

Sec. 34. **REPEALER.**

Minnesota Statutes 2000, sections 84.792 and 84.801, are repealed.

Presented to the governor May 23, 2001

Signed by the governor May 24, 2001, 2:04 p.m.

**CHAPTER 186—H.F.No. 1892**

*An act relating to human rights; making technical changes; amending Minnesota Statutes 2000, sections 363.03, subdivision 8; 363.05, subdivision 1; 363.073, subdivision 1; and 363.074; repealing Minnesota Statutes 2000, sections 363.01, subdivision 20; and 363.03, subdivision 8b.*

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

Section 1. Minnesota Statutes 2000, section 363.03, subdivision 8, is amended to read:

Subd. 8. **CREDIT; DISCRIMINATION.** It is an unfair discriminatory practice:

(1) to discriminate in the extension of personal or commercial credit to a person, or in the requirements for obtaining credit, because of race, color, creed, religion, disability, national origin, sex, sexual orientation, or marital status, or due to the receipt of federal, state, or local public assistance including medical assistance; or

(2) to discriminate in the extension of personal or commercial credit against any person who is a tenant receiving federal, state, or local housing subsidies, including rental assistance or rent supplements because the person is a recipient of those subsidies or assistance; or

(3) for a credit card issuer to refuse to issue a credit card to a woman under her current or former surname unless there is an intent to defraud or mislead, except that a credit card issuer may require that a woman requesting a card under a former surname open a separate account in that name. A credit card issuer may also require disclosure of any other names under which the credit card applicant may have a credit history.

Sec. 2. Minnesota Statutes 2000, section 363.05, subdivision 1, is amended to read:

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

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

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(4) employ attorneys, clerks, and other employees and agents as the commissioner may deem necessary and prescribe their duties;

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

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

(7) adopt suitable rules for effectuating the purposes of this chapter;

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

(9) 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 as the commissioner deems appropriate to carry out the purposes of this chapter;

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

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

(12) make a written report of the activities of the commissioner to the governor each year;

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

(14) create such local and statewide advisory committees as will in the commissioner's judgment aid in effectuating the purposes of the department of human rights;

(15) develop such programs as will aid in determining the compliance throughout the state with the provisions of this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, familial status, sexual orientation, 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;

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

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

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(18) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; and

(19) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363.03, subdivision 9.

In performing these duties, the commissioner shall give priority to those duties in clauses (8), (9), and (10) and to the duties in section 363.073.

Sec. 3. Minnesota Statutes 2000, section 363.073, subdivision 1, is amended to read:

**Subdivision 1. SCOPE OF APPLICATION.** (a) For all contracts for goods and services in excess of \$100,000, no department or agency of the state shall accept any bid or proposal for a contract or agreement from any business having more than 40 full-time employees within this state on a single working day during the previous 12 months, unless the ~~firm or business~~ has an commissioner is in receipt of the business' affirmative action plan for the employment of minority persons, women, and qualified disabled individuals, ~~submitted to the commissioner of human rights for approval.~~ No department or agency of the state shall execute any such contract or agreement until the affirmative action plan has been approved by the commissioner of human rights. Receipt of a certificate of compliance issued by the commissioner shall signify that a firm or business has an affirmative action plan that has been approved by the commissioner. A certificate shall be valid for a period of two years. A municipality as defined in section 466.01, subdivision 1, that receives state money for any reason is encouraged to prepare and implement an affirmative action plan for the employment of minority persons, women, and the qualified disabled and submit the plan to the commissioner of human rights.

(b) This paragraph applies to a contract for goods or services in excess of \$100,000 to be entered into between a department or agency of the state and a business that is not subject to paragraph (a), but that has more than 40 full-time employees on a single working day during the previous 12 months in the state where the business has its primary place of business. A department or agency of the state may not execute a contract or agreement with a business covered by this paragraph unless the business has a certificate of compliance issued by the commissioner under paragraph (a) or the business certifies that it is in compliance with federal affirmative action requirements.

(c) This section does not apply to contracts entered into by the state board of investment for investment options under section 352.96.

Sec. 4. Minnesota Statutes 2000, section 363.074, is amended to read:

**363.074 RULES FOR CERTIFICATES OF COMPLIANCE.**

The commissioner shall adopt rules to implement section 363.073 specifying the criteria used to review affirmative action plans and the standards used to review implementation of affirmative action plans. A firm or business certified to be in compliance with affirmative action requirements of a local human rights agency or the

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federal government shall be deemed to be in compliance with section 363.073 upon ~~submission to receipt~~ by the commissioner of an affirmative action plan approved by a local human rights agency or the federal government and amendments to the plan which are necessary to address the employment of disabled persons protected by section 363.03, subdivision 1.

Sec. 5. **REPEALER.**

Minnesota Statutes 2000, sections 363.01, subdivision 20; and 363.03, subdivision 8b, are repealed.

Presented to the governor May 23, 2001

Signed by the governor May 25, 2001, 12:13 p.m.

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**CHAPTER 187—H.F.No. 2028**

*An act relating to the environment; modifying provisions relating to environmental audits; changing the reporting date for the pollution control agency's annual performance report; amending Minnesota Statutes 2000, sections 114C.21, subdivision 8; 114C.24, subdivision 3; and 116.011.*

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

Section 1. Minnesota Statutes 2000, section 114C.21, subdivision 8, is amended to read:

Subd. 8. **MAJOR FACILITY.** "Major facility" means an industrial or municipal wastewater discharge major facility as defined in rules of the agency; a feedlot that is permitted for 1,000 or more animal units; a large quantity hazardous waste generator as defined in rules of the agency; a hazardous waste treatment, storage, or disposal facility that is required to have a permit under the federal Resource Conservation and Recovery Act, United States Code, title 42, section 6925; or a major stationary air emission source as defined in rules of the agency; ~~an air emission source that emits 50 or more tons per year of any air pollutant regulated under rules of the agency; or an air emission source that emits 75 tons or more per year of all air pollutants regulated under rules of the agency~~ Minnesota Rules, parts 7007.0100, subpart 13, and 7007.0200, subpart 2.

Sec. 2. Minnesota Statutes 2000, section 114C.24, subdivision 3, is amended to read:

Subd. 3. **EXCEPTIONS.** Notwithstanding subdivisions 1 and 2, the state may at any time bring:

(1) a criminal enforcement action against any person who commits a violation under section 609.671;

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