

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 2782

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

1.1

A bill for an act

1.2

relating to state government; establishing the governor's biennial budget for the

1.3

Department of Labor and Industry, Workers' Compensation Court of Appeals, and

1.4

Bureau of Mediation Services; providing earned sick and safe time; protecting

1.5

agricultural and food processing workers; establishing nursing home workforce

1.6

standards; protecting petroleum refinery workers; modifying combative sports;

1.7

modifying other miscellaneous policy provisions; requiring reports; appropriating

1.8

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

1.9

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

1.10

178.011, subdivision 7; 178.03, subdivision 1; 178.11; 179.86, subdivisions 1, 3,

1.11

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

1.12

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

1.13

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

1.14

subdivision; 181.942, subdivision 1; 181.9435, subdivision 1; 181.9436; 181.944;

1.15

182.666, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 326B.092, subdivision

1.16

6; 326B.096; 326B.103, subdivision 13, by adding subdivisions; 326B.106,

1.17

subdivision 1, by adding a subdivision; 341.21, subdivisions 2a, 2b, 2c, 4f, 7, by

1.18

adding a subdivision; 341.221; 341.25; 341.27; 341.28, subdivisions 2, 3, by adding

1.19

subdivisions; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 341.33;

1.20

341.355; proposing coding for new law in Minnesota Statutes, chapters 13; 177;

1.21

181; 341; repealing Minnesota Statutes 2022, sections 177.26, subdivision 3;

1.22

181.9413.

1.23

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

1.24

ARTICLE 1

1.25

APPROPRIATIONS

1.26

Section 1. APPROPRIATIONS.

1.27

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

1.28

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

1.29

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

1.30

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

1.31

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 oil
 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) \$1,445,000 the first year and \$2,209,000
 3.21 the second year are for earned sick and safe
 3.22 time oversight, enforcement, and IT costs. The
 3.23 base appropriation is \$1,899,000 beginning in
 3.24 fiscal year 2026.

3.25	<u>Subd. 4. Workers' Compensation</u>	<u>15,190,000</u>	<u>15,725,000</u>
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3.26 This appropriation is from the workers'
 3.27 compensation fund.

3.28	<u>Subd. 5. Workplace Safety</u>	<u>5,307,000</u>	<u>5,553,000</u>
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3.29 This appropriation is from the workers'
 3.30 compensation fund.

3.31	<u>Subd. 6. Workforce Development Initiatives</u>	<u>2,359,000</u>	<u>2,371,000</u>
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3.32 (a) This appropriation is from the workforce
 3.33 development fund.

- 4.1 (b) \$300,000 each year is from the workforce
 4.2 development fund for the pipeline program.
- 4.3 (c) \$200,000 each year is from the workforce
 4.4 development fund for identification of
 4.5 competency standards under Minnesota
 4.6 Statutes, section 175.45.
- 4.7 (d) \$1,500,000 each year is from the
 4.8 workforce development fund for youth skills
 4.9 training grants under Minnesota Statutes,
 4.10 section 175.46.
- 4.11 (e) \$359,000 the first year and \$371,000 the
 4.12 second year are from the workforce
 4.13 development fund for administration of the
 4.14 youth skills training grants under Minnesota
 4.15 Statutes, section 175.46.
- 4.16 Subd. 7. **Combative Sports**
- 4.17 This appropriation is from the general fund.
- 4.18 Subd. 8. **Apprenticeship**
- 4.19 (a) This appropriation is from the workforce
 4.20 development fund.
- 4.21 (b) \$1,464,000 the first year and \$1,534,000
 4.22 the second year are from the workforce
 4.23 development fund for the apprenticeship
 4.24 program under Minnesota Statutes, chapter
 4.25 178.
- 4.26 (c) \$1,000,000 the first year and \$1,000,000
 4.27 the second year are from the workforce
 4.28 development fund for labor education and
 4.29 advancement program grants under Minnesota
 4.30 Statutes, section 178.11.
- 4.31 (d) \$3,000,000 onetime in the first year is from
 4.32 the workforce development fund for grants to
 4.33 registered apprenticeship programs for clean

243,000254,0005,464,0002,534,000

5.1 economy occupations. Of this amount, up to
 5.2 five percent is for administration and
 5.3 monitoring of the program. This appropriation
 5.4 is available until June 30, 2026. Grant funds
 5.5 may be used to:

5.6 (1) purchase equipment or training materials
 5.7 in clean technologies;

5.8 (2) fund instructor professional development
 5.9 in clean technologies;

5.10 (3) design and refine curriculum in clean
 5.11 technologies; and

5.12 (4) train apprentices and upskill incumbent
 5.13 workers in clean technologies.

5.14 **Sec. 3. WORKERS' COMPENSATION COURT**
 5.15 **OF APPEALS**

\$

2,583,000

\$

2,563,000

5.16 This appropriation is from the workers'
 5.17 compensation fund.

5.18 **Sec. 4. BUREAU OF MEDIATION SERVICES**

\$

3,482,000

\$

3,564,000

5.19 (a) \$525,000 each year is for purposes of the
 5.20 Public Employment Relations Board under
 5.21 Minnesota Statutes, section 179A.041.

5.22 (b) \$68,000 each year is for grants to area
 5.23 labor management committees. Grants may
 5.24 be awarded for a 12-month period beginning
 5.25 July 1 each year. Any unencumbered balance
 5.26 remaining at the end of the first year does not
 5.27 cancel but is available for the second year.

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

ARTICLE 2

EARNED SICK AND SAFE TIME

Section 1. Minnesota Statutes 2022, section 181.942, subdivision 1, is amended to read:

Subdivision 1. **Comparable position.** (a) An employee returning from a leave of absence under section 181.941 is entitled to return to employment in the employee's former position or in a position of comparable duties, number of hours, and pay. An employee returning from a leave of absence longer than one month must notify a supervisor at least two weeks prior to return from leave. An employee returning from a leave under section 181.9412 or ~~181.9413~~ sections 181.9445 to 181.9448 is entitled to return to employment in the employee's former position.

(b) If, during a leave under sections 181.940 to 181.944, the employer experiences a layoff and the employee would have lost a position had the employee not been on leave, pursuant to the good faith operation of a bona fide layoff and recall system, including a system under a collective bargaining agreement, the employee is not entitled to reinstatement in the former or comparable position. In such circumstances, the employee retains all rights under the layoff and recall system, including a system under a collective bargaining agreement, as if the employee had not taken the leave.

Sec. 2. Minnesota Statutes 2022, section 181.9436, is amended to read:

181.9436 POSTING OF LAW.

The Division of Labor Standards and Apprenticeship shall develop, with the assistance of interested business and community organizations, an educational poster stating employees' rights under sections 181.940 to ~~181.9436~~ 181.9448. The department shall make the poster available, upon request, to employers for posting on the employer's premises.

Sec. 3. [181.9445] DEFINITIONS.

Subdivision 1. **Definitions.** For the purposes of section 177.50 and sections 181.9445 to 181.9448, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of labor and industry or authorized designee or representative.

Subd. 3. **Domestic abuse.** "Domestic abuse" has the meaning given in section 518B.01.

Subd. 4. **Earned sick and safe time.** "Earned sick and safe time" means leave, including paid time off and other paid leave systems, that is paid at the same hourly rate as an employee

earns from employment that may be used for the same purposes and under the same conditions as provided under section 181.9447, but in no case shall this hourly rate be less than that provided under section 177.24 or an applicable local minimum wage.

Subd. 5. **Employee.** "Employee" means any person who is employed by an employer, including temporary and part-time employees, who performs work for at least 80 hours in a year for that employer in Minnesota. Employee does not include an independent contractor.

Subd. 6. **Employer.** "Employer" means a person who has one or more employees. Employer includes an individual, a corporation, a partnership, an association, a business trust, a nonprofit organization, a group of persons, the state of Minnesota, a county, town, city, school district, or other governmental subdivision. In the event that a temporary employee is supplied by a staffing agency, absent a contractual agreement stating otherwise, that individual shall be an employee of the staffing agency for all purposes of section 177.50 and sections 181.9445 to 181.9448. Employer does not include the United States government.

Subd. 7. **Family member.** "Family member" means:

(1) an employee's:

(i) child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis;

(ii) spouse or registered domestic partner;

(iii) sibling, stepsibling, or foster sibling;

(iv) biological, adoptive, or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child;

(v) grandchild, foster grandchild, or stepgrandchild;

(vi) grandparent or stepgrandparent;

(vii) a child of a sibling of the employee;

(viii) a sibling of the parents of the employee; or

(ix) a child-in-law or sibling-in-law;

(2) any of the family members listed in clause (1) of a spouse or registered domestic partner;

(3) any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and

(4) up to one individual annually designated by the employee.

8.1 Subd. 8. **Health care professional.** "Health care professional" means any person licensed,
8.2 certified, or otherwise authorized under federal or state law to provide medical or emergency
8.3 services, including doctors, physician assistants, nurses, advanced practice registered nurses,
8.4 mental health professionals, and emergency room personnel.

8.5 Subd. 9. **Prevailing wage rate.** "Prevailing wage rate" has the meaning given in section
8.6 177.42 and as calculated by the Department of Labor and Industry.

8.7 Subd. 10. **Sexual assault.** "Sexual assault" means an act that constitutes a violation
8.8 under sections 609.342 to 609.3453 or 609.352.

8.9 Subd. 11. **Stalking.** "Stalking" has the meaning given in section 609.749.

8.10 Subd. 12. **Year.** "Year" means a regular and consecutive 12-month period, as determined
8.11 by an employer and clearly communicated to each employee of that employer.

8.12 Sec. 4. **[181.9446] ACCRUAL OF EARNED SICK AND SAFE TIME.**

8.13 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
8.14 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.
8.15 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
8.16 the employer agrees to a higher amount.

8.17 (b)(1) Except as provided in clause (2), employers must permit an employee to carry
8.18 over accrued but unused sick and safe time into the following year. The total amount of
8.19 accrued but unused earned sick and safe time for an employee must not exceed 80 hours at
8.20 any time, unless an employer agrees to a higher amount.

8.21 (2) In lieu of permitting the carryover of accrued but unused sick and safe time into the
8.22 following year as provided under clause (1), an employer may pay an employee for accrued
8.23 but unused sick and safe time at the end of a year at the same hourly rate as an employee
8.24 earns from employment, provided that the employer provides an employee with the maximum
8.25 annual accrual of earned sick and safe time for the year that meets or exceeds the
8.26 requirements of this section that is available for the employee's immediate use at the
8.27 beginning of the subsequent year. In no case shall this hourly rate be less than that provided
8.28 under section 177.24 or an applicable local minimum wage.

8.29 (c) Employees who are exempt from overtime requirements under United States Code,
8.30 title 29, section 213(a)(1), as amended through the effective date of this section, are deemed
8.31 to work 40 hours in each workweek for purposes of accruing earned sick and safe time,
8.32 except that an employee whose normal workweek is less than 40 hours will accrue earned
8.33 sick and safe time based on the normal workweek.

(d) Earned sick and safe time under this section begins to accrue at the commencement of employment of the employee.

(e) Employees may use earned sick and safe time as it is accrued.

Sec. 5. **[181.9447] USE OF EARNED SICK AND SAFE TIME.**

Subdivision 1. Eligible use. An employee may use accrued earned sick and safe time for:

(1) an employee's:

(i) mental or physical illness, injury, or other health condition;

(ii) need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or

(iii) need for preventive medical or health care;

(2) care of a family member:

(i) with a mental or physical illness, injury, or other health condition;

(ii) who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or

(iii) who needs preventive medical or health care;

(3) absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to:

(i) seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;

(ii) obtain services from a victim services organization;

(iii) obtain psychological or other counseling;

(iv) seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or

(v) seek legal advice or take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault, or stalking;

(4) closure of the employee's place of business due to weather or other public emergency or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency;

(5) the employee's inability to work or telework because the employee is: (i) prohibited from working by the employer due to health concerns related to the potential transmission of a communicable illness related to a public emergency; or (ii) seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, a communicable disease related to a public emergency and such employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and

(6) when it has been determined by the health authorities having jurisdiction or by a health care professional that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or family member of the employee to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

For the purposes of this subdivision, a public emergency shall include a declared emergency as defined in section 12.03 or a declared local emergency under section 12.29.

Subd. 2. **Notice.** An employer may require notice of the need for use of earned sick and safe time as provided in this paragraph. If the need for use is foreseeable, an employer may require advance notice of the intention to use earned sick and safe time but must not require more than seven days' advance notice. If the need is unforeseeable, an employer may require an employee to give notice of the need for earned sick and safe time as soon as practicable. An employer that requires notice of the need to use earned sick and safe time in accordance with this subdivision shall have a written policy containing reasonable procedures for employees to provide notice of the need to use earned sick and safe time, and shall provide a written copy of such policy to employees. If a copy of the written policy has not been provided to an employee, an employer shall not deny the use of earned sick and safe time to the employee on that basis.

Subd. 3. **Documentation.** (a) When an employee uses earned sick and safe time for more than three consecutive days, an employer may require reasonable documentation that the earned sick and safe time is covered by subdivision 1.

(b) For earned sick and safe time under subdivision 1, clauses (1), (2), (5), and (6), reasonable documentation may include a signed statement by a health care professional indicating the need for use of earned sick and safe time. However, if the employee or employee's family member did not receive services from a health care professional, or if documentation cannot be obtained from a health care professional in a reasonable time or without added expense, then reasonable documentation for the purposes of this paragraph may include a written statement from the employee indicating that the employee is using

11.1 or used earned sick and safe time for a qualifying purpose covered by subdivision 1, clause
11.2 (1), (2), (5), or (6).

11.3 (c) For earned sick and safe time under subdivision 1, clause (3), an employer must
11.4 accept a court record or documentation signed by a volunteer or employee of a victims
11.5 services organization, an attorney, a police officer, or an antiviolence counselor as reasonable
11.6 documentation.

11.7 (d) For earned sick and safe time to care for a family member under subdivision 1, clause
11.8 (4), an employer must accept as reasonable documentation a written statement from the
11.9 employee indicating that the employee is using or used earned sick and safe time for a
11.10 qualifying purpose as reasonable documentation.

11.11 (e) An employer must not require disclosure of details relating to domestic abuse, sexual
11.12 assault, or stalking or the details of an employee's or an employee's family member's medical
11.13 condition as related to an employee's request to use earned sick and safe time under this
11.14 section.

11.15 (f) Written statements by an employee may be written in the employee's first language
11.16 and need not be notarized or in any particular format.

11.17 Subd. 4. **Replacement worker.** An employer may not require, as a condition of an
11.18 employee using earned sick and safe time, that the employee seek or find a replacement
11.19 worker to cover the hours the employee uses as earned sick and safe time.

11.20 Subd. 5. **Increment of time used.** Earned sick and safe time may be used in the smallest
11.21 increment of time tracked by the employer's payroll system, provided such increment is not
11.22 more than four hours.

11.23 Subd. 6. **Retaliation prohibited.** (a) An employer shall not discharge, discipline, penalize,
11.24 interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against a
11.25 person because the person has exercised or attempted to exercise rights protected under this
11.26 act, including but not limited to because the person requested earned sick and safe time,
11.27 used earned sick and safe time, requested a statement of accrued sick and safe time, informed
11.28 any person of his or her potential rights under sections 181.9445 to 181.9448, made a
11.29 complaint or filed an action to enforce a right to earned sick and safe time under this section,
11.30 or is or was participating in any manner in an investigation, proceeding, or hearing under
11.31 this chapter.

12.1 (b) It shall be unlawful for an employer's absence control policy or attendance point
12.2 system to count earned sick and safe time taken under this act as an absence that may lead
12.3 to or result in a retaliation or any other adverse action.

12.4 (c) It shall be unlawful for an employer or any other person to report or threaten to report
12.5 the actual or suspected citizenship or immigration status of a person or their family member
12.6 to a federal, state, or local agency for exercising or attempting to exercise any right protected
12.7 under this act.

12.8 (d) A person need not explicitly refer to this act or the rights enumerated herein to be
12.9 protected from retaliation.

12.10 Subd. 7. **Pay and benefits.** (a) During any use of earned sick and safe time, the employer
12.11 must maintain coverage under any group insurance policy, group subscriber contract, or
12.12 health care plan for the employee and any dependents, as if the employee was not using
12.13 earned sick and safe time, provided, however, that the employee must continue to pay any
12.14 employee share of the cost of such benefits.

12.15 (b) An employee returning from a leave under this section is entitled to return to
12.16 employment at the same rate of pay the employee had been receiving when the leave
12.17 commenced, plus any automatic adjustments in the employee's pay scale that occurred
12.18 during the leave period. The employee returning from a leave is entitled to retain all accrued
12.19 preleave benefits of employment and seniority as if there had been no interruption in service,
12.20 provided that nothing under this section prevents the accrual of benefits or seniority during
12.21 the leave pursuant to a collective bargaining or other agreement between the employer and
12.22 employees.

12.23 Subd. 8. **Part-time return from leave.** An employee, by agreement with the employer,
12.24 may return to work part time during the leave period without forfeiting the right to return
12.25 to employment at the end of the leave, as provided under this section.

12.26 Subd. 9. **Notice and posting by employer.** (a) Employers must give notice to all
12.27 employees that they are entitled to earned sick and safe time, including the amount of earned
12.28 sick and safe time, the accrual year for the employee, the terms of its use under this section,
12.29 and a copy of the written policy for providing notice as provided under subdivision 2; that
12.30 retaliation against employees who request or use earned sick and safe time are prohibited;
12.31 and that each employee has the right to file a complaint or bring a civil action if earned sick
12.32 and safe time is denied by the employer or the employee is retaliated against for requesting
12.33 or using earned sick and safe time.

13.1 (b) Employers must supply employees with a notice in English and the primary language
13.2 of the employee, as identified by the employee, that contains the information required in
13.3 paragraph (a) at commencement of employment or the effective date of this section,
13.4 whichever is later.

13.5 (c) The means used by the employer must be at least as effective as the following options
13.6 for providing notice:

13.7 (1) posting a copy of the notice at each location where employees perform work and
13.8 where the notice must be readily observed and easily reviewed by all employees performing
13.9 work;

13.10 (2) providing a paper or electronic copy of the notice to employees; or

13.11 (3) a conspicuous posting in a web-based or app-based platform through which an
13.12 employee performs work.

13.13 The notice must contain all information required under paragraph (a).

13.14 (d) An employer that provides an employee handbook to its employees must include in
13.15 the handbook notice of employee rights and remedies under this section.

13.16 Subd. 10. **Required statement to employee.** (a) Upon request of the employee, the
13.17 employer must provide, in writing or electronically, current information stating the
13.18 employee's amount of:

13.19 (1) earned sick and safe time available to the employee; and

13.20 (2) used earned sick and safe time.

13.21 (b) Employers may choose a reasonable system for providing the information in paragraph
13.22 (a), including but not limited to listing information on each pay stub or developing an online
13.23 system where employees can access their own information.

13.24 Subd. 11. **Employer records.** (a) Employers shall retain accurate records documenting
13.25 hours worked by employees and earned sick and safe time taken and comply with all
13.26 requirements under section 177.30.

13.27 (b) An employer must allow an employee to inspect records required by this section and
13.28 relating to that employee at a reasonable time and place.

13.29 Subd. 12. **Confidentiality and nondisclosure.** (a) If, in conjunction with this section,
13.30 an employer possesses:

14.1 (1) health or medical information regarding an employee or an employee's family
14.2 member;

14.3 (2) information pertaining to domestic abuse, sexual assault, or stalking;

14.4 (3) information that the employee has requested or obtained leave under this section; or

14.5 (4) any written or oral statement, documentation, record, or corroborating evidence
14.6 provided by the employee or an employee's family member, the employer must treat such
14.7 information as confidential.

14.8 Information given by an employee may only be disclosed by an employer if the disclosure
14.9 is requested or consented to by the employee, when ordered by a court or administrative
14.10 agency, or when otherwise required by federal or state law.

14.11 (b) Records and documents relating to medical certifications, recertifications, or medical
14.12 histories of employees or family members of employees created for purposes of section
14.13 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
14.14 separate from the usual personnel files. At the request of the employee, the employer must
14.15 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
14.16 three years prior to the current calendar year.

14.17 (c) Employers may not discriminate against any employee based on records created for
14.18 the purposes of section 177.50 or sections 181.9445 to 181.9448.

14.19 **Sec. 6. [181.9448] EFFECT ON OTHER LAW OR POLICY.**

14.20 Subdivision 1. **No effect on more generous sick and safe time policies.** (a) Nothing
14.21 in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting
14.22 or retaining earned sick and safe time policies that meet or exceed, and do not otherwise
14.23 conflict with, the minimum standards and requirements provided in sections 181.9445 to
14.24 181.9448.

14.25 (b) Nothing in sections 181.9445 to 181.9448 shall be construed to limit the right of
14.26 parties to a collective bargaining agreement to bargain and agree with respect to earned sick
14.27 and safe time policies or to diminish the obligation of an employer to comply with any
14.28 contract, collective bargaining agreement, or any employment benefit program or plan that
14.29 meets or exceeds, and does not otherwise conflict with, the minimum standards and
14.30 requirements provided in this section.

14.31 (c) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or
14.32 otherwise affect the applicability of any other law, regulation, requirement, policy, or

15.1 standard that provides for a greater amount, accrual, or use by employees of paid sick and
15.2 safe time or that extends other protections to employees.

15.3 (d) Employers who provide earned sick and safe time to their employees under a paid
15.4 time off policy or other paid leave policy that may be used for the same purposes and under
15.5 the same conditions as earned sick and safe time, and that meets or exceeds, and does not
15.6 otherwise conflict with, the minimum standards and requirements provided in sections
15.7 181.9445 to 181.9448 are not required to provide additional earned sick and safe time.

15.8 (e) An employer may opt to satisfy the requirements of sections 181.9445 to 181.9448
15.9 for construction industry employees by:

15.10 (1) paying at least the prevailing wage rate as defined by section 177.42 and as calculated
15.11 by the Department of Labor and Industry; or

15.12 (2) paying at least the required rate established in a registered apprenticeship agreement
15.13 for apprentices registered with the Department of Labor and Industry.

15.14 An employer electing this option is deemed to be in compliance with sections 181.9445 to
15.15 181.9448 for construction industry employees who receive either at least the prevailing
15.16 wage rate or the rate required in the applicable apprenticeship agreement regardless of
15.17 whether the employees are working on private or public projects.

15.18 (f) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy
15.19 whereby employees may donate unused accrued sick and safe time to another employee.

15.20 (g) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and
15.21 safe time to an employee before accrual by the employee.

15.22 Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not
15.23 require financial or other reimbursement to an employee from an employer upon the
15.24 employee's termination, resignation, retirement, or other separation from employment for
15.25 accrued earned sick and safe time that has not been used. If an employee is transferred to
15.26 a separate division, entity, or location, but remains employed by the same employer, the
15.27 employee is entitled to all earned sick and safe time accrued at the prior division, entity, or
15.28 location and is entitled to use all earned sick and safe time as provided in sections 181.9445
15.29 to 181.9448. When there is a separation from employment and the employee is rehired
15.30 within 180 days of separation by the same employer, previously accrued earned sick and
15.31 safe time that had not been used must be reinstated. An employee is entitled to use accrued
15.32 earned sick and safe time and accrue additional earned sick and safe time at the
15.33 commencement of reemployment.

16.1 Subd. 3. **Employer succession.** (a) When a different employer succeeds or takes the
16.2 place of an existing employer, all employees of the original employer who remain employed
16.3 by the successor employer are entitled to all earned sick and safe time accrued but not used
16.4 when employed by the original employer, and are entitled to use all earned sick and safe
16.5 time previously accrued but not used.

16.6 (b) If, at the time of transfer of the business, employees are terminated by the original
16.7 employer and hired within 30 days by the successor employer following the transfer, those
16.8 employees are entitled to all earned sick and safe time accrued but not used when employed
16.9 by the original employer, and are entitled to use all earned sick and safe time previously
16.10 accrued but not used.

16.11 **Sec. 7. SEVERABILITY.**

16.12 If any provision of this act or application thereof to any person or circumstance is judged
16.13 invalid, the invalidity shall not affect other provisions or applications of the act which can
16.14 be given effect without the invalid provision or application, and to this end the provisions
16.15 of this act are declared severable.

16.16 **Sec. 8. REPEALER.**

16.17 Minnesota Statutes 2022, section 181.9413, is repealed.

16.18 **Sec. 9. EFFECTIVE DATE.**

16.19 This article is effective 180 days following final enactment.

16.20 **ARTICLE 3**

16.21 **EARNED SICK AND SAFE TIME ENFORCEMENT**

16.22 Section 1. Minnesota Statutes 2022, section 177.27, subdivision 2, is amended to read:

16.23 **Subd. 2. Submission of records; penalty.** The commissioner may require the employer
16.24 of employees working in the state to submit to the commissioner photocopies, certified
16.25 copies, or, if necessary, the originals of employment records which the commissioner deems
16.26 necessary or appropriate. The records which may be required include full and correct
16.27 statements in writing, including sworn statements by the employer, containing information
16.28 relating to wages, hours, names, addresses, and any other information pertaining to the
16.29 employer's employees and the conditions of their employment as the commissioner deems
16.30 necessary or appropriate.

17.1 The commissioner may require the records to be submitted by certified mail delivery
17.2 or, if necessary, by personal delivery by the employer or a representative of the employer,
17.3 as authorized by the employer in writing.

17.4 The commissioner may fine the employer up to ~~\$1,000~~ \$10,000 for each failure to submit
17.5 or deliver records as required by this section, ~~and up to \$5,000 for each repeated failure.~~
17.6 This penalty is in addition to any penalties provided under section 177.32, subdivision 1.
17.7 In determining the amount of a civil penalty under this subdivision, the appropriateness of
17.8 such penalty to the size of the employer's business and the gravity of the violation shall be
17.9 considered.

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

17.11 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
17.12 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
17.13 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
17.14 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.9445 to 181.9448, or
17.15 with any rule promulgated under section 177.28. The commissioner shall issue an order
17.16 requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated.
17.17 For purposes of this subdivision only, a violation is repeated if at any time during the two
17.18 years that preceded the date of violation, the commissioner issued an order to the employer
17.19 for violation of sections 177.41 to 177.435 and the order is final or the commissioner and
17.20 the employer have entered into a settlement agreement that required the employer to pay
17.21 back wages that were required by sections 177.41 to 177.435. The department shall serve
17.22 the order upon the employer or the employer's authorized representative in person or by
17.23 certified mail at the employer's place of business. An employer who wishes to contest the
17.24 order must file written notice of objection to the order with the commissioner within 15
17.25 calendar days after being served with the order. A contested case proceeding must then be
17.26 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
17.27 served with the order, the employer fails to file a written notice of objection with the
17.28 commissioner, the order becomes a final order of the commissioner.

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

17.30 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
17.31 violated a section identified in subdivision 4, or any rule adopted under section 177.28, and
17.32 the commissioner issues an order to comply, the commissioner shall order the employer to
17.33 cease and desist from engaging in the violative practice and to take such affirmative steps

that in the judgment of the commissioner will effectuate the purposes of the section or rule violated. The commissioner shall order the employer to pay to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount actually paid to the employee by the employer, and for an additional equal amount as liquidated damages. Any employer who is found by the commissioner to have repeatedly or willfully violated a section or sections identified in subdivision 4 shall be subject to a civil penalty of up to ~~\$1,000~~ \$10,000 for each violation for each employee. In determining the amount of a civil penalty under this subdivision, the appropriateness of such penalty to the size of the employer's business and the gravity of the violation shall be considered. In addition, the commissioner may order the employer to reimburse the department and the attorney general for all appropriate litigation and hearing costs expended in preparation for and in conducting the contested case proceeding, unless payment of costs would impose extreme financial hardship on the employer. If the employer is able to establish extreme financial hardship, then the commissioner may order the employer to pay a percentage of the total costs that will not cause extreme financial hardship. Costs include but are not limited to the costs of services rendered by the attorney general, private attorneys if engaged by the department, administrative law judges, court reporters, and expert witnesses as well as the cost of transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's order from the date the order is signed by the commissioner until it is paid, at an annual rate provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish escrow accounts for purposes of distributing damages.

Sec. 4. **[177.50] EARNED SICK AND SAFE TIME ENFORCEMENT.**

Subdivision 1. Definitions. The definitions in section 181.9445 apply to this section.

Subd. 2. Rulemaking authority. The commissioner may adopt rules to carry out the purposes of this section and sections 181.9445 to 181.9448.

Subd. 3. Individual remedies. An action to recover damages under section 181.944 for violation of sections 181.9445 to 181.9448 must be commenced within three years of the violation that caused the injury to the employee.

Subd. 4. Grants to community organizations. The commissioner may make grants to community organizations for the purpose of outreach to and education for employees regarding their rights under sections 181.9445 to 181.9448. The community-based organizations must be selected based on their experience, capacity, and relationships in high-violation industries. The work under such a grant may include the creation and administration of a statewide worker hotline.

19.1 Subd. 5. **Report to legislature.** (a) The commissioner must submit an annual report to
19.2 the legislature, including to the chairs and ranking minority members of any relevant
19.3 legislative committee. The report must include but is not limited to:

19.4 (1) a list of all violations of sections 181.9445 to 181.9448, including the employer
19.5 involved, and the nature of any violations; and

19.6 (2) an analysis of noncompliance with sections 181.9445 to 181.9448, including any
19.7 patterns by employer, industry, or county.

19.8 (b) A report under this section must not include an employee's name or other identifying
19.9 information, any health or medical information regarding an employee or an employee's
19.10 family member, or any information pertaining to domestic abuse, sexual assault, or stalking
19.11 of an employee or an employee's family member.

19.12 Subd. 6. **Contract for labor or services.** It is the responsibility of all employers to not
19.13 enter into any contract or agreement for labor or services where the employer has any actual
19.14 knowledge or knowledge arising from familiarity with the normal facts and circumstances
19.15 of the business activity engaged in, or has any additional facts or information that, taken
19.16 together, would make a reasonably prudent person undertake to inquire whether, taken
19.17 together, the contractor is not complying or has failed to comply with this section. For
19.18 purposes of this subdivision, "actual knowledge" means information obtained by the employer
19.19 that the contractor has violated this section within the past two years and has failed to present
19.20 the employer with credible evidence that such noncompliance has been cured going forward.

19.21 **EFFECTIVE DATE.** This section is effective 180 days after final enactment.

19.22 Sec. 5. Minnesota Statutes 2022, section 181.944, is amended to read:

19.23 **181.944 INDIVIDUAL REMEDIES.**

19.24 In addition to any other remedies provided by law, a person injured by a violation of
19.25 sections 181.172, paragraph (a) or (d), ~~and~~ 181.939 to 181.943, and 181.9445 to 181.9448
19.26 may bring a civil action to recover any and all damages recoverable at law, together with
19.27 costs and disbursements, including reasonable attorney's fees, and may receive injunctive
19.28 and other equitable relief as determined by a court.

ARTICLE 4**AGRICULTURE AND FOOD PROCESSING WORKERS**

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

Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031, 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275, subdivision 2a, 181.635, 181.722, 181.79, 181.85 to 181.89, and 181.939 to 181.943, or with any rule promulgated under section 177.28. The commissioner shall issue an order requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated. For purposes of this subdivision only, a violation is repeated if at any time during the two years that preceded the date of violation, the commissioner issued an order to the employer for violation of sections 177.41 to 177.435 and the order is final or the commissioner and the employer have entered into a settlement agreement that required the employer to pay back wages that were required by sections 177.41 to 177.435. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner.

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

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

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

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

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

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

(3) a description of leave policies;

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

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

21.3 (6) when workers' compensation insurance coverage is required by chapter 176, the

21.4 name of the employer's workers' compensation insurance carrier, the carrier's phone number,

21.5 and the insurance policy number.

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

21.9 (1) the right to organize and bargain collectively and refrain from organizing and
21.10 bargaining collectively;

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

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

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

21.14 (c) The Department of Labor and Industry shall provide a standard explanation form for
21.15 use at the employer's option for providing the information required in subdivision 3. The
21.16 form shall be available in English and Spanish and additional languages upon request.

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

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

21.21 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of
21.22 action for damages for the greater of \$1,000 per violation or twice the employee's actual
21.23 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of
21.24 \$1,400 or three times actual damages for an employee injured by an intentional violation
21.25 of this section. Damages awarded under this subdivision shall be reduced by the amount of
21.26 any fine paid to the employee under subdivision 6.

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

21.29 Subd. 6. **Fine.** The commissioner of labor and industry shall fine an employer not less
21.30 than \$400 or more than \$1,000 for each violation of subdivision 3. The fine shall be payable

22.1 to the employee aggrieved except the amount payable to the employee shall be reduced by
22.2 any damages awarded under subdivision 5.

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

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

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

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

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

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

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

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

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

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

- 23.1 (1) nature of the work to be performed;
- 23.2 (2) wage rate, nature and amount of deductions for tools, clothing, supplies, or other
- 23.3 items;
- 23.4 (3) anticipated hours of work per week, including overtime;
- 23.5 (4) anticipated slowdown or shutdown or if hours of work per week vary more than 25
- 23.6 percent from clause (3);
- 23.7 (5) duration of the work;
- 23.8 (6) workers' compensation coverage and name, address, and telephone number of insurer
- 23.9 and Department of Labor and Industry;
- 23.10 (7) employee benefits available, including any health plans, sick leave, or paid vacation;
- 23.11 (8) transportation and relocation arrangements with allocation of costs between employer
- 23.12 and employee;
- 23.13 (9) availability and description of housing and any costs to employee associated with
- 23.14 housing; and
- 23.15 (10) any other item of value offered, and allocation of costs of item between employer
- 23.16 and employee.

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

23.18 Subd. 2. **Recruiting; required disclosure.** (a) An employer shall provide written

23.19 disclosure of the terms and conditions of employment to a person at the time it recruits the

23.20 person to relocate to work in the food processing industry. The disclosure requirement does

23.21 not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1).

23.22 The disclosure must be written in English and Spanish, or English and another language if

23.23 the person's preferred language is not English or Spanish, dated and signed by the employer

23.24 and the person recruited, and maintained by the employer for ~~two~~ three years. A copy of

23.25 the signed and completed disclosure must be delivered immediately to the recruited person.

23.26 The disclosure may not be construed as an employment contract.

23.27 (b) The requirements under this subdivision are in addition to the requirements under

23.28 section 181.032.

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

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

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

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

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

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

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

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

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

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

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

24.29 Subdivision 1. **Terms.** (a) An employer that recruits a migrant worker shall provide the
24.30 migrant worker, at the time the worker is recruited, with a written employment statement

25.1 which shall state clearly and plainly, in English and Spanish, or English and another language
25.2 if the worker's preferred language is not English or Spanish:

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

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

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

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

25.11 (5) the wage rates to be paid;

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

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

25.14 (8) whether housing will be provided; and

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

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

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

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

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

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

25.28 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant
25.29 worker a minimum of 70 hours pay for work in any two successive weeks and, should the
25.30 pay for hours actually offered by the employer and worked by the migrant worker provide

a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker the difference within three days after the scheduled payday for the pay period involved. Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the employment statement, or the federal, state, or local minimum wage, whichever is ~~higher~~ highest. Any pay in addition to the hourly wage rate specified in the employment statement shall be applied against the guarantee. This guarantee applies for the minimum period of employment specified in the employment statement beginning with the date on which employment is to begin as specified in the employment statement. The date on which employment is to begin may be changed by the employer by written, telephonic, or telegraphic notice to the migrant worker, at the worker's last known physical address or email address, no later than ten days prior to the previously stated beginning date. The migrant worker shall contact the recruiter to obtain the latest information regarding the date upon which employment is to begin no later than five days prior to the previously stated beginning date. This guarantee shall be reduced, when there is no work available for a period of seven or more consecutive days during any two-week period subsequent to the commencement of work, by five hours pay for each such day, when the unavailability of work is caused by climatic conditions or an act of God, provided that the employer pays the migrant worker, on the normal payday, the sum of ~~\$5~~ \$50 for each such day.

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

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

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

181.88 RECORD KEEPING.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 5

NURSING HOME WORKFORCE STANDARDS

Section 1. **TITLE.**

Sections 181.211 to 181.217 shall be known as the "Minnesota Nursing Home Workforce Standards Board Act."

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

28.2 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
28.3 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
28.4 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.214
28.5 to 181.217, 181.275, subdivision 2a, 181.722, 181.79, and 181.939 to 181.943, or with any
28.6 rule promulgated under section 177.28, 181.213, or 181.215. The commissioner shall issue
28.7 an order requiring an employer to comply with sections 177.41 to 177.435 if the violation
28.8 is repeated. For purposes of this subdivision only, a violation is repeated if at any time
28.9 during the two years that preceded the date of violation, the commissioner issued an order
28.10 to the employer for violation of sections 177.41 to 177.435 and the order is final or the
28.11 commissioner and the employer have entered into a settlement agreement that required the
28.12 employer to pay back wages that were required by sections 177.41 to 177.435. The
28.13 department shall serve the order upon the employer or the employer's authorized
28.14 representative in person or by certified mail at the employer's place of business. An employer
28.15 who wishes to contest the order must file written notice of objection to the order with the
28.16 commissioner within 15 calendar days after being served with the order. A contested case
28.17 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15
28.18 calendar days after being served with the order, the employer fails to file a written notice
28.19 of objection with the commissioner, the order becomes a final order of the commissioner.

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

28.21 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
28.22 violated a section identified in subdivision 4, or any rule adopted under section 177.28,
28.23 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner
28.24 shall order the employer to cease and desist from engaging in the violative practice and to
28.25 take such affirmative steps that in the judgment of the commissioner will effectuate the
28.26 purposes of the section or rule violated. The commissioner shall order the employer to pay
28.27 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount
28.28 actually paid to the employee by the employer, and for an additional equal amount as
28.29 liquidated damages. Any employer who is found by the commissioner to have repeatedly
28.30 or willfully violated a section or sections identified in subdivision 4 shall be subject to a
28.31 civil penalty of up to \$1,000 for each violation for each employee. In determining the amount
28.32 of a civil penalty under this subdivision, the appropriateness of such penalty to the size of
28.33 the employer's business and the gravity of the violation shall be considered. In addition, the
28.34 commissioner may order the employer to reimburse the department and the attorney general
28.35 for all appropriate litigation and hearing costs expended in preparation for and in conducting

the contested case proceeding, unless payment of costs would impose extreme financial hardship on the employer. If the employer is able to establish extreme financial hardship, then the commissioner may order the employer to pay a percentage of the total costs that will not cause extreme financial hardship. Costs include but are not limited to the costs of services rendered by the attorney general, private attorneys if engaged by the department, administrative law judges, court reporters, and expert witnesses as well as the cost of transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's order from the date the order is signed by the commissioner until it is paid, at an annual rate provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish escrow accounts for purposes of distributing damages.

Sec. 4. **[181.211] DEFINITIONS.**

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

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

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

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

Subd. 5. **Employer organization.** "Employer organization" means:

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

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

Subd. 6. **Nursing home.** "Nursing home" means a nursing home licensed under chapter 144A, or a boarding care home licensed under sections 144.50 to 144.56.

Subd. 7. **Nursing home employer.** "Nursing home employer" means an employer of nursing home workers in a licensed, Medicaid-certified facility that is reimbursed under chapter 256R.

Subd. 8. **Nursing home worker.** "Nursing home worker" means any worker who provides services in a nursing home in Minnesota, including direct care staff, nondirect care staff,

and contractors, but excluding administrative staff, medical directors, nursing directors, physicians, and individuals employed by a supplemental nursing services agency.

Subd. 9. **Worker organization.** "Worker organization" means an organization that is exempt from federal income taxation under section 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code, that is not dominated or controlled by any nursing home employer within the meaning of United States Code, title 29, section 158a(2), and that has at least five years of demonstrated experience engaging with and advocating for nursing home workers.

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

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

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

(2) the commissioner of health or a designee;

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

(4) three members who represent nursing home employers or employer organizations, appointed by the governor; and

(5) three members who represent nursing home workers or worker organizations, appointed by the governor.

Subd. 2. **Terms; vacancies.** (a) Board members appointed under subdivision 1, clause (4) or (5), shall serve four-year terms following the initial staggered-lot determination. The initial terms of members appointed under subdivision 1, clauses (4) and (5), shall be determined by lot by the secretary of state and shall be as follows:

(1) one member appointed under each of subdivision 1, clauses (4) and (5), shall serve a two-year term;

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

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

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

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

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

Subd. 5. Compensation. Compensation of board members is governed by section 15.0575.

Subd. 6. Application of other laws. Meetings of the board are subject to chapter 13D. The board is subject to chapter 13.

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

Subd. 8. Hearings and investigations. To carry out its duties, the board shall hold public hearings on, and conduct investigations into, working conditions in the nursing home industry.

Subd. 9. Antitrust compliance. The board shall establish operating procedures that meet all state and federal antitrust requirements and may prohibit board member access to data to meet the requirements of this subdivision.

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

Subdivision 1. Authority to establish minimum nursing home employment standards. (a) The board must adopt rules establishing minimum nursing home employment standards that are reasonably necessary and appropriate to protect the health and welfare of nursing home workers, to ensure that nursing home workers are properly trained about and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy the purposes of sections 181.211 to 181.217. Standards established by the board must include, as appropriate, standards on compensation and other working conditions for nursing home workers. The board may not adopt standards that are less protective of or beneficial to nursing home workers as any other applicable statute or rule or any standard previously established by the board unless there is a determination by the board under subdivision 2

32.1 that existing standards exceed the operating payment rate and external fixed costs payment
32.2 rates included in the most recent budget and economic forecast completed under section
32.3 16A.103. In establishing standards under this section, the board must establish statewide
32.4 standards and standards that apply to specific nursing home occupations.

32.5 (b) The board must adopt rules establishing initial standards for wages for nursing home
32.6 workers no later than August 1, 2024. The board may use the authority in section 14.389
32.7 to adopt rules under this paragraph. The board must not adopt standards that are less
32.8 protective of or beneficial to nursing home workers as any other applicable statute or rule
32.9 or any standard previously established by the board unless there is a determination by the
32.10 board under subdivision 2 that existing standards exceed the operating payment rate and
32.11 external fixed costs payment rates included in the most recent budget and economic forecast
32.12 completed under section 16A.103.

32.13 (c) To the extent that any minimum standards that the board finds are reasonably
32.14 necessary and appropriate to protect the health and welfare of nursing home workers fall
32.15 within the jurisdiction of chapter 182, the board shall not adopt rules establishing the
32.16 standards but shall instead recommend the standards to the commissioner of labor and
32.17 industry. The commissioner of labor and industry shall adopt nursing home health and safety
32.18 standards under section 182.655 as recommended by the board, unless the commissioner
32.19 determines that the recommended standard is outside the statutory authority of the
32.20 commissioner or is otherwise unlawful and issues a written explanation of this determination.

32.21 Subd. 2. **Investigation of market conditions.** (a) The board must investigate market
32.22 conditions and the existing wages, benefits, and working conditions of nursing home workers
32.23 for specific geographic areas of the state and specific nursing home occupations. Based on
32.24 this information, the board must seek to adopt minimum nursing home employment standards
32.25 that meet or exceed existing industry conditions for a majority of nursing home workers in
32.26 the relevant geographic area and nursing home occupation. Except for standards exceeding
32.27 the threshold determined in paragraph (d), initial employment standards established by the
32.28 board are effective January 1, 2025, and remain in effect until any subsequent standards are
32.29 adopted by rules.

32.30 (b) The board must consider the following types of information in making wage rate
32.31 determinations that are reasonably necessary to protect the health and welfare of nursing
32.32 home workers:

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

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

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

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

33.7 (5) local minimum nursing home employment standards;

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

33.9 (7) any other information pertinent to establishing minimum nursing home employment
33.10 standards.

33.11 (c) In considering wage and benefit increases, the board must determine the impact of
33.12 nursing home operating payment rates determined pursuant to section 256R.21, subdivision
33.13 3, and the employee benefits portion of the external fixed costs payment rate determined
33.14 pursuant to section 256R.25. If the board, in consultation with the commissioner of human
33.15 services, determines the operating payment rate and employee benefits portion of the external
33.16 fixed costs payment rate will increase to comply with new employment standards, the board
33.17 shall report to the legislature the increase in funding needed to increase payment rates to
33.18 comply with the new employment standards and must make implementation of any new
33.19 nursing home employment standards contingent upon an appropriation, as determined by
33.20 sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new
33.21 employment standards.

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

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

33.31 (2) the comparison of the results of clause (1) to the operating payment rate and employee
33.32 benefits portion of the external fixed costs payment rate increase for the first day of the

second calendar year after the adoption of any nursing home employment standards included in the most recent budget and economic forecast completed under section 16A.103; and

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

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

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

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

(2) following that review, adopt new rules, amend or repeal existing rules, or make recommendations to adopt new rules or amend or repeal existing rules for minimum nursing home employment standards, as appropriate to meet the purposes of sections 181.211 to 181.217.

Subd. 4. **Conflict.** (a) In the event of a conflict between a standard established by the board in rule and a rule adopted by another state agency, the rule adopted by the board shall apply to nursing home workers and nursing home employers.

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

(c) Notwithstanding paragraph (a), if the commissioner of health determines that a standard established by the board in rule or recommended by the board conflicts with requirements in federal regulations for nursing home certification or with state statutes or

rules governing licensure of nursing homes, the federal regulations or state nursing home licensure statutes or rules shall take precedence, and the conflicting board standard or rule shall not apply to nursing home workers or nursing home employers.

Subd. 5. **Effect on other agreements.** Nothing in sections 181.211 to 181.217 shall be construed to:

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

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

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

Subdivision 1. **Certification of worker organizations.** The board shall certify worker organizations that it finds are qualified to provide training to nursing home workers according to this section. The board shall by rule establish certification criteria that a worker organization must meet in order to be certified. In adopting rules to establish initial certification criteria under this subdivision, the board may use the authority in section 14.389. The criteria must ensure that a worker organization, if certified, is able to provide:

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

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

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

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

(2) the antiretaliation protections established in section 181.216;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 6. Nursing home employer duties regarding training. (a) A nursing home employer must ensure, and must provide proof to the commissioner of labor and industry, that every two years each of its nursing home workers completes one hour of training that meets the requirements of this section and is provided by a certified worker organization. A nursing home employer may, but is not required to, host training sessions on the premises of the nursing home.

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

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

Subd. 7. Compensation. A nursing home employer must compensate its nursing home workers at their regular hourly rate of wages and benefits for each hour of training completed as required by this section.

Sec. 8. [181.215] REQUIRED NOTICES.

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

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

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

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

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

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

A nursing home employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home worker for:

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

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

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

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

Subdivision 1. **Minimum nursing home employment standards.** Except as provided in section 181.213, subdivision 4, paragraph (b) or (c), the minimum wages and other working conditions established by the board in rule as minimum nursing home employment standards shall be the minimum wages and standard conditions of labor for nursing home workers or a subgroup of nursing home workers as a matter of state law. Except as provided in section 181.213, subdivision 4, paragraph (b) or (c), it shall be unlawful for a nursing home employer to employ a nursing home worker for lower wages than those established

as the minimum nursing home employment standards or under any other working conditions that violate the minimum nursing home employment standards.

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

Subd. 3. Enforcement authority. The Department of Labor and Industry shall enforce sections 181.214 to 181.217 and compliance with the minimum nursing home employment standards established by the board according to the authority in section 177.27, subdivisions 4 and 7.

Subd. 4. Civil action by nursing home worker. (a) One or more nursing home workers may bring a civil action in district court seeking redress for violations of sections 181.211 to 181.217 or of any applicable minimum nursing home employment standards or local minimum nursing home employment standards. Such an action may be filed in the district court of the county where a violation or violations are alleged to have been committed or where the nursing home employer resides, or in any other court of competent jurisdiction, and may represent a class of similarly situated nursing home workers.

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

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

40.1 Sec. 11. **INITIAL APPOINTMENTS.**

40.2 The governor shall make initial appointments to the Minnesota Nursing Home Workforce
40.3 Standards Board under Minnesota Statutes, section 181.212, no later than August 1, 2023.

40.4 **ARTICLE 6**

40.5 **PETROLEUM REFINERY SKILLED WORKERS**

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

40.7 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
40.8 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
40.9 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
40.10 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.987, or with any rule
40.11 promulgated under section 177.28. The commissioner shall issue an order requiring an
40.12 employer to comply with sections 177.41 to 177.435 or 181.987 if the violation is repeated.
40.13 For purposes of this subdivision only, a violation is repeated if at any time during the two
40.14 years that preceded the date of violation, the commissioner issued an order to the employer
40.15 for violation of sections 177.41 to 177.435 or 181.987 and the order is final or the
40.16 commissioner and the employer have entered into a settlement agreement that required the
40.17 employer to pay back wages that were required by sections 177.41 to 177.435. The
40.18 department shall serve the order upon the employer or the employer's authorized
40.19 representative in person or by certified mail at the employer's place of business. An employer
40.20 who wishes to contest the order must file written notice of objection to the order with the
40.21 commissioner within 15 calendar days after being served with the order. A contested case
40.22 proceeding must then be held in accordance with sections 14.57 to 14.69. If, within 15
40.23 calendar days after being served with the order, the employer fails to file a written notice
40.24 of objection with the commissioner, the order becomes a final order of the commissioner.

40.25 **EFFECTIVE DATE.** This section is effective October 15, 2023.

40.26 Sec. 2. **[181.987] USE OF SKILLED AND TRAINED CONTRACTOR**
40.27 **WORKFORCES AT PETROLEUM REFINERIES.**

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

40.30 (b) "Contractor" means a vendor that enters into or seeks to enter into a contract with
40.31 an owner or operator of a petroleum refinery to perform construction, alteration, demolition,
40.32 installation, repair, maintenance, or hazardous material handling work at the site of the

41.1 petroleum refinery. Contractor includes all contractors or subcontractors of any tier
41.2 performing work as described in this paragraph at the site of the petroleum refinery.
41.3 Contractor does not include employees of the owner or operator of a petroleum refinery.

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

41.8 (d) "Skilled and trained workforce" means a workforce in which each employee of the
41.9 contractor or subcontractor of any tier working at the site of the petroleum refinery meets
41.10 one of the following criteria:

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

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

41.14 (3) has completed all of the related instruction and on-the-job learning requirements
41.15 needed to graduate from the registered apprenticeship program their employer participates
41.16 in.

41.17 (e) "Petroleum refinery" means a facility engaged in producing gasoline, kerosene,
41.18 distillate fuel oils, residual fuel oil, lubricants, or other products through distillation of
41.19 petroleum or through redistillation, cracking, or reforming of unfinished petroleum
41.20 derivatives. Petroleum refinery includes fluid catalytic cracking unit catalyst regenerators,
41.21 fluid catalytic cracking unit incinerator-waste heat boilers, fuel gas combustion devices,
41.22 and indirect heating equipment associated with the refinery.

41.23 (f) "OEM" means original equipment manufacturer and refers to organizations that
41.24 manufacture or fabricate equipment for sale directly to purchasers or other resellers.

41.25 Subd. 2. Use of contractors by owner, operator; requirement. (a) An owner or operator
41.26 of a petroleum refinery shall, when contracting with contractors for the performance of
41.27 construction, alteration, demolition, installation, repair, maintenance, or hazardous material
41.28 handling work at the site of the petroleum refinery, require that the contractors performing
41.29 that work, and any subcontractors of any tier, use a skilled and trained workforce when
41.30 performing all work at the site of the petroleum refinery.

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

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

(d) An owner or operator's contracted workforce must meet the requirements of subdivision 1, paragraph (d) according to the following schedule:

(1) 65 percent by October 15, 2023;

(2) 75 percent by October 15, 2024; and

(3) 85 percent by October 15, 2025.

Subd. 3. **Penalties.** The Division of Labor Standards shall receive complaints of violations of this section. The commissioner of labor and industry shall fine an owner or operator not less than \$5,000 nor more than \$10,000 for each violation of the requirements in this section. Each shift on which a violation of this section occurs shall be considered a separate violation. This penalty is in addition to any penalties provided under section 177.27, subdivision 7. In determining the amount of a civil penalty under this subdivision, the appropriateness of the penalty to the size of the violator's business and the gravity of the violation shall be considered.

Subd. 4. **Civil actions.** A person injured by a violation of this section may bring a civil action for damages against an owner or operator of a petroleum refinery. The court may award to a prevailing plaintiff under this subdivision damages, attorney fees, costs, disbursements, and any other appropriate relief as otherwise provided by law.

Subd. 5. **Outreach and education.** The commissioner of labor and industry shall perform outreach and education to employer groups, employee groups, and contractor groups in order to inform them of the impacts of this section.

EFFECTIVE DATE. This section is effective October 15, 2023.

ARTICLE 7

COMBATIVE SPORTS

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

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

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

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

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

43.9 Subd. 2c. **Combative sports contest.** "Combative sports contest" means a professional
43.10 boxing, a professional or amateur tough person, a professional or amateur kickboxing, or
43.11 a professional or amateur ~~martial art contest~~ or mixed martial arts contest, bout, competition,
43.12 match, or exhibition.

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

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

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

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

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

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

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

341.221 ADVISORY COUNCIL.

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

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

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

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

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

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

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

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

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

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

341.25 RULES.

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

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

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

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

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

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

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

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

341.27 COMMISSIONER DUTIES.

The commissioner shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 4. Prelicensure requirements. (a) Before the commissioner issues a promoter's license to an individual, corporation, or other business entity, the applicant shall, ~~a minimum~~

of six weeks before the combative sport contest is scheduled to occur, complete a licensing application on the Office of Combative Sports website or on forms ~~furnished or approved~~ prescribed by the commissioner and shall:

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

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

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

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

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

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

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

(1) submit to the commissioner the results of a current medical examination examinations on forms furnished or approved prescribed by the commissioner that state that the combatant is cleared to participate in a combative sport contest. The medical examination must include an ophthalmological and neurological examination, and documentation of test results for HBV, HCV, and HIV, and any other blood test as the commissioner by rule may require. The ophthalmological examination must be designed to detect any retinal defects or other damage or condition of the eye that could be aggravated by combative sports. The neurological examination must include an electroencephalogram or medically superior test if the combatant has been knocked unconscious in a previous contest. The commissioner may also order an electroencephalogram or other appropriate neurological or physical examination before any contest if it determines that the examination is desirable to protect the health of the combatant. The commissioner shall not issue a license to an applicant submitting positive test results for HBV, HCV, or HIV; The applicant must undergo and

submit the results of the following medical examinations, which do not exempt a combatant from the requirements in section 341.33:

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

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

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

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

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

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

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

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

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

Subd. 2. **Expiration and application.** Licenses issued on or after January 1, 2023, shall expire annually on December 31 one year after the date of issuance. A license may be applied for each year by filing an application for licensure and satisfying all licensure

50.1 requirements established in section 341.30, and submitting payment of the license fees
50.2 established in section 341.321. An application for a license and renewal of a license must
50.3 be on a form provided by the commissioner.

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

50.5 **341.321 FEE SCHEDULE.**

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

50.8 (1) referees, \$25;

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

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

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

50.12 (5) timekeepers, \$25;

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

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

50.15 (8) ringside physicians, \$25.

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

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

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

50.28 (1) \$500 at the time the combative sport contest is scheduled; ~~and~~

50.29 ~~(2) \$1,000 at the weigh-in prior to the contest.~~

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

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

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

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

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

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

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

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

51.17 Subdivision 1. Preapproval documentation. Before the commissioner approves a
51.18 combative sports contest, the promoter shall provide the commissioner, at least six weeks
51.19 before the combative sport contest is scheduled to occur, information about the time, date,
51.20 and location of the contest and at least 72 hours before the combative sport contest is
51.21 scheduled to occur:

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

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

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

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

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

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

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

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

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

52.14 **341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

52.15 Subdivision 1. **Examination by physician.** All combatants must be examined by a
52.16 physician licensed by this state within 36 hours before entering the ring, and the examining
52.17 physician shall immediately file with the commissioner a written report of the examination.
52.18 Each female combatant shall take and submit a negative pregnancy test as part of the
52.19 examination. The physician's examination may report on the condition of the combatant's
52.20 heart and general physical and general neurological condition. The physician's report may
52.21 record the condition of the combatant's nervous system and brain as required by the
52.22 commissioner. The physician may prohibit the combatant from entering the ring if, in the
52.23 physician's professional opinion, it is in the best interest of the combatant's health. The cost
52.24 of the examination is payable by the promoter conducting the contest or exhibition.

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

53.1 Sec. 22. **[341.331] PROHIBITED PERFORMANCE ENHANCING SUBSTANCES**
53.2 **AND TESTING.**

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

53.7 (1) S0, nonapproved substances;

53.8 (2) S1, anabolic agents;

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

53.10 (4) S3, beta-2 agonists;

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

53.12 (6) S5, diuretics and masking agents.

53.13 Subd. 2. Testing. The commissioner may administer drug testing to discover violations
53.14 of subdivision 1 as follows:

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

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

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

53.29 Subd. 3. Discipline. (a) If a combatant fails to provide a sample for drug testing when
53.30 required, and the request is made before a bout, the combatant shall not be allowed to
53.31 compete in the bout. If the request is made after a bout, and the combatant fails to provide

54.1 a sample for drug testing, the combatant shall be subject to disciplinary action under section
54.2 341.29.

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

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

54.8 Sec. 23. **[341.345] CHALLENGING THE OUTCOME OF A COMBATIVE SPORT**
54.9 **CONTEST.**

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

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

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

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

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

54.25 (3) scores were miscalculated.

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

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

54.31 (b) The challenge must be submitted to the commissioner at the address, fax number,
54.32 or email address designated on the commissioner's website. The date on which a challenge

55.1 is submitted by mail shall be the postmark date on the envelope in which the challenge is
55.2 mailed. If the challenge is faxed or emailed, it must be received by the commissioner by
55.3 4:30 p.m. Central Time on the day the challenge is due.

55.4 Subd. 4. **Opponent's response.** If the requirements of subdivisions 1 to 3 are met, the
55.5 commissioner shall send a complete copy of the challenge documents, along with any
55.6 supporting materials submitted, to the opposing combatant by mail, fax, or email. The
55.7 opposing combatant has 14 days from the date the commissioner sends the challenge and
55.8 supporting materials to submit a response to the commissioner. Additional response time
55.9 is not added when the commissioner sends the challenge to the opposing combatant by mail.
55.10 The opposing combatant may submit photos, videos, documents, or any other evidence the
55.11 opposing combatant would like the commissioner to consider in connection to the challenge.
55.12 The response must be submitted to the commissioner at the address, fax number, or email
55.13 address designated on the commissioner's website. The date on which a response is submitted
55.14 by mail is the postmark date on the envelope in which the response is mailed. If the response
55.15 is faxed or emailed, it must be received by the commissioner by 4:30 p.m. Central Time on
55.16 the day the response is due.

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

55.22 Subd. 6. **Order.** The commissioner shall issue an order on the challenge within 60 days
55.23 after receiving the opposing combatant's response. If the opposing combatant does not
55.24 submit a response, the commissioner shall issue an order on the challenge within 75 days
55.25 after receiving the challenge.

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

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

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

56.2 **341.355 CIVIL PENALTIES.**

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

56.9 **ARTICLE 8**

56.10 **MISCELLANEOUS POLICY**

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

56.12 Subdivision 1. **Established.** The Department of Labor and Industry shall consist of the
56.13 following divisions: Division of Workers' Compensation, Division of Construction Codes
56.14 and Licensing, Division of Occupational Safety and Health, Division of Statistics, Division
56.15 of Labor Standards, and Division of Apprenticeship, and such other divisions as the
56.16 commissioner of the Department of Labor and Industry may deem necessary and establish.
56.17 Each division of the department and persons in charge thereof shall be subject to the
56.18 supervision of the commissioner of the Department of Labor and Industry and, in addition
56.19 to such duties as are or may be imposed on them by statute, shall perform such other duties
56.20 as may be assigned to them by the commissioner. Notwithstanding any other law to the
56.21 contrary, the commissioner is the administrator and supervisor of all of the department's
56.22 dispute resolution functions and personnel and may delegate authority to compensation
56.23 judges and others to make determinations under sections 176.106, 176.238, and 176.239
56.24 and to approve settlement of claims under section 176.521.

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

56.26 Subdivision 1. **Creation.** The Division of Labor Standards and Apprenticeship in the
56.27 Department of Labor and Industry is supervised and controlled by the commissioner of
56.28 labor and industry.

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

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

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

57.2 **178.01 PURPOSES.**

57.3 The purposes of this chapter are: to open to all people regardless of race, sex, creed,
57.4 color or national origin, the opportunity to obtain training and on-the-job learning that will
57.5 equip them for profitable employment and citizenship; to establish as a means to this end,
57.6 a program of voluntary apprenticeship under approved apprenticeship agreements providing
57.7 facilities for their training and guidance in the arts, skills, and crafts of industry and trade
57.8 or occupation, with concurrent, supplementary instruction in related subjects; to promote
57.9 apprenticeship opportunities under conditions providing adequate training and on-the-job
57.10 learning and reasonable earnings; to relate the supply of skilled workers to employment
57.11 demands; to establish standards for apprentice training; to establish an Apprenticeship Board
57.12 and apprenticeship committees to assist in effectuating the purposes of this chapter; to
57.13 provide for a Division of ~~Labor Standards and Apprenticeship~~ within the Department of
57.14 Labor and Industry; to provide for reports to the legislature regarding the status of apprentice
57.15 training in the state; to establish a procedure for the determination of apprenticeship
57.16 agreement controversies; and to accomplish related ends.

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

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

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

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

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

57.26 **178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.**

57.27 The commissioner shall establish the labor education advancement grant program for
57.28 the purpose of facilitating the participation or retention of minorities people of color,
57.29 Indigenous people, and women in apprenticeable trades and occupations registered
57.30 apprenticeship programs. The commissioner shall award grants to community-based and
57.31 nonprofit organizations and Minnesota Tribal governments as defined in section 10.65,
57.32 serving the targeted populations on a competitive request-for-proposal basis. Interested

organizations shall apply for the grants in a form prescribed by the commissioner. As part of the application process, applicants must provide a statement of need for the grant, a description of the targeted population and apprenticeship opportunities, a description of activities to be funded by the grant, evidence supporting the ability to deliver services, information related to coordinating grant activities with other employment and learning programs, identification of matching funds, a budget, and performance objectives. Each submitted application shall be evaluated for completeness and effectiveness of the proposed grant activity.

Sec. 8. Minnesota Statutes 2022, section 181.9435, subdivision 1, is amended to read:

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

Sec. 9. Minnesota Statutes 2022, section 181.9436, is amended to read:

181.9436 POSTING OF LAW.

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

Sec. 10. Minnesota Statutes 2022, section 182.666, subdivision 1, is amended to read:

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

59.1 Sec. 11. Minnesota Statutes 2022, section 182.666, subdivision 2, is amended to read:

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

59.8 Sec. 12. Minnesota Statutes 2022, section 182.666, subdivision 3, is amended to read:

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

59.13 Sec. 13. Minnesota Statutes 2022, section 182.666, subdivision 4, is amended to read:

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

59.21 Sec. 14. Minnesota Statutes 2022, section 182.666, subdivision 5, is amended to read:

59.22 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,
59.23 as prescribed under this chapter, except those prescribed under section 182.661, subdivision
59.24 3a, shall be assessed a fine of up to ~~\$7,000~~ \$15,625 for each violation.

59.25 Sec. 15. Minnesota Statutes 2022, section 182.666, is amended by adding a subdivision
59.26 to read:

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

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

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

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

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

Sec. 16. Minnesota Statutes 2022, section 326B.092, subdivision 6, is amended to read:

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

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

(2) any overpayment of fees; and

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

Sec. 17. Minnesota Statutes 2022, section 326B.096, is amended to read:

326B.096 REINSTATEMENT OF LICENSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

62.1 Sec. 18. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision
62.2 to read:

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

62.7 Sec. 19. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision
62.8 to read:

62.9 Subd. 6b. **Electric vehicle charging station.** "Electric vehicle charging station" means
62.10 a designated automobile parking space that has a dedicated connection for charging an
62.11 electric vehicle.

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

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

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

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

62.21 Sec. 22. Minnesota Statutes 2022, section 326B.103, subdivision 13, is amended to read:

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

62.26 Sec. 23. Minnesota Statutes 2022, section 326B.106, subdivision 1, is amended to read:

62.27 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections
62.28 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
62.29 Construction Codes Advisory Council establish a code of standards for the construction,
62.30 reconstruction, alteration, and repair of buildings, governing matters of structural materials,

design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

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

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

(d) Notwithstanding paragraph (c), the commissioner shall act on each new model residential energy code and the new model commercial energy code in accordance with federal law for which the United States Department of Energy has issued an affirmative determination in compliance with United States Code, title 42, section 6833. The commissioner shall consider amendments to the model energy codes that mitigate the impact of climate change and reduce greenhouse gas emissions by increasing and optimizing energy efficiency and improving resiliency of new buildings and existing buildings undergoing additions, alterations, and changes of use. The commissioner may adopt amendments prior

to adoption of the new energy codes, as amended for use in Minnesota, to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or use of a building.

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

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

Sec. 24. Minnesota Statutes 2022, section 326B.106, subdivision 4, is amended to read:

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

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

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

(d) Child care facilities in churches; ground level exit. A licensed day care center serving fewer than 30 preschool age persons and which is located in a belowground space

65.1 in a church building is exempt from the State Building Code requirement for a ground level
65.2 exit when the center has more than two stairways to the ground level and its exit.

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

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

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

65.16 (h) **Relocated residential buildings.** A residential building relocated within or into a
65.17 political subdivision of the state need not comply with the State Energy Code or section
65.18 326B.439 provided that, where available, an energy audit is conducted on the relocated
65.19 building.

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

65.23 (j) **Exterior wood decks, patios, and balconies.** The code must permit the decking
65.24 surface and upper portions of exterior wood decks, patios, and balconies to be constructed
65.25 of (1) heartwood from species of wood having natural resistance to decay or termites,
65.26 including redwood and cedars, (2) grades of lumber which contain sapwood from species
65.27 of wood having natural resistance to decay or termites, including redwood and cedars, or
65.28 (3) treated wood. The species and grades of wood products used to construct the decking
65.29 surface and upper portions of exterior decks, patios, and balconies must be made available
65.30 to the building official on request before final construction approval.

65.31 (k) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be
65.32 imposed by municipalities under the State Building Code, except as required under section
65.33 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section 326B.92
65.34 administered by the Department of Labor and Industry. All data regarding the material

production processes, including the bioprocess system's structural design and layout, are nonpublic data as provided by section 13.7911.

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

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

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

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

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

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

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

Sec. 25. Minnesota Statutes 2022, section 326B.106, is amended by adding a subdivision to read:

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

Sec. 26. **REPEALER.**

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

67.1 **ARTICLE 9**

67.2 **PUBLIC EMPLOYMENT RELATIONS BOARD**

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

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

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

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

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

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

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

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

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

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

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

- 68.1 (5) the complaint issued by the board and all data in the complaint; and
- 68.2 (6) unless subject to a protective order:
- 68.3 (i) the full and complete record of an evidentiary hearing before a hearing officer,
- 68.4 including the hearing transcript, exhibits admitted into evidence, and posthearing briefs;
- 68.5 (ii) recommended decisions and orders of hearing officers pursuant to section 179A.13,
- 68.6 subdivision 1, paragraph (i);
- 68.7 (iii) exceptions to the hearing officer's recommended decision and order filed with the
- 68.8 board pursuant to section 179A.13, subdivision 1, paragraph (k);
- 68.9 (iv) party and nonparty briefs filed with the board; and
- 68.10 (v) decisions and orders issued by the board.
- 68.11 (d) The board may make any data classified as private, protected nonpublic, or
- 68.12 confidential pursuant to this subdivision accessible to any person or party if the access will
- 68.13 aid the implementation of chapters 179 and 179A or ensure due process protection of the
- 68.14 parties.
- 68.15 Sec. 3. Minnesota Statutes 2022, section 179A.041, is amended by adding a subdivision
- 68.16 to read:
- 68.17 Subd. 10. **Open Meeting Law; exceptions.** Chapter 13D does not apply to meetings of
- 68.18 the board when it is deliberating on the merits of unfair labor practice charges under sections
- 68.19 179.11, 179.12, and 179A.13; reviewing a recommended decision and order of a hearing
- 68.20 officer under section 179A.13; or reviewing decisions of the commissioner of the Bureau
- 68.21 of Mediation Services relating to unfair labor practices under section 179A.12, subdivision
- 68.22 11.
- 68.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

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.

181.9413 SICK LEAVE BENEFITS; CARE OF RELATIVES.

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's child, as defined in section 181.940, subdivision 4, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) An employee may use sick leave as allowed under this section for safety leave, whether or not the employee's employer allows use of sick leave for that purpose for such reasonable periods of time as may be necessary. Safety leave may be used for assistance to the employee or assistance to the relatives described in paragraph (a). For the purpose of this section, "safety leave" is leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or harassment or stalking. For the purpose of this paragraph:

(1) "domestic abuse" has the meaning given in section 518B.01;

(2) "sexual assault" means an act that constitutes a violation under sections 609.342 to 609.3453 or 609.352; and

(3) "harass" and "stalking" have the meanings given in section 609.749.

(c) An employer may limit the use of safety leave as described in paragraph (b) or personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent to no less than 160 hours in any 12-month period. This paragraph does not apply to absences due to the illness or injury of a child, as defined in section 181.940, subdivision 4.

(d) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

(e) For the purpose of this section, "child" includes a stepchild and a biological, adopted, and foster child.

(f) For the purpose of this section, "grandchild" includes a step-grandchild, and a biological, adopted, and foster grandchild.

(g) This section does not prevent an employer from providing greater sick leave benefits than are provided for under this section.

(h) An employer shall not retaliate against an employee for requesting or obtaining a leave of absence under this section.