

1 IN THE HOUSE

BY MRS. MCSMITH

2 HOUSE BILL NO. 382

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act against discrimination; providing
7 procedures and penalties for violations,
8 establishing a Civil Rights Board with
9 policy making powers; repealing Secs. 20-1-3
10 and 20-1-4, ACLA 1949 as amended by Ch. 21,
11 SLA 1949, and Ch. 105, SLA 1951 as amended
12 by Ch. 114, SLA 1957; and providing for an
13 effective date."

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

15 Section 1. POLICY AND PURPOSE. This Act shall be known as
16 the "Alaska Civil Rights Law". It is an exercise of the police
17 power of the State for the protection of the public welfare, health
18 and peace of the people of this State, and in fulfilment of the
19 provisions of the Constitution of this State concerning civil
20 rights. The legislature hereby finds and declares that practices
21 of discrimination against any of its inhabitants because of race,
22 creed, color or national origin are a matter of State concern,
23 that such discrimination threatens not only the rights and proper
24 privileges of its inhabitants but menaces the institutions and
25 foundation of a free democratic state.

26 Sec. 2. DEFINITIONS.

27 (1) "Department" means the Department of Labor.

28 (2) "Commissioner" means the Commissioner of Labor of

29 Alaska.

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1 (3) "Employee" does not include any individual employed
2 by his parents, spouse or child or in the domestic service of any
3 person.

4 (4) "Employer" does not include a club exclusively
5 social, or a fraternal, charitable, educational or religious
6 association or corporation, if such a club, association or corpora-
7 tion is not organized for private profit.

8 (5) "Employment agency" includes any person undertaking
9 to procure employees or opportunities to work.

10 (6) "Labor organization" includes any organization
11 which exists or may hereafter exist and which is constituted for
12 the purpose, in whole or in part, of collective bargaining or in
13 dealing with employers concerning grievances, terms or conditions
14 of employment or of other mutual aid or protection in connection
15 with employees.

16 (7) "National origin" includes ancestry.

17 (8) "Persons" includes one or more individuals, partner-
18 ships, associations, corporations, legal representatives, trustees
19 trustees in bankruptcy or receivers.

20 (9) "Unlawful employment practice" includes only those
21 unlawful employment practices specified and defined in this Act.

22 (10) "Housing unit" means:

23 (a) An apartment or living unit designed as a
24 dwelling place for a person or family and located in a building
25 containing two or more such apartments or units.

26 (b) A building designed for occupancy as a dwell-
27 ing place for a person or family and owned, operated or managed
28 by a person who owns, operates or manages two or more other such
29 buildings on contiguous land. For the purposes of this subsection,

1 land is contiguous notwithstanding that it is separated by a
2 public or private street or road.

3 (11) "Owner" means a person who owns, operates or
4 manages a housing unit.

5 (12) "Prospective occupant" means a person who seeks
6 to purchase, lease or rent a housing unit.

7 (13) "Board" means the Alaska Civil Rights Board,
8 created by this Act.

9 Sec. 3. ADMINISTRATION OF ACT. The Board and the Department
10 are hereby vested with the necessary powers with respect to
11 elimination and prevention of discrimination in employment, in
12 places of public resort, accommodation, amusement or business,
13 and in housing because of race, creed, color or national origin;
14 and the Board and Department are hereby given general jurisdiction
15 and necessary powers for such purposes.

16 Sec. 4. DISCRIMINATION IN EMPLOYMENT. It shall be unlawful
17 for any person, employer, employee, labor organization, employ-
18 ment agency or other person or persons to discriminate in the
19 employment of any person because of race, religion, color or
20 national origin.

21 The opportunity to obtain employment without discrimination
22 because of race, religion, color or national origin is hereby
23 recognized and declared to be a civil right.

24 Sec. 5. UNLAWFUL EMPLOYMENT PRACTICES. For the purposes of
25 this Act, it is an unlawful employment practice:

26 (1) For an employer, because of the race, religion,
27 color or national origin of any individual, to refuse to hire or
28 employ or to bar or discharge from employment such individual or
29 to discriminate against such individual in compensation or in

1 terms, conditions or privileges of employment.

2 (2) For a labor organization, because of the race,
3 religion, color or national origin of any individual to exclude
4 or to expel from its membership such individual or to discriminate
5 in any way against any of its members or against any employer or
6 any individual employed by the employer.

7 (3) For any employer or employment agency to print or
8 circulate or cause to be printed or circulated any statement,
9 advertisement or publication, or to use any form of application
10 for employment or to make any inquiry in connection with prospec-
11 tive employment which expresses directly or indirectly any limita-
12 tion, specification or discrimination as to race, religion, color
13 or national origin, or any intent to make any such limitation,
14 specification or discrimination, unless based upon a bona fide
15 occupational qualification.

16 (4) For any employer, labor organization or employment
17 agency to discharge, expel or otherwise discriminate against any
18 person because he has opposed any practices forbidden under this
19 Act or because he has filed a complaint, testified or assisted in
20 any proceeding under this Act.

21 (5) For any person, whether an employer or an employee,
22 to aid, abet, incite, compel or coerce the doing of any of the
23 acts forbidden under this Act or to attempt to do so.

24 Sec. 6. DISCRIMINATION IN HOUSING.

25 (1) No owner of a housing unit shall, solely because
26 of race, color, religion or national origin of the occupant or
27 prospective occupant:

28 (a) Refuse to sell, lease or rent the housing unit
29 to a prospective occupant.

1 (b) Expel an occupant from the housing unit.

2 (c) Make any distinction, discrimination or
3 restriction against an occupant or prospective occupant in the
4 price, terms, conditions or privileges relating to the sale, ren-
5 tal, lease or occupancy of the housing unit or in the furnishing
6 of any facilities or services in connection therewith.

7 (d) Attempt to discourage the sale, rental or
8 lease of the housing unit to the occupant or prospective occupant.

9 (e) Publish, circulate, issue or display, or
10 cause to be published, circulated, issued or displayed, any commu-
11 nication, notice, advertisement or sign of any kind relating to
12 the sale, rental or leasing of the housing unit which indicates
13 any preference, limitation, specification or discrimination based
14 on race, color, religion or national origin.

15 (2) No person shall assist, induce, incite or coerce
16 an owner of a housing unit to violate any provision of subsection
17 (1) of this section.

18 Sec. 7. CITIZENS ENTITLED TO FULL AND EQUAL ACCOMMODATIONS,
19 FACILITIES AND PRIVILEGES IN PLACES OF PUBLIC ACCOMMODATION AND
20 BUSINESS. All citizens within the jurisdiction of the State of
21 Alaska shall be entitled to the full and equal enjoyment of
22 accommodations, advantages, facilities and privileges of public
23 inns, restaurants, eating houses, hotels, soda fountains, soft
24 drink parlors, taverns, roadhouses, barber shops, beauty parlors,
25 bathrooms, resthouses, theaters, skating rinks, cafes, ice cream
26 parlors, transportation companies, swimming pools, motels, trailer
27 parks, camp grounds, golf courses, and all other amusement and
28 business establishments.

29 Sec. 8. VIOLATION A MISDEMEANOR: PUNISHMENT.

1 (1) Any person, employer, employee, labor organization,
2 employment agency, or owner, violating or aiding or inciting
3 a violation of Sections 4, 5, or 6 shall be guilty of a misdemeanor
4 and upon conviction thereof shall be punished by a fine not to
5 exceed \$500 or by imprisonment for a period not to exceed 30 days,
6 or by both such fine and imprisonment.

7 (2) Any person who shall violate or aid or incite
8 a violation of Section 7 of this Act shall be deemed guilty of a
9 misdemeanor and upon conviction thereof shall be punished by a
10 fine not to exceed \$500 or by imprisonment for a period not to
11 exceed 30 days, or by both such fine and imprisonment in jail.

12 Sec. 9. FILING OF CHARGE.

13 (1) Any person claiming to be aggrieved by an alleged
14 distinction, discrimination or restriction on account of race,
15 religion, color or national origin or by any unlawful housing or
16 labor practice, may, by himself or his attorney, make, sign and
17 file with the commissioner a verified charge in writing which
18 shall state the name and address of the person, employer, labor
19 organization, employment agency, owner, place of accommodation or
20 business alleged to have committed the act or practice complained
21 of and which charge shall set forth the particulars thereof. The
22 charge shall be required to set forth such other information as
23 the commissioner may deem pertinent.

24 (2) Whenever he has reason to believe that any person,
25 employer, labor organization, employment agency, owner, place of
26 accommodation or business has committed an unlawful act or practice
27 under this Act, the Attorney General or the Commissioner may make,
28 sign and file a charge in a like manner as a charge filed under
29 subsection (1) of this section.

1 Sec. 10. ELIMINATION OF UNLAWFUL PRACTICE BY CONCILIATION.
2 After the filing of any charge under this Act, the commissioner
3 shall cause prompt investigation to be made in connection there-
4 with. If the commissioner determines that the allegations of the
5 charge are, in his opinion, supported by any substantial evidence
6 he immediately shall endeavor to eliminate the unlawful practice
7 complained of by conference, conciliation and persuasion. In so
8 doing he may use the services of the Board or any member thereof.
9 The Board or any member thereof, requested to assist in the
10 elimination of an alleged unlawful practice by conciliation, may
11 subpoena witnesses, compel their attendance, administer oaths,
12 take the testimony of any person under oath, and in connection
13 therein, to require the production for examination of any books
14 or papers relating to any matter under investigation by the
15 commissioner.

16 Sec. 11. PROCEDURE IN THE EVENT OF A FAILURE TO DISPOSE OF
17 A CHARGE BY CONCILIATION. In case of failure to eliminate an
18 unlawful practice charged to this Act, the commissioner or the
19 attorney general may cause to be initiated proceedings in
20 compliance with the Administrative Procedure Act, Chapter 143,
21 SLA 1959, and amendments thereto, a complaint or accusation to
22 be filed. Any order issued by the hearing officer may be
23 enforced by mandamus or injunction or by a suit in equity to
24 compel specific performance of such order; provided, however,
25 that the time within which to take an appeal from the hearing
26 officer's order has not expired.

27 Sec. 12. CREATION OF BOARD. There is hereby created the
28 Alaska Civil Rights Board which shall be composed of 4 members,
29 and the Commissioner of Labor shall be chairman ex-officio.

1 The members of the Board, other than the Commissioner of Labor,
2 shall be appointed by the Governor, one member to be appointed
3 from the Southeastern, Southcentral, Central, and Northwestern
4 Districts.

5 Sec. 13. MEMBERSHIP OF BOARD. The original members of the
6 Board other than the Commissioner of Labor appointed by the
7 Governor shall be appointed for a term of one year, two years,
8 three years, and four years, but their successors shall be
9 appointed for terms of four years each, except that any individual
10 chosen to fill a vacancy shall be appointed only for the unexpired
11 term of the member whom he succeeds.

12 A member shall be eligible for reappointment.

13 A vacancy in the Board shall be filled within thirty days,
14 the remaining members to exercise all powers of the Board.

15 Any member of the Board may be removed by the Governor for
16 inefficiency, neglect of duty, misconduct or malfeasance in office,
17 after being given a written statement of the charges and an
18 opportunity to be heard thereon in accordance with the Adminis-
19 trative Procedure Act.

20 Sec. 14. COMPENSATION OF BOARD MEMBERS. Each member of the
21 Board while in session or on official business shall receive per
22 diem allowance as provided by law and shall receive reimbursement
23 for actual and necessary travel expenses incurred during such time.
24 Such reimbursement shall be made in the manner provided by law for
25 similar reimbursements for state employees.

26 Sec. 15. REPORTS OF BOARD. The Board shall meet at least
27 once a year and at such other times as the chairman shall direct.
28 The Board, at the close of each calendar year, shall report to the
29 Governor, describing in detail the investigations, proceedings,

1 and hearings conducted under this Act and their outcome, the
2 recommendations the Board has issued, and the other work performed
3 by the Board and shall make such recommendations for further
4 legislation as may appear desirable. The Board shall present its
5 reports to each regular session of the legislature; the Board's
6 reports shall be published and made available upon request.

7 Sec. 16. BOARD TO FORMULATE POLICIES. The Board shall
8 formulate rules and regulations necessary to implement and
9 effectuate the purposes of this Act and may make recommendations
10 to agencies and officers of the State or local subdivisions of
11 government in aid of such rules and regulations; provided such
12 rules and regulations are promulgated in accordance with the
13 Administrative Procedure Act.

14 Sec. 17. DISTRIBUTION. The Department of Revenue shall
15 distribute a copy of this Act to each and every person who applies
16 for a business license during the current calendar year and all
17 applicants who have not previously applied for a license during
18 each ensuing year.

19 Sec. 18. REPEAL OF EQUAL ACCOMMODATION PROVISIONS. Sections
20 20-1-3 and 20-1-4, ACLA 1949 as amended by Ch. 21, SLA 1949 are
21 repealed.

22 Sec. 19. REPEAL OF FAIR EMPLOYMENT PRACTICES ACT. Ch. 105,
23 SLA 1951 as amended by Ch. 114, SLA 1957 is repealed.

24 Sec. 20. EFFECTIVE DATE. This Act takes effect on the day
25 after its passage and approval or on the day it becomes law with-
26 out such approval.
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