

(6) Any mortgagee intentionally violating the provisions of this subdivision shall be fined not more than \$100 for each offense.

Subd. 9. Notwithstanding any other law, the provisions of this act may not be waived by any oral or written agreement executed by any person.

Sec. 3. Minnesota Statutes 1974, Section 47.21, is amended to read:

47.21 LAWS PRESCRIBING TYPE OF SECURITY NOT TO APPLY. No other law in this state prescribing the nature, amount or form of security or requiring security upon which loans or advances of credit may be made, or prescribing or limiting interest rates upon loans or advances of credit, or prescribing or limiting the period for which loans or advances of credit may be made, shall be deemed to apply to loans, advances of credit or purchases made pursuant to section 47.20, ~~paragraphs (1) and (2)~~ subdivisions 1, 3 and 4 .

(1) Such institutions may invest in notes or bonds secured by mortgage or trust deed insured pursuant to section 47.20, ~~paragraph-subdivision 1, clause~~ (2), and in securities issued by national mortgage associations;

(2) The notes, bonds and other securities herein made eligible for investment may be used wherever, by statute, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund, is required to be maintained consisting of designated securities.

Sec. 4. Section 2, subdivision 8, is effective on June 1, 1976. The remainder of sections 1 to 3 is effective on April 1, 1976.

Approved April 13, 1976.

CHAPTER 301—S.F.No.840

An act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; changing certain other enforcement procedures; amending Minnesota Statutes 1974, Sections 363.06, Subdivisions 1 and 4; 363.071; and 363.14, Subdivision 1; repealing Minnesota Statutes 1974, Section 363.06, Subdivision 7.

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

Section 1. Minnesota Statutes 1974, Section 363.06, Subdivision 1, is amended to read:

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363.06 HUMAN RIGHTS; PRIVATE RIGHT OF ACTION; GRIEVANCES. Subdivision 1. **CHARGE FILING.** Any person aggrieved by a violation of this chapter may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of and any other information required by the commissioner. The commissioner within five days of such filing shall serve a copy of the charge upon the respondent personally or by registered or certified mail. Periodically after the filing of a charge but at intervals of no more than 60 days, until the charge is no longer in the jurisdiction of the department the commissioner shall in writing inform the charging party of the status of his charge. A copy of the periodic notice shall be mailed to the respondent.

Sec. 2. Minnesota Statutes 1974, 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~~. The commissioner shall make an immediate inquiry when necessary to prevent a charging party from suffering irreparable loss in the absence of immediate action. On each charge the commissioner 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. Within ten days after receipt of this notice, the charging party may request in writing on forms prepared by the department that the commissioner reconsider his determination. The request shall contain a brief statement of the reasons for and any new evidence in support of the request for reconsideration. At the time of submission of the request to the commissioner, the charging party shall deliver or mail to the respondent a copy of the request for reconsideration. The commissioner shall either reaffirm or reverse his determination of no probable cause within 20 days after receipt of the request for reconsideration, and he shall within ten days thereafter notify in writing the charging party and respondent of his decision to reaffirm or reverse. A decision by the commissioner that no probable cause exists to credit the allegations of an unfair discriminatory practice shall not be appealed to district court pursuant to section 363.072 or section 15.0424.~~

(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

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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 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 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. 3. Minnesota Statutes 1974, Section 363.071, is amended to read:

363.071 HEARINGS. Subdivision 1. **CONDUCT OF HEARINGS.** ~~The commissioner shall appoint from the board a three man hearing panel, at least one of whom shall be a lawyer, or an examiner to hear the complaint. A complaint issued by the commissioner shall be heard as a contested case, except that the report of the hearing examiner shall be binding on all parties to the proceeding and if appropriate shall be implemented by an order as provided for in subdivision 2.~~ The hearing shall be conducted at a place designated by the commissioner, within the county where the unfair discriminatory practice occurred or where the respondent resides or has his principal place of business. The hearing shall be conducted in accordance with Minnesota Statutes

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1965, Sections 15.0418, 15.0419, 15.0421, 15.0422, and is subject to appeal in accordance with section 15.0424.

Subd. 2. DETERMINATION OF DISCRIMINATORY PRACTICE. ~~If the panel or~~ The hearing 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 if the hearing examiner finds that the respondent has engaged in an unfair discriminatory practice, the hearing examiner shall issue 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 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 an aggrieved party, who has suffered discrimination, punitive damages in an amount not less than \$25 nor more than \$500. In addition to the aforesaid remedies, in a case involving discrimination in~~

(a) employment, ~~the panel or~~ the hearing examiner may order the hiring, reinstatement or upgrading of an 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~~ the hearing examiner may order the sale, lease, or rental of the housing accommodation or other real property to 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.

The panel or examiner shall cause the findings of fact, conclusions of law, and 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.

Subd. 3. DISMISSAL OF HEARING. If the panel or examiner makes findings of fact, conclusions of law, and an order in favor of the respondent, such order shall be a final decision of the department.

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 subdi-

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vision 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.

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.

Subd. 6. SUBPOENAS. After the issuance of a complaint pursuant to section 363.06, subdivision 4, a charging party or a respondent may request that the hearing examiner issue subpoenas requiring the presence of witnesses or the production for examination of books or papers not privileged and relevant to any matter in question at the hearing.

Sec. 4. Minnesota Statutes 1974, Section 363.14, Subdivision 1, is amended 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. A person may bring a civil action seeking redress for an unfair discriminatory practice, upon withdrawal of the complaint from the department of human rights, at the following times:~~

(a) Within 90 days after the commissioner has determined that there is no probable cause to credit the allegations contained in a charge filed with the commissioner, or, if the charging party requested

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a reconsideration, within 90 days after the commissioner has reaffirmed his determination of no probable cause; or

(b) After 90 days but within one year after the filing of a charge if at or prior to the time of bringing the civil action a hearing has not been held pursuant to section 363.071.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the commissioner, and upon his receipt thereof the commissioner shall cause all proceedings in the department relating to the charge to terminate. No charge shall be filed or reinstated with the commissioner after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

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.

Sec. 5. **REPEAL.** Minnesota Statutes 1974, Section 363.06, Subdivision 7, is repealed.

Approved April 13, 1976.

CHAPTER 302—S.F.No.864

An act relating to hospitalization and commitment; providing for notice to and hearing on request of attending physician or next of kin of patient before discharge; amending Minnesota Statutes 1974, Section 253A.15, Subdivisions 2 and 11.

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

Section 1. Minnesota Statutes 1974, Section 253A.15, Subdivision 2, is amended to read:

Subd. 2. **HOSPITALIZATION AND COMMITMENT; DISCHARGE; NOTICE.** (a) Where such patient was found by the committing court to be dangerous to the public or to have a psychopathic per-

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