

CHAPTER 9

AN ACT

Relating to alcoholic beverages; amending subsec. (D), Sec. 35-4-21, ACLA 1949 as amended by Ch. 131, SLA 1957 and Ch. 197, SLA 1959.

(H.B. 276)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Subsec. (D), Sec. 35-4-21, ACLA 1949 as amended by Ch. 131, SLA 1957 and Ch. 197, SLA 1959 is amended to read as follows:

(D) A Club License shall give to clubs, fraternal organizations, and patriotic organizations, that have a State or National Charter, and which have been so incorporated and active

for a period of two years or more, the right to sell intoxicating liquors to their members and their families only in their club rooms. The Club License Fee shall be Four Hundred (\$400.00) Dollars, except that where any club has certified to the board that the gross sales of intoxicating liquor for the preceding year were less than Five Thousand (\$5,000.00) Dollars, the Club License Fee shall be Two Hundred (\$200.00) Dollars.

Approved February 24, 1960

CHAPTER 10

AN ACT

To prohibit unjust discrimination in employment because of age; providing for administration and investigation by the Department of Labor; providing for penalties and for enforcement; and providing for an effective date.

(H.B. 120)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Short Title.** This Act may be cited as the "Act Prohibiting Unjust Discrimination in Employment Because of Age".

Sec. 2. **Findings and Declaration of Policy.** (a) The Legislature hereby finds that the practice of discriminating in employment against properly qualified persons because of their age is contrary to American principles of liberty and equality of opportunity, is incompatible with the Constitution, deprives the State of the fullest utilization of its capacities for production, and endangers the general welfare.

(b) Hiring bias against workers over forty-five years of age deprives the State of its most important resource of experienced employees, adds to the number of persons receiving public assistance, and deprives older people of the dignity and status of self-support.

(c) The right to employment otherwise lawful without discrimination because of age, where the reasonable demands of the position do not require such an age distinction, is hereby recognized as and declared to be a right of all the people of the State which shall be protected as provided herein.

(d) It is hereby declared to be the policy of the State to protect the right recognized and declared in subdivision (c) hereof and to eliminate all such discrimination to the fullest extent permitted. This Act shall be construed to effectuate such policy.

Sec. 3. **Definitions.** As used in this Act unless the context otherwise requires:

(a) The term "person" includes one or more individuals, partnerships, associations or corporations.

(b) The term "employer" means a person in this State having in his employ one or more individuals; and any person

acting in the interest of an employer, directly or indirectly.

(c) The term "labor organization" means any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment.

Sec. 4. Exemptions. This Act shall not apply to any religious, charitable, fraternal, social, educational, or sectarian corporation or association, not organized for private profit, other than labor organizations. Nothing herein shall affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of that Act.

Sec. 5. Unlawful Employment Practices Defined. (a) It shall be an unlawful employment practice for an employer

(1) to refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, otherwise lawful, because of such individual's age, when the reasonable demands of the position do not require such an age distinction; and,

(2) to utilize in the hiring or recruitment of individuals for employment otherwise lawful, any employment agency, placement service, training school or center, labor organization, or any other source which so discriminates against such individuals because of their age.

(b) It shall be an unlawful employment practice for any labor organization to so discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of otherwise lawful employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as such an employee or as such an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's age.

(c) It shall be an unlawful employment practice for any employer or labor

organization to discharge, expel, or otherwise discriminate against any person, because he opposed any unlawful employment practice specified in this Act or has filed a charge, testified, participated, or assisted in any proceeding under this Act.

Sec. 6. Annual Report of Department of Labor: Powers of Agency. (a) The Department of Labor, hereinafter referred to as the Agency, shall at the close of each fiscal year report to the Legislature and to the Governor under this Act concerning the cases it has heard; the decisions it has rendered; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(b) The Agency may by such duly authorized representative as it may designate, conduct any investigation, proceeding, or hearing necessary to his functions in any part of the State.

(c) The Agency shall have power

(1) to appoint such agents and employees as he deems necessary to assist him in the performance of his functions under this Act.

(2) to pay to witnesses whose depositions are taken or who are summoned before it or any of its duly authorized representatives the same witness and mileage fees as are paid to witnesses in the courts of the State.

(3) to furnish to persons subject to this Act such technical assistance as they may request to further their compliance with this Act or any order issued thereunder.

(4) upon the request of any employer, whose employees or some of them refuse or threaten to refuse to cooperate in effectuating the provisions of this Act, to assist in such effectuation by conciliation or other remedial action.

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this Act and to make the results of such studies

available to interested governmental and nongovernmental agencies.

Sec. 7. Prevention of Unlawful Employment Practices. (a) Whenever a sworn written complaint has been filed by or on behalf of any person claiming to be aggrieved, or a written accusation has been filed by a duly authorized representative of the Agency that any person subject to the Act has engaged in any unlawful employment practice defined in this Act, the Agency shall investigate such complaint or accusation and if it shall determine after such preliminary investigation that probable cause exists in support of such written complaint or accusation, it shall endeavor to eliminate any unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors may be used as evidence in any subsequent proceeding.

(b) If the Agency fails to effect the elimination of such unlawful employment practice and to obtain voluntary compliance with this Act, or in advance thereof if circumstances so warrant, it shall cause a copy of such written complaint or accusation to be served upon such person who has allegedly committed any unlawful employment practice, hereinafter called the respondent. Form of complaint or accusation and all procedures thereafter shall be conducted in accordance with Chapter 2 of the Administrative Procedures Act and the Agency shall have the power granted therein.

(c) If the Agency shall find that any person named in the written complaint or accusation has engaged in any unlawful employment practice, the Agency shall issue and cause to be served on such person an order or decision requiring him to cease and desist from such unlawful employment practice and to take such affirmative action, including reinstatement or hiring of employees, with or without back pay, as will effectuate the policies of this Act. If the Agency shall find that no person named in the written complaint or accusation has engaged or is engaging in any unlawful employment practice, the Agency shall state its findings of fact and shall issue an order dismissing the said complaint.

(d) Any person who violates any provision of any decision of the Agency

is guilty of a misdemeanor, punishable by fine of not more than five hundred dollars (\$500.00).

(e) The Agency may make application to the Superior Court, or District Court until the Superior Court is possessed of jurisdiction, of the district or division wherein the unlawful employment practice occurred for an order enjoining the unlawful acts and practices specified in the order or decision of the Agency and upon showing by the Agency that such person has engaged, or is about to engage, in such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

Sec. 8. Investigatory Powers. (a) For the purpose of all investigations, proceedings, or hearings which the Agency deems necessary or proper for the exercise of the powers vested in it by this Act, the Agency or his duly authorized representative shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any investigation, proceeding, or hearing before it or its duly authorized representative conducting such investigation, proceeding, or hearing.

(b) The Agency or its duly authorized representative for such purposes, may administer oaths, examine witnesses, and receive evidence.

(c) Such attendance of witnesses and the production of such evidence may be required, from any place in the State of any designated place of hearing.

(d) In case of contumacy or refusal to obey a subpoena issued to any person under this Act, any Superior Court for the district in which said person guilty of contumacy or refusal to obey is found or resides upon application by the Agency shall have jurisdiction to issue to such person an order requiring him to appear before the Agency or its duly authorized representative, there to produce evidence if so ordered, or there to give testimony relating to the investigation, proceeding, or hearing.

Sec. 9. Rules and Regulations. (a) The Agency shall have authority from time to

time to issue, amend, or rescind regulations pursuant to the provisions of Chapter 1 of the Administrative Procedures Act to carry out the provisions of this Act.

Sec. 10. Forcibly Resisting the Administrator or His Duly Authorized Representative. Whoever shall forcibly resist, oppose, impede, intimidate or interfere with a duly authorized representative of the Agency while engaged in the performance of duties under this Act, or because of such performance, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprison-

ment for not more than one year, or by both.

Sec. 11. Separability Clause. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Sec. 12. Effective Date. This Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.

Approved February 24, 1960

CHAPTER 11

AN ACT

Relating to the supreme and superior courts of the State of Alaska; amending Sec. 2, and Sec. 3, Art. I, Ch. 50, SLA 1959; and providing for an effective date.

(S.B. 156)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 2, Art. I, Ch. 50, SLA 1959 is amended to read as follows:

Sec. 2. Court of Record: Composition: General Powers. The supreme court is a court of record, consists of three justices including the chief justice, and is vested with all power and authority necessary to carry into complete execution all its judgments, decrees and determinations in all matters within its jurisdiction, according to the Constitution, the laws of the State, and the common law. It shall have the power to prescribe by rule the fees to

be charged by all courts for judicial services.

Sec. 2. Sec. 3, Art. I, Ch. 50, SLA 1959 is amended to read as follows:

Sec. 3. Sessions of Court. The supreme court shall always be open for the transaction of business in the manner determined by rule of the court. The supreme court shall hold sessions on dates and at places fixed by court rule.

Sec. 3. This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved February 25, 1960

CHAPTER 12

AN ACT

Relating to the marking and tagging of state-owned vehicles; amending Sec. 2, Ch. 178, SLA 1959.

(S.B. 159)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 2, Ch. 178, SLA 1959, is amended by adding a new subsection to read as follows:

(3) Provide for the marking of all state-owned vehicles as property of the State of Alaska and for the use of distinctive license tags for such vehicles.

Approved February 25, 1960