

1.1 Senator ..... moves to amend S.F. No. 2782 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 APPROPRIATIONS

1.5 Section 1. APPROPRIATIONS.

1.6 (a) The sums shown in the columns marked "Appropriations" are appropriated to the  
1.7 agencies and for the purposes specified in this article. The appropriations are from the  
1.8 general fund, or another named fund, and are available for the fiscal years indicated for  
1.9 each purpose. The figures "2024" and "2025" used in this article mean that the appropriations  
1.10 listed under them are available for the fiscal year ending June 30, 2024, or June 30, 2025,  
1.11 respectively. "The first year" is fiscal year 2024. "The second year" is fiscal year 2025. "The  
1.12 biennium" is fiscal years 2024 and 2025.

1.13 (b) If an appropriation in this article is enacted more than once in the 2023 regular or  
1.14 special legislative session, the appropriation must be given effect only once.

1.15 APPROPRIATIONS

1.16 Available for the Year

1.17 Ending June 30

1.18 2024

2025

1.19 Sec. 2. DEPARTMENT OF LABOR AND  
1.20 INDUSTRY

1.21 Subdivision 1. Total Appropriation \$ 46,681,000 \$ 43,613,000

1.22 Appropriations by Fund

1.23 2024

2025

1.24 General 6,911,000 5,227,000

1.25 Workers'  
1.26 Compensation 29,859,000 31,621,000

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

1.29 The amounts that may be spent for each  
1.30 purpose are specified in the following  
1.31 subdivisions.

1.32 Subd. 2. General Support 8,765,000 9,106,000

1.33 This appropriation is from the workers'  
1.34 compensation fund.

2.1	<b><u>Subd. 3. Labor Standards</u></b>		<u>6,972,000</u>	<u>6,608,000</u>
2.2		<u>Appropriations by Fund</u>		
2.3	<u>General</u>	<u>5,409,000</u>		<u>4,973,000</u>
2.4	<u>Workforce</u>			
2.5	<u>Development</u>	<u>1,563,000</u>		<u>1,635,000</u>
2.6	<u>(a) \$2,046,000 each year is for wage theft</u>			
2.7	<u>prevention.</u>			
2.8	<u>(b) \$1,563,000 the first year and \$1,635,000</u>			
2.9	<u>the second year are from the workforce</u>			
2.10	<u>development fund for prevailing wage</u>			
2.11	<u>enforcement.</u>			
2.12	<u>(c) \$268,000 the first year and \$276,000 the</u>			
2.13	<u>second year are for outreach and enforcement</u>			
2.14	<u>efforts related to changes to the nursing</u>			
2.15	<u>mothers, lactating employees, and pregnancy</u>			
2.16	<u>accommodations law.</u>			
2.17	<u>(d) \$184,000 the first year and \$142,000 the</u>			
2.18	<u>second year are to strengthen workplace</u>			
2.19	<u>protections for agricultural and food</u>			
2.20	<u>processing workers.</u>			
2.21	<u>(e) \$661,000 the first year and \$357,000 the</u>			
2.22	<u>second year are to perform work for the</u>			
2.23	<u>Nursing Home Workforce Standards Board.</u>			
2.24	<u>The base is \$404,000 in fiscal year 2026 and</u>			
2.25	<u>\$357,000 in fiscal year 2027.</u>			
2.26	<u>(f) \$225,000 the first year and \$169,000 the</u>			
2.27	<u>second year are for the purposes of article 6.</u>			
2.28	<u>(g) \$245,000 the first year and \$138,000 the</u>			
2.29	<u>second year are to the Attorney General's</u>			
2.30	<u>Office for the purposes of article 6.</u>			
2.31	<u>(h) \$59,000 the first year and \$25,000 the</u>			
2.32	<u>second year are to the Department of Revenue</u>			
2.33	<u>to implement and administer the change to the</u>			

3.1 state income tax subtraction for the purposes  
 3.2 of article 7.  
 3.3 (i) \$175,000 the first year and \$175,000 the  
 3.4 second year are to the Attorney General's  
 3.5 Office to enforce construction workers wage  
 3.6 protections.

3.7 **Subd. 4. Workers' Compensation** 15,190,000 15,725,000

3.8 This appropriation is from the workers'  
 3.9 compensation fund.

3.10 **Subd. 5. Workplace Safety** 7,043,000 6,681,000

3.11	<u>Appropriations by Fund</u>		
3.12	<u>General</u>	<u>1,259,000</u>	<u>0</u>
3.13	<u>Workers'</u>		
3.14	<u>Compensation</u>	<u>5,784,000</u>	<u>6,681,000</u>

3.15 (a) \$477,000 the first year and \$1,128,000 the  
 3.16 second year are from the workers'  
 3.17 compensation fund for education and outreach,  
 3.18 staffing, and technology development of the  
 3.19 ergonomics program under Minnesota  
 3.20 Statutes, section 182.677. The base  
 3.21 appropriation is \$1,487,000 in fiscal year 2026  
 3.22 and \$1,196,000 in fiscal year 2027.

3.23 (b) \$1,259,000 the first year for the  
 3.24 ergonomics safety grant program. This amount  
 3.25 is available until June 30, 2026. This is a  
 3.26 onetime appropriation.

3.27 **Subd. 6. Workforce Development Initiatives** 2,659,000 2,371,000

3.28 (a) This appropriation is from the workforce  
 3.29 development fund.

3.30 (b) \$300,000 each year is from the workforce  
 3.31 development fund for the pipeline program.

3.32 (c) \$200,000 each year is from the workforce  
 3.33 development fund for identification of

4.1 competency standards under Minnesota  
 4.2 Statutes, section 175.45.  
 4.3 (d) \$1,500,000 each year is from the  
 4.4 workforce development fund for youth skills  
 4.5 training grants under Minnesota Statutes,  
 4.6 section 175.46.

4.7 (e) \$359,000 the first year and \$371,000 the  
 4.8 second year are from the workforce  
 4.9 development fund for administration of the  
 4.10 youth skills training grants under Minnesota  
 4.11 Statutes, section 175.46.

4.12 **Subd. 7. Career pathways program** 300,000 0

4.13 (a) \$300,000 the first year is for a grant to  
 4.14 Independent School District No. 294, Houston,  
 4.15 for the Minnesota Virtual Academy's career  
 4.16 pathways program with Operating Engineers  
 4.17 Local 49. The program may include up to five  
 4.18 semesters of courses and must lead to  
 4.19 eligibility into the Operating Engineers Local  
 4.20 49 apprenticeship program.

4.21 (b) The grant may be used to encourage and  
 4.22 support student participation in the career  
 4.23 pathways program through additional  
 4.24 academic, counseling, and other support  
 4.25 services provided by the student's enrolling  
 4.26 school district. The Minnesota Virtual  
 4.27 Academy may contract with a student's  
 4.28 enrolling school district to provide these  
 4.29 services.

4.30 (c) The career pathways program must provide  
 4.31 outreach to and encourage participation in its  
 4.32 programming by students of color, Indigenous  
 4.33 students, students from families with low  
 4.34 income, students located throughout

5.1 Minnesota, and underserved students. This  
 5.2 appropriation does not cancel and is available  
 5.3 until June 30, 2025.

5.4 Subd. 8. **Combative Sports** 243,000 254,000

5.5 This appropriation is from the general fund.

5.6 Subd. 9. **Apprenticeship** 5,689,000 2,759,000

5.7 (a) This appropriation is from the workforce  
 5.8 development fund.

5.9 (b) \$1,330,000 the first year and \$1,392,000  
 5.10 the second year are from the workforce  
 5.11 development fund for the apprenticeship  
 5.12 program under Minnesota Statutes, chapter  
 5.13 178.

5.14 (c) \$1,134,000 the first year and \$1,142,000  
 5.15 the second year are from the workforce  
 5.16 development fund for labor education and  
 5.17 advancement program grants under Minnesota  
 5.18 Statutes, section 178.11.

5.19 (d) \$3,000,000 onetime in the first year is from  
 5.20 the workforce development fund for grants to  
 5.21 registered apprenticeship programs for clean  
 5.22 economy occupations. Of this amount, up to  
 5.23 five percent is for administration and  
 5.24 monitoring of the program. This appropriation  
 5.25 is available until June 30, 2026. Grant funds  
 5.26 may be used to:

5.27 (1) purchase equipment or training materials  
 5.28 in clean technologies;

5.29 (2) fund instructor professional development  
 5.30 in clean technologies;

5.31 (3) design and refine curriculum in clean  
 5.32 technologies; and

6.1 (4) train apprentices and upskill incumbent  
 6.2 workers in clean technologies.

6.3 (e) \$225,000 the first year \$225,000 the  
 6.4 second year from the workforce development  
 6.5 fund for grants to Building Strong  
 6.6 Communities for the Helmets to Hard Hats  
 6.7 Minnesota initiative. Grant money must be  
 6.8 used to recruit, retain, assist, and support  
 6.9 National Guard, reserve, and active duty  
 6.10 military members' and veterans' participation  
 6.11 in apprenticeship programs registered with the  
 6.12 Department of Labor and Industry and connect  
 6.13 them with career training and employment in  
 6.14 the building and construction industry. The  
 6.15 recruitment, selection, employment, and  
 6.16 training must be without discrimination due  
 6.17 to race, color, creed, religion, national origin,  
 6.18 sex, sexual orientation, marital status, physical  
 6.19 or mental disability, receipt of public  
 6.20 assistance, or age.

6.21 **Sec. 3. WORKERS' COMPENSATION COURT**  
 6.22 **OF APPEALS** \$ 2,583,000 \$ 2,563,000

6.23 This appropriation is from the workers'  
 6.24 compensation fund.

6.25 **Sec. 4. BUREAU OF MEDIATION SERVICES** \$ 2,957,000 \$ 3,039,000

6.26 (a) \$68,000 each year is for grants to area  
 6.27 labor management committees. Grants may  
 6.28 be awarded for a 12-month period beginning  
 6.29 July 1 each year. Any unencumbered balance  
 6.30 remaining at the end of the first year does not  
 6.31 cancel but is available for the second year.

6.32 (b) \$47,000 each year is for rulemaking,  
 6.33 staffing, and other costs associated with peace  
 6.34 officer grievance procedures.

7.1 **ARTICLE 2**

7.2 **AGRICULTURE AND FOOD PROCESSING WORKERS**

7.3 Section 1. Minnesota Statutes 2022, section 179.86, subdivision 1, is amended to read:

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

7.6 Sec. 2. Minnesota Statutes 2022, section 179.86, subdivision 3, is amended to read:

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

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

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

7.13 (3) a description of leave policies;

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

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

7.16 (6) when workers' compensation insurance coverage is required by chapter 176, the  
7.17 name of the employer's workers' compensation insurance carrier, the carrier's phone number,  
7.18 and the insurance policy number.

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

7.22 (1) the right to organize and bargain collectively and refrain from organizing and  
7.23 bargaining collectively;

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

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

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

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

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

8.3 Sec. 3. Minnesota Statutes 2022, section 179.86, is amended by adding a subdivision to  
8.4 read:

8.5 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of  
8.6 action for damages for the greater of \$1,000 per violation or twice the employee's actual  
8.7 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of  
8.8 \$1,400 or three times actual damages for an employee injured by an intentional violation  
8.9 of this section. Damages awarded under this subdivision shall be reduced by the amount of  
8.10 any fine paid to the employee under subdivision 6.

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

8.13 Subd. 6. **Fine.** The commissioner of labor and industry shall fine an employer not less  
8.14 than \$400 or more than \$1,000 for each violation of subdivision 3. The fine shall be payable  
8.15 to the employee aggrieved except the amount payable to the employee shall be reduced by  
8.16 any damages awarded under subdivision 5.

8.17 Sec. 5. Minnesota Statutes 2022, section 181.14, subdivision 1, is amended to read:

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

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



9.1 Sec. 6. Minnesota Statutes 2022, section 181.635, subdivision 1, is amended to read:

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

9.3 (a) "Employer" means a person who employs another to perform a service for hire.

9.4 Employer includes any agent or attorney of an employer who, for money or other valuable  
9.5 consideration paid or promised to be paid, performs any recruiting.

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

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

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

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

9.14 (1) nature of the work to be performed;

9.15 (2) wage rate, nature and amount of deductions for tools, clothing, supplies, or other  
9.16 items;

9.17 (3) anticipated hours of work per week, including overtime;

9.18 (4) anticipated slowdown or shutdown or if hours of work per week vary more than 25  
9.19 percent from clause (3);

9.20 (5) duration of the work;

9.21 (6) workers' compensation coverage and name, address, and telephone number of insurer  
9.22 and Department of Labor and Industry;

9.23 (7) employee benefits available, including any health plans, sick leave, or paid vacation;

9.24 (8) transportation and relocation arrangements with allocation of costs between employer  
9.25 and employee;

9.26 (9) availability and description of housing and any costs to employee associated with  
9.27 housing; and

9.28 (10) any other item of value offered, and allocation of costs of item between employer  
9.29 and employee.

10.1 Sec. 7. Minnesota Statutes 2022, section 181.635, subdivision 2, is amended to read:

10.2 Subd. 2. **Recruiting; required disclosure.** (a) An employer shall provide written  
10.3 disclosure of the terms and conditions of employment to a person at the time it recruits the  
10.4 person to relocate to work in the food processing industry. The disclosure requirement does  
10.5 not apply to an exempt employee as defined in United States Code, title 29, section 213(a)(1).  
10.6 The disclosure must be written in English and Spanish, or English and another language if  
10.7 the person's preferred language is not English or Spanish, dated and signed by the employer  
10.8 and the person recruited, and maintained by the employer for ~~two~~ three years. A copy of  
10.9 the signed and completed disclosure must be delivered immediately to the recruited person.  
10.10 The disclosure may not be construed as an employment contract.

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

10.13 Sec. 8. Minnesota Statutes 2022, section 181.635, subdivision 3, is amended to read:

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

10.20 Sec. 9. Minnesota Statutes 2022, section 181.635, subdivision 4, is amended to read:

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

10.25 Sec. 10. Minnesota Statutes 2022, section 181.635, subdivision 6, is amended to read:

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

11.1 Sec. 11. Minnesota Statutes 2022, section 181.85, subdivision 2, is amended to read:

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

11.6 Sec. 12. Minnesota Statutes 2022, section 181.85, subdivision 4, is amended to read:

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

11.11 Sec. 13. Minnesota Statutes 2022, section 181.86, subdivision 1, is amended to read:

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

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

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

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

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

11.24 (5) the wage rates to be paid;

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

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

11.27 (8) whether housing will be provided; and

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

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

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

12.6 Sec. 14. Minnesota Statutes 2022, section 181.87, subdivision 2, is amended to read:

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

12.10 Sec. 15. Minnesota Statutes 2022, section 181.87, subdivision 3, is amended to read:

12.11 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant  
12.12 worker a minimum of 70 hours pay for work in any two successive weeks and, should the  
12.13 pay for hours actually offered by the employer and worked by the migrant worker provide  
12.14 a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker  
12.15 the difference within three days after the scheduled payday for the pay period involved.  
12.16 Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the  
12.17 employment statement, or the federal, state, or local minimum wage, whichever is ~~higher~~  
12.18 highest. Any pay in addition to the hourly wage rate specified in the employment statement  
12.19 shall be applied against the guarantee. This guarantee applies for the minimum period of  
12.20 employment specified in the employment statement beginning with the date on which  
12.21 employment is to begin as specified in the employment statement. The date on which  
12.22 employment is to begin may be changed by the employer by written, telephonic, or  
12.23 telegraphic notice to the migrant worker, at the worker's last known physical address or  
12.24 email address, no later than ten days prior to the previously stated beginning date. The  
12.25 migrant worker shall contact the recruiter to obtain the latest information regarding the date  
12.26 upon which employment is to begin no later than five days prior to the previously stated  
12.27 beginning date. This guarantee shall be reduced, when there is no work available for a period  
12.28 of seven or more consecutive days during any two-week period subsequent to the  
12.29 commencement of work, by five hours pay for each such day, when the unavailability of  
12.30 work is caused by climatic conditions or an act of God, provided that the employer pays  
12.31 the migrant worker, on the normal payday, the sum of ~~\$5~~ \$50 for each such day.

13.1 Sec. 16. Minnesota Statutes 2022, section 181.87, subdivision 7, is amended to read:

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

13.6 Sec. 17. Minnesota Statutes 2022, section 181.88, is amended to read:

13.7 **181.88 RECORD KEEPING.**

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

13.13 Sec. 18. Minnesota Statutes 2022, section 181.89, subdivision 2, is amended to read:

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

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

13.21 (2) whenever the court finds that an employer has recruited a migrant worker without  
13.22 providing a written employment statement as provided in section 181.86, subdivision 1,  
13.23 ~~\$250~~ \$800;

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

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

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

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

14.3 Sec. 19. Minnesota Statutes 2022, section 181.89, is amended by adding a subdivision to  
14.4 read:

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

### 14.8 ARTICLE 3

### 14.9 NURSING HOME WORKFORCE STANDARDS

14.10 Section 1. TITLE.

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

14.13 Sec. 2. Minnesota Statutes 2022, section 177.27, subdivision 7, is amended to read:

14.14 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have  
14.15 violated a section identified in subdivision 4, or any rule adopted under section 177.28,  
14.16 181.213, or 181.215, and the commissioner issues an order to comply, the commissioner  
14.17 shall order the employer to cease and desist from engaging in the violative practice and to  
14.18 take such affirmative steps that in the judgment of the commissioner will effectuate the  
14.19 purposes of the section or rule violated. The commissioner shall order the employer to pay  
14.20 to the aggrieved parties back pay, gratuities, and compensatory damages, less any amount  
14.21 actually paid to the employee by the employer, and for an additional equal amount as  
14.22 liquidated damages. Any employer who is found by the commissioner to have repeatedly  
14.23 or willfully violated a section or sections identified in subdivision 4 shall be subject to a  
14.24 civil penalty of up to \$1,000 for each violation for each employee. In determining the amount  
14.25 of a civil penalty under this subdivision, the appropriateness of such penalty to the size of  
14.26 the employer's business and the gravity of the violation shall be considered. In addition, the  
14.27 commissioner may order the employer to reimburse the department and the attorney general  
14.28 for all appropriate litigation and hearing costs expended in preparation for and in conducting  
14.29 the contested case proceeding, unless payment of costs would impose extreme financial  
14.30 hardship on the employer. If the employer is able to establish extreme financial hardship,  
14.31 then the commissioner may order the employer to pay a percentage of the total costs that  
14.32 will not cause extreme financial hardship. Costs include but are not limited to the costs of

15.1 services rendered by the attorney general, private attorneys if engaged by the department,  
15.2 administrative law judges, court reporters, and expert witnesses as well as the cost of  
15.3 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's  
15.4 order from the date the order is signed by the commissioner until it is paid, at an annual rate  
15.5 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish  
15.6 escrow accounts for purposes of distributing damages.

15.7 Sec. 3. 181.211 **DEFINITIONS.**

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

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

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

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

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

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

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

15.21 Subd. 6. **Nursing home.** "Nursing home" means a nursing home licensed under chapter  
15.22 144A, or a boarding care home licensed under sections 144.50 to 144.56.

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

15.26 Subd. 8. **Nursing home worker.** "Nursing home worker" means any worker who provides  
15.27 services in a nursing home in Minnesota, including direct care staff, non-direct care staff,  
15.28 and contractors, but excluding administrative staff, medical directors, nursing directors,  
15.29 physicians, and individuals employed by a supplemental nursing services agency.

15.30 Subd. 9. **Worker organization.** "Worker organization" means an organization that is  
15.31 exempt from federal income taxation under section 501(c)(3), 501(c)(4), or 501(c)(5) of  
15.32 the Internal Revenue Code, that is not dominated or interfered with by any nursing home

16.1 employer within the meaning of United States Code, title 29, section 158a(2), and that has  
16.2 at least five years of demonstrated experience engaging with and advocating for nursing  
16.3 home workers.

16.4 Sec. 4. **[181.212] MINNESOTA NURSING HOME WORKFORCE STANDARDS**  
16.5 **BOARD; ESTABLISHMENT.**

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

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

16.10 (2) the commissioner of health or a designee;

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

16.12 (4) three members who represent nursing home employers or employer organizations,  
16.13 appointed by the governor in accordance with section 15.066; and

16.14 (5) three members who represent nursing home workers or worker organizations,  
16.15 appointed by the governor in accordance with section 15.066.

16.16 Subd. 2. **Terms; vacancies.** (a) Board members appointed under subdivision 1, clause  
16.17 (4) or (5), shall serve four-year terms following the initial staggered-lot determination.

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

16.22 (c) A member serves until a successor is appointed.

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

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

16.27 Subd. 5. **Compensation.** Compensation of board members is governed by section  
16.28 15.0575.

16.29 Subd. 6. **Application of other laws.** Meetings of the board are subject to chapter 13D.  
16.30 The board is subject to chapter 13. The board shall comply with section 15.0597.



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

17.4 Subd. 8. **Hearings and investigations.** To carry out its duties, the board shall hold public  
17.5 hearings on, and conduct investigations into, working conditions in the nursing home industry  
17.6 in accordance with section 181.213.

17.7 Subd. 9. **Department support.** The commissioner shall provide staff support to the  
17.8 board. The support includes professional, legal, technical, and clerical staff necessary to  
17.9 perform rulemaking and other duties assigned to the board. The commissioner shall supply  
17.10 necessary office space and supplies to assist the board in its duties.

17.11 Subd. 10. **Antitrust compliance.** The board shall establish operating procedures that  
17.12 meet all state and federal antitrust requirements and may prohibit board member access to  
17.13 data to meet the requirements of this subdivision.

17.14 Sec. 5. **[181.213] DUTIES OF THE BOARD; MINIMUM NURSING HOME**  
17.15 **EMPLOYMENT STANDARDS.**

17.16 Subdivision 1. **Authority to establish minimum nursing home employment**  
17.17 **standards.** (a) The board must adopt rules establishing minimum nursing home employment  
17.18 standards that are reasonably necessary and appropriate to protect the health and welfare  
17.19 of nursing home workers, to ensure that nursing home workers are properly trained about  
17.20 and fully informed of their rights under sections 181.211 to 181.217, and to otherwise satisfy  
17.21 the purposes of sections 181.211 to 181.217. Standards established by the board must  
17.22 include, as appropriate, standards on compensation and other working conditions for nursing  
17.23 home workers. The board may not adopt standards that are less protective of or beneficial  
17.24 to nursing home workers as any other applicable statute or rule or any standard previously  
17.25 established by the board unless there is a determination by the board under subdivision 2  
17.26 that existing standards exceed the operating payment rate and external fixed costs payment  
17.27 rates included in the most recent budget and economic forecast completed under section  
17.28 16A.103. In establishing standards under this section, the board must establish statewide  
17.29 standards, and may adopt standards that apply to specific nursing home occupations.

17.30 (b) The board must adopt rules establishing initial standards for wages for nursing home  
17.31 workers no later than August 1, 2024. The board may use the authority in section 14.389  
17.32 to adopt rules under this paragraph. The board shall consult with the department in the  
17.33 development of these standards prior to beginning the rule adoption process.

18.1 (c) To the extent that any minimum standards that the board finds are reasonably  
18.2 necessary and appropriate to protect the health and welfare of nursing home workers fall  
18.3 within the jurisdiction of chapter 182, the board shall not adopt rules establishing the  
18.4 standards but shall instead recommend the occupational health and safety standards to the  
18.5 commissioner. The commissioner shall adopt nursing home health and safety standards  
18.6 under section 182.655 as recommended by the board, unless the commissioner determines  
18.7 that the recommended standard is outside the statutory authority of the commissioner,  
18.8 presents enforceability challenges, is infeasible to implement, or is otherwise unlawful and  
18.9 issues a written explanation of this determination.

18.10 Subd. 2. **Investigation of market conditions.** (a) The board must investigate market  
18.11 conditions and the existing wages, benefits, and working conditions of nursing home workers  
18.12 for specific geographic areas of the state and specific nursing home occupations. Based on  
18.13 this information, the board must seek to adopt minimum nursing home employment standards  
18.14 that meet or exceed existing industry conditions for a majority of nursing home workers in  
18.15 the relevant geographic area and nursing home occupation. Except for standards exceeding  
18.16 the threshold determined in paragraph (d), initial employment standards established by the  
18.17 board are effective beginning January 1, 2025, and shall remain in effect until any subsequent  
18.18 standards are adopted by rules.

18.19 (b) The board must consider the following types of information in making determinations  
18.20 that employment standards are reasonably necessary to protect the health and welfare of  
18.21 nursing home workers:

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

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

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

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

18.30 (5) local minimum nursing home employment standards;

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

18.32 (7) any other information pertinent to establishing minimum nursing home employment  
18.33 standards.

19.1 (c) In considering wage and benefit increases, the board must determine the impact of  
19.2 nursing home operating payment rates determined pursuant to section 256R.21, subdivision  
19.3 3, and the employee benefits portion of the external fixed costs payment rate determined  
19.4 pursuant to section 256R.25. If the board, in consultation with the commissioner of human  
19.5 services, determines the operating payment rate and employee benefits portion of the external  
19.6 fixed costs payment rate will increase to comply with the new employment standards, the  
19.7 board shall report to the legislature the increase in funding needed to increase payment rates  
19.8 to comply with the new employment standards and must make implementation of any new  
19.9 nursing home employment standards contingent upon an appropriation, as determined by  
19.10 sections 256R.21 and 256R.25, to fund the rate increase necessary to comply with the new  
19.11 employment standards.

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

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

19.21 (2) compare the results of clause (1) to the operating payment rate and employee benefits  
19.22 portion of the external fixed costs payment rate increase for the first day of the second  
19.23 calendar year after the adoption of any nursing home employment standards included in the  
19.24 most recent budget and economic forecast completed under section 16A.103; and

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

19.32 (e) The budget and economic forecasts completed under section 16A.103 shall not  
19.33 assume an increase in payment rates determined under chapter 256R resulting from the new

20.1 employment standards until the board certifies the rates will need to be increased and the  
20.2 legislature appropriates funding for the increase in payment rates.

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

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

20.6 (2) following that review, adopt new rules, amend or repeal existing rules, or make  
20.7 recommendations to adopt new rules or amend or repeal existing rules for minimum nursing  
20.8 home employment standards using the expedited rulemaking process in section 14.389, as  
20.9 appropriate to meet the purposes of sections 181.211 to 181.217.

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

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

20.19 (c) Notwithstanding paragraph (a), if the commissioner of health determines that a  
20.20 standard established by the board in rule or recommended by the board conflicts with  
20.21 requirements in federal regulations for nursing home certification or with state statutes or  
20.22 rules governing licensure of nursing homes, the federal regulations or state nursing home  
20.23 licensure statutes or rules shall take precedence, and the conflicting board standard or rule  
20.24 shall not apply to nursing home workers or nursing home employers.

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

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

20.29 (2) diminish the obligation of a nursing home employer to comply with any contract,  
20.30 collective bargaining agreement, or employment benefit program or plan that meets or  
20.31 exceeds, and does not conflict with, the minimum standards and requirements in sections  
20.32 181.211 to 181.217 or established by the board.

21.1 Sec. 6. [181.214] DUTIES OF THE BOARD; TRAINING FOR NURSING HOME  
21.2 WORKERS.

21.3 Subdivision 1. Certification of worker organizations. The board shall certify worker  
21.4 organizations that it finds are qualified to provide training to nursing home workers according  
21.5 to this section. The board shall by rule establish certification criteria that a worker  
21.6 organization must meet in order to be certified and provide a process for renewal of  
21.7 certification upon the board's review of the worker organization's compliance with this  
21.8 section. In adopting rules to establish certification criteria under this subdivision, the board  
21.9 may use the authority in section 14.389. The criteria must ensure that a worker organization,  
21.10 if certified, is able to provide:

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

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

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

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

21.19 (2) the antiretaliation protections established in section 181.216;

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

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

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

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

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

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

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

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

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

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

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

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

22.20 (3) must, at the end of each training session, provide attending nursing home workers  
22.21 with follow-up written or electronic materials on the topics covered in the training session,  
22.22 in order to fully inform nursing home workers of their rights and opportunities under sections  
22.23 181.211 to 181.217;

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

22.26 (5) may conduct surveys of nursing home workers who attend a training session to assess  
22.27 the effectiveness of the training session and industry compliance with sections 181.211 to  
22.28 181.217 and other applicable laws, rules, and ordinances governing nursing home working  
22.29 conditions or worker health and safety.

22.30 Subd. 6. **Nursing home employer duties regarding training.** (a) A nursing home  
22.31 employer must ensure that every two years each of its nursing home workers completes one  
22.32 hour of training that meets the requirements of this section and is provided by a certified  
22.33 worker organization. The nursing home employer must certify its compliance with this

23.1 subdivision to the board. A nursing home employer may, but is not required to, host training  
23.2 sessions on the premises of the nursing home.

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

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

23.12 Subd. 7. **Compensation.** A nursing home employer must compensate its nursing home  
23.13 workers at their regular hourly rate of wages and benefits for each hour of training completed  
23.14 as required by this section and reimburse any travel expenses if the training sessions are  
23.15 not held on the premises of the nursing home.

23.16 Sec. 7. [181.215] REQUIRED NOTICES.

23.17 Subdivision 1. **Provision of notice.** (a) Nursing home employers must provide notices  
23.18 informing nursing home workers of the rights and obligations provided under sections  
23.19 181.211 to 181.217 of applicable minimum nursing home employment standards and local  
23.20 minimum standards and that for assistance and information, nursing home workers should  
23.21 contact the Department of Labor and Industry. A nursing home employer must provide  
23.22 notice using the same means that the nursing home employer uses to provide other  
23.23 work-related notices to nursing home workers. Provision of notice must be at least as  
23.24 conspicuous as:

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

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

23.30 (b) The notice required by this subdivision must include text provided by the board that  
23.31 informs nursing home workers that they may request the notice to be provided in a particular  
23.32 language. The nursing home employer must provide the notice in the language requested

24.1 by the nursing home worker. The board must assist nursing home employers in translating  
24.2 the notice in the languages requested by their nursing home workers.

24.3 Subd. 2. **Minimum content and posting requirements.** The board must adopt rules  
24.4 under section 14.389 specifying the minimum content and posting requirements for the  
24.5 notices required in subdivision 1. The board must make available to nursing home employers  
24.6 a template or sample notice that satisfies the requirements of this section and rules adopted  
24.7 under this section.

24.8 **Sec. 8. [181.216] RETALIATION PROHIBITED.**

24.9 (a) A nursing home employer shall not discharge, discipline, penalize, interfere with,  
24.10 threaten, restrain, coerce, or otherwise retaliate or discriminate against a nursing home  
24.11 worker because the person has exercised or attempted to exercise rights protected under  
24.12 this act, including but not limited to:

24.13 (1) exercising any right afforded to the nursing home worker under sections 181.211 to  
24.14 181.217;

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

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

24.19 (b) It shall be unlawful for an employer to:

24.20 (1) inform another employer that a nursing home worker or former nursing home worker  
24.21 has engaged in activities protected under sections 181.211 to 181.217; or

24.22 (2) report or threaten to report the actual or suspected citizenship or immigration status  
24.23 of a nursing home worker, former nursing home worker, or family member of a nursing  
24.24 home worker to a federal, state, or local agency for exercising or attempting to exercise any  
24.25 right protected under this act.

24.26 (c) A person found to have experienced retaliation in violation of this section shall be  
24.27 entitled to back pay and reinstatement to the person's previous position, wages, benefits,  
24.28 hours, and other conditions of employment.

24.29 **Sec. 9. [181.217] ENFORCEMENT.**

24.30 Subdivision 1. **Minimum nursing home employment standards.** Except as provided  
24.31 in section 181.213, subdivision 4, paragraph (b) or (c), the minimum wages and other



25.1 working conditions established by the board in rule as minimum nursing home employment  
25.2 standards shall be the minimum wages and standard conditions of labor for nursing home  
25.3 workers or a subgroup of nursing home workers as a matter of state law. Except as provided  
25.4 in section 181.213, subdivision 4, paragraph (b) or (c), it shall be unlawful for a nursing  
25.5 home employer to employ a nursing home worker for lower wages than those established  
25.6 as the minimum nursing home employment standards or under any other working conditions  
25.7 that violate the minimum nursing home employment standards.

25.8 Subd. 2. **Investigations.** The commissioner may investigate possible violations of sections  
25.9 181.214 to 181.217 or of the minimum nursing home employment standards established by  
25.10 the board whenever it has cause to believe that a violation has occurred, either on the basis  
25.11 of a report of a suspected violation or on the basis of any other credible information, including  
25.12 violations found during the course of an investigation.

25.13 Subd. 3. **Civil action by nursing home worker.** (a) One or more nursing home workers  
25.14 may bring a civil action in district court seeking redress for violations of sections 181.211  
25.15 to 181.217 or of any applicable minimum nursing home employment standards or local  
25.16 minimum nursing home employment standards. Such an action may be filed in the district  
25.17 court of the county where a violation or violations are alleged to have been committed or  
25.18 where the nursing home employer resides, or in any other court of competent jurisdiction,  
25.19 and may represent a class of similarly situated nursing home workers.

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

25.32 (c) An agreement between a nursing home employer and nursing home worker or labor  
25.33 union that fails to meet the minimum standards and requirements in sections 181.211 to  
25.34 181.217 or established by the board is not a defense to an action brought under this  
25.35 subdivision.

26.1 **Sec. 10. INITIAL APPOINTMENTS.**

26.2 The governor shall make initial appointments to the Minnesota Nursing Home Workforce  
 26.3 Standards Board under Minnesota Statutes, section 181.212, no later than August 1, 2023.  
 26.4 Notwithstanding section 181.212, subdivision 2, the initial terms of members appointed  
 26.5 under subdivision 1, clauses (4) and (5), shall be determined by lot by the secretary of state  
 26.6 and shall be as follows:

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

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

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

26.13 The commissioner of labor and industry must convene the first meeting by September 1,  
 26.14 2023. The board must elect a chair at its first meeting.

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

26.16 **ARTICLE 4**

26.17 **COMBATIVE SPORTS**

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

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

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

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

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

27.2 Subd. 2c. **Combative sports contest.** "Combative sports contest" means a professional  
27.3 boxing, a professional or amateur tough person, a professional or amateur kickboxing, or  
27.4 a professional or amateur ~~martial art contest~~ or mixed martial arts contest, bout, competition,  
27.5 match, or exhibition.

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

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

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

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

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

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

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

27.24 **341.221 ADVISORY COUNCIL.**

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

27.27 (b) The council shall have ~~nine~~ five members appointed by the commissioner. ~~One~~  
27.28 ~~member must be a retired judge of the Minnesota District Court, Minnesota Court of Appeals,~~  
27.29 ~~Minnesota Supreme Court, the United States District Court for the District of Minnesota,~~  
27.30 ~~or the Eighth Circuit Court of Appeals. At least four~~ All five members must have knowledge

28.1 of the ~~boxing industry~~. At least four members must have knowledge of the mixed martial  
 28.2 arts ~~industry~~ combative sports. The commissioner shall make serious efforts to appoint  
 28.3 qualified women to serve on the council.

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

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

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

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

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

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

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

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

28.21 **341.25 RULES.**

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

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

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

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

28.30 ~~(e)~~ (c) The most recent version of the Unified Rules of Mixed Martial Arts, as  
 28.31 promulgated by the Association of Boxing Commissions and amended August 2, 2016, are,

29.1 is incorporated by reference and made a part of this chapter except as qualified by this  
29.2 chapter and Minnesota Rules, chapter 2202. In the event of a conflict between this chapter  
29.3 and the Unified Rules, this chapter must govern.

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

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

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

29.13 **341.27 COMMISSIONER DUTIES.**

29.14 The commissioner shall:

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

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

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

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

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

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

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

29.25 ~~(7)~~ (8) immediately suspend an individual license for a medical condition, including but  
29.26 not limited to a medical condition resulting from an injury sustained during a match, bout,  
29.27 or contest that has been confirmed by the ringside physician. The medical suspension must  
29.28 be lifted after the commissioner receives written information from a physician licensed in  
29.29 the home state of the licensee indicating that the combatant may resume competition, and  
29.30 any other information that the commissioner may by rule require. Medical suspensions are

30.1 not subject to section 326B.082 or the contested case procedures provided in sections 14.57  
30.2 to 14.69; and

30.3 ~~(8)~~ (9) immediately suspend an individual combatant license for a mandatory rest period,  
30.4 which must commence at the conclusion of every combative sports contest in which the  
30.5 license holder competes and does not receive a medical suspension. A rest suspension must  
30.6 automatically lift after 14 calendar days from the date the combative sports contest passed  
30.7 without notice or additional proceedings. Rest suspensions are not subject to section 326B.082  
30.8 or the contested case procedures provided in sections 14.57 to 14.69.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32.4 ~~(2)~~ (1) show on the licensing application the owner or owners of the applicant entity and  
 32.5 the percentage of interest held by each owner holding a 25 percent or more interest in the  
 32.6 applicant;

32.7 ~~(3)~~ (2) provide the commissioner with a copy of the latest financial statement of the  
 32.8 applicant;

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

32.11 ~~(5)~~ (3) provide proof, where applicable, of authorization to do business in the state of  
 32.12 Minnesota; and

32.13 ~~(6)~~ (4) deposit with the commissioner a ~~cash bond or~~ surety bond in an amount set by  
 32.14 the commissioner, which must not be less than \$10,000. The bond shall be executed in favor  
 32.15 of this state and shall be conditioned on the faithful performance by the promoter of the  
 32.16 promoter's obligations under this chapter and the rules adopted under it.

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

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



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

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

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

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

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

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

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

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

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

33.28 Subd. 2. **Expiration and application.** Licenses issued on or after January 1, 2023, shall  
33.29 expire annually on December 31 one year after the date of issuance. A license may be  
33.30 applied for each year by filing an application for licensure and satisfying all licensure  
33.31 requirements established in section 341.30, and submitting payment of the license fees  
33.32 established in section 341.321. An application for a license and renewal of a license must  
33.33 be on a form provided by the commissioner.

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

34.2 **341.321 FEE SCHEDULE.**

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

34.5 (1) referees, \$25;

34.6 (2) promoters, \$700;

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

34.8 (4) trainers and seconds, \$80;

34.9 (5) timekeepers, \$25;

34.10 (6) professional combatants, \$70;

34.11 (7) amateur combatants, \$50; and

34.12 (8) ringside physicians, \$25.

34.13 ~~License fees for promoters are due at least six weeks prior to the combative sport contest.~~

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

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

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

34.25 (1) \$500 at the time the combative sport contest is scheduled; ~~and~~

34.26 (2) \$1,000 at the weigh-in prior to the contest; ~~;~~

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

34.29 (4) the value of all complimentary tickets distributed for an event, to the extent they  
34.30 exceed five percent of total event attendance, counts toward gross tickets sales for the

35.1 purposes of determining a combative sports contest fee. For purposes of this clause, the  
35.2 lowest advertised ticket price shall be used to calculate the value of complimentary tickets.

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

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

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

35.9 Sec. 18. [341.322] PAYMENT SCHEDULE.

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

35.12 Sec. 19. [341.323] EVENT APPROVAL.

35.13 Subdivision 1. Preapproval documentation. Before the commissioner approves a  
35.14 combative sports contest, the promoter shall provide the commissioner, at least six weeks  
35.15 before the combative sport contest is scheduled to occur, information about the time, date,  
35.16 and location of the contest and at least 72 hours before the combative sport contest is  
35.17 scheduled to occur:

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

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

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

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

35.29 Subd. 2. Proper licensure. Before the commissioner approves a combative sport contest,  
35.30 the commissioner must ensure that the promoter is properly licensed under this chapter.

36.1 The promoter must maintain proper licensure from the time it schedules a combative sports  
36.2 contest through the date of the contest.

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

36.5 Sec. 20. [341.324] AMBULANCE.

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

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

36.10 **341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

36.11 Subdivision 1. **Examination by physician.** All combatants must be examined by a  
36.12 physician licensed by this state within 36 hours before entering the ring, and the examining  
36.13 physician shall immediately file with the commissioner a written report of the examination.  
36.14 The physician's examination may report on the condition of the combatant's heart and general  
36.15 physical and general neurological condition. The physician's report may record the condition  
36.16 of the combatant's nervous system and brain as required by the commissioner. The physician  
36.17 may prohibit the combatant from entering the ring if, in the physician's professional opinion,  
36.18 it is in the best interest of the combatant's health. The cost of the examination is payable by  
36.19 the promoter conducting the contest or exhibition.

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

36.24 Sec. 22. [341.331] PROHIBITED PERFORMANCE ENHANCING SUBSTANCES  
36.25 AND TESTING.

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

36.30 (1) S0, nonapproved substances;

36.31 (2) S1, anabolic agents;

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

37.2 (4) S3, beta-2 agonists;

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

37.4 (6) S5, diuretics and masking agents.

37.5 Subd. 2. **Testing.** The commissioner may administer drug testing to discover violations  
37.6 of subdivision 1 as follows:

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

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

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

37.21 Subd. 3. **Discipline.** (a) If a combatant fails to provide a sample for drug testing when  
37.22 required, and the request is made before a bout, the combatant shall not be allowed to  
37.23 compete in the bout. If the request is made after a bout, and the combatant fails to provide  
37.24 a sample for drug testing, the combatant shall be subject to disciplinary action under section  
37.25 341.29.

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

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

38.1 Sec. 23. **[341.345] CHALLENGING THE OUTCOME OF A COMBATIVE SPORT**  
38.2 **CONTEST.**

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

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

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

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

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

38.18 (3) scores were miscalculated.

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

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

38.24 (b) The challenge must be submitted to the commissioner at the address, fax number,  
38.25 or email address designated on the commissioner's website. The date on which a challenge  
38.26 is submitted by mail shall be the postmark date on the envelope in which the challenge is  
38.27 mailed. If the challenge is faxed or emailed, it must be received by the commissioner by  
38.28 4:30 p.m. Central Time on the day the challenge is due.

38.29 **Subd. 4. Opponent's response.** If the requirements of subdivisions 1 to 3 are met, the  
38.30 commissioner shall send a complete copy of the challenge documents, along with any  
38.31 supporting materials submitted, to the opposing combatant by mail, fax, or email. The  
38.32 opposing combatant has 14 days from the date the commissioner sends the challenge and  
38.33 supporting materials to submit a response to the commissioner. Additional response time

39.1 is not added when the commissioner sends the challenge to the opposing combatant by mail.  
39.2 The opposing combatant may submit photos, videos, documents, or any other evidence the  
39.3 opposing combatant would like the commissioner to consider in connection to the challenge.  
39.4 The response must be submitted to the commissioner at the address, fax number, or email  
39.5 address designated on the commissioner's website. The date on which a response is submitted  
39.6 by mail is the postmark date on the envelope in which the response is mailed. If the response  
39.7 is faxed or emailed, it must be received by the commissioner by 4:30 p.m. Central Time on  
39.8 the day the response is due.

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

39.14 Subd. 6. **Order.** The commissioner shall issue an order on the challenge within 60 days  
39.15 after receiving the opposing combatant's response. If the opposing combatant does not  
39.16 submit a response, the commissioner shall issue an order on the challenge within 75 days  
39.17 after receiving the challenge.

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

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

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

39.27 **341.355 CIVIL PENALTIES.**

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

## ARTICLE 5

## MISCELLANEOUS POLICY

Section 1. Minnesota Statutes 2022, section 116J.871, subdivision 2, is amended to read:

Subd. 2. **Prevailing wage required.** (a) A state agency may provide financial assistance to a person only if the person receiving or benefiting from the financial assistance certifies to the commissioner of labor and industry that laborers and mechanics at the project site during construction, installation, remodeling, and repairs for which the financial assistance was provided will be paid the prevailing wage rate as defined in section 177.42, subdivision 6. The person receiving or benefiting from the financial assistance is also subject to the requirements and enforcement provisions of sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

(b) For purposes of complying with section 177.30, paragraph (a), clauses (6) and (7), the state agency awarding the financial assistance is considered the contracting authority and the project is considered a public works project. The person receiving or benefiting from the financial assistance shall notify all employers on the project of the record keeping and reporting requirements in section 177.30, paragraph (a), clauses (6) and (7). Each employer shall submit the required information to the contracting authority.

Sec. 2. Minnesota Statutes 2022, section 175.16, subdivision 1, is amended to read:

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



41.1 Sec. 3. Minnesota Statutes 2022, section 177.26, subdivision 1, is amended to read:

41.2 Subdivision 1. **Creation.** The Division of Labor Standards and Apprenticeship in the  
41.3 Department of Labor and Industry is supervised and controlled by the commissioner of  
41.4 labor and industry.

41.5 Sec. 4. Minnesota Statutes 2022, section 177.26, subdivision 2, is amended to read:

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

41.8 Sec. 5. Minnesota Statutes 2022, section 177.27, subdivision 4, is amended to read:

41.9 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an  
41.10 employer to comply with sections 177.21 to 177.435, 179.86, 181.02, 181.03, 181.031,  
41.11 181.032, 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d),  
41.12 181.214 to 181.217, 181.275, subdivision 2a 181.635, 181.722, 181.79, and 181.939 to  
41.13 181.943, and 181.165 or with any rule promulgated under section 177.28, 181.213, or  
41.14 181.215. The commissioner shall issue an order requiring an employer to comply with  
41.15 sections 177.41 to 177.435 or 181.165 if the violation is repeated. For purposes of this  
41.16 subdivision only, a violation is repeated if at any time during the two years that preceded  
41.17 the date of violation, the commissioner issued an order to the employer for violation of  
41.18 sections 177.41 to 177.435 or 181.165 and the order is final or the commissioner and the  
41.19 employer have entered into a settlement agreement that required the employer to pay back  
41.20 wages that were required by sections 177.41 to 177.435. The department shall serve the  
41.21 order upon the employer or the employer's authorized representative in person or by certified  
41.22 mail at the employer's place of business. An employer who wishes to contest the order must  
41.23 file written notice of objection to the order with the commissioner within 15 calendar days  
41.24 after being served with the order. A contested case proceeding must then be held in  
41.25 accordance with sections 14.57 to 14.69 or 181.165. If, within 15 calendar days after being  
41.26 served with the order, the employer fails to file a written notice of objection with the  
41.27 commissioner, the order becomes a final order of the commissioner.

41.28 Sec. 6. Minnesota Statutes 2022, section 178.01, is amended to read:

41.29 **178.01 PURPOSES.**

41.30 The purposes of this chapter are: to open to all people regardless of race, sex, creed,  
41.31 color or national origin, the opportunity to obtain training and on-the-job learning that will  
41.32 equip them for profitable employment and citizenship; to establish as a means to this end,

42.1 a program of voluntary apprenticeship under approved apprenticeship agreements providing  
42.2 facilities for their training and guidance in the arts, skills, and crafts of industry and trade  
42.3 or occupation, with concurrent, supplementary instruction in related subjects; to promote  
42.4 apprenticeship opportunities under conditions providing adequate training and on-the-job  
42.5 learning and reasonable earnings; to relate the supply of skilled workers to employment  
42.6 demands; to establish standards for apprentice training; to establish an Apprenticeship Board  
42.7 and apprenticeship committees to assist in effectuating the purposes of this chapter; to  
42.8 provide for a Division of ~~Labor Standards and~~ Apprenticeship within the Department of  
42.9 Labor and Industry; to provide for reports to the legislature regarding the status of apprentice  
42.10 training in the state; to establish a procedure for the determination of apprenticeship  
42.11 agreement controversies; and to accomplish related ends.

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

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

42.16 Sec. 8. Minnesota Statutes 2022, section 178.03, subdivision 1, is amended to read:

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

42.20 Sec. 9. Minnesota Statutes 2022, section 178.11, is amended to read:

42.21 **178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.**

42.22 The commissioner shall establish the labor education advancement grant program for  
42.23 the purpose of facilitating the participation or retention of ~~minorities~~ people of color,  
42.24 Indigenous people, and women in ~~apprenticeable trades and occupations~~ registered  
42.25 apprenticeship programs. The commissioner shall award grants to community-based and  
42.26 nonprofit organizations and Minnesota Tribal governments as defined in section 10.65,  
42.27 serving the targeted populations on a competitive request-for-proposal basis. Interested  
42.28 organizations shall apply for the grants in a form prescribed by the commissioner. As part  
42.29 of the application process, applicants must provide a statement of need for the grant, a  
42.30 description of the targeted population and apprenticeship opportunities, a description of  
42.31 activities to be funded by the grant, evidence supporting the ability to deliver services,  
42.32 information related to coordinating grant activities with other employment and learning

43.1 programs, identification of matching funds, a budget, and performance objectives. Each  
43.2 submitted application shall be evaluated for completeness and effectiveness of the proposed  
43.3 grant activity.

43.4 Sec. 10. Minnesota Statutes 2022, section 181.9435, subdivision 1, is amended to read:

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

43.13 Sec. 11. Minnesota Statutes 2022, section 181.9436, is amended to read:

43.14 **181.9436 POSTING OF LAW.**

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

43.19 Sec. 12. Minnesota Statutes 2022, section 182.666, subdivision 1, is amended to read:

43.20 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly  
43.21 violates the requirements of section 182.653, or any standard, rule, or order adopted under  
43.22 the authority of the commissioner as provided in this chapter, may be assessed a fine not to  
43.23 exceed ~~\$70,000~~ \$156,259 for each violation. The minimum fine for a willful violation is  
43.24 ~~\$5,000~~ \$11,162.

43.25 Sec. 13. Minnesota Statutes 2022, section 182.666, subdivision 2, is amended to read:

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

44.1 Sec. 14. Minnesota Statutes 2022, section 182.666, subdivision 3, is amended to read:

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

44.6 Sec. 15. Minnesota Statutes 2022, section 182.666, subdivision 4, is amended to read:

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

44.14 Sec. 16. Minnesota Statutes 2022, section 182.666, subdivision 5, is amended to read:

44.15 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,  
44.16 as prescribed under this chapter, except those prescribed under section 182.661, subdivision  
44.17 3a, shall be assessed a fine of up to ~~\$7,000~~ \$15,625 for each violation.

44.18 Sec. 17. Minnesota Statutes 2022, section 182.666, is amended by adding a subdivision  
44.19 to read:

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

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

44.29 (c) If the percentage change determined by the commissioner under paragraph (a) is not  
44.30 greater than zero, the commissioner shall not change any of the fines in subdivisions 1 to  
44.31 5.

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

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

45.6 Sec. 18. [182.677] ERGONOMICS.

45.7 Subdivision 1. Definitions. (a) For purposes of this section, the definitions in this  
45.8 subdivision apply unless otherwise specified.

45.9 (b) "Health care facility" means a hospital with a North American Industrial Classification  
45.10 system code of 622110, 622210, or 622310; an outpatient surgical center with a North  
45.11 American Industrial Classification system code of 621493; and a nursing home with a North  
45.12 American Industrial Classification system code of 623110.

45.13 (c) "Warehouse distribution center" means an employer with 100 or more employees in  
45.14 Minnesota and a North American Industrial Classification system code of 493110, 423110  
45.15 to 423990, 424110 to 424990, 454110, or 492110.

45.16 (d) "Meatpacking site" means a meatpacking or poultry processing site with 100 or more  
45.17 employees in Minnesota and a North American Industrial Classification system code of  
45.18 311611 to 311615, except 311613.

45.19 (e) "Musculoskeletal disorder" (MSD) means a disorder of the muscles, nerves, tendons,  
45.20 ligaments, joints, cartilage, blood vessels, or spinal discs.

45.21 Subd. 2. Ergonomics program required. (a) Every licensed health care facility,  
45.22 warehouse distribution center, or meatpacking site in the state shall create and implement  
45.23 an effective written ergonomics program establishing the employer's plan to minimize the  
45.24 risk of its employees developing or aggravating musculoskeletal disorders by utilizing an  
45.25 ergonomics process. The ergonomics program shall focus on eliminating the risk. To the  
45.26 extent risk exists, the ergonomics program must include feasible administrative or engineering  
45.27 controls to reduce the risk.

45.28 (b) The program shall include:

45.29 (1) an assessment of hazards with regard to prevention of musculoskeletal disorders;

45.30 (2) an initial and ongoing training of employees on ergonomics and its benefits, including  
45.31 the importance of reporting early symptoms of musculoskeletal disorders;

46.1 (3) a procedure to ensure early reporting of musculoskeletal disorders to prevent or  
46.2 reduce the progression of symptoms, the development of serious injuries, and lost-time  
46.3 claims;

46.4 (4) a process for employees to provide possible solutions that may be implemented to  
46.5 reduce, control, or eliminate workplace musculoskeletal disorders;

46.6 (5) procedures to ensure that physical plant modifications and major construction projects  
46.7 are consistent with program goals; and

46.8 (6) annual evaluations of the ergonomics program and whenever a change to the work  
46.9 process occurs.

46.10 Subd. 3. **Annual evaluation of program required.** There must be an established  
46.11 procedure to annually assess the effectiveness of the ergonomics program, including  
46.12 evaluation of corrective actions taken in response to reporting of symptoms by employees.  
46.13 The annual assessment shall determine the success of the implemented ergonomic solutions  
46.14 and whether goals set by the ergonomics program have been met.

46.15 Subd. 4. **Employee training.** (a) An employer subject to this section must train all new  
46.16 and existing employees on the following:

46.17 (1) the name of each individual on the employer's safety committee;

46.18 (2) the facility's hazard prevention and control plan;

46.19 (3) the early signs and symptoms of musculoskeletal injuries and the procedures for  
46.20 reporting them;

46.21 (4) the procedures for reporting injuries and other hazards;

46.22 (5) any administrative or engineering controls related to ergonomic hazards that are in  
46.23 place or will be implemented at the facility;

46.24 (6) how to use personal protective equipment, whether it is available, and where it is  
46.25 located; and

46.26 (7) the requirements of subdivision 9.

46.27 (b) New and current employees must be trained according to paragraph (a) prior to  
46.28 starting work. The employer must provide the training during working hours and compensate  
46.29 the employee for attending the training at the employee's standard rate of pay. All training  
46.30 must be in a language and with vocabulary that the employee can understand.

47.1 (c) Updates to the information conveyed in the training shall be communicated to  
47.2 employees as soon as practicable.

47.3 Subd. 5. **Involvement of employees.** Employers subject to this section must solicit  
47.4 feedback for its ergonomics program through its safety committee required by section  
47.5 182.676, in addition to any other opportunities for employee participation the employer  
47.6 may provide. The safety committee must be directly involved in ergonomics worksite  
47.7 assessments and participate in the annual evaluation required by subdivision 3.

47.8 Subd. 6. **Workplace program or AWAIR.** An employer subject to this section must  
47.9 reference its ergonomics program in a written Workplace Accident and Injury Reduction  
47.10 (AWAIR) program required by section 182.653, subdivision 8.

47.11 Subd. 7. **Recordkeeping.** An employer subject to this section must maintain:

47.12 (1) a written certification dated and signed by each person who provides training and  
47.13 each employee who receives training pursuant to this section. The certification completed  
47.14 by the training providers must state that the employer has provided training consistent with  
47.15 the requirements of this section;

47.16 (2) a record of all worker visits to on site medical or first aid personnel for the last five  
47.17 years, regardless of severity or type of illness or injury; and

47.18 (3) a record of all ergonomic injuries suffered by employees for the last five years.

47.19 Subd. 8. **Availability of records.** (a) The employer must ensure that the certification  
47.20 records required by subdivision 7, clause (1) are up to date and available to the commissioner,  
47.21 employees, and authorized employee representatives, if any, upon request.

47.22 (b) Upon the request of the commissioner, an employee, or an authorized employee  
47.23 representative, the employer must provide the requestor a redacted version of the medical  
47.24 or first aid records and records of all ergonomic injuries. The name, contact information,  
47.25 and occupation of an employee, and any other information that would reveal the identity  
47.26 of an employee, must be removed in the redacted version. The redacted version must only  
47.27 include, to the extent it would not reveal identity of an employee, the location where the  
47.28 employee worked, the date of the injury or visit, a description of the medical treatment or  
47.29 first aid provided, and a description of the injury suffered.

47.30 (c) The employer must also make available to the commissioner the unredacted medical  
47.31 or first aid records and unredacted records of ergonomic injuries required by subdivision  
47.32 7, clause (2), upon request.

48.1 Subd. 9. **Reporting encouraged.** Any employer subject to this section must not institute  
48.2 or maintain any program, policy, or practice that discourages employees from reporting  
48.3 injuries, hazards, or safety and health standard violations, including ergonomic-related  
48.4 hazards and symptoms of musculoskeletal disorders.

48.5 Subd. 10. **Training materials.** The commissioner shall make training materials on  
48.6 implementation of this section available to all employers, upon request, at no cost as part  
48.7 of the duties of the commissioner under section 182.673.

48.8 Subd. 11. **Enforcement.** This section shall be enforced by the commissioner under  
48.9 sections 182.66 and 182.661. A violation of this section is subject to the penalties provided  
48.10 under section 182.666.

48.11 Subd. 12. **Grant program.** (a) The commissioner shall establish an ergonomics grant  
48.12 program to provide matching funding for employers who are subject to this section to make  
48.13 ergonomic improvements recommended by an on-site safety survey. Minnesota Rules,  
48.14 chapter 5203, shall apply to the administration of the grant program.

48.15 (b) To be eligible for a grant under this section, an employer must:

48.16 (1) be a licensed health care facility, warehouse distribution center, or meatpacking site  
48.17 as defined by subdivision 1;

48.18 (2) have current workers' compensation insurance provided through the assigned risk  
48.19 plan, provided by an insurer subject to penalties under chapter 176, or as an approved  
48.20 self-insured employer; and

48.21 (3) have an on-site safety survey with results that recommend specific equipment or  
48.22 practices that will reduce the risk of injury or illness to employees and prevent  
48.23 musculoskeletal disorders. This survey must have been conducted by a Minnesota  
48.24 occupational safety and health compliance investigator or workplace safety consultation  
48.25 consultant, an in-house safety and health committee, a workers' compensation insurance  
48.26 underwriter, a private consultant, or a person under contract with the assigned risk plan.

48.27 (c) Grant funds may be used for all or part of the cost of the following:

48.28 (1) purchasing and installing recommended equipment intended to prevent  
48.29 musculoskeletal disorders;

48.30 (2) operating or maintaining recommended equipment intended to prevent musculoskeletal  
48.31 disorders;



49.1 (3) property, if the property is necessary to meet the recommendations of the on-site  
49.2 safety survey that are related to prevention of musculoskeletal disorders;

49.3 (4) training required to operate recommended safety equipment to prevent musculoskeletal  
49.4 disorders; and

49.5 (5) tuition reimbursement for educational costs related to identifying ergonomic-related  
49.6 issues that are related to the recommendations of the on-site safety survey.

49.7 (d) The commissioner shall evaluate applications, submitted on forms developed by the  
49.8 commissioner, based on whether the proposed project:

49.9 (1) is technically and economically feasible;

49.10 (2) is consistent with the recommendations of the on-site safety survey and the objective  
49.11 of reducing risk of injury or illness to employees and preventing musculoskeletal disorders;

49.12 (3) was submitted by an applicant with sufficient experience, knowledge, and commitment  
49.13 for the project to be implemented in a timely manner;

49.14 (4) has the necessary financial commitments to cover all project costs;

49.15 (5) has the support of all public entities necessary for its completion; and

49.16 (6) complies with federal, state, and local regulations.

49.17 (e) Grants under this section shall provide a match of up to \$10,000 for private funds  
49.18 committed by the employer to implement the recommended ergonomics-related equipment  
49.19 or practices.

49.20 (f) Grants will be awarded to all applicants that meet the eligibility and evaluation criteria  
49.21 under paragraphs (b), (c), and (d) until funding is depleted. If there are more eligible requests  
49.22 than funding, awards will be prorated.

49.23 (g) Grant recipients are not eligible to apply for another grant under chapter 176 until  
49.24 two years after the date of the award.

49.25 Subd. 13. **Standard development.** The commissioner may propose an ergonomics  
49.26 standard using the authority provided in section 182.655.

49.27 Sec. 19. Minnesota Statutes 2022, section 326B.092, subdivision 6, is amended to read:

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

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

50.3 (2) any overpayment of fees; and

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

50.6 Sec. 20. Minnesota Statutes 2022, section 326B.096, is amended to read:

50.7 **326B.096 REINSTATEMENT OF LICENSES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51.20 Sec. 22. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision  
51.21 to read:

51.22 Subd. 6b. **Electric vehicle charging station.** "Electric vehicle charging station" means  
51.23 a designated automobile parking space that has a dedicated connection for charging an  
51.24 electric vehicle.

51.25 Sec. 23. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision  
51.26 to read:

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

52.1 Sec. 24. Minnesota Statutes 2022, section 326B.103, is amended by adding a subdivision  
52.2 to read:

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

52.5 Sec. 25. Minnesota Statutes 2022, section 326B.103, subdivision 13, is amended to read:

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

52.10 Sec. 26. Minnesota Statutes 2022, section 326B.106, subdivision 1, is amended to read:

52.11 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections  
52.12 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the  
52.13 Construction Codes Advisory Council establish a code of standards for the construction,  
52.14 reconstruction, alteration, and repair of buildings, governing matters of structural materials,  
52.15 design and construction, fire protection, health, sanitation, and safety, including design and  
52.16 construction standards regarding heat loss control, illumination, and climate control. The  
52.17 code must also include duties and responsibilities for code administration, including  
52.18 procedures for administrative action, penalties, and suspension and revocation of certification.  
52.19 The code must conform insofar as practicable to model building codes generally accepted  
52.20 and in use throughout the United States, including a code for building conservation. In the  
52.21 preparation of the code, consideration must be given to the existing statewide specialty  
52.22 codes presently in use in the state. Model codes with necessary modifications and statewide  
52.23 specialty codes may be adopted by reference. The code must be based on the application  
52.24 of scientific principles, approved tests, and professional judgment. To the extent possible,  
52.25 the code must be adopted in terms of desired results instead of the means of achieving those  
52.26 results, avoiding wherever possible the incorporation of specifications of particular methods  
52.27 or materials. To that end the code must encourage the use of new methods and new materials.  
52.28 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall  
52.29 administer and enforce the provisions of those sections.

52.30 (b) The commissioner shall develop rules addressing the plan review fee assessed to  
52.31 similar buildings without significant modifications including provisions for use of building  
52.32 systems as specified in the industrial/modular program specified in section 326B.194.

53.1 Additional plan review fees associated with similar plans must be based on costs  
53.2 commensurate with the direct and indirect costs of the service.

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

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

53.18 (e) Beginning in 2024, the commissioner shall act on the new model commercial energy  
53.19 code by adopting each new published edition of ASHRAE 90.1 or a more efficient standard.  
53.20 The commercial energy code in effect in 2036 and thereafter must achieve an 80 percent  
53.21 reduction in annual net energy consumption or greater, using the ASHRAE 90.1-2004 as a  
53.22 baseline. The commissioner shall adopt commercial energy codes from 2024 to 2036 that  
53.23 incrementally move toward achieving the 80 percent reduction in annual net energy  
53.24 consumption. By January 15 of the year following each new code adoption, the commissioner  
53.25 shall make a report on progress under this section to the legislative committees with  
53.26 jurisdiction over the energy code. The commissioner may adjust the standard as necessary  
53.27 upon consideration of the impact to building affordability, energy reliability, and other  
53.28 factors deemed appropriate. Nothing in this paragraph shall be construed to limit the  
53.29 installation, operation, or use of a system, appliance, or other equipment based on the energy  
53.30 source used to power the system, appliance, or other equipment.

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

54.1 Sec. 27. Minnesota Statutes 2022, section 326B.106, subdivision 4, is amended to read:

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

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

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

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

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

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

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

54.32 (h) **Relocated residential buildings.** A residential building relocated within or into a  
54.33 political subdivision of the state need not comply with the State Energy Code or section

55.1 326B.439 provided that, where available, an energy audit is conducted on the relocated  
55.2 building.

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

55.6 (j) **Exterior wood decks, patios, and balconies.** The code must permit the decking  
55.7 surface and upper portions of exterior wood decks, patios, and balconies to be constructed  
55.8 of (1) heartwood from species of wood having natural resistance to decay or termites,  
55.9 including redwood and cedars, (2) grades of lumber which contain sapwood from species  
55.10 of wood having natural resistance to decay or termites, including redwood and cedars, or  
55.11 (3) treated wood. The species and grades of wood products used to construct the decking  
55.12 surface and upper portions of exterior decks, patios, and balconies must be made available  
55.13 to the building official on request before final construction approval.

55.14 (k) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be  
55.15 imposed by municipalities under the State Building Code, except as required under section  
55.16 326B.92 subdivision 1. Permits for bioprocess piping shall be according to section 326B.92  
55.17 administered by the Department of Labor and Industry. All data regarding the material  
55.18 production processes, including the bioprocess system's structural design and layout, are  
55.19 nonpublic data as provided by section 13.7911.

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

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

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

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

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

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

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

56.7 (n) **Adult-size changing facilities.** The commissioner shall adopt rules requiring  
56.8 adult-size changing facilities as part of the State Building Code.

56.9 Sec. 28. Minnesota Statutes 2022, section 326B.106, is amended by adding a subdivision  
56.10 to read:

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

56.16 Sec. 29. Minnesota Statutes 2022, section 326B.802, subdivision 15, is amended to read:

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

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

56.19 (1) excavation;

56.20 (2) trenching;

56.21 (3) grading; and

56.22 (4) site grading.

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

56.25 (1) drain systems;

56.26 (2) poured walls;

56.27 (3) slabs and poured-in-place footings;

56.28 (4) masonry walls;

56.29 (5) masonry fireplaces;



- 57.1 (6) masonry veneer; and
- 57.2 (7) water resistance and waterproofing.
- 57.3 (c) **Carpentry.** Carpentry includes work in any of the following areas:
- 57.4 (1) rough framing;
- 57.5 (2) finish carpentry;
- 57.6 (3) doors, windows, and skylights;
- 57.7 (4) porches and decks, excluding footings;
- 57.8 (5) wood foundations; and
- 57.9 (6) drywall installation, excluding taping and finishing.
- 57.10 (d) **Interior finishing.** Interior finishing includes work in any of the following areas:
- 57.11 (1) floor covering;
- 57.12 (2) wood floors;
- 57.13 (3) cabinet and counter top installation;
- 57.14 (4) insulation and vapor barriers;
- 57.15 (5) interior or exterior painting;
- 57.16 (6) ceramic, marble, and quarry tile;
- 57.17 (7) ornamental guardrail and installation of prefabricated stairs; and
- 57.18 (8) wallpapering.
- 57.19 (e) **Exterior finishing.** Exterior finishing includes work in any of the following areas:
- 57.20 (1) siding;
- 57.21 (2) soffit, fascia, and trim;
- 57.22 (3) exterior plaster and stucco;
- 57.23 (4) painting; and
- 57.24 (5) rain carrying systems, including gutters and down spouts.
- 57.25 (f) **Drywall and plaster.** Drywall and plaster includes work in any of the following
- 57.26 areas:
- 57.27 (1) installation;

- 58.1 (2) taping;
- 58.2 (3) finishing;
- 58.3 (4) interior plaster;
- 58.4 (5) painting; and
- 58.5 (6) wallpapering.
- 58.6 (g) **Residential roofing.** Residential roofing includes work in any of the following areas:
- 58.7 (1) roof coverings;
- 58.8 (2) roof sheathing;
- 58.9 (3) roof weatherproofing and insulation; ~~and~~
- 58.10 (4) repair of roof support system, but not construction of new roof support system; and
- 58.11 (5) penetration of roof coverings for purposes of attaching a solar photovoltaic system.
- 58.12 (h) **General installation specialties.** Installation includes work in any of the following
- 58.13 areas:
- 58.14 (1) garage doors and openers;
- 58.15 (2) pools, spas, and hot tubs;
- 58.16 (3) fireplaces and wood stoves;
- 58.17 (4) asphalt paving and seal coating; ~~and~~
- 58.18 (5) ornamental guardrail and prefabricated stairs; and
- 58.19 (6) assembly of the support system for a solar photovoltaic system.

58.20 **Sec. 30. RULEMAKING AUTHORITY.**

58.21 The commissioner of labor and industry shall adopt rules, using the expedited rulemaking

58.22 process in Minnesota Statutes, section 14.389, that set forth adult-size changing facilities

58.23 to conform with the addition of Minnesota Statutes, section 326B.106, subdivision 4,

58.24 paragraph (n), under this act.

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

58.26 **Sec. 31. REPEALER.**

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

59.1 **ARTICLE 6**

59.2 **SAFE WORKPLACES FOR MEAT AND POULTRY PROCESSING WORKERS**

59.3 Section 1. **[179.87] TITLE.**

59.4 Sections 179.87 to 179.8757 may be titled the Safe Workplaces for Meat and Poultry  
59.5 Processing Workers Act.

59.6 Sec. 2. **[179.871] DEFINITIONS.**

59.7 Subdivision 1. **Definitions.** For purposes of sections 179.87 to 179.8757, the terms in  
59.8 this section have the meanings given.

59.9 Subd. 2. **Authorized employee representative.** "Authorized employee representative"  
59.10 has the meaning given in section 182.651, subdivision 22.

59.11 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of labor and industry  
59.12 or the commissioner's designee.

59.13 Subd. 4. **Coordinator.** "Coordinator" means the meatpacking industry worker rights  
59.14 coordinator or the coordinator's designee.

59.15 Subd. 5. **Meat-processing worker.** "Meat-processing worker" or "worker" means any  
59.16 individual who a meat-processing employer suffers or permits to work directly in contact  
59.17 with raw meatpacking products in a meatpacking operation, including independent contractors  
59.18 and persons performing work for an employer through a temporary service or staffing  
59.19 agency. Workers in a meatpacking operation who inspect or package meatpacking products  
59.20 and workers who clean, maintain, or sanitize equipment or surfaces are included in the  
59.21 definition of a meat-processing worker. Meat-processing worker does not include a federal,  
59.22 state, or local government inspector.

59.23 Subd. 6. **Meatpacking operation.** "Meatpacking operation" or "meat-processing  
59.24 employer" means a business with 50 or more meat-processing workers in which slaughtering,  
59.25 butchering, meat canning, meatpacking, meat manufacturing, poultry canning, poultry  
59.26 packing, poultry manufacturing, or processing of meatpacking products occurs. Meatpacking  
59.27 operation or meat-processing employer does not mean a grocery store, butcher shop, meat  
59.28 market, deli, restaurant, or other business preparing meat or poultry products for immediate  
59.29 consumption or for sale in a retail establishment or otherwise directly to an end-consumer.

59.30 Subd. 7. **Meatpacking products.** "Meatpacking products" means meat food products  
59.31 and poultry food products as defined in section 31A.02, subdivision 10.

60.1 **Sec. 3. [179.8715] WORKER RIGHTS COORDINATOR.**

60.2 (a) The commissioner must appoint a meatpacking industry worker rights coordinator  
60.3 in the Department of Labor and Industry and provide the coordinator with necessary office  
60.4 space, furniture, equipment, supplies, and assistance.

60.5 (b) The commissioner must enforce sections 179.87 to 179.8757, including inspecting,  
60.6 reviewing, and recommending improvements to the practices and procedures of meatpacking  
60.7 operations in Minnesota. A meat-processing employer must grant the commissioner full  
60.8 access to all meatpacking operations in this state at any time that meatpacking products are  
60.9 being processed or meat-processing workers are on the job.

60.10 (c) No later than December 1 each year, the coordinator must submit a report to the  
60.11 governor and the chairs and ranking minority members of the legislative committees with  
60.12 jurisdiction over labor. The report must include recommendations to promote better treatment  
60.13 of meat-processing workers. The coordinator shall also post the report on the Department  
60.14 of Labor and Industry's website.

60.15 **Sec. 4. [179.872] REFUSAL TO WORK UNDER DANGEROUS CONDITIONS.**

60.16 A meat-processing worker has a right to refuse to work under dangerous conditions in  
60.17 accordance with section 182.654, subdivision 11. Pursuant to that provision, the worker  
60.18 shall continue to receive pay and shall not be subject to discrimination.

60.19 **Sec. 5. [179.875] ENFORCEMENT AND COMPLIANCE.**

60.20 Subdivision 1. **Administrative enforcement.** The commissioner, either on the  
60.21 commissioner's initiative or in response to a complaint, may inspect a meatpacking operation  
60.22 and subpoena records and witnesses as provided in sections 175.20 and 182.659. If a  
60.23 meat-processing employer does not comply with the commissioner's inspection, the  
60.24 commissioner may seek relief as provided in this section or chapter 175 or 182.

60.25 Subd. 2. **Compliance authority.** The commissioner of labor and industry may issue a  
60.26 compliance order under section 177.27, subdivision 4, requiring an employer to comply  
60.27 with sections 179.8755, paragraphs (b) and (c); 179.8756, subdivision 7, paragraphs (f) and  
60.28 (g); and 179.8757. The commissioner also has authority, pursuant to section 182.662,  
60.29 subdivision 1, to issue a stop work or business closure order when there is a condition or  
60.30 practice that could result in death or serious physical harm.

60.31 Subd. 3. **Private civil action.** If a meat-processing employer does not comply with a  
60.32 provision in sections 179.87 to 179.8757, an aggrieved worker, authorized employee

61.1 representative, or other person may bring a civil action in a court of competent jurisdiction  
61.2 within three years of an alleged violation and, upon prevailing, must be awarded the relief  
61.3 provided in this section. Pursuing administrative relief is not a prerequisite for bringing a  
61.4 civil action.

61.5 Subd. 4. **Other government enforcement.** The attorney general may enforce sections  
61.6 179.87 to 179.8757 under section 8.31. A city or county attorney may also enforce these  
61.7 sections. Such law enforcement agencies may inspect meatpacking operations and subpoena  
61.8 records and witnesses and, where such agencies determine that a violation has occurred,  
61.9 may bring a civil action as provided in this section.

61.10 Subd. 5. **Relief.** (a) In a civil action or administrative proceeding brought to enforce  
61.11 sections 179.87 to 179.8757, the court or commissioner must order relief as provided in this  
61.12 subdivision.

61.13 (b) For any violation of sections 179.87 to 179.8757:

61.14 (1) an injunction to order compliance and restrain continued violations;

61.15 (2) payment to a prevailing worker by a meat-processing employer of reasonable costs,  
61.16 disbursements, and attorney fees; and

61.17 (3) a civil penalty payable to the state of not less than \$100 per day per worker affected  
61.18 by the meat-processing employer's noncompliance with sections 179.87 to 179.8757.

61.19 (c) Any worker who brings a complaint under sections 179.87 to 179.8757 and suffers  
61.20 retaliation is entitled to treble damages in addition to lost pay and recovery of attorney fees  
61.21 and costs.

61.22 (d) Any company who is found to have retaliated against a meat-processing worker must  
61.23 pay a fine of up to \$10,000 to the commissioner, in addition to other penalties available  
61.24 under law.

61.25 Subd. 6. **Whistleblower enforcement; penalty distribution.** (a) The relief provided in  
61.26 this section may be recovered through a private civil action brought on behalf of the  
61.27 commissioner in a court of competent jurisdiction by another individual, including an  
61.28 authorized employee representative, pursuant to this subdivision.

61.29 (b) The individual must give written notice to the coordinator of the specific provision  
61.30 or provisions of sections 179.87 to 179.8757 alleged to have been violated. The individual  
61.31 or representative organization may commence a civil action under this subdivision if no  
61.32 enforcement action is taken by the commissioner within 30 days.

62.1 (c) Civil penalties recovered pursuant to this subdivision must be distributed as follows:

62.2 (1) 70 percent to the commissioner for enforcement of sections 179.87 to 179.8757; and

62.3 (2) 30 percent to the individual or authorized employee representative.

62.4 (d) The right to bring an action under this subdivision shall not be impaired by private  
62.5 contract. A public enforcement action must be tried promptly, without regard to concurrent  
62.6 adjudication of a private claim for the same alleged violation.

62.7 **Sec. 6. [179.8755] RETALIATION AGAINST EMPLOYEES AND**  
62.8 **WHISTLEBLOWERS PROHIBITED.**

62.9 (a) Pursuant to section 182.669, no meat-processing employer or other person may  
62.10 discharge or discriminate against a worker because the employee has raised a concern about  
62.11 a meatpacking operation's health and safety practices to the employer or otherwise exercised  
62.12 any right authorized under sections 182.65 to 182.674.

62.13 (b) No meat-processing employer or other person may attempt to require any worker to  
62.14 sign a contract or other agreement that would limit or prevent the worker from disclosing  
62.15 information about workplace health and safety practices or hazards, or to otherwise abide  
62.16 by a workplace policy that would limit or prevent such disclosures. Any such agreements  
62.17 or policies are hereby void and unenforceable as contrary to the public policy of this state.  
62.18 An employer's attempt to impose such a contract, agreement, or policy shall constitute an  
62.19 adverse action enforceable under section 179.875.

62.20 (c) Reporting or threatening to report a meat-processing worker's suspected citizenship  
62.21 or immigration status, or the suspected citizenship or immigration status of a family member  
62.22 of the worker, to a federal, state, or local agency because the worker exercises a right under  
62.23 sections 179.87 to 179.8757 constitutes an adverse action for purposes of establishing a  
62.24 violation of that worker's rights. For purposes of this paragraph, "family member" means a  
62.25 spouse, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, or grandchild  
62.26 related by blood, adoption, marriage, or domestic partnership.

62.27 **Sec. 7. [179.8756] MEATPACKING WORKER CHRONIC INJURIES AND**  
62.28 **WORKPLACE SAFETY.**

62.29 Subdivision 1. **Safe worker program required; facility committee.** (a) Meat-processing  
62.30 employers must adopt a safe worker program as part of the employer's work accident and  
62.31 injury reduction program to minimize and prevent musculoskeletal disorders. For purposes

63.1 of this section, "musculoskeletal disorders" includes carpal tunnel syndrome, tendinitis,  
63.2 rotator cuff injuries, trigger finger, epicondylitis, muscle strains, and lower back injuries.

63.3 (b) The meat-processing employer's safe worker program must be developed and  
63.4 implemented by a committee of individuals who are knowledgeable of the tasks and work  
63.5 processes performed by workers at the employer's facility. The committee must include:

63.6 (1) a certified professional ergonomist;

63.7 (2) a licensed, board-certified physician, with preference given to a physician who has  
63.8 specialized experience and training in occupational medicine; and

63.9 (3) at least three workers employed in the employer's facility who have completed a  
63.10 general industry outreach course approved by the commissioner, one of whom must be an  
63.11 authorized employee representative if the employer is party to a collective bargaining  
63.12 agreement.

63.13 (c) If it is not practicable for a certified professional ergonomist or a licensed,  
63.14 board-certified physician to be a member of the committee required by paragraph (b), the  
63.15 meatpacking employer must have their safe worker program reviewed by a certified  
63.16 professional ergonomist and a licensed, board-certified physician prior to implementation  
63.17 of the program and annually thereafter.

63.18 (d) The meatpacking employer must solicit feedback for its safe worker program through  
63.19 its safety committee required by section 182.676, in addition to any other opportunities for  
63.20 employee participation the employer may provide. The safety committee must be directly  
63.21 involved in ergonomics worksite assessments and participate in the annual evaluation of  
63.22 the program.

63.23 Subd. 2. **Program elements.** (a) The committee must establish written procedures to  
63.24 identify ergonomic hazards and contributing risk factors, which must include:

63.25 (1) the ergonomic assessment tools used to measure ergonomic hazards;

63.26 (2) all jobs where the committee has an indication or knowledge that ergonomic hazards  
63.27 may exist; and

63.28 (3) workers who perform the same job or a sample of workers in that job who have the  
63.29 greatest exposure to the ergonomic hazard.

63.30 (b) The committee must conduct ergonomic assessments to identify hazards and  
63.31 contributing risk factors; review all surveillance data at least quarterly to identify ergonomic  
63.32 hazards and contributing risk factors; and maintain records of the hazard identification

64.1 process, which, at a minimum, must include the completed ergonomic assessment tools,  
64.2 the results of the ergonomic assessments including the jobs and workers evaluated, and the  
64.3 assessment dates.

64.4 (c) The committee must implement a written ergonomic hazard prevention and control  
64.5 plan to identify and select methods to eliminate, prevent, or control the ergonomic hazards  
64.6 and contributing risk factors. The plan must:

64.7 (1) set goals, priorities, and a timeline to eliminate, prevent, or control the ergonomic  
64.8 hazards and contributing risk factors identified;

64.9 (2) identify the person or persons responsible for ergonomic hazard assessments and  
64.10 implementation of controls;

64.11 (3) rely upon the surveillance data and the ergonomic risk assessment results; and

64.12 (4) take into consideration the severity of the risk, the numbers of workers at risk, and  
64.13 the likelihood that the intervention will reduce the risk.

64.14 (d) A meat-processing employer must control, reduce, or eliminate ergonomic hazards  
64.15 which lead to musculoskeletal disorders to the extent feasible by using engineering, work  
64.16 practice, and administrative controls.

64.17 (e) The committee must monitor at least annually the implementation of the plan including  
64.18 the effectiveness of controls and evaluate progress in meeting program goals.

64.19 Subd. 3. **New employee training.** (a) A meat-processing employer must work with the  
64.20 committee to provide each new employee with information regarding:

64.21 (1) the committee and its members;

64.22 (2) the facility's workplace accident and injury reduction program under section 182.653,  
64.23 subdivision 8, as well as any other hazard prevention and control plan the facility may have;

64.24 (3) early signs and symptoms of musculoskeletal injuries and the procedures for reporting  
64.25 them;

64.26 (4) procedures for reporting other injuries and hazards;

64.27 (5) engineering and administrative hazard controls implemented in the workplace,  
64.28 including ergonomic hazard controls; and

64.29 (6) how to use personal protective equipment, and where it is located.

64.30 (b) A meat-processing employer must work with the committee and ensure that new  
64.31 workers receive safety training prior to starting a job that the worker has not performed



65.1 before. The employer must provide the safety training during working hours and compensate  
65.2 the new employee at the employee's standard rate of pay. The employer also must give a  
65.3 new employee an opportunity within 30 days of the employee's hire date to receive a refresher  
65.4 training on the topics covered in the new worker safety training. The employer must provide  
65.5 new employee training in a language and with vocabulary that the employee can understand.

65.6 Subd. 4. **New task and annual safety training.** (a) Meat-processing employers must  
65.7 provide every worker who is assigned a new task if the worker has no previous work  
65.8 experience with training on how to safely perform the task, the ergonomic and other hazards  
65.9 associated with the task, and training on the early signs and symptoms of musculoskeletal  
65.10 injuries and the procedures for reporting them. The employer must give a worker an  
65.11 opportunity within 30 days of receiving the new task training to receive refresher training  
65.12 on the topics covered in the new task training. The employer must provide this training in  
65.13 a language and with vocabulary that the employee can understand.

65.14 (b) Meat-processing employers must provide each worker with no less than eight hours  
65.15 of safety training each year. This annual training must address health and safety topics that  
65.16 are relevant to the establishment and the worker's job assignment, such as cuts, lacerations,  
65.17 amputations, machine guarding, biological hazards, lockout/tagout, hazard communication,  
65.18 ergonomic hazards, and personal protective equipment. At least two of the eight hours of  
65.19 annual training must be on topics related to the facility's ergonomic injury prevention  
65.20 program, including the assessment of surveillance data, the ergonomic hazard prevention  
65.21 and control plan, and the early signs and symptoms of musculoskeletal disorders and the  
65.22 procedures for reporting them. The employer must provide this training in a language and  
65.23 with vocabulary that the employee can understand.

65.24 Subd. 5. **Attestation and record keeping.** Meat-processing employers must maintain  
65.25 a written attestation dated and signed by each person who provides training and each  
65.26 employee who receives training pursuant to this section. The attestation completed by the  
65.27 training provider must certify that the employer has provided training consistent with the  
65.28 requirements of this section. The employer must ensure that these records are up to date  
65.29 and available to the commissioner, the coordinator, and the authorized employee  
65.30 representative upon request.

65.31 Subd. 6. **Medical services and qualifications.** (a) Meat-processing employers must  
65.32 ensure that:

65.33 (1) all first-aid providers, medical assistants, nurses, and physicians engaged by the  
65.34 employer are licensed and perform their duties within the scope of their licensed practice;

66.1 (2) medical management of musculoskeletal disorders is under direct supervision of a  
66.2 licensed physician specializing in occupational medicine who will advise on best practices  
66.3 for management and prevention of work-related musculoskeletal disorders; and

66.4 (3) medical management of musculoskeletal injuries follows the most current version  
66.5 of the American College of Occupational and Environmental Medicine practice guidelines.

66.6 (b) Meat-processing employers must make a record of all worker visits to medical or  
66.7 first aid personnel, regardless of severity or type of illness or injury, and make a redacted  
66.8 version of these records available to the coordinator and the authorized employee  
66.9 representative. The name, contact information, and occupation of an employee, and any  
66.10 other information that would reveal the identity of an employee, must be removed in the  
66.11 redacted version. The redacted version must only include, to the extent it would not reveal  
66.12 identity of an employee, the location where the employee worked, the date of the injury or  
66.13 visit, a description of the medical treatment or first aid provided, and a description of the  
66.14 injury suffered. The employer must make an unredacted version of the records available to  
66.15 the commissioner and the authorized employee representative upon their request.

66.16 (c) Meat-processing employers must maintain records of all ergonomic injuries suffered  
66.17 by workers for at least five years.

66.18 (d) The coordinator may compile, analyze, and publish annually, either in summary or  
66.19 detailed form, all reports or information obtained under sections 179.87 to 179.8757,  
66.20 including information about safe worker programs, and may cooperate with the United  
66.21 States Department of Labor in obtaining national summaries of occupational deaths, injuries,  
66.22 and illnesses. The coordinator and authorized employee representative must preserve the  
66.23 anonymity of each employee with respect to whom medical reports or information is obtained.

66.24 (e) Meat-processing employers must not institute or maintain any program, policy, or  
66.25 practice that discourages employees from reporting injuries, hazards, or safety standard  
66.26 violations, unless the employee authorizes his or her information be shared.

66.27 Subd. 7. **Pandemic protections.** (a) This subdivision applies during a public health  
66.28 emergency that involves airborne transmission.

66.29 (b) Meat-processing employers must maintain a radius of space around and between  
66.30 each worker according to the Centers for Disease Control and Prevention guidelines unless  
66.31 a nonporous barrier separates the workers. An employer may accomplish such distancing  
66.32 by increasing physical space between workstations, slowing production speeds, staggering  
66.33 shifts and breaks, adjusting shift size, or a combination thereof. The employer must  
66.34 reconfigure common or congregate spaces to allow for such distancing, including lunch

67.1 rooms, break rooms, and locker rooms. The employer must reinforce social distancing by  
67.2 allowing workers to maintain six feet of distance along with the use of nonporous barriers.

67.3 (c) Meat-processing employers must provide employees with face masks and must make  
67.4 face shields available on request. Face masks, including replacement face masks, and face  
67.5 shields must be provided at no cost to the employee. All persons present at the meatpacking  
67.6 operation must wear face masks in the facility except in those parts of the facility where  
67.7 infection risk is low because workers work in isolation.

67.8 (d) Meat-processing employers must provide all meat-processing workers with the ability  
67.9 to frequently and routinely sanitize their hands with either hand-washing or hand-sanitizing  
67.10 stations. The employer must ensure that restrooms have running hot and cold water and  
67.11 paper towels and are in sanitary condition. The employer must provide gloves to those who  
67.12 request them.

67.13 (e) Meat-processing employers must clean and regularly disinfect all frequently touched  
67.14 surfaces in the workplace, such as workstations, training rooms, machinery controls, tools,  
67.15 protective garments, eating surfaces, bathrooms, showers, and other similar areas. Employers  
67.16 must install and maintain ventilation systems that ensure unidirectional air flow, outdoor  
67.17 air, and filtration in both production areas and common areas such as cafeterias and locker  
67.18 rooms.

67.19 (f) Meat-processing employers must disseminate all required communications, notices,  
67.20 and any published materials regarding these protections in English, Spanish, and other  
67.21 languages as required for employees to understand the communication.

67.22 (g) Consistent with sections 177.253 and 177.254, meat-processing employers must  
67.23 provide adequate break time for workers to use the bathroom, wash their hands, and don  
67.24 and doff protective equipment. Nothing in this section relieves an employer of its obligation  
67.25 to comply with federal and state wage and hour laws.

67.26 (h) Meat-processing employers must provide sufficient personal protective equipment  
67.27 for each employee for each shift, plus replacements, at no cost to the employee.  
67.28 Meat-processing employers must provide training in proper use of personal protective  
67.29 equipment, safety procedures, and sanitation.

67.30 (i) Meat-processing employers must record all injuries and illnesses in the facility and  
67.31 make these records available upon request to the health and safety committee. The name,  
67.32 contact information, and occupation of an employee, and any other information that would  
67.33 reveal the identity of an employee, must be removed. The redacted records must only include,  
67.34 to the extent it would not reveal identity of an employee, the location where the employee

68.1 worked, the date of the injury or visit, a description of the medical treatment or first aid  
68.2 provided, and a description of the injury suffered. The employer also must make its records  
68.3 available to the commissioner, and where there is a collective bargaining agreement, to the  
68.4 authorized bargaining representative.

68.5 (j) Except for paragraphs (f) and (g), this section shall be enforced by the commissioner  
68.6 under sections 182.66 and 182.661. A violation of this section is subject to the penalties  
68.7 provided under section 182.666. Paragraphs (f) and (g) are enforceable by the commissioner  
68.8 as described in section 179.875, subdivision 2.

68.9 (k) This subdivision may also be enforced as described in section 179.875, subdivisions  
68.10 3 to 6.

68.11 **Sec. 8. [179.8757] NOTIFICATION REQUIRED.**

68.12 (a) Meat-processing employers must provide written information and notifications about  
68.13 employee rights under section 179.86 and sections 179.87 to 179.8757 to workers in their  
68.14 language of fluency at least annually. If a worker is unable to understand written information  
68.15 and notifications, the employer must provide such information and notices orally in the  
68.16 worker's language of fluency.

68.17 (b) The coordinator must notify covered employers of the provisions of sections 179.87  
68.18 to 179.8757 and any recent updates at least annually.

68.19 (c) The coordinator must place information explaining sections 179.87 to 179.8757 on  
68.20 the Department of Labor and Industry's website in at least English, Spanish, and any other  
68.21 language that at least ten percent of meat-processing workers communicate in fluently. The  
68.22 coordinator must also make the information accessible to persons with impaired visual  
68.23 acuity.

68.24 **Sec. 9. Minnesota Statutes 2022, section 182.654, subdivision 11, is amended to read:**

68.25 **Subd. 11. Refusal to work under dangerous conditions.** An employee acting in good  
68.26 faith has the right to refuse to work under conditions which the employee reasonably believes  
68.27 present an imminent danger of death or serious physical harm to the employee.

68.28 A reasonable belief of imminent danger of death or serious physical harm includes but  
68.29 is not limited to a reasonable belief of the employee that the employee has been assigned  
68.30 to work in an unsafe or unhealthful manner with a hazardous substance, harmful physical  
68.31 agent or infectious agent.

69.1 An employer may not discriminate against an employee for a good faith refusal to  
69.2 perform assigned tasks if the employee has requested that the employer correct the hazardous  
69.3 conditions but the conditions remain uncorrected.

69.4 An employee who has refused in good faith to perform assigned tasks and who has not  
69.5 been reassigned to other tasks by the employer shall, in addition to retaining a right to  
69.6 continued employment, receive pay for the tasks which would have been performed if (1)  
69.7 the employee requests the commissioner to inspect and determine the nature of the hazardous  
69.8 condition, and (2) the commissioner determines that the employee, by performing the  
69.9 assigned tasks, would have been placed in imminent danger of death or serious physical  
69.10 harm.

69.11 Additionally, an administrative law judge may order, in addition to the relief found in  
69.12 182.669:

69.13 (1) reinstatement of the worker to the same position held before any adverse personnel  
69.14 action or to an equivalent position, reinstatement of full fringe benefits and seniority rights,  
69.15 and compensation for unpaid wages, benefits and other remuneration, or front pay in lieu  
69.16 of reinstatement; and

69.17 (2) compensatory damages payable to the aggrieved worker equal to the greater of \$5,000  
69.18 or twice the actual damages, including unpaid wages, benefits and other remuneration, and  
69.19 punitive damages.

## 69.20 ARTICLE 7

### 69.21 REGULATION OF RESTRICTIVE EMPLOYMENT AGREEMENTS

69.22 Section 1. [181.141] SEXUAL HARASSMENT OR ABUSE SETTLEMENT;  
69.23 PAYMENT AS SEVERANCE OR WAGES PROHIBITED.

69.24 In a sexual harassment or abuse settlement between an employer and an employee, when  
69.25 there is a financial settlement provided, the financial settlement cannot be provided as wages  
69.26 or severance pay to the employee regardless of whether the settlement includes a  
69.27 nondisclosure agreement.

69.28 EFFECTIVE DATE. This section is effective the day following final enactment and  
69.29 applies to settlements entered into on or after that date.

70.1 **Sec. 2. [181.987] COVENANTS NOT TO COMPETE VOID IN EMPLOYMENT**  
70.2 **AGREEMENTS; SUBSTANTIVE PROTECTIONS OF MINNESOTA LAW APPLY.**

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

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

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

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

70.10 A covenant not to compete does not include a nondisclosure agreement, or agreement  
70.11 designed to protect trade secrets or confidential information. A covenant not to compete  
70.12 does not include a nonsolicitation agreement, or agreement restricting the ability to use  
70.13 client or contact lists, or solicit customers of the employer.

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

70.17 (c) "Employee" as used in this section means any individual who performs services for  
70.18 an employer, including independent contractors.

70.19 (d) "Independent contractor" means any individual whose employment is governed by  
70.20 a contract and whose compensation is not reported to the Internal Revenue Service on a  
70.21 W-2 form. For purposes of this section, independent contractor also includes any corporation,  
70.22 limited liability corporation, partnership, or other corporate entity when an employer requires  
70.23 an individual to form such an organization for purposes of entering into a contract for  
70.24 services as a condition of receiving compensation under an independent contractor agreement.

70.25 **Subd. 2. Covenants not to compete void and unenforceable.** (a) Any covenant not to  
70.26 compete contained in a contract or agreement is void and unenforceable.

70.27 (b) Notwithstanding paragraph (a), a covenant not to compete is valid and enforceable  
70.28 if:

70.29 (1) the covenant not to compete is agreed upon during the sale of a business. The person  
70.30 selling the business and the partners, members, or shareholders, and the buyer of the business  
70.31 may agree on a temporary and geographically restricted covenant not to compete that will

71.1 prohibit the seller of the business from carrying on a similar business within a reasonable  
71.2 geographic area and for a reasonable length of time; or

71.3 (2) the covenant not to compete is agreed upon in anticipation of the dissolution of a  
71.4 business. The partners, members, or shareholders, upon or in anticipation of a dissolution  
71.5 of a partnership, limited liability company, or corporation may agree that all or any number  
71.6 of the parties will not carry on a similar business within a reasonable geographic area where  
71.7 the business has been transacted.

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

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

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

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

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

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

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

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

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

71.28 Sec. 3. Minnesota Statutes 2022, section 290.0132, is amended by adding a subdivision  
71.29 to read:

71.30 Subd. 34. **Damages for sexual harassment or abuse.** The amount of qualifying damages  
71.31 received is a subtraction. For purposes of this subdivision, "qualifying damages" means:

72.1 (1) damages received under a sexual harassment or abuse claim that are not excluded  
72.2 from gross income under section 104(a)(2) of the Internal Revenue Code because the injury  
72.3 or sickness for which the damages are paid are not physical; or

72.4 (2) severance pay received under a financial settlement of a sexual harassment or abuse  
72.5 claim that does not include a nondisclosure agreement.

72.6 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December  
72.7 31, 2022.

## 72.8 **ARTICLE 8**

### 72.9 **BUILDING AND CONSTRUCTION CONTRACTS**

72.10 Section 1. Minnesota Statutes 2022, section 15.71, is amended by adding a subdivision  
72.11 to read:

72.12 Subd. 1a. **Indemnification agreement.** "Indemnification agreement" means an agreement  
72.13 by the promisor to indemnify, defend, or hold harmless the promisee against liability or  
72.14 claims of liability for damages arising out of bodily injury to persons or out of physical  
72.15 damage to tangible or real property.

72.16 Sec. 2. Minnesota Statutes 2022, section 15.71, is amended by adding a subdivision to  
72.17 read:

72.18 Subd. 1b. **Promisee.** "Promisee" includes that party's independent contractors, agents,  
72.19 employees, or indemnitees.

72.20 Sec. 3. Minnesota Statutes 2022, section 15.72, is amended by adding a subdivision to  
72.21 read:

72.22 Subd. 3. **Unenforceability of certain agreements.** (a) An indemnification agreement  
72.23 contained in, or executed in connection with, a contract for a public improvement is  
72.24 unenforceable except to the extent that:

72.25 (1) the underlying injury or damage is attributable to the negligent or otherwise wrongful  
72.26 act or omission, including breach of a specific contractual duty, of the promisor or the  
72.27 promisor's independent contractors, agents, employees, or delegates; or

72.28 (2) an owner, a responsible party, or a governmental entity agrees to indemnify a  
72.29 contractor directly or through another contractor with respect to strict liability under  
72.30 environmental laws.



73.1 (b) A provision in a public building or construction contract that requires a party to  
 73.2 provide insurance coverage to one or more other parties, including third parties, for the  
 73.3 negligence or intentional acts or omissions of any of those other parties, including third  
 73.4 parties, is against public policy and is void and unenforceable.

73.5 (c) Paragraph (b) does not affect the validity of a provision that requires a party to provide  
 73.6 or obtain workers' compensation insurance, construction performance or payment bonds,  
 73.7 builder's risk policies, owner or contractor-controlled insurance programs or policies, or  
 73.8 project-specific insurance for claims arising out of the promisor's negligent acts or omissions  
 73.9 or the negligent acts or omissions of the promisor's, independent contractors, agents,  
 73.10 employees, or delegates.

73.11 (d) Paragraph (b) does not affect the validity of a provision that requires the promisor  
 73.12 to provide or obtain insurance coverage for the promisee's vicarious liability, or liability  
 73.13 imposed by warranty, arising out of the acts or omissions of the promisor.

73.14 (e) Paragraph (b) does not apply to building and construction contracts for work within  
 73.15 50 feet of public or private railroads, or railroads regulated by the Federal Railroad  
 73.16 Administration.

73.17 Sec. 4. Minnesota Statutes 2022, section 337.01, subdivision 3, is amended to read:

73.18 Subd. 3. **Indemnification agreement.** "Indemnification agreement" means an agreement  
 73.19 by the promisor to indemnify, defend, or hold harmless the promisee against liability or  
 73.20 claims of liability for damages arising out of bodily injury to persons or out of physical  
 73.21 damage to tangible or real property.

73.22 Sec. 5. Minnesota Statutes 2022, section 337.05, subdivision 1, is amended to read:

73.23 Subdivision 1. **Agreements valid.** (a) Except as otherwise provided in paragraph (b),  
 73.24 sections 337.01 to 337.05 do not affect the validity of agreements whereby a promisor agrees  
 73.25 to provide specific insurance coverage for the benefit of others.

73.26 (b) A provision that requires a party to provide insurance coverage to one or more other  
 73.27 parties, including third parties, for the negligence or intentional acts or omissions of any of  
 73.28 those other parties, including third parties, is against public policy and is void and  
 73.29 unenforceable.

73.30 (c) Paragraph (b) does not affect the validity of a provision that requires a party to provide  
 73.31 or obtain workers' compensation insurance, construction performance or payment bonds,  
 73.32 ~~or project-specific insurance, including, without limitation, builder's risk policies or owner~~

74.1 ~~or contractor-controlled insurance programs or policies~~ builder's risk policies, owner or  
74.2 contractor-controlled insurance programs or policies, or project-specific insurance for claims  
74.3 arising out of the promisor's negligent acts or omissions or the negligent acts or omissions  
74.4 of the promisor's, independent contractors, agents, employees, or delegates.

74.5 (d) Paragraph (b) does not affect the validity of a provision that requires the promisor  
74.6 to provide or obtain insurance coverage for the promisee's vicarious liability, or liability  
74.7 imposed by warranty, arising out of the acts or omissions of the promisor.

74.8 (e) Paragraph (b) does not apply to building and construction contracts for work within  
74.9 50 feet of public or private railroads, or railroads regulated by the Federal Railroad  
74.10 Administration.

74.11 Sec. 6. **EFFECTIVE DATE.**

74.12 Sections 1 to 5 are effective the day following final enactment and apply to agreements  
74.13 entered into on or after that date."

74.14 Amend the title accordingly