

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2149

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DATE
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625 Introduction and first reading
Referred to Labor

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to labor and industry; making policy and technical changes; amending
- 1.3 Minnesota Statutes 2024, sections 177.24, by adding a subdivision; 177.27,
- 1.4 subdivision 5; 326B.0981, subdivision 4; 326B.31, subdivision 29; 326B.33,
- 1.5 subdivision 21; 326B.36, subdivision 7; repealing Minnesota Statutes 2024, section
- 1.6 177.28, subdivision 5; Minnesota Rules, parts 5200.0030; 5200.0040.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2024, section 177.24, is amended by adding a subdivision
- 1.9 to read:
- 1.10 Subd. 6. **Special certificate prohibition.** (a) On or after August 1, 2026, employers
- 1.11 must not hire any new employee with a disability at a wage that is less than the highest
- 1.12 applicable minimum wage, regardless of whether the employer holds a special certificate
- 1.13 from the United States Department of Labor under section 14(c) of the federal Fair Labor
- 1.14 Standards Act.
- 1.15 (b) On or after August 1, 2028, an employer must not pay an employee with a disability
- 1.16 less than the highest applicable minimum wage, regardless of whether the employer holds
- 1.17 a special certificate from the United States Department of Labor under section 14(c) of the
- 1.18 federal Fair Labor Standards Act.
- 1.19 Sec. 2. Minnesota Statutes 2024, section 177.27, subdivision 5, is amended to read:
- 1.20 Subd. 5. **Civil actions.** The commissioner may bring an action in the district court where
- 1.21 an employer resides or where the commissioner maintains an office to enforce or require
- 1.22 compliance with orders issued under subdivision 4. In addition to any other remedy provided
- 1.23 by law, the commissioner may also apply in the district court where an employer resides or

2.1 where the commissioner maintains an office for an order enjoining and restraining violations
2.2 of any statute or rule listed in subdivision 4.

2.3 Sec. 3. Minnesota Statutes 2024, section 326B.0981, subdivision 4, is amended to read:

2.4 Subd. 4. **Internet continuing education.** (a) The design and delivery of an Internet
2.5 continuing education course must be approved by the International Distance Education
2.6 Certification Center (IDECC) or the International ~~Association~~ Accreditors for Continuing
2.7 Education and Training (IACET) before the course is submitted for the commissioner's
2.8 approval. The approval must accompany the course submitted.

2.9 (b) Paragraphs (a) and (d) do not apply to approval of an Internet continuing education
2.10 course for manufactured home installers. An Internet continuing education course for
2.11 manufactured home installers must be approved by the United States Department of Housing
2.12 and Urban Development or by the commissioner of labor and industry. The approval must
2.13 accompany the course completion certificate issued to each student by the course sponsor.

2.14 (c) Paragraph (a) does not apply to approval of an Internet continuing education course
2.15 for elevator constructors. An Internet continuing education course for elevator constructors
2.16 must be approved by the commissioner of labor and industry. The approval must accompany
2.17 the course completion certificate issued to each student by the course sponsor.

2.18 (d) An Internet continuing education course must:

2.19 (1) specify the minimum computer system requirements;

2.20 (2) provide encryption that ensures that all personal information, including the student's
2.21 name, address, and credit card number, cannot be read as it passes across the Internet;

2.22 (3) include technology to guarantee seat time;

2.23 (4) include a high level of interactivity;

2.24 (5) include graphics that reinforce the content;

2.25 (6) include the ability for the student to contact an instructor or course sponsor within
2.26 a reasonable amount of time;

2.27 (7) include the ability for the student to get technical support within a reasonable amount
2.28 of time;

2.29 (8) include a statement that the student's information will not be sold or distributed to
2.30 any third party without prior written consent of the student. Taking the course does not
2.31 constitute consent;

(9) be available 24 hours a day, seven days a week, excluding minimal downtime for updating and administration, except that this provision does not apply to live courses taught by an actual instructor and delivered over the Internet;

(10) provide viewing access to the online course at all times to the commissioner, excluding minimal downtime for updating and administration;

(11) include a process to authenticate the student's identity;

(12) inform the student and the commissioner how long after its purchase a course will be accessible;

(13) inform the student that license education credit will not be awarded for taking the course after it loses its status as an approved course;

(14) provide clear instructions on how to navigate through the course;

(15) provide automatic bookmarking at any point in the course;

(16) provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;

(17) include a reinforcement response when a quiz question is answered correctly;

(18) include a response when a quiz question is answered incorrectly;

(19) include a final examination in which the student must correctly answer 70 percent of the questions;

(20) allow the student to go back and review any unit at any time, except during the final examination;

(21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method;

(22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient and shall include the name of the provider, date and location of the course, educational program identification that was provided by the department, hours of instruction or continuing education hours, and licensee's or attendee's name and license, certification, or registration number or the last four digits of the licensee's or attendee's Social Security number; and

(23) allow the commissioner the ability to electronically review the class to determine if credit can be approved.

(e) The final examination must be either an encrypted online examination or a paper examination that is monitored by a proctor who certifies that the student took the examination.

Sec. 4. Minnesota Statutes 2024, section 326B.31, subdivision 29, is amended to read:

Subd. 29. **Technology circuits or systems.** "Technology circuits or systems" means class 2 or class 3 circuits or systems for, but not limited to, remote control, signaling, control, alarm, and audio signal, including associated components as covered by the National Electrical Code, ~~articles 640, 645, 650, 725, 760, 770, and 780,~~ and which are isolated from circuits or systems other than class 2 or class 3 by a demarcation and are not process control circuits or systems; antenna and communication circuits or systems as covered by ~~chapter 8 of the National Electrical Code;~~ and circuitry and equipment for ~~indoor lighting and outdoor landscape lighting systems that are supplied by the secondary circuit of an isolating power supply operating at 30 volts or less~~ low voltage lighting, limited to a class 2 or class 3 power supply as covered by the National Electrical Code, ~~article 411.~~ The planning, laying out, installing, altering, and repairing of technology circuits or systems must be performed in accordance with the applicable requirements of the National Electrical Code pursuant to section 326B.35.

Sec. 5. Minnesota Statutes 2024, section 326B.33, subdivision 21, is amended to read:

Subd. 21. **Exemptions from licensing.** (a) An individual who is a maintenance electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

(1) the individual is engaged in the maintenance and repair of electrical equipment, apparatus, and facilities that are owned or leased by the individual's employer and that are located within the limits of property operated, maintained, and either owned or leased by the individual's employer;

(2) the individual is supervised by:

(i) the responsible master electrician for a contractor who has contracted with the individual's employer to provide services for which a contractor's license is required; or

(ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer, or, if the maintenance and repair work is limited to technology circuits or systems work, a licensed power limited technician; and

(3) the individual's employer has on file with the commissioner a current certificate of responsible person, signed by the responsible master electrician of the contractor, the licensed master electrician, the licensed maintenance electrician, the electrical engineer, or the

5.1 licensed power limited technician, and stating that the person signing the certificate is
5.2 responsible for ensuring that the maintenance and repair work performed by the employer's
5.3 employees complies with the Minnesota Electrical Act and the rules adopted under that act.
5.4 The employer must pay a filing fee to file a certificate of responsible person with the
5.5 commissioner. The certificate shall expire two years from the date of filing. In order to
5.6 maintain a current certificate of responsible person, the employer must resubmit a certificate
5.7 of responsible person, with a filing fee, no later than two years from the date of the previous
5.8 submittal.

5.9 (b) Employees of a licensed electrical or technology systems contractor or other employer
5.10 where provided with supervision by a master electrician in accordance with subdivision 1,
5.11 or power limited technician in accordance with subdivision 7, paragraph (a), clause (1), are
5.12 not required to hold a license under sections 326B.31 to 326B.399 for the planning, laying
5.13 out, installing, altering, and repairing of technology circuits or systems except planning,
5.14 laying out, or installing:

5.15 (1) in other than residential dwellings, class 2 or class 3 remote control circuits that
5.16 control circuits or systems other than class 2 or class 3, except circuits that interconnect
5.17 these systems through communication, alarm, and security systems are exempted from this
5.18 paragraph;

5.19 (2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing
5.20 physically unprotected circuits other than class 2 or class 3; or

5.21 (3) technology circuits or systems in hazardous classified locations as covered by the
5.22 National Electrical Code.

5.23 (c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and
5.24 class 3 remote control wiring associated with plug or cord and plug connected appliances
5.25 other than security or fire alarm systems installed in a residential dwelling are not required
5.26 to hold a license under sections 326B.31 to 326B.399.

5.27 (d) Heating, ventilating, air conditioning, and refrigeration contractors and their
5.28 employees are not required to hold or obtain a license under sections 326B.31 to 326B.399
5.29 when performing heating, ventilating, air conditioning, or refrigeration work as described
5.30 in section 326B.38.

5.31 (e) Employees of ~~any~~ an electrical utility that sells electric service to or for the public
5.32 at retail, communications utility, ~~or~~ railway utility, cable communications company as
5.33 defined in section 238.02, or a telephone company as defined under section 237.01 or its
5.34 employees, or ~~of any~~ an independent contractor performing work on behalf of any such

6.1 utility, cable communications company, or telephone company, ~~shall~~ are not ~~be~~ required to
6.2 hold a license under sections 326B.31 to 326B.399:

6.3 (1) while performing work on installations, materials, or equipment which are owned
6.4 or leased, and operated and maintained by such utility, cable communications company, or
6.5 telephone company in the exercise of its utility, antenna, or telephone function, and which:

6.6 (i) are used exclusively for the generation, transformation, distribution, transmission, or
6.7 metering of electric current, or the operation of railway signals, or the transmission of
6.8 intelligence and do not have as a principal function the consumption or use of electric current
6.9 or provided service by or for the benefit of any person other than such utility, cable
6.10 communications company, or telephone company; and

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

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

6.15 (2) while performing work on installations, materials, or equipment which are a part of
6.16 the street lighting operations of such utility; or

6.17 (3) while installing or performing work on outdoor area lights which are directly
6.18 connected to a utility's distribution system and located upon the utility's distribution poles,
6.19 and which are generally accessible only to employees of such utility or persons acting under
6.20 its control or direction.

6.21 (f) An individual who physically performs electrical work on a residential dwelling that
6.22 is located on a property the individual owns and actually occupies as a residence or owns
6.23 and will occupy as a residence upon completion of its construction is not required to hold
6.24 or obtain a license under sections 326B.31 to 326B.399 if the residential dwelling has a
6.25 separate electrical utility service not shared with any other residential dwelling.

6.26 (g) Companies and their employees licensed under section 326B.164 ~~shall~~ are not ~~be~~
6.27 required to hold or obtain a license under sections 326B.31 to 326B.399 while performing
6.28 elevator work.

6.29 Sec. 6. Minnesota Statutes 2024, section 326B.36, subdivision 7, is amended to read:

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

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

(2) when owned or leased, and operated and maintained by any electrical utility that sells electric service to or for the public at retail, communications, or railway utility, cable communications company as defined in section 238.02, or telephone company as defined under section 237.01, in the exercise of its utility, antenna, or telephone function; and

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

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

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

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

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

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

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

8.1 Sec. 7. **REPEALER.**

8.2 (a) Minnesota Statutes 2024, section 177.28, subdivision 5, is repealed.

8.3 (b) Minnesota Rules, parts 5200.0030; and 5200.0040, are repealed.

177.28 POWER TO MAKE RULES.

Subd. 5. **Rules regarding people with disabilities.** In order to prevent curtailment of opportunities for employment, avoid undue hardship, and safeguard the minimum wage rates under sections 177.24 and 177.25, the department shall also issue rules providing for the employment of disabled workers at wages lower than the wage rates applicable under sections 177.24 and 177.25, under permits and for periods of time as specified therein. The rules must provide for the employment of learners and apprentices at wages lower than the wage rates applicable under sections 177.24 and 177.25, under permits and subject to limitations on number, proportion, length of learning period, occupations, and other conditions as the department may prescribe. The rules must provide that where a disabled person is performing or is being considered for employment where work must be performed which is equal to work performed by a nondisabled person, the disabled person must be paid the same wage as a nondisabled person with similar experience and skill.

5200.0030 SUBMINIMUM WAGE RATES FOR WORKERS WITH DISABILITIES.

Subpart 1. **Permit required.** Subminimum wage rates may be paid to workers with disabilities only after receiving a permit from the Labor Standards Division. If no permit is issued, a worker, no matter how severely disabled, shall be paid the minimum wage. The subminimum rate will be based on the extent to which the worker's performance is limited but in no case may it fall below 50 percent of minimum wage, except as provided under subpart 4. "Performance" is based on a time study of workers with disabilities as compared to a time study of nondisabled workers on the same job. The time study must be conducted under the same working conditions for the disabled and the nondisabled.

Subp. 2. **Limit on work force at subminimum wage.** No profit-making organization may employ disabled workers at a subminimum wage for more than ten percent of its total work force unless granted a special permit by the commissioner of labor and industry to exceed the ten percent limitation.

Subp. 3. **Rehabilitation facilities.** Rehabilitation facilities are excluded from the percentage limitations of numbers of employees and percentage of minimum wage contained in subparts 1 and 2, but not from the permit requirement.

Subp. 4. **United States labor permits.** Permits issued by the United States Department of Labor under Code of Federal Regulations, title 29, part 524 or 525, authorizing subminimum wage rates shall be accepted by the division in lieu of the permit required in subpart 1. Where the worker would otherwise be employed in a rehabilitation facility, the commissioner of labor and industry may grant a special permit authorizing a wage rate of less than 50 percent of the minimum wage.

5200.0040 EQUAL PAY FOR WORKERS WITH DISABILITIES.

Where a person with a disability is now performing or is being considered for employment where he or she will perform work which is equal to work performed by a nondisabled person, such person with a disability shall be paid the same wage as a nondisabled person with similar experiences.