

1.1 A bill for an act

1.2 relating to labor and industry; appropriating money for the Department of Labor

1.3 and Industry and Minnesota Management and Budget; making policy and technical

1.4 changes; providing OSHA penalty compliance; modifying fair labor standards for

1.5 agricultural and food processing workers; providing earned sick and safe time;

1.6 modifying combative sports; adopting civil penalties; authorizing rulemaking;

1.7 requiring reports; amending Minnesota Statutes 2020, sections 175.16, subdivision

1.8 1; 177.26; 177.27, subdivisions 2, 4, 7; 178.01; 178.011, subdivision 7; 178.03,

1.9 subdivision 1; 178.11; 179.86, subdivisions 1, 3, by adding subdivisions; 181.14,

1.10 subdivision 1; 181.635, subdivisions 1, 2, 3, 4, 6; 181.85, subdivisions 2, 4; 181.86,

1.11 subdivision 1; 181.87, subdivisions 2, 3, 7; 181.88; 181.89, subdivision 2, by

1.12 adding a subdivision; 181.942, subdivision 1; 181.9435, subdivision 1; 181.9436;

1.13 182.666, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 326B.103, subdivision

1.14 13; 326B.106, subdivision 1; 341.21, subdivision 7; 341.221; 341.25; 341.28;

1.15 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 341.33; 341.355; Minnesota

1.16 Statutes 2021 Supplement, section 326B.153, subdivision 1; proposing coding for

1.17 new law in Minnesota Statutes, chapters 177; 181; 341; repealing Minnesota

1.18 Statutes 2020, section 181.9413.

1.19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.20 ARTICLE 1

1.21 APPROPRIATIONS

1.22 Section 1. APPROPRIATIONS.

1.23 The sums shown in the columns under "Appropriations" are added to the appropriations

1.24 in Laws 2021, First Special Session chapter 10, or other law to the specified agencies. The

1.25 appropriations are from the general fund, or another named fund, and are available for the

1.26 fiscal years indicated for each purpose. The figures "2022" and "2023" used in this article

1.27 mean that the appropriations listed under them are available for the fiscal year ending June

1.28 30, 2022, or June 30, 2023, respectively. Appropriations for the fiscal year ending June 30,

1.29 2022, are effective the day following final enactment.

2.1				<u>APPROPRIATIONS</u>
2.2				<u>Available for the Year</u>
2.3				<u>Ending June 30</u>
2.4				<u>2022</u> <u>2023</u>
2.5	<u>Sec. 2. DEPARTMENT OF LABOR AND</u>			
2.6	<u>INDUSTRY</u>			
2.7	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$ 5,593,000</u>
2.8	<u>Appropriations by Fund</u>			
2.9		<u>2022</u>	<u>2023</u>	
2.10	<u>General</u>	<u>-0-</u>	<u>2,460,000</u>	
2.11	<u>Workers'</u>			
2.12	<u>Compensation</u>	<u>-0-</u>	<u>-0-</u>	
2.13	<u>Workforce</u>			
2.14	<u>Development</u>	<u>-0-</u>	<u>3,133,000</u>	
2.15	<u>Subd. 2. Labor Standards and Apprenticeship</u>		<u>-0-</u>	<u>4,696,000</u>
2.16	<u>Appropriations by Fund</u>			
2.17		<u>2022</u>	<u>2023</u>	
2.18	<u>General Fund</u>	<u>-0-</u>	<u>1,563,000</u>	
2.19	<u>Workforce</u>			
2.20	<u>Development</u>	<u>-0-</u>	<u>3,133,000</u>	
2.21	<u>(a) \$1,059,000 in fiscal year 2023 is from the</u>			
2.22	<u>workforce development fund for labor</u>			
2.23	<u>education and advancement program grants</u>			
2.24	<u>under Minnesota Statutes, section 178.11, to</u>			
2.25	<u>expand and promote registered apprenticeship</u>			
2.26	<u>training for people of color, Indigenous</u>			
2.27	<u>people, and women.</u>			
2.28	<u>(1) Of the amount appropriated in paragraph</u>			
2.29	<u>(a), \$159,000 is available for program</u>			
2.30	<u>administration.</u>			
2.31	<u>(2) At least \$500,000 of the amount</u>			
2.32	<u>appropriated in paragraph (a) must be awarded</u>			
2.33	<u>to community-based organizations.</u>			
2.34	<u>(b) \$316,000 is from the workforce</u>			
2.35	<u>development fund for administration of the</u>			

3.1	<u>apprenticeship program under Minnesota</u>		
3.2	<u>Statutes, chapter 178.</u>		
3.3	<u>(c) \$1,758,000 in fiscal year 2023 is from the</u>		
3.4	<u>workforce development fund for prevailing</u>		
3.5	<u>wage enforcement.</u>		
3.6	<u>(d) \$196,000 in fiscal year 2023 is to expand</u>		
3.7	<u>and strengthen fair labor standards. In fiscal</u>		
3.8	<u>year 2024 and beyond, the base is \$146,000.</u>		
3.9	<u>(e) \$1,367,000 in fiscal year 2023 is from the</u>		
3.10	<u>general fund for enforcement and other duties</u>		
3.11	<u>regarding earned sick and safe time under</u>		
3.12	<u>Minnesota Statutes, sections 181.9445 to</u>		
3.13	<u>181.9448, and chapter 177. In fiscal year 2024,</u>		
3.14	<u>the base is \$2,018,000. In fiscal year 2025, the</u>		
3.15	<u>base is \$1,707,000.</u>		
3.16	<u>Subd. 3. Workforce Development Initiatives</u>	<u>-0-</u>	<u>747,000</u>
3.17	<u>(a) \$500,000 in fiscal year 2023 is for youth</u>		
3.18	<u>skills training grants under Minnesota Statutes,</u>		
3.19	<u>section 175.46.</u>		
3.20	<u>(b) \$247,000 in fiscal year 2023 is for</u>		
3.21	<u>administration of the youth skills training</u>		
3.22	<u>grants under Minnesota Statutes, section</u>		
3.23	<u>175.46. In fiscal year 2024 the base for this</u>		
3.24	<u>appropriation is \$258,000. In fiscal year 2025</u>		
3.25	<u>the base for this appropriation is \$270,000.</u>		
3.26	<u>Subd. 4. Combative Sports</u>	<u>-0-</u>	<u>150,000</u>
3.27	<u>Sec. 3. MINNESOTA MANAGEMENT AND</u>		
3.28	<u>BUDGET.</u>	<u>-0-</u>	<u>51,000</u>
3.29	<u>(a) \$3,000 in fiscal year 2023 is from the</u>		
3.30	<u>general fund for printing costs associated with</u>		
3.31	<u>earned sick and safe time under Minnesota</u>		
3.32	<u>Statutes, sections 181.9445 to 181.9448. This</u>		
3.33	<u>is a onetime appropriation.</u>		

4.1 (b) \$48,000 in fiscal year 2023 is from the
 4.2 general fund for the by the commissioner of
 4.3 management and budget under this paragraph
 4.4 to offset the cost of earned sick and safe time
 4.5 leave required under this act of executive
 4.6 branch agencies, boards, and commissions.
 4.7 The base for fiscal year 2024 and beyond is
 4.8 \$98,000. The commissioner of management
 4.9 and budget must determine an allocation of
 4.10 the amount appropriated in this paragraph for
 4.11 each executive branch state agency, board,
 4.12 and commission. Each allocation is directly
 4.13 appropriated to each of these entities as
 4.14 specified by the commissioner.

4.15 **ARTICLE 2**

4.16 **LABOR AND INDUSTRY POLICY AND TECHNICAL**

4.17 Section 1. Minnesota Statutes 2020, section 175.16, subdivision 1, is amended to read:

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

5.1 Sec. 2. Minnesota Statutes 2020, section 177.26, is amended to read:

5.2 **177.26 DIVISION OF LABOR STANDARDS.**

5.3 Subdivision 1. **Creation.** The Division of Labor Standards and Apprenticeship in the
5.4 Department of Labor and Industry is supervised and controlled by the commissioner of
5.5 labor and industry.

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

5.8 ~~Subd. 3. **Employees; transfer from Division of Women and Children.** All persons
5.9 employed by the department in the Division of Women and Children are transferred to the
5.10 Division of Labor Standards. A transferred person does not lose rights acquired by reason
5.11 of employment at the time of transfer.~~

5.12 Sec. 3. Minnesota Statutes 2020, section 178.01, is amended to read:

5.13 **178.01 PURPOSES.**

5.14 The purposes of this chapter are: to open to all people regardless of race, sex, creed,
5.15 color or national origin, the opportunity to obtain training and on-the-job learning that will
5.16 equip them for profitable employment and citizenship; to establish as a means to this end,
5.17 a program of voluntary apprenticeship under approved apprenticeship agreements providing
5.18 facilities for their training and guidance in the arts, skills, and crafts of industry and trade
5.19 or occupation, with concurrent, supplementary instruction in related subjects; to promote
5.20 apprenticeship opportunities under conditions providing adequate training and on-the-job
5.21 learning and reasonable earnings; to relate the supply of skilled workers to employment
5.22 demands; to establish standards for apprentice training; to establish an Apprenticeship Board
5.23 and apprenticeship committees to assist in effectuating the purposes of this chapter; to
5.24 provide for a Division of ~~Labor Standards and Apprenticeship~~ within the Department of
5.25 Labor and Industry; to provide for reports to the legislature regarding the status of apprentice
5.26 training in the state; to establish a procedure for the determination of apprenticeship
5.27 agreement controversies; and to accomplish related ends.

5.28 Sec. 4. Minnesota Statutes 2020, section 178.011, subdivision 7, is amended to read:

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

6.1 Sec. 5. Minnesota Statutes 2020, section 178.03, subdivision 1, is amended to read:

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

6.5 Sec. 6. Minnesota Statutes 2020, section 178.11, is amended to read:

6.6 **178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.**

6.7 The commissioner shall establish the labor education advancement grant program for
6.8 the purpose of facilitating the participation or retention of ~~minorities~~ people of color,
6.9 Indigenous people, and women in ~~apprenticeable trades and occupations~~ registered
6.10 apprenticeship programs. The commissioner shall award grants to community-based and
6.11 nonprofit organizations and Minnesota Tribal governments as defined in section 10.65,
6.12 serving the targeted populations on a competitive request-for-proposal basis. Interested
6.13 organizations shall apply for the grants in a form prescribed by the commissioner. As part
6.14 of the application process, applicants must provide a statement of need for the grant, a
6.15 description of the targeted population and apprenticeship opportunities, a description of
6.16 activities to be funded by the grant, evidence supporting the ability to deliver services,
6.17 information related to coordinating grant activities with other employment and learning
6.18 programs, identification of matching funds, a budget, and performance objectives. Each
6.19 submitted application shall be evaluated for completeness and effectiveness of the proposed
6.20 grant activity.

6.21 Sec. 7. Minnesota Statutes 2020, section 181.9435, subdivision 1, is amended to read:

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

7.1 Sec. 8. Minnesota Statutes 2020, section 181.9436, is amended to read:

7.2 **181.9436 POSTING OF LAW.**

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

7.7 Sec. 9. Minnesota Statutes 2020, section 326B.103, subdivision 13, is amended to read:

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

7.13 Sec. 10. Minnesota Statutes 2020, section 326B.106, subdivision 1, is amended to read:

7.14 Subdivision 1. **Adoption of code.** (a) Subject to paragraphs (c) and (d) and sections
7.15 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the
7.16 Construction Codes Advisory Council establish a code of standards for the construction,
7.17 reconstruction, alteration, and repair of buildings, governing matters of structural materials,
7.18 design and construction, fire protection, health, sanitation, and safety, including design and
7.19 construction standards regarding heat loss control, illumination, and climate control. The
7.20 code must also include duties and responsibilities for code administration, including
7.21 procedures for administrative action, penalties, and suspension and revocation of certification.
7.22 The code must conform insofar as practicable to model building codes generally accepted
7.23 and in use throughout the United States, including a code for building conservation. In the
7.24 preparation of the code, consideration must be given to the existing statewide specialty
7.25 codes presently in use in the state. Model codes with necessary modifications and statewide
7.26 specialty codes may be adopted by reference. The code must be based on the application
7.27 of scientific principles, approved tests, and professional judgment. To the extent possible,
7.28 the code must be adopted in terms of desired results instead of the means of achieving those
7.29 results, avoiding wherever possible the incorporation of specifications of particular methods
7.30 or materials. To that end the code must encourage the use of new methods and new materials.
7.31 Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall
7.32 administer and enforce the provisions of those sections.

8.1 (b) The commissioner shall develop rules addressing the plan review fee assessed to
 8.2 similar buildings without significant modifications including provisions for use of building
 8.3 systems as specified in the industrial/modular program specified in section 326B.194.
 8.4 Additional plan review fees associated with similar plans must be based on costs
 8.5 commensurate with the direct and indirect costs of the service.

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

8.13 (d) Notwithstanding paragraph (c), the commissioner shall act on each new model
 8.14 residential energy code and the new model commercial energy code in accordance with
 8.15 federal law for which the United States Department of Energy has issued an affirmative
 8.16 determination in compliance with United States Code, title 42, section 6833. The
 8.17 commissioner shall act on the new model commercial energy code by adopting each new
 8.18 published edition and amending it as necessary to achieve a minimum of eight percent
 8.19 energy efficiency. The commissioner may adopt amendments prior to adoption of the new
 8.20 energy codes, as amended for use in Minnesota, to advance construction methods, technology,
 8.21 or materials, or, where necessary to protect the health, safety, and welfare of the public, or
 8.22 to improve the efficiency or use of a building.

8.23 Sec. 11. Minnesota Statutes 2021 Supplement, section 326B.153, subdivision 1, is amended
 8.24 to read:

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

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

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

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

8.31 (1) \$1 to \$500, ~~\$29.50~~ \$21;

8.32 (2) \$501 to \$2,000, ~~\$28~~ \$21 for the first \$500 plus ~~\$3.70~~ \$2.75 for each additional \$100
 8.33 or fraction thereof, to and including \$2,000;

9.1 (3) \$2,001 to \$25,000, ~~\$83.50~~ \$62.25 for the first \$2,000 plus ~~\$16.55~~ \$12.50 for each
 9.2 additional \$1,000 or fraction thereof, to and including \$25,000;

9.3 (4) \$25,001 to \$50,000, ~~\$464.15~~ \$349.75 for the first \$25,000 plus ~~\$12~~ \$9 for each
 9.4 additional \$1,000 or fraction thereof, to and including \$50,000;

9.5 (5) \$50,001 to \$100,000, ~~\$764.15~~ \$574.75 for the first \$50,000 plus ~~\$8.45~~ \$6.25 for
 9.6 each additional \$1,000 or fraction thereof, to and including \$100,000;

9.7 (6) \$100,001 to \$500,000, ~~\$1,186.65~~ \$887.25 for the first \$100,000 plus ~~\$6.75~~ \$5 for
 9.8 each additional \$1,000 or fraction thereof, to and including \$500,000;

9.9 (7) \$500,001 to \$1,000,000, ~~\$3,886.65~~ \$2,887.25 for the first \$500,000 plus ~~\$5.50~~ \$4.25
 9.10 for each additional \$1,000 or fraction thereof, to and including \$1,000,000; and

9.11 (8) \$1,000,001 and up, ~~\$6,636.65~~ \$5,012.25 for the first \$1,000,000 plus ~~\$4.50~~ \$2.75
 9.12 for each additional \$1,000 or fraction thereof.

9.13 (c) Other inspections and fees are:

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

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

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

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

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

9.24 **EFFECTIVE DATE.** This section is effective retroactively from October 1, 2021, and
 9.25 the amendments to it expire October 1, 2023.

9.26 Sec. 12. **LAWS CHAPTER 32 EFFECTIVE DATE.**

9.27 Notwithstanding any other law to the contrary, Laws 2022, chapter 32, articles 1 and 2,
 9.28 sections 1 to 12, are effective the day following final enactment, and Laws 2022, chapter
 9.29 32, article 1, section 1, applies to appointments made on or after that date.

10.1 **ARTICLE 3**10.2 **OSHA PENALTY CONFORMANCE**

10.3 Section 1. Minnesota Statutes 2020, section 182.666, subdivision 1, is amended to read:

10.4 Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly
10.5 violates the requirements of section 182.653, or any standard, rule, or order adopted under
10.6 the authority of the commissioner as provided in this chapter, may be assessed a fine not to
10.7 exceed ~~\$70,000~~ \$145,027 for each violation. The minimum fine for a willful violation is
10.8 ~~\$5,000~~ \$10,360.

10.9 **EFFECTIVE DATE.** This section is effective July 1, 2022.

10.10 Sec. 2. Minnesota Statutes 2020, section 182.666, subdivision 2, is amended to read:

10.11 Subd. 2. **Serious violations.** Any employer who has received a citation for a serious
10.12 violation of its duties under section 182.653, or any standard, rule, or order adopted under
10.13 the authority of the commissioner as provided in this chapter, shall be assessed a fine not
10.14 to exceed ~~\$7,000~~ \$14,502 for each violation. If a serious violation under section 182.653,
10.15 subdivision 2, causes or contributes to the death of an employee, the employer shall be
10.16 assessed a fine of up to \$25,000 for each violation.

10.17 **EFFECTIVE DATE.** This section is effective July 1, 2022.

10.18 Sec. 3. Minnesota Statutes 2020, section 182.666, subdivision 3, is amended to read:

10.19 Subd. 3. **Nonserious violations.** Any employer who has received a citation for a violation
10.20 of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically
10.21 determined not to be of a serious nature as provided in section 182.651, subdivision 12,
10.22 may be assessed a fine of up to ~~\$7,000~~ \$14,502 for each violation.

10.23 **EFFECTIVE DATE.** This section is effective July 1, 2022.

10.24 Sec. 4. Minnesota Statutes 2020, section 182.666, subdivision 4, is amended to read:

10.25 Subd. 4. **Failure to correct a violation.** Any employer who fails to correct a violation
10.26 for which a citation has been issued under section 182.66 within the period permitted for
10.27 its correction, which period shall not begin to run until the date of the final order of the
10.28 commissioner in the case of any review proceedings under this chapter initiated by the
10.29 employer in good faith and not solely for delay or avoidance of penalties, may be assessed
10.30 a fine of not more than ~~\$7,000~~ \$14,502 for each day during which the failure or violation
10.31 continues.

11.1 **EFFECTIVE DATE.** This section is effective July 1, 2022.

11.2 Sec. 5. Minnesota Statutes 2020, section 182.666, subdivision 5, is amended to read:

11.3 Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements,
11.4 as prescribed under this chapter, except those prescribed under section 182.661, subdivision
11.5 3a, shall be assessed a fine of up to ~~\$7,000~~ \$14,502 for each violation.

11.6 **EFFECTIVE DATE.** This section is effective July 1, 2022.

11.7 Sec. 6. Minnesota Statutes 2020, section 182.666, is amended by adding a subdivision to
11.8 read:

11.9 Subd. 6a. **Increases for inflation.** (a) Each year, beginning in 2022, the commissioner
11.10 shall determine the percentage change in the Minneapolis-St. Paul-Bloomington, MN-WI,
11.11 Consumer Price Index for All Urban Consumers (CPI-U) from the month of October in the
11.12 preceding calendar year to the month of October in the current calendar year.

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

11.18 (c) If the percentage change determined by the commissioner under paragraph (a) is not
11.19 greater than zero, the commissioner shall not change any of the fines in subdivisions 1
11.20 through 5.

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

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

11.26 **EFFECTIVE DATE.** This section is effective July 1, 2022.

12.1 **ARTICLE 4**
 12.2 **FAIR LABOR STANDARDS FOR AGRICULTURAL AND FOOD PROCESSING**
 12.3 **WORKERS**

12.4 Section 1. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

12.5 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
 12.6 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,
 12.7 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
 12.8 subdivision 2a, 181.722, 181.79, 181.86 to 181.88, and 181.939 to 181.943, or with any
 12.9 rule promulgated under section 177.28. The commissioner shall issue an order requiring an
 12.10 employer to comply with sections 177.41 to 177.435 if the violation is repeated. For purposes
 12.11 of this subdivision only, a violation is repeated if at any time during the two years that
 12.12 preceded the date of violation, the commissioner issued an order to the employer for violation
 12.13 of sections 177.41 to 177.435 and the order is final or the commissioner and the employer
 12.14 have entered into a settlement agreement that required the employer to pay back wages that
 12.15 were required by sections 177.41 to 177.435. The department shall serve the order upon the
 12.16 employer or the employer's authorized representative in person or by certified mail at the
 12.17 employer's place of business. An employer who wishes to contest the order must file written
 12.18 notice of objection to the order with the commissioner within 15 calendar days after being
 12.19 served with the order. A contested case proceeding must then be held in accordance with
 12.20 sections 14.57 to 14.69. If, within 15 calendar days after being served with the order, the
 12.21 employer fails to file a written notice of objection with the commissioner, the order becomes
 12.22 a final order of the commissioner.

12.23 Sec. 2. Minnesota Statutes 2020, section 179.86, subdivision 1, is amended to read:

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

12.26 Sec. 3. Minnesota Statutes 2020, section 179.86, subdivision 3, is amended to read:

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

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

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

13.1 (3) a description of leave policies;

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

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

13.4 (6) the name of the employer's workers' compensation insurance carrier, the carrier's
13.5 phone number, and the insurance policy number.

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

13.9 (1) the right to organize and bargain collectively and refrain from organizing and
13.10 bargaining collectively;

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

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

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

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

13.16 Sec. 4. Minnesota Statutes 2020, section 179.86, is amended by adding a subdivision to
13.17 read:

13.18 Subd. 5. **Civil action.** An employee injured by a violation of this section has a cause of
13.19 action for damages for the greater of \$1,000 per violation or twice the employee's actual
13.20 damages, plus costs and reasonable attorney fees. A damage award shall be the greater of
13.21 \$1,400 or three times actual damages for an employee injured by an intentional violation
13.22 of this section.

13.23 Sec. 5. Minnesota Statutes 2020, section 179.86, is amended by adding a subdivision to
13.24 read:

13.25 Subd. 6. **Fine.** The commissioner of labor and industry shall fine an employer not less
13.26 than \$400 or more than \$1,000 for each violation of subdivision 3.

13.27 Sec. 6. Minnesota Statutes 2020, section 181.14, subdivision 1, is amended to read:

13.28 Subdivision 1. **Prompt payment required.** (a) When any such employee quits or resigns
13.29 employment, the wages or commissions earned and unpaid at the time the employee quits
13.30 or resigns shall be paid in full not later than the first regularly scheduled payday following

14.1 the employee's final day of employment, unless an employee is subject to a collective
14.2 bargaining agreement with a different provision. Wages are earned and unpaid if the
14.3 employee was not paid for all time worked at the employee's regular rate of pay or at the
14.4 rate required by law, including any applicable statute, regulation, rule, ordinance, government
14.5 resolution or policy, contract, or other legal authority, whichever rate of pay is greater. If
14.6 the first regularly scheduled payday is less than five calendar days following the employee's
14.7 final day of employment, full payment may be delayed until the second regularly scheduled
14.8 payday but shall not exceed a total of 20 calendar days following the employee's final day
14.9 of employment.

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

14.13 Sec. 7. Minnesota Statutes 2020, section 181.635, subdivision 1, is amended to read:

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

14.15 (a) "Employer" means a person who employs another to perform a service for hire.
14.16 Employer includes any agent or attorney of an employer who, for money or other valuable
14.17 consideration paid or promised to be paid, performs any recruiting.

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

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

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

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

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

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

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

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

- 15.1 (5) duration of the work;
- 15.2 (6) workers' compensation coverage and name, address, and telephone number of insurer
15.3 and Department of Labor and Industry;
- 15.4 (7) employee benefits available, including any health plans, sick leave, or paid vacation;
- 15.5 (8) transportation and relocation arrangements with allocation of costs between employer
15.6 and employee;
- 15.7 (9) availability and description of housing and any costs to employee associated with
15.8 housing; and
- 15.9 (10) any other item of value offered, and allocation of costs of item between employer
15.10 and employee.

15.11 Sec. 8. Minnesota Statutes 2020, section 181.635, subdivision 2, is amended to read:

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

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

15.23 Sec. 9. Minnesota Statutes 2020, section 181.635, subdivision 3, is amended to read:

15.24 Subd. 3. **Civil action.** A person injured by a violation of this section has a cause of action
15.25 for damages for the greater of ~~\$500~~ \$1,000 per violation or twice their actual damages, plus
15.26 costs and reasonable attorney's fees. A damage award shall be the greater of ~~\$750~~ \$1,400
15.27 or three times actual damages for a person injured by an intentional violation of this section.

15.28 Sec. 10. Minnesota Statutes 2020, section 181.635, subdivision 4, is amended to read:

15.29 Subd. 4. **Fine.** The Department of Labor and Industry shall fine an employer not less
15.30 than ~~\$200~~ \$400 or more than ~~\$500~~ \$1,000 for each violation of this section.

16.1 Sec. 11. Minnesota Statutes 2020, section 181.635, subdivision 6, is amended to read:

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

16.6 Sec. 12. Minnesota Statutes 2020, section 181.85, subdivision 2, is amended to read:

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

16.11 Sec. 13. Minnesota Statutes 2020, section 181.85, subdivision 4, is amended to read:

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

16.16 Sec. 14. Minnesota Statutes 2020, section 181.86, subdivision 1, is amended to read:

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

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

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

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

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

16.29 (5) the wage rates to be paid;

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

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

17.2 (8) whether housing will be provided; and

17.3 (9) the name of the employer's workers' compensation insurance carrier, the carrier's
17.4 phone number, and the insurance policy number.

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

17.7 Sec. 15. Minnesota Statutes 2020, section 181.87, subdivision 2, is amended to read:

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

17.11 Sec. 16. Minnesota Statutes 2020, section 181.87, subdivision 3, is amended to read:

17.12 Subd. 3. **Guaranteed hours.** The employer shall guarantee to each recruited migrant
17.13 worker a minimum of 70 hours pay for work in any two successive weeks and, should the
17.14 pay for hours actually offered by the employer and worked by the migrant worker provide
17.15 a sum of pay less than the minimum guarantee, the employer shall pay the migrant worker
17.16 the difference within three days after the scheduled payday for the pay period involved.
17.17 Payment for the guaranteed hours shall be at the hourly wage rate, if any, specified in the
17.18 employment statement, or the federal or state minimum wage, whichever is ~~higher~~ highest.
17.19 Any pay in addition to the hourly wage rate specified in the employment statement shall be
17.20 applied against the guarantee. This guarantee applies for the minimum period of employment
17.21 specified in the employment statement beginning with the date on which employment is to
17.22 begin as specified in the employment statement. The date on which employment is to begin
17.23 may be changed by the employer by written, telephonic, or telegraphic notice to the migrant
17.24 worker, at the worker's last known address, no later than ten days prior to the previously
17.25 stated beginning date. The migrant worker shall contact the recruiter to obtain the latest
17.26 information regarding the date upon which employment is to begin no later than five days
17.27 prior to the previously stated beginning date. This guarantee shall be reduced, when there
17.28 is no work available for a period of seven or more consecutive days during any two-week
17.29 period subsequent to the commencement of work, by five hours pay for each such day,
17.30 when the unavailability of work is caused by climatic conditions or an act of God, provided
17.31 that the employer pays the migrant worker, on the normal payday, the sum of \$~~5~~ \$16 for
17.32 each such day.

18.1 Sec. 17. Minnesota Statutes 2020, section 181.87, subdivision 7, is amended to read:

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

18.6 Sec. 18. Minnesota Statutes 2020, section 181.88, is amended to read:

18.7 **181.88 RECORD KEEPING.**

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

18.13 Sec. 19. Minnesota Statutes 2020, section 181.89, subdivision 2, is amended to read:

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

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

18.21 (2) whenever the court finds that an employer has recruited a migrant worker without
 18.22 providing a written employment statement as provided in section 181.86, subdivision 1,
 18.23 ~~\$250~~ \$800;

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

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

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

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

19.3 Sec. 20. Minnesota Statutes 2020, section 181.89, is amended by adding a subdivision to
 19.4 read:

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

19.8 ARTICLE 5

19.9 EARNED SICK AND SAFE TIME

19.10 Section 1. Minnesota Statutes 2020, section 181.942, subdivision 1, is amended to read:

19.11 Subdivision 1. **Comparable position.** (a) An employee returning from a leave of absence
 19.12 under section 181.941 is entitled to return to employment in the employee's former position
 19.13 or in a position of comparable duties, number of hours, and pay. An employee returning
 19.14 from a leave of absence longer than one month must notify a supervisor at least two weeks
 19.15 prior to return from leave. An employee returning from a leave under section 181.9412 or
 19.16 ~~181.9413~~ sections 181.9445 to 181.9448 is entitled to return to employment in the employee's
 19.17 former position.

19.18 (b) If, during a leave under sections 181.940 to 181.944, the employer experiences a
 19.19 layoff and the employee would have lost a position had the employee not been on leave,
 19.20 pursuant to the good faith operation of a bona fide layoff and recall system, including a
 19.21 system under a collective bargaining agreement, the employee is not entitled to reinstatement
 19.22 in the former or comparable position. In such circumstances, the employee retains all rights
 19.23 under the layoff and recall system, including a system under a collective bargaining
 19.24 agreement, as if the employee had not taken the leave.

19.25 Sec. 2. **[181.9445] DEFINITIONS.**

19.26 Subdivision 1. **Definitions.** For the purposes of section 177.50 and sections 181.9445
 19.27 to 181.9447, the terms defined in this section have the meanings given them.

19.28 Subd. 2. **Commissioner.** "Commissioner" means the commissioner of labor and industry
 19.29 or authorized designee or representative.

19.30 Subd. 3. **Domestic abuse.** "Domestic abuse" has the meaning given in section 518B.01.

20.1 Subd. 4. **Earned sick and safe time.** "Earned sick and safe time" means leave, including
20.2 paid time off and other paid leave systems, that is paid at the same hourly rate as an employee
20.3 earns from employment that may be used for the same purposes and under the same
20.4 conditions as provided under section 181.9447.

20.5 Subd. 5. **Employee.** "Employee" means any person who is employed by an employer,
20.6 including temporary and part-time employees, who performs work for at least 80 hours in
20.7 a year for that employer in Minnesota. Employee does not include:

20.8 (1) an independent contractor; or

20.9 (2) an individual employed by an air carrier as a flight deck or cabin crew member who
20.10 is subject to United States Code, title 45, sections 181 to 188, and who is provided with
20.11 paid leave equal to or exceeding the amounts in section 181.9446.

20.12 Subd. 6. **Employer.** "Employer" means a person who has one or more employees.
20.13 Employer includes an individual, a corporation, a partnership, an association, a business
20.14 trust, a nonprofit organization, a group of persons, a state, county, town, city, school district,
20.15 or other governmental subdivision. In the event that a temporary employee is supplied by
20.16 a staffing agency, absent a contractual agreement stating otherwise, that individual shall be
20.17 an employee of the staffing agency for all purposes of section 177.50 and sections 181.9445
20.18 to 181.9448.

20.19 Subd. 7. **Family member.** "Family member" means:

20.20 (1) an employee's:

20.21 (i) child, foster child, adult child, legal ward, or child for whom the employee is legal
20.22 guardian;

20.23 (ii) spouse or registered domestic partner;

20.24 (iii) sibling, stepsibling, or foster sibling;

20.25 (iv) parent or stepparent;

20.26 (v) grandchild, foster grandchild, or stepgrandchild; or

20.27 (vi) grandparent or stepgrandparent;

20.28 (2) any of the family members listed in clause (1) of a spouse or registered domestic
20.29 partner;

20.30 (3) any individual related by blood or affinity whose close association with the employee
20.31 is the equivalent of a family relationship; and

21.1 (4) up to one individual annually designated by the employee.

21.2 Subd. 8. **Health care professional.** "Health care professional" means any person licensed
 21.3 under federal or state law to provide medical or emergency services, including doctors,
 21.4 physician assistants, nurses, and emergency room personnel.

21.5 Subd. 9. **Prevailing wage rate.** "Prevailing wage rate" has the meaning given in section
 21.6 177.42 and as calculated by the Department of Labor and Industry.

21.7 Subd. 10. **Retaliatory personnel action.** "Retaliatory personnel action" means:

21.8 (1) any form of intimidation, threat, reprisal, harassment, discrimination, or adverse
 21.9 employment action, including discipline, discharge, suspension, transfer, or reassignment
 21.10 to a lesser position in terms of job classification, job security, or other condition of
 21.11 employment; reduction in pay or hours or denial of additional hours; the accumulation of
 21.12 points under an attendance point system; informing another employer that the person has
 21.13 engaged in activities protected by this chapter; or reporting or threatening to report the actual
 21.14 or suspected citizenship or immigration status of an employee, former employee, or family
 21.15 member of an employee to a federal, state, or local agency; and

21.16 (2) interference with or punishment for participating in any manner in an investigation,
 21.17 proceeding, or hearing under this chapter.

21.18 Subd. 11. **Sexual assault.** "Sexual assault" means an act that constitutes a violation
 21.19 under sections 609.342 to 609.3453 or 609.352.

21.20 Subd. 12. **Stalking.** "Stalking" has the meaning given in section 609.749.

21.21 Subd. 13. **Year.** "Year" means a regular and consecutive 12-month period, as determined
 21.22 by an employer and clearly communicated to each employee of that employer.

21.23 Sec. 3. **[181.9446] ACCRUAL OF EARNED SICK AND SAFE TIME.**

21.24 (a) An employee accrues a minimum of one hour of earned sick and safe time for every
 21.25 30 hours worked up to a maximum of 48 hours of earned sick and safe time in a year.
 21.26 Employees may not accrue more than 48 hours of earned sick and safe time in a year unless
 21.27 the employer agrees to a higher amount.

21.28 (b) Employers must permit an employee to carry over accrued but unused sick and safe
 21.29 time into the following year. The total amount of accrued but unused earned sick and safe
 21.30 time for an employee must not exceed 80 hours at any time, unless an employer agrees to
 21.31 a higher amount.

22.1 (c) Employees who are exempt from overtime requirements under United States Code,
 22.2 title 29, section 213(a)(1), as amended through the effective date of this section, are deemed
 22.3 to work 40 hours in each workweek for purposes of accruing earned sick and safe time,
 22.4 except that an employee whose normal workweek is less than 40 hours will accrue earned
 22.5 sick and safe time based on the normal workweek.

22.6 (d) Earned sick and safe time under this section begins to accrue at the commencement
 22.7 of employment of the employee.

22.8 (e) Employees may use accrued earned sick and safe time beginning 90 calendar days
 22.9 after the day their employment commenced. After 90 days from the day employment
 22.10 commenced, employees may use earned sick and safe time as it is accrued. The
 22.11 90-calendar-day period under this paragraph includes both days worked and days not worked.

22.12 **Sec. 4. [181.9447] USE OF EARNED SICK AND SAFE TIME.**

22.13 Subdivision 1. **Eligible use.** An employee may use accrued earned sick and safe time
 22.14 for:

22.15 (1) an employee's:

22.16 (i) mental or physical illness, injury, or other health condition;

22.17 (ii) need for medical diagnosis, care, or treatment of a mental or physical illness, injury,
 22.18 or health condition; or

22.19 (iii) need for preventive medical or health care;

22.20 (2) care of a family member:

22.21 (i) with a mental or physical illness, injury, or other health condition;

22.22 (ii) who needs medical diagnosis, care, or treatment of a mental or physical illness,
 22.23 injury, or other health condition; or

22.24 (iii) who needs preventive medical or health care;

22.25 (3) absence due to domestic abuse, sexual assault, or stalking of the employee or
 22.26 employee's family member, provided the absence is to:

22.27 (i) seek medical attention related to physical or psychological injury or disability caused
 22.28 by domestic abuse, sexual assault, or stalking;

22.29 (ii) obtain services from a victim services organization;

22.30 (iii) obtain psychological or other counseling;

23.1 (iv) seek relocation due to domestic abuse, sexual assault, or stalking; or

23.2 (v) seek legal advice or take legal action, including preparing for or participating in any
 23.3 civil or criminal legal proceeding related to or resulting from domestic abuse, sexual assault,
 23.4 or stalking;

23.5 (4) closure of the employee's place of business due to weather or other public emergency
 23.6 or an employee's need to care for a family member whose school or place of care has been
 23.7 closed due to weather or other public emergency; and

23.8 (5) when it has been determined by the health authorities having jurisdiction or by a
 23.9 health care professional that the presence of the employee or family member of the employee
 23.10 in the community would jeopardize the health of others because of the exposure of the
 23.11 employee or family member of the employee to a communicable disease, whether or not
 23.12 the employee or family member has actually contracted the communicable disease.

23.13 Subd. 2. **Notice.** An employer may require notice of the need for use of earned sick and
 23.14 safe time as provided in this paragraph. If the need for use is foreseeable, an employer may
 23.15 require advance notice of the intention to use earned sick and safe time but must not require
 23.16 more than seven days' advance notice. If the need is unforeseeable, an employer may require
 23.17 an employee to give notice of the need for earned sick and safe time as soon as practicable.

23.18 Subd. 3. **Documentation.** When an employee uses earned sick and safe time for more
 23.19 than three consecutive days, an employer may require reasonable documentation that the
 23.20 earned sick and safe time is covered by subdivision 1. For earned sick and safe time under
 23.21 subdivision 1, clauses (1) and (2), reasonable documentation may include a signed statement
 23.22 by a health care professional indicating the need for use of earned sick and safe time. For
 23.23 earned sick and safe time under subdivision 1, clause (3), an employer must accept a court
 23.24 record or documentation signed by a volunteer or employee of a victims services organization,
 23.25 an attorney, a police officer, or an antiviolence counselor as reasonable documentation. An
 23.26 employer must not require disclosure of details relating to domestic abuse, sexual assault,
 23.27 or stalking or the details of an employee's or an employee's family member's medical
 23.28 condition as related to an employee's request to use earned sick and safe time under this
 23.29 section.

23.30 Subd. 4. **Replacement worker.** An employer may not require, as a condition of an
 23.31 employee using earned sick and safe time, that the employee seek or find a replacement
 23.32 worker to cover the hours the employee uses as earned sick and safe time.

24.1 Subd. 5. **Increment of time used.** Earned sick and safe time may be used in the smallest
24.2 increment of time tracked by the employer's payroll system, provided such increment is not
24.3 more than four hours.

24.4 Subd. 6. **Retaliation prohibited.** An employer shall not take retaliatory personnel action
24.5 against an employee because the employee has requested earned sick and safe time, used
24.6 earned sick and safe time, requested a statement of accrued sick and safe time, or made a
24.7 complaint or filed an action to enforce a right to earned sick and safe time under this section.

24.8 Subd. 7. **Reinstatement to comparable position after leave.** An employee returning
24.9 from a leave under this section is entitled to return to employment in a comparable position.
24.10 If, during a leave under this section, the employer experiences a layoff and the employee
24.11 would have lost a position had the employee not been on leave, pursuant to the good faith
24.12 operation of a bona fide layoff and recall system, including a system under a collective
24.13 bargaining agreement, the employee is not entitled to reinstatement in the former or
24.14 comparable position. In such circumstances, the employee retains all rights under the layoff
24.15 and recall system, including a system under a collective bargaining agreement, as if the
24.16 employee had not taken the leave.

24.17 Subd. 8. **Pay and benefits after leave.** An employee returning from a leave under this
24.18 section is entitled to return to employment at the same rate of pay the employee had been
24.19 receiving when the leave commenced, plus any automatic adjustments in the employee's
24.20 pay scale that occurred during leave period. The employee returning from a leave is entitled
24.21 to retain all accrued preleave benefits of employment and seniority as if there had been no
24.22 interruption in service, provided that nothing under this section prevents the accrual of
24.23 benefits or seniority during the leave pursuant to a collective bargaining or other agreement
24.24 between the employer and employees.

24.25 Subd. 9. **Part-time return from leave.** An employee, by agreement with the employer,
24.26 may return to work part time during the leave period without forfeiting the right to return
24.27 to employment at the end of the leave, as provided under this section.

24.28 Subd. 10. **Notice and posting by employer.** (a) Employers must give notice to all
24.29 employees that they are entitled to earned sick and safe time, including the amount of earned
24.30 sick and safe time, the accrual year for the employee, and the terms of its use under this
24.31 section; that retaliation against employees who request or use earned sick and safe time is
24.32 prohibited; and that each employee has the right to file a complaint or bring a civil action
24.33 if earned sick and safe time is denied by the employer or the employee is retaliated against
24.34 for requesting or using earned sick and safe time.

25.1 (b) Employers must supply employees with a notice in English and other appropriate
25.2 languages that contains the information required in paragraph (a) at commencement of
25.3 employment or the effective date of this section, whichever is later.

25.4 (c) The means used by the employer must be at least as effective as the following options
25.5 for providing notice:

25.6 (1) posting a copy of the notice at each location where employees perform work and
25.7 where the notice must be readily observed and easily reviewed by all employees performing
25.8 work; or

25.9 (2) providing a paper or electronic copy of the notice to employees.

25.10 The notice must contain all information required under paragraph (a). The commissioner
25.11 shall create and make available to employers a poster and a model notice that contains the
25.12 information required under paragraph (a) for their use in complying with this section.

25.13 (d) An employer that provides an employee handbook to its employees must include in
25.14 the handbook notice of employee rights and remedies under this section.

25.15 Subd. 11. **Required statement to employee.** (a) Upon request of the employee, the
25.16 employer must provide, in writing or electronically, current information stating the
25.17 employee's amount of:

25.18 (1) earned sick and safe time available to the employee; and

25.19 (2) used earned sick and safe time.

25.20 (b) Employers may choose a reasonable system for providing the information in paragraph
25.21 (a), including but not limited to listing information on each pay stub or developing an online
25.22 system where employees can access their own information.

25.23 Subd. 12. **Employer records.** (a) Employers shall retain accurate records documenting
25.24 hours worked by employees and earned sick and safe time taken and comply with all
25.25 requirements under section 177.30.

25.26 (b) An employer must allow an employee to inspect records required by this section and
25.27 relating to that employee at a reasonable time and place.

25.28 Subd. 13. **Confidentiality and nondisclosure.** (a) If, in conjunction with this section,
25.29 an employer possesses:

25.30 (1) health or medical information regarding an employee or an employee's family
25.31 member;

26.1 (2) information pertaining to domestic abuse, sexual assault, or stalking;
26.2 (3) information that the employee has requested or obtained leave under this section; or
26.3 (4) any written or oral statement, documentation, record, or corroborating evidence
26.4 provided by the employee or an employee's family member, the employer must treat such
26.5 information as confidential.

26.6 Information given by an employee may only be disclosed by an employer if the disclosure
26.7 is requested or consented to by the employee, when ordered by a court or administrative
26.8 agency, or when otherwise required by federal or state law.

26.9 (b) Records and documents relating to medical certifications, recertifications, or medical
26.10 histories of employees or family members of employees created for purposes of section
26.11 177.50 or sections 181.9445 to 181.9448 must be maintained as confidential medical records
26.12 separate from the usual personnel files. At the request of the employee, the employer must
26.13 destroy or return the records required by sections 181.9445 to 181.9448 that are older than
26.14 three years prior to the current calendar year.

26.15 (c) Employers may not discriminate against any employee based on records created for
26.16 the purposes of section 177.50 or sections 181.9445 to 181.9448.

26.17 **Sec. 5. [181.9448] EFFECT ON OTHER LAW OR POLICY.**

26.18 Subdivision 1. **No effect on more generous sick and safe time policies.** (a) Nothing
26.19 in sections 181.9445 to 181.9448 shall be construed to discourage employers from adopting
26.20 or retaining earned sick and safe time policies that meet or exceed, and do not otherwise
26.21 conflict with, the minimum standards and requirements provided in sections 181.9445 to
26.22 181.9447.

26.23 (b) Nothing in sections 181.9445 to 181.9447 shall be construed to limit the right of
26.24 parties to a collective bargaining agreement to bargain and agree with respect to earned sick
26.25 and safe time policies or to diminish the obligation of an employer to comply with any
26.26 contract, collective bargaining agreement, or any employment benefit program or plan that
26.27 meets or exceeds, and does not otherwise conflict with, the minimum standards and
26.28 requirements provided in this section.

26.29 (c) Employers who provide earned sick and safe time to their employees under a paid
26.30 time off policy or other paid leave policy that meets or exceeds, and does not otherwise
26.31 conflict with, the minimum standards and requirements provided in sections 181.9445 to
26.32 181.9448 are not required to provide additional earned sick and safe time.

27.1 (d) An employer may opt to satisfy the requirements of sections 181.9445 to 181.9448
27.2 for construction industry employees by:

27.3 (1) paying at least the prevailing wage rate as defined by section 177.42 and as calculated
27.4 by the Department of Labor and Industry; or

27.5 (2) paying at least the required rate established in a registered apprenticeship agreement
27.6 for apprentices registered with the Department of Labor and Industry.

27.7 An employer electing this option is deemed to be in compliance with sections 181.9445 to
27.8 181.9448 for construction industry employees who receive either at least the prevailing
27.9 wage rate or the rate required in the applicable apprenticeship agreement regardless of
27.10 whether the employees are working on private or public projects.

27.11 (e) Sections 181.9445 to 181.9448 do not prohibit an employer from establishing a policy
27.12 whereby employees may donate unused accrued sick and safe time to another employee.

27.13 (f) Sections 181.9445 to 181.9448 do not prohibit an employer from advancing sick and
27.14 safe time to an employee before accrual by the employee.

27.15 Subd. 2. **Termination; separation; transfer.** Sections 181.9445 to 181.9448 do not
27.16 require financial or other reimbursement to an employee from an employer upon the
27.17 employee's termination, resignation, retirement, or other separation from employment for
27.18 accrued earned sick and safe time that has not been used. If an employee is transferred to
27.19 a separate division, entity, or location, but remains employed by the same employer, the
27.20 employee is entitled to all earned sick and safe time accrued at the prior division, entity, or
27.21 location and is entitled to use all earned sick and safe time as provided in sections 181.9445
27.22 to 181.9448. When there is a separation from employment and the employee is rehired
27.23 within 180 days of separation by the same employer, previously accrued earned sick and
27.24 safe time that had not been used must be reinstated. An employee is entitled to use accrued
27.25 earned sick and safe time and accrue additional earned sick and safe time at the
27.26 commencement of reemployment.

27.27 Subd. 3. **Employer succession.** (a) When a different employer succeeds or takes the
27.28 place of an existing employer, all employees of the original employer who remain employed
27.29 by the successor employer are entitled to all earned sick and safe time accrued but not used
27.30 when employed by the original employer, and are entitled to use all earned sick and safe
27.31 time previously accrued but not used.

27.32 (b) If, at the time of transfer of the business, employees are terminated by the original
27.33 employer and hired within 30 days by the successor employer following the transfer, those

28.1 employees are entitled to all earned sick and safe time accrued but not used when employed
 28.2 by the original employer, and are entitled to use all earned sick and safe time previously
 28.3 accrued but not used.

28.4 Sec. 6. **REPEALER.**

28.5 Minnesota Statutes 2020, section 181.9413, is repealed.

28.6 Sec. 7. **EFFECTIVE DATE.**

28.7 This article is effective 180 days following final enactment.

28.8 **ARTICLE 6**

28.9 **EARNED SICK AND SAFE TIME ENFORCEMENT**

28.10 Section 1. Minnesota Statutes 2020, section 177.27, subdivision 2, is amended to read:

28.11 Subd. 2. **Submission of records; penalty.** The commissioner may require the employer
 28.12 of employees working in the state to submit to the commissioner photocopies, certified
 28.13 copies, or, if necessary, the originals of employment records which the commissioner deems
 28.14 necessary or appropriate. The records which may be required include full and correct
 28.15 statements in writing, including sworn statements by the employer, containing information
 28.16 relating to wages, hours, names, addresses, and any other information pertaining to the
 28.17 employer's employees and the conditions of their employment as the commissioner deems
 28.18 necessary or appropriate.

28.19 The commissioner may require the records to be submitted by certified mail delivery
 28.20 or, if necessary, by personal delivery by the employer or a representative of the employer,
 28.21 as authorized by the employer in writing.

28.22 The commissioner may fine the employer up to ~~\$1,000~~ \$10,000 for each failure to submit
 28.23 or deliver records as required by this section, ~~and up to \$5,000 for each repeated failure.~~
 28.24 This penalty is in addition to any penalties provided under section 177.32, subdivision 1.
 28.25 In determining the amount of a civil penalty under this subdivision, the appropriateness of
 28.26 such penalty to the size of the employer's business and the gravity of the violation shall be
 28.27 considered.

28.28 Sec. 2. Minnesota Statutes 2020, section 177.27, subdivision 4, is amended to read:

28.29 Subd. 4. **Compliance orders.** The commissioner may issue an order requiring an
 28.30 employer to comply with sections 177.21 to 177.435, 181.02, 181.03, 181.031, 181.032,

29.1 181.101, 181.11, 181.13, 181.14, 181.145, 181.15, 181.172, paragraph (a) or (d), 181.275,
29.2 subdivision 2a, 181.722, 181.79, ~~and~~ 181.939 to 181.943, and 181.9445 to 181.9448, or
29.3 with any rule promulgated under section 177.28. The commissioner shall issue an order
29.4 requiring an employer to comply with sections 177.41 to 177.435 if the violation is repeated.
29.5 For purposes of this subdivision only, a violation is repeated if at any time during the two
29.6 years that preceded the date of violation, the commissioner issued an order to the employer
29.7 for violation of sections 177.41 to 177.435 and the order is final or the commissioner and
29.8 the employer have entered into a settlement agreement that required the employer to pay
29.9 back wages that were required by sections 177.41 to 177.435. The department shall serve
29.10 the order upon the employer or the employer's authorized representative in person or by
29.11 certified mail at the employer's place of business. An employer who wishes to contest the
29.12 order must file written notice of objection to the order with the commissioner within 15
29.13 calendar days after being served with the order. A contested case proceeding must then be
29.14 held in accordance with sections 14.57 to 14.69. If, within 15 calendar days after being
29.15 served with the order, the employer fails to file a written notice of objection with the
29.16 commissioner, the order becomes a final order of the commissioner.

29.17 Sec. 3. Minnesota Statutes 2020, section 177.27, subdivision 7, is amended to read:

29.18 Subd. 7. **Employer liability.** If an employer is found by the commissioner to have
29.19 violated a section identified in subdivision 4, or any rule adopted under section 177.28, and
29.20 the commissioner issues an order to comply, the commissioner shall order the employer to
29.21 cease and desist from engaging in the violative practice and to take such affirmative steps
29.22 that in the judgment of the commissioner will effectuate the purposes of the section or rule
29.23 violated. The commissioner shall order the employer to pay to the aggrieved parties back
29.24 pay, gratuities, and compensatory damages, less any amount actually paid to the employee
29.25 by the employer, and for an additional equal amount as liquidated damages. Any employer
29.26 who is found by the commissioner to have repeatedly or willfully violated a section or
29.27 sections identified in subdivision 4 shall be subject to a civil penalty of up to ~~\$1,000~~ \$10,000
29.28 for each violation for each employee. In determining the amount of a civil penalty under
29.29 this subdivision, the appropriateness of such penalty to the size of the employer's business
29.30 and the gravity of the violation shall be considered. In addition, the commissioner may order
29.31 the employer to reimburse the department and the attorney general for all appropriate
29.32 litigation and hearing costs expended in preparation for and in conducting the contested
29.33 case proceeding, unless payment of costs would impose extreme financial hardship on the
29.34 employer. If the employer is able to establish extreme financial hardship, then the
29.35 commissioner may order the employer to pay a percentage of the total costs that will not

30.1 cause extreme financial hardship. Costs include but are not limited to the costs of services
 30.2 rendered by the attorney general, private attorneys if engaged by the department,
 30.3 administrative law judges, court reporters, and expert witnesses as well as the cost of
 30.4 transcripts. Interest shall accrue on, and be added to, the unpaid balance of a commissioner's
 30.5 order from the date the order is signed by the commissioner until it is paid, at an annual rate
 30.6 provided in section 549.09, subdivision 1, paragraph (c). The commissioner may establish
 30.7 escrow accounts for purposes of distributing damages.

30.8 **Sec. 4. [177.50] EARNED SICK AND SAFE TIME ENFORCEMENT.**

30.9 Subdivision 1. **Definitions.** The definitions in section 181.9445 apply to this section.

30.10 Subd. 2. **Rulemaking authority.** The commissioner may adopt rules to carry out the
 30.11 purposes of this section and sections 181.9445 to 181.9448.

30.12 Subd. 3. **Individual remedies.** In addition to any other remedies provided by law, a
 30.13 person injured by a violation of sections 181.9445 to 181.9448 may bring a civil action to
 30.14 recover general and special damages, along with costs, fees, and reasonable attorney fees,
 30.15 and may receive injunctive and other equitable relief as determined by a court. An action
 30.16 to recover damages under this subdivision must be commenced within three years of the
 30.17 violation of sections 181.9445 to 181.9448 that caused the injury to the employee.

30.18 Subd. 4. **Grants to community organizations.** The commissioner may make grants to
 30.19 community organizations for the purpose of outreach to and education for employees
 30.20 regarding their rights under sections 181.9445 to 181.9448. The community-based
 30.21 organizations must be selected based on their experience, capacity, and relationships in
 30.22 high-violation industries. The work under such a grant may include the creation and
 30.23 administration of a statewide worker hotline.

30.24 Subd. 5. **Report to legislature.** (a) The commissioner must submit an annual report to
 30.25 the legislature, including to the chairs and ranking minority members of any relevant
 30.26 legislative committee. The report must include, but is not limited to:

30.27 (1) a list of all violations of sections 181.9445 to 181.9448, including the employer
 30.28 involved, and the nature of any violations; and

30.29 (2) an analysis of noncompliance with sections 181.9445 to 181.9448, including any
 30.30 patterns by employer, industry, or county.

30.31 (b) A report under this section must not include an employee's name or other identifying
 30.32 information, any health or medical information regarding an employee or an employee's

31.1 family member, or any information pertaining to domestic abuse, sexual assault, or stalking
 31.2 of an employee or an employee's family member.

31.3 Subd. 6. **Contract for labor or services.** It is the responsibility of all employers to not
 31.4 enter into any contract or agreement for labor or services where the employer has any actual
 31.5 knowledge or knowledge arising from familiarity with the normal facts and circumstances
 31.6 of the business activity engaged in, or has any additional facts or information that, taken
 31.7 together, would make a reasonably prudent person undertake to inquire whether, taken
 31.8 together, the contractor is not complying or has failed to comply with this section. For
 31.9 purposes of this subdivision, "actual knowledge" means information obtained by the employer
 31.10 that the contractor has violated this section within the past two years and has failed to present
 31.11 the employer with credible evidence that such noncompliance has been cured going forward.

31.12 **EFFECTIVE DATE.** This section is effective 180 days after final enactment.

31.13 **ARTICLE 7**

31.14 **COMBATIVE SPORTS**

31.15 Section 1. Minnesota Statutes 2020, section 341.21, subdivision 7, is amended to read:

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

31.22 Sec. 2. Minnesota Statutes 2020, section 341.221, is amended to read:

31.23 **341.221 ADVISORY COUNCIL.**

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

31.26 (b) The council shall have ~~nine~~ five members appointed by the commissioner. ~~One~~
 31.27 ~~member must be a retired judge of the Minnesota District Court, Minnesota Court of Appeals,~~
 31.28 ~~Minnesota Supreme Court, the United States District Court for the District of Minnesota,~~
 31.29 ~~or the Eighth Circuit Court of Appeals. At least four~~ All five members must have knowledge
 31.30 of the boxing combative sports industry. ~~At least four members must have knowledge of~~
 31.31 ~~the mixed martial arts industry.~~ The commissioner shall make serious efforts to appoint
 31.32 qualified women to serve on the council.

32.1 ~~(e) Council members shall serve terms of four years with the terms ending on the first~~
 32.2 ~~Monday in January.~~

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

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

32.6 ~~(f) The commissioner shall designate two of the members to serve until the first Monday~~
 32.7 ~~in January 2013; two members to serve until the first Monday in January 2014; two members~~
 32.8 ~~to serve until the first Monday in January 2015; and three members to serve until the first~~
 32.9 ~~Monday in January 2016.~~

32.10 (e) Appointments to the council and the terms of council members shall be governed by
 32.11 sections 15.059 and 15.0597.

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

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

32.17 Sec. 3. Minnesota Statutes 2020, section 341.25, is amended to read:

32.18 **341.25 RULES.**

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

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

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

32.25 (d) The commissioner may adopt the rules of the Association of Boxing Commissions,
 32.26 with amendments.

32.27 (e) The most recent version of the Unified Rules of Mixed Martial Arts, as promulgated
 32.28 by the Association of Boxing Commissions ~~and amended August 2, 2016,~~ are incorporated
 32.29 by reference and made a part of this chapter except as qualified by this chapter and Minnesota
 32.30 Rules, chapter 2202. In the event of a conflict between this chapter and the Unified Rules,
 32.31 this chapter must govern.

33.1 (f) The most recent version of the Unified Rules of Boxing, as promulgated by the
 33.2 Association of Boxing Commissions, are incorporated by reference and made a part of this
 33.3 chapter except as modified by this chapter and Minnesota Rules, chapter 2201. In the event
 33.4 of a conflict between this chapter and the Unified Rules, this chapter must govern.

33.5 Sec. 4. Minnesota Statutes 2020, section 341.28, is amended to read:

33.6 **341.28 REGULATION OF COMBATIVE SPORT CONTESTS.**

33.7 Subdivision 1. **Regulatory authority; combative sports.** All combative sport contests
 33.8 within this state must be conducted according to the requirements of this chapter.

33.9 Subd. 1a. **Regulatory authority; professional boxing contests.** All professional boxing
 33.10 contests are subject to this chapter. Every combatant in a boxing contest shall wear padded
 33.11 gloves that weigh at least eight ounces. Officials at all boxing contests must be licensed
 33.12 under this chapter.

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

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

33.28 Subd. 4. **Regulatory authority; martial arts and amateur boxing.** (a) Unless this
 33.29 chapter specifically states otherwise, contests or exhibitions for martial arts and amateur
 33.30 boxing are exempt from the requirements of this chapter and officials at these events are
 33.31 not required to be licensed under this chapter.

33.32 (b) All martial arts and amateur boxing contests must be regulated by the Thai Boxing
 33.33 Association, International Sports Karate Association, World Kickboxing Association, United

34.1 States Muay Thai Association, United States Muay Thai Federation, World Association of
 34.2 Kickboxing Organizations, International Kickboxing Federation, USA Boxing, or an
 34.3 organization that governs interscholastic athletics under subdivision 5.

34.4 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit
 34.5 bout results to the commissioner within 72 hours after the event. If the regulatory body
 34.6 issues suspensions, it must submit to the commissioner, within 72 hours after the event, a
 34.7 list of any suspensions resulting from the event.

34.8 Subd. 5. **Regulatory authority; certain students.** Combative sport contests regulated
 34.9 by the Minnesota State High School League, National Collegiate Athletic Association,
 34.10 National Junior Collegiate Athletic Association, National Association of Intercollegiate
 34.11 Athletics, or any similar organization that governs interscholastic athletics are not subject
 34.12 to this chapter and officials at these events are not required to be licensed under this chapter.

34.13 Sec. 5. Minnesota Statutes 2020, section 341.30, subdivision 4, is amended to read:

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

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

34.22 ~~(2)~~ (1) show on the licensing application the owner or owners of the applicant entity and
 34.23 the percentage of interest held by each owner holding a 25 percent or more interest in the
 34.24 applicant;

34.25 ~~(3)~~ (2) provide the commissioner with a copy of the latest financial statement of the
 34.26 applicant;

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

34.29 ~~(5)~~ (3) provide proof, where applicable, of authorization to do business in the state of
 34.30 Minnesota; and

34.31 ~~(6)~~ (4) deposit with the commissioner a ~~cash bond or~~ surety bond in an amount set by
 34.32 the commissioner, which must not be less than \$10,000. The bond shall be executed in favor

35.1 of this state and shall be conditioned on the faithful performance by the promoter of the
35.2 promoter's obligations under this chapter and the rules adopted under it.

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

35.4 (1) submit to the commissioner the results of a current medical ~~examination~~ examinations
35.5 on forms ~~furnished or approved~~ prescribed by the commissioner. ~~The medical examination~~
35.6 ~~must include an ophthalmological and neurological examination, and documentation of test~~
35.7 ~~results for HBV, HCV, and HIV, and any other blood test as the commissioner by rule may~~
35.8 ~~require. The ophthalmological examination must be designed to detect any retinal defects~~
35.9 ~~or other damage or condition of the eye that could be aggravated by combative sports. The~~
35.10 ~~neurological examination must include an electroencephalogram or medically superior test~~
35.11 ~~if the combatant has been knocked unconscious in a previous contest. The commissioner~~
35.12 ~~may also order an electroencephalogram or other appropriate neurological or physical~~
35.13 ~~examination before any contest if it determines that the examination is desirable to protect~~
35.14 ~~the health of the combatant. The commissioner shall not issue a license to an applicant~~
35.15 ~~submitting positive test results for HBV, HCV, or HIV; that state that the combatant is~~
35.16 cleared to participate in a combative sport contest. The applicant must undergo and submit
35.17 the results of the following medical examinations, which do not exempt a combatant from
35.18 the requirements set forth in section 341.33:

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

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

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

35.30 (iv) other appropriate neurological or physical examinations before any contest, if the
35.31 commissioner determines that the examination is desirable to protect the health of the
35.32 combatant.

35.33 (2) complete a licensing application on the Office of Combative Sports website or on
35.34 forms furnished or approved by the commissioner; and

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

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

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

36.11 Sec. 6. Minnesota Statutes 2020, section 341.32, subdivision 2, is amended to read:

36.12 Subd. 2. **Expiration and application.** Licenses expire annually on ~~December 31~~ June
 36.13 30. A license may be applied for each year by filing an application for licensure and satisfying
 36.14 all licensure requirements established in section 341.30, and submitting payment of the
 36.15 license fees established in section 341.321. An application for a license and renewal of a
 36.16 license must be on a form provided by the commissioner. Any license received or renewed
 36.17 in the year 2022 shall be valid until June 30, 2023.

36.18 Sec. 7. Minnesota Statutes 2020, section 341.321, is amended to read:

36.19 **341.321 FEE SCHEDULE.**

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

36.22 (1) referees, \$25;

36.23 (2) promoters, \$700;

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

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

36.26 (5) timekeepers, \$25;

36.27 (6) professional combatants, \$70;

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

36.29 (8) ringside physicians, \$25.

37.1 ~~License fees for promoters are due at least six weeks prior to the combative sport contest.~~
 37.2 All ~~other~~ license fees shall be paid no later than the weigh-in prior to the contest. No license
 37.3 may be issued until all prelicensure requirements outlined in section 341.30 are satisfied
 37.4 and fees are paid.

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

37.11 ~~(e) A professional or amateur combative sport contest fee is nonrefundable and shall be~~
 37.12 ~~paid as follows:~~

37.13 (1) ~~\$500 at the time~~ is due when the combative sport contest is scheduled; ~~and~~

37.14 (2) ~~\$1,000 is due~~ at the weigh-in prior to the contest;;

37.15 (3) if four percent of the gross ticket sales is greater than \$1,500, the balance is due to
 37.16 the commissioner within 14 days of the completed contest; and

37.17 (4) the face value of all complimentary tickets distributed for an event, to the extent they
 37.18 exceed 15 percent of total event attendance, count toward gross tickets sales for the purposes
 37.19 of determining a combative sport contest fee.

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

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

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

37.26 Sec. 8. [341.322] PAYMENT SCHEDULE.

37.27 The commissioner may establish a schedule of fees to be paid by a promoter to referees,
 37.28 judges and knockdown judges, timekeepers, and ringside physicians.

37.29 Sec. 9. [341.323] EVENT APPROVAL.

37.30 Subdivision 1. Preapproval documentation. Before the commissioner approves a
 37.31 combative sport contest, the promoter shall:

38.1 (1) provide the commissioner, at least six weeks before the combative sport contest is
 38.2 scheduled to occur, information about the time, date, and location of the contest;

38.3 (2) provide the commissioner, at least 72 hours before the combative sport contest is
 38.4 scheduled to occur, with a copy of any agreement between a combatant and the promoter
 38.5 that binds the promoter to pay the combatant a certain fixed fee or percentage of the gate
 38.6 receipts;

38.7 (3) provide the commissioner, at least 72 hours before the combative sport contest is
 38.8 scheduled to occur, with a copy or other proof acceptable to the commissioner of the
 38.9 insurance contract or policy required by this chapter; and

38.10 (4) provide the commissioner, at least 72 hours before the combative sport contest is
 38.11 scheduled to occur, proof acceptable to the commissioner that the promoter will provide,
 38.12 at the cost of the promoter, at least one uniformed security guard or uniformed off-duty
 38.13 member of law enforcement to provide security at any event regulated by the Department
 38.14 of Labor and Industry. The commissioner may require a promoter to take additional security
 38.15 measures to ensure the safety of participants and spectators at an event.

38.16 Subd. 2. **Proper licensure.** Before the commissioner approves a combative sport contest,
 38.17 the commissioner must ensure that the promoter is properly licensed under this chapter.
 38.18 The promoter must maintain proper licensure from the time the promoter schedules a
 38.19 combative sport contest through the date of the contest.

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

38.22 **Sec. 10. [341.324] AMBULANCE.**

38.23 A promoter must ensure, at the cost of the promoter, that an ambulance and two
 38.24 emergency medical technicians are on the premises during a combative sport contest.

38.25 **Sec. 11. Minnesota Statutes 2020, section 341.33, is amended to read:**

38.26 **341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

38.27 **Subdivision 1. Examination by physician.** All combatants must be examined by a
 38.28 physician licensed by this state within 36 hours before entering the ring, and the examining
 38.29 physician shall immediately file with the commissioner a written report of the examination.
 38.30 Each female combatant shall take and submit a negative pregnancy test as part of the
 38.31 examination. The physician's examination may report on the condition of the combatant's
 38.32 heart and general physical and general neurological condition. The physician's report may

39.1 record the condition of the combatant's nervous system and brain as required by the
 39.2 commissioner. The physician may prohibit the combatant from entering the ring if, in the
 39.3 physician's professional opinion, it is in the best interest of the combatant's health. The cost
 39.4 of the examination is payable by the promoter conducting the contest or exhibition.

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

39.9 Sec. 12. [341.345] CHALLENGING THE OUTCOME OF A COMBATIVE SPORT
 39.10 CONTEST.

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

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

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

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

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

39.26 (3) scores were miscalculated.

39.27 Subd. 3. Timing. (a) A challenge must be submitted within ten days of the contest.

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

40.1 (c) The challenge must be submitted to the commissioner at the address, fax number, or
40.2 e-mail address designated on the commissioner's website. The date on which a challenge
40.3 is submitted by mail shall be the postmark date on the envelope in which the challenge is
40.4 mailed. If the challenge is faxed or e-mailed, it must be received by the commissioner by
40.5 4:30 p.m. central time on the day the challenge is due.

40.6 Subd. 4. **Opponent's response.** If the requirements of subdivisions 1 to 3 are met, the
40.7 commissioner shall send a complete copy of the challenge documents, along with any
40.8 supporting materials submitted, to the opposing combatant by mail, fax, or e-mail. The
40.9 opposing combatant shall have 14 days from the date the commissioner sends the challenge
40.10 and supporting materials to submit a response to the commissioner. Additional response
40.11 time is not added when the commissioner sends the challenge to the opposing combatant
40.12 by mail. The opposing combatant may submit photos, videos, documents, or any other
40.13 evidence the opposing combatant would like the commissioner to consider in connection
40.14 to the challenge. The response must be submitted to the commissioner at the address, fax
40.15 number, or e-mail address designated on the commissioner's website. The date on which a
40.16 response is submitted by mail shall be the postmark date on the envelope in which the
40.17 response is mailed. If the response is faxed or e-mailed, it must be received by the
40.18 commissioner by 4:30 p.m. central time on the day the response is due.

40.19 Subd. 5. **Licensed official review.** The commissioner may, if the commissioner
40.20 determines it would be helpful in resolving the issues raised in the challenge, send a complete
40.21 copy of the challenge or response, along with any supporting materials submitted, to any
40.22 licensed official involved in the combative sport contest at issue by mail, fax, or e-mail and
40.23 request their views on the issues raised in the challenge.

40.24 Subd. 6. **Order.** The commissioner shall issue an order on the challenge within 60 days
40.25 after receiving the opposing combatant's response. If the opposing combatant does not
40.26 submit a response, the commissioner shall issue an order on the challenge within 75 days
40.27 after receiving the challenge.

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

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

41.4 Sec. 13. Minnesota Statutes 2020, section 341.355, is amended to read:

41.5 **341.355 CIVIL PENALTIES.**

41.6 When the commissioner finds that a person has violated one or more provisions of any
41.7 statute, rule, or order that the commissioner is empowered to regulate, enforce, or issue, the
41.8 commissioner may impose, for each violation, a civil penalty of up to \$10,000 for each
41.9 violation, or a civil penalty that deprives the person of any economic advantage gained by
41.10 the violation, or both. The commissioner may also impose these penalties against a person
41.11 who has violated section 341.28, subdivision 4, paragraphs (b) and (c).