

which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.

Sec. 14. **Repeal.** Minnesota Statutes 1967, Chapter 150, is repealed.

Approved June 5, 1969.

CHAPTER 975—H. F. No. 1496

[Coded in Part]

An act relating to unfair discriminatory practices; providing penalties; amending Minnesota Statutes 1967, Sections 3.922, Subdivision 5; 363.01, by adding subdivisions; 363.03, Subdivision 1, as amended by Laws 1969, Chapter 9, Section 80, Subdivision 2, and by adding a subdivision; 363.04, Subdivisions 4 and 8; 363.05, by adding a subdivision; 363.06, Subdivision 4, and by adding a subdivision; 363.071, Subdivision 2, and by adding subdivisions; 363.091; 363.12, Subdivisions 1 and 2; and Chapter 363, by adding sections.

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

Section 1. Minnesota Statutes 1967, Section 363.01, is amended by adding a subdivision to read:

Subd. 22. Unfair discriminatory practices; charging party. "Charging party" means a person filing a charge with the commissioner or his designated agent pursuant to section 363.06, subdivision 1.

Sec. 2. Minnesota Statutes 1967, Section 363.01, is amended by adding a subdivision to read:

Subd. 23. Complainant. "Complainant" means the commissioner of human rights after he has issued a complaint pursuant to section 363.06.

Sec. 3. Minnesota Statutes 1967, Section 363.03, Subdivision 1, as amended by Laws 1969, Chapter 9, Section 80, is amended to read:

363.03 **Unfair discriminatory practices.** Subdivision

Changes or additions indicated by italics, deletions by ~~strikeout~~.

1. **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, *or sex*,

(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, *or sex*,

(a) to refuse to hire *or to maintain a system of employment which unreasonably excludes* 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, *or sex*,

(a) to refuse or fail to accept, register, classify properly, 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 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 charge, testified, or assisted in any proceeding under this chapter;~~

(5) For a person intentionally to aid, abet, incite, compel or

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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 commissioner or any of his employees or representatives in the performance of duty under this chapter;~~

~~(8)~~ (4) 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 *for the purpose of compliance with the public contracts act, information pertaining to the race, color, creed, religion or national origin of the applicant is required by the United States or a political subdivision or agency of the United States; 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, *or sex.*

Sec. 4. Minnesota Statutes 1967, Section 363.03, Subdivision 2, is amended to read:

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

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person or group of persons in the terms, conditions or privileges 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

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(a) 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 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 chapter 363, or has filed a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under chapter 363;~~

~~(b) intentionally to aid, abet, incite, compel, or coerce any other person to engage in any of the practices forbidden by chapter 363;~~

~~(c) to wilfully obstruct or prevent any person from complying with the provisions of chapter 363, or any order issued thereunder, or to resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under chapter 363; or~~

~~(d) to attempt directly or indirectly to commit any of the practices forbidden by chapter 363.~~

(4) For any real estate broker or real estate salesman, for the purpose of inducing a real property transaction from which such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

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Sec. 5. Minnesota Statutes 1967, Section 363.03, is amended by adding a subdivision to read:

Subd. 6. Reprisals; aiding and abetting and obstruction. It is an unfair discriminatory practice for any person, employer, labor organization, or employment agency:

(1) To intentionally engage in any economic or other reprisal against any person because that person has opposed any practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this chapter;

(2) Intentionally to aid, abet, incite, compel, or coerce a person to engage in any of the practices forbidden by this chapter;

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

(4) To intentionally obstruct or prevent any person from complying with the provisions of this chapter, or any order issued thereunder, or to resist, prevent, impede, or interfere with the commissioner or any of his employees or representatives in the performance of duty under this chapter;

(5) To intentionally engage in any economic reprisal against any person because that person has associated with a person or group of persons of a different race, color, creed, religion or national origin.

Sec. 6. Minnesota Statutes 1967, Section 363.04, Subdivision 4, is amended to read:

Subd. 4. Board, appeals, membership, terms. There is hereby established within the department a state board of human rights. ~~There are hereby transferred to, and it shall be the duty of the board to exercise the functions, powers, and duties of the appeal board provided for in this chapter.~~ The board shall also serve in an advisory capacity to the commissioner. The board shall consist of ~~15~~ 24 members to be appointed by the governor, by and with the advice and consent of the senate. Members of the board shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the board. At least three members of the board shall be lawyers admitted to practice law within this state. Members of the board shall be appointed for terms of three years, except that any person appointed to fill a vacancy occurring

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prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. Members may be removed by the governor for inefficiency, neglect of duty or malfeasance in office. The governor shall designate from time to time one of the members of the board as chairman. The ~~first~~ board shall consist of five members appointed *pursuant to Laws 1967, Chapter 897, for a term expiring the first Monday in January 1968 1970; three additional members appointed for a term expiring the first Monday in January 1970; five members appointed pursuant to Laws 1967, Chapter 897, for a term expiring the first Monday in January 1969 1971; three additional members appointed for a term expiring the first Monday in January 1971; and five eight members for a term expiring the first Monday in January 1970 1972. The board shall hear appeals as provided in section 363.06.*

Sec. 7. Minnesota Statutes 1967, Section 363.04, Subdivision 8, is amended to read:

Subd. 8. **Advisory committee, membership, terms.** There is hereby established within the department an advisory committee on women's affairs to advise and assist the commissioner. The committee shall consist of 15 persons to be appointed by the commissioner. Seven shall be appointed for terms expiring March 1, 1968, and every two years thereafter, and eight shall be appointed for terms expiring March 1, 1969, and every two years thereafter. Vacancies in unexpired terms shall be filled by appointment by the commissioner. In addition to the 15 members of the committee the following shall serve as ex officio, non-voting members of the committee: a member of the state senate to be appointed in January of each odd numbered year by the committee on committees of that body; a member of the house of representatives to be appointed in January of each odd numbered year by the speaker of that body; the commissioner of education, or his designee; the commissioner of public welfare, or his designee; and the executive secretary of the state board of health, or his designee. The committee shall elect, in January of each year, a chairman and such other officers as it may deem necessary. It shall meet at least twice in each year. Additional meetings may be called by the chairman, by the commissioner, or by a majority of the voting members. *The chairman shall be an ex officio member of the state board of human rights.* Each member of the committee shall be reimbursed for necessary expenses incurred in the performance of his duties in the same amount and in the same manner as provided by law for state officers and employees.

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Sec. 8. Minnesota Statutes 1967, Section 363.05, is amended by adding a subdivision to read:

Subd. 2. Enforcement of subpoena. Disobedience of a subpoena issued by the commissioner pursuant to subdivision 1 shall be punishable in like manner as a contempt of the district court in proceedings instituted upon application of the commissioner made to the district court of the county where the alleged unfair discriminatory practice in connection with a charge made by a charging party or a complaint filed by the commissioner has occurred or where the respondent resides or has his principal place of business.

Sec. 9. Minnesota Statutes 1967, Section 363.06, Subdivision 4, is amended to read:

Subd. 4. Inquiry into charge. When a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge and shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(1) If the commissioner shall determine after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of such determination, serve upon the ~~complainant~~ *charging party* and respondent written notice of such determination. This shall be a final decision of the department *unless an appeal is taken as hereinafter provided in subdivision 7.*

(2) If the commissioner shall determine after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party, the attorney general, and members of the board.

(3) At any time after the commissioner has determined that there is probable cause to believe that a respondent has engaged in an unfair discriminatory practice the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, includ-

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ing an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commissioner may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, but no such relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice; ~~provided that no such injunctive relief, order, or decree shall be granted except upon the giving of security by the person claiming to be aggrieved by the unfair practice, in such sum as the court deems proper for the payment of such costs and damages as may be incurred or suffered by the party who is found to have been wrongfully enjoined or restrained.~~ The Minnesota rules of civil procedure shall apply to such application, and the district court shall have authority to grant or deny such relief sought on such conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

(4) *If any lessor, after he has engaged in a discriminatory practice defined in section 363.03, subdivision 2, clause (1), (a), shall lease or rent such dwelling unit to a person who has no knowledge of such practice or of the existence of any charge with respect thereto, such lessor shall be liable for actual damages sustained by such person by reason of any final order hereunder requiring such person to be evicted from such dwelling unit.*

Sec. 10. Minnesota Statutes 1967, Section 363.06, is amended by adding a subdivision to read:

Subd. 7. Review board, appeal. The chairman of the state board of human rights shall select three members of said state board to serve on a review board. Within 15 days after service of written notice of a determination of no probable cause a charging party aggrieved by the commissioner's determination may appeal to the review board by serving a written notice of appeal upon the commissioner and the respondent. The hearing on the appeal shall be held no later than 30 days after perfection of the appeal at a time and place specified by the review board. The charging party, the commissioner, and the respondent shall receive at least five days' written notice of the time and place of the hearing. The charging party and the commissioner shall be present at the hearing. The respondent may also attend the hearing. The charging party may be represented by counsel. An informal hearing shall be held at which time the commissioner shall make all the information relevant to the case and in his posses-

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sion available to the review board. The charging party may introduce any evidence relevant to the charge. The review board shall hear testimony, review all the evidence, and issue a decision in writing with a statement of reasons therefor. The decision of the review board shall be final unless it finds that probable cause exists in which instance it shall remand the case to the commissioner for further proceedings.

Sec. 11. Minnesota Statutes 1967, Section 363.071, Subdivision 2, is amended to read:

Subd. 2. Determination of discriminatory practice. If the panel or examiner finds that the respondent has engaged in an unfair discriminatory practice, the panel or examiner shall make findings of fact and conclusions of law, and shall issue a preliminary order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the panel or examiner will effectuate the purposes of this chapter. *The panel or examiner may order the respondent to pay the charging party compensatory damages, except damages for mental anguish or suffering, and may also order the respondent to pay the charging party punitive damages in an amount not less than \$25 nor more than \$100. In addition to the aforesaid remedies, in a case involving discrimination in*

(a) employment, the panel or examiner may order the hiring, reinstatement or upgrading of an employee with or without back pay, admission or restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job-training program, or other retraining program, or any other relief the panel or examiner deems just and equitable.

(b) housing, the panel or examiner may order the lease, or rental of the housing accommodation to the charging party, or the sale, lease or rental of a like accommodation owned by or under the control of the person against whom the complaint was filed, according to terms as listed with a real estate broker, or if no such listing has been made, as otherwise advertised or offered by the vendor or lessor, or any other relief the panel or examiner deems just and equitable.

The panel or examiner shall cause the findings of fact, conclusions of law, and preliminary order to be served on the respondent personally, the charging party by registered or certified mail, and shall furnish copies to the attorney general and the commissioner.

Sec. 12. Minnesota Statutes 1967, Section 363.071, is amended by adding a subdivision to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Subd. 4. Respondents subject to state licensing or regulatory power. *In the case of a respondent which is subject to the licensing or regulatory power of the state or any political subdivision or agency thereof, if the panel or hearing examiner determines that the respondent has engaged in a discriminatory practice, and if the respondent does not cease to engage in such discriminatory practice, the commissioner may so certify to the licensing or regulatory agency. Unless such determination of discriminatory practice is reversed in the course of judicial review, a final determination is binding on the licensing or regulatory agency. Such agency may take appropriate administrative action, including suspension or revocation of the respondent's license or certificate of public convenience and necessity, if such agency is otherwise authorized to take such action.*

Sec. 13. Minnesota Statutes 1967, Section 363.071, is amended by adding a subdivision to read:

Subd. 5. Public contracts. *In the case of a respondent which is a party to a public contract, if the panel or hearing examiner determines that the respondent has engaged in a discriminatory practice, the commissioner may so certify to the contract letting agency. Unless such finding of a discriminatory practice is reversed in the course of judicial review, a final determination is binding on the contract letting agency and such agency may take appropriate administrative action, including the imposition of financial penalties or termination of the contract, in whole or in part, if such agency is otherwise authorized to take such action.*

Sec. 14. Minnesota Statutes 1967, Section 363.091, is amended to read:

363.091 Enforcement. When the order of the department has become final the commissioner may file with the clerk of district court in the judicial district in which the hearing was held a petition requesting the court to order the respondent to comply with the order of the department. Thereupon the court shall issue an order to show cause directed to the respondent why an order directing compliance should not be issued. Notwithstanding the provisions of any law or rule of civil procedure to the contrary, the court shall examine at the hearing on the order to show cause all the evidence in the record and may amend the order of the department in any way the court deems just and equitable. *If the panel or examiner has ordered an award of damages pursuant to section 363.071 and if the court sustains or modifies the award, it shall enter judgment on the order or modified order in the same manner as in the case of an order of the district court, as provided in section 546.27.*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 15. Minnesota Statutes 1967, Section 363.12, Subdivision 1, is amended to read:

363.12 Declaration of policy. Subdivision 1. As a guide to the interpretation and application of this chapter, be it enacted that the public policy of this state is to secure for individuals in this state, freedom from discrimination because of race, color, creed, religion, or national origin, in connection with employment, housing and real property, public accommodations, public services, and education. *It is also the public policy of this state to secure for individuals in this state, freedom from discrimination because of sex in connection with employment.* Such discrimination threatens the rights and privileges of the inhabitants of this state and menaces the institutions and foundations of democracy. It is also the public policy of this state to protect all persons from wholly unfounded charges of discrimination.

Sec. 16. Minnesota Statutes 1967, Section 363.12, Subdivision 2, is amended to read:

Subd. 2. The opportunity to obtain employment, housing, and other real estate, and full and equal utilization of public accommodations, public services, and educational institutions without discrimination because of race, color, creed, religion, or national origin is hereby recognized as and declared to be a civil right. *The opportunity to obtain employment without discrimination because of sex is also hereby recognized as and declared to be a civil right.*

Sec. 17. Minnesota Statutes 1967, Section 3.922, Subdivision 5, is amended to read:

Subd. 5. **Officers, personnel.** The state commission on Indian affairs shall elect a chairman and such other officers as it may deem necessary. It shall also employ, fix the compensation, and prescribe the duties of such clerks, employees, and agents as it deems necessary. *The chairman shall be an ex officio member of the state board of human rights.* The appropriations and other funds of this commission are subject to the provisions of Minnesota Statutes, Chapter 16.

Sec. 18. Minnesota Statutes 1967, Chapter 363, is amended by adding a section to read:

[363.101] Unfair discriminatory practice a misdemeanor. *In addition to all other remedies provided under this chapter, every person who commits an unfair discriminatory act as set forth in section 363.03, subdivision 3, or aids, abets, incites, compels, or coerces another to do so, shall be guilty of a misdemeanor.*

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Sec. 19. Minnesota Statutes 1967, Chapter 363, is amended by adding a section to read:

[363.073] Certificates of compliance for public contracts. *Subdivision 1. The commissioner may promulgate rules and regulations, in accordance with Minnesota Statutes, Chapter 15, for the issuance of certificates of compliance to bidders on public contracts, and shall issue such certificates in accordance with such rules and regulations. No department or agency of the state shall award any contract to any firm or person unless such firm or person has received a certificate of compliance or has pending an application therefor.*

Subd. 2. Certificates of compliance may be suspended or revoked, or a pending application for a certificate may be denied, by a panel or examiner, in an order based on a finding that the holder or applicant has committed an unfair discriminatory practice in respect of a public contract; provided, however, that:

(1) any contractor certified to be in compliance with regulations of the federal government in respect of discriminatory practices shall also be certified by the state; and

(2) a contract awarded by a department or agency of the state shall not be terminated or abridged because of suspension, revocation or denial of a certificate based upon an unfair discriminatory practice for which the commissioner's complaint was issued after the date of the contract award; and

(3) in the case of a respondent whose certificate of compliance has been suspended, revoked, or denied, the commissioner shall issue a certificate of compliance in accordance with subdivision 1 within 90 days after he finds that the respondent has ceased engaging in any unfair discriminatory practice.

Approved June 6, 1969.

CHAPTER 976—H. F. No. 1533

An act relating to the powers and duties of the commissioner of administration; establishing a centralized operation and maintenance service for state owned buildings; appropriating money therefor; amending Minnesota Statutes 1967, Sections 16.02, Subdivision 6; 16.024, Subdivisions 1 and 2; 16.025, Subdivisions 1, 2 and 3.

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