

(3) *The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice.*

Approved May 21, 1965.

CHAPTER 585—S. F. No. 1269

An act relating to discrimination in public accommodations; amending Minnesota Statutes 1961, Section 327.09, and Section 363.03 by adding a new subdivision.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 327.09, is amended to read:

327.09 Discrimination; public accommodations; equal rights in hotels. No person shall be excluded, on account of race, color, national origin, or religion from full and equal enjoyment of any accommodation, advantage, or privilege furnished by public conveyances, theaters, or other public places of amusement, or by hotels, barber shops, saloons, restaurants, or other places of refreshments, entertainment, or accommodations. ~~Every person who violates any provision of this section, or aids or incites another to do so, shall be guilty of a gross misdemeanor, and, in addition to the penalty therefor, shall be liable in a civil action to the person aggrieved for damages not exceeding \$500.~~

Sec. 2. Minnesota Statutes 1961, Section 363.03, is amended by adding a subdivision to read:

Subd. 3. Public accommodations. (1) *It is an unfair discriminatory practice for any person to engage in any act forbidden by Minnesota Statutes 1961, Section 327.09.*

Approved May 21, 1965.

CHAPTER 586—S. F. No. 1462

An act relating to discrimination; amending Minnesota Statutes 1961, Sections 363.03; 363.04, Subdivision 3; 363.06, Subdi-

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vision 4; 363.07; 363.08; and repealing Minnesota Statutes 1961, Section 363.01, Subdivision 2.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1961, Section 363.03, is amended to read:

Subdivision 1. **Discrimination.** Employment. Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion or national origin,

(a) to deny full and equal membership rights to an applicant for membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against an applicant for membership or a member with respect to his hire, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a member;

(2) For an employer, because of race, color, creed, religion, or national origin,

(a) to refuse to hire an applicant for employment; or

(b) to discharge an employee; or

(c) to discriminate against an employee with respect to his hire, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment;

(3) For an employment agency, because of race, color, creed, religion, or national origin,

(a) to refuse or fail to accept, register, classify property, or refer for employment or otherwise to discriminate against an individual; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter;

(4) For an employer, labor organization, or employment

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agency to discharge, expel, or otherwise discriminate against a person because that person has opposed any practice forbidden under this chapter or has filed a complaint, testified, or assisted in any proceeding under this chapter;

(5) For a person intentionally to aid, abet, incite, compel or coerce another person to engage in any of the practices forbidden by this chapter;

(6) For a person intentionally to attempt to aid, abet, incite, compel, or coerce another person to engage in any of the practices forbidden by this chapter;

(7) For any person, employer, labor organization or employment agency to wilfully resist, prevent, impede, or interfere with the commission; ~~the board of review~~; or any of its members or representatives in the performance of duty under this chapter;

(8) For an employer, employment agency, or labor organization, before an individual is employed by an employer or admitted to membership in a labor organization, to

(a) require the applicant to furnish information that pertains to the applicant's race, color, creed, religion or national origin, unless, for the purpose of national security, information pertaining to the national origin of the applicant is required by the United States, this state or a political subdivision or agency of the United States or this state; or

(b) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion or national origin.

Subd. 2. Real Property. It is an unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these

(a) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or group of persons any real property because of the race, color, creed, religion, or national origin of such person or group of persons;

(b) to discriminate against any person or group of persons because of the race, color, creed, religion, or national origin of such person or group of persons in the terms, conditions or privi-

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leges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith; or

(c) in any transaction involving real property, to print, circulate or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of real property, or make any record or inquiry in connection with the prospective purchase, rental, or lease of real property which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin or any intent to make any such limitation, specification, or discrimination.

(2) For a real estate broker, real estate salesman, or employee, or agent thereof

(a) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property to any person or group of persons or to negotiate for the sale, rental, or lease of any real property to any person or group of persons because of the race, color, creed, religion or national origin of such person or group of persons, or represent that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of the race, color, creed, religion, or national origin of such person or group of persons;

(b) to discriminate against any person because of his race, color, creed, religion, or national origin in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith; or

(c) to print, circulate, or post or cause to be printed, circulated, or posted any advertisement or sign, or use any form of application for the purchase, rental, or lease of any real property or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion or national origin or any intent to make any such limitation, specification or discrimination;

(3) For a person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof.

(a) to discriminate against any person or group of per-

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sons because of the race, color, creed, religion, or national origin of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith;

(b) to use any form of application for such financial assistance or make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion, or national origin or any intent to make any such limitation, specification, or discrimination.

(4) For any person

(a) to engage in any economic reprisal against any other person because that person has opposed any practice forbidden under Laws 1961, Chapter 428 or has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under Laws 1961, Chapter 428;

(b) intentionally to aid, abet, incite, compel, or coerce any other person to engage in any of the practices forbidden by Laws 1961, Chapter 428;

(c) to wilfully obstruct or prevent any person from complying with the provisions of Laws 1961, Chapter 428 or any order issued thereunder, or to resist, prevent, impede or interfere with the commission; ~~the board of review~~; or any of its members or representatives in the performance of duty under Laws 1961, Chapter 428; or

(d) to attempt directly or indirectly to commit any of the practices forbidden by Laws 1961, Chapter 428.

Sec. 2. Minnesota Statutes 1961, Section 363.04, Subdivision 3, is amended to read:

Subd. 3. **Vacancies.** A vacancy shall be filled by appointment by the governor for the balance of the unexpired term *with the advice and consent of the senate.*

Sec. 3. Minnesota Statutes 1961, Section 363.06, Subdivision 4, is amended to read:

Subd. 4. **Inquiry into complaint.** When a complaint has been filed or issued, the commission shall promptly inquire into the truth of the allegations of the complaint. If after the inquiry the commission determines that there is probable cause for be-

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believing that an unfair discriminatory practice exists, the commission shall *immediately set a time and place for hearing the complaint and shall issue and serve by registered mail a copy of the complaint and a written notice requiring the respondent to answer the allegations of the complaint at the hearing. Within 15 days after receipt of the copy of the complaint and the notice, the respondent shall serve upon the commission, by registered mail, a verified answer to the complaint.* Prior to the hearing the commission shall endeavor to eliminate the unfair discriminatory practice through education, conference, conciliation, and persuasion. If the commission determines that there is no probable cause for believing that an unfair discriminatory practice exists, the commission shall dismiss the complaint.

Sec. 4. Minnesota Statutes 1961, Section 363.07, is amended to read:

363.07 Hearing. Board of review. *Subdivision 1. Creation, membership, terms, vacancies. There is created a board of review. The board shall be drawn from a panel of 12 persons to be named and appointed by the governor with the advice and consent of the senate. Members on the board of review shall be apportioned so that each congressional district of the state of Minnesota shall have a minimum of one resident member on said board of review. At least four members of the panel shall be lawyers. For purposes of holding prescribed hearings, three persons, one of whom shall be a lawyer, shall be appointed from the panel by the governor and shall constitute and serve as the board of review. The governor shall designate a member of the board to serve as its chairman. No member of the panel of the board of review shall be a member of the commission. The term of office of each member of the panel shall be three years except that the terms of the members first appointed are: four for one year, four for two years, and four for three years. Members shall serve until a successor is appointed and qualifies. Vacancies shall be filled by the governor by and with the advice and consent of the senate.*

Subd. 2. Removal of member. After written notice and a hearing, the governor may remove a member of the panel for inefficiency, neglect of duty, misconduct, or malfeasance in office.

Subd. 3. Compensation, expenses. Each member of the board shall receive \$25 per day while the board is in session and reimbursement for necessary expenses actually incurred on official business.

Subd. 4. Notice to governor. On failing to eliminate an unfair discriminatory practice in the manner prescribed by section 363.06, the commission shall notify the governor in writing of that

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fact, and request him to appoint a board of review to conduct a public hearing in the case:

Subd. 5. Subdivision 1. (Hearings; powers.) Conduct of Hearings. Subject to the provisions of subdivision 6 of this section, the ~~board~~ *commission* shall conduct a hearing at a place designated by it within the county where the unfair discriminatory practice occurred, or the respondent resides or has his principal place of business. It may subpoena witnesses, administer oaths, take testimony and require the production for examination of any books or papers relating to any matter under investigation or in question before the ~~board~~ *commission*. The ~~board~~ *commission* shall adopt and promulgate rules of practice to govern its hearings and it shall employ necessary assistants, fix their compensation and prescribe their duties.

Subd. 6. Notice to commission of hearing; service of complaint; answer. The board of review shall notify the commission of the time and place of the hearing to be conducted by the board. Thereupon the commission shall issue and serve by registered mail upon the respondent a copy of the complaint and a written notice requiring the respondent to answer the allegations of the complaint at the hearing. The notice shall state the time and place of the hearing. Within fifteen days after receipt of the copy of the complaint and the notice, the respondent shall serve upon the commission, by registered mail, a verified answer to the complaint.

Subd. 7. Subd. 2. Conduct of hearings. Appearances. The commission shall submit evidence and present the case before the ~~board~~ in support of the complaint. The complainant shall appear in person at the hearing and is subject to cross-examination by the respondent, his attorney or agent. The respondent, his attorney or agent, may appear at the hearing, submit evidence, and present his case.

Subd. 8. Subd. 3. Evidence receivable. The ~~board~~ *review commission* shall not be bound by the strict rules of evidence that prevail in courts of law, but its findings must be based upon competent and substantial evidence. The ~~board~~ *commission* receive in evidence any evidence pertaining to the efforts of the commission to eliminate the unfair practice through education, conference, conciliation, or persuasion. Each witness at the hearing shall testify under oath. All testimony and other evidence submitted at the hearing shall be recorded and transcribed. The ~~board~~ *commission*, at the request of the complainant or respondent *for the purposes of judicial review* shall provide a copy of the transcript of the hearing without charge.

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~~Subd. 9:~~ *Subd. 4.* Finding of guilty. If the ~~board of review commission~~ finds that the respondent has engaged in an unfair discriminatory practice, it shall make findings and shall issue an order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such other affirmative action as in the judgment of the ~~board commission~~ will effectuate the purposes of this chapter and shall serve the order on the respondent personally, ~~and the commission~~ and the complainant by registered mail.

~~Subd. 10:~~ *Subd. 5.* Finding of not guilty. If the ~~board commission~~ finds that the respondent has not engaged in an unfair discriminatory practice as alleged in the complaint the ~~board commission~~ shall make findings of fact and conclusions of law and shall issue an order dismissing the complaint and shall serve it on the complainant personally, ~~and the commission~~ and the respondent by registered mail.

Subd. 6. Waiver of commission hearing. Following conclusion of the attempts to eliminate unfair practices provided for in section 363.06 and at least five days prior to the commencement of the hearing before the commission, upon demand of a respondent for a determination by the district court on the complaint, no further proceedings shall be had before the commission. All further proceedings shall be had in the district court as provided in section 363.08, upon filing of a petition by the commission. In such case the determination of the existence of the alleged discriminatory practice and the granting of relief shall be governed by section 363.08.

Sec. 5. Minnesota Statutes 1961, Section 363.08, is amended to read:

363.08 District court, review orders of commission. Subdivision 1. **Institution of proceedings.** Subject to subdivisions 2 and 3, the commission, complainant or the respondent may institute in the manner prescribed by subdivision 4 a proceeding in the district court for judicial review and enforcement of an order of the ~~board commission~~.

Subd. 2. **Time limit.** Except for a proceeding by the commission to enforce an ~~order of the board~~ *its order*, a proceeding in the district court shall be instituted within ~~60~~ 30 days after service of an order of the ~~board commission~~.

Subd. 3. **Jurisdiction.** A proceeding under this section shall be instituted in the district court for the judicial district in which an unfair discriminatory practice covered by the order of the

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~~board commission~~ occurred, or the respondent resides or has his principal place of business. The proceeding in the district court shall be de novo and the person complained against shall be entitled at his request to a trial by jury. *All trials or hearings arising under this section shall be given precedence as nearly as practicable over all other pending civil actions.*

Subd. 4. **Procedure.** A proceeding under this section is instituted by:

(1) filing with the clerk of the district court a petition stating the relief requested and the grounds relied on for that relief; a transcript of the hearing held before the ~~board commission~~, and a copy of the findings of fact, conclusions of law, and order of the ~~board commission~~, and

(2) serving a proper notice of motion returnable at a special term of the court on the complainant; *and* the respondent; ~~and the commission.~~

Subd. 5. **District court, exclusive jurisdiction.** When a proceeding has been instituted under this section, the district court has exclusive jurisdiction of the proceeding and shall hear and determine the proceeding.

Subd. 6. **Appearances in court action.** The ~~commission~~, complainant, respondent, and any person aggrieved by an order of the ~~board commission~~ may appear in the proceeding.

Subd. 7. **Court determination.** In a proceeding under this section, the district court shall determine whether the findings of the ~~board commission~~ are supported by competent and substantial evidence, and whether the order of the ~~board commission~~ is supported by the findings. *Subject to the provisions of subdivision 3 of this section*, the court may, in its discretion, remand the proceeding to the ~~board commission~~ for further hearing, or take additional evidence on any issue, or order a trial de novo to the court.

Subd. 8. **Court's power to issue orders.** The district court has power to grant temporary relief by restraining order or otherwise; to modify the order of the ~~board commission~~ in any particular; to order compliance with the order of the ~~board commission~~; to issue its order modifying the order of the ~~board commission~~ and enjoining compliance therewith; to vacate the order of the ~~board commission~~ and dismiss the proceedings; or to make such orders in the matter as the interests of justice may require.

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Sec. 6. *Minnesota Statutes 1961, Section 363.01, Subdivision 2, is hereby repealed.*

Approved May 21, 1965.

CHAPTER 587—H. F. No. 803

[Not Coded]

An act relating to the salaries of certain municipal and probate judges; amending Laws 1963, Chapter 441, Sections 1 and 3.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Laws 1963, Chapter 441, Section 1, is amended to read:

Section 1. **Municipal and probate judges; salaries.** Any act fixing or increasing the salaries of a judge of the probate court or the judge or special judge of a municipal court enacted after the effective date of this section is a temporary act and the salaries fixed thereby shall terminate on June 30, ~~1965~~ 1967 unless such subsequent act expressly provides that the provisions of this section are not applicable thereto.

Sec. 2. Laws 1963, Chapter 441, Section 3, is amended to read:

Sec. 3. This act is in effect from and after its final enactment and shall expire on June 30, ~~1965~~ 1967.

Approved May 22, 1965.

CHAPTER 588—H. F. No. 999

[Not Coded]

An act authorizing the city of Rochester to acquire by purchase, gift, or condemnation lands necessary for a state junior college or state college, and to transfer and convey such lands.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Rochester, city of; acquisition of lands for college.** The city of Rochester may acquire by purchase, gift, or

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