

1.1 moves to amend H.F. No. 4177, the first engrossment, as follows:

1.2 Page 2, line 9, delete "8,583,000" and insert "8,665,000"

1.3 Page 2, line 14, delete the second "-0-" and insert "82,000"

1.4 Page 2, line 20, delete "1,146,000" and insert "1,196,000"

1.5 Page 3, line 11, delete "\$750,000" and insert "\$500,000"

1.6 Page 3, after line 30, insert:

1.7 "(g) \$300,000 in fiscal year 2023 is for a grant
1.8 to Building Strong Communities, Inc. for a
1.9 statewide apprenticeship readiness program
1.10 to prepare women, BIPOC community
1.11 members, and veterans to enter the building
1.12 and construction trades. This is a onetime
1.13 appropriation."

1.14 Page 4, line 8, delete "2,900,000" and insert "2,850,000"

1.15 Page 4, line 9, delete "\$2,900,000" and insert "\$2,850,000"

1.16 Page 4, after line 23, insert:

1.17 "**Subd. 7. Warehouse Distribution Worker**
1.18 **Safety** -0- 82,000

1.19 \$82,000 in fiscal year 2023 is from the
1.20 workers' compensation fund for enforcement
1.21 and other duties regarding warehouse
1.22 distribution workers safety under Minnesota
1.23 Statutes, section 182.6526. In fiscal year 2024
1.24 and beyond, the base is \$56,000 each year."

2.1 Page 5, after line 5, insert:

2.2 "Sec. 5. Laws 2021, First Special Session chapter 10, article 1, section 5, is amended to
2.3 read:

2.4 Sec. 5. **BUREAU OF MEDIATION SERVICES \$ 2,370,000 \$ 2,415,000**

2.5 (a) \$125,000 each year is for purposes of the
2.6 Public Employment Relations Board under
2.7 Minnesota Statutes, section 179A.041. This
2.8 is a onetime appropriation.

2.9 (b) ~~\$68,000 each year is for grants to area~~
2.10 ~~labor management committees. Grants may~~
2.11 ~~be awarded for a 12-month period beginning~~
2.12 ~~July 1 each year. Any unencumbered balance~~
2.13 ~~remaining at the end of the first year does not~~
2.14 ~~cancel but is available for the second year.~~

2.15 (e) \$47,000 each year is for rulemaking,
2.16 staffing, and other costs associated with peace
2.17 officer grievance procedures.

2.18 Sec. 6. **DUPLICATE APPROPRIATIONS GIVEN EFFECT ONCE.**

2.19 If an appropriation in this act is enacted more than once during the 2022 regular session,
2.20 the appropriation is to be given effect only once."

2.21 Page 15, after line 32, insert:

2.22 "Sec. 16. Minnesota Statutes 2020, section 326B.145, is amended to read:

2.23 **326B.145 ANNUAL REPORT.**

2.24 (a) Each municipality shall annually report by June 30 to the department, in a format
2.25 prescribed by the department, all construction and development-related fees collected by
2.26 the municipality from developers, builders, and subcontractors if the cumulative fees collected
2.27 exceeded ~~\$5,000~~ \$7,000 in the reporting year, except that, for reports due June 30, 2009,
2.28 to June 30, 2013, the reporting threshold is \$10,000.

2.29 (b) The report must include:

2.30 (1) the number and valuation of units for which fees were paid;

3.1 (2) the amount of building permit fees, plan review fees, administrative fees, engineering
3.2 fees, infrastructure fees, and other construction and development-related fees; and

3.3 (3) the expenses associated with the municipal activities for which fees were collected.

3.4 (c) A municipality that fails to report to the department in accordance with this section
3.5 is subject to the remedies provided by section 326B.082."

3.6 Page 17, after line 7, insert:

3.7 "Sec. 18. Minnesota Statutes 2020, section 326B.153, is amended by adding a subdivision
3.8 to read:

3.9 Subd. 5. **Valuation.** The commissioner shall establish a cost per square foot valuation
3.10 of new one-family and two-family, townhouse, and accessory utility buildings for the purpose
3.11 of setting building permit fees by municipalities."

3.12 Page 28, after line 17, insert:

3.13 "Section 1. Minnesota Statutes 2020, section 341.21, subdivision 2a, is amended to read:

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

3.17 Sec. 2. Minnesota Statutes 2020, section 341.21, subdivision 2c, is amended to read:

3.18 Subd. 2c. **Combative sports contest.** "Combative sports contest" means a professional
3.19 boxing, a professional or amateur tough person, or a professional or amateur ~~martial art~~
3.20 ~~contest~~ or mixed martial arts contest, bout, competition, match, or exhibition."

3.21 Page 30, line 26, strike "; similar sporting"

3.22 Page 30, line 27, strike "events"

3.23 Page 31, line 14, delete "Combative sport" and insert "Amateur martial arts and amateur
3.24 boxing"

3.25 Page 38, line 16, delete "paragraphs" and insert "paragraph" and delete "and" and insert
3.26 "or"

3.27 Page 46, line 1, delete the comma and insert ":(1)"

3.28 Page 46, line 2, delete the period and insert "; and"

3.29 Page 46, after line 2, insert:

4.1 "(2) "musculoskeletal disorders" includes carpal tunnel syndrome, tendinitis, rotator
4.2 cuff injuries, trigger finger, epicondylitis, muscle strains, and lower back injuries."

4.3 Page 46, line 26, after "safety," insert "including the reduction and prevention of
4.4 musculoskeletal disorders,"

4.5 Page 47, line 1, after "health" insert "and safety" and after "initiatives" insert ", including
4.6 ergonomic hazard and risk prevention,"

4.7 Page 47, line 20, after "industry" insert ", including but not limited to procedures to
4.8 identify and eliminate ergonomic hazards and contributing risk factors"

4.9 Page 47, after line 20, insert:

4.10 "ARTICLE 9

4.11 WAREHOUSE DISTRIBUTION WORKER SAFETY

4.12 Section 1. [182.6526] WAREHOUSE DISTRIBUTION WORKER SAFETY.

4.13 Subdivision 1. **Definitions.** (a) The terms defined in this subdivision have the meanings
4.14 given them.

4.15 (b) "Commissioner" means the commissioner of labor and industry.

4.16 (c) "Employee" means a nonexempt employee who works at a warehouse distribution
4.17 center.

4.18 (d) "Employee work speed data" means information an employer collects, stores, analyzes,
4.19 or interprets relating to an individual employee's or group of employees' pace of work,
4.20 including but not limited to quantities of tasks performed, quantities of items or materials
4.21 handled or produced, rates or speeds of tasks performed, measurements or metrics of
4.22 employee performance in relation to a quota, and time categorized as performing tasks or
4.23 not performing tasks.

4.24 (e) "Employer" means a person who directly or indirectly, or through an agent or any
4.25 other person, including through the services of a third-party employer, temporary service,
4.26 or staffing agency or similar entity, employs or exercises control over the wages, hours, or
4.27 working conditions of 250 or more employees at a single warehouse distribution center or
4.28 1,000 or more employees at one or more warehouse distribution centers in the state. For
4.29 purposes of this paragraph, all employees of an employer's unitary business, as that term is
4.30 defined in section 290.17, subdivision 4, shall be counted in determining the number of
4.31 employees employed at a single warehouse distribution center or at one or more warehouse
4.32 distribution centers in the state.

5.1 (f) "Warehouse distribution center" means an establishment as defined by any of the
5.2 following North American Industry Classification System (NAICS) codes:

5.3 (1) 493110 for General Warehousing and Storage;

5.4 (2) 423 for Merchant Wholesalers, Durable Goods;

5.5 (3) 424 for Merchant Wholesalers, Nondurable Goods;

5.6 (4) 454110 for Electronic Shopping and Mail-Order Houses; and

5.7 (5) 492110 for Couriers and Express Delivery Services.

5.8 (g) "Quota" means a work standard under which:

5.9 (1) an employee or group of employees is assigned or required to perform at a specified
5.10 productivity speed, or perform a quantified number of tasks, or handle or produce a quantified
5.11 amount of material, or perform without a certain number of errors or defects, as measured
5.12 at the individual or group level within a defined time period; or

5.13 (2) an employee's actions are categorized between time performing tasks and not
5.14 performing tasks, and the employee's failure to complete a task performance standard or
5.15 recommendation may have an adverse impact on the employee's continued employment.

5.16 Subd. 2. **Notice required.** (a) Each employer shall provide to each employee a written
5.17 description of each quota to which the employee is subject and how it is measured, including
5.18 the quantified number of tasks to be performed or materials to be produced or handled or
5.19 the limit on time categorized as not performing tasks, within the defined time period, and
5.20 any potential adverse employment action that could result from failure to meet the quota.

5.21 (b) The written description must be understandable in plain language and in the
5.22 employee's language of preference.

5.23 (c) The written description must be provided:

5.24 (1) upon hire or within 30 days of the effective date of this section; and

5.25 (2) no fewer than two working days prior to the effective date of any modification of
5.26 existing quotas.

5.27 (d) An employer shall not take adverse employment action against an employee for
5.28 failure to meet a quota that has not been disclosed to the employee.

5.29 Subd. 3. **Breaks.** An employee shall not be required to meet a quota that prevents
5.30 compliance with meal or rest or prayer periods, use of restroom facilities, including
5.31 reasonable travel time to and from restroom facilities as provided under section 177.253,

6.1 subdivision 1, or occupational health and safety standards under this chapter or Minnesota
6.2 Rules, chapter 5205. An employer shall not take adverse employment action against an
6.3 employee for failure to meet a quota that does not allow a worker to comply with meal or
6.4 rest or prayer periods, or occupational health and safety standards under this chapter.

6.5 Subd. 4. **Work speed data.** (a) Employees have the right to request orally or in writing
6.6 from any supervisor, and the employer shall provide within 72 hours, a written description
6.7 of each quota to which the employee is subject and a copy of the most recent 90 days of the
6.8 employee's own personal work speed data. The written description of each quota must meet
6.9 the requirements of subdivision 2, paragraph (b), and the employee work speed data must
6.10 be provided in a manner understandable to the employee. An employee can make a request
6.11 under this paragraph no more than four times per year.

6.12 (b) If an employer disciplines an employee for failure to meet a quota, the employer
6.13 must, at the time of discipline, provide the employee with a written copy of the most recent
6.14 90 days of the employee's own personal work speed data. If an employer dismisses an
6.15 employee for any reason, they must, at the time of firing, provide the employee with a
6.16 written copy of the most recent 90 days of the employee's own personal work speed data.
6.17 An employer shall not retaliate against an employee for requesting data under this
6.18 subdivision.

6.19 Subd. 5. **High rates of injury.** If a particular work site or employer is found to have an
6.20 employee incidence rate in a given year, based on data reported to the federal Occupational
6.21 Safety and Health Administration, of at least 30 percent higher than that year's average
6.22 incidence rate for the relevant NAICS code's nonfatal occupational injuries and illnesses
6.23 by industry and case types, released by the United States Bureau of Labor Statistics, the
6.24 commissioner shall open an investigation of violations under this section. The employer
6.25 must also hold its safety committee meetings as provided under section 182.676 monthly
6.26 until, for two consecutive years, the work site or employer does not have an employee
6.27 incidence rate 30 percent higher than the average yearly incidence rate for the relevant
6.28 NAICS code.

6.29 Subd. 6. **Enforcement.** (a) Subdivision 2, paragraphs (a) to (c), subdivision 4, and
6.30 subdivision 5 shall be enforced by the commissioner under sections 182.66, 182.661, and
6.31 182.669. A violation of this section is subject to the penalties provided under sections
6.32 182.666 and 182.669.

6.33 (b) A current or former employee aggrieved by a violation of this section may bring a
6.34 civil cause of action for damages and injunctive relief to obtain compliance with this section,

7.1 may receive other equitable relief as determined by a court, including reinstatement with
7.2 back pay, and may, upon prevailing in the action, recover costs and reasonable attorney
7.3 fees in that action. A cause of action under this section must be commenced within one year
7.4 of the date of injury.

7.5 (c) Nothing in this section shall be construed to prevent local enforcement of occupational
7.6 health and safety standards that are more restrictive than this section.

7.7 Sec. 2. **SEVERABILITY.**

7.8 If any provision of this act or the application thereof to any person or circumstance is
7.9 held invalid, the invalidity does not affect other provisions or applications of the act which
7.10 can be given effect without the invalid provision or application."

7.11 Renumber the sections in sequence and correct the internal references

7.12 Amend the title accordingly

7.13 Adjust amounts accordingly