

Original sponsors: Bowman, Chance,
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Offered: 3/16/71
Referred: Finance

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 196
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SEVENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the State Commission of Human
7 Rights."

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

9 * Section 1. AS 18.80.020 is amended to read:

10 Sec. 18.80.020. COMPOSITION AND APPOINTMENT. The commission
11 consists of seven [FIVE] commissioners, appointed by the governor for
12 staggered terms of five years, and confirmed by the legislature.

13 * Sec. 2. AS 18.80 is amended by adding a new section in art. 1 to read:

14 Sec. 18.80.075. LEGAL COUNSEL. (a) The attorney general is the
15 legal counsel for the commission. He shall advise the commission in
16 legal matters arising in the discharge of its duties, shall assist in
17 the preparation and presentation of complaints to the commission, and
18 shall represent the commission in legal actions to which it is a party.

19 (b) The commission may employ temporary legal counsel for pro-
20 ceedings before the commission and court actions involving the commis-
21 sion in which proceedings or actions the attorney general is
22 representing another agency of the state government.

23 * Sec. 3. AS 18.80.120 is amended to read:

24 Sec. 18.80.120. HEARING. If the informal efforts to eliminate
25 the alleged discrimination are unsuccessful, the executive director
26 shall inform the commission of the failure, and the commission shall
27 serve written notice together with a copy of the complaint, requiring
28 the person, employer, labor organization or employment agency, charged
29 in the complaint to answer the allegations of the complaint at a hearing

1 before the commission. The hearing shall be held by the commission at
2 the place where the unlawful conduct is alleged to have occurred unless
3 the person, employer, labor organization or employment agency requests
4 a change of venue for good cause shown. The case in support of the
5 complaint shall be presented before the commission by the executive
6 director or his designee who shall be a bona fide resident of the state.
7 [THE EXECUTIVE DIRECTOR MAY REQUEST THE ASSISTANCE OF THE DEPARTMENT OF
8 LAW IN THE PREPARATION AND PRESENTATION OF ANY COMPLAINT BEFORE THE
9 COMMISSION.] The person charged in the complaint may file a written
10 answer to the complaint and may appear at the hearing in person or other-
11 wise, with or without counsel, and submit testimony. The executive
12 director has the power reasonably and fairly to amend the complaint, and
13 the person charged has the power reasonably and fairly to amend his
14 answer. The commission shall not be bound by the strict rules of evi-
15 dence prevailing in courts of law or equity. The testimony taken at
16 the hearing shall be under oath and shall be transcribed at the request
17 of any party to the hearing.

18 * Sec. 4. AS 18.80.210 is amended to read:

19 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain employ-
20 ment, public accommodations, housing accommodations and property without
21 discrimination because of sex, race, religion, color or national origin
22 is a civil right.

23 * Sec. 5. AS 18.80.220(2) is amended to read:

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

28 * Sec. 6. AS 18.80.220(3) is amended to read:

29 (3) an employer or employment agency to print or circulate or

1 cause to be printed or circulated a statement, advertisement, or publi-
2 cation, or to use a form of application for employment or to make an
3 inquiry in connection with prospective employment, which expresses,
4 directly or indirectly, a limitation, specification or discrimination
5 as to sex, age, race, creed, color or national origin, or an intent to
6 make the limitation, unless based upon a bona fide occupational qualifi-
7 cation;

8 * Sec. 7. AS 18.80.230 is amended to read:

9 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMODA-
10 TION. It is unlawful for the owner, lessee, manager, agent or employee
11 of a public accommodation

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

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

23 * Sec. 8. AS 18.80.240 is amended to read:

24 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF
25 PROPERTY OR HOUSING ACCOMMODATIONS. It is unlawful for the owner,
26 lessee, manager or other person having the right to sell, lease or
27 rent a housing accommodation or unimproved property

28 (1) to refuse to sell, lease or rent the housing accommodation
29 or unimproved property to a person because of sex, race, religion,

1 color or national origin;

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

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

9 * Sec. 9. AS 18.80.250 is amended to read:

10 Sec. 18.80.250. UNLAWFUL FINANCING PRACTICE. It is unlawful for a
11 financial institution, upon receiving an application for financial
12 assistance for the acquisition, construction, rehabilitation, repair or
13 maintenance of a housing accommodation or the acquisition or improvement
14 of unimproved property, to permit one of its officials or employees
15 during the execution of his duties

16 (1) to discriminate against the applicant because of sex,
17 race, religion, color or national origin in a term, condition or
18 privilege relating to the obtainment or use of the institution's finan-
19 cial assistance; or

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

23 * Sec. 10. AS 18.80.255 is amended to read:

24 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
25 SUBDIVISIONS. It is unlawful for the state or any of its political
26 subdivisions

27 (1) to refuse, withhold from or deny to a person any local,
28 state or federal funds, services, goods, facilities, advantages or
29 privileges because of race, religion, sex, color or national origin;

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

* Sec. 11. AS 44.19.955 - 44.19.999 are repealed.