

contract whereby one party advances money to be used in business or other ventures mutually determined upon, and whereby the party receiving such money agrees to refund the same, with lawfully stipulated interest, and, in addition thereto, agrees to share, equally or otherwise, with the party so advancing the money, the profits of such business or ventures; nor shall its provisions apply to ~~mutual building associations or any banks~~ for cooperatives created or operating under the Federal Farm Credit Act of 1933, as amended, which by law or contract with its borrowers operates as a cooperative.

Sec. 4. Minnesota Statutes 1976, Section 334.01, Subdivision 2, is amended to read:

*Subd. 2. A contract for the loan or forbearance of money, goods, or things in action, in the amount of \$100,000 or more, shall be exempt from the provisions of this section and the interest for such an indebtedness shall be at the rate of \$6 upon \$100 for a year, unless a different rate is contracted for in writing. This subdivision expires July 4, 1978 31, 1979. A contract for a loan or forbearance made on or before July 4, ~~1978 31,~~ 1979 at a rate of interest not in excess of the rate of interest authorized by this subdivision at the time the loan or forbearance was made shall continue to be enforceable in accordance with its terms until the indebtedness is fully satisfied.*

Sec. 5. **EFFECTIVE DATE.** The amendments to Minnesota Statutes, Section 47.20, Subdivision 8, as renumbered subdivision 9 by this act, shall take effect June 1, 1977 and the remainder of this act is effective the day following its final enactment.

Approved May 27, 1977.

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CHAPTER 351—H.F.No.6

[Coded in Part]

*An act relating to human rights; prohibiting employment and education discrimination based on age; requiring consultation between the department of human rights and the department of labor and industry; appropriating money; amending Minnesota Statutes 1976, Sections 363.01, by adding a subdivision; 363.02, Subdivision 1, and by adding subdivisions; 363.03, Subdivisions 1 and 5, and by adding a subdivision; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.*

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

Section 1. Minnesota Statutes 1976, Section 363.01, is amended by adding a subdivision to read:

Subd. 28. HUMAN RIGHTS; EMPLOYMENT AND EDUCATION DISCRIMINATION; AGE. "Age" insofar as it refers to any prohibited unfair employment or education practice shall be deemed to protect only those individuals over the age of majority except for section 6 which shall be deemed to protect any individual over the age of 25 years.

Changes or additions indicated by underline deletions by ~~strikeout~~

Sec. 2. Minnesota Statutes 1976, Section 363.02, Subdivision 1, is amended to read:

363.02 EXEMPTIONS. 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; ;

(4) An age restriction applied uniformly and without exception to all individuals established by a bona fide apprenticeship program established pursuant to Minnesota Statutes, Chapter 178, which limits participation to persons who enter the program prior to some specified age and the trade involved in the program predominantly involves heavy physical labor or work on high structures. Neither shall the operation of a bona fide seniority system which mandates differences in such things as wages, hiring priorities, lay-off priorities, vacation credit, and job assignments based on seniority, be a violation of the age discrimination provisions of section 363.03, subdivision 1, so long as the operation of such system is not a subterfuge to evade the provisions of chapter 363;

(5) With respect to age discrimination, a practice whereby a labor organization or employer offers or supplies varying insurance benefits or other fringe benefits to members or employees of differing ages, so long as the cost to the labor organization or employer for such benefits is reasonably equivalent for all members or employees;

(6) A restriction imposed by state statute, home rule charter, ordinance, or civil service rule, and applied uniformly and without exception to all individuals, which establishes a maximum age for entry into employment as a peace officer or firefighter.

(7) Nothing in this chapter concerning age discrimination shall be construed to validate or permit age requirements which have a disproportionate impact on persons of any class otherwise protected by section 363.03, subdivision 1 or 5.

It is not an unfair employment practice for an employer, employment agency or labor organization:

(i) to require a person to undergo physical examination for purpose of determining the person's capability to perform available employment; or

(ii) to conduct an investigation as to the person's medical history for the purpose of

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determining the person's capability to perform available employment.

Sec. 3. Minnesota Statutes 1976, Section 363.02, is amended by adding a subdivision to read:

Subd. 6. AGE. By law or published retirement policy, a mandatory retirement age may be established without being a violation of chapter 363. Nothing in this chapter shall be construed to prohibit the establishment of differential privileges, benefits, services or facilities for persons of designated ages if (a) such differential treatment is provided pursuant to statute, or (b) the designated age is greater than 59 years or less than 21 years.

Sec. 4. Minnesota Statutes 1976, Section 363.02, is amended by adding a subdivision to read:

Subd. 7. SUMMER YOUTH EMPLOYMENT PROGRAM. The provisions of section 363.03, subdivision 1, with regard to age shall not apply to the state summer youth employment program administered by the commissioner of employment services.

Sec. 5. Minnesota Statutes 1976, Section 363.03, Subdivision 1, 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 practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance ~~or~~, disability, or age,

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

(b) to expel a member from membership;

(c) to discriminate against a person seeking 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 person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance ~~or~~, disability, or age,

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

(b) to discharge an employee; or

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(c) to discriminate against a person 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, national origin, sex, marital status, status with regard to public assistance ~~or~~, disability, or age.

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; 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, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability, unless, for the 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 purpose of compliance with the public contracts act or any rule, regulation or laws of the United States or of this state requiring information pertaining to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability is required by the United States or a political subdivision or agency of the United States; 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, national origin, sex, marital status, status with regard to public assistance ~~or~~, disability or age.

Sec. 6. Minnesota Statutes 1976, Section 363.03, Subdivision 5, is amended to read:

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 person because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance or disability.

(2) 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, marital status, status with regard to public assistance or disability.

(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, national origin, sex, age, marital status or disability of a person

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seeking admission, except as permitted by regulations of the department.

Sec. 7. Minnesota Statutes 1976, Section 363.03, is amended by adding a subdivision to read:

Subd. 9. For purposes of subdivision 1 discrimination on account of age shall include acts which interfere with an employee's opportunity to acquire pension credits or pension benefits when the interference cannot be shown to have been based on just cause unrelated to the employee's status with regard to his pension credits or pension benefits.

Sec. 8. Minnesota Statutes 1976, Section 363.05, Subdivision 1, is amended to read:

**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 natural resources, 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 7;

(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 services 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

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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 this chapter, 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 by November 15 of each even-numbered year;

(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 this chapter, and in the furtherance of such duties, conduct research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status or status with regard to public assistance, 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 this chapter, 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;

(23) develop educational programs, community organization programs, leadership

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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.

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

Sec. 9. Minnesota Statutes 1976, Section 363.11, is amended to read:

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, sex, age, disability, marital status, status with regard to public assistance or national origin; but, as to acts declared unfair by sections 363.03 and 363.123, the procedure herein provided shall, while pending, be exclusive.

Sec. 10. Minnesota Statutes 1976, Section 363.115, is amended to read:

363.115 **REFERRAL TO LOCAL COMMISSION.** 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, creed, disability, marital status, status with regard to public assistance ~~or~~ , national origin or age 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. 11. Minnesota Statutes 1976, Section 363.12, Subdivision 1, is amended to read:

363.12 **DECLARATION OF POLICY.** Subdivision 1. It is the public policy of this state to secure for persons in this state, freedom from discrimination;

(1) In employment because of race, color, creed, religion, national origin, sex, marital status, disability ~~and~~, status in regard to public assistance and age;

(2) In housing and real property because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance;

(3) In public accommodations because of race, color, creed, religion, national origin, sex and disability;

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(4) In public services because of race, color, creed, religion, national origin, sex, marital status, disability and status in regard to public assistance; and

(5) In education because of race, color, creed, religion, national origin, sex, marital status, disability ~~and~~, status in regard to public assistance and age. 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. 12. **APPROPRIATIONS.** The following sums are appropriated from the general fund to the commissioner of human rights for the processing of age discrimination complaints as provided for by this act, to be available for the fiscal year ending June 30 in the year indicated. The approved complement of the department of human rights is increased by three persons.

<u>1978</u>	<u>1979</u>
<u>\$50,000</u>	<u>\$50,000</u>

Approved June 2, 1977.

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**CHAPTER 352—H.F.No.15**

[Not Coded]

*An act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.*

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

**Section 1. RECREATION FACILITIES FOR THE HANDICAPPED; ISLANDS OF PEACE PARK; APPROPRIATION.** There is appropriated from the general fund in the state treasury to the state planning agency the sum of \$150,000 to be used to develop recreation facilities which demonstrate the feasibility of meeting the special needs of handicapped persons at Islands of Peace park in the city of Fridley. This appropriation is available until the project is completed or abandoned. The director of the state planning agency shall not allocate any funds to any local unit of government until (1) the commissioner of natural resources has approved a detailed work program proposed by the local unit of government; and (2) the sum of \$50,000 has been raised from other public or private sources for the purposes of this act. Local units of government receiving funds from the state planning agency under this section shall be responsible for the continued operation and maintenance of the land and facilities. If a local unit of government which received funds under this section fails to satisfy this responsibility, the structures and real property within Islands of Peace park purchased with funds under this section and any unexpended funds received pursuant to this section shall revert to the state.

Approved June 2, 1977.

**Changes or additions indicated by underline deletions by strikeout**