

1.1 **Senator Rarick from the Committee on Labor and Industry Policy, to which was**
1.2 **referred**

1.3 **S.F. No. 3881:** A bill for an act relating to labor and industry; appropriating money for
1.4 the Department of Labor and Industry and Minnesota Management and Budget; making
1.5 policy and technical changes; providing OSHA penalty compliance; modifying fair labor
1.6 standards for agricultural and food processing workers; providing earned sick and safe time;
1.7 modifying combative sports; adopting civil penalties; authorizing rulemaking; requiring
1.8 reports; amending Minnesota Statutes 2020, sections 175.16, subdivision 1; 177.26; 177.27,
1.9 subdivisions 2, 4, 7; 178.01; 178.011, subdivision 7; 178.03, subdivision 1; 178.11; 179.86,
1.10 subdivisions 1, 3, by adding subdivisions; 181.14, subdivision 1; 181.635, subdivisions 1,
1.11 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86, subdivision 1; 181.87, subdivisions 2, 3, 7;
1.12 181.88; 181.89, subdivision 2, by adding a subdivision; 181.942, subdivision 1; 181.9435,
1.13 subdivision 1; 181.9436; 182.666, subdivisions 1, 2, 3, 4, 5, by adding a subdivision;
1.14 326B.103, subdivision 13; 326B.106, subdivision 1; 341.21, subdivision 7; 341.221; 341.25;
1.15 341.28; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 341.33; 341.355; Minnesota
1.16 Statutes 2021 Supplement, section 326B.153, subdivision 1; proposing coding for new law
1.17 in Minnesota Statutes, chapters 177; 181; 341; repealing Minnesota Statutes 2020, section
1.18 181.9413.

1.19 Reports the same back with the recommendation that the bill be amended as follows:

1.20 Delete everything after the enacting clause and insert:

1.21 **"ARTICLE 1**

1.22 **APPROPRIATIONS**

1.23 Section 1. **APPROPRIATIONS.**

1.24 The sums shown in the columns under "Appropriations" are added to the appropriations
1.25 in Laws 2021, First Special Session chapter 10, or other law to the specified agencies. The
1.26 appropriations are from the general fund, or another named fund, and are available for the
1.27 fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article
1.28 mean that the appropriations listed under them are available for the fiscal year ending June
1.29 30, 2022, or June 30, 2023, respectively. Appropriations for the fiscal year ending June 30,
1.30 2022, are effective the day following final enactment.

1.31 **APPROPRIATIONS**

1.32 **Available for the Year**

1.33 **Ending June 30**

1.34 **2022**

2023

1.35 **Sec. 2. DEPARTMENT OF LABOR AND**
1.36 **INDUSTRY**

1.37 **Subdivision 1. Total Appropriation** **\$** **-0-** **\$** **2,505,000**

1.38 **Appropriations by Fund**

1.39 **2022**

2023

2.1	<u>General</u>	<u>-0-</u>	<u>747,000</u>		
2.2	<u>Workforce</u>				
2.3	<u>Development</u>	<u>-0-</u>	<u>1,758,000</u>		
2.4	<u>Subd. 2. Labor Standards and Apprenticeship</u>			<u>-0-</u>	<u>1,758,000</u>
2.5	<u>\$1,758,000 in fiscal year 2023 is from the</u>				
2.6	<u>workforce development fund for prevailing</u>				
2.7	<u>wage enforcement.</u>				
2.8	<u>Subd. 3. Workforce Development Initiatives</u>			<u>-0-</u>	<u>747,000</u>
2.9	<u>(a) \$500,000 in fiscal year 2023 is for youth</u>				
2.10	<u>skills training grants under Minnesota Statutes,</u>				
2.11	<u>section 175.46.</u>				
2.12	<u>(b) \$247,000 in fiscal year 2023 is for</u>				
2.13	<u>administration of the youth skills training</u>				
2.14	<u>grants under Minnesota Statutes, section</u>				
2.15	<u>175.46. In fiscal year 2024 the base for this</u>				
2.16	<u>appropriation is \$258,000. In fiscal year 2025</u>				
2.17	<u>the base for this appropriation is \$270,000.</u>				

ARTICLE 2

LABOR AND INDUSTRY POLICY AND TECHNICAL

2.20 Section 1. Minnesota Statutes 2020, section 326B.106, subdivision 4, is amended to read:

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

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

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

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

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

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

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

3.18 (h) **Relocated residential buildings.** A residential building relocated within or into a
3.19 political subdivision of the state need not comply with the State Energy Code or section
3.20 326B.439 provided that, where available, an energy audit is conducted on the relocated
3.21 building.

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

3.25 (j) **Exterior wood decks, patios, and balconies.** The code must permit the decking
3.26 surface and upper portions of exterior wood decks, patios, and balconies to be constructed
3.27 of (1) heartwood from species of wood having natural resistance to decay or termites,
3.28 including redwood and cedars, (2) grades of lumber which contain sapwood from species
3.29 of wood having natural resistance to decay or termites, including redwood and cedars, or
3.30 (3) treated wood. The species and grades of wood products used to construct the decking
3.31 surface and upper portions of exterior decks, patios, and balconies must be made available
3.32 to the building official on request before final construction approval.

3.33 (k) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be
3.34 imposed by municipalities under the State Building Code, except as required under section

4.1 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section 326B.92
 4.2 administered by the Department of Labor and Industry. All data regarding the material
 4.3 production processes, including the bioprocess system's structural design and layout, are
 4.4 nonpublic data as provided by section 13.7911.

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

4.8 **(m) Window cleaning safety.** ~~The code must require the installation of dedicated~~
 4.9 ~~anchorages for the purpose of suspended window cleaning on (1) new buildings four stories~~
 4.10 ~~or greater; and (2) buildings four stories or greater, only on those areas undergoing~~
 4.11 ~~reconstruction, alteration, or repair that includes the exposure of primary structural~~
 4.12 ~~components of the roof~~ The code shall incorporate by reference nationally-recognized safety
 4.13 standards for window cleaning developed by the International Window Cleaning Association
 4.14 (IWCA) and approved by the American National Standards Institute (ANSI). Such standard
 4.15 shall require that window cleaning safety features be provided for all windows on:

4.16 (1) new buildings where determined by the standard; and

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

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

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

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

4.25 **(n) Accessibility requirements for installation of electric vehicle charging stations.**
 4.26 Until the State Building Code is amended to include accessibility requirements for installation
 4.27 of electric vehicle charging stations, any electric vehicle charging station installed in this
 4.28 state must meet the accessibility requirements published in the Minnesota Pollution Control
 4.29 Agency's "Installation Requirements for Electric Vehicle Charging Stations" guidance dated
 4.30 January 2021, or any updates to that document; or for state installations and fleet purchases
 4.31 and activities, the Minnesota Department of Transportation's "Guidance: Use, Site Design,
 4.32 and Operations of Electric Vehicle (EV) Chargers at MnDOT Facilities" dated February
 4.33 10, 2021, or any updates to that document.

5.1 **EFFECTIVE DATE.** The amendments in paragraph (n) expire the day following
 5.2 adoption of accessibility requirements for installation of electric vehicle charging stations
 5.3 in the State Building Code.

5.4 Sec. 2. Minnesota Statutes 2021 Supplement, section 326B.153, subdivision 1, is amended
 5.5 to read:

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

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

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

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

5.12 (1) \$1 to \$500, ~~\$29.50~~ \$21;

5.13 (2) \$501 to \$2,000, ~~\$28~~ \$21 for the first \$500 plus ~~\$3.70~~ \$2.75 for each additional \$100
 5.14 or fraction thereof, to and including \$2,000;

5.15 (3) \$2,001 to \$25,000, ~~\$83.50~~ \$62.25 for the first \$2,000 plus ~~\$16.55~~ \$12.50 for each
 5.16 additional \$1,000 or fraction thereof, to and including \$25,000;

5.17 (4) \$25,001 to \$50,000, ~~\$464.15~~ \$349.75 for the first \$25,000 plus ~~\$12~~ \$9 for each
 5.18 additional \$1,000 or fraction thereof, to and including \$50,000;

5.19 (5) \$50,001 to \$100,000, ~~\$764.15~~ \$574.75 for the first \$50,000 plus ~~\$8.45~~ \$6.25 for
 5.20 each additional \$1,000 or fraction thereof, to and including \$100,000;

5.21 (6) \$100,001 to \$500,000, ~~\$1,186.65~~ \$887.25 for the first \$100,000 plus ~~\$6.75~~ \$5 for
 5.22 each additional \$1,000 or fraction thereof, to and including \$500,000;

5.23 (7) \$500,001 to \$1,000,000, ~~\$3,886.65~~ \$2,887.25 for the first \$500,000 plus ~~\$5.50~~ \$4.25
 5.24 for each additional \$1,000 or fraction thereof, to and including \$1,000,000; and

5.25 (8) \$1,000,001 and up, ~~\$6,636.65~~ \$5,012.25 for the first \$1,000,000 plus ~~\$4.50~~ \$2.75
 5.26 for each additional \$1,000 or fraction thereof.

5.27 (c) Other inspections and fees are:

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

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

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

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

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

6.8 **EFFECTIVE DATE.** This section is effective retroactively from October 1, 2021.

6.9 Sec. 3. Minnesota Statutes 2020, section 326B.163, subdivision 5, is amended to read:

6.10 Subd. 5. **Elevator.** As used in this chapter, "elevator" means moving walks and vertical
6.11 transportation devices such as escalators, passenger elevators, freight elevators, dumbwaiters,
6.12 hand-powered elevators, endless belt lifts, and ~~wheelchair~~ platform lifts. Elevator does not
6.13 include:

6.14 (1) external temporary material lifts or temporary construction personnel elevators at
6.15 sites of construction of new or remodeled buildings;

6.16 (2) conveyors, including vertical reciprocating conveyors;

6.17 (3) platform lifts not covered in subdivision 5a;

6.18 (4) dock levelers;

6.19 (5) tiering or piling machines used to move material to and from storage located and
6.20 operating entirely within one story;

6.21 (6) equipment for feeding or positioning material at machine tools or printing presses;

6.22 (7) wharf ramps;

6.23 (8) amusement devices; or

6.24 (9) lift bridges.

6.25 Sec. 4. Minnesota Statutes 2020, section 326B.163, is amended by adding a subdivision
6.26 to read:

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

7.1 Sec. 5. Minnesota Statutes 2020, section 326B.163, subdivision 11, is amended to read:

7.2 Subd. 11. **Limited elevator contractor.** "Limited elevator contractor" means a licensed
7.3 contractor whose responsible licensed individual is a limited master elevator constructor.
7.4 A limited elevator contractor or its employees may only install, test, or alter residential
7.5 elevators, platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited
7.6 application elevator equipment, ~~conveyors~~, and special purpose personnel elevators.

7.7 Sec. 6. Minnesota Statutes 2020, section 326B.163, subdivision 12, is amended to read:

7.8 Subd. 12. **Limited elevator work.** "Limited elevator work" means the installing,
7.9 maintaining, altering, repairing, testing, planning, or laying out of residential elevators,
7.10 platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited
7.11 application elevator equipment, ~~conveyors~~, and special purpose personnel elevators as
7.12 covered by Minnesota Rules, chapters 1307 and 1315. Limited elevator work also includes
7.13 electrical wiring on the load side of the elevator equipment disconnect and the
7.14 decommissioning of elevator equipment to enable safe removal. Limited elevator work does
7.15 not include the exclusions listed in subdivision 5.

7.16 Sec. 7. Minnesota Statutes 2020, section 326B.163, subdivision 13, is amended to read:

7.17 Subd. 13. **Elevator work.** "Elevator work" means the installing, maintaining, altering,
7.18 repairing, testing, planning, or laying out of elevator apparatus or equipment as covered by
7.19 Minnesota Rules, chapters 1307 and 1315. Elevator work also includes the disconnection
7.20 of electrical wiring on the load side of the elevator equipment disconnect and the
7.21 decommissioning of elevator equipment to enable safe removal. Elevator work does not
7.22 include the exclusions listed in subdivision 5.

7.23 Sec. 8. Minnesota Statutes 2020, section 326B.163, subdivision 15, is amended to read:

7.24 Subd. 15. **Limited master elevator constructor.** "Limited master elevator constructor"
7.25 means an individual having the necessary qualifications, training, experience, and technical
7.26 knowledge to properly plan, lay out, supervise, and perform the testing, altering, installation,
7.27 maintenance, and repair of wiring, apparatus, and equipment for residential elevators,
7.28 platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited
7.29 application elevator equipment, ~~conveyors~~, and special purpose personnel elevators, including
7.30 wiring on the load side of the elevator equipment disconnect and who is licensed as a limited
7.31 master elevator constructor by the commissioner.

8.1 Sec. 9. Minnesota Statutes 2020, section 326B.163, subdivision 16, is amended to read:

8.2 Subd. 16. **Limited journeyworker elevator constructor.** "Limited journeyworker
8.3 elevator constructor" means an individual having the necessary qualifications, training,
8.4 experience, and technical knowledge to install, maintain, alter, test, and repair apparatus
8.5 and equipment for residential elevators, platform lifts, stairway chairlifts, dumbwaiters,
8.6 material lifts, limited use or limited application elevator equipment, ~~conveyors~~, and special
8.7 purpose personnel elevators, including electrical wiring on the load side of the elevator
8.8 equipment disconnect and who is licensed as a limited journeyworker elevator constructor
8.9 by the commissioner.

8.10 Sec. 10. Minnesota Statutes 2020, section 326B.164, subdivision 2, is amended to read:

8.11 Subd. 2. **Limited master elevator constructor.** (a) Except as otherwise provided by
8.12 law, no individual shall perform or supervise elevator work on residential elevators, platform
8.13 lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited application
8.14 elevator equipment, ~~conveyors~~, and special purpose personnel elevators, unless:

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

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

8.19 (b) An applicant for a limited master elevator constructor license shall have at least three
8.20 years of experience, acceptable to the commissioner, in installing apparatus, equipment,
8.21 and wiring for elevators.

8.22 (c) Except for the initial license term, as a condition of license renewal, limited master
8.23 elevator constructors must attain a minimum of eight hours of continuing education credit
8.24 approved by the commissioner every renewal period. Not less than six hours shall be based
8.25 on the Minnesota Elevator Code or elevator technology, and not less than two hours on the
8.26 National Electrical Code.

8.27 Sec. 11. Minnesota Statutes 2020, section 326B.164, subdivision 4, is amended to read:

8.28 Subd. 4. **Limited journeyworker elevator constructor.** (a) Except as otherwise provided
8.29 by law, no individual shall perform or supervise elevator work on residential elevators,
8.30 platform lifts, stairway chairlifts, dumbwaiters, material lifts, limited use or limited
8.31 application elevator equipment, ~~conveyors~~, and special purpose personnel elevators, except
8.32 for planning or laying out of elevator work, unless:

9.1 (1) the individual is licensed by the commissioner as a limited journeyworker elevator
9.2 constructor; and

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

9.6 (b) An applicant for a limited journeyworker elevator constructor license shall have at
9.7 least two years of experience, acceptable to the commissioner, in installing apparatus,
9.8 equipment, and wiring for elevators.

9.9 (c) Except for the initial license term, as a condition of license renewal, limited
9.10 journeyworker elevator constructors must attain a minimum of eight hours of continuing
9.11 education credit approved by the commissioner every renewal period. Not less than six
9.12 hours shall be based on the Minnesota Elevator Code or elevator technology, and not less
9.13 than two hours on the National Electrical Code.

9.14 Sec. 12. Minnesota Statutes 2020, section 326B.36, subdivision 7, is amended to read:

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

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

9.20 (2) when owned or leased, and operated and maintained by any electrical,
9.21 communications, or railway utility, cable communications company as defined in section
9.22 238.02, or telephone company as defined under section 237.01, in the exercise of its utility,
9.23 antenna, or telephone function; and

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

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

9.31 (iii) are not on the load side of the service point or point of entrance for communication
9.32 systems;

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

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

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

10.8 (6) when the installation, material, and equipment is part of an elevator installation for
10.9 which the elevator contractor, licensed under section 326B.164, is required to obtain a permit
10.10 from the authority having jurisdiction as provided by section 326B.184, and the inspection
10.11 has been or will be performed by an elevator inspector certified and licensed by the
10.12 department. This exemption shall apply only to installations, material, and equipment
10.13 permitted or required to be connected on the load side of the disconnecting means required
10.14 for elevator equipment under National Electrical Code Article 620, and elevator
10.15 communications and alarm systems within the machine room, car, hoistway, or elevator
10.16 lobby.

10.17 Sec. 13. Minnesota Statutes 2020, section 326B.36, is amended by adding a subdivision
10.18 to read:

10.19 Subd. 8. **Electric utility exemptions; additional requirements.** For exemptions to
10.20 inspections exclusively for load control allowed for electrical utilities under subdivision 7,
10.21 clause (2), item (i), the following requirements apply:

10.22 (1) the exempted work must be conducted by a Class A electrical contractor. If a
10.23 deficiency or code violation is found when conducting such work, the electrical contractor
10.24 or other designee must report the deficiency or code violation to the electric utility; and

10.25 (2) the electric utility must, within ten calendar days of discovering the need for repair,
10.26 inform the owner of:

10.27 (i) the location of the materials or equipment that need repair;

10.28 (ii) that a permit is required for the work; and

10.29 (iii) provide a time frame for the repair to be complete, not to exceed six months, after
10.30 which time the utility must disconnect the materials or equipment.

11.1 Sec. 14. Minnesota Statutes 2020, section 326B.42, subdivision 1b, is amended to read:

11.2 Subd. 1b. **Backflow prevention rebuilder.** (a) A "backflow prevention rebuilder" is an
 11.3 individual who is qualified by training prescribed by the Plumbing Board and possesses a
 11.4 master or journeyworker plumber's license to engage in the testing, maintenance, and
 11.5 rebuilding of ~~reduced pressure zone type~~ backflow prevention assemblies as regulated by
 11.6 the Plumbing Code.

11.7 (b) For the purposes of this section and section 326B.437, a backflow prevention rebuilder
 11.8 who is qualified by training prescribed by the Plumbing Board and engages in rebuilding
 11.9 of backflow prevention assemblies limited to systems used to apply water to soil and plant
 11.10 materials or provide water to landscape features is exempt from the licensing requirements
 11.11 of paragraph (a). Nothing in this paragraph allows an employee or delegate of the backflow
 11.12 prevention rebuilder or tester to engage in the testing, maintenance, and rebuilding of
 11.13 backflow prevention assemblies as regulated by the Plumbing Code, unless the employee
 11.14 or delegate has the requisite backflow prevention tester or rebuilder training prescribed by
 11.15 the Plumbing Board.

11.16 Sec. 15. Minnesota Statutes 2020, section 326B.42, subdivision 1c, is amended to read:

11.17 Subd. 1c. **Backflow prevention tester.** A "backflow prevention tester" is an individual
 11.18 who is qualified by training prescribed by the Plumbing Board to engage in the testing of
 11.19 ~~reduced pressure zone type~~ backflow prevention assemblies as regulated by the Plumbing
 11.20 Code.

11.21 Sec. 16. Minnesota Statutes 2020, section 326B.437, is amended to read:

11.22 **326B.437 REDUCED PRESSURE BACKFLOW PREVENTION REBUILDERS**
 11.23 **AND TESTERS.**

11.24 (a) No person shall perform or offer to perform the installation, ~~maintenance, repair, or~~
 11.25 ~~replacement, or rebuilding of reduced pressure zone~~ of backflow prevention assemblies
 11.26 unless the person obtains a plumbing contractor's license. An individual shall not engage
 11.27 in the testing, maintenance, ~~repair,~~ or rebuilding of ~~reduced pressure zone~~ backflow
 11.28 prevention assemblies, as regulated by the Plumbing Code, unless the individual is certified
 11.29 by the commissioner as a backflow prevention rebuilder.

11.30 (b) An individual shall not engage in testing of a ~~reduced pressure zone~~ backflow
 11.31 prevention assembly, as regulated by the Plumbing Code, unless the individual possesses

12.1 a backflow prevention rebuilder certificate or is certified by the commissioner as a backflow
12.2 prevention tester.

12.3 (c) Certificates are issued for an initial period of two years and must be renewed every
12.4 two years thereafter for as long as the certificate holder ~~installs, maintains, repairs, rebuilds,~~
12.5 or tests ~~reduced pressure zone~~ backflow prevention assemblies. For purposes of calculating
12.6 fees under section 326B.092, an initial or renewed backflow prevention rebuilder or tester
12.7 certificate shall be considered an entry level license.

12.8 ~~(d) The Plumbing Board shall adopt expedited rules under section 14.389 that are related~~
12.9 ~~to the certification of backflow prevention rebuilders and backflow prevention testers.~~
12.10 ~~Section 326B.13, subdivision 8, does not apply to these rules. Notwithstanding the 18-month~~
12.11 ~~limitation under section 14.125, this authority expires on December 31, 2014.~~

12.12 ~~(e) The department shall recognize certification programs that are a minimum of 16~~
12.13 ~~contact hours and include the passage of an examination. The examination must consist of~~
12.14 ~~a practical and a written component. This paragraph expires when the Plumbing Board~~
12.15 ~~adopts rules under paragraph (d).~~

12.16 Sec. 17. Minnesota Statutes 2020, section 326B.46, subdivision 2, is amended to read:

12.17 Subd. 2. **Bond; insurance.** (a) The bond and insurance requirements of paragraphs (b)
12.18 and (c) apply to each person who performs or offers to perform plumbing work within the
12.19 state, including any person who offers to perform or performs sewer or water service
12.20 installation or backflow prevention testing or rebuilding as described under subdivision 1b,
12.21 paragraph (b), without a contractor's license. If the person performs or offers to perform
12.22 any plumbing work other than sewer or water service installation or backflow prevention
12.23 testing or rebuilding as described under subdivision 1b, paragraph (b), then the person must
12.24 meet the requirements of paragraphs (b) and (c) as a condition of holding a contractor's
12.25 license.

12.26 (b) Each person who performs or offers to perform plumbing work within the state shall
12.27 give and maintain bond to the state in the penal sum of at least \$25,000 for (1) all plumbing
12.28 work entered into within the state or (2) all plumbing work and subsurface sewage treatment
12.29 work entered into within the state. The bond must comply with section 326B.0921. If the
12.30 bond is for both plumbing work and subsurface sewage treatment work, the bond must
12.31 comply with the requirements of this section and section 115.56, subdivision 2, paragraph
12.32 (e).

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

13.10 Sec. 18. Laws 2021, First Special Session chapter 10, article 3, section 14, subdivision 1,
13.11 is amended to read:

13.12 Subdivision 1. **License required.** (a) No individual shall engage in or work at the business
13.13 of a master plumber, restricted master plumber, journeyworker plumber, and restricted
13.14 journeyworker plumber unless licensed to do so by the commissioner. A license is not
13.15 required for individuals performing building sewer or water service installation who have
13.16 completed pipe laying training as prescribed by the commissioner. A license is not required
13.17 for individuals servicing or installing a commercial chemical dispensing system or servicing
13.18 or replacing a commercial dishwashing machine, including connecting a commercial chemical
13.19 dispensing system or commercial dishwashing machine to a water line or drain line, provided
13.20 that:

13.21 (1) the individual servicing or installing the commercial chemical dispensing system or
13.22 servicing or replacing the commercial dishwashing machine is an employee of the
13.23 manufacturer or distributor of the commercial chemical dispensing system or commercial
13.24 dishwashing machine;

13.25 (2) the individual servicing or installing the commercial chemical dispensing system or
13.26 servicing or replacing the commercial dishwashing machine has a minimum of 25 hours of
13.27 classroom or laboratory training, a minimum of 20 hours of in-field training with a qualified
13.28 technician on the types of systems being installed, followed by a minimum of 100 hours of
13.29 supervised field experience. The training and experience curriculum required under this
13.30 clause must be approved by the commissioner, in consultation with the manufacturer or
13.31 distributor, but the commissioner shall not require training or experience hours in excess
13.32 of the amounts specified in this clause;

14.1 (3) the manufacturer or distributor of the commercial chemical dispensing system or
14.2 commercial dishwashing machine must meet the insurance requirements of section 326B.46,
14.3 subdivision 2, paragraph (c);

14.4 (4) the connection is a push fit fitting, compression fitting, or threaded pipe fitting to an
14.5 existing water line or drain, which has been initially installed by a licensed plumber; and

14.6 (5) the commercial chemical dispensing system complies with ASSE 1055 or contains
14.7 code-approved integral backflow protection.

14.8 A license is not required for individuals performing backflow prevention rebuilding as
14.9 described under subdivision 1b, paragraph (b), provided that the individual (1) has completed
14.10 backflow prevention rebuilder training as prescribed by the Plumbing Board; and (2) has
14.11 obtained a nationally recognized third-party accredited professional irrigation certification
14.12 and any such professional certifications have been approved by the commissioner.

14.13 A master plumber may also work as a journeyworker plumber, a restricted journeyworker
14.14 plumber, and a restricted master plumber. A journeyworker plumber may also work as a
14.15 restricted journeyworker plumber. Anyone not so licensed may do plumbing work which
14.16 complies with the provisions of the minimum standards prescribed by the Plumbing Board
14.17 on premises or that part of premises owned and actually occupied by the worker as a
14.18 residence, unless otherwise forbidden to do so by a local ordinance.

14.19 (b) No person shall engage in the business of planning, superintending, or installing
14.20 plumbing or shall install plumbing in connection with the dealing in and selling of plumbing
14.21 material and supplies unless at all times a licensed master plumber, or in cities and towns
14.22 with a population of fewer than 5,000 according to the last federal census, a restricted master
14.23 plumber, who shall be responsible for proper installation, is in charge of the plumbing work
14.24 of the person.

14.25 (c) Except as provided in subdivision 1a, no person shall perform or offer to perform
14.26 plumbing work with or without compensation unless the person obtains a contractor's license.
14.27 A contractor's license does not of itself qualify its holder to perform the plumbing work
14.28 authorized by holding a master, journeyworker, restricted master, or restricted journeyworker
14.29 license.

14.30 **Sec. 19. LAWS CHAPTER 32 EFFECTIVE DATE.**

14.31 Notwithstanding any other law to the contrary, Laws 2022, chapter 32, articles 1 and 2,
14.32 sections 1 to 12, are effective the day following final enactment, and Laws 2022, chapter
14.33 32, article 1, section 1, applies to appointments made on or after that date."

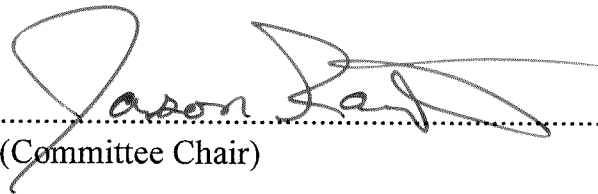
15.1 Delete the title and insert:

15.2 "A bill for an act

15.3 relating to labor and industry; appropriating money for the Department of Labor
15.4 and Industry; making policy and technical changes amending Minnesota Statutes
15.5 2020, sections 326B.106, subdivision 4; 326B.163, subdivisions 5, 11, 12, 13, 15,
15.6 16, by adding a subdivision; 326B.164, subdivisions 2, 4; 326B.36, subdivision
15.7 7, by adding a subdivision; 326B.42, subdivisions 1b, 1c; 326B.437; 326B.46,
15.8 subdivision 2; Minnesota Statutes 2021 Supplement, section 326B.153, subdivision
15.9 1; Laws 2021, First Special Session chapter 10, article 3, section 14, subdivision
15.10 1."

15.11 And when so amended the bill do pass and be re-referred to the Committee on Jobs and
15.12 Economic Growth Finance and Policy. Amendments adopted. Report adopted.

15.13
15.14


.....
(Committee Chair)

15.15
15.16

March 30, 2022.....3-30-22.....
(Date of Committee recommendation)