

tions under this section he may be charged, prosecuted, and sentenced in the same manner as an adult, except that a parent, guardian or legal custodian shall be present at all proceedings against the minor.

(c) In this section

(1) "watercraft" means and includes any device upon or by which a person or property is or may be transported or drawn upon water;

(2) "aircraft" means a device which was designed and meant to be used for the transportation of person or property above the surface of the earth or water;

(3) "person" does not include a United States marshal or his deputy, a state policeman, or any other peace officer

who drives, tows away, or otherwise takes a watercraft or an aircraft with authority under law to do so.

Sec. 11.20.146. **Conviction in Larceny Prosecution.** In a criminal prosecution for larceny, if the facts do not warrant a conviction of the defendant for larceny, he may, nevertheless, be convicted of a violation of sec. 145 of this chapter if the facts so warrant.

Sec. 2. AS 28.35.010 is amended by adding a new paragraph to read:

(d) When a minor is accused of violations under this section he may be charged, prosecuted, and sentenced in the same manner as an adult, except that a parent, guardian or legal custodian shall be present at all proceedings against the minor.

Approved May 7, 1965

## CHAPTER 117

### AN ACT

**Relating to the Commission for Human Rights; and providing for an effective date.**

(C.S.H.B. 139)

**Be It Enacted by the Legislature of the State of Alaska:**

Section 1. AS 18.80.060 is repealed and re-enacted to read:

Sec. 18.80.060. **Powers and Duties of the Commission.** (a) In addition to the other powers and duties prescribed by this chapter the commission shall

(1) appoint an executive director approved by the governor;

(2) hire other administrative staff as may be necessary to the commission's function;

(3) exercise general supervision and direct the activities of the executive director and other administrative staff;

(4) accept complaints under sec. 100 of this chapter;

(5) study the problems of discrimination in all or specific fields of human relationships, and foster through community effort or goodwill, cooperation and conciliation among the groups and

elements of the population of the state, and publish results of investigations and research as in its judgment will tend to eliminate discrimination because of race, religion, color or national ancestry.

(b) In addition to the other powers and duties prescribed by this chapter the commission may

(1) delegate to the executive director all powers and duties given it by this chapter except the duties and powers given it by secs. 120 and 130 of this chapter;

(2) call upon the departments and agencies of the state, with the approval of the governor, for cooperation and assistance in carrying out this chapter;

(3) hold hearings under sec. 120 of this chapter, subpoena witnesses, take the testimony of any person under oath, administer oaths, and in connection therewith, to require the production for examination of books or papers relating to a matter under investigation or in question before the commission.

Sec. 2. AS 18.80.100 is amended to read:

Sec. 18.80.100 **Complaint.** A person who believes he is aggrieved by any discriminatory conduct prohibited by this chapter may sign and file with the commission a written, verified complaint stating the name and address of the person alleged to have engaged in discriminatory conduct, and the particulars of the discrimination. The executive director may file a complaint in like manner when an alleged discrimination comes to his attention.

Sec. 3. AS 18.80.120 is amended to read:

Sec. 18.80.120 **Hearing.** If the informal efforts to eliminate the alleged discrimination are unsuccessful, the executive director shall inform the commission of the failure, and the commission shall serve written notice together with a copy of the complaint, requiring the person, employer, labor organization or employment agency, charged in the complaint to answer the allegations of the complaint at a hearing before the commission. The hearing shall be held by the commission at the place where the unlawful conduct is alleged to have occurred unless the person, employer, labor organization or employment agency requests a change of venue for good cause shown. The case in support of the complaint shall be presented before the commission by the executive director or his designee who shall be a bona fide resident of the state. The executive director may request the assistance of the Department of Law in the preparation and presentation of any complaint before the commission. The person charged in the complaint may file a written answer to the complaint and may appear at the hearing in person or otherwise, with or without council, and submit testimony. The executive director has the power reasonably and fairly to amend the complaint, and the person charged has the power reasonably and fairly to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed.

Sec. 4. AS 18.80.130 is amended to read:

Sec. 18.80.130. **Order.** (a) At the completion of the hearing, if the commission finds that a person against whom a complaint was filed has engaged in the

discriminatory conduct alleged in the complaint, it shall order him to refrain from engaging in the discriminatory conduct. The order shall include findings of fact, and may prescribe conditions on the accused's future conduct relevant to the type of discrimination. In a case involving discrimination in

(1) employment, the commission may order the hiring, reinstatement or upgrading of an employee with or without back pay, restoration to membership in a labor organization, or his admission to or participation in an apprenticeship training program, on-the-job training program or other retraining program;

(2) housing, the commission may order the sale, lease or rental of the housing accommodation to the aggrieved person if it is still available, or the sale, lease or rental of a like accommodation owned by the person against whom the complaint was filed if one is still available, or the sale, lease or rental of the next vacancy in a like accommodation, owned by the person against whom the complaint was filed.

(b) The order may require a report on the manner of compliance.

(c) If the commission finds that a person against whom a complaint was filed has not engaged in the discriminatory conduct alleged in the complaint, it shall issue and cause to be served on the complainant an order dismissing the complaint.

(d) A copy of the order shall be filed in all cases with the attorney general of Alaska.

Sec. 5. AS 18.80 is amended by adding a new section to read:

Sec. 18.80.135. **Judicial Review and Enforcement.** (a) A complainant, or person against whom a complaint is filed or other person aggrieved by an order of the commission, may obtain judicial review of the order in accordance with AS 44.62.560 - 44.62.570.

(b) The commission may obtain a court order for the enforcement of any of its orders by filing a complaint with the superior court in the judicial district in which the unlawful conduct is alleged to have occurred.

Sec. 6. AS 18.80 is amended by adding a new section to read:

**Article 4. Discriminatory Practices Prohibited.**

Sec. 18.80.200 **Purpose.** (a) It is determined and declared as a matter of legislative finding that discrimination against an inhabitant of the state because of race, religion, color, national origin, age or sex is a matter of public concern and that such discrimination not only threatens the rights and privileges of the inhabitants of the state but also menaces the institutions of the state and threatens peace, order, health, safety and general welfare of the state and its inhabitants.

(b) Therefore, it is the policy of the state and the purpose of this chapter to eliminate and prevent discrimination in employment, in places of public accommodation, in housing accommodations and in the sale or lease of unimproved property because of race, religion, color, national origin, or in the case of employment, because of sex or age.

Sec. 18.80.210 **Civil Rights.** The opportunity to obtain employment, public accommodations, housing accommodations and property without discrimination because of race, religion, color, or national origin is a civil right.

Sec. 18.80.220. **Unlawful Employment Practices.** It is unlawful for

(1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age when the reasonable demands of the position do not require age distinction;

(2) a labor organization, because of a person's age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;

(3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses,

directly or indirectly, a limitation, specification or discrimination as to age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

(4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has apposed any practices forbidden under secs. 200 - 280 of this chapter or because he has filed a complaint, testified or assisted in a proceeding under this chapter; or

(5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality.

Sec. 18.80.230 **Unlawful Practices in Places of Public Accommodation.** It is unlawful for the owner, leasee, manager, agent or employee of a public accommodation

(1) to refuse, withhold from or deny to a person any of its services, goods, facilities, advantages or privileges because of race, religion, color or national origin;

(2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies that any of the services, goods, facilities, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, color or national origin or that the patronage of a person belonging to a particular race, creed, color or national origin is unwelcome, not desired or solicited.

Sec. 18.80.240 **Unlawful Practices in the Sale or Rental of Property or Housing Accommodations.** It is unlawful for the owner, leasee, manager or other person having the right to sell, lease or rent a housing accommodation or unimproved property

(1) to refuse to sell, lease or rent the housing accommodation or unimproved property to a person because of race, religion, color or national origin;

(2) to discriminate against a person because of race, religion, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of a housing accommodation or unimproved property; or

(3) to make a written or oral inquiry or record of the race, religion, color or national origin of a person seeking to buy, lease or rent a housing accommodation or unimproved property.

Sec. 18.80.250. **Unlawful Financing Practice.** It is unlawful for a financial institution, upon receiving an application for financial assistance for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or the acquisition or improvement of unimproved property, to permit one of its officials or employees during the execution of his duties

(1) to discriminate against the applicant because of race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance; or

(2) to make or cause to be made a written or oral inquiry or record of the race, religion, color or national origin of a person seeking the institution's financial assistance.

Sec. 18.80.260. **Coercion.** It is unlawful for a person to aid, abet, incite, compel or coerce the doing of an act forbidden under this chapter or to attempt to do so.

Sec. 18.80.270. **Penalty.** A person, employer, labor organization or employment agency, who or which wilfully engages in an unlawful discriminatory conduct prohibited by this chapter, or wilfully resists, prevents, impedes or interferes with the commission or any of its authorized representatives in the performance of duty under this chapter, or who or which wilfully violates an order of the commission, is guilty of a misdemeanor and upon conviction by a court of competent jurisdiction is punishable by a fine of not more than \$500, or by imprisonment in a jail for not more than 30 days, or by both.

Sec. 18.80.280. **Acquittal Bars Other Actions.** The acquittal of a person by the commission or a court of competent jurisdiction of any alleged violation of this chapter is a bar to any other action,

civil or criminal, based on the same act or omission.

#### Article 5. General Provisions.

Sec. 18.80.300. **Definitions.** In this chapter

(1) "person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies or labor organizations;

(2) "employee" means an individual employed by an employer but does not include an individual employed in the domestic service of any person;

(3) "employer" means an employer of one or more persons in the state but does not include a club that is exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if the club, association or corporation is not organized for private profit;

(4) "employment agency" means a person undertaking to procure employees or opportunities to work;

(5) "labor organization" means an organization and an agent of the organization, for the purpose, in whole or in part, of collective bargaining, dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection of employees;

(6) "national origin" includes ancestry;

(7) "public accommodation" means a place which caters or offers its services, goods or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;

(8) "housing accommodation" means a building or portion of a building, whether constructed or to be constructed, which is or will be used as the sleeping quarters of its occupants;

(9) "financial institution" means a commercial bank, trust company, mutual savings bank, cooperative bank, homestead association, mutual savings and loan association or an insurance company.

Sec. 7. AS 23.10 is amended by adding a new section to read:

**Article 5. Discrimination in Employment.**

Sec. 23.10.192. **Discrimination Prohibited.** Discrimination in the employment of a person because of race, religion, color, national origin or age is prohibited as set out in AS 18.80.220.

Sec. 8. AS 23.10.190 - 23.10.235, 23.10.240-23.10.320, 11.60.230 and 11.60.240 are repealed.

Sec. 9. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved May 7, 1965