

CHAPTER 171—S.F.No. 323

An act relating to human rights; prohibiting reprisals by any individual; amending Minnesota Statutes 1996, section 363.03, subdivision 7.

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

Section 1. Minnesota Statutes 1996, section 363.03, subdivision 7, is amended to read:

Subd. 7. **REPRISALS.** It is an unfair discriminatory practice for any individual who participated in the alleged discrimination as a perpetrator, employer, labor organization, employment agency, public accommodation, public service, educational institution, or owner, lessor, lessee, sublessee, assignee or managing agent of any real property, or any real estate broker, real estate salesperson, or employee or agent thereof 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 manner in an investigation, proceeding, or hearing under this chapter; or

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

A reprisal includes, but is not limited to, any form of intimidation, retaliation, or harassment. It is a reprisal for an employer to do any of the following with respect to an individual because that individual has engaged in the activities listed in clause (1) or (2): refuse to hire the individual; depart from any customary employment practice; transfer or assign the individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or inform another employer that the individual has engaged in the activities listed in clause (1) or (2).

Presented to the governor May 17, 1997

Signed by the governor May 19, 1997, 7:05 p.m.

CHAPTER 172—S.F.No. 324

An act relating to human rights; reclassifying certain investigative data; amending Minnesota Statutes 1996, section 363.061, subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1996, section 363.061, subdivision 2, is amended to read:

Subd. 2. **ACCESS TO OPEN FILES.** (a) Except as otherwise provided in this subdivision, human rights investigative data on an individual, with the exception of the name and address of the charging party and respondent, factual basis of the allegations, and the

New language is indicated by underline, deletions by ~~strikeout~~.

statute under which the action is brought, contained in an open case file is classified as are confidential data on individuals or protected nonpublic data. The name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought are classified as private data until seven working days after the commissioner has mailed a copy of the charge to the respondent, at which time the data become public, unless the commissioner determines that release of the data would be detrimental to the investigative and enforcement process private data on individuals or nonpublic data but are accessible to the charging party and the respondent.

(b) ~~Human rights investigative data not on an individual contained in an open case file is classified as protected nonpublic data.~~

(c) ~~Notwithstanding this subdivision,~~ After making a finding of probable cause, the commissioner may make human rights investigative data contained in an open case file accessible to a person, government agency, or the public if access will aid the investigative and enforcement process.

Sec. 2. Minnesota Statutes 1996, section 363.061, subdivision 3, is amended to read:

Subd. 3. **ACCESS TO CLOSED FILES.** (a) Except as otherwise provided in this subdivision, human rights investigative data on an individual contained in a closed case file is classified as are private, with the exception of the following documents: data on individuals or nonpublic data. The name and address of the charging party and respondent, factual basis of the allegations, and the statute under which the action is brought, the part of the summary of the investigation that does not contain identifying data on an individual a person other than the complainant or respondent, and the commissioner's memorandum determining whether probable cause has been shown are public data.

(b) ~~Human rights investigative data not on an individual contained in a closed case file is classified as nonpublic.~~

(c) ~~Notwithstanding this subdivision,~~ The commissioner may make human rights investigative data contained in a closed case file inaccessible to the charging party or the respondent in order to protect medical or other security interests of the parties or third persons.

Presented to the governor May 17, 1997

Signed by the governor May 19, 1997, 7:07 p.m.

CHAPTER 173—S.F.No. 296

An act relating to elections; providing for four-year terms for soil and water conservation district supervisors; conforming the timelines for appointing supervisor replacements to other election law; cancelling the general election and annual meeting for the East Grand Forks school district;

New language is indicated by underline, deletions by ~~strikeout~~.