

## CHAPTER 277—H.F.No. 208

*An act relating to human rights; prohibiting discrimination against certain persons who have physical or sensory disabilities and who use service animals; clarifying certain language governing transportation of disabled persons; clarifying the commissioner's acceptance of charges; amending Minnesota Statutes 1992, sections 363.01, subdivisions 30a, 35, 41b, and by adding a subdivision; 363.03, subdivisions 2, 4, and 10; and 473.144.*

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

Section 1. Minnesota Statutes 1992, section 363.01, is amended by adding a subdivision to read:

**Subd. 26b. OVER-THE-ROAD BUS.** “Over-the-road bus” means a bus characterized by an elevated passenger deck located over a baggage compartment.

Sec. 2. Minnesota Statutes 1992, section 363.01, subdivision 30a, is amended to read:

Subd. 30a. **PRIVATE ENTITY.** “Private entity” means an entity other than a public entity service.

Sec. 3. Minnesota Statutes 1992, section 363.01, subdivision 35, is amended to read:

Subd. 35. **QUALIFIED DISABLED PERSON.** “Qualified disabled person” means:

(1) with respect to employment, a disabled person who, with reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and

(2) with respect to public services, a person with a disability who, with or without reasonable modifications to rules, policies, or practices, removal of architectural, communications, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for receipt of services and for participation in programs and activities provided by the public entity service.

For the purposes of this subdivision, “disability” excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of others.

If a respondent contends that the person is not a qualified disabled person, the burden is on the respondent to prove that it was reasonable to conclude the disabled person, with reasonable accommodation, could not have met the requirements of the job or that the selected person was demonstrably better able to perform the job.

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Sec. 4. Minnesota Statutes 1992, section 363.01, subdivision 41b, is amended to read:

Subd. 41b. **STATION.** "Station" means property located next to a right-of-way on which intercity and commuter transportation is operated, which is used by the general public and is related to the provision of the transportation, including passenger platforms, designated waiting areas, ticketing areas, rest-rooms, drinking fountains, public telephones, and, if a public ~~entity~~ service providing rail transportation owns the property, concessions areas to the extent that the public ~~entity~~ service exercises control over the selection, design, construction, or alteration of the property. Station does not include flag stops.

Sec. 5. Minnesota Statutes 1992, 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 race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status 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, except that nothing in this clause shall be construed to prohibit the adoption of reasonable rules intended to protect the safety of minors in their use of the real property or any facilities or services furnished 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, national origin, sex, marital status, status with regard to public assistance, disability, or familial status, or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

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

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(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 race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status 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 race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status; or

(b) to discriminate against any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status 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, national origin, sex, marital status, status with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination except that nothing in this clause shall be construed to prohibit the advertisement of a dwelling unit as available to adults-only if the person placing the advertisement reasonably believes that the provisions of this subdivision prohibiting discrimination because of familial status do not apply to the dwelling unit.

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

(a) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or familial status of the person or group of persons or of the prospective occupants or tenants of the real property in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith; or

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

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with regard to public assistance, disability, or familial status or any intent to make any such limitation, specification, or discrimination; or

(c) to discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair, or maintain real property in a specific urban or rural area or any part thereof solely because of the social, economic, or environmental conditions of the area in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of the financial assistance or in the extension of services in connection therewith.

(4) For any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, the person's 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, 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.

(5) For a person to deny a ~~totally or partially blind, physically handicapped, or deaf person with a service animal~~ full and equal access to real property provided for in this section to a person who is totally or partially blind, deaf, or has a physical or sensory disability and who uses a service animal, if the service animal can be properly identified as being from a recognized program which trains service animals to aid persons who are totally or partially blind or deaf or have physical or sensory disabilities. The person may not be required to pay extra compensation for the service animal but is liable for damage done to the premises by the service animal.

(6) For a person to coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged a third person in the exercise or enjoyment of, any right granted or protected by this subdivision.

Notwithstanding the provisions of any law, ordinance, or home rule charter to the contrary, no person shall be deemed to have committed an unfair discriminatory practice based upon age if the unfair discriminatory practice alleged is attempted or accomplished for the purpose of obtaining or maintaining one of the exemptions provided for a dwelling unit provided for in section 363.02, subdivision 2.

Sec. 6. Minnesota Statutes 1992, section 363.03, subdivision 4, is amended to read:

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

(1) 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, national origin, disability, sex or status with regard to public assistance or to fail to ensure physical and program access for disabled persons unless the public service can demonstrate that providing the access would impose an undue hardship on its operation. In determining whether providing physical and program access would impose an undue hardship, factors to be considered include:

- (a) the type and purpose of the public service's operation;
- (b) the nature and cost of the needed accommodation;
- (c) documented good faith efforts to explore less restrictive or less expensive alternatives; and
- (d) the extent of consultation with knowledgeable disabled persons and organizations.

Physical and program access must be accomplished within six months of June 7, 1983, except for needed architectural modifications, which must be made within two years of June 7, 1983.

(2) For public transit services to discriminate in the access to, full utilization of, or benefit from service because of a person's disability. Public transit services may use any of a variety of methods to provide transportation for disabled people, provided that persons who are disabled are offered transportation that, in relation to the transportation offered nondisabled persons, is:

(a) in a similar geographic area of operation. To the extent that the transportation provided disabled people is not provided in the same geographic area of operation as that provided nondisabled people, priority must be given to those areas which contain the largest percent of disabled riders. A public transit service may not fail to provide transportation to disabled persons in a geographic area for which it provides service to nondisabled persons if doing so will exclude a sizable portion of the disabled ridership;

- (b) during similar hours of operation;
- (c) for comparable fares;
- (d) with similar or no restrictions as to trip purpose; and
- (e) with reasonable response time.

Public transit services must meet these five criteria for the provision of transit services within three years of June 7, 1983.

(3) For a public ~~entity~~ service that operates a fixed route system to:

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(a) purchase or lease a new bus or vehicle for use on the system if the bus or vehicle is not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs;

(b) purchase or lease a used bus or vehicle for use on its system unless the entity public service makes a demonstrated good faith effort to purchase or lease a used bus or vehicle for use on the system that is accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; or

(c) purchase or lease remanufactured buses or vehicles, or to remanufacture buses or vehicles for use on its system, if the bus or vehicle has been remanufactured to extend its usable life by five years or more, unless after the remanufacture, the bus or vehicle is, to the maximum extent feasible, readily accessible to and usable by persons with disabilities, including individuals who use wheelchairs. If a public entity service operates a fixed route system, any segment of which is included on the national or state register of historic places, and if making a vehicle of historic character to be used solely on that segment readily accessible to and usable by individuals with disabilities would significantly alter the historic character of the vehicle, the entity public service shall make whatever modifications are possible while retaining the historic character of the vehicle.

(4) For a public entity service operating a demand responsive system to purchase or lease new, used, or remanufactured vehicles that are not readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the system, when viewed in its entirety, provides a level of service to such individuals equivalent to the level of service provided to individuals without disabilities who use the fixed route system or demand responsive system, or for a light or rapid rail public transportation system offering intercity or commuter rail services to purchase or lease new, used, or remanufactured railroad cars, including single- and bi-level dining cars, sleeping cars, coach cars, lounge cars, restroom cars, and food service cars, unless all the cars, to the maximum extent feasible, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

With respect to the remanufacture of a vehicle or railroad car which is to be used on a segment of a light or rapid rail system which is included on the state or national register of historic places, if making the vehicle readily accessible to and usable by individuals with disabilities would significantly alter the historic character of the vehicle, the public entity service that operates the system only has to make, or purchase or lease a remanufactured vehicle with, those modifications that do not significantly alter the historic character of the vehicle.

(5) To construct a new facility or station to be used in the provision of public transportation services, including intercity and commuter light and rapid rail transportation, unless the facility or station is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, or for a facility or station currently used for the provision of public transportation ser-

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vices covered by this clause, to fail to make alterations necessary in order, to the maximum extent feasible, to make the altered portions of the facilities or stations, including restrooms, passenger platforms and waiting or ticketing areas, publicly owned concessions areas, and drinking fountains and public telephones, accessible to and usable by individuals with disabilities, including individuals who use wheelchairs.

If a public ~~entity~~ service can demonstrate that the provision of paratransit and other transportation services otherwise required under this subdivision would impose an undue financial burden on the public ~~entity~~ service, the public ~~entity~~ service is only required to provide services to the extent that providing those services would not impose such a burden.

Nothing in this subdivision may be construed to prevent a public ~~entity~~ service from providing paratransit services or other special transportation services at a level greater than that required by this subdivision, providing additional paratransit services to those required under this subdivision or extending those services to additional individuals not covered under this subdivision.

Sec. 7. Minnesota Statutes 1992, section 363.03, subdivision 10, is amended to read:

Subd. 10. **DISCRIMINATION AGAINST BLIND, HANDICAPPED, OR DEAF, OR OTHER PERSONS WITH PHYSICAL OR SENSORY DISABILITIES PROHIBITED.** (a) It is an unfair discriminatory practice for an owner, operator or manager of a hotel, restaurant, public conveyance or other public place, to prohibit a blind; ~~physically handicapped~~; or deaf person or a person with a physical or sensory disability from taking a service animal into the public place or conveyance if the service animal can be properly identified as being from a recognized ~~school for seeing eye, hearing ear, service, or guide animals~~ program which trains service animals to aid blind or deaf persons or persons with physical or sensory disabilities, and if the animal is properly harnessed or leashed so that the blind; ~~physically handicapped~~; or deaf person or a person with a physical or sensory disability may maintain control of the animal.

(b) No person shall require a blind, physically handicapped, or deaf person to make an extra payment or pay an additional charge when taking a service animal into any of the public places referred to in paragraph (a).

Sec. 8. Minnesota Statutes 1992, section 473.144, is amended to read:

#### 473.144 CERTIFICATES OF COMPLIANCE FOR CONTRACTS.

Neither the council nor an agency listed in section 473.143, subdivision 1, may accept any bid or proposal for a contract or execute a contract for goods or services in excess of \$50,000 with any business having more than 20 full-time employees ~~in Minnesota~~ on a single working day during the previous 12 months, unless the business has an affirmative action plan for the employment of minority persons, women, and the disabled that has been approved by the commis-

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sioner of human rights. Receipt of a certificate of compliance from the commissioner of human rights signifies that a business has an approved affirmative action plan. A certificate is valid for two years. Section 363.073 governs revocation of certificates. The rules adopted by the commissioner of human rights under section 363.074 apply to this section.

Sec. 9. APPLICATION.

Section 8 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 10:27 a.m.

CHAPTER 278—S.F.No. 1624

*An act relating to claims against the state; providing for payment of various claims; appropriating money.*

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

Section 1. DEPARTMENT OF CORRECTIONS.

Subdivision 1. The amounts in this section are appropriated from the general fund to the commissioner of corrections for payment to the persons named in this section in full and final payment of claims against the state. These appropriations are available until June 30, 1994.

Subd. 2. (a) Raymond P. Adam, 33268-185th Avenue, Avon, MN 56310, for permanent injury to his right eye while performing community service work in Stearns county.....\$17,250.00.

(b) To reimburse various medical service providers for services to Raymond P. Adam.....\$29,160.90.

Subd. 3. Michael Carey, c/o George Ramier, Attorney, 402 Park National Bank Building, 5353 Wayzata Boulevard, Minneapolis, MN 55416, for permanent injuries to his back and left arm and wrist while performing assigned duties at the Minnesota correctional facility - Lino Lakes.....\$16,650.00.

Subd. 4. Jody Chmelar, c/o William O. Bongard, Attorney, Sieben, Grose, and Von Holtum, 900 Midwest Plaza East, Minneapolis, MN 55402, for permanent injury to his left hand while performing assigned duties at the Minnesota correctional facility - Red Wing.....\$750.00.

Subd. 5. Scott Diemert, Minnesota correctional facility - Stillwater, Box 55, Stillwater, MN 55082, for permanent injury to his left hand while performing assigned duties at the Minnesota correctional facility - Lino Lakes.....\$16,575.00.

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