



Martin O. Weddington Papers.

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A BILL FOR AN ACT

RELATING TO DISCRIMINATION BECAUSE OF  
RACE, COLOR, CREED, RELIGION, OR  
NATIONAL ORIGIN; CREATING AND ESTABLISHING  
A STATE COMMISSION AGAINST DISCRIMINATION;  
AMENDING MINNESOTA STATUTES 1957,  
SECTION 363.01, SUBDIVISIONS 3 AND 9,  
AND BY ADDING SUBDIVISIONS THERETO;  
SECTION 363.02; SECTION 363.03;  
SECTION 363.04, SUBDIVISION 1;  
SECTION 363.05, SUBDIVISION 1;  
SECTION 363.06; SECTION 363.07,  
SUBDIVISIONS 4, 5, 8, 9, AND 10;  
SECTION 363.08, SUBDIVISION 3;  
SECTION 363.09; SECTION 363.12;  
AND SECTION 363.13.

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

Section 1. Minnesota Statutes 1957, Section 363.01, Subdivision 3, is amended to read:

Subd. 3. (COMMISSION.) "Commission" means the State ~~Fair-Employment Practices~~ Commission Against Discrimination.

Sec. 2. Minnesota Statutes 1957, Section 363.01, is amended by adding subdivisions:

Subd. . (PUBLICLY ASSISTED HOUSING.) "Publicly assisted housing accommodation" means a housing accommodation that is, or is located in a building:

(a) Situated on land owned or assembled into a parcel for housing accommodations by a governmental body;

(b) Upon which a commitment by a governmental body to guarantee or insure an acquisition loan is outstanding; or

(c) Subject to an outstanding secured or unsecured loan made, guaranteed, or insured by a governmental body for the purpose of financing the acquisition, construction, rehabilitation, repair, or maintenance of the building,

Subd. . (REAL PROPERTY.) "Real property" includes real estate, lands, tenements, and hereditaments, corporeal and incorporeal.

Subd. . (REAL ESTATE BROKER OR SALESMAN.) "Real estate broker or salesman" means, respectively, a real estate broker as defined by Minnesota Statutes 1957, Section 82.01, Subdivision 4, and a real estate salesman as defined by Minnesota Statutes 1957, Section 82.01, Subdivision 5.

Sec. 3. Minnesota Statutes 1957, Section 363.01, Subdivision 9, is amended to read:

Subd. 9. (UNFAIR DISCRIMINATORY PRACTICES.) "Unfair employment discriminatory practice" means any act described in section 363.03.

Sec. 4. Minnesota Statutes 1957, Section 363.02, is amended to read:

363.02 (EXCEPTIONS.) Subdivision 1. (EMPLOYMENT.) ~~This chapter does~~  
The provisions of section 363.03; subdivision 1, shall not apply to:

- (1) The employment of any individual
  - (a) by his parent, grandparent, spouse, child, or grandchild, or
  - (b) in the domestic service of any person;
- (2) A person who regularly employs fewer than eight individuals, excluding individuals described in clause (1); or
- (3) A religious or fraternal corporation, association, or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment.

Subd. 2. (HOUSING.) (1) The provisions of section 363.03, subdivision 2, shall not apply to:

(a) The rental of a portion of a dwelling containing accommodations for two families, one of which is occupied by the owner, or (b) the rental by an owner of a one-family accommodation in which he resides of a room or rooms in such accommodation to another person or persons, or (c) the rental, lease or sale of a one-family dwelling, owner occupied, not defined as a publicly assisted housing accommodation.

(2) Nothing in this act shall be construed to limit the right or any religious denominational institution: to select those to whom it supplies accommodations in real property exclusively or primarily from members of its own religious or denominational group or to give preference in such selection to such members or to persons of the same religion or denomination.

Sec. 5. Minnesota Statutes 1957, Section 363.03, is amended to read:

363.03 (UNFAIR DISCRIMINATORY PRACTICES.)

Subdivision 1. (EMPLOYMENT.) Except when based on a bona fide occupational qualification, it is an unfair ~~employment~~ discriminatory practice:

- (1) For a labor organization, because of race, color, creed, religion or national origin,
  - (a) to deny full and equal membership rights to an applicant for membership or to a member;
  - (b) to expel a member from membership;
  - (c) to discriminate against an applicant for membership or a member with respect to his hire, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or
  - (d) to fail to classify properly, or refer for employment or otherwise to discriminate against a member;
- (2) For an employer, because of race, color, creed, religion, or national origin,

(a) to refuse to hire an applicant for employment; or  
(b) to discharge an employee; or  
(c) to discriminate against an employee with respect to his hire, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment;

(3) For an employment agency, because of race, color, creed, religion, or national origin,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against an individual; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter;

(4) For an employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against a person because that person has opposed any practice forbidden under this chapter or has filed a complaint, testified, or assisted in any proceeding under this chapter;

(5) For a person intentionally to aid, abet, incite, compel, or coerce another person to engage in any of the practices forbidden by this chapter;

(6) For a person intentionally to attempt to aid, abet, incite, compel or coerce another person to engage in any of the practices forbidden by this chapter;

(7) For any person, employer, labor organization or employment agency to wilfully resist, prevent, impede, or interfere with the commission, the board of review, or any of its members or representatives in the performance of duty under this chapter;

(8) For an employer, employment agency, or labor organization, before an individual is employed by an employer or admitted to membership in a labor organization, to

(a) require the applicant to furnish information that pertains to the applicant's race, color, creed, religion or national origin, unless, for the purpose of national security, information pertaining to the national origin of the applicant is required by the United States, this state or a political subdivision or agency of the United States or this state; or

(b) 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 or national origin.

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 the race, color, creed, religion, or national origin of such person or group of persons;

(b) to discriminate against any person or group of persons because of the race, color, creed, religion, or national origin of such person or group of persons 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; 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, or national origin or any intent to make any such limitation, specification, or discrimination.

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

(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 the race, color, creed, religion, or national origin of such person or group of persons, 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 the race, color, creed, religion, or national origin of such person or group of persons;

(b) to discriminate against any person because of his race, color, creed, religion, or national origin 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, or national origin or any intent to make any such limitation, specification, or discrimination;

(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 the race, color, creed, religion, or national origin of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying or renewing or in the rates, terms, conditions, or privileges of any such financial assistance or in the extension of services in connection therewith;

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

(4) For any person

(a) to engage in any economic reprisal against any other person because that person has opposed any practice forbidden under this act or has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under this act;

(b) intentionally to aid, abet, incite, compel, or coerce any other person to engage in any of the practices forbidden by this act;

(c) to wilfully obstruct or prevent any person from complying with the provisions of this act or any order issued thereunder, or to resist, prevent, impede, or interfere with the commission, the board of review, or any of its members or representatives in the performance of duty under this act; or

(d) to attempt directly or indirectly to commit any of the practices forbidden by this act.

Sec. 6. Minnesota Statutes 1957, Section 363.04, Subdivision 1, is amended to read:

363.04 (STATE COMMISSION AGAINST DISCRIMINATION.)

Subdivision 1. (CREATION, MEMBERSHIP.) There is created a State Fair-Employment ~~Practices~~ Commission Against Discrimination, to consist of nine members, one from each congressional district of the state of Minnesota; and at least one of whom shall be an attorney at law, appointed by the governor with the advice and consent of the senate, for a term of five years to serve until a successor is appointed and qualified. The chairman shall be designated by the governor.

Sec. 7. Minnesota Statutes 1957, Section 363.05, Subdivision 1, is amended to read:

363.05 (DUTIES OF COMMISSION.) Subdivision 1. (FORMULATION OF POLICIES.)

The commission shall formulate policies to effectuate the purposes of this chapter and shall:

- (1) establish and maintain a principal office in St. Paul and any other necessary branch offices at any location within the state;
- (2) meet and function at any place within the state;
- (3) appoint an executive director to serve at the pleasure of the commission and fix his compensation and prescribe his duties;
- (4) employ such attorneys, clerks and other employees and agents as it may deem necessary, to fix their compensation and prescribe their duties;
- (5) to the extent permitted by federal law and regulation, utilize the records of the department of employment 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 and regulations for effectuating the purposes of this chapter;
- (8) issue, receive, and investigate complaints alleging discrimination ~~in-employment~~ because of race, color, creed, religion or national origin;
- (9) subpoena witnesses, administer oaths, and take testimony relating to the case before the commission, and require the production for examination of any books or papers relative to any matter under investigation or in question before the commission;
- (10) attempt, by means of education, conference, conciliation, and persuasion to eliminate unfair ~~employment~~ discriminatory practices by-means-of-education, conference, conciliation, and persuasion in all types of employment and housing accommodations as being contrary to the public policy of the state as stated in section 363.12;
- (11) conduct research and study discriminatory ~~employment-and-labor~~ practices based on race, color, creed, religion, or national origin;
- (12) publish the results of research and study of discriminatory ~~employment-and-labor~~ practices based on race, color, creed, religion, or national origin when in the judgment of the commission it will tend to eliminate such discrimination;
- (13) develop and recommend programs of formal and informal education designed to promote good will; and may make recommendations to agencies and officers of state or local subdivisions of government in aid of such policies and purposes in eliminating discriminatory ~~employment-and-labor~~ practices based on race, color, creed, religion, or national origin; and



(14) make a written report of the activities of the commission to the governor each year and to the legislature at each session.

Sec. 8. Minnesota Statutes 1957, Section 363.06, is amended to read:

363.06 (GRIEVANCES.) Subdivision 1. (COMPLAINT FILING.) Any person aggrieved by a violation of this chapter may file by himself, or his agent, or attorney a signed complaint with the commission, stating the name and address of the person alleged to have committed an unfair ~~employment~~ discriminatory practice, setting out the details of the practice complained of and any other information required by the commission. Any employer whose employees, or some of them, or any labor union whose members, or some of them, refuse or threaten to refuse to cooperate with the provisions of this chapter, may file with the commission a signed complaint asking for assistance by conciliation or other remedial action.

Subd. 2. (COMPLAINT, ISSUANCE BY COMMISSION.)

Whenever the commission has reason to believe that a person is engaging in an unfair ~~employment~~ discriminatory practice, the commission may issue a complaint.

Subd. 3. (TIME FOR FILING COMPLAINT.) A complaint of an unfair ~~employment~~ discriminatory practice must be filed within six months after the occurrence of the practice.

Subd. 4. (INQUIRY INTO COMPLAINT.) When a complaint has been filed or issued, the commission shall promptly inquire into the truth of the allegations of the complaint. If after the inquiry the commission determines that there is probable cause for believing that an unfair ~~employment~~ discriminatory practice exists, the commission shall immediately endeavor to eliminate the unfair ~~employment~~ discriminatory practice through education, conference, conciliation, and persuasion. If the commission determines that there is no probable cause for believing that an unfair ~~employment~~ discriminatory practice exists, the commission shall dismiss the complaint.

Subd. 5. (ATTEMPTS TO ELIMINATE UNFAIR PRACTICES.) The commission, in complying with subdivision 4, shall endeavor to eliminate the unfair ~~employment~~ discriminatory practice at the place where the practice occurred, or the respondent resides or has his principal place of business.

Subd. 6. (PUBLICATION OF ACCOUNTS OF CASES.) The commission may publish an account of a case in which the complaint has been dismissed or the terms of settlement of a case that has been voluntarily adjusted. Except as provided in other sections of this chapter, the commission shall not disclose any information concerning its efforts in a particular case to eliminate an unfair ~~employment~~ discriminatory practice through education, conference, conciliation and persuasion.

Sec. 9. Minnesota Statutes 1957, Section 363.07, Subdivision 4, is amended to read:



Subd. 4. (NOTICE TO GOVERNOR.) On failing to eliminate an unfair ~~employment~~ discriminatory practice in the manner prescribed by section 363.06, the commission shall notify the governor in writing of that fact, and request him to appoint a board of review to conduct a public hearing in the case.

Sec. 10. Minnesota Statutes 1957, Section 363.07, subdivision 5, is amended to read:

Subd. 5. (HEARINGS; POWERS.) The board shall conduct a hearing at a place designated by it within the county where the unfair ~~employment~~ discriminatory practice occurred, or the respondent resides or has his principal place of business. It may subpoena witnesses, administer oaths, take testimony and require the production for examination of any books or papers relating to any matter under investigation or in question before the board. The board shall adopt and promulgate rules of practice to govern its hearings and it shall employ necessary assistants, fix their compensation, and prescribe their duties.

Sec. 11. Minnesota Statutes 1957, Section 363.07, Subdivision 8, is amended to read:

Subd. 8. (EVIDENCE RECEIVABLE.) The board of review shall not be bound by the strict rules of evidence that prevail in courts of law, but its findings must be based upon competent and substantial evidence. The board shall not receive in evidence any evidence pertaining to the efforts of the commission to eliminate the unfair ~~employment~~ practice through education, conference, conciliation, or persuasion. Each witness at the hearing shall testify under oath. All testimony and other evidence submitted at the hearing shall be recorded and transcribed. The board, at the request of the complainant or respondent, shall provide a copy of the transcript of the hearing without charge.

Sec. 12. Minnesota Statutes 1957, Section 363.07, Subdivision 9, is amended to read:

Subd. 9. (FINDING OF GUILTY.) If the board of review finds that the respondent has engaged in an unfair ~~employment~~ discriminatory practice, it shall make findings and shall issue an order directing the respondent to cease and desist from the unfair ~~employment~~ discriminatory practice found to exist and to take such other affirmative action as in the judgment of the board will effectuate the purposes of this chapter and shall serve the order on the respondent personally, and the commission and the complainant by registered mail.

Sec. 13. Minnesota Statutes 1957, Section 363.07, Subdivision 10, is amended to read:

Subd. 10. (FINDING OF NOT GUILTY.) If the board finds that the respondent has not engaged in an unfair ~~employment~~ discriminatory practice as alleged in the complaint, the board shall make findings of fact and conclusions of law and shall

issue an order dismissing the complaint and shall serve it on the complainant personally, and the commission and the respondent by registered mail.

Sec. 14. Minnesota Statutes 1957, Section 363.08, Subdivision 3, is amended to read:

Subd. 3. (JURISDICTION.) A proceeding under this section shall be instituted in the district court for the judicial district in which an unfair ~~employment~~ discriminatory practice covered by the order of the board occurred, or the respondent resides or has his principal place of business.

Sec. 15. Minnesota Statutes 1957, Section 363.09, is amended to read:

363.09 (VIOLATION OF ORDERS; CITATION FOR CONTEMPT.)

Any person, ~~employer, labor organization, employment agency~~ or party who or which shall wilfully violate any order of the district court entered pursuant to a proceeding under this chapter shall be cited to the district court for and as being in contempt. Procedure for review of the order shall not be deemed to be such wilful conduct.

Any person, ~~employer, labor organization, employment agency~~, or party found in a proceeding before the district court to be in contempt shall be punishable under Minnesota Statutes, Section 588.10, which provides for imprisonment for not more than six months, or a fine of not more than \$250, or both.

A proceeding under this section shall be commenced by the commission serving a notice of motion, and an order to show cause upon the respondent, and the complainant, and filing the same with the clerk of the district court of the county in which the aforementioned order is entered.

Sec. 16. Minnesota Statutes 1957, Section 363.12, is amended to read:

363.12. (DECLARATION OF POLICY;) Subdivision 1.

As a guide to the interpretation and application of this chapter, be it enacted that the public policy of this state is to foster ~~the employment of~~ equal employment and housing opportunity for all individuals in this state in accordance with their fullest capacities, regardless of their race, color, creed, religion, or national origin, and to safeguard their rights to obtain and hold employment, housing and other real property without discrimination. 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 ~~employers, labor organizations, and employment agencies~~ all persons from wholly unfounded charges of discrimination. This chapter is an exercise of the police power of this state in the interest of the public welfare.

Subd. 2. The opportunity to obtain employment, housing, and other real estate without discrimination because of race, color, creed, religion, or national origin is hereby recognized as and declared to be a civil right.

Sec. 17. Minnesota Statutes 1957, Section 363.13, is amended to read:

363.13 (TITLE.) This chapter shall be known as the Minnesota State Act ~~for Fair Employment Practices~~ Against Discrimination.

Sec. 18. (EFFECTIVE DATE.) This act becomes effective July 1, 1961.

Senate File # 750

House File # 867

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