

- (b) Each dependent child 20 10 percent of the member's monthly average salary not to exceed \$45 per month in effect over the last full six months of allowable service preceding death

~~In addition to the amounts provided in (a) and (b) hereof, 10 percent of the member's monthly average salary not to exceed \$20 per month shall be paid to be divided equally among the dependent children. Payments for the benefit of any dependent child under the age of 18 years shall be made to the surviving parent, or if there be none, to the legal guardian of such child. The maximum monthly benefit shall not exceed \$250 \$400 for any one family. The surviving dependent spouse benefit shall terminate upon his or her remarriage, and the dependent children's benefit shall be reduced pro tanto when any child is no longer dependent.~~

If the member and the surviving dependent spouse are killed in a common disaster and if the total of all survivors benefits paid under this subdivision is less than the accumulated deductions plus interest payable, the surviving children shall receive the difference in a lump sum payment.

Any survivor of a member whose average salary was less than \$75 per month shall not be entitled to the benefits provided in this subdivision. If the survivor benefits provided in this subdivision exceed in total the monthly average salary of the deceased member, these benefits shall be reduced to an amount equal to the deceased member's monthly average salary.

Effective January 1, 1973, the surviving dependent spouse's benefit provided herein may be waived but the benefits of a dependent child can only be waived by order of the district court.

Sec. 32. Minnesota Statutes 1971, Section 354.09, Subdivision 5, is repealed.

Sec. 33. Except as otherwise provided, the effective date of this act is July 1, 1973.

Approved May 24, 1973.

CHAPTER 729—H.F.No.377

[Coded in Part]

An act relating to the department of human rights; unfair discriminatory practices; amending Minnesota Statutes 1971, Sec-

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tions 363.01 by adding subdivisions; 363.02; 363.03; 363.04, Subdivision 8; 363.05, Subdivision 1; 363.06, Subdivisions 2, 4 and 7; 363.071, Subdivision 2; 363.072, Subdivision 1; 363.091; 363.11; 363.115; 363.12, Subdivisions 1 and 2; 363.13; and Chapter 363, by adding sections.

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

Section 1. Minnesota Statutes 1971, Section 363.01, is amended by adding subdivisions to read:

Subd. 24. HUMAN RIGHTS ACT; LOCAL COMMISSION. "Local commission" means an agency of a city, village, or borough created pursuant to law, city charter, or municipal ordinance for the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status or status with regard to public assistance.

Subd. 25. DISABILITY. "Disability" means a mental or physical condition which constitutes a handicap.

Subd. 26. DEPARTMENT. "Department" means the department of human rights.

Subd. 27. STATUS WITH REGARD TO PUBLIC ASSISTANCE. "Status with regard to public assistance" means the condition of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state or local subsidies, including rental assistance or rent supplements.

Sec. 2. Minnesota Statutes 1971, Section 363.02, is amended to read:

363.02 EXEMPTIONS. Subdivision 1. **EMPLOYMENT.** The provisions of section 363.03, subdivision 1, shall not apply to:

- (1) The employment of any individual
 - (a) by his parent, grandparent, spouse, child, or grandchild, or
 - (b) in the domestic service of any person.
- (2) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment.
- (3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice.

It is not an unfair employment practice for an employer, employment agency or labor organization:

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

(i) to require a person to undergo physical examination for purpose of determining the person's capability to perform available employment; or

(ii) to conduct an investigation as to the person's medical history for the purpose of determining the person's capability to perform available employment.

Subd. 2. **HOUSING.** The provisions of section 363.03, subdivision 2, shall not apply to:

(a) The rental of a portion of a dwelling containing accommodations for two families, one of which is occupied by the owner, rooms in a temporary or permanent residence home run by a nonprofit organization, if the discrimination is by sex or (b) the rental by an owner or occupier of a one-family accommodation in which he resides of a room or rooms in such accommodation to another person or persons if the discrimination is by sex, marital status, status with regard to public assistance or disability. Nothing in this chapter shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.

Subd. 3. **EDUCATION.** It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion. The provisions of section 363.03, subdivision 5, relating to sex, shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll. Nothing in this chapter shall be construed to require any educational institution to provide any special service to any person because of the disability of such person or to modify in any manner its buildings, grounds, facilities, or admission procedures because of the disability of any such person. Nothing in this chapter shall prohibit an educational institution from discriminating on the basis of academic qualifications or achievements or requiring from applicant's information which relates to academic qualifications or achievements.

Subd. 4. **PUBLIC ACCOMMODATIONS.** The provisions of section 363.03, subdivision 3, relating to sex, shall not apply to such facilities as restrooms, lockerrooms, and other similar places.

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

Subd. 5. DISABILITY. Nothing in this chapter shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habilitate, rehabilitate or accommodate that person. It is a defense to a complaint or action brought under this chapter that the person bringing the complaint or action suffers from a mental disability which poses a serious threat to the safety of others. The burden of proving this defense is upon the respondent.

Sec. 3. Minnesota Statutes 1971, Section 363.03, is amended to read:

363.03 UNFAIR DISCRIMINATORY PRACTICES. Subdivision 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, national origin, ~~or sex,~~ marital status, status with regard to public assistance or disability,

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

(b) to expel a member from membership;

(c) to discriminate against ~~an applicant for a person seeking 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;~~ person or member.

(2) For an employer, because of race, color, creed, religion, national origin, ~~or sex,~~ marital status, status with regard to public assistance or disability,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes ~~an applicant for employment; or a person seeking employment; or~~

(b) to discharge an employee; or

(c) to discriminate against ~~an employee~~ a person 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, national origin, ~~or sex,~~ marital status, status with regard to public assistance or disability,

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

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against ~~an individual; or a person; 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, employment agency, or labor organization, before ~~an individual~~ a person is employed by an employer or admitted to membership in a labor organization, to

(a) require the ~~applicant~~ person to furnish information that pertains to ~~the applicant's~~ race, color, creed, religion, ~~or~~ national origin, ~~sex, marital status, status with regard to public assistance or disability,~~ 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 or any rule, regulation or laws of the United States or of this state requiring information pertaining to ~~the race, color, creed, religion, or national origin, of the applicant~~ sex, marital status, status with regard to public assistance or disability 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, national origin, ~~or sex, marital status, status with regard to public assistance or disability.~~

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~~ sex, marital status, status with regard to public assistance or disability;

(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~~ sex, marital status, status with regard to public assistance or disability 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

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(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, sex, marital status, status with regard to public assistance or disability~~, 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 sex, marital status, status with regard to public assistance or disability~~, 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 sex, marital status, status with regard to public assistance or disability~~;

(b) to discriminate against any person because of his race, color, creed, religion, ~~or national origin, sex, marital status, status with regard to public assistance or disability~~ 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, sex, marital status, status with regard to public assistance or disability~~ 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

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

(a) to discriminate against any person or group of persons because of ~~the~~ race, color, creed, religion, ~~or~~ national origin, sex, marital status, status with regard to public assistance or disability 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, sex, marital status, status with regard to public assistance or disability or any intent to make any such limitation, specification, or discrimination.

(4) For any real estate broker or real estate salesman, for the purpose of inducing a real property transaction from which such person, his firm, 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, sex, marital status, status with regard to public assistance or disability 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.

Subd. 3. **PUBLIC ACCOMMODATIONS.** It is an unfair discriminatory practice:

To deny ~~an individual or group of individuals~~ any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, religion, ~~or~~ national origin or sex. It is an unfair discriminatory practice for a taxicab company to discriminate in the access to, full utilization of or benefit from service because of a person's disability.

Subd. 4. **PUBLIC SERVICES.** It is an unfair discriminatory practice:

To discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of race, color, creed, religion, ~~or~~ national origin, sex or status with regard to public assistance.

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Subd. 5. **EDUCATIONAL INSTITUTION.** It is an unfair discriminatory practice:

(1) To discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any individual person because of race, color, creed, religion, ~~or~~ national origin, sex, marital status, status with regard to public assistance or disability.

(2) To exclude, expel, ~~limit,~~ or otherwise discriminate against ~~an individual~~ a person seeking admission as a student, or ~~an individual a person~~ enrolled as a student because of race, color, creed, religion, ~~or~~ national origin, sex, marital status, status with regard to public assistance or disability.

(3) To make or use a written or oral inquiry, or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, concerning the race, color, creed, religion, ~~or~~ national origin, sex, marital status or disability of an applicant for a person seeking admission, except as permitted by regulations of the department.

Subd. 6. **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) ~~(1)~~ Intentionally to aid, abet, incite, compel, or coerce a person to engage in any of the practices forbidden by this chapter;

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

(4) ~~(3)~~ 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.~~

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Subd. 7. REPRISALS. It is an unfair discriminatory practice for any employer, labor organization, employment agency, lessor, public accommodation, public service or educational institution to intentionally engage in any reprisal against any person because that person:

(1) Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted, or participated in any matter in an investigation, proceeding or hearing under this chapter; or

(2) Associated with a person or group of persons of a different race, color, creed, religion or national origin.

Sec. 4. Minnesota Statutes 1971, 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 ~~24~~ persons to be appointed by the commissioner. Seven ~~Eight~~ shall be appointed for terms expiring March 1, 1968 ~~the first Monday in January, 1974,~~ and every ~~two~~ three years thereafter, and eight shall be appointed for terms expiring March 1, 1969 ~~the first Monday in January, 1975,~~ and every ~~two~~ three years thereafter, and eight shall be appointed for terms expiring the first Monday in January, 1976, and every three years thereafter. The terms of all persons appointed to the committee prior to the effective date of this act shall remain in effect until their terms expire. Vacancies in unexpired terms shall be filled by appointment by the commissioner. Members may be removed by the commissioner for inefficiency, neglect of duty or malfeasance. In addition to the ~~15~~ 24 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. On the first Monday in January, 1974, and at all times

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thereafter, at least one appointee from each of the congressional districts of the state shall sit on the advisory committee on women's affairs.

Sec. 5. Minnesota Statutes 1971, Section 363.05, Subdivision 1, is amended to read:

363.05 DUTIES OF COMMISSIONER. Subdivision 1. **FORMULATION OF POLICIES.** The commissioner shall formulate policies to effectuate the purposes of this chapter and shall:

(1) Exercise leadership under the direction of the governor in the development of human rights policies and programs, and make recommendations to the governor and the legislature for their consideration and implementation;

(2) cooperate and consult with the commissioners of education, labor and industry, public welfare, economic development, and natural resources, and with the secretary of the state board of health in developing plans and programs to most effectively serve the needs of Indians and to assist women in the areas designated in section 363.04, subdivision 7;

(3) establish and maintain a principal office in St. Paul, and any other necessary branch offices at any location within the state;

(4) meet and function at any place within the state;

(5) employ such hearing examiners, attorneys, clerks and other employees and agents as he may deem necessary and prescribe their duties;

(6) to the extent permitted by federal law and regulation, utilize the records of the department of manpower services of the state when necessary to effectuate the purposes of this chapter;

(7) obtain upon request and utilize the services of all state governmental departments and agencies;

(8) adopt suitable rules and regulations for effectuating the purposes of this chapter;

(9) issue complaints, receive and investigate charges alleging unfair discriminatory practices, and determine whether or not probable cause exists for hearing;

(10) subpoena witnesses, administer oaths, take testimony, and require the production for examination of any books or papers relative to any matter under investigation or in question; authorize hearing examiners to exercise the authority conferred by this clause;

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(11) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair discriminatory practices as being contrary to the public policy of the state;

(12) conduct research and study discriminatory practices;

(13) publish and distribute the results of research and study when in the judgment of the commissioner the purposes of chapter 363, will be served thereby;

(14) develop and conduct programs of formal and informal education designed to eliminate discrimination and intergroup conflict by use of educational techniques and programs he deems necessary;

(15) make a written report of the activities of the commissioner to the governor each year and to the legislature at each session;

(16) accept gifts, bequests, grants or other payments public and private to help finance the activities of the department;

(17) create such local and statewide advisory committees as will in his judgment aid in effectuating the purposes of the department of human rights;

(18) appoint a hearing examiner to preside at a public hearing on any complaint;

(19) develop such programs as will aid in determining the compliance throughout the state with the provisions of chapter 363, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, disability, marital status or status with regard to public assistance, or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;

(20) develop and disseminate technical assistance to persons subject to the provisions of chapter 363, and to agencies and officers of governmental and private agencies;

(21) provide staff services to such advisory committees as may be created in aid of the functions of the department of human rights;

(22) make grants in aid to the extent that appropriations are made available for such purpose in aid of carrying out his duties and responsibilities, but no grant in aid shall be made without first obtaining the advice and consent of the board;

(23) develop educational programs, community organization programs, leadership development programs, motivational pro-

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grams, and business development programs for the benefit of those persons theretofore and hereafter subject to prejudice and discrimination; and

(24) provide information for and direction to a program designed to assist Indian citizens to assume all the rights, privileges, and duties of citizenship; and to coordinate and cooperate with local, state and national and private agencies providing services to the Indian people.

Sec. 6. Minnesota Statutes 1971, Section 363.06, Subdivision 2, is amended to read:

Subd. 2. **CHARGE, ISSUANCE BY COMMISSIONER.** Whenever the commissioner has reason to believe that a person is engaging in an unfair discriminatory practice, the commissioner may issue a complaint charge stating in statutory language an alleged violation of a particular section of Minnesota Statutes, Section 363.03.

Sec. 7. Minnesota Statutes 1971, 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 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 or panel 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~~ the chairman 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

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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, including 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. 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. 8. Minnesota Statutes 1971, Section 363.06, Subdivision 7, is amended to read:

Subd. 7. **REVIEW PANEL APPEAL.** The chairman of the state board of human rights shall select three members of said state board, at least one of whom shall be a lawyer, to serve on a review board panel. The chairman shall designate one of the three members selected as the presiding member of the panel. Within 15 days after service of written notice of an order dismissing a charge following a determination of no probable cause a charging party aggrieved by the commissioner's determination may appeal to the review board panel 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 panel. 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 possession available to the review board panel. The charging party and the respondent

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may introduce any evidence relevant to the charge. The members of the review board panel shall hear testimony, may examine any party or witness and shall review all the evidence, and issue a decision in writing with a statement of reasons therefor. The decision of the review board panel shall be final unless it finds that probable cause exists in which instance it shall may decide to either sustain the determination of no probable cause or remand the case to the commissioner for further proceedings investigation and a determination as to whether there is probable cause to believe that the respondent has engaged in an unfair discriminatory practice. A decision to remand the case shall be submitted to the commissioner within 30 days after the date of the hearing.

Sec. 9. Minnesota Statutes 1971, 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 an 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. Such order shall be a final decision of the department. In all cases the panel or examiner may order the respondent to pay the charging an aggrieved party, who has suffered discrimination, compensatory damages, except damages for mental anguish or suffering, and, in all cases, may also order the respondent to pay the charging an aggrieved party, who has suffered discrimination, punitive damages in an amount not less than \$25 nor more than \$100 \$500. 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 aggrieved party, who has suffered discrimination, 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 sale, lease, or rental of the housing accommodation or other real property to the charging an aggrieved party, who has suffered discrimination, or the sale, lease or rental of a like accommodation or other real property 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.

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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. 10. Minnesota Statutes 1971, Section 363.072, Subdivision 1, is amended to read:

363.072 DISTRICT COURT, REVIEW ORDERS OF PANEL OR EXAMINER. Subdivision 1. ~~A respondent~~ Any person aggrieved by a final decision of the board department reached after a hearing held pursuant to section 363.071 may seek judicial review in the district court for the judicial district in which the hearing of the board was held pursuant to section 15.0424.

Sec. 11. Minnesota Statutes 1971, Section 363.091, is amended to read:

363.091 ENFORCEMENT. ~~When the order a respondent fails or refuses to comply with a final decision 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.

Sec. 12. Minnesota Statutes 1971, Section 363.11, is amended to read:

363.11 CONSTRUCTION. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or of any other law of this state relating to discrimination because of race, creed, color, religion, sex, disability, marital status, status with regard to public assistance or national origin; but, as to acts declared unfair by ~~section~~ sections 363.03 and 363.123, the procedure herein provided shall, while pending, be exclusive.

Sec. 13. Minnesota Statutes 1971, Section 363.115, is amended to read:

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

363.115 REFERRAL TO LOCAL COMMISSION. The commissioner whether or not a charge has been filed under chapter 363 may refer a matter involving discrimination because of race, color, religion, sex, creed, disability, marital status, status with regard to public assistance or national origin to a local commission for investigation, study and report, and may refer a complaint alleging a violation of chapter 363 to a local commission for investigation, ~~determination whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, or assistance in eliminating a discriminatory practice by conference, conciliation or persuasion.~~

Upon referral by the commissioner, the local commission shall make a report and make recommendations to the commissioner and take other appropriate action within the scope of its powers.

~~The term "local commission" as used in this section means an agency of a city, village or borough created pursuant to law, city charter, or municipal ordinance, and conferring upon the agency powers, including, but not limited to those which are conferred upon the commissioner by chapter 363.~~

Sec. 14. Minnesota Statutes 1971, 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~~ It is the public policy of this state is to secure for individuals persons 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.

(1) In employment because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance;

(2) In housing and real property because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance;

(3) In public accommodations because of race, color, creed, religion, national origin, sex and disability;

(4) In public services because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance; and

(5) In education because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance. Such discrimination threatens the rights and privileges

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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. Nothing in this chapter shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

Sec. 15. Minnesota Statutes 1971, 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 ~~such discrimination because of race, color, creed, religion, or national origin as is prohibited by this chapter~~ 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. 16. Minnesota Statutes 1971, Chapter 363, is amended by adding a section to read:

[363.123] VIOLATION OF ACT. It shall be a violation of this act for any person furnishing credit service to discriminate against any person who is the recipient of federal, state or local public assistance, including medical assistance, or who is a tenant receiving federal, state or local housing subsidies, including rental assistance or rent supplements, solely because the individual is such a recipient.

Sec. 17. Minnesota Statutes 1971, Section 363.13, is amended to read:

363.13 CITATION. This chapter shall be known as the Minnesota ~~state act against discrimination~~ human rights act.

Sec. 18. Minnesota Statutes 1971, Chapter 363, is amended by adding a section to read:

[363.14] COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION, DISTRICT COURT JURISDICTION, ATTORNEY'S FEES, AND COSTS. Subdivision 1. COURT ACTIONS, SUITS BY PRIVATE PARTIES, INTERVENTION. If, after a charge has been filed with the department, the commissioner finds pursuant to section 363.06, subdivision 4, no probable cause to credit the allegations contained therein or if within 90 days from the filing of a charge, the commissioner has not issued a complaint pursuant to section 363.06 or the department has not entered into a conciliation agreement to which the charging party is a party, he shall so notify the charging party and within 90 days after the giving of such notice a civil action may be brought by the charging party against the respondent named in the charge.

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

Upon application by the complaining party to the district court at a special term thereof and in such circumstances as the court may deem just, the court may appoint an attorney for such person and may authorize the commencement of the action without payment of fees, costs, or security.

Upon timely application, the court may, in its discretion, permit the department to intervene in a civil action brought pursuant to this section upon certification that the case is of general public importance.

Upon request, the court may, in its discretion, stay further proceedings for not more than 60 days pending further efforts of the department to obtain voluntary compliance.

Subd. 2. DISTRICT COURT JURISDICTION. Any action brought pursuant to this section shall be filed in the district court of the county wherein the unlawful discriminatory practice is alleged to have been committed or where the respondent resides or has his principal place of business.

Any action brought pursuant to this chapter shall be heard and determined by a judge sitting without a jury.

If the court finds that the respondent has engaged in an unfair discriminatory practice, it shall issue an order directing such relief as it deems appropriate and which effectuates the purpose of this chapter. Such relief shall be limited to that permitted by section 363.071, subdivision 2.

Subd. 3. ATTORNEY'S FEES AND COSTS. In any action or proceeding brought pursuant to this section the court, in its discretion, may allow the prevailing party, other than the department, a reasonable attorney's fee as part of the costs.

Approved May 24, 1973.

CHAPTER 730—H.F.No.437

An act relating to highway traffic regulations; unsafe equipment; prohibiting design modifications of certain vehicles without approval of the commissioner of public safety; prescribing penalties; amending Minnesota Statutes 1971, Section 169.47.

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

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