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REVISOR

State of Minnesota

HOUSE OF REPRESENTATIVES н. г. №. 2057

NINETY-FIRST SESSION

03/04/2019	Authored by Moran
	The bill was read for the first time and referred to the Committee on Government Operations
03/13/2019	Adoption of Report: Re-referred to the Committee on Ways and Means

1.1	A bill for an act
1.2 1.3 1.4	relating to state government; allowing the commissioner or a nationally recognized certifying organization to certify small businesses for participation in state procurement programs; amending Minnesota Statutes 2018, section 16C.19.
1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. Minnesota Statutes 2018, section 16C.19, is amended to read:
1.7	16C.19 ELIGIBILITY; RULES.
1.8	(a) A small business wishing to participate in the programs under section 16C.16,
1.9	subdivisions 4 to 7, must be certified by the commissioner or, if authorized by the
1.10	commissioner, by a nationally recognized certifying organization. The commissioner may
1.11	choose to authorize a nationally recognized certifying organization if the certification
1.12	requirements are substantially the same as those adopted under the rules authorized in this
1.13	section and the business meets the requirements in section 16C.16, subdivision 2.
1.14	(b) The commissioner shall adopt by rule standards and procedures for certifying that
1.15	small targeted group businesses, small businesses located in economically disadvantaged
1.16	areas, and veteran-owned small businesses are eligible to participate under the requirements
1.17	of sections 16C.16 to 16C.21. The commissioner shall adopt by rule standards and procedures
1.18	for hearing appeals and grievances and other rules necessary to carry out the duties set forth
1.19	in sections 16C.16 to 16C.21.
1.20	(b) (c) The commissioner may make rules which exclude or limit the participation of

- nonmanufacturing business, including third-party lessors, brokers, franchises, jobbers, 1.21
- manufacturers' representatives, and others from eligibility under sections 16C.16 to 16C.21. 1.22

	01/03/19	REVISOR	SGS/RC	19-0345
2.1	(c) (d) The commissioner may	make rules that set time	e limits and other eli	gibility limits
2.2	on business participation in progr	rams under sections 16C	.16 to 16C.21.	
2.3	(d) (e) Notwithstanding parag	raph (a), for purposes of	f sections 16C.16 to	16C.21, a
2.4	veteran-owned small business, th	e principal place of busi	ness of which is in I	Minnesota, is
2.5	certified if:			
2.6	(1) it has been verified by the	United States Departme	ent of Veterans Affai	irs as being
2.7	either a veteran-owned small busi	ness or a service-disable	ed veteran-owned sr	nall business,
2.8	in accordance with Public Law 10	9-461 and Code of Fede	eral Regulations, titl	le 38, part 74;
2.9	or			
2.10	(2) the veteran-owned small b	usiness supplies the con	nmissioner with pro	of that the
2.11	small business is majority-owned	and operated by:		
2.12	(i) a veteran as defined in sect	ion 197.447; or		
2.13	(ii) a veteran with a service-co	nnected disability, as det	ermined at any time	by the United
2.14	States Department of Veterans At	fairs.		
2.15	(e) (f) Until rules are adopted	pursuant to paragraph (a	a) for the purpose of	fcertifying
2.16	veteran-owned small businesses,	the provisions of Minne	esota Rules, part 123	30.1700, may
2.17	be read to include veteran-owned s	small businesses. In addit	tion to the document	ation required
2.18	in Minnesota Rules, part 1230.17	00, the veteran owner m	nust have been disch	arged under
2.19	honorable conditions from active	service, as indicated by	the veteran owner's	most current
2.20	United States Department of Defe	ense form DD-214.		
2.21	(f) (g) Notwithstanding parag	raph (a), for purposes of	sections 16C.16 to	16C.21, a
2.22	minority- or woman-owned smal	l business, the principal	place of business of	f which is in
2.23	Minnesota, is certified if it has bee	en certified by the Minne	sota unified certifica	ation program
2.24	under the provisions of Code of F	Federal Regulations, title	e 49, part 26.	
2.25	(g) (h) The commissioner may	y adopt rules to impleme	ent the programs une	der section

2.26 16C.16, subdivisions 4 to 7, using the expedited rulemaking process in section 14.389.