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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3492

03/23/2016 Authored by Mahoney

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 state government; extending the statute of limitations for a minor child  
1.3 filing a claim under the Human Rights Act; amending Minnesota Statutes 2014,  
1.4 sections 363A.07, subdivision 3; 363A.28, subdivision 3, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2014, section 363A.07, subdivision 3, is amended to read:

1.7 Subd. 3. **Referral to commissioner.** A local commission may refer a matter under  
1.8 its jurisdiction to the commissioner.

1.9 The charging party has the option of filing a charge either with a local commission  
1.10 or the department. Notwithstanding the provisions of any ordinance or resolution to  
1.11 the contrary, a charge may be filed with a local commission within one year after the  
1.12 occurrence of the practice. In the case of a minor child under age 18, the claim must be  
1.13 brought within 12 months after the minor child's 18th birthday. The exercise of such  
1.14 choice in filing a charge with one agency shall preclude the option of filing the same  
1.15 charge with the other agency. At the time a charge comes to the attention of a local agency,  
1.16 the agency or its representative shall inform the charging party of this option, and of the  
1.17 party's rights under Laws 1967, chapter 897.

1.18 Where this chapter provides additional protections and remedies not provided for  
1.19 under a local antidiscrimination ordinance, the local commission shall advise a party  
1.20 bringing a charge under a local ordinance of those additional protections and remedies and  
1.21 of the option to file a charge under this chapter.

1.22 The term "local commission" as used in this subdivision has the same meaning given  
1.23 the term in section 363A.03, subdivision 23.

2.1 Sec. 2. Minnesota Statutes 2014, section 363A.28, subdivision 3, is amended to read:

2.2 Subd. 3. **For filing claim; filing options.** (a) A claim of an unfair discriminatory  
2.3 practice must be brought as a civil action pursuant to section 363A.33, subdivision 1, filed  
2.4 in a charge with a local commission pursuant to section 363A.07, subdivision 3, or filed in  
2.5 a charge with the commissioner within one year after the occurrence of the practice. In  
2.6 the case of a minor child under age 18, the claim must be brought within 12 months after  
2.7 the minor child's 18th birthday.

2.8 (b) The running of the one-year limitation period is suspended during the time a  
2.9 potential charging party and respondent are voluntarily engaged in a dispute resolution  
2.10 process involving a claim of unlawful discrimination under this chapter, including  
2.11 arbitration, conciliation, mediation or grievance procedures pursuant to a collective  
2.12 bargaining agreement or statutory, charter, ordinance provisions for a civil service or  
2.13 other employment system or a school board sexual harassment or sexual violence policy.  
2.14 A potential respondent who participates in such a process with a potential charging  
2.15 party before a charge is filed or a civil action is brought shall notify the department and  
2.16 the charging party in writing of the participation in the process and the date the process  
2.17 commenced and shall also notify the department and the charging party of the ending date  
2.18 of the process. A respondent who fails to provide this notification is barred from raising  
2.19 the defense that the statute of limitations has run unless one year plus a period of time  
2.20 equal to the suspension period has passed.

2.21 (c) When a potential charging party files a claim with the EEOC, it is deemed to be  
2.22 simultaneously filed with the Department of Human Rights.

2.23 Sec. 3. Minnesota Statutes 2014, section 363A.28, is amended by adding a subdivision  
2.24 to read:

2.25 Subd. 3a. **Survival of claim.** When a charging party dies during the course of  
2.26 the investigation or conciliation under this chapter, the claim survives for the benefit of  
2.27 the charging party's estate.