

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1107

(SENATE AUTHORS: LUCERO and Bahr)

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to human rights; adding political affiliation to the human rights act;

1.3 amending Minnesota Statutes 2022, sections 363A.02, subdivision 1; 363A.03,

1.4 by adding a subdivision; 363A.04; 363A.06, subdivision 1; 363A.07, subdivision

1.5 2; 363A.08, subdivisions 1, 2, 3, 4; 363A.09, subdivisions 1, 2, 3, 4; 363A.11,

1.6 subdivision 1; 363A.12, subdivision 1; 363A.13; 363A.15; 363A.16, subdivision

1.7 1; 363A.17.

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

1.9 Section 1. Minnesota Statutes 2022, section 363A.02, subdivision 1, is amended to read:

1.10 Subdivision 1. **Freedom from discrimination.** (a) It is the public policy of this state to

1.11 secure for persons in this state, freedom from discrimination:

1.12 (1) in employment because of race, color, creed, religion, national origin, sex, political

1.13 affiliation, marital status, disability, status with regard to public assistance, sexual orientation,

1.14 familial status, and age;

1.15 (2) in housing and real property because of race, color, creed, religion, national origin,

1.16 sex, political affiliation, marital status, disability, status with regard to public assistance,

1.17 sexual orientation, and familial status;

1.18 (3) in public accommodations because of race, color, creed, religion, national origin,

1.19 sex, political affiliation, sexual orientation, and disability;

1.20 (4) in public services because of race, color, creed, religion, national origin, sex, political

1.21 affiliation, marital status, disability, sexual orientation, and status with regard to public

1.22 assistance; and

(5) in education because of race, color, creed, religion, national origin, sex, political affiliation, marital status, disability, status with regard to public assistance, sexual orientation, and age.

(b) Such discrimination threatens the rights and privileges 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. 2. Minnesota Statutes 2022, section 363A.03, is amended by adding a subdivision to read:

Subd. 31a. **Political affiliation.** "Political affiliation" means association with a set of ideas, principles, and beliefs of a political group. Political affiliation includes the status of a voter registered with a political party or as "no party" on the voter's affidavit of registration.

Sec. 3. Minnesota Statutes 2022, section 363A.04, is amended to read:

363A.04 CONSTRUCTION AND EXCLUSIVITY.

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, political affiliation, age, disability, marital status, status with regard to public assistance, national origin, sexual orientation, or familial status; but, as to acts declared unfair by sections 363A.08 to 363A.19, and 363A.28, subdivision 10, the procedure herein provided shall, while pending, be exclusive.

Sec. 4. Minnesota Statutes 2022, section 363A.06, subdivision 1, is amended to read:

Subdivision 1. **Formulation of policies.** (a) The commissioner shall formulate policies to effectuate the purposes of this chapter and shall do the following:

(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;

(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 Employment and Economic Development 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, political affiliation, 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;

(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 363A.08, subdivision 7.

In performing these duties, the commissioner shall give priority to those duties in clauses (8), (9), and (10) and to the duties in section 363A.36.

(b) All gifts, bequests, grants, or other payments, public and private, accepted under paragraph (a), clause (13), must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner of human rights to help finance activities of the department.

Sec. 5. Minnesota Statutes 2022, section 363A.07, subdivision 2, is amended to read:

Subd. 2. **Referral from commissioner.** The commissioner, whether or not a charge has been filed under this chapter, may refer a matter involving discrimination because of race, color, religion, sex, political affiliation, creed, disability, marital status, status with regard to public assistance, national origin, age, sexual orientation, or familial status to a local commission for study and report.

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.

Sec. 6. Minnesota Statutes 2022, section 363A.08, subdivision 1, is amended to read:

Subdivision 1. **Labor organization.** Except when based on a bona fide occupational qualification, it is an unfair employment practice for a labor organization, because of race, color, creed, religion, national origin, sex, political affiliation, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age:

(1) to deny full and equal membership rights to a person seeking membership or to a member;

5.1 (2) to expel a member from membership;

5.2 (3) to discriminate against a person seeking membership or a member with respect to
5.3 hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or
5.4 privileges of employment; or

5.5 (4) to fail to classify properly, or refer for employment or otherwise to discriminate
5.6 against a person or member.

5.7 Sec. 7. Minnesota Statutes 2022, section 363A.08, subdivision 2, is amended to read:

5.8 Subd. 2. **Employer.** Except when based on a bona fide occupational qualification, it is
5.9 an unfair employment practice for an employer, because of race, color, creed, religion,
5.10 national origin, sex, political affiliation, marital status, status with regard to public assistance,
5.11 familial status, membership or activity in a local commission, disability, sexual orientation,
5.12 or age to:

5.13 (1) refuse to hire or to maintain a system of employment which unreasonably excludes
5.14 a person seeking employment; or

5.15 (2) discharge an employee; or

5.16 (3) discriminate against a person with respect to hiring, tenure, compensation, terms,
5.17 upgrading, conditions, facilities, or privileges of employment.

5.18 Sec. 8. Minnesota Statutes 2022, section 363A.08, subdivision 3, is amended to read:

5.19 Subd. 3. **Employment agency.** Except when based on a bona fide occupational
5.20 qualification, it is an unfair employment practice for an employment agency, because of
5.21 race, color, creed, religion, national origin, sex, political affiliation, marital status, status
5.22 with regard to public assistance, familial status, disability, sexual orientation, or age to:

5.23 (1) refuse or fail to accept, register, classify properly, or refer for employment or
5.24 otherwise to discriminate against a person; or

5.25 (2) comply with a request from an employer for referral of applicants for employment
5.26 if the request indicates directly or indirectly that the employer fails to comply with the
5.27 provisions of this chapter.

5.28 Sec. 9. Minnesota Statutes 2022, section 363A.08, subdivision 4, is amended to read:

5.29 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
5.30 based on a bona fide occupational qualification, it is an unfair employment practice for an

employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to:

(1) require or request the person to furnish information that pertains to race, color, creed, religion, national origin, sex, political affiliation, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age; or, subject to section 363A.20, to require or request a person to undergo physical examination; unless for the sole and exclusive purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information or examination. A law enforcement agency may, after notifying an applicant for a peace officer or part-time peace officer position that the law enforcement agency is commencing the background investigation on the applicant, request the applicant's date of birth, gender, and race on a separate form for the sole and exclusive purpose of conducting a criminal history check, a driver's license check, and fingerprint criminal history inquiry. The form shall include a statement indicating why the data is being collected and what its limited use will be. No document which has date of birth, gender, or race information will be included in the information given to or available to any person who is involved in selecting the person or persons employed other than the background investigator. No person may act both as background investigator and be involved in the selection of an employee except that the background investigator's report about background may be used in that selection as long as no direct or indirect references are made to the applicant's race, age, or gender; or

(2) seek and obtain for purposes of making a job decision, information from any source that pertains to the person's race, color, creed, religion, national origin, sex, political affiliation, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age, unless for the sole and exclusive purpose of compliance with the Public Contracts Act or any rule, regulation, or laws of the United States or of this state requiring the information; or

(3) 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, sex, political affiliation, marital status, status with regard to public assistance, familial status, disability, sexual orientation, or age.

(b) Any individual who is required to provide information that is prohibited by this subdivision is an aggrieved party under sections 363A.06, subdivision 4, and 363A.28, subdivisions 1 to 9.

7.1 Sec. 10. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

7.2 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an
7.3 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent
7.4 of, or other person having the right to sell, rent or lease any real property, or any agent of
7.5 any of these:

7.6 (1) to refuse to sell, rent, or lease or otherwise deny to or withhold from any person or
7.7 group of persons any real property because of race, color, creed, religion, national origin,
7.8 sex, political affiliation, marital status, status with regard to public assistance, disability,
7.9 sexual orientation, or familial status; or

7.10 (2) to discriminate against any person or group of persons because of race, color, creed,
7.11 religion, national origin, sex, political affiliation, marital status, status with regard to public
7.12 assistance, disability, sexual orientation, or familial status in the terms, conditions or
7.13 privileges of the sale, rental or lease of any real property or in the furnishing of facilities or
7.14 services in connection therewith, except that nothing in this clause shall be construed to
7.15 prohibit the adoption of reasonable rules intended to protect the safety of minors in their
7.16 use of the real property or any facilities or services furnished in connection therewith; or

7.17 (3) in any transaction involving real property, to print, circulate or post or cause to be
7.18 printed, circulated, or posted any advertisement or sign, or use any form of application for
7.19 the purchase, rental or lease of real property, or make any record or inquiry in connection
7.20 with the prospective purchase, rental, or lease of real property which expresses, directly or
7.21 indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
7.22 national origin, sex, political affiliation, marital status, status with regard to public assistance,
7.23 disability, sexual orientation, or familial status, or any intent to make any such limitation,
7.24 specification, or discrimination except that nothing in this clause shall be construed to
7.25 prohibit the advertisement of a dwelling unit as available to adults-only if the person placing
7.26 the advertisement reasonably believes that the provisions of this section prohibiting
7.27 discrimination because of familial status do not apply to the dwelling unit.

7.28 Sec. 11. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

7.29 Subd. 2. **Real property interest; action by brokers, agents, and others.** It is an unfair
7.30 discriminatory practice for a real estate broker, real estate salesperson, or employee, or agent
7.31 thereof:

7.32 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property
7.33 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, political affiliation, marital status, status with regard to public assistance, disability, sexual orientation, 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, political affiliation, marital status, status with regard to public assistance, disability, sexual orientation, or familial status; or

(2) to discriminate against any person because of race, color, creed, religion, national origin, sex, political affiliation, marital status, status with regard to public assistance, disability, sexual orientation, 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

(3) 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, political affiliation, marital status, status with regard to public assistance, disability, sexual orientation, 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 section prohibiting discrimination because of familial status do not apply to the dwelling unit.

Sec. 12. Minnesota Statutes 2022, section 363A.09, subdivision 3, is amended to read:

Subd. 3. **Real property interest; action by financial institution.** It is an unfair discriminatory practice 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:

(1) to discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, political affiliation, marital status, status with regard to public assistance, disability, sexual orientation, 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

(2) 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, political affiliation, marital status, status with regard to public assistance, disability, sexual orientation, or familial status or any intent to make any such limitation, specification, or discrimination; or

(3) 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.

Sec. 13. Minnesota Statutes 2022, section 363A.09, subdivision 4, is amended to read:

Subd. 4. **Real property transaction.** It is an unfair discriminatory practice 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, political affiliation, marital status, status with regard to public assistance, sexual orientation, 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.

Sec. 14. Minnesota Statutes 2022, section 363A.11, subdivision 1, is amended to read:

Subdivision 1. **Full and equal enjoyment of public accommodations.** (a) It is an unfair discriminatory practice:

(1) to deny 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, disability, national origin, political affiliation, marital status,

10.1 sexual orientation, or sex, or for a taxicab company to discriminate in the access to, full
10.2 utilization of, or benefit from service because of a person's disability; or

10.3 (2) for a place of public accommodation not to make reasonable accommodation to the
10.4 known physical, sensory, or mental disability of a disabled person. In determining whether
10.5 an accommodation is reasonable, the factors to be considered may include:

10.6 (i) the frequency and predictability with which members of the public will be served by
10.7 the accommodation at that location;

10.8 (ii) the size of the business or organization at that location with respect to physical size,
10.9 annual gross revenues, and the number of employees;

10.10 (iii) the extent to which disabled persons will be further served from the accommodation;

10.11 (iv) the type of operation;

10.12 (v) the nature and amount of both direct costs and legitimate indirect costs of making
10.13 the accommodation and the reasonableness for that location to finance the accommodation;
10.14 and

10.15 (vi) the extent to which any persons may be adversely affected by the accommodation.

10.16 (b) State or local building codes control where applicable. Violations of state or local
10.17 building codes are not violations of this chapter and must be enforced under normal building
10.18 code procedures.

10.19 Sec. 15. Minnesota Statutes 2022, section 363A.12, subdivision 1, is amended to read:

10.20 Subdivision 1. **Access to public service.** It is an unfair discriminatory practice to
10.21 discriminate against any person in the access to, admission to, full utilization of or benefit
10.22 from any public service because of race, color, creed, religion, national origin, disability,
10.23 political affiliation, sex, sexual orientation, or status with regard to public assistance or to
10.24 fail to ensure physical and program access for disabled persons unless the public service
10.25 can demonstrate that providing the access would impose an undue hardship on its operation.
10.26 In determining whether providing physical and program access would impose an undue
10.27 hardship, factors to be considered include:

10.28 (1) the type and purpose of the public service's operation;

10.29 (2) the nature and cost of the needed accommodation;

10.30 (3) documented good faith efforts to explore less restrictive or less expensive alternatives;
10.31 and

(4) 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.

Sec. 16. Minnesota Statutes 2022, section 363A.13, is amended to read:

363A.13 EDUCATIONAL INSTITUTION.

Subdivision 1. Utilization; benefit or services. It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, sex, age, political affiliation, marital status, status with regard to public assistance, sexual orientation, or disability, or to fail to ensure physical and program access for disabled persons. For purposes of this subdivision, program access includes but is not limited to providing taped texts, interpreters or other methods of making orally delivered materials available, readers in libraries, adapted classroom equipment, and similar auxiliary aids or services. Program access does not include providing attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Subd. 2. Exclude, expel, or selection. It is an unfair discriminatory practice to exclude, expel, or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student because of race, color, creed, religion, national origin, sex, age, political affiliation, marital status, status with regard to public assistance, sexual orientation, or disability.

Subd. 3. Admission form or inquiry. It is an unfair discriminatory practice 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 creed, religion, political affiliation, sexual orientation, or disability of a person seeking admission, except as permitted by rules of the department.

Subd. 4. Purpose for information and record. It is an unfair discriminatory practice to make or use a written or oral inquiry or form of application that elicits or attempts to elicit information, or to keep a record concerning the race, color, national origin, sex, age, political affiliation, or marital status of a person seeking admission, unless the information is collected for purposes of evaluating the effectiveness of recruitment, admissions, and other educational policies, and is maintained separately from the application.

12.1 Sec. 17. Minnesota Statutes 2022, section 363A.15, is amended to read:

12.2 **363A.15 REPRISALS.**

12.3 It is an unfair discriminatory practice for any individual who participated in the alleged
12.4 discrimination as a perpetrator, employer, labor organization, employment agency, public
12.5 accommodation, public service, educational institution, or owner, lessor, lessee, sublessee,
12.6 assignee or managing agent of any real property, or any real estate broker, real estate
12.7 salesperson, or employee or agent thereof to intentionally engage in any reprisal against
12.8 any person because that person:

12.9 (1) opposed a practice forbidden under this chapter or has filed a charge, testified,
12.10 assisted, or participated in any manner in an investigation, proceeding, or hearing under
12.11 this chapter; or

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

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

12.21 Sec. 18. Minnesota Statutes 2022, section 363A.16, subdivision 1, is amended to read:

12.22 Subdivision 1. **Personal or commercial credit.** It is an unfair discriminatory practice
12.23 to discriminate in the extension of personal or commercial credit to a person, or in the
12.24 requirements for obtaining credit, because of race, color, creed, religion, disability, national
12.25 origin, sex, sexual orientation, political affiliation, or marital status, or due to the receipt of
12.26 federal, state, or local public assistance including medical assistance.

12.27 Sec. 19. Minnesota Statutes 2022, section 363A.17, is amended to read:

12.28 **363A.17 BUSINESS DISCRIMINATION.**

12.29 It is an unfair discriminatory practice for a person engaged in a trade or business or in
12.30 the provision of a service:

12.31 (1) to refuse to do business with or provide a service to a woman based on her use of
12.32 her current or former surname; or

- 13.1 (2) to impose, as a condition of doing business with or providing a service to a woman,
13.2 that a woman use her current surname rather than a former surname; or
- 13.3 (3) to intentionally refuse to do business with, to refuse to contract with, or to discriminate
13.4 in the basic terms, conditions, or performance of the contract because of a person's race,
13.5 national origin, color, political affiliation, sex, sexual orientation, or disability, unless the
13.6 alleged refusal or discrimination is because of a legitimate business purpose.
- 13.7 Nothing in this section shall prohibit positive action plans.