

1.1 **Racing Commission**1.2 **Proposed Permanent Rules Relating to Horse Racing**1.3 **7869.0100 DEFINITIONS.**1.4 [For text of subps 1 and 2, see M.R.]1.5 Subp. 2a. **ADA.** "ADA" means the Americans with Disabilities Act, United States
1.6 Code, title 42, section 12101, et seq., as amended.1.7 [For text of subps 3 to 69, see M.R.]1.8 **7870.0500 CONTRACT APPROVAL.**1.9 Subpart 1. **Contracts and subcontracts subject to prior commission approval.**

1.10 All contracts entered into, renewed, or extended by Class A, B, and D licensees and
1.11 their contractors for goods, services, and events occurring during the live race meeting
1.12 are subject to prior approval by the commission. Licensees must submit contracts to
1.13 the commission not less than seven days prior to a commission meeting. Contracts
1.14 must include ~~affirmative action plans establishing goals and timetables consistent with~~
1.15 ~~Minnesota Statutes, chapter 363, where the contractor affirms compliance with the ADA.~~
1.16 a current Certificate of Compliance, if applicable, issued by the Minnesota Department of
1.17 Human Rights. Contracts must include a statement by the contractor affirming compliance
1.18 with the ADA, if applicable. All Class A, B, and D licensees must submit as soon as
1.19 practicable to the commission the name and the address of the contractor or subcontractor,
1.20 amount and duration of the contract or subcontract, and a description of the good or service
1.21 provided. The commission shall determine whether the contract or subcontract may affect
1.22 the integrity of pari-mutuel racing, and the commission shall notify the licensee whether
1.23 the commission intends to review and approve or disapprove the contract or subcontract.
1.24 In making a determination that a contract or subcontract may affect the integrity of racing,
1.25 the commission shall consider the amount and duration; the extent to which the contractor
2.1 or subcontractor will be on the premises of the licensee; the relationship of the contract or

2.2 subcontract to security; opportunity for contact between the contractor or subcontractor
2.3 and horses, horsepersons, or patrons; opportunity for the contractor or subcontractor to
2.4 influence the management and conduct of pari-mutuel racing; contact with admission,
2.5 pari-mutuel, concession, or purse money; and whether the commission has reason to
2.6 believe that the contractor or subcontractor is incompetent, financially irresponsible, or
2.7 not of good character. If notified of the commission's intention to review and approve or
2.8 disapprove a contract or subcontract, the licensee shall promptly submit to the commission
2.9 copies of any written contracts or subcontracts as well as any documentation, records, or
2.10 information the commission may request with regard to the contract. If the commission
2.11 notifies a licensee of the commission's intention to review and approve or disapprove a
2.12 contract or subcontract, the contract or subcontract is not valid, nor is either of the parties
2.13 bound by the contract until it has been approved by the commission. The commission
2.14 shall approve or disapprove contracts and subcontracts within 30 days, as computed
2.15 pursuant to Minnesota Statutes, section 645.15, after submission.

2.16 [For text of subps 2 to 10, see M.R.]

2.17 **7870.0510 AFFIRMATIVE ACTION.**

2.18 Subpart 1. **Economic opportunities for disadvantaged and emerging small**
2.19 **business.** Class A, B, and D licensees are required, to the extent feasible, to establish the
2.20 following goals to assist in providing economic opportunities for disadvantaged and
2.21 emerging small businesses:

2.22 A. a minimum goal of ten percent for construction subcontract and material
2.23 suppliers with disadvantaged and emerging small business enterprises during construction
2.24 of the facility, and a labor and employment goal of ten percent for disadvantaged and
2.25 emerging small business in on-site construction jobs with the exception of sole or single
2.26 source suppliers; and

3.1 B. a minimum goal of 20 percent of its total vendor, supplier, and other
3.2 contracts with disadvantaged and emerging small businesses for the postconstruction
3.3 period within two years after completion of the initial construction with the exception of
3.4 sole or single source suppliers.

3.5 Subp. 2. **Certificate of compliance.** Class A, B, and D licensees must obtain and
3.6 file with the commissioner every two years a copy of a certificate of compliance from the
3.7 Minnesota Department of Human Rights, according to Minnesota Statutes, chapter 363A.

3.8 Subp. 3. **Economic opportunities for disabled.**

3.9 ~~A.~~ Class A, B, and D licensees are required to comply with all provisions of
3.10 the ADA.

3.11 ~~B.~~ ~~Class A, B, and D licensees are required, to the extent feasible, to establish~~
3.12 ~~reasonable goals to assist in providing economic opportunities for disabled individuals.~~
3.13 ~~These affirmative action goals must be set with respect to the Class A, B, and D~~
3.14 ~~licensee's construction subcontracts/material suppliers during facility construction, on-site~~
3.15 ~~construction jobs, postconstruction labor force, postconstruction vendor, supplier and~~
3.16 ~~other contracts, and available equity ownership opportunities.~~

3.17 [For text of subp 4, see M.R.]

3.18 Subp. 5. **Definitions.** For the purpose of this part, the following words have the
3.19 meanings given them.

3.20 A. "Disabled individual" means a person ~~who has a physical or mental~~
3.21 ~~impairment which substantially limits one or more major life activities; it does not include~~
3.22 ~~an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a~~
3.23 ~~hazard to the individual or others~~ as defined by the ADA, who has a disability as defined
3.24 by the ADA.

4.1 B. "Good faith effort" means a reasonable effort to accomplish goals and
4.2 timetables, including posting all job openings at Minnesota workforce centers.

4.3 C. ~~"Disadvantaged and emerging small business" means a business located~~
4.4 ~~within the state of Minnesota which employs 25 employees or less, has not had gross sales~~
4.5 ~~in excess of \$6,000,000 over the past three years, and has been in business at least one~~
4.6 ~~year.~~ for profit, small business concern:

4.7 (1) that is at least 51 percent owned by one or more individuals who are
4.8 both socially and economically disadvantaged or, in the case of a corporation, in which 51
4.9 percent of the stock is owned by one or more such individuals; and

4.10 (2) whose management and daily business operations are controlled by one
4.11 or more of the socially and economically disadvantaged individuals who own it.

4.12 D. "Emerging small businesses" means a business:

4.13 (1) located in Minnesota that employs 100 employees or less;

4.14 (2) that has not had gross sales in excess of \$20,000,000 over the past
4.15 three years; and

4.16 (3) that has been in business for at least one year.

4.17 E. "Sole or single source" means an acquisition where, after a search, only one
4.18 supplier is determined to be reasonably available for the required product, service, or
4.19 construction item.