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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4177

03/10/2022 Authored by Ecklund

The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

04/08/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to state government; appropriating money for the Department of Labor

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

1.4 Services; making policy and technical changes; making OSHA penalty conformity

1.5 changes; establishing fair labor standards for agricultural workers; regulating

1.6 combative sports; modifying the Public Employment Relations Board; establishing

1.7 refinery safety requirements; establishing agriculture worker wellness provisions;

1.8 requiring reports; requiring rulemaking; amending Minnesota Statutes 2020,

1.9 sections 13.43, subdivision 6; 175.16, subdivision 1; 177.26; 177.27, subdivision

1.10 4; 178.01; 178.011, subdivision 7; 178.03, subdivision 1; 178.11; 179.86,

1.11 subdivisions 1, 3, by adding subdivisions; 179A.041, by adding a subdivision;

1.12 181.14, subdivision 1; 181.635, subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2,

1.13 4; 181.86, subdivision 1; 181.87, subdivisions 2, 3, 7; 181.88; 181.89, subdivision

1.14 2, by adding a subdivision; 181.9435, subdivision 1; 181.9436; 182.666,

1.15 subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 326B.103, subdivision 13;

1.16 326B.106, subdivisions 1, 4; 326B.163, subdivision 5, by adding a subdivision;

1.17 326B.164, subdivision 13; 326B.36, subdivision 7; 341.21, subdivision 7; 341.221;

1.18 341.25; 341.28; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 341.33;

1.19 341.355; Minnesota Statutes 2021 Supplement, sections 326B.092, subdivision

1.20 7; 326B.153, subdivision 1; proposing coding for new law in Minnesota Statutes,

1.21 chapters 13; 179; 181; 341.

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

1.23 ARTICLE 1

1.24 APPROPRIATIONS

1.25 Section 1. APPROPRIATIONS.

1.26 The sums shown in the columns under "Appropriations" are added to the appropriations

1.27 in Laws 2021, First Special Session chapter 10, or other law to the specified agencies. The

1.28 appropriations are from the general fund, or another named fund, and are available for the

1.29 fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article

1.30 mean that the appropriations listed under them are available for the fiscal year ending June



3.1 apprenticeship program under Minnesota  
 3.2 Statutes, chapter 178.

3.3 (c) \$1,758,000 in fiscal year 2023 is from the  
 3.4 workforce development fund for prevailing  
 3.5 wage education and compliance.

3.6 (d) \$196,000 in fiscal year 2023 is to expand  
 3.7 and strengthen fair labor standards for  
 3.8 agricultural and food processing workers. In  
 3.9 fiscal year 2024 and beyond, the base is  
 3.10 \$146,000.

3.11 (e) \$750,000 in fiscal year 2023 is for the  
 3.12 loggers safety grant program under Laws  
 3.13 2021, First Special Session chapter 10, article  
 3.14 3, section 21. This is a onetime appropriation.

3.15 (f) \$200,000 in fiscal year 2023 is to establish  
 3.16 a Veterans Liaison Coordinator position in the  
 3.17 Registered Apprenticeship Division. The  
 3.18 position is responsible for collaborating with  
 3.19 Minnesota stakeholders and state and federal  
 3.20 agencies to: promote and increase veterans in  
 3.21 the trades; support initiatives for veterans  
 3.22 seeking a living wage and sustainable  
 3.23 employment; and increase awareness of  
 3.24 registered apprenticeship opportunities in  
 3.25 Minnesota. Of this amount, up to \$150,000 is  
 3.26 for salary and benefits for the position, and  
 3.27 \$50,000 is for administrative support services,  
 3.28 marketing, and paid communications. The  
 3.29 base for this appropriation is \$180,000 in fiscal  
 3.30 year 2024 and \$160,000 in fiscal year 2025.

3.31 **Subd. 3. Workforce Development Initiatives** -0- 747,000

3.32 (a) \$500,000 in fiscal year 2023 is for youth  
 3.33 skills training grants under Minnesota Statutes,  
 3.34 section 175.46.

4.1 (b) \$247,000 in fiscal year 2023 is for  
 4.2 administration of the youth skills training  
 4.3 grants under Minnesota Statutes, section  
 4.4 175.46. In fiscal year 2024, the base for this  
 4.5 appropriation is \$258,000. In fiscal year 2025,  
 4.6 the base for this appropriation is \$270,000.

4.7 **Subd. 4. Combative Sports** -0- 150,000

4.8 **Subd. 5. Transfer to Construction Code Fund** -0- 2,900,000

4.9 \$2,900,000 in fiscal year 2023 is for transfer  
 4.10 to the construction code fund under Minnesota  
 4.11 Statutes, section 326B.04, subdivision 1. In  
 4.12 fiscal year 2024, the base for this appropriation  
 4.13 is \$4,477,000. In fiscal year 2025, the base for  
 4.14 this appropriation is \$0.

4.15 **Subd. 6. Agricultural Worker Wellness** -0- 507,000

4.16 (a) \$255,000 in fiscal year 2023 is for the  
 4.17 ombudsperson for the safety, health, and  
 4.18 well-being of agricultural and food processing  
 4.19 workers under Minnesota Statutes, section  
 4.20 179.911.

4.21 (b) \$252,000 in fiscal year 2023 is for the  
 4.22 agricultural worker wellness committee under  
 4.23 Minnesota Statutes, section 179.912.

4.24 **Sec. 3. WORKERS' COMPENSATION COURT**  
 4.25 **OF APPEALS** \$ -0- \$ 300,000

4.26 (a) This appropriation is from the workers'  
 4.27 compensation fund. Of this amount, \$100,000  
 4.28 is for rulemaking. This appropriation is  
 4.29 onetime.

4.30 (b) In fiscal years 2024 and 2025, \$200,000  
 4.31 is added to the agency's base.

4.32 **Sec. 4. BUREAU OF MEDIATION SERVICES** \$ -0- \$ 400,000

5.1 This appropriation is for purposes of the  
5.2 Public Employment Relations Board under  
5.3 Minnesota Statutes, section 179A.041. In  
5.4 fiscal years 2024 and 2025, the base is  
5.5 \$525,000.

## 5.6 ARTICLE 2

### 5.7 LABOR AND INDUSTRY POLICY AND TECHNICAL

5.8 Section 1. Minnesota Statutes 2020, section 175.16, subdivision 1, is amended to read:

5.9 Subdivision 1. **Established.** The Department of Labor and Industry shall consist of the  
5.10 following divisions: Division of Workers' Compensation, Division of Construction Codes  
5.11 and Licensing, Division of Occupational Safety and Health, Division of Statistics, Division  
5.12 of Labor Standards, and Division of Apprenticeship, and such other divisions as the  
5.13 commissioner of the Department of Labor and Industry may deem necessary and establish.  
5.14 Each division of the department and persons in charge thereof shall be subject to the  
5.15 supervision of the commissioner of the Department of Labor and Industry and, in addition  
5.16 to such duties as are or may be imposed on them by statute, shall perform such other duties  
5.17 as may be assigned to them by the commissioner. Notwithstanding any other law to the  
5.18 contrary, the commissioner is the administrator and supervisor of all of the department's  
5.19 dispute resolution functions and personnel and may delegate authority to compensation  
5.20 judges and others to make determinations under sections 176.106, 176.238, and 176.239  
5.21 and to approve settlement of claims under section 176.521.

5.22 Sec. 2. Minnesota Statutes 2020, section 177.26, is amended to read:

#### 5.23 177.26 DIVISION OF LABOR STANDARDS.

5.24 Subdivision 1. **Creation.** The Division of Labor Standards and Apprenticeship in the  
5.25 Department of Labor and Industry is supervised and controlled by the commissioner of  
5.26 labor and industry.

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

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

6.1 Sec. 3. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

6.2 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
6.3 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,  
6.4 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,  
6.5 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, ~~or~~ 181.991, and with any rule  
6.6 promulgated under section 177.28. The commissioner shall issue an order requiring an  
6.7 employer to comply with sections 177.41 to 177.435 if the violation is repeated. For purposes  
6.8 of this subdivision only, a violation is repeated if at any time during the two years that  
6.9 preceded the date of violation, the commissioner issued an order to the employer for violation  
6.10 of sections 177.41 to 177.435 and the order is final or the commissioner and the employer  
6.11 have entered into a settlement agreement that required the employer to pay back wages that  
6.12 were required by sections 177.41 to 177.435. The department shall serve the order upon the  
6.13 employer or the employer's authorized representative in person or by certified mail at the  
6.14 employer's place of business. An employer who wishes to contest the order must file written  
6.15 notice of objection to the order with the commissioner within 15 calendar days after being  
6.16 served with the order. A contested case proceeding must then be held in accordance with  
6.17 sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the  
6.18 employer fails to file a written notice of objection with the commissioner, the order becomes  
6.19 a final order of the commissioner.

6.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
6.21 applies to franchise agreements entered into or amended on or after that date.

6.22 Sec. 4. Minnesota Statutes 2020, section 178.01, is amended to read:

6.23 **178.01 PURPOSES.**

6.24 The purposes of this chapter are: to open to all people regardless of race, sex, creed,  
6.25 color or national origin, the opportunity to obtain training and on-the-job learning that will  
6.26 equip them for profitable employment and citizenship; to establish as a means to this end,  
6.27 a program of voluntary apprenticeship under approved apprenticeship agreements providing  
6.28 facilities for their training and guidance in the arts, skills, and crafts of industry and trade  
6.29 or occupation, with concurrent, supplementary instruction in related subjects; to promote  
6.30 apprenticeship opportunities under conditions providing adequate training and on-the-job  
6.31 learning and reasonable earnings; to relate the supply of skilled workers to employment  
6.32 demands; to establish standards for apprentice training; to establish an Apprenticeship Board  
6.33 and apprenticeship committees to assist in effectuating the purposes of this chapter; to  
6.34 provide for a Division of ~~Labor Standards and Apprenticeship~~ within the Department of

7.1 Labor and Industry; to provide for reports to the legislature regarding the status of apprentice  
7.2 training in the state; to establish a procedure for the determination of apprenticeship  
7.3 agreement controversies; and to accomplish related ends.

7.4 Sec. 5. Minnesota Statutes 2020, section 178.011, subdivision 7, is amended to read:

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

7.8 Sec. 6. Minnesota Statutes 2020, section 178.03, subdivision 1, is amended to read:

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

7.12 Sec. 7. Minnesota Statutes 2020, section 178.11, is amended to read:

7.13 **178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.**

7.14 The commissioner shall establish the labor education advancement grant program for  
7.15 the purpose of facilitating the participation or retention of ~~minorities~~ people of color,  
7.16 Indigenous people, and women in ~~apprenticeable trades and occupations~~ registered  
7.17 apprenticeship programs. The commissioner shall award grants to community-based and  
7.18 nonprofit organizations and Minnesota Tribal governments as defined in section 10.65,  
7.19 serving the targeted populations on a competitive request-for-proposal basis. Interested  
7.20 organizations shall apply for the grants in a form prescribed by the commissioner. As part  
7.21 of the application process, applicants must provide a statement of need for the grant, a  
7.22 description of the targeted population and apprenticeship opportunities, a description of  
7.23 activities to be funded by the grant, evidence supporting the ability to deliver services,  
7.24 information related to coordinating grant activities with other employment and learning  
7.25 programs, identification of matching funds, a budget, and performance objectives. Each  
7.26 submitted application shall be evaluated for completeness and effectiveness of the proposed  
7.27 grant activity.

7.28 Sec. 8. Minnesota Statutes 2020, section 181.9435, subdivision 1, is amended to read:

7.29 Subdivision 1. **Investigation.** The Division of Labor Standards ~~and Apprenticeship~~ shall  
7.30 receive complaints of employees against employers relating to sections 181.172, paragraph  
7.31 (a) or (d), and 181.939 to 181.9436 and investigate informally whether an employer may

8.1 be in violation of sections 181.172, paragraph (a) or (d), and 181.939 to 181.9436. The  
8.2 division shall attempt to resolve employee complaints by informing employees and employers  
8.3 of the provisions of the law and directing employers to comply with the law. For complaints  
8.4 related to section 181.939, the division must contact the employer within two business days  
8.5 and investigate the complaint within ten days of receipt of the complaint.

8.6 Sec. 9. Minnesota Statutes 2020, section 181.9436, is amended to read:

8.7 **181.9436 POSTING OF LAW.**

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

8.12 Sec. 10. **181.988 COVENANTS NOT TO COMPETE VOID IN EMPLOYMENT**  
8.13 **AGREEMENTS; SUBSTANTIVE PROTECTIONS OF MINNESOTA LAW APPLY.**

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

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

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

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

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

8.24 **Subd. 2. Covenants not to compete void and unenforceable.** (a) Subject to the exception  
8.25 in paragraph (b), any covenant not to compete contained in a contract or agreement is void  
8.26 and unenforceable.

8.27 (b) Notwithstanding paragraph (a), a covenant not to compete between an employer and  
8.28 employee is valid and enforceable if:

8.29 (1) the employee earned an annual salary from the employer at least equal to the median  
8.30 family income for a four-person family in Minnesota, as determined by the United States

9.1 Census Bureau, for the most recent year available at the time of the employee's termination;  
9.2 and

9.3 (2) the employer agrees to pay the employee on a pro rata basis during the entirety of  
9.4 the restricted period of the covenant not to compete at least 50 percent of the employee's  
9.5 highest annualized base salary paid by the employer within the two years preceding the  
9.6 employee's separation from employment.

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

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

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

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

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

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

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

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

9.25 (e) This subdivision shall not apply to a contract with an employee who is in fact  
9.26 individually represented by legal counsel in negotiating the terms of an agreement to  
9.27 designate either the venue or forum in which a controversy arising from the employment  
9.28 contract may be adjudicated or the choice of law to be applied.

9.29 Subd. 4. **Severability.** If any provision of this section is found to be unconstitutional  
9.30 and void, the remaining provisions of this section are valid.

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

10.1 **Sec. 11. [181.991] RESTRICTIVE FRANCHISE AGREEMENTS PROHIBITED.**

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

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

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

10.7 (d) "Franchise," "franchisee," and "franchisor" have the meanings given in section  
10.8 80C.01, subdivisions 4 to 6.

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

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

10.14 **Subd. 3. Franchise agreement amendment.** Notwithstanding any law to the contrary,  
10.15 no later than one year from the effective date of this section, franchisors shall amend existing  
10.16 franchise agreements to remove any restrictive employment provision that violates  
10.17 subdivision 2.

10.18 **Subd. 4. Civil action; penalties.** (a) An employee alleging a violation of this section  
10.19 may bring a civil action for damages and injunctive relief against the employer.

10.20 (b) If the court finds that a franchisor has violated this section, the court shall enter  
10.21 judgment, grant injunctive relief as deemed appropriate, and award the employee plaintiff  
10.22 the greater of:

10.23 (1) the actual damages incurred by the plaintiff, plus any injunctive relief, costs, and  
10.24 reasonable attorney fees; or

10.25 (2) a \$5,000 penalty.

10.26 (c) If no civil action is commenced, the commissioner of labor and industry shall assess  
10.27 a \$5,000 per employee penalty for violations of this section. This assessment is in addition  
10.28 to the commissioner's authority under section 177.27, subdivisions 4 and 7. Any penalty  
10.29 assessed under this subdivision shall be awarded to the employee plaintiff and not to the  
10.30 commissioner or the department.

10.31 **Subd. 5. Severability.** If any provision of this section is found to be unconstitutional  
10.32 and void, the remaining provisions of this section are valid.

11.1 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
 11.2 applies to franchise agreements entered into or amended on or after that date.

11.3 Sec. 12. Minnesota Statutes 2021 Supplement, section 326B.092, subdivision 7, is amended  
 11.4 to read:

11.5 Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license is  
 11.6 the base license fee plus any applicable board fee, continuing education fee, and contractor  
 11.7 recovery fund fee and additional assessment, as set forth in this subdivision.

11.8 (b) For purposes of this section, "license duration" means the number of years for which  
 11.9 the license is issued except that if the initial license is not issued for a whole number of  
 11.10 years, the license duration shall be rounded up to the next whole number.

11.11 (c) If there is a continuing education requirement for renewal of the license, then a  
 11.12 continuing education fee must be included in the renewal license fee. The continuing  
 11.13 education fee for all license classifications is \$5.

11.14 (d) The base license fee shall depend on whether the license is classified as an entry  
 11.15 level, master, journeyworker, or business license, and on the license duration. The base  
 11.16 license fee shall be:

License Classification	License Duration	
	1 year	2 years
Entry level	\$10	\$20
Journeyworker	\$20	\$40
Master	\$40	\$80
Business		\$180

11.23 (e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.925,  
 11.24 then a board fee must be included in the license fee and the renewal license fee. The board  
 11.25 fee for all license classifications shall be: \$4 if the license duration is one year; and \$8 if  
 11.26 the license duration is two years.

11.27 (f) If the application is for the renewal of a license issued under sections 326B.802 to  
 11.28 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision  
 11.29 3, and any additional assessment required under section 326B.89, subdivision 16, must be  
 11.30 included in the license renewal fee.

11.31 (g) Notwithstanding the fee amounts described in paragraphs (d) to (f), for the period  
 11.32 October 1, 2021, through ~~September~~ June 30, 2023 2022, the following fees apply:

	License Classification	License Duration	
12.1			
12.2		1 year	2 years
12.3	Entry level	\$10	\$20
12.4	Journeyworker	\$15	\$30
12.5	Master	\$30	\$60
12.6	Business		\$120

12.7 (h) For the period of July 1, 2022, through June 30, 2024, no fees described in paragraphs  
 12.8 (c) to (e) shall apply, except as described in paragraph (i).

12.9 (i) Notwithstanding the fee amounts described in paragraphs (d) to (f), for the period of  
 12.10 October 1, 2021, through September 30, 2023, the base license fee for business licenses  
 12.11 shall be \$120.

12.12 Sec. 13. Minnesota Statutes 2020, section 326B.103, subdivision 13, is amended to read:

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

12.18 Sec. 14. Minnesota Statutes 2020, section 326B.106, subdivision 1, is amended to read:

12.19 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections  
 12.20 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the  
 12.21 Construction Codes Advisory Council establish a code of standards for the construction,  
 12.22 reconstruction, alteration, and repair of buildings, governing matters of structural materials,  
 12.23 design and construction, fire protection, health, sanitation, and safety, including design and  
 12.24 construction standards regarding heat loss control, illumination, and climate control. The  
 12.25 code must also include duties and responsibilities for code administration, including  
 12.26 procedures for administrative action, penalties, and suspension and revocation of certification.  
 12.27 The code must conform insofar as practicable to model building codes generally accepted  
 12.28 and in use throughout the United States, including a code for building conservation. In the  
 12.29 preparation of the code, consideration must be given to the existing statewide specialty  
 12.30 codes presently in use in the state. Model codes with necessary modifications and statewide  
 12.31 specialty codes may be adopted by reference. The code must be based on the application  
 12.32 of scientific principles, approved tests, and professional judgment. To the extent possible,  
 12.33 the code must be adopted in terms of desired results instead of the means of achieving those

13.1 results, avoiding wherever possible the incorporation of specifications of particular methods  
13.2 or materials. To that end the code must encourage the use of new methods and new materials.  
13.3 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall  
13.4 administer and enforce the provisions of those sections.

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

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

13.17 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model  
13.18 residential energy code and the new model commercial energy code in accordance with  
13.19 federal law for which the United States Department of Energy has issued an affirmative  
13.20 determination in compliance with United States Code, title 42, section 6833. The  
13.21 commissioner shall act on the new model commercial energy code by adopting each new  
13.22 published edition and amending it as necessary to achieve a minimum of eight percent  
13.23 energy efficiency. The commissioner may adopt amendments prior to adoption of the new  
13.24 energy codes, as amended for use in Minnesota, to advance construction methods, technology,  
13.25 or materials, or, where necessary to protect the health, safety, and welfare of the public, or  
13.26 to improve the efficiency or use of a building.

13.27 Sec. 15. Minnesota Statutes 2020, section 326B.106, subdivision 4, is amended to read:

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

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

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

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

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

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

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

14.25 (h) **Relocated residential buildings.** A residential building relocated within or into a  
14.26 political subdivision of the state need not comply with the State Energy Code or section  
14.27 326B.439 provided that, where available, an energy audit is conducted on the relocated  
14.28 building.

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

14.32 (j) **Exterior wood decks, patios, and balconies.** The code must permit the decking  
14.33 surface and upper portions of exterior wood decks, patios, and balconies to be constructed

15.1 of (1) heartwood from species of wood having natural resistance to decay or termites,  
15.2 including redwood and cedars, (2) grades of lumber which contain sapwood from species  
15.3 of wood having natural resistance to decay or termites, including redwood and cedars, or  
15.4 (3) treated wood. The species and grades of wood products used to construct the decking  
15.5 surface and upper portions of exterior decks, patios, and balconies must be made available  
15.6 to the building official on request before final construction approval.

15.7 (k) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be  
15.8 imposed by municipalities under the State Building Code, except as required under section  
15.9 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section 326B.92  
15.10 administered by the Department of Labor and Industry. All data regarding the material  
15.11 production processes, including the bioprocess system's structural design and layout, are  
15.12 nonpublic data as provided by section 13.7911.

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

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

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

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

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

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

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

16.1 Sec. 16. Minnesota Statutes 2021 Supplement, section 326B.153, subdivision 1, is amended  
16.2 to read:

16.3 Subdivision 1. **Building permits.** (a) Fees for building permits submitted as required  
16.4 in section 326B.107 include:

16.5 (1) the fee as set forth in the fee schedule in paragraph (b) or as adopted by a municipality;  
16.6 and

16.7 (2) the surcharge required by section 326B.148.

16.8 (b) The total valuation and fee schedule is:

16.9 (1) \$1 to \$500, ~~\$29.50~~ \$21;

16.10 (2) \$501 to \$2,000, ~~\$28~~ \$21 for the first \$500 plus ~~\$3.70~~ \$2.75 for each additional \$100  
16.11 or fraction thereof, to and including \$2,000;

16.12 (3) \$2,001 to \$25,000, ~~\$83.50~~ \$62.25 for the first \$2,000 plus ~~\$16.55~~ \$12.50 for each  
16.13 additional \$1,000 or fraction thereof, to and including \$25,000;

16.14 (4) \$25,001 to \$50,000, ~~\$464.15~~ \$349.75 for the first \$25,000 plus ~~\$12~~ \$9 for each  
16.15 additional \$1,000 or fraction thereof, to and including \$50,000;

16.16 (5) \$50,001 to \$100,000, ~~\$764.15~~ \$574.75 for the first \$50,000 plus ~~\$8.45~~ \$6.25 for  
16.17 each additional \$1,000 or fraction thereof, to and including \$100,000;

16.18 (6) \$100,001 to \$500,000, ~~\$1,186.65~~ \$887.25 for the first \$100,000 plus ~~\$6.75~~ \$5 for  
16.19 each additional \$1,000 or fraction thereof, to and including \$500,000;

16.20 (7) \$500,001 to \$1,000,000, ~~\$3,886.65~~ \$2,887.25 for the first \$500,000 plus ~~\$5.50~~ \$4.25  
16.21 for each additional \$1,000 or fraction thereof, to and including \$1,000,000; and

16.22 (8) \$1,000,001 and up, ~~\$6,636.65~~ \$5,012.25 for the first \$1,000,000 plus ~~\$4.50~~ \$2.75  
16.23 for each additional \$1,000 or fraction thereof.

16.24 (c) Other inspections and fees are:

16.25 (1) inspections outside of normal business hours (minimum charge two hours), \$63.25  
16.26 per hour;

16.27 (2) reinspection fees, \$63.25 per hour;

16.28 (3) inspections for which no fee is specifically indicated (minimum charge one-half  
16.29 hour), \$63.25 per hour; and

17.1 (4) additional plan review required by changes, additions, or revisions to approved plans  
17.2 (minimum charge one-half hour), \$63.25 per hour.

17.3 (d) If the actual hourly cost to the jurisdiction under paragraph (c) is greater than \$63.25,  
17.4 then the greater rate shall be paid. Hourly cost includes supervision, overhead, equipment,  
17.5 hourly wages, and fringe benefits of the employees involved.

17.6 **EFFECTIVE DATE.** This section is effective retroactively from October 1, 2021, and  
17.7 the amendments to it expire October 1, 2023.

17.8 Sec. 17. Minnesota Statutes 2020, section 326B.163, subdivision 5, is amended to read:

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

17.14 Sec. 18. Minnesota Statutes 2020, section 326B.163, is amended by adding a subdivision  
17.15 to read:

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

17.18 Sec. 19. Minnesota Statutes 2020, section 326B.164, subdivision 13, is amended to read:

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

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

17.29 (1) conveyors, including vertical reciprocating conveyors;

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

17.31 (3) dock levelers.

18.1 Sec. 20. Minnesota Statutes 2020, section 326B.36, subdivision 7, is amended to read:

18.2 Subd. 7. **Exemptions from inspections.** Installations, materials, or equipment shall not  
18.3 be subject to inspection under sections 326B.31 to 326B.399:

18.4 (1) when owned or leased, operated and maintained by any employer whose maintenance  
18.5 electricians are exempt from licensing under sections 326B.31 to 326B.399, while performing  
18.6 electrical maintenance work only as defined by rule;

18.7 (2) when owned or leased, and operated and maintained by any electrical,  
18.8 communications, or railway utility, cable communications company as defined in section  
18.9 238.02, or telephone company as defined under section 237.01, in the exercise of its utility,  
18.10 antenna, or telephone function; and

18.11 (i) are used exclusively for the generations, transformation, distribution, transmission,  
18.12 load control, or metering of electric current, or the operation of railway signals, or the  
18.13 transmission of intelligence, and do not have as a principal function the consumption or use  
18.14 of electric current by or for the benefit of any person other than such utility, cable  
18.15 communications company, or telephone company; and

18.16 (ii) are generally accessible only to employees of such utility, cable communications  
18.17 company, or telephone company or persons acting under its control or direction; and

18.18 (iii) are not on the load side of the service point or point of entrance for communication  
18.19 systems, except for replacement or repair of load management equipment located on the  
18.20 exterior of a building for an electric utility other than a public utility as defined in section  
18.21 216B.02, subdivision 4, before December 31, 2027, by a Class A electrical contractor  
18.22 licensed under section 326B.33;

18.23 (3) when used in the street lighting operations of an electrical utility;

18.24 (4) when used as outdoor area lights which are owned and operated by an electrical  
18.25 utility and which are connected directly to its distribution system and located upon the  
18.26 utility's distribution poles, and which are generally accessible only to employees of such  
18.27 utility or persons acting under its control or direction;

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

18.30 (6) when the installation, material, and equipment is part of an elevator installation for  
18.31 which the elevator contractor, licensed under section 326B.164, is required to obtain a permit  
18.32 from the authority having jurisdiction as provided by section 326B.184, and the inspection  
18.33 has been or will be performed by an elevator inspector certified and licensed by the

19.1 department. This exemption shall apply only to installations, material, and equipment  
19.2 permitted or required to be connected on the load side of the disconnecting means required  
19.3 for elevator equipment under National Electrical Code Article 620, and elevator  
19.4 communications and alarm systems within the machine room, car, hoistway, or elevator  
19.5 lobby.

19.6 Sec. 21. LAWS CHAPTER 32 EFFECTIVE DATE.

19.7 Notwithstanding any other law to the contrary, Laws 2022, chapter 32, articles 1 and 2,  
19.8 sections 1 to 12, are effective the day following final enactment, and Laws 2022, chapter  
19.9 32, article 1, section 1, applies to appointments made on or after that date.

### 19.10 ARTICLE 3

### 19.11 OSHA PENALTY CONFORMANCE

19.12 Section 1. Minnesota Statutes 2020, section 182.666, subdivision 1, is amended to read:

19.13 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly  
19.14 violates the requirements of section 182.653, or any standard, rule, or order adopted under  
19.15 the authority of the commissioner as provided in this chapter, may be assessed a fine not to  
19.16 exceed ~~\$70,000~~ \$145,027 for each violation. The minimum fine for a willful violation is  
19.17 ~~\$5,000~~ \$10,360.

19.18 **EFFECTIVE DATE.** This section is effective July 1, 2022.

19.19 Sec. 2. Minnesota Statutes 2020, section 182.666, subdivision 2, is amended to read:

19.20 Subd. 2. **Serious violations.** Any employer who has received a citation for a serious  
19.21 violation of its duties under section 182.653, or any standard, rule, or order adopted under  
19.22 the authority of the commissioner as provided in this chapter, shall be assessed a fine not  
19.23 to exceed ~~\$7,000~~ \$14,502 for each violation. If a serious violation under section 182.653,  
19.24 subdivision 2, causes or contributes to the death of an employee, the employer shall be  
19.25 assessed a fine of up to \$25,000 for each violation.

19.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.

19.27 Sec. 3. Minnesota Statutes 2020, section 182.666, subdivision 3, is amended to read:

19.28 Subd. 3. **Nonserious violations.** Any employer who has received a citation for a violation  
19.29 of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically

20.1 determined not to be of a serious nature as provided in section 182.651, subdivision 12,  
20.2 may be assessed a fine of up to ~~\$7,000~~ \$14,502 for each violation.

20.3 **EFFECTIVE DATE.** This section is effective July 1, 2022.

20.4 Sec. 4. Minnesota Statutes 2020, section 182.666, subdivision 4, is amended to read:

20.5 Subd. 4. **Failure to correct a violation.** Any employer who fails to correct a violation  
20.6 for which a citation has been issued under section 182.66 within the period permitted for  
20.7 its correction, which period shall not begin to run until the date of the final order of the  
20.8 commissioner in the case of any review proceedings under this chapter initiated by the  
20.9 employer in good faith and not solely for delay or avoidance of penalties, may be assessed  
20.10 a fine of not more than ~~\$7,000~~ \$14,502 for each day during which the failure or violation  
20.11 continues.

20.12 **EFFECTIVE DATE.** This section is effective July 1, 2022.

20.13 Sec. 5. Minnesota Statutes 2020, section 182.666, subdivision 5, is amended to read:

20.14 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,  
20.15 as prescribed under this chapter, except those prescribed under section 182.661, subdivision  
20.16 3a, shall be assessed a fine of up to ~~\$7,000~~ \$14,502 for each violation.

20.17 **EFFECTIVE DATE.** This section is effective July 1, 2022.

20.18 Sec. 6. Minnesota Statutes 2020, section 182.666, is amended by adding a subdivision to  
20.19 read:

20.20 Subd. 6a. **Increases for inflation.** (a) Each year, beginning in 2022, the commissioner  
20.21 shall determine the percentage change in the Minneapolis-St. Paul-Bloomington, MN-WI,  
20.22 Consumer Price Index for All Urban Consumers (CPI-U) from the month of October in the  
20.23 preceding calendar year to the month of October in the current calendar year.

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

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

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

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

21.6 **EFFECTIVE DATE.** This section is effective July 1, 2022.

21.7 **ARTICLE 4**  
21.8 **FAIR LABOR STANDARDS FOR AGRICULTURAL AND FOOD PROCESSING**  
21.9 **WORKERS**

21.10 Section 1. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

21.11 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
21.12 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,  
21.13 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,  
21.14 subdivision 2a, 181.722, 181.79, 181.86 to 181.88, and 181.939 to 181.943, or with any  
21.15 rule promulgated under section 177.28. The commissioner shall issue an order requiring an  
21.16 employer to comply with sections 177.41 to 177.435 if the violation is repeated. For purposes  
21.17 of this subdivision only, a violation is repeated if at any time during the two years that  
21.18 preceded the date of violation, the commissioner issued an order to the employer for violation  
21.19 of sections 177.41 to 177.435 and the order is final or the commissioner and the employer  
21.20 have entered into a settlement agreement that required the employer to pay back wages that  
21.21 were required by sections 177.41 to 177.435. The department shall serve the order upon the  
21.22 employer or the employer's authorized representative in person or by certified mail at the  
21.23 employer's place of business. An employer who wishes to contest the order must file written  
21.24 notice of objection to the order with the commissioner within 15 calendar days after being  
21.25 served with the order. A contested case proceeding must then be held in accordance with  
21.26 sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the  
21.27 employer fails to file a written notice of objection with the commissioner, the order becomes  
21.28 a final order of the commissioner.

21.29 Sec. 2. Minnesota Statutes 2020, section 179.86, subdivision 1, is amended to read:

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

22.1 Sec. 3. Minnesota Statutes 2020, section 179.86, subdivision 3, is amended to read:

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

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

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

22.8 (3) a description of leave policies;

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

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

22.11 (6) the name of the employer's workers' compensation insurance carrier, the carrier's  
22.12 phone number, and the insurance policy number.

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

22.16 (1) the right to organize and bargain collectively and refrain from organizing and  
22.17 bargaining collectively;

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

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

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

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

22.23 Sec. 4. Minnesota Statutes 2020, section 179.86, is amended by adding a subdivision to  
22.24 read:

22.25 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of  
22.26 action for damages for the greater of \$1,000 per violation or twice the employee's actual  
22.27 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of  
22.28 \$1,400 or three times actual damages for an employee injured by an intentional violation  
22.29 of this section.

23.1 Sec. 5. Minnesota Statutes 2020, section 179.86, is amended by adding a subdivision to  
23.2 read:

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

23.5 Sec. 6. Minnesota Statutes 2020, section 181.14, subdivision 1, is amended to read:

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

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

23.21 Sec. 7. Minnesota Statutes 2020, section 181.635, subdivision 1, is amended to read:

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

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

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

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

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

- 24.1 (e) "Terms and conditions of employment" means the following:
- 24.2 (1) nature of the work to be performed;
- 24.3 (2) wage rate, nature and amount of deductions for tools, clothing, supplies, or other
- 24.4 items;
- 24.5 (3) anticipated hours of work per week, including overtime;
- 24.6 (4) anticipated slowdown or shutdown or if hours of work per week vary more than 25
- 24.7 percent from clause (3);
- 24.8 (5) duration of the work;
- 24.9 (6) workers' compensation coverage and name, address, and telephone number of insurer
- 24.10 and Department of Labor and Industry;
- 24.11 (7) employee benefits available, including any health plans, sick leave, or paid vacation;
- 24.12 (8) transportation and relocation arrangements with allocation of costs between employer
- 24.13 and employee;
- 24.14 (9) availability and description of housing and any costs to employee associated with
- 24.15 housing; and
- 24.16 (10) any other item of value offered, and allocation of costs of item between employer
- 24.17 and employee.

24.18 Sec. 8. Minnesota Statutes 2020, section 181.635, subdivision 2, is amended to read:

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

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

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

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

24.23 The disclosure must be written in English and Spanish, or another language if the person's

24.24 preferred language is not Spanish, dated and signed by the employer and the person recruited,

24.25 and maintained by the employer for ~~two~~ three years. A copy of the signed and completed

24.26 disclosure must be delivered immediately to the recruited person. The disclosure may not

24.27 be construed as an employment contract.

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

24.29 section 181.032.

25.1 Sec. 9. Minnesota Statutes 2020, section 181.635, subdivision 3, is amended to read:

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

25.6 Sec. 10. Minnesota Statutes 2020, section 181.635, subdivision 4, is amended to read:

25.7 Subd. 4. **Fine.** The Department of Labor and Industry shall fine an employer not less  
25.8 than ~~\$200~~ \$400 or more than ~~\$500~~ \$1,000 for each violation of this section.

25.9 Sec. 11. Minnesota Statutes 2020, section 181.635, subdivision 6, is amended to read:

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

25.14 Sec. 12. Minnesota Statutes 2020, section 181.85, subdivision 2, is amended to read:

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

25.19 Sec. 13. Minnesota Statutes 2020, section 181.85, subdivision 4, is amended to read:

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

25.24 Sec. 14. Minnesota Statutes 2020, section 181.86, subdivision 1, is amended to read:

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

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

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

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

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

26.7 (5) the wage rates to be paid;

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

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

26.10 (8) whether housing will be provided; and

26.11 (9) the name of the employer's workers' compensation insurance carrier, the carrier's  
26.12 phone number, and the insurance policy number.

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

26.15 Sec. 15. Minnesota Statutes 2020, section 181.87, subdivision 2, is amended to read:

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

26.19 Sec. 16. Minnesota Statutes 2020, section 181.87, subdivision 3, is amended to read:

26.20 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant  
26.21 worker a minimum of 70 hours pay for work in any two successive weeks and, should the  
26.22 pay for hours actually offered by the employer and worked by the migrant worker provide  
26.23 a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker  
26.24 the difference within three days after the scheduled payday for the pay period involved.  
26.25 Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the  
26.26 employment statement, or the federal or state minimum wage, whichever is ~~higher~~ highest.  
26.27 Any pay in addition to the hourly wage rate specified in the employment statement shall be  
26.28 applied against the guarantee. This guarantee applies for the minimum period of employment  
26.29 specified in the employment statement beginning with the date on which employment is to  
26.30 begin as specified in the employment statement. The date on which employment is to begin  
26.31 may be changed by the employer by written, telephonic, or telegraphic notice to the migrant

27.1 worker, at the worker's last known address, no later than ten days prior to the previously  
27.2 stated beginning date. The migrant worker shall contact the recruiter to obtain the latest  
27.3 information regarding the date upon which employment is to begin no later than five days  
27.4 prior to the previously stated beginning date. This guarantee shall be reduced, when there  
27.5 is no work available for a period of seven or more consecutive days during any two-week  
27.6 period subsequent to the commencement of work, by five hours pay for each such day,  
27.7 when the unavailability of work is caused by climatic conditions or an act of God, provided  
27.8 that the employer pays the migrant worker, on the normal payday, the sum of ~~\$5~~ \$16 for  
27.9 each such day.

27.10 Sec. 17. Minnesota Statutes 2020, section 181.87, subdivision 7, is amended to read:

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

27.15 Sec. 18. Minnesota Statutes 2020, section 181.88, is amended to read:

27.16 **181.88 RECORD KEEPING.**

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

27.22 Sec. 19. Minnesota Statutes 2020, section 181.89, subdivision 2, is amended to read:

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

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

27.30 (2) whenever the court finds that an employer has recruited a migrant worker without  
27.31 providing a written employment statement as provided in section 181.86, subdivision 1,  
27.32 ~~\$250~~ \$800;

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

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

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

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

28.11 Sec. 20. Minnesota Statutes 2020, section 181.89, is amended by adding a subdivision to  
 28.12 read:

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

## 28.16 ARTICLE 5

### 28.17 COMBATIVE SPORTS

28.18 Section 1. Minnesota Statutes 2020, section 341.21, subdivision 7, is amended to read:

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

28.25 Sec. 2. Minnesota Statutes 2020, section 341.221, is amended to read:

#### 28.26 **341.221 ADVISORY COUNCIL.**

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

28.29 (b) The council shall have ~~nine~~ five members appointed by the commissioner. ~~One~~  
 28.30 ~~member must be a retired judge of the Minnesota District Court, Minnesota Court of Appeals,~~  
 28.31 ~~Minnesota Supreme Court, the United States District Court for the District of Minnesota,~~

29.1 ~~or the Eighth Circuit Court of Appeals. At least four~~ All five members must have knowledge  
29.2 of the ~~boxing~~ combative sports industry. ~~At least four members must have knowledge of~~  
29.3 ~~the mixed martial arts industry.~~ The commissioner shall make serious efforts to appoint  
29.4 qualified women to serve on the council.

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

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

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

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

29.14 (e) Appointments to the council and the terms of council members shall be governed by  
29.15 sections 15.059 and 15.0597.

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

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

29.21 Sec. 3. Minnesota Statutes 2020, section 341.25, is amended to read:

29.22 **341.25 RULES.**

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

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

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

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

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

30.6 (f) The most recent version of the Unified Rules of Boxing, as promulgated by the  
30.7 Association of Boxing Commissions, are incorporated by reference and made a part of this  
30.8 chapter except as modified by this chapter and Minnesota Rules, chapter 2201. In the event  
30.9 of a conflict between this chapter and the Unified Rules, this chapter must govern.

30.10 Sec. 4. Minnesota Statutes 2020, section 341.28, is amended to read:

30.11 **341.28 REGULATION OF COMBATIVE SPORT CONTESTS.**

30.12 Subdivision 1. **Regulatory authority; combative sports.** All combative sport contests  
30.13 within this state must be conducted according to the requirements of this chapter.

30.14 Subd. 1a. **Regulatory authority; professional boxing contests.** All professional boxing  
30.15 contests are subject to this chapter. Every combatant in a boxing contest shall wear padded  
30.16 gloves that weigh at least eight ounces. Officials at all boxing contests must be licensed  
30.17 under this chapter.

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

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

31.1 Subd. 4. **Regulatory authority; martial arts and amateur boxing.** (a) Unless this  
 31.2 chapter specifically states otherwise, contests or exhibitions for martial arts and amateur  
 31.3 boxing are exempt from the requirements of this chapter and officials at these events are  
 31.4 not required to be licensed under this chapter.

31.5 (b) All martial arts and amateur boxing contests must be regulated by the Thai Boxing  
 31.6 Association, International Sports Karate Association, World Kickboxing Association, United  
 31.7 States Muay Thai Association, United States Muay Thai Federation, World Association of  
 31.8 Kickboxing Organizations, International Kickboxing Federation, USA Boxing, or an  
 31.9 organization that governs interscholastic athletics under subdivision 5.

31.10 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit  
 31.11 bout results to the commissioner within 72 hours after the event. If the regulatory body  
 31.12 issues suspensions, it must submit to the commissioner, within 72 hours after the event, a  
 31.13 list of any suspensions resulting from the event.

31.14 Subd. 5. **Regulatory authority; certain students.** Combative sport contests regulated  
 31.15 by the Minnesota State High School League, National Collegiate Athletic Association,  
 31.16 National Junior Collegiate Athletic Association, National Association of Intercollegiate  
 31.17 Athletics, or any similar organization that governs interscholastic athletics are not subject  
 31.18 to this chapter and officials at these events are not required to be licensed under this chapter.

31.19 Sec. 5. Minnesota Statutes 2020, section 341.30, subdivision 4, is amended to read:

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

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

31.28 ~~(2)~~ (1) show on the licensing application the owner or owners of the applicant entity and  
 31.29 the percentage of interest held by each owner holding a 25 percent or more interest in the  
 31.30 applicant;

31.31 ~~(3)~~ (2) provide the commissioner with a copy of the latest financial statement of the  
 31.32 applicant;

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

32.3 ~~(5) (3) provide proof, where applicable, of authorization to do business in the state of~~  
32.4 ~~Minnesota; and~~

32.5 ~~(6) (4) deposit with the commissioner a cash bond or surety bond in an amount set by~~  
32.6 ~~the commissioner, which must not be less than \$10,000. The bond shall be executed in favor~~  
32.7 ~~of this state and shall be conditioned on the faithful performance by the promoter of the~~  
32.8 ~~promoter's obligations under this chapter and the rules adopted under it.~~

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

32.10 (1) submit to the commissioner the results of ~~a current medical examination~~ examinations  
32.11 ~~on forms furnished or approved~~ prescribed by the commissioner. ~~The medical examination~~  
32.12 ~~must include an ophthalmological and neurological examination, and documentation of test~~  
32.13 ~~results for HBV, HCV, and HIV, and any other blood test as the commissioner by rule may~~  
32.14 ~~require. The ophthalmological examination must be designed to detect any retinal defects~~  
32.15 ~~or other damage or condition of the eye that could be aggravated by combative sports. The~~  
32.16 ~~neurological examination must include an electroencephalogram or medically superior test~~  
32.17 ~~if the combatant has been knocked unconscious in a previous contest. The commissioner~~  
32.18 ~~may also order an electroencephalogram or other appropriate neurological or physical~~  
32.19 ~~examination before any contest if it determines that the examination is desirable to protect~~  
32.20 ~~the health of the combatant. The commissioner shall not issue a license to an applicant~~  
32.21 ~~submitting positive test results for HBV, HCV, or HIV; that state that the combatant is~~  
32.22 ~~cleared to participate in a combative sport contest. The applicant must undergo and submit~~  
32.23 ~~the results of the following medical examinations, which do not exempt a combatant from~~  
32.24 ~~the requirements set forth in section 341.33:~~

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

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

32.32 (iii) blood work results for HBsAg (Hepatitis B surface antigen), HCV (Hepatitis C  
32.33 antibody), and HIV. Blood work results are good for one year from the date blood was

33.1 drawn. The commissioner shall not issue a license to an applicant submitting positive test  
33.2 results for HBsAg, HCV, or HIV; and

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

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

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

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

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

33.18 Sec. 6. Minnesota Statutes 2020, section 341.32, subdivision 2, is amended to read:

33.19 Subd. 2. **Expiration and application.** Licenses expire annually on ~~December 31~~ June  
33.20 30. A license may be applied for each year by filing an application for licensure and satisfying  
33.21 all licensure requirements established in section 341.30, and submitting payment of the  
33.22 license fees established in section 341.321. An application for a license and renewal of a  
33.23 license must be on a form provided by the commissioner. Any license received or renewed  
33.24 in the year 2022 shall be valid until June 30, 2023.

33.25 Sec. 7. Minnesota Statutes 2020, section 341.321, is amended to read:

33.26 **341.321 FEE SCHEDULE.**

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

33.29 (1) referees, \$25;

33.30 (2) promoters, \$700;

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

- 34.1 (4) trainers and seconds, \$80;
- 34.2 (5) timekeepers, \$25;
- 34.3 (6) professional combatants, \$70;
- 34.4 (7) amateur combatants, \$50; and
- 34.5 (8) ringside physicians, \$25.

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

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

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

34.18 (1) \$500 at the time is due when the combative sport contest is scheduled; ~~and~~

34.19 (2) \$1,000 is due at the weigh-in prior to the contest;

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

34.22 (4) the face value of all complimentary tickets distributed for an event, to the extent they  
34.23 exceed 15 percent of total event attendance, count toward gross tickets sales for the purposes  
34.24 of determining a combative sport contest fee.

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

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

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

35.1 Sec. 8. [341.322] PAYMENT SCHEDULE.

35.2 The commissioner may establish a schedule of fees to be paid by a promoter to referees,  
35.3 judges and knockdown judges, timekeepers, and ringside physicians.

35.4 Sec. 9. [341.323] EVENT APPROVAL.

35.5 Subdivision 1. Preapproval documentation. Before the commissioner approves a  
35.6 combative sport contest, the promoter shall:

35.7 (1) provide the commissioner, at least six weeks before the combative sport contest is  
35.8 scheduled to occur, information about the time, date, and location of the contest;

35.9 (2) provide the commissioner, at least 72 hours before the combative sport contest is  
35.10 scheduled to occur, with a copy of any agreement between a combatant and the promoter  
35.11 that binds the promoter to pay the combatant a certain fixed fee or percentage of the gate  
35.12 receipts;

35.13 (3) provide the commissioner, at least 72 hours before the combative sport contest is  
35.14 scheduled to occur, with a copy or other proof acceptable to the commissioner of the  
35.15 insurance contract or policy required by this chapter; and

35.16 (4) provide the commissioner, at least 72 hours before the combative sport contest is  
35.17 scheduled to occur, proof acceptable to the commissioner that the promoter will provide,  
35.18 at the cost of the promoter, at least one uniformed security guard or uniformed off-duty  
35.19 member of law enforcement to provide security at any event regulated by the Department  
35.20 of Labor and Industry. The commissioner may require a promoter to take additional security  
35.21 measures to ensure the safety of participants and spectators at an event.

35.22 Subd. 2. Proper licensure. Before the commissioner approves a combative sport contest,  
35.23 the commissioner must ensure that the promoter is properly licensed under this chapter.  
35.24 The promoter must maintain proper licensure from the time the promoter schedules a  
35.25 combative sport contest through the date of the contest.

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

35.28 Sec. 10. [341.324] AMBULANCE.

35.29 A promoter must ensure, at the cost of the promoter, that an ambulance and two  
35.30 emergency medical technicians are on the premises during a combative sport contest.

36.1 Sec. 11. Minnesota Statutes 2020, section 341.33, is amended to read:

36.2 **341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

36.3 Subdivision 1. **Examination by physician.** All combatants must be examined by a  
36.4 physician licensed by this state within 36 hours before entering the ring, and the examining  
36.5 physician shall immediately file with the commissioner a written report of the examination.  
36.6 Each female combatant shall take and submit a negative pregnancy test as part of the  
36.7 examination. The physician's examination may report on the condition of the combatant's  
36.8 heart and general physical and general neurological condition. The physician's report may  
36.9 record the condition of the combatant's nervous system and brain as required by the  
36.10 commissioner. The physician may prohibit the combatant from entering the ring if, in the  
36.11 physician's professional opinion, it is in the best interest of the combatant's health. The cost  
36.12 of the examination is payable by the promoter conducting the contest or exhibition.

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

36.17 Sec. 12. **[341.345] CHALLENGING THE OUTCOME OF A COMBATIVE SPORT**  
36.18 **CONTEST.**

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

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

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

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

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

37.1 (3) scores were miscalculated.

37.2 Subd. 3. **Timing.** (a) A challenge must be submitted within ten days of the contest.

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

37.7 (c) The challenge must be submitted to the commissioner at the address, fax number, or  
37.8 e-mail address designated on the commissioner's website. The date on which a challenge  
37.9 is submitted by mail shall be the postmark date on the envelope in which the challenge is  
37.10 mailed. If the challenge is faxed or e-mailed, it must be received by the commissioner by  
37.11 4:30 p.m. central time on the day the challenge is due.

37.12 Subd. 4. **Opponent's response.** If the requirements of subdivisions 1 to 3 are met, the  
37.13 commissioner shall send a complete copy of the challenge documents, along with any  
37.14 supporting materials submitted, to the opposing combatant by mail, fax, or e-mail. The  
37.15 opposing combatant shall have 14 days from the date the commissioner sends the challenge  
37.16 and supporting materials to submit a response to the commissioner. Additional response  
37.17 time is not added when the commissioner sends the challenge to the opposing combatant  
37.18 by mail. The opposing combatant may submit photos, videos, documents, or any other  
37.19 evidence the opposing combatant would like the commissioner to consider in connection  
37.20 to the challenge. The response must be submitted to the commissioner at the address, fax  
37.21 number, or e-mail address designated on the commissioner's website. The date on which a  
37.22 response is submitted by mail shall be the postmark date on the envelope in which the  
37.23 response is mailed. If the response is faxed or e-mailed, it must be received by the  
37.24 commissioner by 4:30 p.m. central time on the day the response is due.

37.25 Subd. 5. **Licensed official review.** The commissioner may, if the commissioner  
37.26 determines it would be helpful in resolving the issues raised in the challenge, send a complete  
37.27 copy of the challenge or response, along with any supporting materials submitted, to any  
37.28 licensed official involved in the combative sport contest at issue by mail, fax, or e-mail and  
37.29 request their views on the issues raised in the challenge.

37.30 Subd. 6. **Order.** The commissioner shall issue an order on the challenge within 60 days  
37.31 after receiving the opposing combatant's response. If the opposing combatant does not  
37.32 submit a response, the commissioner shall issue an order on the challenge within 75 days  
37.33 after receiving the challenge.

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

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

38.9 Sec. 13. Minnesota Statutes 2020, section 341.355, is amended to read:

38.10 **341.355 CIVIL PENALTIES.**

38.11 When the commissioner finds that a person has violated one or more provisions of any  
 38.12 statute, rule, or order that the commissioner is empowered to regulate, enforce, or issue, the  
 38.13 commissioner may impose, for each violation, a civil penalty of up to \$10,000 for each  
 38.14 violation, or a civil penalty that deprives the person of any economic advantage gained by  
 38.15 the violation, or both. The commissioner may also impose these penalties against a person  
 38.16 who has violated section 341.28, subdivision 4, paragraphs (b) and (c).

38.17 **ARTICLE 6**

38.18 **PUBLIC EMPLOYMENT RELATIONS BOARD**

38.19 Section 1. Minnesota Statutes 2020, section 13.43, subdivision 6, is amended to read:

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

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

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

39.1 Subd. 2. **Nonpublic data.** (a) Except as provided in this subdivision, all data maintained  
39.2 by the board about a charge or complaint of unfair labor practices and appeals of  
39.3 determinations of the commissioner under section 179A.12, subdivision 11, are classified  
39.4 as protected nonpublic data or confidential data, and become public when admitted into  
39.5 evidence at a hearing conducted pursuant to section 179A.13. The data may be subject to  
39.6 a protective order as determined by the board or a hearing officer.

39.7 (b) Notwithstanding sections 13.43 and 181.932, the following data are public:

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

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

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

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

39.12 (5) the complaint issued by the board and all data in the complaint;

39.13 (6) the full and complete record of an evidentiary hearing before a hearing officer,

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

39.15 unless subject to a protective order;

39.16 (7) recommended decisions and orders of hearing officers pursuant to section 179A.13,  
39.17 subdivision 1, paragraph (i);

39.18 (8) exceptions to the hearing officer's recommended decision and order filed with the

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

39.20 (9) briefs filed with the board; and

39.21 (10) decisions and orders issued by the board.

39.22 (c) Notwithstanding paragraph (a), individuals have access to their own statements

39.23 provided to the board under paragraph (a).

39.24 (d) The board may make any data classified as protected nonpublic or confidential

39.25 pursuant to this subdivision accessible to any person or party if the access will aid the

39.26 implementation of chapters 179 and 179A or ensure due process protection of the parties.

39.27 Sec. 3. Minnesota Statutes 2020, section 179A.041, is amended by adding a subdivision  
39.28 to read:

39.29 Subd. 10. **Open meetings.** Chapter 13D does not apply to meetings of the board when  
39.30 it is deliberating on the merits of unfair labor practice charges under sections 179.11, 179.12,  
39.31 and 179A.13; reviewing a recommended decision and order of a hearing officer under

40.1 section 179A.13; or reviewing decisions of the commissioner of the Bureau of Mediation  
40.2 Services relating to unfair labor practices under section 179A.12, subdivision 11.

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

40.4 Sec. 4. **PUBLIC EMPLOYMENT RELATIONS BOARD.**

40.5 Notwithstanding any other law to the contrary, Laws 2014, chapter 211, sections 1 to 3  
40.6 and 6 to 11, as amended by Laws 2015, First Special Session chapter 1, article 7, section  
40.7 1; Laws 2016, chapter 189, article 7, section 42; Laws 2017, chapter 94, article 12, section  
40.8 1; and Laws 2021, First Special Session chapter 10, article 3, section 19, are effective the  
40.9 day following final enactment and apply to any claims brought on or after that date. From  
40.10 July 1, 2021, until the day following final enactment, the district court of the county in  
40.11 which the practice is alleged to have occurred retains jurisdiction over any action by any  
40.12 employee, employer, employee or employer organization, exclusive representative, or any  
40.13 other person or organization aggrieved by an unfair labor practice as defined in Minnesota  
40.14 Statutes, section 179A.13.

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

## 40.16 **ARTICLE 7**

### 40.17 **REFINERY SAFETY**

40.18 Section 1. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

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

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

41.4 **EFFECTIVE DATE.** This section is effective October 15, 2022.

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

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

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

41.15 (c) "Registered apprenticeship program" means an apprenticeship program providing  
41.16 each trainee with combined classroom and on-the-job training under the direct and close  
41.17 supervision of a highly skilled worker in an occupation recognized as an apprenticeable  
41.18 occupation registered with the Department of Labor and Industry under chapter 178 or with  
41.19 the United States Department of Labor Office of Apprenticeship or a recognized state  
41.20 apprenticeship agency under Code of Federal Regulations, title 29, parts 29 and 30.

41.21 (d) "Skilled and trained workforce" means a workforce in which employees of the  
41.22 contractor or subcontractor of any tier working at the site of the petroleum refinery meet  
41.23 one of the following criteria:

41.24 (1) are currently registered as apprentices in a registered apprenticeship program in the  
41.25 applicable trade;

41.26 (2) have graduated from a registered apprenticeship program in the applicable trade; or

41.27 (3) have completed all of the classroom training and work hour requirements needed to  
41.28 graduate from the registered apprenticeship program their employer participates in.

41.29 (e) A contractor's workforce must meet the requirements of paragraph (d) according to  
41.30 the following schedule:

41.31 (1) 65 percent of the contractor's workforce by October 15, 2022;

41.32 (2) 75 percent of the contractor's workforce by October 15, 2023; and

42.1 (3) 85 percent of the contractor's workforce by October 15, 2024.

42.2 (f) "Petroleum refinery" means a facility engaged in producing gasoline, kerosene,  
42.3 distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of  
42.4 petroleum or through redistillation, cracking, or reforming of unfinished petroleum  
42.5 derivatives.

42.6 (g) "Apprenticeable occupation" means any trade, form of employment, or occupation  
42.7 approved for apprenticeship by the United States secretary of labor or the commissioner of  
42.8 labor and industry.

42.9 (h) "Original equipment manufacturer" or "OEM" means an organization that  
42.10 manufactures or fabricates equipment for sale directly to purchasers or other resellers.

42.11 Subd. 2. **Use of contractors by owner, operator; requirement.** (a) An owner or operator  
42.12 of a petroleum refinery shall, when contracting with contractors for the performance of  
42.13 construction, alteration, demolition, installation, repair, maintenance, or hazardous material  
42.14 handling work at the site of the petroleum refinery, require that the contractors performing  
42.15 that work, and any subcontractors of any tier, use a skilled and trained workforce when  
42.16 performing all work at the site of the petroleum refinery.

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

42.19 (c) This subdivision does not apply to contractors or subcontractors hired to perform  
42.20 OEM work necessary to comply with equipment warranty requirements.

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

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

42.33 **EFFECTIVE DATE.** This section is effective October 15, 2022.

## ARTICLE 8

## AGRICULTURAL WORKER WELLNESS

Section 1. [179.911] OMBUDSPERSON FOR THE SAFETY, HEALTH, AND WELL-BEING OF AGRICULTURAL AND FOOD PROCESSING WORKERS.

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

(b) "Agricultural work" is defined broadly to include but is not limited to farming in all its branches including dairy work; field production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; and raising livestock, bees, fur-bearing animals, and poultry.

(c) "Food processing" has the meaning given in section 181.635, subdivision 1, paragraph (d). For the purposes of this section and section 179.912, food processing also includes meatpacking and poultry processing.

Subd. 2. Appointment. The governor shall appoint an ombudsperson for the safety, health, and well-being of agricultural and food processing workers. The ombudsperson shall serve in the unclassified service to assist agricultural and food processing workers with housing, workplace safety, fair labor standards, and other challenges. The ombudsperson must be selected without regard to the person's political affiliation. The ombudsperson shall serve a term of four years, which may be renewed, and may be removed prior to the end of the term for just cause.

Subd. 3. Qualifications. The ombudsperson must be highly competent and qualified to analyze questions of law, administration, and public policy regarding the safety, health, and well-being of agricultural and food processing workers. The ombudsperson must have knowledge and experience in the fields of workplace safety, housing, and fair labor standards. The ombudsperson must be familiar with governmental entities and their roles, interpretation of laws and regulations, record keeping, report writing, public speaking, and management. In addition, the ombudsperson must have experience working with agricultural and food processing workers and must be knowledgeable about the needs and experiences of those communities. No individual may serve as the ombudsperson for the safety, health, and well-being of agricultural and food processing workers while running for or holding any other public office. The ombudsperson must speak fluently in a language in addition to English that is commonly used by agricultural and food processing workers.

Subd. 4. Duties. (a) The ombudsperson's duties shall include but are not limited to the following:

44.1 (1) creating and collecting educational materials in relevant languages to orient  
44.2 agricultural and food processing workers about their rights under Minnesota laws and rules  
44.3 and state services available to them;

44.4 (2) outreach to agricultural and food processing stakeholders, including workers and  
44.5 employers, to inform them of the services of the office in order to support workers in  
44.6 navigating their concerns;

44.7 (3) acting as a member of the Minnesota Migrant Services Consortium and having a  
44.8 formal relationship with any other relevant and appropriate state committees, work groups,  
44.9 or task forces engaged in work related to agricultural and food processing workers;

44.10 (4) coordinating across state agencies to develop strategies to better assist agricultural  
44.11 and food processing workers;

44.12 (5) providing recommendations to state agencies for coordinated communication strategies  
44.13 to promote workplace safety, adequate housing, fair labor standards, and other issues for  
44.14 agricultural and food processing workers;

44.15 (6) offering accessible methods of contact, including telephone, text, and virtual  
44.16 communication platforms, to answer questions, receive complaints, and discuss agency  
44.17 actions with agricultural stakeholders; and

44.18 (7) addressing complaints and requests for assistance related to workplace safety, housing,  
44.19 labor standards, and other concerns by supporting agricultural stakeholders in navigating  
44.20 regulatory authorities.

44.21 (b) The ombudsperson must report to the commissioner annually by December 31 on  
44.22 the services provided by the ombudsperson to agricultural and food processing workers,  
44.23 including the number of stakeholders served and the activities of the ombudsperson in  
44.24 carrying out the duties under this section. The commissioner shall determine the form of  
44.25 the report and may specify additional reporting requirements.

44.26 Subd. 5. **Complaints.** The ombudsperson may receive a complaint from any source  
44.27 concerning an action of an agency, facility, or program. After completing a review, the  
44.28 ombudsperson shall inform the complainant, agency, facility, or program.

44.29 Subd. 6. **Access to records.** (a) The ombudsperson or designee, excluding volunteers,  
44.30 has access to any data of a state agency necessary for the discharge of the ombudsperson's  
44.31 duties, including records classified as confidential data on individuals or private data on  
44.32 individuals under chapter 13 or any other law. The ombudsperson's data request must relate  
44.33 to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an

45.1 individual, the ombudsperson or designee shall first obtain the individual's consent. If the  
45.2 individual is unable to consent and has no parent or legal guardian, the ombudsperson's or  
45.3 designee's access to the data is authorized by this section.

45.4 (b) The ombudsperson and designee must adhere to chapter 13 and must not disseminate  
45.5 any private or confidential data on individuals unless specifically authorized by state, local,  
45.6 or federal law or pursuant to a court order.

45.7 Subd. 7. **Staff support.** The ombudsperson may appoint and compensate out of available  
45.8 funds a confidential secretary in the unclassified service as authorized by law. The  
45.9 ombudsperson and the ombudsperson's full-time staff are members of the Minnesota State  
45.10 Retirement Association. The ombudsperson may delegate to staff members any authority  
45.11 or duties of the office, except the duty to provide reports to the governor, commissioner, or  
45.12 legislature.

45.13 Subd. 8. **Independence of action.** In carrying out the duties under this section, the  
45.14 ombudsperson may provide testimony to the legislature, make periodic reports to the  
45.15 legislature, and address areas of concern to agricultural and food processing workers.

45.16 Subd. 9. **Civil actions.** The ombudsperson and designees are not civilly liable for any  
45.17 action taken under this section if the action was taken in good faith, was within the scope  
45.18 of the ombudsperson's authority, and did not constitute willful or reckless misconduct.

45.19 Subd. 10. **Posting.** (a) The commissioners of labor and industry, employment and  
45.20 economic development, health, administration, and human rights shall post on their  
45.21 departments' websites the mailing address, e-mail address, and telephone number for the  
45.22 ombudsperson's office. The commissioners shall provide agricultural stakeholders with the  
45.23 mailing address, e-mail address, and telephone number of the ombudsperson's office upon  
45.24 request. Departmental programs or contractors providing services to agricultural stakeholders  
45.25 must provide those stakeholders with the mailing address, e-mail address, and telephone  
45.26 number of the ombudsperson's office upon request.

45.27 (b) The ombudsperson must approve all postings and notices required by the departments  
45.28 and counties under this subdivision.

45.29 Sec. 2. **[179.912] AGRICULTURAL WORKER WELLNESS COMMITTEE.**

45.30 Subdivision 1. **Agricultural Worker Wellness Committee established.** The Agricultural  
45.31 Worker Wellness Committee is established to carry out the work of the committee established  
45.32 by the governor's Executive Order No. 21-14. The commissioner of labor and industry shall  
45.33 hire two full-time equivalent staff to support the committee.

46.1 Subd. 2. **Definitions.** For the purposes of this section, "food processing" and "agricultural  
46.2 work" have the meanings given under section 179.911, subdivision 1.

46.3 Subd. 3. **Membership.** (a) The committee shall consist of up to 21 voting members who  
46.4 shall serve three-year terms including, at a minimum:

46.5 (1) the commissioners of labor and industry, employment and economic development,  
46.6 agriculture, health, and housing finance, or their designees; and

46.7 (2) the following members appointed by the governor:

46.8 (i) one representative from the Migrant Services Consortium;

46.9 (ii) three representatives of agricultural employers;

46.10 (iii) three at-large representatives from geographic regions of the state dependent on the  
46.11 agricultural sector;

46.12 (iv) three representatives of community-based organizations with expertise in agricultural  
46.13 workers and communities;

46.14 (v) three union representatives; and

46.15 (vi) three representatives of local public health.

46.16 (b) Other commissioners or their designees not named in paragraph (a), clause (1), may  
46.17 serve on the board as nonvoting members.

46.18 Subd. 4. **Membership terms; compensation.** (a) The governor shall make initial  
46.19 appointments to the board by October 1, 2022. Initial appointees shall serve staggered terms  
46.20 of three years or as determined by the secretary of state.

46.21 (b) Members shall be compensated as provided in section 15.0575, subdivision 3.

46.22 Subd. 5. **Chairs; other officers.** The commissioners of agriculture and labor and industry  
46.23 or their designees shall serve as co-chairs of the committee. The committee may elect other  
46.24 officers as necessary from its members.

46.25 Subd. 6. **Committee responsibilities.** The committee shall:

46.26 (1) analyze and recommend policies to address housing, workplace safety, and fair labor  
46.27 issues faced by migrant, food processing, and meatpacking agricultural workers;

46.28 (2) serve as an ongoing forum for the stakeholder groups represented on the committee  
46.29 and coordinate state, local, and private partners' collaborative work to maintain a healthy  
46.30 and equitable agricultural and food processing industry which is foundational to Minnesota's  
46.31 economy; and

47.1 (3) coordinate and support pandemic response and public health initiatives as they affect  
47.2 agricultural and food processing workers in upcoming growing, harvesting, and processing  
47.3 seasons.

47.4 Subd. 7. Central inventory of reports and analyses on agricultural and food  
47.5 processing workers. Within available appropriations and in collaboration with stakeholders,  
47.6 the committee shall work to establish a central inventory of data reports and analyses  
47.7 regarding agricultural and food processing workers, including demographic information  
47.8 and definitions of agricultural and food processing workers to help policymakers in state  
47.9 and local government agencies, stakeholders, and the public to understand the population  
47.10 needs and assets and to advance state and local initiatives.

47.11 Subd. 8. Report to legislature and governor. The committee shall present to the  
47.12 governor and chairs and ranking minority members of the legislative committees with  
47.13 jurisdiction over labor and agriculture an annual work plan and report regarding its  
47.14 accomplishments. Measurements of success must include tracking:

47.15 (1) stakeholder engagement;

47.16 (2) efficient and effective response to a pandemic or other disruptions of growing,  
47.17 harvesting, and processing seasons;

47.18 (3) increased coordination among governmental, employer, and advocacy organizations  
47.19 connected to the agricultural and food processing industry; and

47.20 (4) advancement of recommendations that strengthen the industry.