtained under sections 179.87 to 179.8757,

73.1 including information about ergonomics programs, and may cooperate with the United  
73.2 States Department of Labor in obtaining national summaries of occupational deaths, injuries,  
73.3 and illnesses. The coordinator and authorized employee representative must preserve the  
73.4 anonymity of each employee with respect to whom medical reports or information is obtained.

73.5 Subd. 4. **Pandemic protections.** (a) This subdivision applies during a peacetime public  
73.6 health emergency declared under section 12.31, subdivision 2, that involves airborne  
73.7 transmission.

73.8 (b) Meat-processing employers must maintain at least a six-foot radius of space around  
73.9 and between each worker unless a nonporous barrier separates the workers. An employer  
73.10 may accomplish such distancing by increasing physical space between workstations, slowing  
73.11 production speeds, staggering shifts and breaks, adjusting shift size, or a combination thereof.  
73.12 The employer must reconfigure common or congregate spaces to allow for such distancing,  
73.13 including lunch rooms, break rooms, and locker rooms. The employer must reinforce social  
73.14 distancing by allowing workers to maintain six feet of distance along with the use of  
73.15 nonporous barriers.

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

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

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

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

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

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

74.9 (i) Meat-processing employers must record all injuries and illnesses in the facility and  
74.10 make these records available upon request to the health and safety committee. The name,  
74.11 contact information, and occupation of an employee, and any other information that would  
74.12 reveal the identity of an employee, must be removed. The redacted records must only include,  
74.13 to the extent it would not reveal the identity of an employee, the location where the employee  
74.14 worked, the date of the injury or visit, a description of the medical treatment or first aid  
74.15 provided, and a description of the injury suffered. The employer also must make its records  
74.16 available to the commissioner, and where there is a collective bargaining agreement, to the  
74.17 authorized bargaining representative.

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

74.22 (k) The entirety of this subdivision may also be enforced as described in section 179.875,  
74.23 subdivisions 3 to 6.

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

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

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

74.32 (c) The coordinator must place information explaining sections 179.87 to 179.8757 on  
74.33 the Department of Labor and Industry's website in at least English, Spanish, and any other

75.1 language that at least ten percent of meat-processing workers communicate in fluently. The  
75.2 coordinator must also make the information accessible to persons with impaired visual  
75.3 acuity.

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

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

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

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

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

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

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

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

## ARTICLE 9

## WAREHOUSE WORKERS

Section 1. [182.6526] WAREHOUSE DISTRIBUTION WORKER SAFETY.

Subdivision 1. Definitions. (a) The terms defined in this subdivision have the meanings given them.

(b) "Commissioner" means the commissioner of labor and industry.

(c)(1) Except as provided in clause (2), "employee" means a nonexempt employee who works at a warehouse distribution center.

(2) For the purposes of subdivisions 2, 3, and 4 only, "employee" means a nonexempt employee performing warehouse work occurring on the property of a warehouse distribution center, and does not include a nonexempt employee performing solely manufacturing, administrative, sales, accounting, human resources, or driving work at a warehouse distribution center.

(d) "Work speed data" means information an employer collects, stores, analyzes, or interprets relating to an individual employee's or group of employees' pace of work, including but not limited to quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota, and time categorized as performing tasks or not performing tasks.

(e) "Employer" means a person who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary service, or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of 250 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in the state. For purposes of this paragraph, all employees of an employer's unitary business, as that term is defined in section 290.17, subdivision 4, shall be counted in determining the number of employees employed at a single warehouse distribution center or at one or more warehouse distribution centers in the state.

(f) "Warehouse distribution center" means an establishment as defined by any of the following North American Industry Classification System (NAICS) codes:

(1) 493110 for General Warehousing and Storage;

(2) 423 for Merchant Wholesalers, Durable Goods;

77.1 (3) 424 for Merchant Wholesalers, Nondurable Goods;

77.2 (4) 454110 for Electronic Shopping and Mail-Order Houses; and

77.3 (5) 492110 for Couriers and Express Delivery Services.

77.4 (g) "Quota" means a work standard under which:

77.5 (1) an employee or group of employees is assigned or required to perform at a specified  
77.6 productivity speed, or perform a quantified number of tasks, or handle or produce a quantified  
77.7 amount of material, or perform without a certain number of errors or defects, as measured  
77.8 at the individual or group level within a defined time period; or

77.9 (2) an employee's actions are categorized between time performing tasks and not  
77.10 performing tasks, and the employee's failure to complete a task performance standard or  
77.11 recommendation may have an adverse impact on the employee's continued employment.

77.12 Subd. 2. **Written description required.** (a) Each employer shall provide to each  
77.13 employee a written description of each quota to which the employee is subject and how it  
77.14 is measured, including the quantified number of tasks to be performed or materials to be  
77.15 produced or handled or the limit on time categorized as not performing tasks, within the  
77.16 defined time period, and any potential adverse employment action that could result from  
77.17 failure to meet the quota.

77.18 (b) The written description must be understandable in plain language and in the  
77.19 employee's language of preference.

77.20 (c) The written description must be provided:

77.21 (1) upon hire or within 30 days of the effective date of this section; and

77.22 (2) no fewer than two working days prior to the effective date of any modification of  
77.23 existing quotas.

77.24 (d) An employer shall not take adverse employment action against an employee for  
77.25 failure to meet a quota that has not been disclosed to the employee.

77.26 Subd. 3. **Breaks.** An employee shall not be required to meet a quota that prevents  
77.27 compliance with meal or rest or prayer periods, use of restroom facilities, including  
77.28 reasonable travel time to and from restroom facilities as provided under section 177.253,  
77.29 subdivision 1, or occupational health and safety standards under this chapter or Minnesota  
77.30 Rules, chapter 5205. An employer shall not take adverse employment action against an  
77.31 employee for failure to meet a quota that does not allow a worker to comply with meal or  
77.32 rest or prayer periods, or occupational health and safety standards under this chapter.

78.1 Subd. 4. **Work speed data.** (a) Employees have the right to request orally or in writing  
78.2 from any supervisor, and the employer shall provide within 72 hours: (1) a written description  
78.3 of each quota to which the employee is subject; (2) a copy of the most recent 90 days of the  
78.4 employee's own personal work speed data; and (3) a copy of the prior six months of  
78.5 aggregated work speed data for similar employees at the same work site.

78.6 The written description of each quota must meet the requirements of subdivision 2, paragraph  
78.7 (b), and the work speed data must be provided in a manner understandable to the employee.  
78.8 An employee may make a request under this paragraph no more than four times per year.

78.9 (b) If an employer disciplines an employee for failure to meet a quota, the employer  
78.10 must, at the time of discipline, provide the employee with a written copy of the most recent  
78.11 90 days of the employee's own personal work speed data. If an employer dismisses an  
78.12 employee for any reason, they must, at the time of firing, provide the employee with a  
78.13 written copy of the most recent 90 days of the employee's own personal work speed data.  
78.14 An employer shall not retaliate against an employee for requesting data under this  
78.15 subdivision.

78.16 Subd. 5. **High rates of injury.** If a particular work site or employer is found to have an  
78.17 employee incidence rate in a given year, based on data reported to the federal Occupational  
78.18 Safety and Health Administration, of at least 30 percent higher than that year's average  
78.19 incidence rate for the relevant NAICS code's nonfatal occupational injuries and illnesses  
78.20 by industry and case types, released by the United States Bureau of Labor Statistics, the  
78.21 commissioner shall open an investigation of violations under this section. The employer  
78.22 must also hold its safety committee meetings as provided under section 182.676 monthly  
78.23 until, for two consecutive years, the work site or employer does not have an employee  
78.24 incidence rate 30 percent higher than the average yearly incidence rate for the relevant  
78.25 NAICS code.

78.26 Subd. 6. **Enforcement.** (a) Subdivision 2, paragraphs (a) to (c), subdivision 4, and  
78.27 subdivision 5 shall be enforced by the commissioner under sections 182.66, 182.661, and  
78.28 182.669. A violation of this section is subject to the penalties provided under sections  
78.29 182.666 and 182.669.

78.30 (b) A current or former employee aggrieved by a violation of this section may bring a  
78.31 civil cause of action for damages and injunctive relief to obtain compliance with this section,  
78.32 may receive other equitable relief as determined by a court, including reinstatement with  
78.33 back pay, and may, upon prevailing in the action, recover costs and reasonable attorney

79.1 fees in that action. A cause of action under this section must be commenced within one year  
79.2 of the date of the violation.

79.3 (c) Nothing in this section shall be construed to prevent local enforcement of occupational  
79.4 health and safety standards that are more restrictive than this section.

79.5 Sec. 2. **SEVERABILITY.**

79.6 If any provision of this act or the application thereof to any person or circumstance is  
79.7 held invalid, the invalidity does not affect other provisions or applications of the act which  
79.8 can be given effect without the invalid provision or application.

79.9 **ARTICLE 10**

79.10 **CONSTRUCTION WORKER WAGE PROTECTIONS**

79.11 Section 1. Minnesota Statutes 2022, section 177.27, subdivision 1, is amended to read:

79.12 Subdivision 1. **Examination of records.** The commissioner may enter during reasonable  
79.13 office hours or upon request and inspect the place of business or employment of any employer  
79.14 of employees working in the state, to examine and inspect books, registers, payrolls, and  
79.15 other records of any employer that in any way relate to wages, hours, and other conditions  
79.16 of employment of any employees. The commissioner may transcribe any or all of the books,  
79.17 registers, payrolls, and other records as the commissioner deems necessary or appropriate  
79.18 and may question the employees to ascertain compliance with sections 177.21 to 177.435  
79.19 and 181.165. The commissioner may investigate wage claims or complaints by an employee  
79.20 against an employer if the failure to pay a wage may violate Minnesota law or an order or  
79.21 rule of the department.

79.22 Sec. 2. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

79.23 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
79.24 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,  
79.25 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.165, 181.172, paragraph (a) or (d),  
79.26 181.275, subdivision 2a, 181.722, 181.79, and 181.939 to 181.943, or with any rule  
79.27 promulgated under section 177.28. The commissioner shall issue an order requiring an  
79.28 employer to comply with sections 177.41 to 177.435 or 181.165 if the violation is repeated.  
79.29 For purposes of this subdivision only, a violation is repeated if at any time during the two  
79.30 years that preceded the date of violation, the commissioner issued an order to the employer  
79.31 for violation of sections 177.41 to 177.435 or 181.165 and the order is final or the  
79.32 commissioner and the employer have entered into a settlement agreement that required the

80.1 employer to pay back wages that were required by sections 177.41 to 177.435. The  
80.2 department shall serve the order upon the employer or the employer's authorized  
80.3 representative in person or by certified mail at the employer's place of business. An employer  
80.4 who wishes to contest the order must file written notice of objection to the order with the  
80.5 commissioner within 15 calendar days after being served with the order. A contested case  
80.6 proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If,  
80.7 within 15 calendar days after being served with the order, the employer fails to file a written  
80.8 notice of objection with the commissioner, the order becomes a final order of the  
80.9 commissioner. For the purposes of this subdivision, an employer includes a contractor that  
80.10 has assumed a subcontractor's liability within the meaning of section 181.165.

80.11 Sec. 3. Minnesota Statutes 2022, section 177.27, subdivision 8, is amended to read:

80.12 Subd. 8. **Court actions; suits brought by private parties.** An employee may bring a  
80.13 civil action seeking redress for a violation or violations of sections 177.21 to 177.44 and  
80.14 181.165 directly to district court. An employer who pays an employee less than the wages  
80.15 and overtime compensation to which the employee is entitled under sections 177.21 to  
80.16 177.44 or a contractor that has assumed a subcontractor's liability as required by section  
80.17 181.165, is liable to the employee for the full amount of the wages, gratuities, and overtime  
80.18 compensation, less any amount the employer or contractor is able to establish was actually  
80.19 paid to the employee and for an additional equal amount as liquidated damages. In addition,  
80.20 in an action under this subdivision the employee may seek damages and other appropriate  
80.21 relief provided by subdivision 7 and otherwise provided by law. An agreement between the  
80.22 employee and the employer to work for less than the applicable wage is not a defense to  
80.23 the action.

80.24 Sec. 4. Minnesota Statutes 2022, section 177.27, subdivision 9, is amended to read:

80.25 Subd. 9. **District court jurisdiction.** Any action brought under subdivision 8 may be  
80.26 filed in the district court of the county wherein a violation or violations of sections 177.21  
80.27 to 177.44 or 181.165 are alleged to have been committed, where the respondent resides or  
80.28 has a principal place of business, or any other court of competent jurisdiction. The action  
80.29 may be brought by one or more employees.

80.30 Sec. 5. Minnesota Statutes 2022, section 177.27, subdivision 10, is amended to read:

80.31 Subd. 10. **Attorney fees and costs.** In any action brought pursuant to subdivision 8, the  
80.32 court shall order an employer who is found to have committed a violation or violations of

81.1 sections 177.21 to 177.44 or 181.165 to pay to the employee or employees reasonable costs,  
81.2 disbursements, witness fees, and attorney fees.

81.3 **Sec. 6. [181.165] WAGE PROTECTION; CONSTRUCTION WORKERS.**

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

81.6 (b) "Claimant" means any person claiming unpaid wages, fringe benefits, penalties, or  
81.7 resulting liquidated damages that are owed as required by law, including any applicable  
81.8 statute, regulation, rule, ordinance, government resolution or policy, contract, or other legal  
81.9 authority.

81.10 (c) "Commissioner" refers to the commissioner of labor and industry.

81.11 (d) "Construction contract" means a written or oral agreement for the construction,  
81.12 reconstruction, erection, alteration, remodeling, repairing, maintenance, moving, or  
81.13 demolition of any building, structure, or improvement, or relating to the excavation of or  
81.14 development or improvement to land. For purposes of this section, a construction contract  
81.15 shall not include a home improvement contract for the performance of a home improvement  
81.16 between a home improvement contractor and the owner of an owner-occupied dwelling,  
81.17 and a home construction contract for one- or two-family dwelling units except where such  
81.18 contract or contracts results in the construction of more than ten one- or two-family  
81.19 owner-occupied dwellings at one project site annually.

81.20 (e) "Contractor" means any person, firm, partnership, corporation, association, company,  
81.21 organization, or other entity, including a construction manager, general or prime contractor,  
81.22 joint venture, or any combination thereof, along with their successors, heirs, and assigns,  
81.23 which enters into a construction contract with an owner. An owner shall be deemed a  
81.24 contractor and liable as such under this section if said owner has entered into a construction  
81.25 contract with more than one contractor or subcontractor on any construction site.

81.26 (f) "Owner" means any person, firm, partnership, corporation, association, company,  
81.27 organization, or other entity, or a combination of any thereof, with an ownership interest,  
81.28 whether the interest or estate is in fee, as vendee under a contract to purchase, as lessee or  
81.29 another interest or estate less than fee that causes a building, structure, or improvement,  
81.30 new or existing, to be constructed, reconstructed, erected, altered, remodeled, repaired,  
81.31 maintained, moved, or demolished or that causes land to be excavated or otherwise developed  
81.32 or improved.

82.1 (g) "Subcontractor" means any person, firm, partnership, corporation, company,  
82.2 association, organization or other entity, or any combination thereof, that is a party to a  
82.3 contract with a contractor or party to a contract with the contractor's subcontractors at any  
82.4 tier to perform any portion of work within the scope of the contractor's construction contract  
82.5 with the owner, including where the subcontractor has no direct privity of contract with the  
82.6 contractor. When the owner is deemed a contractor, subcontractor also includes the owner's  
82.7 contractors.

82.8 Subd. 2. **Assumption of liability.** (a) A contractor entering into a construction contract  
82.9 shall assume and is liable for any unpaid wages, fringe benefits, penalties, and resulting  
82.10 liquidated damages owed to a claimant or third party acting on the claimant's behalf by a  
82.11 subcontractor at any tier acting under, by, or for the contractor or its subcontractors for the  
82.12 claimant's performance of labor.

82.13 (b) A contractor or any other person shall not evade or commit any act that negates the  
82.14 requirements of this section. No agreement by an employee or subcontractor to indemnify  
82.15 a contractor or otherwise release or transfer liability assigned to a contractor under this  
82.16 section shall be valid. However, if a contractor has satisfied unpaid wage claims of an  
82.17 employee and incurred fees and costs in doing so, such contractor may then pursue actual  
82.18 and liquidated damages from any subcontractor who caused the contractor to incur those  
82.19 damages.

82.20 (c) A contractor shall not evade liability under this section by claiming that a person is  
82.21 an independent contractor rather than an employee of a subcontractor unless the person  
82.22 meets the criteria required by section 181.723, subdivision 4.

82.23 Subd. 3. **Enforcement.** (a) In the case of a complaint filed with the commissioner under  
82.24 section 177.27, subdivision 1, or a private civil action by an employee under section 177.27,  
82.25 subdivision 8, such employee may designate any person, organization, or collective  
82.26 bargaining agent authorized to file a complaint with the commissioner or in court pursuant  
82.27 to this section to make a wage claim on the claimant's behalf.

82.28 (b) In the case of an action against a subcontractor, the contractor shall be jointly and  
82.29 severally liable for any unpaid wages, benefits, penalties, and any other remedies available  
82.30 pursuant to this section.

82.31 (c) Claims shall be brought consistent with section 541.07, clause (5), for the initiation  
82.32 of such claim under this section in a court of competent jurisdiction or the filing of a  
82.33 complaint with the commissioner or attorney general. The provisions of this section do not

83.1 diminish, impair, or otherwise infringe on any other right of an employee to bring an action  
83.2 or file a complaint against any employer.

83.3 Subd. 4. **Payroll records; data.** (a) Within 15 days of a request by a contractor to a  
83.4 subcontractor, the subcontractor, and any other subcontractors hired under contract to the  
83.5 subcontractor shall provide payroll records, which, at minimum, contain all lawfully required  
83.6 information for all workers providing labor on the project. The payroll records shall contain  
83.7 sufficient information to apprise the contractor or subcontractor of such subcontractor's  
83.8 payment of wages and fringe benefit contributions to a third party on the workers' behalf.  
83.9 Payroll records shall be marked or redacted to an extent only to prevent disclosure of the  
83.10 employee's Social Security number.

83.11 (b) Within 15 days of a request of a contractor or a contractor's subcontractor, any  
83.12 subcontractor that performs any portion of work within the scope of the contractor's  
83.13 construction contract with an owner shall provide:

83.14 (1) the names of all employees and independent contractors of the subcontractor on the  
83.15 project, including the names of all those designated as independent contractors and, when  
83.16 applicable, the name of the contractor's subcontractor with whom the subcontractor is under  
83.17 contract;

83.18 (2) the anticipated contract start date;

83.19 (3) the scheduled duration of work;

83.20 (4) when applicable, local unions with which such subcontractor is a signatory contractor;  
83.21 and

83.22 (5) the name and telephone number of a contact for the subcontractor.

83.23 (c) Unless otherwise required by law, a contractor or subcontractor shall not disclose an  
83.24 individual's personal identifying information to the general public, except that the contractor  
83.25 or subcontractor can confirm that the individual works for them and provide the individual's  
83.26 full name.

83.27 Subd. 5. **Payments to contractors and subcontractors.** Nothing in this section shall  
83.28 alter the owner's obligation to pay a contractor, or a contractor's obligation to pay a  
83.29 subcontractor as set forth in section 337.10, except as expressly permitted by this section.

83.30 Subd. 6. **Exemptions.** (a) Nothing in this section shall be deemed to diminish the rights,  
83.31 privileges, or remedies of any employee under any collective bargaining agreement. This  
83.32 section shall not apply to any contractor or subcontractor that is a signatory to a bona fide  
83.33 collective bargaining agreement with a building and construction trade labor organization

84.1 that: (1) contains a grievance procedure that may be used to recover unpaid wages on behalf  
84.2 of employees covered by the agreement; and (2) provides for collection of unpaid  
84.3 contributions to fringe benefit trust funds established pursuant to United States Code, title  
84.4 29, section 186(c)(5)-(6), by or on behalf of such trust funds.

84.5 (b) This section does not apply to work for which prevailing wage rates apply under  
84.6 sections 177.41 to 177.44.

84.7 Sec. 7. Minnesota Statutes 2022, section 181.171, subdivision 4, is amended to read:

84.8 Subd. 4. **Employer; definition.** "Employer" means any person having one or more  
84.9 employees in Minnesota and includes the state or a contractor that has assumed a  
84.10 subcontractor's liability within the meaning of section 181.165 and any political subdivision  
84.11 of the state. This definition applies to this section and sections 181.02, 181.03, 181.031,  
84.12 181.032, 181.06, 181.063, 181.10, 181.101, 181.13, 181.14, and 181.16.

84.13 Sec. 8. **EFFECTIVE DATE.**

84.14 Sections 1 to 7 are effective August 1, 2023, and apply to contracts or agreements entered  
84.15 into, renewed, modified, or amended on or after that date.

APPENDIX  
Repealed Minnesota Statutes: H2755-1

**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.