

CHAPTER 363

DEPARTMENT OF HUMAN RIGHTS

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363.01 DEFINITIONS. Subdivision 1. **Terms.** For the purposes of this chapter, the words defined in this section have the meanings ascribed to them.

Subd. 2. [Repealed, 1965 c 586 s 6]

Subd. 3. **Board.** "Board" means the state board of human rights.

Subd. 4. **Employment agency.** "Employment agency" means a person or persons who, or an agency which regularly undertakes, with or without compensation, to procure employees or opportunities for employment.

Subd. 5. **Labor organization.** "Labor organization" means any organization that exists wholly or partly for one or more of the following purposes:

(1) Collective bargaining;

(2) Dealing with employers concerning grievances, terms or conditions of employment; or

(3) Mutual aid or protection of employees.

Subd. 6. **National origin.** "National origin" means the place of birth of an individual or of any of his lineal ancestors.

Subd. 7. **Person.** "Person" includes partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, receiver, and the state and its departments, agencies, and political subdivisions.

Subd. 8. **Respondent.** "Respondent" means a person against whom a complaint has been filed or issued.

Subd. 9. **Unfair discriminatory practices.** "Unfair discriminatory practice" means any act described in section 363.03.

Subd. 10. **Discriminate.** The term "discriminate" includes segregate or separate.

Subd. 11. [Repealed, 1967 c 897 s 29]

Subd. 12. **Real property.** "Real property" includes real estate, lands, tenements, and hereditaments, corporeal and incorporeal.

Subd. 13. **Real estate broker or salesman.** "Real estate broker or salesman" means, respectively, a real estate broker as defined by Minnesota Statutes, Section 82.01, Subdivision 4, and a real estate salesman as defined by Minnesota Statutes, Section 82.01, Subdivision 5.

Subd. 14. **Commissioner.** "Commissioner" means the commissioner of human rights.

Subd. 15. **Employer.** "Employer" means a person who has one or more employees.

Subd. 16. **Party in interest.** "Party in interest" means the complainant, respondent, commissioner or board member.

Subd. 17. **Hearing examiners.** "Hearing examiners" are persons admitted to practice law who are selected by the commissioner to conduct hearings.

Subd. 18. **Public accommodations.** "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Subd. 19. **Public services.** "Public service" means any public facility, department, agency, board or commission, owned, operated or managed by or on behalf of the state of Minnesota, or any subdivision thereof, including any county, city, borough, town, township, or independent district in the state.

Subd. 20. **Educational institutions.** "Educational institution" means a public or private institution and includes an academy, college, elementary or secondary school, extension course, kindergarten, nursery, school system and a business, nursing, professional, secretarial, technical, vocational school; and includes an agent of an educational institution.

Subd. 21. **Religious or denominational educational institutions.** "Religious or denominational educational institution" means an educational institution which is operated, supervised, controlled or sustained primarily by a religious or denominational organization, or is one which is stated by the parent church body to be and is, in fact, officially related to that church by being represented on the board of the institution, and by providing substantial financial assistance and which has certified, in writing, to the board that it is a religious or denominational educational institution.

[1955 c 516 s 3; 1961 c 428 s 1-3; 1967 c 897 s 1-9]

363.02 EXCEPTIONS. Subdivision 1. **Employment.** 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 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.
- (3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice.

Subd. 2. **Housing.** 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.

Subd. 3. **Education.** It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion.

[1955 c 516 s 4; 1961 c 428 s 4; 1965 c 584 s 1; 1967 c 897 s 10, 11]

363.03 UNFAIR DISCRIMINATORY PRACTICES. Subdivision 1. **Employment.** Except when based on a bona fide occupational qualification, it is an unfair employment 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 property, 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 charge, 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 commissioner or any of his employees 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 chapter 363, or has filed a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under chapter 363;

(b) intentionally to aid, abet, incite, compel, or coerce any other person to engage in any of the practices forbidden by chapter 363;

(c) to wilfully obstruct or prevent any person from complying with the provisions of chapter 363, or any order issued thereunder, or to resist, prevent, impede or interfere with the commission or any of its members or representatives in the performance of duty under chapter 363; or

(d) to attempt directly or indirectly to commit any of the practices forbidden by chapter 363.

Subd. 3. **Public accommodations.** It is an unfair discriminatory practice:

To deny an individual or group of individuals 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, or national origin.

Subd. 4. **Public services.** It is an unfair discriminatory practice:

To discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of race, color, creed, religion, or national origin.

Subd. 5. **Educational institution.** It is an unfair discriminatory practice:

(1) To discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any individual because of race, color, creed, religion, or national origin.

(2) To exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student, or an individual enrolled as a student because of race, color, creed, religion, or national origin.

(3) 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 race, color, creed, religion, or national origin of an applicant for admission, except as permitted by regulations of the department.

[1955 c 516 s 5; 1961 c 428 s 5; 1965 c 585 s 2; 1965 c 586 s 1; 1967 c 897 s 12-16]

363.04 DEPARTMENT OF HUMAN RIGHTS. Subdivision 1. **Creation; commissioner.** There is hereby established at the seat of government an executive department to be known as the department of human rights. There shall be at the head of the department a commissioner of human rights, who shall be appointed by the governor, by and with the advice and consent of the senate. The department shall be administered under the supervision and direction of the commissioner, who shall serve at the pleasure of the governor for a four-year term, which shall coincide with the term of the governor. At the expiration of his term of office, the commissioner shall continue to serve until his successor is appointed and shall have qualified. A vacancy in the office of commissioner shall be filled by the governor by and with the advice and consent of the senate for the unexpired portion of the term. The commissioner shall receive compensation at the rate prescribed by law.

Subd. 2. **Deputy commissioner, duties.** There shall be in the department a deputy commissioner, who shall be appointed by the commissioner and shall serve at the pleasure of the commissioner. The deputy commissioner shall act for, and exercise the powers of the commissioner during the absence or disability of the commissioner or in the event of a vacancy in the office of commissioner. The deputy commissioner shall perform such functions, powers and duties as the commissioner shall prescribe from time to time.

Subd. 3. **Oath, bond.** Before entering upon the duties of office, the commis-

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sioner and the deputy commissioner shall each take and subscribe an oath, give bond to the state of Minnesota to be approved by the governor and filed with the secretary of state in the sum of \$10,000, conditioned upon the faithful performance of his duties.

Subd. 4. Board, appeals, membership, terms. There is hereby established within the department a state board of human rights. There are hereby transferred to, and it shall be the duty of the board to exercise the functions, powers, and duties of the appeal board provided for in this chapter. The board shall also serve in an advisory capacity to the commissioner. The board shall consist of 15 members to be appointed by the governor, by and with the advice and consent of the senate. Members of the board shall be appointed with due regard to their fitness for the efficient dispatch of the functions, powers and duties vested in and imposed upon the board. At least three members of the board shall be lawyers admitted to practice law within this state. Members of the board shall be appointed for terms of three years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified. Members may be removed by the governor for inefficiency, neglect of duty or malfeasance in office. The governor shall designate from time to time one of the members of the board as chairman. The first board shall consist of five members appointed for a term expiring the first Monday in January 1968; five members for a term expiring the first Monday in January 1969; and five members for a term expiring the first Monday in January 1970.

Subd. 5. Programs and policies. The board shall from time to time recommend programs and policies to the commissioner so as to enable him to better carry out the terms and provisions of chapter 363.

Subd. 6. Expenses. Each member of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of his duties in the same manner and in the same amount as provided by law for state officers and employees.

Subd. 7. Women's assistance. There shall be in the department a division on women's affairs to primarily assist women in the fields of:

- (1) employment policies and practices;
- (2) education and training;
- (3) health and welfare;
- (4) civil and political rights; and
- (5) home, community and family life.

Subd. 8. Advisory committee, membership, terms. There is hereby established within the department an advisory committee on women's affairs to advise and assist the commissioner. The committee shall consist of 15 persons to be appointed by the commissioner. Seven shall be appointed for terms expiring March 1, 1968, and every two years thereafter, and eight shall be appointed for terms expiring March 1, 1969, and every two years thereafter. Vacancies in unexpired terms shall be filled by appointment by the commissioner. In addition to the 15 members of the committee the following shall serve as ex officio, non-voting members of the committee: a member of the state senate to be appointed in January of each odd-numbered year by the committee on committees of that body; a member of the house of representatives to be appointed in January of each odd-numbered year by the speaker of that body; the commissioner of education, or his designee; the commissioner of public welfare, or his designee; and the executive secretary of the state board of health, or his designee. The committee shall elect, in January of each year, a chairman and such other officers as it may deem necessary. It shall meet at least twice in each year. Additional meetings may be called by the chairman, by the commissioner, or by a majority of the voting members. Each member of the committee shall be reimbursed for necessary expenses incurred in the performance of his duties in the same amount and in the same manner as provided by law for state officers and employees.

Subd. 9. Departmental organization. Subject to other provisions of chapter 363, the commissioner shall have the powers granted by section 15.06 to organize the department.

Subd. 10. Continuity in operations. In exercising the functions, powers and duties conferred on and transferred to the commissioner by Laws 1967, Chapter

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897, the commissioner shall give full consideration to the need for operational continuity of the functions transferred.

[1955 c 516 s 6; 1961 c 428 s 6; 1965 c 586 s 2; 1967 c 897 s 17]

363.05 DUTIES OF COMMISSIONER. 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) cooperate and consult with the commissioners of education, labor and industry, public welfare, economic development, and conservation, and with the secretary of the state board of health in developing plans and programs to most effectively serve the needs of Indians and to assist women in the areas designated in section 363.04, subdivision 9;

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

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

(5) employ such hearing examiners, attorneys, clerks and other employees and agents as he may deem necessary and prescribe their duties;

(6) 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;

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

(8) adopt suitable rules and regulations for effectuating the purposes of this chapter;

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

(10) 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; authorize hearing examiners to exercise the authority conferred by this clause;

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

(12) conduct research and study discriminatory practices;

(13) publish and distribute the results of research and study when in the judgment of the commissioner the purposes of chapter 363, will be served thereby;

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

(15) make a written report of the activities of the commissioner to the governor each year and to the legislature at each session;

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

(17) create such local and statewide advisory committees as will in his judgment aid in effectuating the purposes of the department of human rights;

(18) appoint a hearing examiner to preside at a public hearing on any complaint;

(19) develop such programs as will aid in determining the compliance throughout the state with the provisions of chapter 363, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, 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;

(20) develop and disseminate technical assistance to persons subject to the provisions of chapter 363, and to agencies and officers of governmental and private agencies;

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

(22) make grants in aid to the extent that appropriations are made available for such purpose in aid of carrying out his duties and responsibilities, but no grant in aid shall be made without first obtaining the advice and consent of the board;

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(23) develop educational programs, community organization programs, leadership development programs, motivational programs, and business development programs for the benefit of those persons theretofore and hereafter subject to prejudice and discrimination; and

(24) provide information for and direction to a program designed to assist Indian citizens to assume all the rights, privileges, and duties of citizenship; and to coordinate and cooperate with local, state and national and private agencies providing services to the Indian people.

[1955 c 516 s 7; 1961 c 428 s 7; 1967 c 299 s 9; 1967 c 897 s 18]

363.06 GRIEVANCES. Subdivision 1. **Charge filing.** Any person aggrieved by a violation of this chapter may file a verified charge with the commissioner or his designated agent, stating the name and address of the person alleged to have committed an unfair discriminatory practice, setting out the details of the practice complained of and any other information required by the commissioner. The commissioner within five days of such filing shall serve a copy of the charge upon the respondent personally or by registered or certified mail.

Subd. 2. **Complaint, issuance by commissioner.** Whenever the commissioner has reason to believe that a person is engaging in an unfair discriminatory practice, the commissioner may issue a complaint.

Subd. 3. **Time for filing charge.** A charge of an unfair discriminatory practice must be filed within six months after the occurrence of the practice.

Subd. 4. **Inquiry into charge.** When a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations of the charge and shall make a determination as to whether or not there is probable cause to credit the allegation of unfair discriminatory practices, and

(1) If the commissioner shall determine after investigation that no probable cause exists to credit the allegations of the unfair discriminatory practice, the commissioner shall, within ten days of such determination, serve upon the complainant and respondent written notice of such determination. This shall be a final decision of the department.

(2) If the commissioner shall determine after investigation that probable cause exists to credit the allegations of unfair discriminatory practices, the commissioner shall issue a complaint and serve on the respondent, by registered or certified mail, a written notice of hearing together with a copy of the complaint, requiring the respondent to answer the allegations of the complaint at a hearing before a hearing examiner at a time and place specified in the notice, not less than ten days after service of said complaint. A copy of the notice shall be furnished to the charging party, the attorney general, and members of the board.

(3) At any time after the commissioner has determined that there is probable cause to believe that a respondent has engaged in an unfair discriminatory practice the commissioner may file a petition in the district court in a county in which the subject of the complaint occurs, or in a county in which a respondent resides or transacts business, seeking appropriate temporary relief against the respondent, pending final determination of proceedings under this chapter, including an order or decree restraining him from doing or procuring any act tending to render ineffectual any order the commissioner may enter with respect to the complaint. The court shall have power to grant such temporary relief or restraining order as it deems just and proper, but no such relief or order extending beyond ten days shall be granted except by consent of the respondent or after hearing upon notice to the respondent and a finding by the court that there is reasonable cause to believe that the respondent has engaged in a discriminatory practice; provided that no such injunctive relief, order, or decree shall be granted except upon the giving of security by the person claiming to be aggrieved by the unfair practice, in such sum as the court deems proper for the payment of such costs and damages as may be incurred or suffered by the party who is found to have been wrongfully enjoined or restrained. The Minnesota rules of civil procedure shall apply to such application, and the district court shall have authority to grant or deny such relief sought on such conditions as it deems just and equitable. All hearings under this section shall be given precedence as nearly as practicable over all other pending civil actions.

Subd. 5. **Attempts to eliminate unfair practices.** The commissioner, in complying with subdivision 4, shall endeavor to eliminate the unfair discriminatory practice through education, conference, conciliation and persuasion 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 commissioner 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 commissioner shall not disclose any information concerning his efforts in a particular case to eliminate an unfair discriminatory practice through education, conference, conciliation and persuasion.

[1955 c 516 s 8; 1961 c 428 s 8; 1965 c 586 s 3; 1967 c 897 s 19]

363.07 [Repealed, 1967 c 897 s 29]

363.071 HEARINGS. Subdivision 1. **Conduct of hearings.** The commissioner shall appoint from the board a three man hearing panel, at least one of whom shall be a lawyer, or an examiner to hear the complaint. The hearing shall be conducted at a place designated by the commissioner, within the county where the unfair discriminatory practice occurred or where the respondent resides or has his principal place of business. The hearing shall be conducted in accordance with Minnesota Statutes 1965, Sections 15.0418, 15.0419, 15.0421, 15.0422, and is subject to appeal in accordance with section 15.0424.

Subd. 2. **Determination of discriminatory practice.** If the panel or examiner finds that the respondent has engaged in an unfair discriminatory practice, the panel or examiner shall make findings of fact and conclusions of law, and shall issue a preliminary order directing the respondent to cease and desist from the unfair discriminatory practice found to exist and to take such affirmative action as in the judgment of the panel or examiner will effectuate the purposes of this chapter. The panel or examiner shall cause the findings of fact, conclusions of law, and preliminary order to be served on the respondent personally, the charging party by registered or certified mail, and shall furnish copies to the attorney general and the commissioner.

Subd. 3. **Dismissal of hearing.** If the panel or examiner makes findings of fact, conclusions of law, and an order in favor of the respondent, such order shall be a final decision of the department.

[1967 c 897 s 20]

363.072 DISTRICT COURT, REVIEW ORDERS OF BOARD. Subdivision 1. A respondent aggrieved by a final decision of the board may seek judicial review in the district court for the judicial district in which the hearing of the board was held.

Subd. 2. The district court review proceedings shall conform to section 15.0424, judicial review of agency decisions, and section 15.0425, scope of judicial review.

[1967 c 897 s 21]

363.08 [Repealed, 1967 c 897 s 29]

363.09 [Repealed, 1967 c 897 s 29]

363.091 ENFORCEMENT. When the order of the department has become final the commissioner may file with the clerk of district court in the judicial district in which the hearing was held a petition requesting the court to order the respondent to comply with the order of the department. Thereupon the court shall issue an order to show cause directed to the respondent why an order directing compliance should not be issued. Notwithstanding the provisions of any law or rule of civil procedure to the contrary, the court shall examine at the hearing on the order to show cause all the evidence in the record and may amend the order of the department in any way the court deems just and equitable.

[1967 c 897 s 22]

363.10 APPEAL TO SUPREME COURT. The commissioner, or the respondent, may appeal to the supreme court as provided by section 605.09, clauses (b) and (g) from an order of the district court issued pursuant to section 363.072, subdivision 1.

[1955 c 516 s 12; 1965 c 51 s 71; 1967 c 897 s 23]

363.11 CONSTRUCTION. 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 or national origin; but, as to acts declared unfair by section 363.03, the procedure herein provided shall, while pending, be exclusive.

[1955 c 516 s 13]

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363.115 REFERRAL TO LOCAL COMMISSION. The commissioner whether or not a charge has been filed under chapter 363 may refer a matter involving discrimination because of race, color, religion, sex, or national origin to a local commission for investigation, study and report, and may refer a complaint alleging a violation of chapter 363 to a local commission for investigation, determination whether there is reasonable cause to believe that the respondent has engaged in a discriminatory practice, or assistance in eliminating a discriminatory practice by conference, conciliation or persuasion.

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.

The term "local commission" as used in this section means an agency of a city, village or borough created pursuant to law, city charter, or municipal ordinance, and conferring upon the agency powers, including, but not limited to those which are conferred upon the commissioner by chapter 363.

[1967 c 897 s 24]

363.116 TRANSFER TO COMMISSIONER. A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of his rights under Laws 1967, Chapter 897.

The term "local commission" as used in this section has the same meaning given the term in section 363.115.

[1967 c 897 s 25]

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 secure for individuals in this state, freedom from discrimination because of race, color, creed, religion, or national origin, in connection with employment, housing and real property, public accommodations, public services, and education. 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.

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

Subd. 3. The department of human rights under the control of the commissioner of human rights is the successor of the state commission against discrimination as it existed immediately prior to July 1, 1967.

Subd. 4. If any provision of Laws 1967, Chapter 897 or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of Laws 1967, Chapter 897 which can be given effect without the invalid provision or application, and to this end the provisions of Laws 1967, Chapter 897 are severable.

[1955 c 516 s 1; 1961 c 428 s 16; 1967 c 897 s 26]

363.121 DEPARTMENT ATTORNEY. The attorney general shall be the attorney for the department.

[1967 c 897 s 27]

363.122 TRANSCRIPT OF HEARING, AVAILABILITY. The commissioner shall provide upon request and without cost to the respondent a transcript of any hearing in which the respondent is a party in interest.

[1967 c 897 s 28]

363.13 CITATION. This chapter shall be known as the Minnesota state act against discrimination.

[1955 c 516 s 2; 1961 c 428 s 17]