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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1433

02/08/2023 Authored by Hudson and Burkel
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to human rights; prohibiting discrimination based on political affiliation;
1.3 amending Minnesota Statutes 2022, sections 363A.03, by adding a subdivision;
1.4 363A.08, subdivisions 1, 2, 3, 4; 363A.09, subdivisions 1, 2, 3, 4; 363A.11,
1.5 subdivision 1; 363A.12, subdivision 1; 363A.13; 363A.16, subdivision 1; 363A.17.

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

1.7 Section 1. Minnesota Statutes 2022, section 363A.03, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 31a. Political affiliation. "Political affiliation" means association with a political
1.10 party, support or failure to support a political candidate, or support or failure to support a
1.11 political party.

1.12 Sec. 2. Minnesota Statutes 2022, section 363A.08, subdivision 1, is amended to read:

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

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

1.19 (2) to expel a member from membership;

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

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

2.3 Sec. 3. Minnesota Statutes 2022, section 363A.08, subdivision 2, is amended to read:

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

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

2.11 (2) discharge an employee; or

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

2.14 Sec. 4. Minnesota Statutes 2022, section 363A.08, subdivision 3, is amended to read:

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

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

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

2.24 Sec. 5. Minnesota Statutes 2022, section 363A.08, subdivision 4, is amended to read:

2.25 Subd. 4. **Employer, employment agency, or labor organization.** (a) Except when
2.26 based on a bona fide occupational qualification, it is an unfair employment practice for an
2.27 employer, employment agency, or labor organization, before a person is employed by an
2.28 employer or admitted to membership in a labor organization, to:

2.29 (1) require or request the person to furnish information that pertains to race, color, creed,
2.30 religion, national origin, sex, political affiliation, marital status, status with regard to public
2.31 assistance, familial status, disability, sexual orientation, or age; or, subject to section 363A.20,

3.1 to require or request a person to undergo physical examination; unless for the sole and
3.2 exclusive purpose of national security, information pertaining to national origin is required
3.3 by the United States, this state or a political subdivision or agency of the United States or
3.4 this state, or for the sole and exclusive purpose of compliance with the Public Contracts
3.5 Act or any rule, regulation, or laws of the United States or of this state requiring the
3.6 information or examination. A law enforcement agency may, after notifying an applicant
3.7 for a peace officer or part-time peace officer position that the law enforcement agency is
3.8 commencing the background investigation on the applicant, request the applicant's date of
3.9 birth, gender, and race on a separate form for the sole and exclusive purpose of conducting
3.10 a criminal history check, a driver's license check, and fingerprint criminal history inquiry.
3.11 The form shall include a statement indicating why the data is being collected and what its
3.12 limited use will be. No document which has date of birth, gender, or race information will
3.13 be included in the information given to or available to any person who is involved in selecting
3.14 the person or persons employed other than the background investigator. No person may act
3.15 both as background investigator and be involved in the selection of an employee except that
3.16 the background investigator's report about background may be used in that selection as long
3.17 as no direct or indirect references are made to the applicant's race, age, or gender; or

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

3.24 (3) cause to be printed or published a notice or advertisement that relates to employment
3.25 or membership and discloses a preference, limitation, specification, or discrimination based
3.26 on race, color, creed, religion, national origin, sex, political affiliation, marital status, status
3.27 with regard to public assistance, familial status, disability, sexual orientation, or age.

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

3.31 Sec. 6. Minnesota Statutes 2022, section 363A.09, subdivision 1, is amended to read:

3.32 Subdivision 1. **Real property interest; action by owner, lessee, and others.** It is an
3.33 unfair discriminatory practice for an owner, lessee, sublessee, assignee, or managing agent

4.1 of, or other person having the right to sell, rent or lease any real property, or any agent of
 4.2 any of these:

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

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

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

4.25 Sec. 7. Minnesota Statutes 2022, section 363A.09, subdivision 2, is amended to read:

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

4.29 (1) to refuse to sell, rent, or lease or to offer for sale, rental, or lease any real property
 4.30 to any person or group of persons or to negotiate for the sale, rental, or lease of any real
 4.31 property to any person or group of persons because of race, color, creed, religion, national
 4.32 origin, sex, political affiliation, marital status, status with regard to public assistance,
 4.33 disability, sexual orientation, or familial status or represent that real property is not available
 4.34 for inspection, sale, rental, or lease when in fact it is so available, or otherwise deny or

5.1 withhold any real property or any facilities of real property to or from any person or group
 5.2 of persons because of race, color, creed, religion, national origin, sex, political affiliation,
 5.3 marital status, status with regard to public assistance, disability, sexual orientation, or familial
 5.4 status; or

5.5 (2) to discriminate against any person because of race, color, creed, religion, national
 5.6 origin, sex, political affiliation, marital status, status with regard to public assistance,
 5.7 disability, sexual orientation, or familial status in the terms, conditions or privileges of the
 5.8 sale, rental or lease of real property or in the furnishing of facilities or services in connection
 5.9 therewith; or

5.10 (3) to print, circulate, or post or cause to be printed, circulated, or posted any
 5.11 advertisement or sign, or use any form of application for the purchase, rental, or lease of
 5.12 any real property or make any record or inquiry in connection with the prospective purchase,
 5.13 rental or lease of any real property, which expresses directly or indirectly, any limitation,
 5.14 specification or discrimination as to race, color, creed, religion, national origin, sex, political
 5.15 affiliation, marital status, status with regard to public assistance, disability, sexual orientation,
 5.16 or familial status or any intent to make any such limitation, specification, or discrimination
 5.17 except that nothing in this clause shall be construed to prohibit the advertisement of a
 5.18 dwelling unit as available to adults-only if the person placing the advertisement reasonably
 5.19 believes that the provisions of this section prohibiting discrimination because of familial
 5.20 status do not apply to the dwelling unit.

5.21 Sec. 8. Minnesota Statutes 2022, section 363A.09, subdivision 3, is amended to read:

5.22 Subd. 3. **Real property interest; action by financial institution.** It is an unfair
 5.23 discriminatory practice for a person, bank, banking organization, mortgage company,
 5.24 insurance company, or other financial institution or lender to whom application is made for
 5.25 financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair
 5.26 or maintenance of any real property or any agent or employee thereof:

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

5.33 (2) to use any form of application for the financial assistance or make any record or
 5.34 inquiry in connection with applications for the financial assistance which expresses, directly

6.1 or indirectly, any limitation, specification, or discrimination as to race, color, creed, religion,
 6.2 national origin, sex, political affiliation, marital status, status with regard to public assistance,
 6.3 disability, sexual orientation, or familial status or any intent to make any such limitation,
 6.4 specification, or discrimination; or

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

6.11 Sec. 9. Minnesota Statutes 2022, section 363A.09, subdivision 4, is amended to read:

6.12 Subd. 4. **Real property transaction.** It is an unfair discriminatory practice for any real
 6.13 estate broker or real estate salesperson, for the purpose of inducing a real property transaction
 6.14 from which the person, the person's firm, or any of its members may benefit financially, to
 6.15 represent that a change has occurred or will or may occur in the composition with respect
 6.16 to race, creed, color, national origin, sex, political affiliation, marital status, status with
 6.17 regard to public assistance, sexual orientation, or disability of the owners or occupants in
 6.18 the block, neighborhood, or area in which the real property is located, and to represent,
 6.19 directly or indirectly, that this change will or may result in undesirable consequences in the
 6.20 block, neighborhood, or area in which the real property is located, including but not limited
 6.21 to the lowering of property values, an increase in criminal or antisocial behavior, or a decline
 6.22 in the quality of schools or other public facilities.

6.23 Sec. 10. Minnesota Statutes 2022, section 363A.11, subdivision 1, is amended to read:

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

6.26 (1) to deny any person the full and equal enjoyment of the goods, services, facilities,
 6.27 privileges, advantages, and accommodations of a place of public accommodation because
 6.28 of race, color, creed, religion, disability, national origin, marital status, sexual orientation,
 6.29 ~~or~~ sex, or political affiliation, or for a taxicab company to discriminate in the access to, full
 6.30 utilization of, or benefit from service because of a person's disability; or

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

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

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

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

7.6 (iv) the type of operation;

7.7 (v) the nature and amount of both direct costs and legitimate indirect costs of making
7.8 the accommodation and the reasonableness for that location to finance the accommodation;
7.9 and

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

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

7.14 Sec. 11. Minnesota Statutes 2022, section 363A.12, subdivision 1, is amended to read:

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

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

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

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

7.27 (4) the extent of consultation with knowledgeable disabled persons and organizations.

7.28 Physical and program access must be accomplished within six months of June 7, 1983,
7.29 except for needed architectural modifications, which must be made within two years of June
7.30 7, 1983.

8.1 Sec. 12. Minnesota Statutes 2022, section 363A.13, is amended to read:

8.2 **363A.13 EDUCATIONAL INSTITUTION.**

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

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

8.19 Subd. 3. **Admission form or inquiry.** It is an unfair discriminatory practice to make or
 8.20 use a written or oral inquiry, or form of application for admission that elicits or attempts to
 8.21 elicit information, or to make or keep a record, concerning the creed, religion, sexual
 8.22 orientation, political affiliation, or disability of a person seeking admission, except as
 8.23 permitted by rules of the department.

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

8.30 Sec. 13. Minnesota Statutes 2022, section 363A.16, subdivision 1, is amended to read:

8.31 Subdivision 1. **Personal or commercial credit.** It is an unfair discriminatory practice
 8.32 to discriminate in the extension of personal or commercial credit to a person, or in the
 8.33 requirements for obtaining credit, because of race, color, creed, religion, disability, national

9.1 origin, sex, sexual orientation, political affiliation, or marital status, or due to the receipt of
9.2 federal, state, or local public assistance including medical assistance.

9.3 Sec. 14. Minnesota Statutes 2022, section 363A.17, is amended to read:

9.4 **363A.17 BUSINESS DISCRIMINATION.**

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

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

9.9 (2) to impose, as a condition of doing business with or providing a service to a woman,
9.10 that a woman use her current surname rather than a former surname; or

9.11 (3) to intentionally refuse to do business with, to refuse to contract with, or to discriminate
9.12 in the basic terms, conditions, or performance of the contract because of a person's race,
9.13 national origin, color, sex, political affiliation, sexual orientation, or disability, unless the
9.14 alleged refusal or discrimination is because of a legitimate business purpose.

9.15 Nothing in this section shall prohibit positive action plans.