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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1364

03/02/2015 Authored by Hornstein; Clark; Dehn, R.; Ward and Knoblach
The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to human rights; providing compliance oversight for human rights claims;
1.3 appropriating money; amending Minnesota Statutes 2014, section 363A.06,
1.4 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 6.

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

1.6 Section 1. **[6.92] STATEWIDE COMPLIANCE OVERSIGHT.**

1.7 (a) In order to increase enforcement and oversight functions of the Department of
1.8 Human Rights, the state auditor shall establish a department within the Office of the
1.9 State Auditor to:

1.10 (1) ensure that all duties specified in section 363A.06 are dealt with as a priority;

1.11 (2) implement audit and review procedures for state agencies and contractors to
1.12 follow to comply with applicable provisions in chapters 16C and 43A and section 363A.06;

1.13 (3) conduct affirmative action and human rights impact analysis on all executive
1.14 orders to be issued and propose legislation needed;

1.15 (4) review and approve all state contract procurement services under chapter 16C for
1.16 compliance with chapter 363A;

1.17 (5) establish benchmarks for meeting equal opportunity requirements in contracting;
1.18 and

1.19 (6) establish good faith benchmarks for equal opportunity compliance in
1.20 subcontracting.

1.21 (b) The state auditor shall report to the legislative committees with jurisdiction over
1.22 human rights on the findings of the audit by January 15, 2016, and annually thereafter.

1.23 The report shall be issued to the governor and the public at large through the state auditor's
1.24 Web site.

2.1 Sec. 2. Minnesota Statutes 2014, section 363A.06, subdivision 1, is amended to read:

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

2.4 (1) exercise leadership under the direction of the governor in the development of
2.5 human rights policies and programs, and make recommendations to the governor and the
2.6 legislature for their consideration and implementation;

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

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

2.10 (4) employ attorneys, clerks, and other employees and agents as the commissioner
2.11 may deem necessary and prescribe their duties;

2.12 (5) to the extent permitted by federal law and regulation, utilize the records of the
2.13 Department of Employment and Economic Development of the state when necessary
2.14 to effectuate the purposes of this chapter;

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

2.17 (7) adopt suitable rules for effectuating the purposes of this chapter;

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

2.20 (9) subpoena witnesses, administer oaths, take testimony, and require the production
2.21 for examination of any books or papers relative to any matter under investigation or in
2.22 question as the commissioner deems appropriate to carry out the purposes of this chapter;

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

2.25 (11) develop and conduct programs of formal and informal education designed to
2.26 eliminate discrimination and intergroup conflict by use of educational techniques and
2.27 programs the commissioner deems necessary;

2.28 (12) make a written report of the activities of the commissioner to the governor
2.29 each year;

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

2.32 (14) create such local and statewide advisory committees as will in the commissioner's
2.33 judgment aid in effectuating the purposes of the Department of Human Rights;

2.34 (15) develop such programs as will aid in determining the compliance throughout
2.35 the state with the provisions of this chapter, and in the furtherance of such duties, conduct
2.36 research and study discriminatory practices based upon race, color, creed, religion,

3.1 national origin, sex, age, disability, marital status, status with regard to public assistance,
 3.2 familial status, sexual orientation, or other factors and develop accurate data on the nature
 3.3 and extent of discrimination and other matters as they may affect housing, employment,
 3.4 public accommodations, schools, and other areas of public life;

3.5 (16) develop and disseminate technical assistance to persons subject to the provisions
 3.6 of this chapter, and to agencies and officers of governmental and private agencies;

3.7 (17) provide staff services to such advisory committees as may be created in aid of
 3.8 the functions of the Department of Human Rights;

3.9 (18) make grants in aid to the extent that appropriations are made available for that
 3.10 purpose in aid of carrying out duties and responsibilities; and

3.11 (19) cooperate and consult with the commissioner of labor and industry regarding
 3.12 the investigation of violations of, and resolution of complaints regarding section 363A.08,
 3.13 subdivision 7.

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

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

3.20 **Sec. 3. HUMAN RIGHTS REGIONAL OFFICES.**

3.21 The commissioner of human rights shall establish a regional office in Rochester, St.
 3.22 Cloud, and Duluth.

3.23 **Sec. 4. APPROPRIATION TO THE STATE AUDITOR.**

3.24 \$..... in fiscal year 2016 and \$..... in fiscal year 2017 are appropriated from the
 3.25 general fund to the state auditor to carry out the provisions in section. This appropriation
 3.26 shall be added to the Office of the State Auditor's base funding.