

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1307

(SENATE AUTHORS: HAWJ)

DATE	D-PG	OFFICIAL STATUS
03/13/2013	964	Introduction and first reading Referred to Judiciary
04/02/2013		Comm report: To pass as amended Second reading

1.1 A bill for an act
 1.2 relating to human rights; changing provisions for certain certificates of
 1.3 compliance; amending Minnesota Statutes 2012, sections 363A.36, subdivision
 1.4 1; 363A.37; repealing Minnesota Rules, part 5000.3560, subparts 2, 3.

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

1.6 Section 1. Minnesota Statutes 2012, section 363A.36, subdivision 1, is amended to read:

1.7 Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in
 1.8 excess of \$100,000, no department or agency of the state shall accept any bid or proposal
 1.9 for a contract or agreement from any business having more than 40 full-time employees
 1.10 within this state on a single working day during the previous 12 months, unless the
 1.11 commissioner is in receipt of the business' affirmative action plan for the employment of
 1.12 minority persons, women, and qualified disabled individuals. No department or agency of
 1.13 the state shall execute any such contract or agreement until the affirmative action plan
 1.14 has been approved by the commissioner. Receipt of a certificate of compliance issued by
 1.15 the commissioner shall signify that a firm or business has an affirmative action plan that
 1.16 has been approved by the commissioner. A certificate shall be valid for a period of two
 1.17 years. A municipality as defined in section 466.01, subdivision 1, that receives state
 1.18 money for any reason is encouraged to prepare and implement an affirmative action plan
 1.19 for the employment of minority persons, women, and the qualified disabled and submit the
 1.20 plan to the commissioner.

1.21 (b) This paragraph applies to a contract for goods or services in excess of \$100,000
 1.22 to be entered into between a department or agency of the state and a business that is
 1.23 not subject to paragraph (a), but that has more than 40 full-time employees on a single
 1.24 working day during the previous 12 months in the state where the business has its primary

2.1 place of business. A department or agency of the state may not execute a contract or
2.2 agreement with a business covered by this paragraph unless the business has a certificate
2.3 of compliance issued by the commissioner under paragraph (a) or the business certifies
2.4 that it is in compliance with federal affirmative action requirements.

2.5 (c) This section does not apply to contracts entered into by the State Board of
2.6 Investment for investment options under section 352.965, subdivision 4.

2.7 (d) The commissioner shall issue a certificate of compliance or notice of denial
2.8 within 15 days of the application submitted by the business or firm.

2.9 Sec. 2. Minnesota Statutes 2012, section 363A.37, is amended to read:

2.10 **363A.37 RULES FOR CERTIFICATES OF COMPLIANCE.**

2.11 Subdivision 1. Rules. The commissioner shall adopt rules to implement section
2.12 363A.36 specifying the criteria used to review affirmative action plans and the standards
2.13 used to review implementation of affirmative action plans. A firm or business certified to
2.14 be in compliance with affirmative action requirements of a local human rights agency or
2.15 the federal government shall be deemed to be in compliance with section 363A.36 upon
2.16 receipt by the commissioner of an affirmative action plan approved by a local human
2.17 rights agency or the federal government and amendments to the plan which are necessary
2.18 to address the employment of disabled persons protected by section 363A.08.

2.19 Subd. 2. Issuing certificates of compliance. The commissioner shall issue a
2.20 certificate of compliance or a letter stating notice of deficiencies within 15 days after the
2.21 department has received the information required in Minnesota Rules, part 5000.3560,
2.22 subpart 1.

2.23 Sec. 3. **REPEALER.**

2.24 Minnesota Rules, part 5000.3560, subparts 2 and 3, are repealed.

APPENDIX
Repealed Minnesota Rule: 13-1003

5000.3560 PROCEDURES FOR ISSUING CERTIFICATES OF COMPLIANCE.

Subp. 2. **Certificates issued.** Except as provided in subpart 3, certificates of compliance shall be issued within 30 days after the department has received the information required in subpart 1.

5000.3560 PROCEDURES FOR ISSUING CERTIFICATES OF COMPLIANCE.

Subp. 3. **Insufficient information.** A business or firm whose submission does not meet the requirements of subpart 1 shall be notified within 15 days that its submission must be revised. The notification shall state specifically how the submission fails to meet the requirements of subpart 1. Certificates of compliance shall be issued 15 days after the department has received a revised submission which complies with subpart 1.