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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1335

02/16/2017 Authored by Hornstein, Flanagan, Youakim, Omar, Rosenthal and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to government contracts; prohibiting discrimination on the basis of national
1.3 origin in certain contracts; requiring certification of compliance in state contracts;
1.4 amending Minnesota Statutes 2016, sections 181.59; 363A.17.

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

1.6 Section 1. Minnesota Statutes 2016, section 181.59, is amended to read:

1.7 **181.59 DISCRIMINATION ON ACCOUNT OF RACE, CREED, ~~OR~~ COLOR,**
1.8 **OR NATIONAL ORIGIN PROHIBITED IN CONTRACT.**

1.9 Every contract for or on behalf of the state of Minnesota, or any county, city, town,
1.10 township, school, school district, or any other district in the state, for materials, supplies,
1.11 or construction shall contain provisions by which the contractor agrees:

1.12 (1) that, in the hiring of common or skilled labor for the performance of any work under
1.13 any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason
1.14 of race, creed, ~~or~~ color, or national origin, discriminate against the person or persons who
1.15 are citizens of the United States or resident aliens who are qualified and available to perform
1.16 the work to which the employment relates;

1.17 (2) that no contractor, material supplier, or vendor, shall, in any manner, discriminate
1.18 against, or intimidate, or prevent the employment of any person or persons identified in
1.19 clause (1) of this section, or on being hired, prevent, or conspire to prevent, the person or
1.20 persons from the performance of work under any contract on account of race, creed, ~~or~~
1.21 color, or national origin;

1.22 (3) that a violation of this section is a misdemeanor; and

2.1 (4) that this contract may be canceled or terminated by the state, county, city, town,
2.2 school board, or any other person authorized to grant the contracts for employment, and all
2.3 money due, or to become due under the contract, may be forfeited for a second or any
2.4 subsequent violation of the terms or conditions of this contract.

2.5 Sec. 2. Minnesota Statutes 2016, section 363A.17, is amended to read:

2.6 **363A.17 BUSINESS DISCRIMINATION.**

2.7 Subdivision 1. Unfair discriminatory practices. It is an unfair discriminatory practice
2.8 for a person engaged in a trade or business or in the provision of a service:

2.9 (1) to refuse to do business with or provide a service to a woman based on her use of
2.10 her current or former surname; or

2.11 (2) to impose, as a condition of doing business with or providing a service to a woman,
2.12 that a woman use her current surname rather than a former surname; or

2.13 (3) to intentionally refuse to do business with, to refuse to contract with, or to discriminate
2.14 in the basic terms, conditions, or performance of the contract because of a person's race,
2.15 national origin, color, sex, sexual orientation, or disability, unless the alleged refusal or
2.16 discrimination is because of a legitimate business purpose.

2.17 Nothing in this section shall prohibit positive action plans.

2.18 Subd. 2. State procurement. Any contract for which a solicitation is required under
2.19 chapter 16C must include terms that require the vendor to comply with this section and, if
2.20 applicable, section 181.59.

2.21 Sec. 3. **EFFECTIVE DATE.**

2.22 Sections 1 and 2 are effective August 1, 2017, and applies to contracts for which a
2.23 solicitation is issued on or after that date.