

Original Sponsor: Rules Committee  
By Request of the Governor

Offered: 3/24/65  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 139

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Commission for  
7 Human Rights; and providing for an effective  
8 date."

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

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 AS 18.80.060 is repealed and re-enacted to read:

11 Sec. 18.80.060. POWERS AND DUTIES OF THE COMMISSION.

12 (a) In addition to the other powers and duties prescribed  
13 by this chapter the commission shall

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

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

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

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

23 (5) study the problems of discrimination in all or  
24 specific fields of human relationships, and foster through  
25 community effort or goodwill, cooperation and conciliation  
26 among the groups and elements of the population of the state,  
27 and publish results of investigations and research as in its  
28 judgment will tend to eliminate discrimination because of  
29 race, religion, color, or national ancestry.

1           (b) In addition to the other powers and duties pre-  
2 scribed by this chapter the commission may

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

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

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

15 \* Sec. 2. AS 18.80.100 is amended to read:

16           Sec. 18.80.100. COMPLAINT. A person who believes he is  
17 aggrieved by any discriminatory conduct prohibited by this  
18 chapter [AS 11.60.230, 11.60.240, 23.10.155, 23.10.190 OR  
19 23.10.255,] may sign and file with the commissioner a written,  
20 verified complaint stating the name and address of the person  
21 alleged to have engaged in discriminatory conduct, and the  
22 particulars of the discrimination. The executive director  
23 may file a complaint in like manner when an alleged discrim-  
24 ination comes to his attention.

25 \* Sec. 3. AS 18.80.120 is amended to read:

26           Sec. 18.80.120. 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 together with a

1           copy of the complaint, requiring the person, labor organiza-  
2           tion or employment agency, charged in the complaint to answer  
3           the allegations of the complaint at a hearing before the  
4           commission. The hearing may be held at a place designated  
5           by the commission in the judicial district where the offense  
6           is alleged to have occurred. The case in support of the  
7           complaint shall be presented before the commission by the  
8           executive director or his designee. The executive director  
9           may request the assistance of the Department of Law in the  
10           preparation and presentation of any complaint before the  
11           commission. The person charged in the complaint may file a  
12           written answer to the complaint and may appear at the hearing  
13           in person or otherwise, with or without counsel, and submit  
14           testimony. The executive director has the power reasonably  
15           and fairly to amend the complaint, and the person charged  
16           has the power reasonably and fairly to amend his answer.  
17           The commission shall not be bound by the strict rules of  
18           evidence prevailing in courts of law or equity. The testi-  
19           mony taken at the hearing shall be under oath and be trans-  
20           cribed.

21           \* Sec. 4. AS 18.80.130 is amended to read:

22                   Sec. 18.80.130. ORDER. (a) At the completion of the  
23           hearing, if the commission finds that a person against whom  
24           a complaint was filed has engaged in the discriminatory  
25           conduct alleged in the complaint, it shall order him to  
26           refrain from engaging in the discriminatory conduct. The  
27           order shall include findings of fact, and may prescribe  
28           conditions on the accused's future conduct [WHICH THE COM-  
29           MISSION DETERMINES ARE] relevant to the type [CESSATION] of

1 [THE] discrimination such as in a case involving discrimi-  
2 ation in

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

9 (2) housing, the commission may order the sale,  
10 lease or rental of the housing accommodation to the aggrieved  
11 person if it is still available, the sale, lease or rental  
12 of a like accommodation if one is available, or the sale,  
13 lease or rental of the next vacancy in a like accommodation.

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

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

21 (d) A copy of the order shall be delivered in all  
22 cases to the attorney general of Alaska.

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

24 Sec. 18.80.135. JUDICIAL REVIEW AND ENFORCEMENT.

25 A complainant, or person against whom a complaint is filed  
26 or other person aggrieved by an order of the commission, may  
27 obtain judicial review of the order in accordance with  
28 AS 44.62.560 - 44.62.570.

29 \* Sec. 6. AS 18.80 is amended by adding new sections to read:

CSHB 139 Judiciary

1                   ARTICLE 4. DISCRIMINATORY PRACTICES PROHIBITED.

2                   Sec. 18.80.200. ~~PURPOSE.~~ (a) It is determined and  
3 declared as a matter of legislative finding that discrimina-  
4 tion against any of the inhabitants of the state because of  
5 race, religion, color, national origin, age or sex is a  
6 matter of public concern and that such discrimination not  
7 only threatens the rights and privileges of the inhabitants  
8 of the state but also menaces the institutions of the state  
9 and threatens peace, order, health, safety and general wel-  
10 fare of the state and its inhabitants.

11                   (b) Therefore, it is the policy of the state and the  
12 purpose of this chapter to eliminate and prevent discrimina-  
13 tion in employment, in places of public accommodation, in  
14 housing accommodations and in the sale or lease of unim-  
15 proved property because of race, religion, color, national  
16 origin, or, in the case of employment, because of sex or  
17 age.

18                   Sec. 18.80.210. ~~CIVIL RIGHTS.~~ The opportunity to ob-  
19 tain employment, public accommodations, housing accommo-  
20 dations and property without discrimination because of race,  
21 religion, color, or national origin is a civil right.

22                   Sec. 18.80.220. ~~UNLAWFUL EMPLOYMENT PRACTICES.~~ It is  
23 unlawful for

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

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

5 (3) an employer or employment agency to print or  
6 circulate or cause to be printed or circulated any statement,  
7 advertisement, or publication, or to use any form of applica-  
8 tion for employment or to make any inquiry in connection with  
9 prospective employment, which expresses, directly or indirect-  
10 ly, any limitation, specification or discrimination as to  
11 age, race, creed, color or national origin, or any intent to  
12 make such limitation, unless based upon a bona fide occupa-  
13 tional qualification;

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

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

26 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC  
27 ACCOMMODATION. It is unlawful for the owner, lessee,  
28 manager, agent or employee of a public accommodation

29 (1) to refuse, withhold from or deny to a person

1 any of its services, goods, facilities, advantages or  
2 privileges because of race, religion, color or national  
3 origin;

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

13 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR  
14 RENTAL OF PROPERTY OR HOUSING ACCOMMODATIONS. It is unlaw-  
15 ful for the owner, lessee, manager or other person having  
16 the right to sell, lease or rent a housing accommodation or  
17 unimproved property

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

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

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

29 Sec. 18.80.250. UNLAWFUL FINANCING PRACTICE. It is  
CSHB 139 Judiciary -7-

1 unlawful for a financial institution, upon receiving an  
2 application for financial assistance for the acquisition,  
3 construction, rehabilitation, repair or maintenance of a  
4 housing accommodation or the acquisition or improvement of  
5 unimproved property, to permit one of its officials or  
6 employees during the execution of his duties

7 (1) to discriminate against the applicant because  
8 of race, religion, color or national origin in a term, con-  
9 dition or privilege relating to the obtainment or use of the  
10 institution's financial assistance; or

11 (2) to make or cause to be made a written or oral  
12 inquiry or record of the race, religion, color or national  
13 origin of a person seeking the institution's financial assis-  
14 tance.

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

18 Sec. 18.80.270. PENALTY. A person, employer, labor  
19 organization, or employment agency, who or which wilfully  
20 engages in an unlawful discriminatory conduct prohibited by  
21 this chapter, or wilfully resists, prevents, impedes or inter-  
22 feres with the commission or any of its authorized representa-  
23 tives in the performance of duty under this chapter, or  
24 wilfully violates an order of the commission, is guilty of  
25 a misdemeanor and is punishable by a fine of not more than  
26 \$500, or by imprisonment in a jail for not more than 30 days,  
27 or by both.

28 Sec. 18.80.280. DOUBLE JEOPARDY; SPECIFIC CRIMES AND  
29 CRIMINAL CONTEMPTS. An acquittal or conviction in a prosecu-  
CSHB 139 Judiciary -8-

1           tion for a specific crime under the laws of the state shall  
2           bar a proceeding for criminal contempt, which is based upon  
3           the same act or omission and which arises under secs. 200 -  
4           280 of this chapter, and an acquittal or conviction in a  
5           proceeding for criminal contempt, which arises under secs.  
6           200 - 280 of this chapter, shall bar a prosecution for a  
7           specific crime under the laws of the state based on the  
8           same act or omission.

9                           ARTICLE 5. GENERAL PROVISIONS

10                   Sec. 18.80.300. DEFINITIONS. In this chapter

11                   (1) "person" means one or more individual, labor  
12                   unions, partnerships, associations, corporations, legal  
13                   representatives, mutual companies, joint-stock companies,  
14                   trusts, unincorporated organizations, trustees, trustees in  
15                   bankruptcy, or receivers;

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

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

24                   (4) "employment agency" means a person under-  
25                   taking to procure employees or opportunities to work;

26                   (5) "labor organization" means an organization  
27                   and any agent of the organization, for the purpose, in  
28                   whole or in part, of collective bargaining, dealing with  
29                   employers concerning grievances, terms or conditions of

1 employment, or of other mutual aid or protection of employees.

2 (6) "national origin" includes ancestry;

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

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

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

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

24 ARTICLE 5. DISCRIMINATION IN EMPLOYMENT

25 Sec. 23.10.192. DISCRIMINATION PROHIBITED. Discrimina-  
26 tion in the employment of a person because of race, religion,  
27 color, national origin or age is prohibited as set out in  
28 AS 18.80.220.

29 \* Sec. 8. AS 23.10.190 - 23.10.235, 23.10.240 - 23.10.320,  
CSHB 139 Judiciary -10-

1 11.60.230 and 11.60.240 are repealed.

2 \* Sec. 9. This Act takes effect on the day after its passage  
3 and approval or on the day it becomes law without such approval.  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29