

1.1 Senator ..... moves to amend S.F. No. 3554 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **[115A.1416] SALE OF SOLVENT-BASED PAINT MATERIALS**  
1.4 **RESTRICTED.**

1.5 (a) The sale of solvent-based paint materials is restricted to those persons licensed under  
1.6 section 326B.61. The restriction under this paragraph excludes sales of solvent-based paint  
1.7 materials sold in containers that are a gallon or less in volume and household spray paints  
1.8 dispensed from an aerosol can.

1.9 (b) For purposes of this section, "solvent-based paint materials" means nonwaterborne  
1.10 paint and paint thinners.

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

1.12 Sec. 2. **[326B.60] DEFINITIONS.**

1.13 Subdivision 1. **Scope.** For purposes of sections 326B.61 to 326B.62, the terms defined  
1.14 in this section have the meanings given to them.

1.15 Subd. 2. **Paint contractor.** "Paint contractor" means a licensed contractor whose  
1.16 responsible licensed individual is a licensed master painter. A licensed paint contractor is  
1.17 allowed to contract to perform painting services on residential and commercial real estate.

1.18 Subd. 3. **Master painter.** "Master painter" means an individual having the necessary  
1.19 qualifications, training, experience, and technical knowledge to perform and supervise any  
1.20 painting work and who is licensed by the commissioner as a master painter.

1.21 Subd. 4. **Journeyworker painter.** "Journeyworker painter" means an individual having  
1.22 the necessary qualifications, training, experience, and technical knowledge to perform and  
1.23 supervise any painting work and who is licensed by the commissioner as a journeyworker  
1.24 painter.

1.25 Subd. 5. **Direct supervision.** "Direct supervision" means the oversight or supervision  
1.26 provided to an unlicensed painter by a licensed journeyworker or master painter.

1.27 Subd. 6. **Responsible individual.** "Responsible individual" means the licensed master  
1.28 painter designated in writing by the paint contractor in the contractor's license application  
1.29 as the individual responsible for the contractor's compliance with all rules, regulations, and  
1.30 requirements of the trade.

2.1 Subd. 7. **Owner.** "Owner" means an individual who physically performs painting work  
2.2 on premises, either residential or commercial, the individual owns.

2.3 Sec. 3. **[326B.61] LICENSES.**

2.4 Subdivision 1. **Master painter.** Except as otherwise provided by law, no individual  
2.5 shall perform or supervise painting work unless the individual is licensed by the  
2.6 commissioner as a master painter, and the painting work is for a licensed paint contractor  
2.7 and the individual is an employee, partner, or officer of, or is the licensed contractor.

2.8 Subd. 2. **Journeyworker painter.** Except as otherwise provided by law, no individual  
2.9 shall perform or supervise painting work unless the individual is licensed by the  
2.10 commissioner as a journeyworker painter, and the painting work is for a licensed paint  
2.11 contractor and the individual is an employee, partner, or officer of, or is the licensed  
2.12 contractor.

2.13 Subd. 3. **Paint contractor.** Except as otherwise provided by law, no individual shall  
2.14 perform or offer to perform painting services unless they are licensed by the commissioner.

2.15 Subd. 4. **Unlicensed individuals.** (a) An unlicensed individual means an individual who  
2.16 is not licensed by the commissioner to perform painting work. An unlicensed individual  
2.17 shall not perform painting work required to be performed by a licensed individual unless  
2.18 the individual has first registered with the department as an unlicensed individual. Thereafter,  
2.19 an unlicensed individual shall not perform painting work required to be performed by a  
2.20 licensed individual unless the work is performed under the direct supervision of an individual  
2.21 actually licensed to perform such work. The licensed individual and unlicensed individual  
2.22 must be employed by the same employer. Licensed individuals shall not permit unlicensed  
2.23 individuals to perform painting work except under the direct supervision of an individual  
2.24 actually licensed to perform such work. Unlicensed individuals shall not supervise the  
2.25 performance of painting work or make assignments of painting work to unlicensed  
2.26 individuals.

2.27 (b) Contractors employing unlicensed individuals to perform painting work shall maintain  
2.28 records establishing compliance with this subdivision that shall identify all unlicensed  
2.29 individuals performing painting work and shall permit the department to examine and copy  
2.30 all such records.

2.31 Subd. 5. **Registration of unlicensed individuals.** Unlicensed individuals performing  
2.32 painting work for a licensed contractor shall register with the department in the manner  
2.33 prescribed by the commissioner. Experience credit for painting work performed by an

applicant for a license identified in this section shall not be granted where the applicant has not registered with or is not licensed by the department.

Subd. 6. **Bond required.** As a condition of licensing, each contractor shall give and maintain bond to the state in the penal sum of \$25,000. The bond must comply with section 326B.0921.

Subd. 7. **Insurance required.** Each contractor shall have and maintain in effect general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance with limits of at least \$50,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits. Such insurance shall be written by an insurer licensed to do business in the state of Minnesota and each contractor shall maintain on file with the commissioner a certificate evidencing such insurance. In the event of a policy cancellation, the insurer shall send written notice to the commissioner at the same time that a cancellation request is received from or a notice is sent to the insured.

Subd. 8. **Employment of master painter.** (a) Each contractor must designate a responsible master painter who shall be responsible for the performance of all painting work in accordance with the requirements of sections 326B.61 to 326B.62, all rules adopted under these sections, and all orders issued under section 326B.082.

(b) If the contractor is an individual or a sole proprietorship, the responsible licensed individual must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed individual must be a general partner or managing employee. If the licensed contractor is a limited liability company, the responsible licensed individual must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed individual must be an officer or managing employee. If the responsible licensed individual is a managing employee, the responsible licensed individual must be actively engaged in performing painting work on behalf of the contractor, and cannot be employed in any capacity as a painter by any other contractor or employer. An individual may be the responsible licensed individual for only one contractor or employer.

Subd. 9. **Examination.** In addition to the other requirements described in this section and sections 326B.091 to 326B.098, as a precondition to issuance of a personal license, each applicant must pass a written or oral examination developed and administered by the commissioner to ensure the competence of each applicant for license. An oral examination shall be administered only to an applicant who furnishes a written statement from a certified

teacher or other professional, trained in the area of reading disabilities stating that the applicant has a specific reading disability which would prevent the applicant from performing satisfactorily on a written test. The oral examination shall be structured so that an applicant who passes the examination will not impair the applicant's own safety or that of others while acting as a licensed individual.

Subd. 10. **License, registration, and renewal fees; expiration.** Unless revoked or suspended under this chapter, all licenses issued or renewed under this section expire on the date specified in this subdivision. Master licenses expire March 1 of each odd-numbered year after issuance or renewal. Paint contractor licenses expire March 1 of each even-numbered year after issuance or renewal. All other personal licenses expire two years from the date of original issuance and every two years thereafter. Registrations of unlicensed individuals expire one year from the date of original issuance and every year thereafter.

Subd. 11. **Reciprocity.** (a) The commissioner may enter into reciprocity agreements for personal licenses with another state if approved by the board. Once approved by the board, the commissioner may issue a personal license without requiring the applicant to pass an examination provided the applicant:

(1) submits an application under this section;

(2) pays the application and examination fee and license fee required under section 326B.092; and

(3) holds a valid comparable license in the state participating in the agreement.

(b) Agreements are subject to the following:

(1) the parties to the agreement must administer a statewide licensing program that includes examination and qualifying experience or training comparable to Minnesota's;

(2) the experience and training requirements under which an individual applicant qualified for examination in the qualifying state must be deemed equal to or greater than required for an applicant making application in Minnesota at the time the applicant acquired the license in the qualifying state;

(3) the applicant must have acquired the license in the qualifying state through an examination deemed equivalent to the same class of license examination in Minnesota. A lesser class of license may be granted where the applicant has acquired a greater class of license in the qualifying state and the applicant otherwise meets the conditions of this subdivision;

(4) at the time of application, the applicant must hold a valid license in the qualifying state and have held the license continuously for at least one year before making application in Minnesota;

(5) an applicant is not eligible for a license under this subdivision if the applicant has failed the same or greater class of license examination in Minnesota, or if the applicant's license of the same or greater class has been revoked or suspended; and

(6) an applicant who has failed to renew a personal license for two years or more after its expiration is not eligible for a license under this subdivision.

**Sec. 4. [326B.62] PAINT CONTRACTOR BOARD.**

Subdivision 1. **Composition.** (a) The Paint Contractor Board shall consist of six members. Five members shall be appointed by the governor with the advice and consent of the senate and shall be voting members. Appointments of members by the governor shall be made in accordance with section 15.066. If the senate votes to refuse to consent to an appointment of a member made by the governor, the governor shall appoint a new member with the advice and consent of the senate. One member shall be the commissioner of labor and industry or the commissioner's designee, who shall be a voting member. Each of the five appointed members shall be a paint contractor, master painter, or journeyworker painter.

(b) Two of the members shall be appointed for a term to end December 31, 2028. The other three members shall be appointed for a term to end December 31, 2027.

(c) All appointed members must be residents of Minnesota at the time of and throughout the member's appointment.

(d) For appointed members, except the initial terms designated in paragraph (b), each term shall be five years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part, reappoint the current members or appoint replacement members with the advice and consent of the senate. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following five-year term. Members may serve until their successors are appointed but in no case later than July 1 in a year in which the term expires unless reappointed.

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt standards for paint contracting. The board shall base the standards, to the extent possible, on national industry standards for paint contracting and any amendments thereto pursuant to chapter 14, and as provided in subdivision 6, paragraphs (b), (c), and (d);

(4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;

(5) adopt rules that regulate the licensure or registration of painting contractors, master painters, journeyworker painters, and other persons who perform painting work. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);

(6) adopt rules that regulate continuing education for individuals licensed as master painters, journeyworker painters, and registered unlicensed individuals. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f); approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

(7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed painting services;

(8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

(9) select from its members individuals to serve on any other state advisory council, board, or committee;

(10) recommend the fees for licenses and registrations; and

(11) approve license reciprocity agreements.

Except for the powers granted to the Plumbing Board, Board of Electricity, the Board of High Pressure Piping Systems, and the Paint Contractor Board, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to chapter 326B. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Subd. 3. **Compensation.** (a) Members of the board may be compensated at the rate of \$55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization.

(b) Members who are state employees or employees of the political subdivisions of the state must not receive the daily payment for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for board activities. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) The board shall adopt internal standards prescribing what constitutes a day spent on board activities for purposes of making daily payments under this subdivision.

Subd. 4. **Removal; vacancies.** (a) An appointed member of the board may be removed by the governor at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The chair of the board shall inform the governor of an appointed member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the appointed member in writing that the member may be removed for missing the next meeting. In the case of a vacancy on the board, the governor shall, with the advice and consent of the senate, appoint a person to fill the vacancy for the remainder of the unexpired term.

(b) Vacancies shall be filled pursuant to section 15.0597, subdivisions 5 and 6.

8.1 Subd. 5. **Membership vacancies within three months of appointment.** Notwithstanding  
8.2 any law to the contrary, when a membership on the board becomes vacant within three  
8.3 months after being filled through the appointments process, the governor may, upon  
8.4 notification to the Office of Secretary of State, choose a new member from the applications  
8.5 on hand and need not repeat the process.

8.6 Subd. 6. **Officers; quorum; voting.** (a) The board shall elect annually from its members  
8.7 a chair, vice-chair, and secretary. A quorum of the board shall consist of a majority of  
8.8 members of the board qualified to vote on the matter in question. All questions concerning  
8.9 the manner in which a meeting is conducted or called that is not covered by statute shall be  
8.10 determined by Robert's Rules of Order (revised) unless otherwise specified by the bylaws.

8.11 (b) Except as provided in paragraph (c), each paint contracting standards amendment  
8.12 considered by the board that receives an affirmative two-thirds or more majority vote of all  
8.13 the voting members of the board shall be included in the next paint contracting standards  
8.14 rulemaking proceeding initiated by the board. If a paint contracting standards amendment  
8.15 considered, or reconsidered, by the board receives less than a two-thirds majority vote of  
8.16 all the voting members of the board, the paint contracting standards amendment shall not  
8.17 be included in the next paint contracting standards rulemaking proceeding initiated by the  
8.18 board.

8.19 (c) If the paint contracting standards amendment considered by the board is to replace  
8.20 the Minnesota paint contracting standards with a model paint contracting standards, then  
8.21 the amendment may only be included in the next paint contracting standards rulemaking  
8.22 proceeding if it receives an affirmative two-thirds or more majority vote of all the voting  
8.23 members of the board.

8.24 (d) The board may reconsider paint contracting standards amendments during an active  
8.25 paint contracting standards rulemaking proceeding in which the amendment previously  
8.26 failed to receive a two-thirds majority vote or more of all the voting members of the board  
8.27 only if new or updated information that affects the paint contracting standards amendment  
8.28 is presented to the board. The board may also reconsider failed paint contracting standards  
8.29 amendments in subsequent paint contracting standards rulemaking proceedings.

8.30 (e) Each proposed rule and rule amendment considered by the board pursuant to the  
8.31 rulemaking authority specified in subdivision 2, paragraph (a), clause (5), that receives an  
8.32 affirmative majority vote of all the voting members of the board shall be included in the  
8.33 next rulemaking proceeding initiated by the board. If a proposed rule or rule amendment  
8.34 considered, or reconsidered, by the board receives less than an affirmative majority vote of



9.1 all the voting members of the board, the proposed rule or rule amendment shall not be  
9.2 included in the next rulemaking proceeding initiated by the board.

9.3 (f) The board may reconsider the proposed rule or rule amendment during an active  
9.4 rulemaking proceeding in which the amendment previously failed to receive an affirmative  
9.5 majority vote of all the voting members of the board only if new or updated information  
9.6 that affects the proposed rule or rule amendment is presented to the board. The board may  
9.7 also reconsider failed proposed rules or rule amendments in subsequent rulemaking  
9.8 proceedings.

9.9 Subd. 7. **Board meetings.** (a) The board shall hold meetings at such times as the board  
9.10 shall specify. Notice and conduct of all meetings shall be pursuant to chapter 13D, and in  
9.11 such a manner as the bylaws may provide.

9.12 (b) If compliance with section 13D.02 is impractical, the board may conduct a meeting  
9.13 of its members by telephone or other electronic means so long as the following conditions  
9.14 are met:

9.15 (1) all members of the board participating in the meeting, wherever their physical location,  
9.16 can hear one another and can hear all discussion and testimony;

9.17 (2) members of the public present at the regular meeting location of the board can hear  
9.18 clearly all discussion and testimony and all votes of members of the board and, if needed,  
9.19 receive those services required by sections 15.44 and 15.441;

9.20 (3) at least one member of the board is physically present at the regular meeting location;  
9.21 and

9.22 (4) all votes are conducted by roll call, so each member's vote on each issue can be  
9.23 identified and recorded.

9.24 (c) Each member of the board participating in a meeting by telephone or other electronic  
9.25 means is considered present at the meeting for purposes of determining a quorum and  
9.26 participating in all proceedings.

9.27 (d) If telephone or other electronic means is used to conduct a regular, special, or  
9.28 emergency meeting, the board, to the extent practical, shall allow a person to monitor the  
9.29 meeting electronically from a remote location. The board may require the person making  
9.30 such a connection to pay for documented costs that the board incurs as a result of the  
9.31 additional connection.

9.32 (e) If telephone or other electronic means is used to conduct a regular, special, or  
9.33 emergency meeting, the board shall provide notice of the regular meeting location, of the

fact that some members may participate by telephone or other electronic means, and that a person may monitor the meeting electronically from a remote location. Any person monitoring the meeting electronically from a remote location may be required to pay documented costs incurred by the board as a result of the additional connection. The timing and method of providing notice is governed by section 13D.04.

Subd. 8. **Complaints.** (a) The board shall promptly forward to the commissioner the substance of any complaint or communication it receives, whether written or oral, that alleges or implies a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to the license or registration of any person authorized by the department to provide paint contracting services, the performance or offering to perform paint contracting services requiring licensure by an unlicensed person, or paint contracting compliance. Each complaint or communication that is forwarded to the commissioner shall be submitted on a form provided by the commissioner.

(b) The commissioner shall advise the board of the status of the complaint within 90 days after the board's written submission is received, or within 90 days after the board is provided with a written request for additional information or documentation from the commissioner or the commissioner's designee, whichever is later. The commissioner shall advise the board of the disposition of a complaint referred by the board within 180 days after the board's written submission is received. The commissioner shall annually report to the board a summary of the actions taken in response to complaints referred by the board.

Subd. 9. **Data Practices Act.** The board is subject to chapter 13, the Minnesota Government Data Practices Act, and shall protect from unlawful disclosure data classified as not public.

Subd. 10. **Official records.** The board shall make and preserve all records necessary to a full and accurate knowledge of its official activities in accordance with section 15.17.

**Sec. 5. APPOINTMENT AND FIRST MEETING OF BOARD.**

The governor must make the appointments to the Paint Contractor Board no later than July 1, 2024. The commissioner of labor and industry must convene the first meeting of the Paint Contractor Board no later than September 1, 2024.

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

Delete the title and insert:

- 11.1 "A bill for an act
- 11.2 relating to construction codes and licensing; restricting sale of certain solvent-based
- 11.3 paint materials to licensees; requiring licensing for paint contractors, master
- 11.4 painters, and journeyworker painters; establishing a Paint Contractor Board;
- 11.5 authorizing rulemaking; proposing coding for new law in Minnesota Statutes,
- 11.6 chapters 115A; 326B."