ARTICLE 3
LABOR APPROPRIATIONS

Section 1. APPROPRIATIONS.

(a) The sums shown in the columns under "Appropriations" are added to the appropriations in Laws 2023, chapter 53, or other law to the specified agency. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2024" and "2025" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2024, or June 30, 2025, respectively. "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The biennium" is fiscal years 2024 and 2025.

(b) If an appropriation in this article is enacted more than once in the 2024 regular or special legislative session, the appropriation must be given effect only once.

APPROPRIATIONS

<table>
<thead>
<tr>
<th>Available for the Year</th>
<th>Ending June 30</th>
</tr>
</thead>
<tbody>
<tr>
<td>$174,000</td>
<td>2024</td>
</tr>
<tr>
<td>$0</td>
<td>2025</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPARTMENT OF HEALTH</th>
<th>2024</th>
<th>2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>$174,000 the second year is for technical assistance for rulemaking for acceptable blood lead levels for workers. This is a onetime appropriation and is available until June 30, 2026.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA</th>
<th>2024</th>
<th>2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>$335,000 the second year is for labor relations staffing costs. The base for this appropriation is $452,000 for fiscal year 2026 and $403,000 for fiscal year 2027 and each year thereafter.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sec. 2. DEPARTMENT OF HEALTH

Sec. 3. BOARD OF REGENTS OF THE UNIVERSITY OF MINNESOTA
$9,000,000 the second year is for a grant to Tending the Soil, to design, redesign, renovate, construct, furnish, and equip the Rise Up Center, a building located in Minneapolis, that will house a workforce development and job training center, administrative offices, and a public gathering space.

The center, when complete, shall be capable of training up to 3,000 low-income workers annually from diverse backgrounds in the fields of green energy, construction, food processing, and other stable careers through pre-apprenticeships and job readiness training. The center, when complete, shall be capable of training up to 3,000 low-income workers annually from diverse backgrounds in the fields of green energy, construction, food processing, and other stable careers through pre-apprenticeships and job readiness training. This is a one-time appropriation and is available until June 30, 2029.

Notwithstanding Minnesota Statutes, section 16B.98, subdivision 14, the commissioner may use up to one percent of this appropriation for administrative costs.

Beginning January 15, 2025; the commissioner of labor and industry must annually report to the legislative committees with jurisdiction over economic development, workforce development, jobs, and labor regarding the uses of funds in this grant. The report must include how much of the grant funds remain unspent. The report must also detail the number of workers served by the grant. A final report is due the January 15 immediately following the cancellation or exhaustion of this grant. As a condition of receiving the grant, Tending the Soil must agree to provide the commissioner any information needed to complete this report.
$1,736,000 the second year is for implementation of the broadband provisions in article 9.

Sec. 5. Laws 2023, chapter 53; article 14, section 1, is amended to read:

Section 1. EARNED SICK AND SAFE TIME APPROPRIATIONS.

(a) $1,445,000 in fiscal year 2024 and $2,209,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of labor and industry for enforcement and other duties regarding earned sick and safe time under Minnesota Statutes, sections 181.9445 to 181.9448, and chapter 177. The base for this appropriation is $1,899,000 in fiscal year 2026 and each year thereafter.

(b) $300,000 in fiscal year 2024 and $300,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of labor and industry for grants to community organizations under Minnesota Statutes, section 177.50, subdivision 4. This is a onetime appropriation.

(c) $310,000 in fiscal year 2025 is appropriated from the general fund to the commissioner of labor and industry for rulemaking related to earned sick and safe time under Minnesota Statutes, sections 181.9445 to 181.9448, and chapter 177. This is a onetime appropriation and is available until June 30, 2027.

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

Sec. 6. Laws 2023, chapter 53, article 19, section 2, subdivision 1, is amended to read:

Subdivision 1. Total Appropriation $44,044,000

Appropriations by Fund

2024 2025

General 7,200,000 5,286,000

Workers' Compensation 30,599,000 32,069,000

Workforce Development 9,911,000 6,765,000

The amounts that may be spent for each purpose are specified in the following:

The amounts that may be spent for each purpose are specified in the following:
subdivisions. The general fund base for this appropriation is $4,936,000 in fiscal year 2026 and $4,958,000 in fiscal year 2027 and each year thereafter.

The workers compensation fund base is $32,749,000 in fiscal year 2026 and $32,458,000 in fiscal year 2027 and each year thereafter. The workforce development fund base is $6,765,000 in fiscal year 2026 and each year thereafter.

Sec. 7. Laws 2023, chapter 53, article 19, section 2, subdivision 3, is amended to read:

Appropriations by Fund

<table>
<thead>
<tr>
<th>Subd. 3. Labor Standards</th>
<th>6,520,000</th>
<th>6,528,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>4,957,000</td>
<td>4,957,000</td>
</tr>
<tr>
<td>Workforce</td>
<td>1,563,000</td>
<td>1,563,000</td>
</tr>
</tbody>
</table>

The general fund base for this appropriation is $4,682,000 in fiscal year 2026 and $4,704,000 in fiscal year 2027 and each year thereafter.

(a) $2,046,000 each year is for wage theft prevention.
(b) $1,563,000 the first year and $1,635,000 the second year are from the workforce development fund for prevailing wage enforcement.
(c) $134,000 the first year and $134,000 the second year are for outreach and enforcement efforts related to changes to the nursing mothers, lactating employees, and pregnancy accommodations law.
(d) $661,000 the first year and $357,000 the second year are to perform work for the Nursing Home Workforce Standards Board.

The general fund base for this appropriation is $1,036,000 in fiscal year 2026 and $1,078,000 in fiscal year 2027 and each year thereafter.

(a) $2,046,000 each year is for wage theft prevention.
(b) $1,563,000 the first year and $1,635,000 the second year are from the workforce development fund for prevailing wage enforcement.
(c) $134,000 the first year and $134,000 the second year are for outreach and enforcement efforts related to changes to the nursing mothers, lactating employees, and pregnancy accommodations law.
(d) $661,000 the first year and $357,000 the second year are to perform work for the Nursing Home Workforce Standards Board.
The base for this appropriation is $404,000 in fiscal year 2026 and $357,000 in fiscal year 2027.

(e) $225,000 the first year and $169,000 the second year are for the purposes of the Safe Workplaces for Meat and Poultry Processing Workers Act.

(f) $27,000 the first year is for the creation and distribution of a veterans' benefits and services poster under Minnesota Statutes, section 181.536.

(g) $225,000 the first year and $169,000 the second year are for the purposes of the Safe Workplaces for Meat and Poultry Processing Workers Act.

(f) $27,000 the first year is for the creation and distribution of a veterans' benefits and services poster under Minnesota Statutes, section 181.536.

(g) $141,000 the second year is to inform and educate employers relating to Minnesota Statutes, section 181.960.

(h) $200,000 the second year is for education and training related to employee misclassification. This is a onetime appropriation and is available until June 30, 2026.

Sec. 8. Laws 2023, chapter 53, article 19, section 2, subdivision 5, is amended to read:

<table>
<thead>
<tr>
<th>Appropriations by Fund</th>
<th>Subd. 5. Workplace Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Workers’ Compensation</td>
<td>6,644,000</td>
</tr>
</tbody>
</table>

The workers compensation fund base for this appropriation is $7,918,000 in fiscal year 2026 and $7,627,000 in fiscal year 2027 and each year thereafter.

$2,000,000 the first year is for the ergonomics safety grant program. This appropriation is available until June 30, 2026. This is a onetime appropriation.

The workers compensation fund base for this appropriation is $7,918,000 in fiscal year 2026 and $7,627,000 in fiscal year 2027 and each year thereafter.

$2,000,000 the first year is for the ergonomics safety grant program. This appropriation is available until June 30, 2026. This is a onetime appropriation.
Sec. 9. Laws 2023, chapter 53, article 19, section 4, is amended to read:

Sec. 7. Laws 2023, chapter 53, article 19, section 4, is amended to read:

Sec. 4.

BUREAU OF MEDIATION SERVICES

3,789,000 $3,707,000 $3,789,000

146.1 (a) $750,000 each year is for purposes of the
146.2 Public Employment Relations Board under
146.3 Minnesota Statutes, section 179A.041.
146.4 (b) $68,000 each year is for grants to area
146.5 labor management committees. Grants may
146.6 be awarded for a 12-month period beginning
146.7 July 1 each year. Any unencumbered balance
146.8 remaining at the end of the first year does not
146.9 cancel but is available for the second year.
146.10 (c) $47,000 each year is for rulemaking,
146.11 staffing, and other costs associated with peace
146.12 officer grievance procedures.

EFFECTIVE DATE. This section is effective retroactively from July 1, 2023.

ARTICLE 4

COMBATIVE SPORTS

Section 1. Minnesota Statutes 2022, section 326B.89, subdivision 5, is amended to read:

Subd. 5. Payment limitations. The commissioner shall not pay compensation from the
fund to an owner or a lessee in an amount greater than $75,000 $100,000 per licensee. The
commissioner shall not pay compensation from the fund to owners and lessees in an amount
that totals more than $550,000 per licensee. The commissioner shall only pay compensation
from the fund for a final judgment that is based on a contract directly between the licensee
and the homeowner or lessee that was entered into prior to the cause of action and that
requires licensure as a residential building contractor or residential remodeler.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 2. Minnesota Statutes 2023 Supplement, section 341.25, is amended to read:

341.25 RULES.

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

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

EFFECTIVE DATE. This section is effective retroactively from July 1, 2023.
Sec. 3. Minnesota Statutes 2023 Supplement, section 341.28, subdivision 5, is amended to read:

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

(b) Martial arts and amateur boxing contests, unless subject to the exceptions set forth in subdivision 6 or 7, must be regulated by a nationally recognized organization approved by the commissioner. The organization must have a set of written standards, procedures, or rules used to sanction the combative sports it oversees.

(c) Any regulatory body overseeing a martial arts or amateur boxing event must submit bout results to the commissioner within 72 hours after the event. If the regulatory body issues suspensions, the regulatory body must submit to the commissioner a list of any suspensions resulting from the event within 72 hours after the event. Regulatory bodies that oversee combative sports or martial arts contests under subdivision 6 or 7 are not subject to this paragraph.

Sec. 2. Minnesota Statutes 2023 Supplement, section 341.28, subdivision 5, is amended to read:

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

(b) Martial arts and amateur boxing contests, unless subject to the exceptions set forth in subdivision 6 or 7, must be regulated by a nationally recognized organization approved by the commissioner. The organization must have a set of written standards, procedures, or rules used to sanction the combative sports it oversees.

(c) Any regulatory body overseeing a martial arts or amateur boxing event must submit bout results to the commissioner within 72 hours after the event. If the regulatory body issues suspensions, the regulatory body must submit to the commissioner a list of any suspensions resulting from the event within 72 hours after the event. Regulatory bodies that oversee combative sports or martial arts contests under subdivision 6 or 7 are not subject to this paragraph.
Sec. 3. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to read:

Subd. 7. Regulatory authority; youth competition. Combative sports or martial arts contests between individuals under the age of 18 years are exempt from the requirements of this chapter and officials at these events are not required to be licensed under this chapter, if the event:

(1) have sole direction, supervision, regulation, control, and jurisdiction over all combative sport contests that are held within this state unless a contest is exempt from the application of this chapter under federal law;

(2) have sole control, authority, and jurisdiction over all licenses required by this chapter;

(3) grant a license to an applicant if, in the judgment of the commissioner, the financial responsibility, experience, character, and general fitness of the applicant are consistent with the public interest, convenience, or necessity and in the best interests of combative sports and conforms with this chapter and the commissioner's rules;

(4) deny, suspend, or revoke a license using the enforcement provisions of section 326B.082, except that the licensing reapplication time frames remain within the sole discretion of the commissioner; and

(5) serve final nonlicensing orders in performing the duties of this chapter which are subject to the contested case procedures provided in sections 14.57 to 14.69.

Sec. 5. Minnesota Statutes 2022, section 341.29, is amended to read:

Sec. 4. Minnesota Statutes 2022, section 341.28, is amended by adding a subdivision to read:

Subd. 7. Regulatory authority; youth competition. Combative sports or martial arts contests between individuals under the age of 18 years are exempt from the requirements of this chapter and officials at these events are not required to be licensed under this chapter, if the event:

(1) have sole direction, supervision, regulation, control, and jurisdiction over all combative sport contests that are held within this state unless a contest is exempt from the application of this chapter under federal law;

(2) have sole control, authority, and jurisdiction over all licenses required by this chapter;

(3) grant a license to an applicant if, in the judgment of the commissioner, the financial responsibility, experience, character, and general fitness of the applicant are consistent with the public interest, convenience, or necessity and in the best interests of combative sports and conforms with this chapter and the commissioner's rules;

(4) deny, suspend, or revoke a license using the enforcement provisions of section 326B.082, except that the licensing reapplication time frames remain within the sole discretion of the commissioner; and

(5) serve final nonlicensing orders in performing the duties of this chapter which are subject to the contested case procedures provided in sections 14.57 to 14.69.

Sec. 6. Minnesota Statutes 2023 Supplement, section 341.30, subdivision 4, is amended to read:

Subd. 4. Prelicensure requirements. (a) Before the commissioner issues a promoter's license to an individual, corporation, or other business entity, the applicant shall complete a licensing application on the Office of Combative Sports website or on forms prescribed by the commissioner and shall:

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

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

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

(4) provide, where applicable, of authorization to do business in the state of Minnesota; and

(5) serve final nonlicensing orders in performing the duties of this chapter which are subject to the contested case procedures provided in sections 14.57 to 14.69.
(4) deposit with the commissioner a surety bond in an amount set by the commissioner, which must not be less than $10,000. The bond shall be executed in favor of this state and shall be conditioned on the faithful performance by the promoter of the promoter's obligations under this chapter and the rules adopted under it.

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

(1) submit to the commissioner the results of current medical examinations on forms prescribed by the commissioner that state that the combatant is cleared to participate in a combative sport contest. The applicant must undergo and submit the results of the following medical examinations, which do not exempt a combatant from the requirements in section 341.33:

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

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

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

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

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

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

(c) Before the commissioner issues an amateur combatant license to an individual, the applicant must submit proof of qualifications that includes at a minimum: (1) an applicant's prior bout history and evidence showing that the applicant has completed at least six months of training in a combative sport; or (2) a letter of recommendation from a coach or trainer.

(d) Before the commissioner issues a professional combatant license to an individual, the applicant must submit proof of qualifications that includes an applicant's prior bout history showing the applicant has competed in at least four sanctioned combative sports contests, the commissioner may still grant the applicant a license if the applicant provides
evidence demonstrating that the applicant has sufficient skills and experience in combative sports or martial arts to compete as a professional combatant. Before the commissioner issues a license to a referee, judge, or timekeeper, the applicant must submit proof of qualifications that may include certified training from the Association of Boxing Commissions, licensure with other regulatory bodies, professional references, or a log of bouts worked. Before the commissioner issues a license to a ringside physician, the applicant must submit proof that they are licensed to practice medicine in the state of Minnesota and in good standing.

Sec. 7. Minnesota Statutes 2023 Supplement, section 341.321, is amended to read:

341.321 FEE SCHEDULE.

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

1. referees, $25;
2. promoters, $700;
3. judges and knockdown judges, $25;
4. trainers and seconds, $40;
5. timekeepers, $25;
6. professional combatants, $70;
7. amateur combatants, $35; and
8. ringside physicians, $25.

All license fees shall be paid no later than the weigh-in prior to the contest. No license may be issued until all prelicensure requirements in section 341.30 are satisfied and fees are paid.

(b) A promoter or event organizer of an event regulated by the Department of Labor and Industry must pay, per event, a combative sport contest fee.

1. If the promoter sells tickets for the event, the event fee is $1,500 or four percent of the gross ticket sales, whichever is greater. The fee must be paid as follows:
   1. $500 at the time the combative sport contest is scheduled, which is nonrefundable;
   2. $1,000 at the weigh-in prior to the contest;
   3. if four percent of the gross ticket sales is greater than $1,500, the balance is due to the commissioner within 14 days of the completed contest; and
2. If the promoter sells tickets for the event, the event fee is $1,500 or four percent of the gross ticket sales, whichever is greater. The fee must be paid as follows:
   1. $500 at the time the combative sport contest is scheduled, which is nonrefundable;
   2. $1,000 at the weigh-in prior to the contest;
   3. if four percent of the gross ticket sales is greater than $1,500, the balance is due to the commissioner within 14 days of the completed contest; and

All license fees shall be paid no later than the weigh-in prior to the contest. No license may be issued until all prelicensure requirements in section 341.30 are satisfied and fees are paid.

(b) A promoter or event organizer of an event regulated by the Department of Labor and Industry must pay, per event, a combative sport contest fee.
(4) the value of all complimentary tickets distributed for an event, to the extent they exceed five percent of total event attendance, counts toward gross tickets sales for the purposes of determining a combative sports contest fee. For purposes of this clause, the lowest advertised ticket price shall be used to calculate the value of complimentary tickets. (d) If the promoter does not sell tickets and receives only a flat payment from a venue to administer the event, the event fee is $1,500 per event or four percent of the flat payment, whichever is greater. The fee must be paid as follows:

1. $500 at the time the combative sport contest is scheduled, which is nonrefundable;
2. $1,000 at the weigh-in prior to the contest; and
3. if four percent of the flat payment is greater than $1,500, the balance is due to the commissioner within 14 days of the completed contest.

Sec. 3. Medical records. The commissioner may, if the commissioner determines that doing so would be desirable to protect the health of a combatant, provide the combatant’s medical information collected under this chapter to the physician conducting a prebout exam under this section or to the ringside physician or physicians assigned to the combatant’s combative sports contest.

Subd. 3. Medical records. The commissioner may, if the commissioner determines that doing so would be desirable to protect the health of a combatant, provide the combatant’s medical information collected under this chapter to the physician conducting a prebout exam under this section or to the ringside physician or physicians assigned to the combatant’s combative sports contest.

Sec. 7. Minnesota Statutes 2023 Supplement, section 341.33, is amended by adding a subdivision to read:

Subd. 3. Medical records. The commissioner may, if the commissioner determines that doing so would be desirable to protect the health of a combatant, provide the combatant’s medical information collected under this chapter to the physician conducting a prebout exam under this section or to the ringside physician or physicians assigned to the combatant’s combative sports contest.

Sec. 8. Minnesota Statutes 2023 Supplement, section 341.33, is amended by adding a subdivision to read:

Subd. 3. Medical records. The commissioner may, if the commissioner determines that doing so would be desirable to protect the health of a combatant, provide the combatant’s medical information collected under this chapter to the physician conducting a prebout exam under this section or to the ringside physician or physicians assigned to the combatant’s combative sports contest.

All fees and penalties collected by the commissioner must be deposited in the commissioner account in the special revenue fund.

Sec. 7. Minnesota Statutes 2023 Supplement, section 341.33, is amended by adding a subdivision to read:

Subd. 3. Medical records. The commissioner may, if the commissioner determines that doing so would be desirable to protect the health of a combatant, provide the combatant’s medical information collected under this chapter to the physician conducting a prebout exam under this section or to the ringside physician or physicians assigned to the combatant’s combative sports contest.

All fees and penalties collected by the commissioner must be deposited in the commissioner account in the special revenue fund.
ARTICLE 5

CONSTRUCTION CODES AND LICENSING

Section 1. Minnesota Statutes 2023 Supplement, section 326B.106, subdivision 1, is amended to read:

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

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

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

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

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

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

Sec. 2. Minnesota Statutes 2022, section 326B.802, subdivision 13, is amended to read:

Subd. 13. Residential real estate. "Residential real estate" means a new or existing
building constructed for habitation by one to four families, and includes detached garages
and swimming pools.

Sec. 3. Minnesota Statutes 2023 Supplement, section 326B.802, subdivision 15, is amended
to read:

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

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

(1) excavation;

(2) trenching;
(3) grading; and
(4) site grading.

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

(1) drain systems;
(2) poured walls;
(3) slabs and poured-in-place footings;
(4) masonry walls;
(5) masonry fireplaces;
(6) masonry veneer; and
(7) water resistance and waterproofing.

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

(1) rough framing;
(2) finish carpentry;
(3) doors, windows, and skylights;
(4) porches and decks, excluding footings;
(5) wood foundations; and
(6) drywall installation, excluding taping and finishing.

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

(1) floor covering;
(2) wood floors;
(3) cabinet and countertop installation;
(4) insulation and vapor barriers;
(5) interior or exterior painting;
(6) ceramic, marble, and quarry tile;
(7) ornamental guardrail and installation of prefabricated stairs; and
(8) wallpapering.

e) Exterior finishing. Exterior finishing includes work in any of the following areas:
(1) siding;
(2) soffit, fascia, and trim;
(3) exterior plaster and stucco;
(4) painting; and
(5) rain carrying systems, including gutters and down spouts.

(f) Drywall and plaster. Drywall and plaster includes work in any of the following areas:
(1) installation;
(2) taping;
(3) finishing;
(4) interior plaster;
(5) painting; and
(6) wallpapering.

(g) Residential roofing. Residential roofing includes work in any of the following areas:
(1) roof coverings;
(2) roof sheathing;
(3) roof weatherproofing and insulation;
(4) repair of roof support system, but not construction of new roof support system; and
(5) penetration of roof coverings for purposes of attaching a solar photovoltaic system.

(h) General installation specialties. Installation includes work in any of the following areas:
(1) garage doors and openers;
(2) pools, spas, and hot tubs;
(3) fireplaces and wood stoves;
(4) asphalt paving and seal coating;
(5) ornamental guardrail and prefabricated stairs; and
(6) assembly of the support system for a solar photovoltaic system.
Sec. 4. Minnesota Statutes 2022, section 326B.89, subdivision 1, is amended to read:
Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given them:
(b) "Gross annual receipts" means the total amount derived from residential contracting or residential remodeling activities, regardless of where the activities are performed, and must not be reduced by costs of goods sold, expenses, losses, or any other amount.
(c) "Licensee" means a person licensed as a residential contractor or residential remodeler.
(d) "Residential real estate" means a new or existing building constructed for habitation by one to four families, and includes detached garages intended for storage of vehicles associated with the residential real estate, and private swimming pools connected with the residential real estate, which are controlled and used by the owner or the owner's family or invited guests and are not used as part of a business.
(e) "Fund" means the contractor recovery fund.
(f) "Owner" when used in connection with real property, means a person who has any legal or equitable interest in real property and includes a condominium or townhome association that owns common property located in a condominium building or townhome building or an associated detached garage. Owner does not include any real estate developer or any owner using, or intending to use, the property for a business purpose and not as owner-occupied residential real estate.
(g) "Cycle One" means the time period between July 1 and December 31.
(h) "Cycle Two" means the time period between January 1 and June 30.

ARTICLE 5
BUREAU OF MEDIATION SERVICES
Section 1. Minnesota Statutes 2022, section 626.892, subdivision 10, is amended to read:
Subd. 10. Training. (a) A person appointed to the arbitrator roster under this section must complete training as required by the commissioner during the person's appointment.
At a minimum, an initial training must include:
(1) at least six hours on the topics of cultural competency, racism, implicit bias, and recognizing and valuing community diversity and cultural differences; and
(2) at least six hours on topics related to the daily experience of peace officers, which may include ride-alongs with on-duty officers or other activities that provide exposure to the environments, choices, and judgments required of officers in the field.
(b) The commissioner may adopt rules establishing training requirements consistent with this subdivision.
(b) An arbitrator appointed to the roster of arbitrators in 2020 must complete the required initial training by July 1, 2021.

(c) An arbitrator appointed to the roster of arbitrators after 2020 must complete the required initial training within six months of the arbitrator's appointment.

(d) The Bureau of Mediation Services must pay for all costs associated with the required training must be borne by the arbitrator.

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

Sec. 2. REPEALER.

Minnesota Statutes 2022, sections 179.81; 179.82; 179.83, subdivision 1; 179.84, subdivision 1; and 179.85, are repealed.

Minnesota Rules, parts 5520.0100; 5520.0110; 5520.0120; 5520.0200; 5520.0250; 5520.0300; 5520.0500; 5520.0520; 5520.0540; 5520.0560; 5520.0600; 5520.0620; 5520.0700; 5520.0710; and 5520.0800, are repeated.

ARTICLE 7

PUBLIC EMPLOYMENT LABOR RELATIONS

Section 1. Minnesota Statutes 2023 Supplement, section 13.43, subdivision 6, is amended to read:

Subd. 6. Access by labor organizations, Bureau of Mediation Services, Public Employment Relations Board. (a) Notwithstanding classification by any other provision of this chapter upon request from an exclusive representative, personnel data must be disseminated to labor organizations and the Public Employment Relations Board to the extent necessary to conduct elections, investigate and process grievances, and implement the provisions of chapters 179 and 179A.

(b) Personnel data shall be disseminated to labor organizations; the Public Employment Relations Board; and the Bureau of Mediation Services to the extent the dissemination is ordered or authorized by the commissioner of the Bureau of Mediation Services or the Public Employment Relations Board or its employees or agents. Employee Social Security numbers are not necessary to implement the provisions of chapters 179 and 179A.

(c) Personnel data described under section 179A.07, subdivision 8, must be disseminated to an exclusive representative under the terms of that subdivision.

(d) An employer who disseminates personnel data to a labor organization pursuant to this subdivision shall not be subject to liability under section 13.08. Nothing in this paragraph shall impair or limit any remedies available under section 325E.61.
The home addresses, nonemployer issued phone numbers and email addresses, dates of birth, and emails or other communications between exclusive representatives and their members, prospective members, and nonmembers are private data on individuals.

Sec. 2. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is amended to read:

Subd. 14. Public employee or employee. (a) "Public employee" or "employee" means any person appointed or employed by a public employer except:

(1) elected public officials;
(2) election officers;
(3) commissioned or enlisted personnel of the Minnesota National Guard;
(4) emergency employees who are employed for emergency work caused by natural disaster;
(5) part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;

(6) employees, other than employees working for a Minnesota school district or charter school in a position for which no license is required by the Professional Educator Licensing Standards Board, whose positions are basically temporary or seasonal in character and: (i) are not for more than 67 working days in any calendar year; or (ii) are not working for a Minnesota school district or charter school; or (iii) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;

(7) employees providing services for not more than two consecutive quarters to the Board of Trustees of the Minnesota State Colleges and Universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;

(8) employees of charitable hospitals as defined by section 179.35, subdivision 3, except that employees of charitable hospitals as defined by section 179.35, subdivision 3, are public employees for purposes of sections 179A.051; 179A.052; and 179A.13;

(9) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;

(10) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;

(11) with respect to court employees:
(i) personal secretaries to judges;
(ii) law clerks;
(iii) managerial employees;
(iv) confidential employees; and
(v) supervisory employees; or

(12) with respect to employees of Hennepin Healthcare System, Inc., managerial, supervisory, and confidential employees.

(b) The following individuals are public employees regardless of the exclusions of paragraph (a), clauses (5) to (7):

(1) an employee hired by a school district or the Board of Trustees of the Minnesota State Colleges and Universities except at the university established in the Twin Cities metropolitan area under section 136F.10 or for community services or community education instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching position created due to increased enrollment; curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons;

(2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same position has already been filled under paragraph (a), clause (6), item (i), in the same calendar year and the cumulative number of days worked in that same position by all employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a change in the classification or title of the position;

(3) an early childhood family education teacher employed by a school district; and

(4) an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities as the instructor of record to teach (i) one class for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year.

Sec. 3. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 18, is amended to read:

"Teacher" means any public employee other than a superintendent or assistant superintendent, principal, assistant principal, or a supervisory or confidential employee, employed by a school district in a position for which the person must be licensed by the Professional Educator Licensing and Standards Board or the commissioner of education;
(2) in a position as a physical therapist, occupational therapist, art therapist, music therapist, or audiologist; or

(3) in a position creating and delivering instruction to children in a preschool, school readiness, school readiness plus, or prekindergarten program or other school district or charter school-based early education program, except that an employee in a bargaining unit certified before January 1, 2023, may remain in a bargaining unit that does not include teachers unless an exclusive representative files a petition for a unit clarification on the status of a preschool, school readiness, school readiness plus, or prekindergarten program or other school district or charter school-based early education program position or to transfer exclusive representative status.

Sec. 4. Minnesota Statutes 2022, section 179A.041, subdivision 2, is amended to read:

Subd. 2. Alternate members. (a) The appointing authorities shall appoint alternate members to serve only in the case of a member having a conflict of interest or being unavailable for a meeting under subdivision 9, as follows:

(1) one alternate appointed by the governor, who is an officer or employee of an exclusive representative of public employees, to serve as an alternate to the member appointed by the governor who is an officer or employee of an exclusive representative of public employees. This alternate must not be an officer or employee of the same exclusive representative of public employees as the member for whom the alternate serves;

(2) one alternate appointed by the governor, who is a representative of public employers, to serve as an alternate to the member appointed by the governor who is a representative of public employers. This alternate must not represent the same public employer as the member for whom the alternate serves; and

(3) one alternate appointed by the member who is an officer or employee of an exclusive representative of public employees and the member who is a representative of public employers, who is not an officer or employee of an exclusive representative of public employers, or a representative of a public employer, to serve as an alternate for the member that represents the public at large.

(b) Each alternate member shall serve a term that is coterminous with the term of the member for whom the alternate member serves as an alternate.

Sec. 5. Minnesota Statutes 2023 Supplement, section 179A.041, subdivision 10, is amended to read:

Subd. 10. Open Meeting Law; exceptions. Chapter 13D does not apply to meetings of the board when it is the board:

(1) deliberating on the merits of an unfair labor practice charge under sections 179.11, 179.12, and 179A.13;
Sec. 2. Minnesota Statutes 2023 Supplement, section 179A.06, subdivision 6, is amended to read:

Subd. 6. Payroll deduction, authorization, and remittance. (a) Public employees have the right to request payroll deduction for the exclusive representative and the exclusive representative may request payroll deduction for the organization of their choice. A public employer must provide payroll deduction according to any public employee's request under this paragraph.

(b) A public employer must rely on a certification from an exclusive representative requesting remittance of a deduction that the employee organization has and will maintain an authorization, signed, either by hand or electronically according to section 325L.02, paragraph (b), by the public employee from whose salary or wages the deduction is to be made, which may include an electronic signature by the public employer as defined in section 325L.02, paragraph (b). An exclusive representative making such a certification must not be required to provide the public employer a copy of the authorization unless a dispute arises about the authorization's existence or terms of the authorization. The exclusive representative must indemnify the public employer for any successful claims made by the employee for unauthorized deductions in reliance on the certification.

(c) A public employer may request payroll deduction for the exclusive representative if no exclusive representative has and will maintain an authorization, signed, either by hand or electronically according to section 325L.02, paragraph (b), by the public employee from whose salary or wages the deduction is to be made, which may include an electronic signature by the public employer as defined in section 325L.02, paragraph (b). An exclusive representative making such a certification must not be required to provide the public employer a copy of the authorization unless a dispute arises about the authorization's existence or terms of the authorization. The exclusive representative must indemnify the public employer for any successful claims made by the employee for unauthorized deductions in reliance on the certification.

(d) Deduction authorization under this section is:

(1) independent from the public employee's membership status in the employee organization to which payment is remitted; and is

(2) reviewing a hearing officer's recommended decision and order under section 179A.13, or

(3) reviewing decisions of the commissioner of the Bureau of Mediation Services relating to a commissioner's decision on an unfair labor practice under section 179A.12, subdivision 11.

Sec. 2. Minnesota Statutes 2023 Supplement, section 179A.06, subdivision 6, is amended to read:

Subd. 6. Payroll deduction, authorization, and remittance. (a) Public employees have the right to request payroll deduction for the exclusive representative and the exclusive representative may request payroll deduction for the organization of their choice. A public employer must provide payroll deduction according to any public employee's request under this paragraph.

(b) A public employer must rely on a certification from an exclusive representative requesting remittance of a deduction that the organization has and will maintain an authorization, signed, either by hand or electronically according to section 325L.02, paragraph (b), by the public employee from whose salary or wages the deduction is to be made, which may include an electronic signature by the public employer as defined in section 325L.02, paragraph (b). An exclusive representative making such a certification must not be required to provide the public employer a copy of the authorization unless a dispute arises about the authorization's existence or terms of the authorization. The exclusive representative must indemnify the public employer for any successful claims made by the employee for unauthorized deductions in reliance on the certification.

(c) A public employer may request payroll deduction for the exclusive representative if no exclusive representative has and will maintain an authorization, signed, either by hand or electronically according to section 325L.02, paragraph (b), by the public employee from whose salary or wages the deduction is to be made, which may include an electronic signature by the public employer as defined in section 325L.02, paragraph (b). An exclusive representative making such a certification must not be required to provide the public employer a copy of the authorization unless a dispute arises about the authorization's existence or terms of the authorization. The exclusive representative must indemnify the public employer for any successful claims made by the employee for unauthorized deductions in reliance on the certification.

(d) Deduction authorization under this section is:

(1) independent from the public employee's membership status in the employee organization to which payment is remitted; and is

(2) reviewing a hearing officer's recommended decision and order under section 179A.13, or

(3) reviewing decisions of the commissioner of the Bureau of Mediation Services relating to a commissioner's decision on an unfair labor practice under section 179A.12, subdivision 11.
(2) effective regardless of whether a collective bargaining agreement authorizes the deduction.

(4) Employees (c) An employer must commence:

(1) begin deductions within 30 days of notice of authorization from the after an exclusive representative submits a certification under paragraph (b); and must

(2) remit the deductions to the exclusive representative within 30 days of the deduction.

The failure of an employer to comply with the provisions of this paragraph shall be an unfair labor practice under section 179A.13, the relief for which shall be reimbursement by the employer of deductions that should have been made or remitted based on a valid authorization given by the employee or employees.

(5) In the absence of an exclusive representative, public employees have the right to request and be allowed payroll deduction for the organization of their choice.

(6) An exclusive representative must indemnify a public employer:

(1) for any successful employee claim for unauthorized employer deductions made by relying on an exclusive representative's certification under paragraph (b); and

(2) for any successful employee claim for unauthorized employer deductions made by relying on information for changing or canceling deductions under paragraph (c), with indemnification including any reasonable attorney fees and litigation costs.

(7) Any dispute under this subdivision must be resolved through an unfair labor practice proceeding under section 179A.13. It is an unfair labor practice if an employer fails to comply with paragraph (c), and the employer must reimburse deductions that should have been made or remitted based on a valid authorization given by the employee or employees.

Sec. 3. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 8, is amended to read:

Subd. 8. Bargaining unit information. (a) Within 20 calendar days after a bargaining unit employee is hired, a public employer must provide the following contact information on the employee to the unit's exclusive representative in an Excel file format or other format agreed to by the exclusive representative:

(1) name;

(2) job title;

(3) worksite location, including location within a facility when appropriate;

(4) home address;

(5) work telephone number;

(6) home and personal cell phone numbers on file with the public employer;

(7) home and personal cell phone numbers on file with the public employer;
(b) Every 120 calendar days beginning on January 1, 2024, a public employer must provide to an a bargaining unit's exclusive representative in an Excel file or similar format agreed to by the exclusive representative the following information under paragraph (a) for all bargaining unit employees' name, job title, worksite location, including location within a facility, when appropriate, home address, work telephone number, home and personal cell phone numbers on file with the public employer, date of hire, and work email address and personal email address on file with the public employer.

(c) A public employer must notify an exclusive representative within 20 calendar days of the separation of a bargaining unit employee separates from employment or transfers out of the bargaining unit, the employee's public employer must notify the employee's exclusive representative within 20 calendar days after the separation or transfer.

Sec. 4. Minnesota Statutes 2023 Supplement, section 179A.07, subdivision 9, is amended to read:

Subd. 9. Access. (a) A public employer must allow an exclusive representative to meet in person with a newly hired employee, without charge to the pay or leave time of the employee, for 30 minutes, employee within 30 calendar days from the date of hire, during new employee orientations or, if the employer does not conduct new employee orientations, at individual or group meetings. For an orientation or meeting under this paragraph, an employer must allow the employee and exclusive representative up to 30 minutes to meet and must not charge the employee's pay or leave time during the orientation or meeting. An orientation or meeting may be held virtually or for longer than 30 minutes only by mutual agreement of the employer and exclusive representative.

(b) An exclusive representative shall receive notice at least ten days' notice in advance of an orientation, except that but a shorter notice may be provided where if there is an urgent need critical to the employer's operations of the public employer that was not reasonably foreseeable. Notice of and attendance at new employee orientations and other meetings under this paragraph must be and paragraph (a) are limited to:

(1) the public employer;
(2) the employee;
(3) the employee's representative; and
(4) the exclusive representative.
An exclusive representative may communicate with bargaining unit members under paragraph (c) via the members' employer-issued email addresses, but the communication must not interfere with government operations; and the investigation of grievances and other workplace-related complaints and issues.

Meetings conducted in government buildings pursuant to this paragraph must not be for the purpose of supporting or opposing any candidate for partisan political office.
partisan political office or for the purpose of distributing literature or information regarding partisan elections, and

(4) an exclusive representative conducting a meeting in a government building or other government facility pursuant to this subdivision may be charged for maintenance, security, and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

Sec. 9. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision to read:

Subd. 4. Unit mergers. Upon the request of an exclusive representative for bargaining units other than those defined in section 179A.10, subdivision 2, the commissioner must designate as a single unit two bargaining units represented by the exclusive representative, subject to subdivision 2 as well as any other statutory bargaining unit designation.

Sec. 10. Minnesota Statutes 2022, section 179A.09, is amended by adding a subdivision to read:

Subd. 5. Position classifications. For the purpose of determining whether a new position should be included in an existing bargaining unit, the position shall be analyzed with respect to its assigned duties, without regard to title or telework status.

Sec. 11. Minnesota Statutes 2023 Supplement, section 179A.10, subdivision 2, is amended to read:

Subd. 2. State employees. (a) Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Supervisory employees shall only be assigned to units 12 and 16. The following units are the appropriate units of executive branch state employees:

(1) law enforcement unit;
(2) craft, maintenance, and labor unit;
(3) service unit;
(4) health care nonprofessional unit;
(5) health care professional unit;
(6) clerical and office unit;
(7) technical unit;
(8) correctional guards unit;
(9) state university instructional unit;
(10) state college instructional unit;
(11) state university administrative unit;
(12) professional engineering unit;
(13) health treatment unit;
(14) general professional unit;
(15) professional state residential instructional unit;
(16) supervisory employees unit;
(17) public safety radio communications operator unit;
(18) licensed peace officer special unit; and
(19) licensed peace officer leader unit.

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to August 1, 1984, as required by law or as provided in subdivision 4.

(b) The following positions are included in the licensed peace officer special unit:

(1) State Patrol lieutenant;
(2) NR district supervisor - enforcement;
(3) assistant special agent in charge;
(4) corrections investigation assistant director 2;
(5) corrections investigation supervisor; and
(6) commerce supervisor special agent.

(c) The following positions are included in the licensed peace officer leader unit:

(1) State Patrol captain;
(2) NR program manager 2 enforcement; and
(3) special agent in charge.

(d) Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may make changes in the schedule in existence on the day before August 1, 1984, only:

(1) as required by law; or

(18) licensed peace officer special unit; and
(19) licensed peace officer leader unit.

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to August 1, 1984, as required by law or as provided in subdivision 4.

(b) The following positions are included in the licensed peace officer special unit:

(1) State Patrol lieutenant;
(2) NR district supervisor - enforcement;
(3) assistant special agent in charge;
(4) corrections investigation assistant director 2;
(5) corrections investigation supervisor; and
(6) commerce supervisor special agent.

(c) The following positions are included in the licensed peace officer leader unit:

(1) State Patrol captain;
(2) NR program manager 2 enforcement; and
(3) special agent in charge.

(d) Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may make changes in the schedule in existence on the day before August 1, 1984, only:

(1) as required by law; or
Subd. 2a. Majority verification procedure. (a) Notwithstanding any other provision of this section, an employee organization may file a petition with the commissioner requesting certification as the exclusive representative of an appropriate unit based on a verification that for which there is no currently certified exclusive representative, the commissioner shall investigate to determine if sufficient evidence of a question of representation exists. The petition must include over 50 percent of the employees in the proposed appropriate unit who wish to be represented by the petitioning organization. The commissioner shall require dated representation authorization signatures of affected employees as verification of the employee organization’s claim of majority status.

(b) Upon receipt of an employee organization’s petition, accompanied by employee organization authorization under this subdivision, the commissioner shall investigate the petition. If the commissioner determines that over 50 percent of the employees in the appropriate unit have provided authorization signatures designating the petitioning employee organization specified in the petition as their exclusive representative, the commissioner shall not order an election but shall must certify the employee organization as the employees’ exclusive representative without ordering an election under this section.

Sec. 7. Minnesota Statutes 2022, section 179A.12, subdivision 5, is amended to read:

Subd. 5. Commissioner to investigate. The commissioner shall: Upon receipt of an employee organization’s receiving a petition to the commissioner under subdivision 1a or 2a, the commissioner must:

(1) investigate to determine if sufficient evidence of a question of representation exists; and

(2) hold hearings necessary to determine the appropriate unit and other matters necessary to determine the representation rights of the affected employees and employer.

Sec. 8. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 6, is amended to read:

Subd. 6. Authorization signatures. In (a) When determining the numerical status of an employee organization for purposes of this section, the commissioner shall require a dated representation authorization signatures of affected employees’ signature of each affected employee as verification of the statements contained in the joint request on petition: Abuse

(b) An authorization signature shall be signature is privileged and confidential information available to the commissioner only. An electronic signature, as defined in section 325L.02, paragraph (b), shall be is valid as an authorization signature.
The commissioner may void the result of an election complaint prior to hearing and to appear in person or by a representative and give testimony.

Sec. 15. Minnesota Statutes 2023 Supplement, section 179A.12, subdivision 11, is amended to subdivision 2a,

the party a complaint stating the charges, accompanied by a notice of hearing before a

the hearing or the board, any other party may be allowed to intervene in the proceeding and

Designated investigators must conduct the investigation of charges.

Unfair labor practices.

basis in law or fact, the board shall promptly issue a complaint and cause to be served upon

labor practice, an investigator designated by the board shall promptly conduct an investigation

who is the subject of the complaint has the right to file an answer to the original or amended

Subd. 11. (a) The practices specified in this section are unfair labor practices. Any employee, employer, employee or employer organization, exclusive

representative, or any other person or organization aggrieved by an unfair labor practice as

declined in this section may file an unfair labor practice charge with the board.

(b) Whenever it is charged that any party has engaged in or is engaging in any unfair labor practice, an investigator designated by the board shall promptly conduct an investigation of the charge. Unless after the investigation the board finds that the charge has no reasonable basis in law or fact, the board shall promptly issue a complaint and cause to be served upon the party a complaint stating the charges, accompanied by a notice of hearing before a qualified hearing officer designated by the board at the offices of the bureau or other location as the board deems appropriate; not less than five days nor more than 20 days more than 30 days after serving the complaint absent mutual agreement of the parties, provided that no complaint shall be issued based upon any unfair labor practice occurring more than six months prior to the filing of a charge. A complaint issued under this subdivision may be amended by the board at any time prior to the issuance of an order based thereon. The party who is the subject of the complaint has the right to file an answer to the original or amended complaint prior to hearing and to appear in person or by a representative and give testimony at the place and time fixed in the complaint. In the discretion of the hearing officer conducting the hearing or the board, any other party may be allowed to intervene in the proceeding and present testimony. The board or designated hearing officers shall not be bound by the rules of evidence applicable to courts, except as to the rules of privilege recognized by law.

c) Designated investigators must conduct the investigation of charges,
(d) Hearing officers must be licensed to practice law in the state of Minnesota and have a juris doctor and must conduct the hearings and issue recommended decisions and orders.

(e) The board or its designees shall have the power to issue subpoenas and administer oaths. If any party willfully fails or neglects to appear or testify or to produce books, papers, and records pursuant to the issuance of a subpoena, the board may apply to a court of competent jurisdiction to request that the party be ordered to appear to testify or produce the requested evidence.

(f) A full and complete record shall be kept of all proceedings before the board or designated hearing officer and shall be transcribed by a reporter appointed by the board.

(g) The party on whom the burden of proof rests shall be required to sustain the burden by a preponderance of the evidence.

(h) At any time prior to the close of a hearing, the parties may by mutual agreement request referral to mediation, at which time the commissioner shall appoint a mediator, and the hearing shall be suspended pending the results of the mediation.

(i) If, upon a preponderance of the evidence taken, the hearing officer determines that any party named in the charge has engaged in or is engaging in an unfair labor practice, then a recommended decision and order shall be issued stating findings of fact and conclusions, and requiring the party to cease and desist from the unfair labor practice; to post a cease-and-desist notice in the workplace; and ordering any appropriate relief to effectuate the policies of this section, including but not limited to reinstatement, back pay, and any other remedies that make a charging party whole. If back pay is awarded, the award must include interest at the rate of seven percent per annum. The order further may require the party to make reports from time to time, and demonstrate the extent to which the party has complied with the order.

(j) If there is no preponderance of evidence that the party named in the charge has engaged in or is engaging in the unfair labor practice, then the hearing officer shall issue a recommended decision and order stating findings of fact and dismissing the complaint.

(k) Parties may file exceptions to the hearing officer's recommended decision and order with the board no later than 30 days after service of the recommended decision and order. The board shall review the recommended decision and order upon timely filing of exceptions or upon its own motion. If no timely exceptions have been filed, the parties must be deemed to have waived their exceptions. Unless the board reviews the recommended decision and order upon its own motion, it must not be legal precedent and must be final and binding only on the parties to the proceeding as issued in an order issued by the board. If the board does review the recommended decision and order, the board may adopt all, part, or none of the recommended decision and order, depending on the extent to which it is consistent with the record and applicable laws. The board shall issue and serve on all parties its decision and order. The board shall retain jurisdiction over the case to ensure the parties' compliance.
with the board's order. Unless overturned by the board, the parties must comply with the
recommended decision and order:

(i) Until the record has been filed in the court of appeals or district court, the board at
any time, upon reasonable notice and in a manner it deems appropriate, may modify or set
aside, in whole or in part, any finding or order made or issued by it;

(m) Upon a final order that an unfair labor practice has been committed, the board or
the charging party may petition the district court for the enforcement of the order and for
appropriate temporary relief or a restraining order. When the board petitions the court, the
charging party may intervene as a matter of right;

(n) Whenever it appears that any party has violated a final order of the board issued
pursuant to this section, the board must petition the district court for an order directing the
party and its officers, agents, servants, successors, and assigns to comply with the order of
the board. The board shall be represented in this action by its general counsel, who has been
appointed by the board. The court may grant or refuse, in whole or in part, the relief sought,
provided that the court also may stay an order of the board pending disposition of the
proceedings. The court may punish a violation of its order as in civil contempt;

(o) The board shall have power, upon issuance of an unfair labor practice complaint
alleging that a party has engaged in or is engaging in an unfair labor practice, to petition
the district court for appropriate temporary relief or a restraining order. Upon the filing of
any such petition, the court shall cause notice thereof to be served upon such parties, and
thereupon shall have jurisdiction to grant to the board or commissioner temporary relief or
a restraining order as it deems appropriate. Nothing in this paragraph precludes a charging
party from seeking injunctive relief in district court after filing the unfair labor practice
charge;

(p) The proceedings in paragraphs (m), (n), and (o) shall be commenced in the district
court for the county in which the unfair labor practice which is the subject of the order or
administrative complaint was committed, or where a party alleged to have committed the
unfair labor practice resides or transacts business;

Sec. 17. Minnesota Statutes 2022, section 179A.13, subdivision 2, is amended to read:

Subd. 2. Employers. Public employers, their agents and representatives are prohibited
from:

1. interfering, restraining, or coercing employees in the exercise of the rights guaranteed
in sections 179A.01 to 179A.25;

2. dominating or interfering with the formation, existence, or administration of any
employee organization or contributing other support to it;

3. discriminating in regard to hire or tenure to encourage or discourage membership in
an employee organization;
(4) discharging or otherwise discriminating against an employee because the employee has signed or filed an affidavit, petition, or complaint or given information or testimony under sections 179A.01 to 179A.25;

(5) refusing to meet and negotiate in good faith with the exclusive representative of its employees in an appropriate unit;

(6) refusing to comply with grievance procedures contained in an agreement;

(7) distributing or circulating a blacklist of individuals exercising a legal right or of members of a labor organization for the purpose of preventing blacklisted individuals from obtaining or retaining employment;

(8) violating rules established by the commissioner regulating the conduct of representation elections;

(9) refusing to comply with a valid decision of a binding arbitration panel or arbitrator;

(10) violating or refusing to comply with any lawful order or decision issued by the commissioner or the board;

(11) refusing to provide, upon the request of the exclusive representative, all information pertaining to the public employer's budget both present and proposed, revenues, and other financing information provided that in the executive branch of state government this clause may not be considered contrary to the budgetary requirements of sections 16A.10 and 16A.11.

(12) granting or offering to grant the status of permanent replacement employee to a person for performing bargaining unit work for the employer during a lockout of employees in an employee organization or during a strike authorized by an employee organization that is an exclusive representative;

(13) failing or refusing to provide information that is relevant to enforcement or negotiation of a contract within a reasonable time from receiving a request by an exclusive representative, not to exceed ten days for information relevant to contract enforcement or 30 days for information relevant to contract negotiation absent mutual agreement by the parties;

(14) refusing to reassign a position after the commissioner has determined the position was not placed into the correct bargaining unit.

Sec. 18. Minnesota Statutes 2022, section 179A.40, subdivision 1, is amended to read:

Subdivision 1. Units. The following are the appropriate employee units of the Hennepin Healthcare Systems, Inc.: All units shall exclude supervisors, managerial employees, and confidential employees. No additional units of Hennepin Healthcare System, Inc., shall be eligible to be certified for the purpose of meeting and negotiating with an exclusive representative. The units include all:
(1) registered nurses;
(2) physicians except those employed as interns, residents, or fellows;
(3) professionals except for registered nurses and physicians;
(4) technical and paraprofessional employees;
(5) carpenters, electricians, painters, and plumbers;
(6) health general service employees;
(7) interpreters;
(8) emergency medical technicians/emergency medical dispatchers (EMT/EMD); and
(9) bioelectronics specialists, bioelectronics technicians, and electronics technicians;
(10) skilled maintenance employees; and
(11) clerical employees; and
(12) physicians employed as interns, residents, and fellows.

Sec. 19. Minnesota Statutes 2022, section 179A.54, subdivision 5, is amended to read:
Subd. 5. Legislative action on Collective bargaining agreements.
Any agreement reached between the state and the exclusive representative of individual providers under chapter 179A shall be submitted to the legislature to be accepted or rejected in accordance with sections 3.855 and 179A.22. The commissioner of management and budget is authorized to enter into and implement agreements, including interest arbitration decisions, with the exclusive representative of individual providers as provided in section 179A.22, subdivision 4, except for terms and conditions requiring appropriations, changes to state law, or approval from the federal government which shall be contingent upon and executed following receipt of appropriations and state and federal approval.

Sec. 20. RULEMAKING.
The commissioner of the Bureau of Mediation Services must adopt rules on petitions for majority verification, including technical changes needed for consistency with Minnesota Statutes, section 179A.12, and the commissioner may use the expedited rulemaking process under Minnesota Statutes, section 14.389.

Sec. 11. REVISOR INSTRUCTION.
The revisor of statutes must renumber Minnesota Statutes, section 179A.12, subdivision 3, as Minnesota Statutes, section 179A.12, subdivision 1a.
ARTICLE 8

MISCELLANEOUS LABOR PROVISIONS

Section 1. Minnesota Statutes 2023 Supplement, section 116J.871, subdivision 1, as amended by Laws 2024, chapter 85, section 15, is amended to read:

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

(b) "Economic development" means financial assistance provided to a person directly or to a local unit of government or nonprofit organization on behalf of a person who is engaged in the manufacture or sale of goods and services. Economic development does not include (1) financial assistance for rehabilitation of existing housing; (2) financial assistance for new housing construction in which total financial assistance at a single project site is less than $100,000; or (3) financial assistance for the new construction of fully detached single-family affordable homeownership units for which the financial assistance covers no more than ten fully detached single-family affordable homeownership units. For purposes of this paragraph, "affordable homeownership" means housing targeted at households with incomes, at initial occupancy, at or below 115 percent of the state or area median income, whichever is greater, as determined by the United States Department of Housing and Urban Development.

(c) "Financial assistance" means (1) a grant awarded by a state agency for economic development related purposes if a single business receives $200,000 or more of the grant proceeds; (2) a loan or the guaranty or purchase of a loan made by a state agency for economic development related purposes if a single business receives $500,000 or more of the loan proceeds; or (3) a reduction, credit, or abatement of a tax assessed under chapter 297A where the tax reduction, credit, or abatement applies to a geographic area smaller than the entire state and was granted for economic development related purposes; (4) tax increment financing pursuant to section 469.174, provided that such tax increment financing (i) provides financial assistance to a development that consists, in part or in whole, of 25 units or more of multifamily housing, or (ii) provides $100,000 or more of financial assistance to a development; or (5) allocations of low-income housing credits by all suballocators as defined under section 462A.222, for which tax credits are used for multifamily housing projects consisting of more than ten units. Financial assistance does not include payments by the state of aids and credits under chapter 273 or 477A to a political subdivision.

(d) "Project site" means the location where improvements are made that are financed in whole or in part by the financial assistance; or the location of employees that receive financial assistance in the form of employment and training services as defined in section 116L.19, subdivision 4, or customized training from a technical college.

(e) "State agency" means any agency defined under section 16B.01, subdivision 2, Enterprise Minnesota, Inc., and the Department of Iron Range Resources and Rehabilitation.
EFFECTIVE DATE. This section is effective for financial assistance provided after August 1, 2024, and applies only to tax increment financing districts for which the request for certification was made on or after August 1, 2024.

Sec. 2. Minnesota Statutes 2023 Supplement, section 177.42, subdivision 2, is amended to read:

"Project" means demolition, erection, construction, alteration, improvement, restoration, remodeling, or repairing of a public building, structure, facility, land, or other public work, which includes any work suitable for and intended for use by the public; or for the public benefit; financed in whole or part by state funds. Project also includes demolition, erection, construction, alteration, improvement, restoration, remodeling, or repairing of a building, structure, facility, land, or public work when:

1. the acquisition of property, predesign, design, or demolition is financed in whole or part by state funds; or

2. the project is owned by a city, county, or school district and the materials and supplies used or consumed in and equipment incorporated into the construction, reconstruction, upgrade, expansion, renovation, or remodeling of the project qualify for an exemption from sales and use tax under chapter 297A or special law.

Sec. 3. Minnesota Statutes 2022, section 181.960, subdivision 3, is amended to read:

"Employer" means a person who has one or more employees. Employer does not include a state agency, statewide system, political subdivision, or advisory board or commission that is subject to chapter 13.

Sec. 3. Minnesota Statutes 2022, section 181.960, subdivision 3, is amended to read:

"Employer" means a person who has one or more employees. Employer does not include a state agency, statewide system, political subdivision, or advisory board or commission that is subject to chapter 13.

Subdivision 1. Application. This section applies to all forms of financial assistance provided by the Minnesota Housing Finance Agency, as well as the allocation of federal low-income housing credits, for the development, construction, rehabilitation, renovation, or retrofitting of multiunit residential housing, including loans, grants, tax credits, loan guarantees, loan insurance, and other financial assistance.

Subdivision 2. Disclosures. An applicant for financial assistance under this chapter shall disclose in the application any conviction, court judgment, agency determination, legal settlement, ongoing criminal or civil investigation, or lawsuit involving alleged violations of sections 177.24, 177.25, 177.52, 177.41 to 177.44, 181.03, 181.101, 181.13, 181.14, 181.722, 181.723, 181A.01 to 181A.12, or 609.52, subdivision 2, paragraph (a), clause (19), or United States Code, title 29, sections 201 to 219, or title 40, sections 3141 to 3148, arising or occurring within the preceding five years on a construction project owned or managed by the developer or owner of the proposed project, the intended general contractor for the proposed project, or any of their respective parent companies, subsidiaries, or other affiliated companies. An applicant for financial assistance shall make the disclosures required by this chapter.
191.11 subdivision available within 14 calendar days to any member of the public who submits a
191.12 request by mail or electronic correspondence. The applicant shall designate a public
191.13 information officer who will serve as a point of contact for public inquiries.
191.14 Subd. 3. Responsible contractors required. As a condition of receiving financial
191.15 assistance, the applicant shall verify that every contractor or subcontractor of any tier
191.16 performing work on the proposed project meets the minimum criteria to be a responsible
191.17 contractor under section 16C.285, subdivision 3. This verification must meet the criteria
191.18 defined in section 16C.285, subdivision 4.
191.19 Subd. 4. Certified contractor lists. As a condition of receiving financial assistance, the
191.20 applicant shall have available at the development site main office, a list of every contractor
191.21 and subcontractor of any tier that performs work or is expected to perform work on the
191.22 proposed project, as described in section 16C.285, subdivision 5, including the following
191.23 information for each contractor and subcontractor: business name, scope of work, Department
191.24 of Labor and Industry registration number, business name of the entity contracting its
191.25 services, business telephone number and email address, and actual or anticipated number
191.26 of workers on the project. The applicant shall establish the initial contractor list 30 days
191.27 before the start of construction and shall update the list each month thereafter until
191.28 construction is complete. The applicant shall post the contractor list in a conspicuous location
191.29 at the project site and make the contractor list available to members of the public upon
191.30 request.
191.31 Subd. 5. Wage theft remedy. If any contractor or subcontractor of any tier is found to
191.32 have failed to pay statutorily required wages under section 609.52, subdivision 1, clause
191.33 (13), on a project receiving financial assistance or an allocation of federal low-income
191.34 housing tax credits from or through the agency, the recipient is responsible for correcting
191.35 the violation.
191.36 Subd. 6. Wage theft prevention plans; disqualification. (a) If any contractor or
191.37 subcontractor of any tier fails to pay statutorily required wages on a project receiving
191.38 financial assistance from or through the agency as determined by an enforcement entity,
191.39 the recipient must have a wage theft prevention plan to be eligible for further financial
191.40 assistance from the agency. The project developer's wage theft prevention plan must describe
191.41 detailed measures that the project developer and its general contractor have taken and are
191.42 committed to take to prevent wage theft on the project, including provisions in any
191.43 construction contracts and subcontracts on the project. The plan must be submitted to the
191.44 Department of Labor and Industry for review. The Department of Labor and Industry may
191.45 require the project developer to amend the plan or adopt policies or protocols in the plan.
191.46 Once approved by the Department of Labor and Industry, the wage theft prevention plan
191.47 must be submitted by the project developer to the agency with any subsequent application
191.48 for financial assistance from the agency. Such wage theft prevention plans shall be made
191.49 available to members of the public by the agency upon request.
191.50 (b) A developer is disqualified from receiving financial assistance from or through the
191.51 agency for three years if any of the developer's contractors or subcontractors of any tier are
Subd. 7. Enforcement. The agency may deny an application for financial assistance that does not comply with this section or if the applicant refuses to enter into the agreements required by this section. The agency may withhold financial assistance that has been previously approved if the agency determines that the applicant has engaged in unacceptable practices by failing to comply with this section until the violation is cured.

EFFECTIVE DATE. This section is effective for financial assistance provided after August 1, 2024, except Minnesota Statutes, section 462A.051, subdivision 2, does not apply for requests for proposals that were initiated prior to August 1, 2024.

Sec. 10. RULEMAKING; ACCEPTABLE BLOOD LEAD LEVELS FOR WORKERS.

The commissioner of labor and industry, in consultation with the commissioner of health, shall adopt rules to:

1. Lower the acceptable blood lead levels above which require mandatory removal of workers from the lead exposure; and
2. Lower the blood lead levels required before a worker is allowed to return to work.

The thresholds established must be based on the most recent public health information on the safety of lead exposure.

ARTICLE 9

BROADBAND AND PIPELINE SAFETY

Section 1. Minnesota Statutes 2022, section 116J.395, subdivision 6, is amended to read:

Subd. 6. Awarding grants. (a) In evaluating applications and awarding grants, the commissioner shall give priority to applications that are constructed in areas identified by the director of the Office of Broadband Development as unserved.

(b) In evaluating applications and awarding grants, the commissioner may give priority to applications that:

1. Are constructed in areas identified by the director of the Office of Broadband Development as underserved;
2. Offer new or substantially upgraded broadband service to important community institutions including, but not limited to, libraries, educational institutions, public safety facilities, and healthcare facilities;
3. Facilitate the use of telehealth and electronic health records;

4. Are awarded to applicants in areas that are considered unserved.
5. Are awarded to applicants in areas that are considered underserved.
6. Are awarded to applicants in areas that receive new or substantially upgraded broadband service to important community institutions including, but not limited to, libraries, educational institutions, public safety facilities, and healthcare facilities.
7. Facilitate the use of telehealth and electronic health records.

8. Are awarded to applicants in areas that are considered unserved.
9. Are awarded to applicants in areas that are considered underserved.
10. Offer new or substantially upgraded broadband service to important community institutions including, but not limited to, libraries, educational institutions, public safety facilities, and healthcare facilities.
11. Facilitate the use of telehealth and electronic health records.
(4) serve economically distressed areas of the state, as measured by indices of unemployment, poverty, or population loss that are significantly greater than the statewide average;

(5) provide technical support and train residents, businesses, and institutions in the community served by the project to utilize broadband service;

(6) include a component to actively promote the adoption of the newly available broadband services in the community;

(7) provide evidence of strong support for the project from citizens, government, businesses, and institutions in the community;

(8) provide access to broadband service to a greater number of unserved or underserved households and businesses;

(9) leverage greater amounts of funding for the project from other private and public sources; or

(10) commit to implementation of workforce best practices as defined in paragraph (e).

(c) The commissioner shall endeavor to award grants under this section to qualified applicants in all regions of the state.

(d) No less than the following percentages of general fund appropriations for the border-to-border broadband grant program shall be reserved for applicants that agree to implement the workforce best practices as defined in paragraph (e), based on the year in which the grants were awarded:

(1) 50 percent in 2024;

(2) 60 percent in 2025; and

(3) 70 percent in 2026 and thereafter.

The applicant's agreement to implement the workforce best practices as defined in paragraph (e) must be an express condition of providing the grant in the grant agreement.

(e) An applicant for a grant under this section is considered to implement workforce best practices only if the applicant can demonstrate that:

(1) there is credible evidence of support for the application and the applicant's workforce needs on the project for which the grant is provided from one or more labor, labor-management, or other workforce organizations that have a track record of representing and advocating for workers or recruiting, training, and securing employment for people of color, Indigenous people, women, or people with disabilities in the construction industry; and
all laborers and mechanics performing construction, installation, remodeling, or repairs on the project sites for which the grant is provided:

(i) are paid the prevailing wage rate as defined in section 177.42, subdivision 6, and the applicant and all of its construction contractors and subcontractors agree that the payment of prevailing wage to such laborers and mechanics is subject to the requirements and enforcement provisions under sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45, which the commissioner of labor and industry shall have the authority to enforce;

or

(ii) receive from their employer:

(A) at least 80 hours of skills training annually, of which at least 40 hours must consist of hands-on instruction;

(B) employer-paid family health insurance coverage; and

(C) employer-paid retirement benefit payments equal to no less than 15 percent of the employee's total taxable wages.

(f) In the event that the commissioner does not receive enough qualified applications to achieve the standards under paragraph (d), the commissioner shall consult with prospective applicants and labor and workforce organizations under paragraph (e), clause (1), to solicit additional qualified applications.

Sec. 2. [116J.3991] BROADBAND, EQUITY, ACCESS, AND DEPLOYMENT (BEAD).

Subdivision 1. Implementation. The commissioner shall implement a Broadband, Equity, Access, and Deployment (BEAD) Program that prioritizes applicants for state funding that demonstrate the following, provided that implementation of this requirement must not prevent the state from receiving any federal broadband grant funding:

(1) use of a directly employed workforce, as opposed to a subcontracted workforce, to perform broadband placing, splicing, and maintenance work. Public entity applicants may meet this requirement by use of a directly employed workforce or committing to contract with an Internet service provider that will use a directly employed workforce; or

(2) commitment to implement workforce best practices under section 116J.395, subdivision 6, paragraph (c), on the project or projects for which the applicant seeks public funding.

Subd. 2. Project evaluation. In projects funded by the BEAD Program, the criteria under subdivision 1 and section 116J.395, subdivision 6, paragraph (c), shall receive the maximum allowable points in the BEAD scoring framework.
Subd. 3. Disclosures. Applicants’ disclosures responding to the criteria in subdivision 1 and section 116J.395, subdivision 6, paragraph (c), must be publicly available on the department website, and all workforce commitments made under this section and section 116J.395 shall become enforceable, certified commitments and conditions of the grant.

Subd. 4. Workforce plan data. (a) Grantees in projects funded by the program under this section and section 116J.395 are required to provide in annual reports information on the workforce performing installation work funded through the grant, including:

1. the number of installation labor hours performed by workforce directly employed by the grantee or the Internet service provider;
2. the number of installation labor hours performed by contractors and subcontractors on grant-funded projects with subtotals for hours worked by Minnesota residents, people of color, Indigenous people, women, and people with disabilities;
3. the name, business address, and number of labor hours performed by each contractor and subcontractor that participated in construction of a grant-funded project;
4. the percentages of workforce performing installation labor whose straight-time hourly pay rate was at least $25 and who received employer-paid medical coverage and retirement benefits and
5. any other workforce plan information as determined by the commissioner.

(b) Following an award, the workforce plan and the requirement to submit ongoing workforce reports shall be incorporated as material conditions of the contract with the department and become enforceable, certified commitments.

Subd. 5. Failure to meet requirements or falsification of data. If successful applicants fail to meet the program requirements under this section, or otherwise falsify information regarding such requirements, the commissioner shall investigate the failure and issue an appropriate action, up to and including a determination that the applicant is ineligible for future participation in broadband grant programs funded by the department.

Sec. 3. [181.912] UNDERGROUND TELECOMMUNICATIONS INFRASTRUCTURE.

Subdivision 1. Definitions. For the purposes of this section:

1. “directional drilling” means a drilling method that utilizes a steerable drill bit to cut a bore hole for installing underground utilities;
2. "safety-qualified underground telecommunications installer" means a person who has completed underground utilities installation certification under subdivision 3;
(3) "underground telecommunications utilities" means buried broadband, telephone and
other telecommunications transmission, distribution and service lines, and associated
facilities; and

(4) "underground utilities" means buried electric transmission and distribution lines, gas
and hazardous liquids pipelines and distribution lines, sewer and water pipelines, telephone
or telecommunications lines, and associated facilities.

Subd. 2. Installation requirements. The installation of underground telecommunications
infrastructure that is located within ten feet of existing underground utilities or that crosses
said utilities must be performed by safety-qualified underground telecommunications
installers as follows:

(1) the location of existing utilities by hand or hydro excavation or other accepted methods
must be performed by a safety-qualified underground telecommunications installer;

(2) where telecommunications infrastructure is installed by means of directional drilling,
the monitoring of the location and depth of the drill head must be performed by a
safety-qualified underground telecommunications installer; and

(3) no less than two safety-qualified underground telecommunications installers must
be present at all times at any location where telecommunications infrastructure is being
installed by means of directional drilling.

Subd. 3. Certification standards. (a) The commissioner of labor and industry shall
approve standards for a safety-qualified underground telecommunications installer
certification program that requires a person to:

(1) complete a 40-hour initial course that includes classroom and hands-on instruction
covering proper work procedures for safe installation of underground utilities, including:

(i) regulations applicable to excavation near existing utilities;

(ii) identification, location, and verification of utility lines using hand or hydro excavation
or other accepted methods;

(iii) response to line strike incidents;

(iv) traffic control procedures;

(v) use of a tracking device to safely guide directional drill equipment along a drill path;

and

(vi) avoidance and mitigation of safety hazards posed by underground utility installation
projects;

(2) demonstrate knowledge of the course material by successfully completing an
examination approved by the commissioner; and

(3) "underground telecommunications utilities" means buried broadband, telephone and
other telecommunications transmission, distribution and service lines, and associated
facilities; and

(4) "underground utilities" means buried electric transmission and distribution lines, gas
and hazardous liquids pipelines and distribution lines, sewer and water pipelines, telephone
or telecommunications lines, and associated facilities.

Subd. 2. Installation requirements. The installation of underground telecommunications
infrastructure that is located within ten feet of existing underground utilities or that crosses
said utilities must be performed by safety-qualified underground telecommunications
installers as follows:

(1) the location of existing utilities by hand or hydro excavation or other accepted methods
must be performed by a safety-qualified underground telecommunications installer;

(2) where telecommunications infrastructure is installed by means of directional drilling,
the monitoring of the location and depth of the drill head must be performed by a
safety-qualified underground telecommunications installer; and

(3) no less than two safety-qualified underground telecommunications installers must
be present at all times at any location where telecommunications infrastructure is being
installed by means of directional drilling.

Subd. 3. Certification standards. (a) The commissioner of labor and industry shall
approve standards for a safety-qualified underground telecommunications installer
certification program that requires a person to:

(1) complete a 40-hour initial course that includes classroom and hands-on instruction
covering proper work procedures for safe installation of underground utilities, including:

(i) regulations applicable to excavation near existing utilities;

(ii) identification, location, and verification of utility lines using hand or hydro excavation
or other accepted methods;

(iii) response to line strike incidents;

(iv) traffic control procedures;

(v) use of a tracking device to safely guide directional drill equipment along a drill path;

and

(vi) avoidance and mitigation of safety hazards posed by underground utility installation
projects;

(2) demonstrate knowledge of the course material by successfully completing an
examination approved by the commissioner; and
(3) complete a four-hour refresher course within three years of completing the original course and every three years thereafter in order to maintain certification.

(b) The commissioner must develop an approval process for training providers under this subdivision, and may suspend or revoke the approval of any training provider that fails to demonstrate consistent delivery of approved curriculum or success in preparing participants to complete the examination.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 4. Minnesota Statutes 2022, section 216B.17, is amended by adding a subdivision to read:

Subd. 9. Telecommunications and cable communications systems. (a) The commission has authority under this section to investigate, upon complaint or on its own motion, conduct by or on behalf of a telecommunications carrier, telephone company, or cable communications system provider that impacts public utility or cooperative electric association infrastructure. If the commission finds that the conduct damaged or unreasonably interfered with the function of the infrastructure, the commission may take any action authorized under sections 216B.52 to 216B.61 with respect to the provider.

(b) For purposes of this subdivision:

(1) "telecommunications carrier" has the meaning given in section 237.01, subdivision 6;

(2) "telephone company" has the meaning given in section 237.01, subdivision 7; and

(3) "cable communications system provider" means an owner or operator of a cable communications system as defined in section 238.02, subdivision 3.

Sec. 5. Minnesota Statutes 2022, section 299J.01, is amended to read:

299J.01 AUTHORITY OF OFFICE OF PIPELINE SAFETY.

The commissioner of public safety shall, to the extent authorized by agreement with the United States Secretary of Transportation, act as agent for the United States Secretary of Transportation to implement the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal Natural Gas Pipeline Safety Act, United States Code, title 49, sections 601 to 6011, and federal pipeline safety regulations with respect to interstate pipelines located within this state. The commissioner shall, to the extent authorized by federal law, regulate pipelines in the state as authorized by sections 299J.01 to 299J.17 and 299F.56 to 299F.641.
Sec. 6. Minnesota Statutes 2022, section 299J.02, is amended by adding a subdivision to read:

Subd. 14. Utility corridor. "Utility corridor" means land that contains access to above-ground utility infrastructure or an underground facility as defined in section 216D.01, subdivision 11.

Sec. 7. Minnesota Statutes 2022, section 299J.04, subdivision 2, is amended to read:

Subd. 2. Delegated duties. (a) The commissioner shall seek and accept federal designation of the office's pipeline inspectors as federal agents for the purposes of enforcement of the federal Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal and Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and federal rules adopted to implement those acts. The commissioner shall establish and submit to the United States Secretary of Transportation an inspection program that complies with requirements for delegated interstate agent inspection authority. (b) To the extent that federal delegation of interstate agent inspection authority permits, the inspection program for interstate pipelines and LNG facilities must be the same as the inspection program for intrastate pipelines and LNG facilities. If the United States Secretary of Transportation delegates inspection authority to the state as provided in this subdivision, the commissioner, at a minimum, shall do the following to carry out the delegated federal authority:

1. inspect pipelines and LNG facilities periodically as specified in the inspection program;
2. collect inspection fees;
3. order and oversee the testing of pipelines and LNG facilities as authorized by federal law and regulations; and
4. file reports with the United States Secretary of Transportation as required to maintain the delegated inspection authority.

Sec. 8. Minnesota Statutes 2022, section 299J.11, is amended to read:

299J.11 ADOPTION OF FEDERAL PIPELINE INSPECTION RULES. (a) To enable the state to act as an agent of the United States Secretary of Transportation and to qualify for annual federal certification to enforce the federal pipeline inspection program authorized by the Hazardous Liquid Pipeline Safety Act, United States Code, title 49, sections 2001 to 2014, the federal and Natural Gas Pipeline Safety Act, United States Code, title 49, sections 1671 to 1686, and the rules implementing those acts, the federal pipeline inspection rules and safety standards, and regulations and standards that may be adopted that amend them, are adopted.
(b) An individual or contractor performing construction or maintenance work within 20 feet of a utility corridor must comply with the operator qualification rules set forth in Code of Federal Regulations, title 49, parts 192, subpart N, and 195, subpart G.

c) An individual or contractor performing construction or maintenance work within 20 feet of a utility corridor must comply with the workplace drug and alcohol testing rules set forth in Code of Federal Regulations, title 49, part 40.

Sec. 9. REPEALER.

Minnesota Statutes 2022, section 116J.398, is repealed.

ARTICLE 10

EMPLOYEE MISCLASSIFICATION PROHIBITED

Section 1. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 1, is amended to read:

Subdivision 1. Examination of records. The commissioner may enter during reasonable office hours or upon request and inspect the place of business or employment of any employer of employees working in the state, to examine and inspect books, registers, payrolls, and other records of any employer that in any way relate to wages, hours, and other conditions of employment of any employees. The commissioner may transcribe any or all of the books, registers, payrolls, and other records as the commissioner deems necessary or appropriate and may question the employer, employees, and other persons to ascertain compliance with any of the sections 177.21 to 177.435 and 181.165 listed in subdivision 4. The commissioner may investigate wage claims or complaints by an employee against an employer if the failure to pay a wage may violate Minnesota law or an order or rule of the department.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 2. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 2, is amended to read:

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

The commissioner may require the records to be submitted by certified mail delivery or, if necessary, by personal delivery by the employer or a representative of the employer, as authorized by the employer in writing.
The commissioner may fine the employer up to $10,000 for each failure to submit or deliver records as required by this section. This penalty is in addition to any penalties provided under section 177.32, subdivision 1. In determining the amount of a civil penalty under this subdivision, the appropriateness of such penalty to the size of the employer's business and the gravity of the violation shall be considered.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

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

**Subd. 3.** Adequacy of records. If the records maintained by the employer do not provide sufficient information to determine the exact amount of back wages due an employee, the commissioner may make a determination of wages due based on available evidence and mediate a settlement with the employer.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 4. *Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4,* is amended to read:

**Subd. 4.** Compliance orders. The commissioner may issue an order requiring an employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031, 181.032, 181.101, 181.14, 181.145, 181.15, 181.165, 181.172, paragraph (a) or (d), 181.214 to 181.217, 181.219 to 181.275; subdivision 2a, 181.635, 181.722; 181.723; 181.79; 181.85 to 181.89, 181.939 to 181.945, 181.945 to 181.945 to 181.945 to 181.948, 181.997, 268B.09, subdivisions 1 to 6, and 268B.14; subdivision 3, with any rule promulgated under section 177.28, or 181.215. The commissioner shall issue an order requiring an employer to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated. For purposes of this subdivision only, a violation is repeated if at any time during the two years that preceded the date of violation, the commissioner issued an order to the employer for violation of sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated.

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

**EFFECTIVE DATE.** This section is effective July 1, 2024.
Sec. 5. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 7, is amended to read:

Subd. 7. Employer liability. If an employer is found by the commissioner to have violated a section identified in subdivision 4, or any rule adopted under section 177.28, 181.213, or 181.215; and the commissioner issues an order to comply, the commissioner shall order the employer to cease and desist from engaging in the violative practice and to take such affirmative steps that in the judgment of the commissioner will effectuate the purposes of the section or rule violated. In addition to remedies, damages, and penalties provided for in the violated section, the commissioner shall order the employer to pay to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount actually paid to the aggrieved parties by the employer, and for an additional equal amount as liquidated damages. Any employer who is found by the commissioner to have repeatedly or willfully violated a section or sections identified in subdivision 4 shall be subject to an additional civil penalty of up to $10,000 for each violation for each employee;

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

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 6. Minnesota Statutes 2022, section 181.171, subdivision 1, is amended to read:

Subdivision 1. Civil action; damages. A person may bring a civil action seeking redress for violations of sections 181.02, 181.03; 181.031; 181.032; 181.08; 181.09; 181.10; 181.101; 181.11; 181.13; 181.14; 181.145; and 181.15; 181.722; and 181.723 directly to district court. An employer who is found to have violated the above sections is liable to the aggrieved party for the civil penalties or damages provided for in the section violated. An employer who is found to have violated the above sections shall also be liable for compensatory damages and other appropriate relief including but not limited to injunctive relief.

EFFECTIVE DATE. This section is effective July 1, 2024.
Sec. 7. Minnesota Statutes 2022, section 181.722, is amended to read:

181.722 MISREPRESENTATION MISCLASSIFICATION OF EMPLOYMENT RELATIONSHIP PROHIBITED EMPLOYEES.

Subdivision 1. Prohibition. Prohibited activities related to employment status; No employer shall misrepresent the nature of its employment relationship with its employees to any federal, state, or local government unit; to other employers; or to its employees. An employer misrepresents the nature of its employment relationship with its employees if it makes any statement regarding the nature of the relationship that the employer knows or has reason to know is untrue and if it fails to report individuals as employees when legally required to do so.

(a) A person shall not:

(1) fail to classify, represent, or treat an individual who is the person's employee pursuant to subdivision 3 as an employee in accordance with the requirements of any applicable local, state, or federal law. A violation under this clause is in addition to any violation of local, state, or federal law;

(2) fail to report or disclose to any person or to any local, state, or federal government agency an individual who is the person's employee pursuant to subdivision 3 as an employee when required to do so under any applicable local, state, or federal law. Each failure to report or disclose an individual as an employee shall constitute a separate violation of this clause;

(3) require or request an individual who is the person's employee pursuant to subdivision 3 to enter into any agreement or complete any document that misclassifies, misrepresents, or treats the individual as an independent contractor or otherwise does not reflect that the individual is the person's employee pursuant to subdivision 3. Each agreement or completed document constitutes a separate violation of this provision.

(b) An owner, partner, principal, member, officer, or agent, on behalf of the person, who knowingly or repeatedly engaged in any of the prohibited activities in this subdivision may be held individually liable.

(c) An order issued by the commissioner to a person for engaging in any of the prohibited activities in this subdivision is in effect against any successor person. A person is a successor person if the person shares three or more of the following with the person to whom the order was issued:

(1) has one or more of the same owners, members, principals, officers, or managers;

(2) performs similar work within the state of Minnesota;

(3) has one or more of the same telephone or fax numbers;
(4) has one or more of the same email addresses or websites;
(5) employs or engages substantially the same individuals to provide or perform services;
(6) utilizes substantially the same vehicles, facilities, or equipment; or
(7) lists or advertises substantially the same project experience and portfolio of work.

Subd. 1a. Definitions. (a) "Person" means any individual, sole proprietor, limited liability
company, limited liability partnership, corporation, partnership, incorporated or
unincorporated association, joint stock company, or any other legal or commercial entity.
(b) "Department" means the Department of Labor and Industry.
(c) "Commissioner" means the commissioner of labor and industry or a duly designated
representative of the commissioner who is either an employee of the Department of Labor
and Industry or a person working under contract with the Department of Labor and Industry.
(d) "Individual" means a human being;
(e) "Knowingly" means knew or could have known with the exercise of reasonable
diligence.

Subd. 2. Agreements to misclassify prohibited. No employer shall require or request
any employee to enter into any agreement, or sign any document, that results in
misclassification of the employee as an independent contractor or otherwise does not
accurately reflect the employment relationship with the employer.

Subd. 3. Determination of employment relationship. For purposes of this section, the
nature of an employment relationship is determined using the same tests and in the same
manner as employee status is determined under the applicable workers' compensation and
unemployment insurance program laws and rules.

Subd. 4. Civil remedy. Damages and penalty. A construction worker, as defined in
section 179.254, who is not an independent contractor and has been injured by a violation
of this section, may bring a civil action for damages against the violator. If the construction
worker injured is an employee of the violator of this section, the employee's representative,
as defined in section 179.01, subdivision 5, may bring a civil action for damages against
the violator on behalf of the employee. The court may award attorney fees, costs, and
disbursements to a construction worker recovering under this section.

(a) The following damages and penalties may be imposed for a violation of this section:

(1) compensatory damages to the individual the person has failed to classify, represent,
or treat as an employee pursuant to subdivision 3. Compensatory damages includes but is
not limited to the value of supplemental pay including minimum wage; overtime; shift
differentials; vacation pay; sick pay; and other forms of paid time off; health insurance; life
and disability insurance; retirement plans; savings plans and any other form of benefit;
employer contributions to unemployment insurance; Social Security and Medicare; and any
costs and expenses incurred by the individual resulting from the person's failure to classify,
represent, or treat the individual as an employee;
(2) a penalty of up to $10,000 for each individual the person failed to classify, represent,
or treat as an employee pursuant to subdivision 3;
(3) a penalty of up to $10,000 for each violation of subdivision 1; and
(4) a penalty of $1,000 for each person who delays, obstructs, or otherwise fails to
cooperate with the commissioner's investigation. Each day of delay, obstruction, or failure
to cooperate constitutes a separate violation.
(b) This section may be investigated and enforced under the commissioner's authority
under state law.
Subd. 5. Reporting of violations. Any court finding that a violation of this section has
occurred shall transmit a copy of its findings of fact and conclusions of law to the
commissioner of labor and industry. The commissioner of labor and industry shall report
the finding to relevant local, state, and federal agencies, including the commissioner of
commerce, the commissioner of employment and economic development, the commissioner
of revenue, the federal Internal Revenue Service, and the United States Department of Labor.
EFFECTIVE DATE. This section is effective July 1, 2024.
Sec. 8. Minnesota Statutes 2022, section 181.723, is amended to read:
181.723 MISCLASSIFICATION OF CONSTRUCTION CONTRACTORS' EMPLOYEES.
Subdivision 1. Definitions. The definitions in this subdivision apply to this section.
(a) "Person" means any individual, sole proprietor, limited liability company, limited
liability partnership, corporation, partnership, incorporated or unincorporated association,
sole proprietorship, joint stock company, or any other legal or commercial entity.
(b) "Department" means the Department of Labor and Industry.
(c) "Commissioner" means the commissioner of labor and industry or a duly designated
representative of the commissioner who is either an employee of the Department of Labor
and Industry or person working under contract with the Department of Labor and Industry.
(d) "Individual" means a human being.
(e) "Day" means calendar day unless otherwise provided.
(f) "Knowingly" means knew or could have known with the exercise of reasonable
diligence.
(g) "Business entity" means a person other than an individual or a sole proprietor as that
term is defined in paragraph (a), except the term does not include an individual.
(a) "Independent contractor" means a business entity that meets all the requirements under subdivision 4, paragraph (a).

Subd. 2. Limited application. This section only applies to individuals persons providing or performing public or private sector commercial or residential building construction or improvement services. Building construction and improvement services do not include all public or private sector commercial or residential building construction or improvement services except for: (1) the manufacture, supply, or sale of products, materials, or merchandise; (2) landscaping services for the maintenance or removal of existing plants, shrubs, trees, and other vegetation, whether or not the services are provided as part of a contract for the building construction or improvement services; and (3) all other landscaping services, unless the other landscaping services are provided as part of a contract for the building construction or improvement services.

Subd. 3. Employee-employer relationship. Except as provided in subdivision 4, for purposes of chapters 176, 177, 181, 181A, 182, and 268, as of January 1, 2009 and 326B, an individual who provides or performs building construction or improvement services for a person that are in the course of the person's trade, business, profession, or occupation is an employee of that person and that person is an employer of the individual.

Subd. 4. Independent contractor. (a) An individual is an independent contractor and not an employee of the person for whom the individual is providing or performing services in the course of the person's trade, business, profession, or occupation only if the individual is operating as a business entity that meets all of the following requirements at the time the services were provided or performed:

(1) maintains a separate business with the individual's own office, equipment, materials, and other facilities;

(2) holds or has applied for a federal employer identification number or (i) has filed business or self-employment income tax returns with the federal Internal Revenue Service if the individual has performed services in the previous year;

(3) is operating under contract to perform the specific services for the person for specific amounts of money and under which the individual controls the means of performing the services;

(4) is incurring the main expenses related to the services that the individual is performing for the person under the contract;

(5) is responsible for the satisfactory completion of the services that the individual has contracted to perform for the person and is liable for a failure to complete the services;

(6) receives compensation from the person for the services performed under the contract on a commission or per-job or competitive bid basis and not on any other basis.
105.5 (5) may realize a profit or suffer a loss under the contract to perform services for the
person;
105.6 (6) has continuing or recurring business liabilities or obligations; and
105.7 (7) the success or failure of the individual's business depends on the relationship of
business receipts to expenditures.
105.8 An individual who is not registered, if required by section 326B.701, is presumed to be
105.9 an employee of a person for whom the individual performs services in the course of the
person's trade, business, profession, or occupation. The person for whom the services were
performed may rebut this presumption by showing that the unregistered individual met all
nine factors in this paragraph at the time the services were performed.
105.10 (b) If an individual is an owner or partial owner of a business entity, the individual is
105.11 an employee of the person for whom the individual is performing services in the course of
the person's trade, business, profession, or occupation, and is not an employee of the business
entity in which the individual has an ownership interest, unless:
105.12 (1) the business entity meets the nine factors in paragraph (a);
105.13 (2) invoices and payments are in the name of the business entity; and
105.14 (3) the business entity is registered with the secretary of state, if required.
105.15 If the business entity in which the individual has an ownership interest is not registered,​
105.16 if required by section 326B.701, the individual is presumed to be an employee of a person
105.17 for whom the individual performs services and not an employee of the business entity in
105.18 which the individual has an ownership interest. The person for whom the services were
105.19 performed may rebut the presumption by showing that the business entity met the
requirements of clauses (1) to (3) at the time the services were performed.
105.20 (1) was established and maintained separately from and independently of the person for
105.21 whom the services were provided or performed;
105.22 (2) owns, rents, or leases equipment, tools, vehicles, materials, supplies, office space,
or other facilities that are used by the business entity to provide or perform building
construction or improvement services;
105.23 (3) provides or performs, or offers to provide or perform, the same or similar building
construction or improvement services for multiple persons or the general public;
105.24 (4) is in compliance with all of the following:
105.25 (i) holds a federal employer identification number if required by federal law;
105.26 (ii) holds a Minnesota tax identification number if required by Minnesota law;
(iii) has received and retained 1099 forms for income received for building construction or improvement services provided or performed, if required by Minnesota or federal law;

(iv) has filed business or self-employment income tax returns, including estimated tax filings, with the federal Internal Revenue Service and the Department of Revenue, as the business entity or as a self-employed individual reporting income earned, for providing or performing building construction or improvement services, if any, in the previous 12 months and

(v) has completed and provided a W-9 federal income tax form to the person for whom the services were provided or performed if required by federal law;

(5) is in good standing as defined by section 5.26, if applicable;

(6) has a Minnesota unemployment insurance account if required by chapter 268;

(7) has obtained required workers' compensation insurance coverage if required by chapter 176;

(8) holds current business licenses, registrations, and certifications if required by chapter 326B and sections 327.31 to 327.36;

(9) is operating under a written contract to provide or perform the specific services for the person that:

(i) is signed and dated by both an authorized representative of the business entity and of the person for whom the services are being provided or performed;

(ii) is fully executed no later than 30 days after the date work commences;

(iii) identifies the specific services to be provided or performed under the contract;

(iv) provides for compensation from the person for the services provided or performed under the contract on a commission or per-job or competitive bid basis and not on any other basis; and

(v) the requirements of item (ii) shall not apply to change orders;

(10) submits invoices and receives payments for completion of the specific services provided or performed under the written proposal, contract, or change order in the name of the business entity. Payments made in cash do not meet this requirement;

(11) the terms of the written proposal, contract, or change order provide the business entity control over the means of providing or performing the specific services, and the business entity in fact controls the provision or performance of the specific services;

(12) incurs the main expenses and costs related to providing or performing the specific services under the written proposal, contract, or change order.
(13) is responsible for the completion of the specific services to be provided or performed under the written proposal, contract, or change order and is responsible, as provided under the written proposal, contract, or change order, for failure to complete the specific services; and

(14) may realize additional profit or suffer a loss, if costs and expenses to provide or perform the specific services under the written proposal, contract, or change order are less than or greater than the compensation provided under the written proposal, contract, or change order.

(b)(1) Any individual providing or performing the services as or for a business entity is an employee of the person who engaged the business entity, unless the business entity meets all of the requirements under subdivision 4, paragraph (a).

(2) Any individual who is determined to be the person's employee is acting as an agent of and in the interest of the person when engaging any other individual or business entity to provide or perform any portion of the services that the business entity was engaged by the person to provide or perform.

(3) Any individual engaged by an employee of the person, at any tier under the person, is also the person's employee, unless the individual is providing or performing the services as or for a business entity that meets the requirements of subdivision 4, paragraph (a).

(4) Clauses (1) to (3) do not create an employee-employer relationship between a person and an individual if: (i) there is an intervening business entity in the contractual chain between the person and the individual that meets the requirements of subdivision 4, paragraph (a); or (ii) the person establishes that an intervening business entity treats and classifies the individual as an employee for purposes of, and in compliance with, chapters 176, 177, 181, 181A, 268, 268B, 270C, and 290.

Subd. 7. Prohibited activities related to independent contractor status. (a) The prohibited activities in this subdivision paragraphs (b) and (c) are in addition to those prohibited in sections 326B.081 to 326B.085.

(b) An individual providing or performing building construction or improvement services shall not hold himself or herself out as an independent contractor unless the individual is operating as a business entity that meets all the requirements of subdivision 4, paragraph (a).

(c) A person who provides or performs building construction or improvement services in the course of the person's trade, business, occupation, or profession shall not:

(1) as a condition of payment for services provided or performed, require an individual through coercion, misrepresentation, or fraudulent means, who is an employee pursuant to this section, to register as a construction contractor under section 326B.701, or to adopt or agree to being classified, represented, or treated as an independent contractor status or form
a business entity. Each instance of conditioning payment to an individual who is an employee
on one of these conditions shall constitute a separate violation of this provision;

(2) knowingly misrepresent or misclassify an individual as an independent contractor,
fail to classify, represent, or treat an individual who is an employee pursuant to this section
as an employee in accordance with the requirements of any of the chapters listed in
subdivision 3. Failure to classify, represent, or treat an individual who is an employee
pursuant to this section as an employee in accordance with each requirement of a chapter
listed in subdivision 3 shall constitute a separate violation of this provision;

(3) fail to report or disclose to any person or to any local, state, or federal government
agency an individual who is an employee pursuant to subdivision 3, as an employee when
required to do so under any applicable local, state, or federal law. Each failure to report or
disclose an individual as an employee shall constitute a separate violation of this provision;

(d) require or request an individual who is an employee pursuant to this section to enter
into any agreement or complete any document that misclassifies, misrepresents, or treats
the individual as an independent contractor or otherwise does not reflect that the individual
is an employee pursuant to this section. Each agreement or completed document shall
constitute a separate violation of this provision; or

(5) require an individual who is an employee under this section to register under section
326B.701;

(d) In addition to the person providing or performing building construction or
improvement services in the course of the person's trade, business, occupation, or profession,
any owner, partner, principal, member, officer, or agent who engaged in any of the prohibited
activities in this subdivision knowingly or repeatedly may be held individually liable;

(e) An order issued by the commissioner to a person for engaging in any of the prohibited
activities in this subdivision is in effect against any successor person. A person is a successor
person if the person shares three or more of the following with the person to whom the order
was issued:

(1) has one or more of the same owners, members, principals, officers, or managers;

(2) performs similar work within the state of Minnesota;

(3) has one or more of the same telephone or fax numbers;

(4) has one or more of the same email addresses or websites;

(5) employs or engages substantially the same individuals to provide or perform building
construction or improvement services;

(6) utilizes substantially the same vehicles, facilities, or equipment; or

(7) lists or advertises substantially the same project experience and portfolio of work;
(f) If a person who has engaged an individual to provide or perform building construction or improvement services that are in the course of the person's trade, business, profession, occupation, or independent contractor, the person shall maintain, for at least three years, and in a manner that may be readily produced to the commissioner upon demand, all the information and documentation upon which the person based the determination that the individual met all the requirements under subdivision 4, paragraph (a), at the time the individual was engaged and at the time the services were provided or performed.

(g) The following damages and penalties may be imposed for a violation of this section:

(1) compensatory damages to the individual the person failed to classify, represent, or treat as an employee pursuant to this section. Compensatory damages include but are not limited to the value of supplemental pay including minimum wage; overtime; shift differentials; vacation pay; sick pay; and other forms of paid time off; health insurance; life and disability insurance; retirement plans; saving plans and any other form of benefit employer contributions to unemployment insurance; Social Security and Medicare and any costs and expenses incurred by the individual resulting from the person's failure to classify, represent, or treat the individual as an employee;

(2) a penalty of up to $10,000 for each individual the person failed to classify, represent, or treat as an employee pursuant to this section;

(3) a penalty of up to $10,000 for each violation of this subdivision; and

(4) a penalty of $1,000 for any person who delays, obstructs, or otherwise fails to cooperate with the commissioner's investigation. Each day of delay, obstruction, or failure to cooperate constitutes a separate violation.

(h) This section may be investigated and enforced under the commissioner's authority under state law.

Subd. 13. Rulemaking. The commissioner may, in consultation with the commissioner of revenue and the commissioner of employment and economic development, adopt, amend, suspend, and repeal rules under the rulemaking provisions of chapter 14 that relate to the commissioner's responsibilities under this section. This subdivision is effective May 26, 2007.

Subd. 15. Notice and review by commissioners of revenue and employment and economic development. When the commissioner has reason to believe that a person has violated subdivision 7, paragraph (b); or (c), clause (1) or (2), the commissioner must notify the commissioner of revenue and the commissioner of employment and economic development. Upon receipt of notification from the commissioner, the commissioner of revenue must review the information returns required under section 6041A of the Internal Revenue Code. The commissioner of revenue shall also review the submitted certification that is applicable to returns audited or investigated under section 289A.35.
Sec. 9. [181.724] INTERGOVERNMENTAL MISCLASSIFICATION
ENFORCEMENT AND EDUCATION PARTNERSHIP ACT.
Subdivision 1. Citation. This section and section 181.725 may be cited as the
"Intergovernmental Misclassification Enforcement and Education Partnership Act."
Subd. 2. Policy and statement of purpose. It is the policy of the state of Minnesota to
prevent employers from misclassifying workers, because employee misclassification allows
an employer to illegally evade obligations under state labor, employment, and tax laws,
including but not limited to the laws governing minimum wage, overtime, unemployment
insurance, paid family medical leave, earned sick and safe time, workers' compensation
insurance, temporary disability insurance, the payment of wages, and payroll taxes.
Subd. 3. Definitions. (a) For the purposes of this section and section 181.725, the
following terms have the meanings given, unless the language or context clearly indicates
that a different meaning is intended:
(b) "Partnership entity" means one of the following governmental entities with jurisdiction
over employee misclassification in Minnesota:
(1) the Department of Labor and Industry;
(2) the Department of Revenue;
(3) the Department of Employment and Economic Development;
(4) the Department of Commerce; and
(5) the attorney general in the attorney general's enforcement capacity under sections
177.45 and 181.1721.
(c) "Employee misclassification" means the practice by an employer of not properly
classifying workers as employees.
Subd. 4. Coordination, collaboration, and information sharing. For purposes of this
section, a partnership entity:
(1) shall communicate with other entities to help detect and investigate instances of
employee misclassification;
(2) may request from, provide to, or receive from the other partnership entities data
necessary for the purpose of detecting and investigating employee misclassification, unless
prohibited by federal law; and
(3) may collaborate with one another when investigating employee misclassification; unless prohibited by federal law. Collaboration includes but is not limited to referrals, strategic enforcement, and joint investigations by two or more partnership entities.

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

Sec. 10. [181.725] INTERGOVERNMENTAL MISCLASSIFICATION ENFORCEMENT AND EDUCATION PARTNERSHIP.

Subdivision 1. Composition. The Intergovernmental Misclassification Enforcement and Education Partnership is composed of the following members or their designees, who shall serve on behalf of their respective partnership entities:

1. the commissioner of labor and industry;
2. the commissioner of revenue;
3. the commissioner of employment and economic development;
4. the commissioner of commerce; and
5. the attorney general.

Subd. 2. Meetings. The commissioner of labor and industry, in consultation with other members of the partnership, shall convene and lead meetings of the partnership to discuss issues related to the investigation of employee misclassification and public outreach. Members of the partnership may select a designee to attend any such meeting. Meetings must occur at least quarterly.

Subd. 2a. Additional meetings. (a) In addition to regular quarterly meetings under subdivision 2, the commissioner of labor and industry, in consultation with members of the partnership, may convene and lead additional meetings for the purpose of discussing and making recommendations under subdivision 4a.

(b) This subdivision expires July 31, 2025, unless a different expiration date is specified in law.

Subd. 3. Roles. Each partnership entity may use the information received through its participation in the partnership to investigate employee misclassification within their relevant jurisdictions as follows:

1. the Department of Labor and Industry in its enforcement authority under chapters 176, 177, and 181;
2. the Department of Revenue in its enforcement authority under chapters 289A and 290;
3. the Department of Employment and Economic Development in its enforcement authority under chapters 268 and 268B;
(4) the Department of Commerce in its enforcement authority under chapters 45, 60A, 60K, 79, and 79A; and

(5) the attorney general in the attorney general’s enforcement authority under sections 177.45 and 181.1721.

Subd. 4. Annual presentation to the legislature. At the request of the chairs, the Intergovernmental Misclassification Enforcement and Education Partnership shall present annually to members of the house of representatives and senate committees with jurisdiction over labor. The presentation shall include information about how the partnership carried out its duties during the preceding calendar year.

Subd. 4a. First presentation. (a) By March 1, 2025, the Intergovernmental Misclassification Enforcement and Education Partnership shall make its first presentation to members of the house of representatives and senate committees with jurisdiction over labor. The first presentation may be made in a form and manner determined by the partnership. In addition to providing information about how the partnership carried out its duties in its first year, the presentation shall include the following information and recommendations, including any budget requests to carry out the recommendations:

(1) consider any staffing recommendations for the partnership and each partnership entity to carry out the duties and responsibilities under this section;

(2) provide a summary of the industries, areas, and employers with high numbers of misclassification violations and recommendations for proactive review and enforcement efforts;

(3) propose a system for making cross referrals between partnership entities;

(4) identify cross-training needs and a proposed cross-training plan; and

(5) propose a metric or plan for monitoring and assessing:

(i) the number and severity of employee misclassification violations; and

(ii) the adequacy and effectiveness of the partnership’s duties related to employee misclassification, including but not limited to the partnership’s efforts on education, outreach, detection, investigation, deterrence, and enforcement of employee misclassification.

(b) This subdivision expires July 31, 2025, unless a different expiration date is specified in law.

Subd. 5. Separation. The Intergovernmental Misclassification Enforcement and Education Partnership is not a separate agency or board and is not subject to chapter 13D.

Data shared or created by the partnership entities under this section or section 181.724 are subject to chapter 13 and hold the data classification prescribed by law.
Subd. 6. Duties. The Intergovernmental Misclassification Enforcement and Education Partnership shall:

1. set goals to maximize Minnesota’s efforts to detect, investigate, and deter employee misclassification;
2. share information to facilitate the detection and investigation of employee misclassification;
3. develop a process or procedure that provides a person with relevant information and connects them with relevant partnership entities, regardless of which partnership entity that person contacts for assistance;
4. identify best practices in investigating employee misclassification;
5. identify resources needed for better enforcement of employee misclassification;
6. inform and educate stakeholders on rights and responsibilities related to employee misclassification;
7. serve as a unified point of contact for workers, businesses, and the public impacted by misclassification;
8. inform the public on enforcement actions taken by the partnership entities; and
9. perform other duties as necessary to:
   i. increase the effectiveness of detection, investigation, enforcement, and deterrence of employee misclassification; and
   ii. carry out the purposes of the partnership.

Subd. 7. Public outreach. (a) The commissioner of labor and industry shall maintain on the department’s website information about the Intergovernmental Misclassification Enforcement and Education Partnership, including information about how to file a complaint related to employee misclassification.

(b) Each partnership entity shall maintain on its website information about worker classification laws, including requirements for employers and employees, consequences for misclassifying workers, and contact information for other partnership entities.

Subd. 8. No limitation of other duties. This section does not limit the duties or authorities of a partnership entity, or any other government entity, under state law.

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

Sec. 11. Minnesota Statutes 2022, section 270B.14, subdivision 17, is amended to read:

Subd. 17. Disclosure to Department of Commerce. (a) The commissioner may disclose to the commissioner of commerce information required to administer the Uniform Disposition of Unclaimed Property Act in sections 345.31 to 345.60, including the Social Security
numbers of the taxpayers whose refunds are on the report of abandoned property submitted by the commissioner to the commissioner of commerce under section 345.41. Except for data published under section 345.42, the information received that is private or nonpublic data retains its classification, and can be used by the commissioner of commerce only for the purpose of verifying that the persons claiming the refunds are the owners.

(b) The commissioner may disclose a return or return information to the commissioner of commerce under section 45.0135 to the extent necessary to investigate employer compliance with section 176.181.

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

Sec. 12. Minnesota Statutes 2022, section 270B.14, is amended by adding a subdivision to read:

Subd. 23. Disclosure to the attorney general. The commissioner may disclose a return or return information to the attorney general for the purpose of determining whether a business is an employer and to the extent necessary to enforce section 177.45 or 181.1721.

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

Sec. 13. Minnesota Statutes 2022, section 326B.081, subdivision 3, is amended to read:

Subd. 3. Applicable law. "Applicable law" means the provisions of sections 181.165, 181.722, 181.723, 325E.66, 327.31 to 327.36, this chapter, and chapter 341, and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted, issued, or enforced by the department under sections 181.165, 181.722, 181.723, 325E.66, 327.31 to 327.36, this chapter, or chapter 341.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 14. Minnesota Statutes 2022, section 326B.081, subdivision 6, is amended to read:

Subd. 6. Licensing order. "Licensing order" means an order issued under section 326B.082, subdivision 12, paragraph (a).

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 15. Minnesota Statutes 2022, section 326B.082, subdivision 1, is amended to read:

Subdivision 1. Remedies available. The commissioner may enforce all applicable law under this section. The commissioner may use any enforcement provision in this section, including the assessment of monetary penalties, against a person required to have a license,
registration, certificate, or permit under the applicable law based on conduct that would
provide grounds for action against a licensee, registrant, certificate holder, or permit holder
under the applicable law. The use of an enforcement provision in this section shall not
preclude the use of any other enforcement provision in this section or otherwise provided
by law. The commissioner's investigation and enforcement authority under this section may
be used by the commissioner in addition to or as an alternative to any other investigation
and enforcement authority provided by law.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 17. Minnesota Statutes 2022, section 326B.082, subdivision 2, is amended to read:

Subd. 2. Access to information and property; subpoenas.
(a) In order to carry out the
purposes of the applicable law, the commissioner may:

(1) administer oaths and affirmations, certify official acts, interview, question, take oral
or written statements, demand data and information, and take depositions;

(2) request, examine, take possession of, test, sample, measure, photograph, record, and
copy any documents, apparatus, devices, equipment, or materials;

(3) at a time and place indicated by the commissioner, request persons to appear before
the commissioner to give testimony, provide data and information, and produce documents,
apparatus, devices, equipment, or materials;

(4) issue subpoenas to compel persons to appear before the commissioner to give
testimony, provide data and information, and to produce documents, apparatus, devices,
equipment, or materials; and

(5) with or without notice, enter without delay upon and access all areas of any property,
public or private, for the purpose of taking any action authorized under this subdivision or
the applicable law, including obtaining to request, examine, take possession of, test, sample,
measure, photograph, record, and copy any data, information, documents,
apparatus, devices, equipment, or materials; to interview, question, or take oral or written
statements; to remedy violations; or conducting to conduct surveys, inspections, or
investigations;

(b) Persons requested by the commissioner to give testimony, provide data and
information, or produce documents, apparatus, devices, equipment, or materials shall respond
within the time and in the manner specified by the commissioner. If no time to respond is
specified in the request, then a response shall be submitted within 30 days of the
commissioner's service of the request;

(c) Upon the refusal or anticipated refusal of a property owner, lessee, property owner's
representative, or lessee's representative to permit the commissioner's entry onto and access
to all areas of any property as provided in paragraph (a), the commissioner may apply for
an administrative inspection order in the Ramsey County District Court or, at the
commissioner's discretion, in the district court in the county in which the property is located.
The commissioner may anticipate that a property owner or lessee will refuse entry and access to all areas of a property if the property owner, lessee, property owner's representative, or lessee's representative has refused to permit entry or access to all areas of a property on a prior occasion or has informed the commissioner that entry or access to areas of a property will be refused. Upon showing of administrative probable cause by the commissioner, the district court shall issue an administrative inspection order that compels the property owner or lessee to permit the commissioner to enter and be allowed access to all areas of the property for the purposes specified in paragraph (a).

(d) Upon the application of the commissioner, a district court shall treat the failure of any person to obey a subpoena lawfully issued by the commissioner under this subdivision as a contempt of court.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 18. Minnesota Statutes 2022, section 326B.082, subdivision 4, is amended to read:

Subd. 4. Fax or email transmission. When this section or section 326B.083 permits a request for reconsideration or request for hearing to be served by fax on the commissioner, or when the commissioner instructs that a request for reconsideration or request for hearing be served by email on the commissioner, the fax or email shall not exceed 15 printed pages in length. The request shall be considered timely served if the fax or email is received by the commissioner, at the fax number or email address identified by the commissioner in the order or notice of violation, no later than 4:30 p.m. central time on the last day permitted for faxing or emailing the request. Where the quality or authenticity of the faxed or emailed request is at issue, the commissioner may require the original request to be filed. Where the commissioner has not identified quality or authenticity of the faxed or emailed request as an issue and the request has been faxed or emailed in accordance with this subdivision, the person faxing or emailing the request does not need to file the original request with the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2024.

Sec. 19. Minnesota Statutes 2022, section 326B.082, subdivision 6, is amended to read:

Subd. 6. Notices of violation. (a) The commissioner may issue a notice of violation to any person who the commissioner determines has committed a violation of the applicable law. The notice of violation must state a summary of the facts that constitute the violation and the applicable law violated. The notice of violation may require the person to correct the violation. If correction is required, the notice of violation must state the deadline by which the violation must be corrected.

(b) In addition to any person, a notice of violation may be issued to any individual identified in section 181.723, subdivision 7, paragraph (d). A notice of violation is effective against any successor person as defined in section 181.723, subdivision 7, paragraph (d).

(c) The commissioner shall issue the notice of violation by:
118.22  (1) serving the notice of violation on the property owner or on the person who committed
118.23  the violation; or
118.24  (2) posting the notice of violation at the location where the violation occurred.
118.25  (c) If the person to whom the commissioner has issued the notice of violation believes
118.26  the notice was issued in error, then the person may request reconsideration of the parts of
118.27  the notice that the person believes are in error. The request for reconsideration must be in
118.28  writing and must be served on, faxed, or emailed to the commissioner at the address, fax
118.29  number, or email address specified in the notice of violation by the tenth day after the
118.30  commissioner issued the notice of violation. The date on which a request for reconsideration
118.31  is served by mail shall be the postmark date on the envelope in which the request for
118.32  reconsideration is mailed. If the person does not serve, fax, or email a written request for
118.33  reconsideration or if the person's written request for reconsideration is not served on or
118.34  faxed to the commissioner by the tenth day after the commissioner issued the notice of
118.35  violation, the notice of violation shall become a final order of the commissioner and will
118.36  not be subject to review by any court or agency. The request for reconsideration must:
118.37  (1) specify which parts of the notice of violation the person believes are in error;
118.38  (2) explain why the person believes the parts are in error; and
118.39  (3) provide documentation to support the request for reconsideration.
118.40  The commissioner shall respond in writing to requests for reconsideration made under
118.41  this paragraph within 15 days after receiving the request. A request for reconsideration does
118.42  not stay a requirement to correct a violation as set forth in the notice of violation. After
118.43  reviewing the request for reconsideration, the commissioner may affirm, modify, or rescind
118.44  the notice of violation. The commissioner's response to a request for reconsideration is final
118.45  and shall not be reviewed by any court or agency.
118.46  **EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 20. Minnesota Statutes 2022, section 326B.082, subdivision 7, is amended to read:

Subd. 7. Administrative orders; correction; assessment of monetary penalties. (a) The commissioner may issue an administrative order to any person who the commissioner
119.17  determines has committed a violation of the applicable law. The commissioner shall issue
119.18  the administrative order by serving the administrative order on the person. The administrative
119.19  order may require the person to correct the violation, may require the person to cease and
119.20  desist from committing the violation, and may assess monetary damages and penalties. The
119.21  commissioner shall follow the procedures in section 326B.083 when issuing administrative
119.22  orders. Except as provided in paragraph (b), the commissioner may issue to each person a
119.23  monetary penalty of up to $10,000 for each violation of applicable law committed by the
119.24  person. The commissioner may order that part or all of the monetary penalty will be forgiven
119.25  if the person to whom the order is issued demonstrates to the commissioner by the 31st day
after the order is issued that the person has corrected the violation or has developed a

correction plan acceptable to the commissioner.

(b) The commissioner may issue an administrative order for failure to correct a violation
by the deadline stated in a final notice of violation issued under subdivision 6 or a final
administrative order issued under paragraph (a). Each day after the deadline during which
the violation remains uncorrected is a separate violation for purposes of calculating the
maximum monetary penalty amount.

(c) Upon the application of the commissioner, a district court shall find the failure of
any person to correct a violation as required by a final notice of violation issued under
subdivision 6 or a final administrative order issued by the commissioner under this
subdivision as a contempt of court.

(d) In addition to any person, an administrative order may be issued to any individual
identified in section 181.723, subdivision 7, paragraph (d). An administrative order shall
be effective against any successor person as defined in section 181.723, subdivision 7,
paragraph (e).

EFFECTIVE DATE. This section is effective July 1, 2024.

Subd. 10. Stop work orders. (a) If the commissioner determines based on an inspection
or investigation that a person has violated or is about to violate the applicable law, the
commissioner may issue to the person a stop work order requiring the person to cease and
desist from committing the violation, cessation of all business operations of a person at one
or more of the person's workplaces and places of business or across all of the person's
workplaces and places of business. A stop work order may only be issued to any person
who the commissioner has determined, based on an inspection or investigation, has violated
the applicable law, has engaged in any of the activities under subdivision 11, paragraph (b),
or section 326B.701, subdivision 5, or has failed to comply with a final notice, final
administrative order, or final licensing order issued by the commissioner under this section
or a final order to comply issued by the commissioner under section 177.27, or to any person
identified in paragraph (c).

(b) The stop work order is effective upon its issuance under paragraph (e). The order
remains in effect until the commissioner issues an order lifting the stop work order. The
commissioner shall issue an order lifting the stop work order upon finding that the person
has come into compliance with the applicable law, has come into compliance with a final
order or notice of violation issued by the commissioner, has ceased and desisted from
engaging in any of the activities under subdivision 11, paragraph (b), or section 326B.701;
subdivision 5, and has paid in any remedies, damages, penalties, and other monetary
sanctions, including wages owed to employees under paragraph (j), to the satisfaction of
the commissioner, or if the commissioner or appellate court modifies or vacates the order.
In addition to any person, a stop work order may be issued to any individual identified in section 181.723, subdivision 7, paragraph (d). The stop work order is effective against any successor person as defined in section 181.723, subdivision 7, paragraph (e).

If the commissioner determines that a condition exists on real property that violates the applicable law is the basis for issuing a stop work order, the commissioner may also issue a stop work order to the owner or lessee of the real property to cease and desist from committing the violation and to correct the condition that is in violation.

The commissioner shall issue the stop work order by:

1. serving the order on the person who has committed or is about to commit the violation;
2. posting the order at the location where the violation was committed or is about to be committed or at the location where the violating condition exists that is the basis for issuing the stop work order; or
3. serving the order on any owner or lessee of the real property where the violating condition exists.

A stop work order shall:

1. describe the act, conduct, or practice committed or about to be committed, or the condition, and include a reference to the applicable law that the act, conduct, practice, or condition violates or would violate, the final order or final notice of violation, the provisions in subdivision 11, paragraph (b); the provisions in section 326B.701, subdivision 5; or liability under section 181.165, as applicable; and
2. provide notice that any person aggrieved by the stop work order may request a hearing as provided in paragraph (e).

Within 30 days after the commissioner issues a stop work order, any person aggrieved by the order may request an expedited hearing to review the commissioner's action. The request for hearing must be made in writing and must be served on, emailed, or faxed to the commissioner at the address, email address, or fax number specified in the order. If the person does not request a hearing or if the person's written request for hearing is not served on, emailed, or faxed to the commissioner on or before the 30th day after the commissioner issued the stop work order, the order will become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail is the postmark date on the envelope in which the request for hearing is mailed. The hearing request must specifically state the reasons for seeking review of the order. The person who requested the hearing and the commissioner are the parties to the expedited hearing. The hearing shall be commenced within ten days after the commissioner receives the request for hearing. The hearing shall be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, as modified by this subdivision.

The administrative law judge shall issue a report containing findings of fact, conclusions
of law; and a recommended order within ten days after the completion of the hearing, the
receipt of late-filed exhibits, or the submission of written arguments, whichever is later.
Any party aggrieved by the administrative law judge's report shall have five days after the
date of the administrative law judge's report to submit written exceptions and argument to
the commissioner that the commissioner shall consider and enter in the record. Within 15
days after receiving the administrative law judge's report, the commissioner shall issue an
order vacating, modifying, or making permanent the stop work order. The commissioner
and the person requesting the hearing may by agreement lengthen any time periods described
in this paragraph. The Office of Administrative Hearings may, in consultation with the
agency, adopt rules specifically applicable to cases under this subdivision.
(f) A stop work order issued under this subdivision shall be in effect until it is
lifted by the commissioner under paragraph (b) or is modified or vacated by the commissioner
or an appellate court under paragraph (b). The administrative hearing provided by this
subdivision and any appellate judicial review as provided in chapter 14 shall constitute the
exclusive remedy for any person aggrieved by a stop order.
(i) The commissioner may assess a civil penalty of $5,000 per day against a person for
each day the person conducts business operations that are in violation of a stop work order
issued under this section.
(j) Once a stop work order becomes final, any of the person's employees affected by a
stop work order issued pursuant to this subdivision shall be entitled to average daily earnings
from the person for up to the first ten days of work lost by the employee because of the
issuance of a stop work order. Lifting of a stop work order may be conditioned on payment
of wages to employees. The commissioner may issue an order to comply under section
177.27 to obtain payment from persons liable for the payment of wages owed to the
employees under this section.
(k) Upon the application of the commissioner, a district court shall find the failure
of any person to comply with a final stop work order lawfully issued by the commissioner
under this subdivision as a contempt of court.
(m) When determining the appropriateness and extent of a stop work order the
commissioner shall consider the factors set forth in section 14.045, subdivision 3.
EFFECTIVE DATE. This section is effective March 1, 2025.
Sec. 22. Minnesota Statutes 2022, section 326B.082, subdivision 11, is amended to read:
Subd. 11. Licensing orders; grounds; reapplication. (a) The commissioner may deny
an application for a permit, license, registration, or certificate if the applicant does not meet
or fails to maintain the minimum qualifications for holding the permit, license, registration,
or certificate, or has any unresolved violations or unpaid fees or monetary damages or
penalties related to the activity for which the permit, license, registration, or certificate has
been applied for or was issued;
(b) The commissioner may deny, suspend, limit, place conditions on, or revoke a person's
permit, license, registration, or certificate, or censure the person holding or acting as
qualifying person for the permit, license, registration, or certificate, if the commissioner
finds that the person:
1. committed one or more violations of the applicable law;
2. submitted false or misleading information to the any state agency, in connection
with activities for which the permit, license, registration, or certificate was issued, or in
connection with the application for the permit, license, registration, or certificate;
3. allowed the alteration or use of the person's own permit, license, registration, or
certificate by another person;
4. within the previous five years, was convicted of a crime in connection with
activities for which the permit, license, registration, or certificate was issued;
5. violated: (i) a final administrative order issued under subdivision 7, (ii) a final
stop work order issued under subdivision 10, (iii) injunctive relief issued under subdivision
9, or (iv) a consent order, order to comply, or other final order issued by the commissioner
or the commissioner of human rights, employment and economic development, or revenue;
6. delayed, obstructed, or otherwise failed to cooperate with a commissioner's
investigation, including a request to give testimony, to provide data and information, to
produce documents, things, apparatus, devices, equipment, or materials, or to enter and
access all areas of any property under subdivision 2;
7. retaliated in any manner against any employee or person who makes a complaint,
is questioned by, cooperates with, or provides information to the commissioner or
an employee or agent authorized by the commissioner who seeks access to property or things
under subdivision 2;
8. engaged in any fraudulent, deceptive, or dishonest act or practice;
9. performed work in connection with the permit, license, registration, or certificate
or conducted the person's affairs in a manner that demonstrates incompetence,
untrustworthiness, or financial irresponsibility;
10. In addition to any person, a licensing order may be issued to any individual identified
in section 181.723, subdivision 7, paragraph (d). A licensing order is effective against any
successor person as defined in section 181.723, subdivision 7, paragraph (e).
If the commissioner revokes or denies a person's permit, license, registration, or certificate under paragraph (b), the person is prohibited from reapplying for the same type of permit, license, registration, or certificate for at least two years after the effective date of the revocation or denial. The commissioner may, as a condition of reapplication, require the person to obtain a bond or comply with additional reasonable conditions the commissioner considers necessary to protect the public, including but not limited to demonstration of current and ongoing compliance with the laws the violation of which were the basis for revoking or denying the person's permit, license, registration, or certificate under paragraph (b) or that the person has ceased and desisted in engaging in activities under paragraph (b) that were the basis for revoking or denying the person's permit, license, registration, or certificate under paragraph (b).

If a permit, license, registration, or certificate expires, or is surrendered, withdrawn, or terminated, or otherwise becomes ineffective, the commissioner may institute a proceeding under this subdivision within two years after the permit, license, registration, or certificate was last effective and enter a revocation or suspension order as of the last date on which the permit, license, registration, or certificate was in effect.

EFFECTIVE DATE. This section is effective July 1, 2024.

Summary suspension. In any case where the commissioner has issued an order to revoke, suspend, or deny a license, registration, certificate, or permit under subdivisions 11, paragraph (b), and 12, the commissioner may summarily suspend the person's permit, license, registration, or certificate before the order becomes final. The commissioner shall issue a summary suspension order when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, untrustworthy, or dishonest acts against the public, including but not limited to violations of section 181.723. The summary suspension shall not affect the deadline for submitting a request for hearing under subdivision 12. If the commissioner summarily suspends a person's permit, license, registration, or certificate, a timely request for hearing submitted under subdivision 12 shall also be considered a timely request for hearing on continuation of the summary suspension. If the commissioner summarily suspends a person's permit, license, registration, or certificate under this subdivision and the person submits a timely request for a hearing, then a hearing on continuation of the summary suspension must be held within ten days after the commissioner receives the request for hearing unless the parties agree to a later date.

EFFECTIVE DATE. This section is effective July 1, 2024.

Additional penalties and damages. Any person who delays, obstructs, or otherwise fails to cooperate with the commissioner's investigation may be issued a penalty.
of $1,000. Each day of delay, obstruction, or failure to cooperate shall constitute a separate violation.

**EFFECTIVE DATE.** This section is effective July 1, 2024.

Sec. 25. Minnesota Statutes 2022, section 326B.701, is amended to read:

**326B.701 CONSTRUCTION CONTRACTOR REGISTRATION.**

Subdivision 1. Definitions. The following definitions apply to this section:

(a) "Building construction or improvement services" means public or private sector commercial or residential building construction or improvement services;

(b) "Business entity" means a person other than an individual or a sole proprietor as that term is defined in paragraph (h), except the term does not include an individual.

(c) "Commissioner" means the commissioner of labor and industry or a duly designated representative of the commissioner who is either an employee of the Department of Labor and Industry or person working under contract with the Department of Labor and Industry.

(d) "Day" means calendar day unless otherwise provided.

(e) "Department" means the Department of Labor and Industry.

(f) "Document" or "documents" includes papers; books; records; memoranda; data; contracts; drawings; graphs; charts; photographs; digital, video, and audio recordings; records; accounts; files; statements; letters; emails; invoices; bills; notes; and calendars maintained in any form or manner.

(g) "Individual" means a human being.

(h) "Person" means any individual; sole proprietor; limited liability company; limited liability partnership; corporation; partnership; incorporated or unincorporated association; joint stock company; or any other legal or commercial entity.

Subd. 2. Applicability; registration requirement. (a) Persons who perform public or private sector commercial or residential building construction or improvement services as described in subdivision 2 must register with the commissioner as provided in this section. The purpose of registration is to assist the Department of Labor and Industry, the Department of Employment and Economic Development, and the Department of Revenue to enforce laws related to misclassification of employees.

(b) (a) Except as provided in paragraph (c) (b), any person who provides or performs building construction or improvement services in the state on or after September 15, 2012, of Minnesota must register with the commissioner as provided in this section before providing or performing building construction or improvement services for another person. The requirements for registration under this section are not a substitute for, and do not relieve
a person from complying with, any other law requiring that the person be licensed, registered, or certified.

The registration requirements in this section do not apply to:

(1) a person who, at the time the person is providing or performing the building construction or improvement services, holds a current license, certificate, or registration under chapter 299M or 326B;

(2) a person who holds a current independent contractor exemption certificate issued under this section that is in effect on September 15, 2012, except that the person must register under this section no later than the date the exemption certificate expires, is revoked, or is surrendered;

(3) a person who has given a bond to the state under section 326B.197 or 326B.46;

(4) an employee of the person providing or performing the building construction or improvement services of the person who is in compliance with laws related to employment of the individual at the time the construction services were performed;

(5) an architect or professional engineer engaging in professional practice as defined in section 326.02, subdivisions 2 and 3;

(6) a school district or technical college governed under chapter 136F;

(7) a person providing or performing building construction or improvement services on a volunteer basis, including but not limited to Habitat for Humanity and Builders Outreach Foundation, and their individual volunteers when engaged in activities on their behalf; or

(8) a person exempt from licensing under section 326B.805, subdivision 6, clause (5).

Subd. 3. Registration application. (a) Persons required to register under this section must submit electronically, in the manner prescribed by the commissioner, a complete application according to paragraphs (b) to (d) this subdivision:

(b) A complete application must include all of the following information and documentation about any individual who is registering as an individual or a sole proprietor, or who owns 25 percent or more of a business entity being registered, the person who is applying for a registration:

(1) the individual's full name and title at the applicant's business;

(2) the person's assumed names filed with the secretary of state, if applicable;

(3) the individual's business address and person's telephone number;

(4) the percentage of the applicant's business owned by the individual; and
(c) A complete application must also include the following information:

1. the applicant's legal name; assumed name filed with the secretary of state, if any; designated business address, physical address, telephone number, and email address;

2. the applicant's Minnesota tax identification number, if one is required or has been issued;

3. the applicant's federal employer identification number, if one is required or has been issued;

4. evidence of the active status of the applicant's business filings with the secretary of state, if one is required or has been issued;

5. whether the applicant has any employees at the time the application is filed;

6. the names of all other persons with an ownership interest in the business entity who are not identified in paragraph (b), and the percentage of the interest owned by each person, except that the names of shareholders with less than ten percent ownership in a publicly traded corporation need not be provided;

7. information documenting compliance with workers' compensation and unemployment insurance laws;

8. the person's email address;

9. the person's business address;

10. the person's physical address, if different from the business address;

11. the legal name, telephone number, and email address of the person's registered agent, if applicable, and the registered agent's business address and physical address, if different from the business address;

12. the jurisdiction in which the person is organized, if that jurisdiction is not in Minnesota, as applicable;

13. the legal name of the person in the jurisdiction in which it is organized, if the legal name is different than the legal name provided in clause (1), as applicable;

14. all of the following identification numbers, if all of these identification numbers have been issued to the person: A complete application must include at least one of the following identification numbers:

15. the person's Social Security number;

16. the person's Minnesota tax identification number; or
(iii) the person's federal employer identification number;

(11) evidence of the active status of the person's business filings with the secretary of state, if applicable;

(12) whether the person has any employees at the time the application is filed; and if so, how many employees the person employs;

(13) the legal names of all persons with an ownership interest in the business entity, if applicable, and the percentage of the interest owned by each person, except that the names of shareholders with less than ten percent ownership in a publicly traded corporation need not be provided;

(14) information documenting the person's compliance with workers' compensation and unemployment insurance laws for the person's employees, if applicable;

(15) whether the person or any persons with an ownership interest in the business entity as disclosed under clause (13) have been issued a notice of violation, administrative order, licensing order, or order to comply by the Department of Labor and Industry in the last ten years;

(16) a certification that the person individual signing the application has: reviewed it; determined that the information and documentation provided is true and accurate; and determined that the person signing individual is authorized to sign and file the application as an agent or authorized representative of the applicant person. The name of the person individual signing, entered on an electronic application, shall constitute a valid signature of the agent or authorized representative on behalf of the applicant person; and

(17) a signed authorization for the Department of Labor and Industry to verify the information and documentation provided on or with the application;

(d) A registered person must notify the commissioner within 15 days after there is a change in any of the information on the application as approved. This notification must be provided electronically in the manner prescribed by the commissioner. However, if the business entity structure or legal form of the business entity has changed, the person must submit a new registration application and registration fee, if any, for the new business entity.

(e) The registered person must remain registered and maintain a current and up-to-date registration while providing or performing building construction or improvement services for another person. The provisions of sections 326B.091, 326B.094, 326B.095, and 326B.097 apply to this section. A person with an expired registration shall not provide construction services for another person if registration is required under this section. Registration application and expiration time frames are as follows:

(1) all registrations issued on or before December 31, 2015, expire on December 31, 2016;
all registrations issued after December 31, 2015, expire on the following December 31 of each odd-numbered year; and

(2) A person may submit a registration or renewal application starting October 1 of the year the registration expires. If a renewal application is submitted later than December 1 of the expiration year, the registration may expire before the department has issued or denied the registration renewal.

Subd. 4. Website. (a) The commissioner shall develop and maintain a website on which persons can submit a registration or renewal application. The website shall be designed to receive and process registration applications and promptly issue registration certificates electronically to successful applicants.

(b) The commissioner shall maintain the certificates of registration on the department’s official public website, which shall include the following information on the department’s official public website:

(1) the registered person’s legal business name, including any assumed name as filed with the secretary of state;

(2) the legal names of the persons with an ownership interest in the business entity;

(2) the registered person’s business address designated and physical address, if different from the business address, provided on the application; and

(4) the effective date of the registration and the expiration date.

Subd. 5. Prohibited activities related to registration. (a) The prohibited activities in this subdivision are in addition to those prohibited in sections 326B.081 to 326B.085 section 326B.082, subdivision 11.

(b) A person who provides or performs building construction or improvement services in the course of the person’s trade, business, occupation, or profession shall not:

(1) contract with or pay another person to provide or perform building construction or improvement services for another person without first being registered, if required by to be registered under this section;

(2) require an individual who is the person’s employee to register; or

(2) contract with or pay (3) engage another person to provide or perform building construction or improvement services if the other person is required to be registered under this section and is not registered if required by subdivision 2. All payments to an unregistered person for construction services on a single project site shall be considered a single violation.

It is not a violation of this clause:

(i) for a person to contract with or pay an unregistered person if that unregistered person was registered at the time the contract for construction services was
entered into, held a current registration on the date they began providing or performing the
building construction or improvement services; or

(ii) for a homeowner or business to contract with or pay an unregistered person
if the homeowner or business is not in the trade, business, profession, or occupation of
performing building construction or improvement services; or

(ii) be penalized for violations of this subdivision that are committed by another person.
This clause applies only to violations of this paragraph.

(c) Each day a person who is required to be registered provides or performs building
construction or improvement services while unregistered shall be considered a separate
violation.

Subd. 6. Investigation and enforcement; remedies; and penalties. (a) Notwithstanding
the maximum penalty amount in section 326B.082, subdivisions 7 and 12, the maximum
penalty for failure to register is $2,000, but the commissioner shall forgive the penalty if
the person registers within 30 days of the date of the penalty order.

(b) The penalty for contracting with or paying an unregistered person to perform
construction services in violation of subdivision 5, paragraph (b), clause (2), shall be as
provided in section 326B.082, subdivisions 7 and 12, but the commissioner shall forgive
the penalty for the first violation.

The commissioner may investigate and enforce this section under the authority in chapters
177 and 326B.

Subd. 7. Notice requirement. Notice of a penalty order for failure to register must
include a statement that the penalty shall be forgiven if the person registers within 30 days
of the date of the penalty order.

Subd. 8. Data classified. Data in applications and any required documentation submitted
to the commissioner under this section are private data on individuals or nonpublic data as
defined in section 13.02. Data in registration certificates issued by the commissioner are
public data; except that for the registration information published on the department’s website
may be accessed for registration verification purposes only. Data that document a
suspension, revocation, or cancellation of a registration certificate are public data. Upon request or
Notwithstanding its classification as private data on individuals or nonpublic data, data in
applications and any required documentation submitted to the commissioner under this
section may be used by the commissioner to investigate and take enforcement action related
to laws for which the commissioner has enforcement responsibility and the commissioner
may share data and documentation with the Department of Revenue; the Department of
Commerce, the Department of Human Rights; or the Department of Employment and
Economic Development. The commissioner may release to the requesting department
data classified as private or nonpublic under this subdivision or investigative
data that are not public under section 13.39 that relate to the issuance or denial of applications
or revocations of certificates prohibited activities under this section and section 181.723.
EFFECTIVE DATE. This section is effective July 1, 2024.

ARTICLE 11

MINORS APPEARING IN INTERNET CONTENT

Section 1. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to read:

Subd. 5a. Online platform. "Online platform" means any public-facing website, web application, or digital application, including a mobile application. Online platform includes a social network, advertising network, mobile operating system, search engine, email service, monetization platform to sell digital services, streaming service, paid subscription, or Internet access service.

Sec. 2. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to read:

Subd. 7a. Content creation. "Content creation" means content shared on an online platform in exchange for compensation.

Sec. 3. Minnesota Statutes 2022, section 181A.03, is amended by adding a subdivision to read:

Subd. 7b. Content creator. "Content creator" means an individual or individuals 18 years of age or older, including family members, who create video content performed in Minnesota in exchange for compensation, and includes any proprietorship, partnership, company, or other corporate entity assuming the name or identity of a particular individual or individuals, or family members, for the purposes of that content creator. Content creator does not include a person under the age of 18 who produces their own video content.

Sec. 4. [181A.13] COMPENSATION FOR INTERNET CONTENT CREATION.

Subdivision 1. Minors featured in content creation. (a) Except as otherwise provided in this section, a minor is considered engaged in the work of content creation when the following criteria are met at any time during the previous 12-month period:

(1) at least 30 percent of the content creator's compensated video content produced within a 30-day period included the likeness, name, or photograph of any minor. Content percentage is measured by the percentage of time the likeness, name, or photograph of a minor or if more than one minor regularly appears in the creator's content, any of the minors, visually.
appears or is the subject of an oral narrative in a video segment as compared to the total length of the segment; and

(2) the number of views received per video segment on any online platform met the online platform's threshold for generating compensation or the content creator received actual compensation for content equal to or greater than $0.01 per view.

(b) A minor under the age of 14 is prohibited from engaging in the work of content creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content creator, the minor shall receive 100 percent of the proceeds of the creator's compensation for the content they have appeared in, less any amount owed to another minor.

(c) A minor who is at least age 14 but under the age of 18 may produce, create, and publish their own content and is entitled to all compensation for their own content creation. A minor engaged in the work of content creation as the producer, creator, and publisher of content must also follow the requirements in paragraph (b).

(d) A minor who appears incidentally in a video that depicts a public event that a reasonable person would know to be broadcast, including a concert, competition, or sporting event, and is published by a content creator is not considered a violation of this section.

Subd. 2. Records required. (a) All video content creators whose content features a minor engaged in the work of content creation shall maintain the following records and retain the records until the minor reaches the age of 21:

(1) the name and documentary proof of the age of the minor engaged in the work of content creation;

(2) the amount of content creation that generated compensation as described in subdivision 1 during the reporting period;

(3) the total number of minutes of content creation for which the content creator received compensation during the reporting period;

(4) the total number of minutes a minor was featured in content creation during the reporting period;

(5) the total compensation generated from content creation featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the work of content creation as required by subdivision 3.

(b) The records required by this subdivision must be readily accessible to the minor for review. The content creator shall provide notice to the minor of the existence of the records.

Subd. 3. Trust required. (a) A minor who is engaged in the work of content creation consistent with this section must be compensated by the content creator. The content creator appears or is the subject of an oral narrative in a segment as compared to the total length of the segment; and

(2) the number of views received on any online platform met the online platform's threshold for generating compensation or the content creator received actual compensation for content equal to or greater than $0.01 per view.

(b) A minor under the age of 14 is prohibited from engaging in the work of content creation as provided in paragraph (a). If a minor under the age of 14 is featured by a content creator, the minor shall receive 100 percent of the proceeds of the creator's compensation for the content the minor has appeared in, less any amount owed to another minor.

(c) A minor who is under the age of 18 and over the age of 13 may produce, create, and publish their own content and is entitled to all compensation for their own content creation. A minor engaged in the work of content creation as the producer, creator, and publisher of content must also follow the requirements in paragraph (b).

(d) A minor who appears incidentally in a video that depicts a public event that a reasonable person would know to be broadcast, including a concert, competition, or sporting event, and is published by a content creator is not considered a violation of this section.

Subd. 2. Records required. (a) All content creators whose content features a minor engaged in the work of content creation shall maintain the following records and retain the records until the minor reaches the age of 21:

(1) the name and documentary proof of the age of the minor engaged in the work of content creation;

(2) the amount of content creation that generated compensation as described in subdivision 1 during the reporting period;

(3) the total number of minutes of content creation for which the content creator received compensation during the reporting period;

(4) the total number of minutes a minor was featured in content creation during the reporting period;

(5) the total compensation generated from content creation featuring a minor during the reporting period; and

(6) the amount deposited into the trust account for the benefit of the minor engaged in the work of content creation as required by subdivision 3.

(b) The records required by this subdivision must be readily accessible to the minor for review. The content creator shall provide notice to the minor of the existence of the records.

Subd. 3. Trust required. (a) A minor who is engaged in the work of content creation consistent with this section must be compensated by the content creator. The content creator
must set aside gross earnings on the video content that includes the likeness, name, or photograph of the minor in a trust account to be preserved for the benefit of the minor until the minor reaches the age of majority, according to the following distribution:

(1) if only one minor meets the content threshold described in subdivision 1, the percentage of total gross earnings on any video segment, including the likeness, name, or photograph of the minor that is equal to or greater than half of the content percentage that includes the minor as described in subdivision 1; or

(2) if more than one minor meets the content threshold described in subdivision 1 and a video segment includes more than one of those minors, the percentage described in clause (1) for all minors in any segment must be equally divided between the minors regardless of differences in percentage of content provided by the individual minors.

A trust account required under this section must, at a minimum, provide that:

(1) the money in the account is available only to the minor engaged in the work of content creation;

(2) the account is held by a bank, corporate fiduciary, or trust company, as those terms are defined in chapter 48A;

(3) the money in the account becomes available to the minor engaged in the work of content creation upon the minor attaining the age of 18 years or upon a declaration that the minor is emancipated; and

(4) that the account meets the requirements of chapter 527, the Uniform Transfers to Minors Act.

If a content creator knowingly or recklessly violates this section, a minor satisfying the criteria described in subdivision 1 may commence a civil action to enforce the provisions of this section regarding the trust account. In any action brought in accordance with this section, the court may award the following damages:

(1) actual damages including any compensation owed under this section;

(2) punitive damages;

(3) the costs of the action, including attorney fees and litigation costs;

(4) this section does not affect a right or remedy available under any other law of the state;

(5) Nothing in this section shall be interpreted to have any effect on a party that is neither the content creator nor the minor who engaged in the work of content creation.

Along with the civil action provided in subdivision 3, paragraph (c), the minor may commence a civil action against the content creator knowingly or recklessly violating this section, a minor or a person who was a minor at the time of the alleged violation may commence a civil action to enforce the provisions of this section regarding the trust account.
135.9 creator for damages, injunctive relief, and any other relief the court finds just and equitable
to enforce this section.

135.11 (b) The attorney general may enforce subdivision 1, pursuant to section 8.31, and may
recover costs and fees.

135.12 Subd. 5. Content removal. Content containing the likeness of a child must be deleted
and removed from any online platform by the individual who posted the content, the account
owner, or another person who has control over the account when the request is made by a
minor age 13 or older whose likeness appears in the content, or by an adult who was under
the age of 18 when their likeness was used in the content.

135.13 Subd. 6. Minimum age exemption. A minor 14 years of age or older who is compensated
under this section is exempt from the minimum age provisions of section 181A.04, subdivision 1.

135.14 EFFECTIVE DATE. This section is effective July 1, 2025.

135.15 EFFECTIVE DATE. This section is effective July 1, 2025.

135.16 EFFECTIVE DATE. This section is effective July 1, 2025.

135.17 EFFECTIVE DATE. This section is effective July 1, 2025.

ARTICLE 7

EARNED SICK AND SAFE TIME MODIFICATIONS

Section 1. Minnesota Statutes 2023 Supplement, section 177.27, subdivision 4, is amended
to read:

Subd. 4. Compliance orders. The commissioner may issue an order requiring an
employer to comply with sections 177.21 to 177.435; 177.50; 179.86; 181.02, 181.03,
181.031; 181.032; 181.101; 181.11; 181.13; 181.14; 181.145; 181.15; 181.165; 181.172,
paragraph (a) or (d), 181.214 to 181.217; 181.235; subdivision 2a; 181.635; 181.722; 181.79;
181.85 to 181.89; 181.939 to 181.943; 181.945 to 181.948; 181.947; 181.987; 181.991; 266B.09,
subdivisions 1 to 6, and 268B.14; subdivision 3, with any rule promulgated under section
The commissioner shall issue an order requiring an employer to comply with sections 177.41 to 177.435, 181.165, or 181.987 if the violation is repeated. For purposes of this subdivision only, a violation is repeated if at any time during the two years that preceded the date of violation, the commissioner issued an order to the employer for violation of sections 177.41 to 177.435, 181.165, or 181.987 and the order is final or the commissioner and the employer have entered into a settlement agreement that required the employer to pay back wages that were required by sections 177.41 to 177.435. The department shall serve the order upon the employer or the employer's authorized representative in person or by certified mail at the employer's place of business. An employer who wishes to contest the order must file written notice of objection to the order with the commissioner within 15 calendar days after being served with the order. A contested case proceeding must then be held in accordance with sections 14.57 to 14.69 or 181.165. If, within 15 calendar days after being served with the order, the employer fails to file a written notice of objection with the commissioner, the order becomes a final order of the commissioner. For the purposes of this subdivision, an employer includes a contractor that has assumed a subcontractor's liability within the meaning of section 181.165.

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

Sec. 2. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a subdivision to read:

Subd. 6. Rulemaking authority. The commissioner may adopt rules to carry out the purposes of this section and sections 181.9445 to 181.9448.

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

Sec. 3. Minnesota Statutes 2023 Supplement, section 177.50, is amended by adding a subdivision to read:

Subd. 7. Remedies. (a) If an employer does not provide earned sick and safe time pursuant to section 181.9446, or does not allow the use of earned sick and safe time pursuant to section 181.9447, the employer is liable to all employees who were not provided or not allowed to use earned sick and safe time for an amount equal to all earned sick and safe time that should have been provided or could have been used, plus an additional equal amount as liquidated damages.

(b) If the employer does not possess records sufficient to determine the earned sick and safe time an employee should have been provided pursuant to paragraph (a), the employer is liable to the employee for an amount equal to 48 hours of earned sick and safe time for each year earned sick and safe time was not provided, plus an additional equal amount as liquidated damages.

EFFECTIVE DATE. This section is effective the day following final enactment.
Sec. 4. Minnesota Statutes 2023 Supplement, section 181.032, is amended to read:

181.032 REQUIRED STATEMENT OF EARNINGS BY EMPLOYER; NOTICE TO EMPLOYEE;

(a) At the end of each pay period, the employer shall provide each employee an earnings statement, either in writing or by electronic means, covering that pay period. An employer who chooses to provide an earnings statement by electronic means must provide employee access to an employer-owned computer during an employee's regular working hours to review and print earnings statements, and must make statements available for review or printing for a period of three years.

(b) The earnings statement may be in any form determined by the employer but must include:

(1) the name of the employee;

(2) the rate or rates of pay and basis thereof, including whether the employee is paid by hour, shift, day, week, salary, piece, commission, or other method;

(3) allowances, if any, claimed pursuant to permitted meals and lodging;

(4) the total number of hours worked by the employee unless exempt from chapter 177;

(5) the total number of earned sick and safe time hours accrued and available for use under section 181.9446;

(6) the total number of earned sick and safe time hours used during the pay period under section 181.9447;

(7) the total amount of gross pay earned by the employee during that period;

(8) a list of deductions made from the employee's pay;

(9) any amount deducted by the employer under section 268B.14, subdivision 3, and the amount paid by the employer based on the employee's wages under section 268B.14, subdivision 1;

(10) the net amount of pay after all deductions are made;

(11) the date on which the pay period ends;

(12) the legal name of the employer and the operating name of the employer if different from the legal name;

(13) the physical address of the employer's main office or principal place of business, and a mailing address if different; and

(14) the telephone number of the employer.
(e) An employer must provide earnings statements to an employee in writing; rather than by electronic means, if the employer has received at least 24 hours notice from an employee that the employee would like to receive earnings statements in written form. Once an employer has received notice from an employee that the employee would like to receive earnings statements in written form, the employer must comply with that request on an ongoing basis.

(d) At the start of employment, an employer shall provide each employee a written notice containing the following information:

1. the rate or rates of pay and basis thereof, including whether the employee is paid by the hour, shift, day, week, salary, piece, commission, or other method, and the specific application of any additional rates;

2. allowances, if any, claimed pursuant to permitted meals and lodging;

3. paid vacation, sick time, or other paid time-off accruals and terms of use;

4. the employee's employment status and whether the employee is exempt from minimum wage, overtime, and other provisions of chapter 177, and on what basis;

5. a list of deductions that may be made from the employee's pay;

6. the number of days in the pay period, the regularly scheduled pay day, and the pay day on which the employee will receive the first payment of wages earned;

7. the legal name of the employer and the operating name of the employer if different from the legal name;

8. the physical address of the employer's main office or principal place of business, and a mailing address if different; and

9. the telephone number of the employer.

(e) The employer must keep a copy of the notice under paragraph (d) signed by each employee acknowledging receipt of the notice. The notice must be provided to each employee in English. The English version of the notice must include text provided by the commissioner that informs employees that they may request, by indicating on the form, the notice be provided in a particular language. If requested, the employer shall provide the notice in the language requested by the employee. The commissioner shall make available to employers the text to be included in the English version of the notice required by this section and assist employers with translation of the notice in the languages requested by their employees.

(f) An employer must provide the employee any written changes to the information contained in the notice under paragraph (d) prior to the date the changes take effect.

EFFECTIVE DATE. This section is effective the day following final enactment.
Sec. 5. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 4, is amended to read:

Subd. 4. Earned sick and safe time. "Earned sick and safe time" means leave, including paid time off and other paid leave systems, that is paid at the same hourly base rate as an employee earns from employment that may be used for the same purposes and under the same conditions as provided under section 181.9447, but in no case shall this hourly base rate be less than that provided under section 177.24 or an applicable local minimum wage.

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

Sec. 6. Minnesota Statutes 2023 Supplement, section 181.9445, is amended by adding a subdivision to read:

Subd. 4a. Base rate. "Base rate" means:

(1) for employees paid on an hourly basis, the same rate received per hour of work;
(2) for employees paid on an hourly basis who receive multiple hourly rates, the rate the employee would have been paid for the period of time in which leave was taken;
(3) for employees paid on a salary basis, the same rate guaranteed to the employee as if the employee had not taken the leave; and
(4) for employees paid solely on a commission, piecework, or any basis other than hourly or salary, a rate no less than the applicable local, state, or federal minimum wage, whichever is greater.

For purposes of this section and section 181.9446, base rate does not include commissions; shift differentials that are in addition to an hourly rate; premium payments for overtime work; premium payments for work on Saturdays, Sundays, holidays, or scheduled days off; bonuses; or gratuities as defined by section 177.23.

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

Sec. 7. Minnesota Statutes 2023 Supplement, section 181.9445, subdivision 5, is amended to read:

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

(1) an independent contractor;
(2) an individual who is a volunteer firefighter or paid on-call firefighter, with a department charged with the prevention or suppression of fires within the boundaries of the state, is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15;
(4) an individual employed by a farmer, family farm, or a family farm corporation to provide physical labor on or management of a farm if:

(i) the farmer, family farm, or family farm corporation employs five or fewer employees;

or

(ii) the farmer, family farm, or family farm corporation employs the individual to perform work for 28 days or less each year.

(2) an individual employed by an air carrier as a flight deck or cabin crew member who:

(i) is subject to United States Code, title 45, sections 181 to 188;

(ii) works less than a majority of their hours in Minnesota in a calendar year; and

(iii) is provided with paid leave equal to or exceeding the amounts in section 181.9446.

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

Sec. 8.

Minnesota Statutes 2023 Supplement, section 181.9446, is amended to read:

181.9446 ACCRUAL OF EARNED SICK AND SAFE TIME.

(a) An employee accrues a minimum of one hour of earned sick and safe time for every 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.

Employees may not accrue more than 48 hours of earned sick and safe time in a year unless the employer agrees to a higher amount.

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

(2) In lieu of permitting the carryover of accrued but unused sick and safe time into the following year as provided under clause (1), an employer may provide an employee with earned sick and safe time for the year that meets or exceeds the requirements of this section that is available for the employee's immediate use at the beginning of the subsequent year as follows: (i) 48 hours, if an employer pays an employee for accrued but unused sick and safe time at the end of a year at the same hourly wage rate as an employee earns from employment and in no case at a rate less than that provided under section 177.24 or an applicable local minimum wage; or (ii) 80 hours, if an employer does not pay an employee for accrued but unused sick and safe time at the end of a year at the same or greater hourly rate;
rate as an employee earns from employment. In no case shall this hourly rate be less than that provided under section 177.24, or an applicable local minimum wage.

(c) Employees who are exempt from overtime requirements under United States Code, title 29, section 213(a)(1), as amended through January 1, 2024, are deemed to work 40 hours in each workweek for purposes of accruing earned sick and safe time, except that an employee whose normal workweek is less than 40 hours will accrue earned sick and safe time based on the normal workweek.

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

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

Sec. 9. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 1, is amended to read:

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

1. an employee's:
   (i) mental or physical illness, injury, or other health condition;
   (ii) need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
   (iii) need for preventive medical or health care; or
   (iv) need to make arrangements for or attend funeral services or a memorial, or address financial or legal matters that arise after the death of a family member;
   (2) care of a family member:
      (i) with a mental or physical illness, injury, or other health condition;
      (ii) who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or other health condition; or
      (iii) who needs preventive medical or health care;
      (3) absence due to domestic abuse, sexual assault, or stalking of the employee or employee's family member, provided the absence is to;
      (i) seek medical attention related to physical or psychological injury or disability caused by domestic abuse, sexual assault, or stalking;
      (ii) obtain services from a victim services organization;
      (iii) obtain psychological or other counseling;
(iv) seek relocation or take steps to secure an existing home due to domestic abuse, sexual assault, or stalking; or

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

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

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

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

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

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

Sec. 10. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 3, is amended to read:

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

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

(c) For earned sick and safe time under subdivision 1, clause (3), an employer must accept a court record or documentation signed by a volunteer or employee of a victims
services organization, an attorney, a police officer, or an antiviolence counselor as reasonable
documentation. If documentation cannot be obtained in a reasonable time or without added
expense, then reasonable documentation for the purposes of this paragraph may include a
written statement from the employee indicating that the employee is using or used earned
sick and safe time for a qualifying purpose covered under subdivision 1, clause (3).

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

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

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

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

Sec. 11. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 5, is amended
to read:

Subd. 5. Increment of time used. Earned sick and safe time may be used in the
smallest increment of time tracked by the employer's payroll system, provided such increment is not
more than four hours
same increment of time for which employees are paid, provided an
employer is not required to provide leave in less than 15-minute increments nor can the
employer require use of earned sick and safe time in more than four-hour increments.

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

Sec. 12. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 10, is amended
to read:

Subd. 10. Employer records and required statement to employees. (a) Employers
shall retain accurate records documenting hours worked by employees and earned sick and
safe time taken and comply with all requirements under section 177.30;

(b) At the end of each pay period, the employer shall provide, in writing or electronically,
information stating the employee's current amount of:

(1) the total number of earned sick and safe time hours available to the employee for
use under section 181.9446; and

(2) the total number of earned sick and safe time hours used during the pay period under
section 181.9447.
Employers may choose a reasonable system for providing this information, including but not limited to listing information on or attached to each earnings statement or an electronic system where employees can access this information. An employer who chooses to provide this information by electronic means must provide employee access to an employer-owned computer during an employee's regular working hours to review and print.

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

The records required by this section must be kept for three years.

All records required to be kept under this section must be readily available for inspection by the commissioner upon demand. The records must be either kept at the place where employees are working or kept in a manner that allows the employer to comply with this paragraph within 72 hours.

Sec. 13. Minnesota Statutes 2023 Supplement, section 181.9447, subdivision 11, is amended to read:

Subd. 11. Confidentiality and nondisclosure. (a) If, in conjunction with this section, an employer possesses:

(1) health or medical information regarding an employee or an employee's family member;
(2) information pertaining to domestic abuse, sexual assault, or stalking;
(3) information that the employee has requested or obtained leave under this section; or
(4) any written or oral statement, documentation, record, or corroborating evidence provided by the employee or an employee's family member, the employer must treat such information as confidential.

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

Records and documents relating to medical certifications, recertifications, or medical histories of employees or family members of employees created for purposes of section 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records separate from the usual personnel files. At the request of the employee, the employer must destroy or return the records required by sections 181.9445 to 181.9448 that are older than three years prior to the current calendar year, unless state or federal law, rule, or regulation requires the employer to retain such records.

Employers may not discriminate against any employee based on records created for the purposes of section 177.50 or sections 181.9445 to 181.9448.
Sec. 14. Minnesota Statutes 2023 Supplement, section 181.9447, is amended by adding a subdivision to read:

Subd. 12. Weather event exception. Notwithstanding subdivision 1, an employee may not use sick and safe time under the conditions in subdivision 1, clause (4), if:

(1) the employee's preassigned or foreseeable work duties during a public emergency or weather event would require the employee to respond to the public emergency or weather event;

(2) the employee is a firefighter; a peace officer subject to licensure under sections 626.84 to 626.863; a 911 telecommunicator as defined in section 403.02, subdivision 17c; a guard at a correctional facility; or a public employee holding a commercial driver's license; and

(3) one of the following two conditions are met:

(i) the employee is represented by an exclusive representative under section 179A.03, subdivision 8, and the collective bargaining agreement or memorandum of understanding governing the employee's position explicitly references section 181.9447, subdivision 1, clause (4), and clearly and unambiguously waives application of that section for the employee's position; or

(ii) the employee is not represented by an exclusive representative, the employee is needed for the employer to maintain minimum staffing requirements, and the employer has a written policy explicitly referencing section 181.9447, subdivision 1, clause (4), that is provided to such employees in a manner that meets the requirements of other earned sick and safe time notices under section 181.9447, subdivision 9.

Sec. 15. Minnesota Statutes 2023 Supplement, section 181.9448, subdivision 1, is amended to read:

Subdivision 1. No effect on more generous sick and safe time policies. (a) Nothing in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting or retaining earned sick and safe time policies that meet or exceed, and do not otherwise conflict with, the minimum standards and requirements provided in sections 181.9445 to 181.9448; All paid time off and other paid leave made available to an employee by an employer in excess of the minimum amount required in section 181.9446 for absences from work due to personal illness or injury, must meet or exceed the minimum standards and requirements provided in sections 181.9445 to 181.9448, except for sections 181.9446. For paid leave accrued prior to January 1, 2024, for absences from work due to personal illness or injury, an employer may require an employee who uses such leave to follow the written notice and documentation requirements in the employer's applicable policy or applicable collective bargaining agreement as of December 31, 2023, in lieu of the requirements of
section 181.9447, subdivisions 2 and 3, provided that an employer does not require an
employee to use leave accrued on or after January 1, 2024, before using leave accrued prior
to that date.

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

(c) Nothing in sections 181.9445 to 181.9448 shall be construed to preempt, limit, or
otherwise affect the applicability of any other law, regulation, requirement, policy, or
standard that provides for a greater amount, accrual, or use by employees of paid sick and
safe time or that extends other protections to employees.

(d) Nothing in sections 181.9445 to 181.9448 shall be construed or applied so as to
create any power or duty in conflict with federal law.

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

(f) The provisions of sections 181.9445 to 181.9448 may be waived by a collective
bargaining agreement with a bona fide building and construction trades labor organization
that has established itself as the collective bargaining representative for the affected building
and construction industry employees, provided that for such waiver to be valid, it shall
explicitly reference sections 181.9445 to 181.9448 and clearly and unambiguously waive
application of those sections to such employees.

(g) An individual provider, as defined in section 256B.0711, subdivision 1, paragraph
d), who provides services through a consumer support grant under section 256B.476,
consumer-directed community supports under section 256B.4911, or community first services
and supports under section 256B.455, to a family member who is a participant, as defined
in section 256B.0711, subdivision 1, paragraph (e), may individually waive the provisions
of sections 181.9445 to 181.9448 for the remainder of the participant's service plan year,
provided that the funds are returned to the participant's budget. Once an individual provider
has waived the provisions of sections 181.9445 to 181.9448, they may not accrue earned
sick and safe time until the start of the participant's next service plan year.

(h) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a
policy whereby employees may donate unused accrued sick and safe time to another
employee.
Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and safe time to an employee before accrual by the employee.

**EFFECTIVE DATE.** This section is effective the day following final enactment, except paragraph (a) is effective January 1, 2025.

Sec. 16. Minnesota Statutes 2023 Supplement, section 181.9448; subdivision 2, is amended to read:

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

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

Sec. 17. Minnesota Statutes 2023 Supplement, section 181.9448; subdivision 3, is amended to read:

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

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

**EFFECTIVE DATE.** This section is effective the day following final enactment.
ARTICLE 10
UNIVERSITY OF MINNESOTA COLLECTIVE BARGAINING

Section 1. Minnesota Statutes 2023 Supplement, section 179A.03, subdivision 14, is amended to read:

Subd. 14. Public employee or employee. (a) "Public employee" or "employee" means any person appointed or employed by a public employer except:

1. elected public officials;
2. election officers;
3. commissioned or enlisted personnel of the Minnesota National Guard;
4. emergency employees who are employed for emergency work caused by natural disaster;
5. part-time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's appropriate unit;
6. employees whose positions are basically temporary or seasonal in character and: (i) are not for more than 67 working days in any calendar year; (ii) are not working for a Minnesota school district or charter school; or (iii) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, excluding employment by the Board of Regents of the University of Minnesota, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;
7. employees providing services for not more than two consecutive quarters to the Board of Trustees of the Minnesota State Colleges and Universities under the terms of a professional or technical services contract as defined in section 16C.08, subdivision 1;
8. employees of charitable hospitals as defined by section 179A.05, subdivision 3, except that employees of charitable hospitals as defined by section 179A.05, subdivision 3, are public employees for purposes of sections 179A.051, 179A.052, and 179A.13;
9. full-time undergraduate students employed by the school, excluding employment by the Board of Regents of the University of Minnesota, which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;
10. an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;
11. with respect to court employees:
(i) personal secretaries to judges;  
(ii) law clerks;  
(iii) managerial employees;  
(iv) confidential employees; and  
(v) supervisory employees; or  

(12) with respect to employees of Hennepin Healthcare System, Inc., managerial, supervisory, and confidential employees.

(b) The following individuals are public employees regardless of the exclusions of paragraph (a), clauses (5) to (7):

(1) an employee hired by a school district or the Board of Trustees of the Minnesota State Colleges and Universities except at the university established in the Twin Cities metropolitan area under section 136F.10 or for community services or community education instruction offered on a noncredit basis: (i) to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or (ii) to take a teaching position created due to increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons;  

(2) an employee hired for a position under paragraph (a), clause (6), item (i), if that same position has already been filled under paragraph (a), clause (6), item (i), in the same calendar year and the cumulative number of days worked in that same position by all employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a change in the classification or title of the position;  

(3) an early childhood family education teacher employed by a school district; and  

(4) an individual hired by the Board of Trustees of the Minnesota State Colleges and Universities or the University of Minnesota as the instructor of record to teach (i) one class for more than three credits in a fiscal year, or (ii) two or more credit-bearing classes in a fiscal year; and  

(5) an individual who: (i) is paid by the Board of Regents of the University of Minnesota for work performed at the direction of the university or any of its employees or contractors; and (ii) is enrolled in three or more university credit-bearing classes or one semester as a full-time student or postdoctoral fellow during the fiscal year in which the work is performed;  

For purposes of this section, work paid by the university includes but is not limited to work that is required as a condition of receiving a stipend or tuition benefit, whether or not the individual also receives educational benefit from performing that work. Individuals who perform supervisory functions in regard to any individuals who are employees under this
clause are not considered supervisory employees for the purpose of section 179A.06.

Sec. 2. Minnesota Statutes 2022, section 179A.11, subdivision 1, is amended to read:

Subdivision 1. Units. (a) The following are the appropriate units of University of Minnesota employees. The listed units include but are not limited to the positions described:

1. The Law Enforcement Unit consists of the positions of all employees with the power of arrest.
2. The Craft and Trades Unit consists of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.
3. The Service, Maintenance, and Labor Unit consists of the positions of all employees whose work is typically that of maintenance, service, or labor and which does not require extensive previous training or experience, except as provided in unit 4.
4. The Health Care Nonprofessional and Service Unit consists of the positions of all nonprofessional employees of the University of Minnesota hospitals, dental school, and health service whose work is unique to those settings, excluding labor and maintenance employees as defined in unit 3.
5. The Nursing Professional Unit consists of all positions which are required to be filled by registered nurses.
6. The Clerical and Office Unit consists of the positions of all employees whose work is typically clerical or secretarial, including nontechnical data recording and retrieval and general office work, except as provided in unit 4.
7. The Technical Unit consists of the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two-year academic programs or equivalent experience or on-the-job training, except as provided in unit 4.
8. The Twin Cities Instructional Unit consists of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate or instructor, including research fellow, located on the Twin Cities campuses.
9. The Outstate Instructional Unit consists of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including
research associate or instructor, including research fellow, located at the Duluth campus,
provided that the positions of instructional employees of the same ranks at the Morris,
Crookston, or Winona Rochester campuses shall be included within this unit if a majority
of the eligible employees voting at a campus so vote during an election conducted by the
commissioner; provided that the election or majority verification procedure shall not be
held until the Duluth campus has voted in favor of representation. The election shall be held
or majority verification procedure shall take place when an employee organization or group
of employees petitions the commissioner stating that a majority of the eligible employees
at one of these campuses wishes to join the unit and this petition is supported by a showing
of at least 30 percent support from eligible employees at that campus and is filed between
September 1 and November 1:

Should both units 8 and 9 elect exclusive bargaining representatives, those representatives
may by mutual agreement jointly negotiate a contract with the regents, or may negotiate
separate contracts with the regents. If the exclusive bargaining representatives jointly
negotiate a contract with the regents, the contract shall be ratified by each unit. For the
purposes of this section, an "instructional employee" is an individual who spends 35 percent
or more of their work time creating, delivering, and assessing the mastery of credit-bearing
coursework.

(10) The Graduate Assistant Unit consists of the positions of all graduate
assistants who are enrolled in the graduate school and who hold the rank of research assistant,
teaching assistant, teaching associate I or II, project assistant, graduate school fellow,
graduate school trainee, professional school fellow, professional school trainee, or
administrative fellow I or II. The listed ranks do not coincide with the ranks that are
categorized by the University of Minnesota as professionals in training, even though in
some cases the job titles may be the same.

(11) The Academic Professional and Administrative Staff Unit consists of all academic
professional and administrative staff positions that are not defined as included in an
instructional unit, the supervisory unit, the clerical unit, or the technical unit.

(12) The Noninstructional Professional Unit consists of the positions of all employees
meeting the requirements of section 179A.03, subdivision 13, clause (1) or (2), which are
not defined as included within an instructional unit, the Academic Professional and
Administrative Staff Unit, or the supervisory unit.

(13) The Supervisory Employees Unit consists of the positions of all supervisory
employees.

(b) An employee of the University of Minnesota whose position is not enumerated in
paragraph (a) may petition the commissioner to determine an appropriate unit for the position.
The commissioner must make a determination for an appropriate unit as provided in section
179A.09 and the commissioner must give special weight to the desires of the petitioning
employee or representatives of the petitioning employee.
Sec. 3. Minnesota Statutes 2022, section 179A.11, subdivision 2, is amended to read:

Subd. 2. University of Minnesota employee severance. (a) Each of the following groups of University of Minnesota employees has the right, as specified in this subdivision, to separate from the instructional and supervisory units: (1) health sciences instructional employees at all campuses with the rank of professor, associate professor, assistant professor, including research associate; or instructor, including research fellow; (2) instructional employees of the law school with the rank of professor, associate professor, assistant professor, including research associate; or instructor, including research fellow; (3) instructional supervisors; (4) noninstructional professional supervisors; and (5) academic professional and administrative staff supervisors.

(b) The right to separate may be exercised:

(1) by petition between September 1 and November 1. If a group separates from its unit, it has no right to meet and negotiate, but retains the right to meet and confer with the appropriate officials on any matter of concern to the group. The right to separate must be exercised as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a statewide basis wish to separate from their unit may petition the commissioner for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support from the employees, the commissioner shall hold an election on the separation issue or the petitioning group may proceed under the process set forth in section 179A.12. This election must be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from their unit, the commissioner shall certify that result; or

(2) by the group's exclusion from a proposed unit in a representation petition.

(c) Where not inconsistent with other provisions of this section, the election is governed by section 179A.12. If a group of employees severs, it may rejoin that unit by following the procedures for severance during the periods for severance.

Sec. 4. Minnesota Statutes 2022, section 179A.11, is amended by adding a subdivision to read:

Subd. 3. Joint bargaining. Units organized under this section that have elected exclusive bargaining representatives may by mutual agreement of the exclusive representatives jointly negotiate a contract with the regents or may negotiate separate contracts with the regents. If the exclusive bargaining representatives jointly negotiate a contract with the regents, the contract must be ratified by each unit.