

1.1 **Senator McEwen from the Committee on Labor, to which was re-referred**

1.2 **S.F. No. 10:** A bill for an act relating to labor and industry; providing for use of skilled
1.3 and trained contractor workforces at petroleum refineries; amending Minnesota Statutes
1.4 2022, section 177.27, subdivision 4; proposing coding for new law in Minnesota Statutes,
1.5 chapter 181.

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

1.7 Page 2, line 3, delete "October 15, 2023" and insert "January 1, 2024"

1.8 Page 2, line 19, after "refinery" insert "in an apprenticeable occupation in the building
1.9 and construction trades"

1.10 Page 2, line 23, delete "or"

1.11 Page 2, line 26, delete the period and insert "; or"

1.12 Page 2, after line 26, insert:

1.13 "(4) has at least five years of experience working in the applicable trade and is currently
1.14 participating in journeyworker upgrade training in a registered apprenticeship program in
1.15 the applicable trade or has completed any training identified as necessary by the registered
1.16 apprenticeship training program for the employee to become a qualified journeyworker in
1.17 the applicable trade."

1.18 Page 2, after line 32, insert:

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

1.22 Page 3, line 1, delete "(f)" and insert "(g)"

1.23 Page 3, line 8, delete "all" and insert "that" and after the period, insert "The requirement
1.24 to use a safe and skilled workforce under this section shall apply to each contractor and
1.25 subcontractor of any tier when performing construction, alteration, demolition, installation,
1.26 repair, maintenance, or hazardous material handling work at the site of the petroleum
1.27 refinery."

1.28 Page 3, line 12, after "hired" insert "to install OEM equipment and"

1.29 Page 3, line 14, delete "owner or operator's contracted" and insert "contractor's"

1.30 Page 3, line 16, delete "65" and insert "30" and delete "October 15, 2023" and insert
1.31 "January 1, 2024"

2.1 Page 3, line 17, delete "75" and insert "45" and delete "October 15, 2024" and insert
2.2 "January 1, 2025"

2.3 Page 3, line 18, delete "85" and insert "60" and delete "October 15, 2025" and insert
2.4 "January 1, 2026"

2.5 Page 3, after line 18, insert:

2.6 "(e) If a contractor is required under a collective bargaining agreement to hire workers
2.7 referred by a labor organization for the petroleum refinery worksite, and the labor
2.8 organization is unable to refer sufficient workers for the contractor to comply with the
2.9 applicable percentage provided in subdivision 2, paragraph (d), within 48 hours of the
2.10 contractor's request excluding Saturdays, Sundays, and holidays, the contractor shall be
2.11 relieved of the obligation to comply with the applicable percentage and shall use the
2.12 maximum percentage of a skilled and trained workforce that is available to the contractor
2.13 from the labor organization's referral procedure. The contractor shall comply with the
2.14 applicable percentage provided in subdivision 2, paragraph (d), once the labor organization
2.15 is able to refer sufficient workers for the contractor to comply with the applicable percentage.

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

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

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

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

2.31 Page 3, line 22, after the period, insert "An owner or operator, contractor, or subcontractor
2.32 of any tier shall be considered an employer for purposes of section 177.27."

2.33 Page 4, delete line 5 and insert:

3.1 "EFFECTIVE DATE. This section is effective January 1, 2024, and applies to contracts
 3.2 entered into, extended, or renewed on or after that date. Existing contracts entered into
 3.3 before January 1, 2024, must be renegotiated to comply with section 2 by January 1, 2025."

3.4 And when so amended the bill do pass and be re-referred to the Committee on Finance.
 3.5 Amendments adopted. Report adopted.

3.6 
 3.7
 (Committee Chair)

3.8 March 9, 2023.....
 3.9 (Date of Committee recommendation)