

Introduced: 2/27/63
Referred: Labor and
Management
Judiciary

1 IN THE HOUSE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 120

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRD LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the creation of a Com-
7 mission for Human Rights."

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

9 * Section 1. AS 18 is amended by adding a new chapter to
10 read:

11 CHAPTER 80. STATE COMMISSION FOR HUMAN RIGHTS

12 ARTICLE 1. CREATION AND ORGANIZATION OF COMMISSION

13 Sec. 18.80.010. CREATION. There is created in the
14 office of the governor a State Commission for Human Rights.

15 Sec. 18.80.020. COMPOSITION AND APPOINTMENT. The com-
16 mission consists of five commissioners, appointed by the
17 governor, for staggered terms of five years, and confirmed
18 by the legislature.

19 Sec. 18.80.030. CHAIRMAN OF COMMISSION. The commission
20 shall elect one of its members as chairman.

21 Sec. 18.80.040. COMMISSION MEETINGS. The commission
22 shall hold a regular annual meeting and shall hold special
23 meetings as necessitated by sec. 120 of this chapter.

24 Sec. 18.80.050. REGULATIONS. The commission shall
25 adopt procedural and substantive regulations necessary to
26 implement this chapter.

27 Sec. 18.80.060. EXECUTIVE DIRECTOR. The commission
28 shall appoint an executive director approved by the governor,
29 and may hire other administrative staff as may be necessary

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1 to the commission's function. The commission may delegate
2 to the executive director all powers and duties given it by
3 this chapter except the duties given it in secs. 120 and
4 130 of this chapter.

5 Sec. 18.80.070. COMPENSATION. The members of the
6 commission are authorized per diem and travel allowances
7 allowable to members of other boards and commissions.

8 ARTICLE 2. COMMISSION INVESTIGATION AND HEARING

9 Sec. 18.80.100. COMPLAINT. A person who believes he
10 is aggrieved by any discriminatory conduct prohibited by
11 AS 11.60.230, AS 11.60.240, AS 23.10.155, AS 23.10.190 or
12 AS 23.10.255 may sign and file with the commission a written,
13 verified complaint, stating the name and address of the
14 person alleged to have engaged in discriminatory conduct,
15 and the particulars of the discrimination. The executive
16 director may file a complaint in like manner when an alleged
17 discrimination comes to his attention.

18 Sec. 18.80.110. INVESTIGATION AND CONCILIATION. The
19 executive director, or a member of the commission's staff
20 designated by the executive director, shall informally inves-
21 tigate the matters set out in a filed complaint, promptly
22 and impartially. If the investigator determines that the
23 allegations are supported by substantial evidence, he shall
24 immediately try to eliminate the discrimination complained
25 of, by conference, conciliation, and persuasion.

26 Sec. 18.20.120. HEARING. If the informal efforts to
27 eliminate the alleged discrimination are unsuccessful, the
28 executive director shall inform the commission of the failure
29 and the commission shall serve written notice requiring the

1 person charged in the complaint to answer the allegations of
2 the complaint at a hearing before the commission. The case
3 in support of the complaint shall be presented before the
4 commission by the executive director. The person charged in
5 the complaint may file a written answer to the complaint and
6 may appear at the hearing in person or otherwise, with or
7 without counsel, and submit testimony. The executive direct-
8 or has the power reasonably and fairly to amend the complaint
9 and the person charged has the power reasonably and fairly
10 to amend his answer. The commission shall not be bound by
11 the strict rules of evidence prevailing in courts of law or
12 equity. The testimony taken at the hearing shall be under
13 oath and be transcribed.

14 Sec. 18.80.130. ORDER. At the completion of the hear-
15 ing, if the commission finds that a person against whom a
16 complaint was filed has engaged in the discriminatory conduct
17 alleged in the complaint, it shall order him to refrain from
18 engaging in the discriminatory conduct. The order shall
19 include findings of fact, and may prescribe conditions on the
20 accused's future conduct which the commission determines are
21 relevant to the cessation of the discrimination. A copy of
22 the order shall be delivered in all cases to the attorney
23 general of Alaska.

24 Sec. 18.80.140. EFFECT OF COMPLIANCE WITH ORDER. Imme-
25 diate and continuing compliance with all the terms of a
26 commission order is a bar to criminal prosecution for the
27 particular instances of discriminatory conduct described in
28 the accusation filed before the commission.
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ARTICLE 3. COMMISSION REPORTS AND PUBLICATIONS

Sec. 18.80.150. REPORT TO THE LEGISLATURE. The commission shall, at the beginning of each legislative session, report to the legislature on civil rights problems it has encountered in the preceding year, and may recommend legislative action. The commission shall file the report with the governor of Alaska and the Alaska Legislative Council by December 31 of each year. The Alaska Legislative Council shall prepare a copy of the report for each member of the legislature.

Sec. 18.80.160. INFORMATIVE PUBLICATIONS. The commission may prepare and distribute pamphlets and press releases to inform the public of its constitutional and statutory civil rights. The commission shall submit proposed publications to the Department of Law for a review of legal accuracy.