

Original sponsor: Judiciary Committee

Offered: 5/5/70
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 803

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of the superior
7 court over anti-discrimination law violations."

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

9 * Section 1. AS 22.10.020 is amended by adding a new subsection to read:

10 (c) The superior court is the court of original jurisdiction over
11 all causes of action arising under the provisions of AS 18.80 or under
12 AS 23.10.192. A person who is injured or aggrieved by an act, practice
13 or policy which is prohibited under AS 18.80 or under AS 23.10.192 may
14 apply to the superior court for relief. The person aggrieved or injured
15 may maintain an action on his own behalf or on behalf of a class con-
16 sisting of all persons who are aggrieved or injured by the act, practice
17 or policy giving rise to the action. In an action brought under this
18 subsection, the court may grant relief as to any act, practice or policy
19 of the defendant which is prohibited by AS 18.80 or by AS 23.10.192,
20 regardless of whether each act, practice or policy, with respect to which
21 relief is granted, directly affects the plaintiff, so long as a class
22 or members of a class of which the plaintiff is a member are or may be
23 aggrieved or injured by the act, practice or policy. The court may
24 enjoin any act, practice or policy which is illegal under AS 18.80 or
25 under AS 23.10.192 and may order any other relief, including the payment
26 of money, that is appropriate.

27 * Sec. 2. AS 18.80 is amended by adding a new section to read:

28 Sec. 18.80.145. INTERVENTION BY STATE COMMISSION FOR HUMAN RIGHTS.

29 (a) When an action is brought under AS 22.10.020(c), the plaintiff

1 shall serve a copy of the complaint on the State Commission for Human
2 Rights. Upon timely application, the commission may intervene as a
3 party to the action as a matter of right. If the commission certifies
4 in writing to the court that it is presently investigating or actively
5 dealing with the act, practice or policy of the defendant giving rise
6 to the cause of action, the court shall, at the request of the commis-
7 sion, defer proceedings for a period of not more than 45 days or such
8 extended period as the court may allow; except that the court may enter
9 an order or injunction if necessary to prevent irreparable injury to
10 the plaintiff.

11 (b) If within the period allowed or less the commission conducts
12 a hearing and reaches a decision under secs. 120 and 130 of this chapter,
13 the decision of the commission shall be binding on the parties to the
14 law suit as to all issues resolved in the hearing but not as to any
15 issues not resolved in the hearing.

16 (c) When proceedings in the superior court are deferred for
17 a hearing and decision by the commission under this section, the
18 plaintiff may proceed, after the decision of the commission, as an
19 aggrieved party for the purpose of obtaining judicial review under
20 sec. 135 of this chapter, whether or not he was a party to, or com-
21 plainant in, the commission proceedings.

22 (d) If the commission does not intervene or file a certificate
23 and conduct a hearing as provided in this section, the court shall
24 have complete jurisdiction of the case, notwithstanding the provisions
25 of sec. 280 of this chapter.
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