

Offered: 1/19/71
Referred: Judiciary

1 IN THE SENATE

BY JOSEPHSON

2 SENATE BILL NO. 58

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 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 18.80 is amended by adding new sections to read:

10 ARTICLE 6. JUDICIAL REMEDIES.

11 Sec. 18.80.320. JURISDICTION OF THE COURT. The superior court
12 is the court of original jurisdiction over all causes of action arising
13 under the provisions of this chapter or under AS 23.10.192.

14 Sec. 18.80.330. INSTITUTION OF SUIT. A person who is injured or
15 aggrieved by an act, practice or policy which is prohibited under this
16 chapter or under AS 23.10.192 may apply to the superior court for re-
17 lief. The person aggrieved or injured may maintain an action on his
18 own behalf or on behalf of a class consisting of all persons who are
19 aggrieved or injured by the act, practice or policy giving rise to the
20 action.

21 Sec. 18.80.340. REMEDIES. In an action brought under secs. 320 -
22 360 of this chapter, the court may grant relief as to any act, practice
23 or policy of the defendant which is prohibited by this chapter or by
24 AS 23.10.192, regardless of whether each act, practice or policy, with
25 respect to which relief is granted, directly affects the plaintiff, so
26 long as a class or members of a class of which the plaintiff is a member
27 are or may be aggrieved or injured by the act, practice or policy. The
28 court may enjoin any act, practice or policy which is illegal under
29 this chapter or under AS 23.10.192 and may order any other relief,

1 including the payment of money, that is appropriate.

2 Sec. 18.80.350. INTERVENTION BY STATE COMMISSION FOR HUMAN RIGHTS.

3 (a) When an action is brought under secs. 320 - 360 of this chapter,
4 the plaintiff shall serve a copy of the complaint on the State Commis-
5 sion for Human Rights. Upon timely application, the commission may
6 intervene as a party to the action as a matter of right. If the com-
7 mission certified in writing to the court that it is presently investi-
8 gating or actively dealing with the act, practice or policy of the
9 defendant giving rise to the cause of action, the court shall, at the
10 request of the commission, defer proceedings for a period of not more
11 than 45 days; except that the court may enter an order or injunction
12 if necessary to prevent irreparable injury to the plaintiff.

13 (b) If within the 45-day period or less the commission conducts a
14 hearing under sec. 120 of this chapter, the decision of the commission
15 shall be binding on the parties to the lawsuit as to all issues re-
16 solved in the hearing but not as to any issues not resolved in the
17 hearing.

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

24 Sec. 18.80.360. FAILURE OF COMMISSION TO INTERVENE OR CONDUCT A
25 HEARING. If the commission does not intervene or file a certificate
26 and conduct a hearing as provided in sec. 350 of this chapter, the
27 court shall have complete jurisdiction of the case, notwithstanding the
28 provisions of sec. 280 of this chapter.
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