

This Document can be made available in alternative formats upon request

State of Minnesota HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3633

02/13/2024 Authored by Jordan The bill was read for the first time and referred to the Committee on Labor and Industry Finance and Policy

1.1 A bill for an act
1.2 relating to construction codes and licensing; restricting sale of certain solvent-based
1.3 paint materials to licensees; establishing a paint contractor board; requiring licensing
1.4 for paint contractors and journeyworker painters; authorizing rulemaking; proposing
1.5 coding for new law in Minnesota Statutes, chapters 115A; 326B.

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

1.7 Section 1. [115A.1416] SALE OF SOLVENT-BASED PAINT MATERIALS
1.8 RESTRICTED.

1.9 (a) The sale of solvent-based paint materials is restricted to those persons licensed under
1.10 section 326B.62. The restriction under this paragraph excludes sales of solvent-based paint
1.11 materials sold in containers that are a gallon or less in volume and household spray paints
1.12 dispensed from an aerosol can.

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

1.15 EFFECTIVE DATE. This section is effective July 1, 2025.

1.16 Sec. 2. [326B.60] DEFINITIONS.

1.17 Subdivision 1. Scope. For the purposes of sections 326B.60 to 326B.63, the terms defined
1.18 in this section have the meanings given.

1.19 Subd. 2. Board. "Board" means the Paint Contractor Board.

1.20 Subd. 3. Paint contractor. "Paint contractor" means any person, firm, joint venture,
1.21 partnership, association, corporation, or other organization engaged in the primary business
1.22 of painting and includes all paint contractors, subcontractors, independent contractors, and

2.1 persons engaged in paint contract labor who, through negotiations or competitive bidding,
2.2 enter into contracts to furnish paint and painting services and the required equipment to
2.3 perform the painting contract for a fixed price and who, in pursuit of independent business,
2.4 undertake a job in whole or in part retaining substantial control of the method and manner
2.5 of accomplishing the desired result. Paint contractor does not include the state or any agency
2.6 or political subdivision of the state.

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

2.8 **Sec. 3. [326B.61] PAINT CONTRACTOR BOARD.**

2.9 Subdivision 1. **Composition.** (a) The Paint Contractor Board shall consist of six members,
2.10 all of whom are voting members. Five members shall be appointed by the governor with
2.11 the advice and consent of the senate. Appointments of members by the governor shall be
2.12 made in accordance with section 15.066. If the senate votes to refuse to consent to an
2.13 appointment of a member made by the governor, the governor shall appoint a new member
2.14 with the advice and consent of the senate. One member shall be the commissioner of labor
2.15 and industry or the commissioner's designee. Each of the five appointed members shall be
2.16 a paint contractor selected from a list provided by the paint contracting industries in the
2.17 state.

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

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

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

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

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

3.1 (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board,
3.2 and other provisions to efficiently conduct the business of the board.

3.3 (b) The board shall:

3.4 (1) adopt rules that regulate:

3.5 (i) standards for paint contracting. The board shall base the standards, to the extent
3.6 possible, on national industry standards for paint contracting;

3.7 (ii) minimum qualifications for the licensing of paint contractors and journeyworker
3.8 painters. The rules shall provide that a license issued to a paint contractor or journeyworker
3.9 painter under this section is valid for three years and is renewable;

3.10 (iii) license fees for paint contractors and journeyworker painters; and

3.11 (iv) training and continuing education requirements for paint contractors and
3.12 journeyworker painters;

3.13 (2) recommend to the department requirements for licensure of paint contractors and
3.14 journeyworker painters and circumstances under which the department may take disciplinary
3.15 action, including suspension and revocation of a license;

3.16 (3) recommend to the department training and continuing education requirements for
3.17 paint contractors and journeyworker painters;

3.18 (4) approve per diems and expenses deemed necessary for its members as provided in
3.19 subdivision 3;

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

3.22 (6) recommend to the department the license fees for paint contractors and journeyworker
3.23 painters.

3.24 (c) The board may consult with organizations concerned with safety and health issues
3.25 related to paint contracting in performing its duties under this subdivision.

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

3.27 (e) The commissioner shall coordinate the board's rulemaking recommendations with
3.28 the recommendations and rulemaking conducted by all of the other boards created pursuant
3.29 to this chapter. The commissioner shall provide staff support to the board. The support
3.30 includes professional, legal, technical, and clerical staff necessary to perform rulemaking

4.1 and other duties assigned to the board. The commissioner shall supply necessary office
4.2 space and supplies to assist the board in its duties.

4.3 Subd. 3. **Compensation.** (a) Members of the board may be compensated at the rate of
4.4 \$55 a day spent on board activities, when authorized by the board, plus expenses in the
4.5 same manner and amount as authorized by the plan adopted under section 43A.18,
4.6 subdivision 2. Members who, as a result of time spent attending board meetings, incur child
4.7 care expenses that would not otherwise have been incurred, may be reimbursed for those
4.8 expenses upon board authorization.

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

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

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

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

4.25 Subd. 6. **Officers; quorum.** The board shall elect annually from its members a chair,
4.26 vice-chair, and secretary. A quorum of the board consists of a majority of members of the
4.27 board qualified to vote on the matter in question. All questions concerning the manner in
4.28 which a meeting is conducted or called that is not covered by law shall be determined by
4.29 Robert's Rules of Order Newly Revised unless otherwise specified by the bylaws.

4.30 Subd. 7. **Board meetings.** (a) The board shall hold meetings at times specified by the
4.31 board. Notice and conduct of all meetings shall be pursuant to chapter 13D and in a manner
4.32 consistent with the bylaws.

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

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

5.6 (2) members of the public present at the regular meeting location of the board can clearly
5.7 hear all discussion, testimony, and votes of members of the board and, if needed, receive
5.8 the services required under sections 15.44 and 15.441;

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

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

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

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

5.21 (e) If telephone or other electronic means is used to conduct a regular, special, or
5.22 emergency meeting, the board shall provide notice of the regular meeting location of the
5.23 fact that some members may participate by telephone or other electronic means and that a
5.24 person may monitor the meeting electronically from a remote location. Any person
5.25 monitoring the meeting electronically from a remote location may be required to pay
5.26 documented costs incurred by the board as a result of the additional connection. The timing
5.27 and method of providing notice is governed by section 13D.04.

5.28 Subd. 8. **Complaints.** (a) The board shall promptly forward to the commissioner the
5.29 substance of any complaint or communication it receives, whether in writing or orally, that
5.30 alleges or implies a violation of a statute, rule, or order that the commissioner has the
5.31 authority to enforce pertaining to the license or registration of any person authorized by the
5.32 department to provide paint contracting work or offering to perform paint contracting work

6.1 requiring licensure or registration. Each complaint or communication that is forwarded to
6.2 the commissioner shall be submitted on a form provided by the commissioner.

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

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

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

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

6.15 Sec. 4. **[326B.62] LICENSES.**

6.16 Subdivision 1. **Paint contractor; journeyworker painter.** Beginning July 1, 2025,
6.17 except as otherwise provided by law, no individual may enter into a contract to furnish paint
6.18 and provide painting services unless that person is a paint contractor or journeyworker
6.19 painter licensed by the commissioner under this section. An individual wishing to obtain a
6.20 paint contractor or journeyworker painter's license shall apply for a license by submitting
6.21 an application on a form provided by the department together with the applicable fee.

6.22 Subd. 2. **Exams; experience.** (a) An applicant for a paint contractor license must:

6.23 (1) demonstrate to the satisfaction of the commissioner good character, honesty, and
6.24 integrity; and

6.25 (2) pass a written or oral examination developed and administered by the commissioner
6.26 to ensure the competence of each applicant for license.

6.27 (b) An applicant for a journeyworker painter license must have at least three years of
6.28 apprenticeship training in painting before applying for and taking the journeyworker painter
6.29 license examination.

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

7.1 Sec. 6. **APPOINTMENT AND FIRST MEETING OF BOARD.**

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

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