

Original sponsor: Judiciary Committee

Offered: 5/26/80
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 569

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 18.80 is amended by adding a new section to read:

10 Sec. 18.80.115. CONFIDENTIAL INFORMATION. Except as provided in
11 AS 18.80.105, the commission may not make public the name of a person
12 initiating a complaint or a person alleged to have committed an act or
13 practice declared unlawful in this chapter during an investigation
14 conducted by the commission under AS 18.80.110. The records of inves-
15 tigation and information obtained by the commission during an investi-
16 gation under AS 18.80.110 are confidential and may not be made available
17 by the commission for inspection by the general public. However, the
18 records and information compiled by the commission during an investiga-
19 tion shall be available to the complainant or respondent (1) at least 10
20 days before a hearing is held under AS 18.80.120 or upon receipt by the
21 complainant or respondent under AS 18.80.120 of a notice of failure of
22 conciliation under AS 18.80.110, whichever occurs earlier; or (2) in
23 accordance with the rules of discovery if an action relating to the
24 charge is commenced in court. In addition the commission may issue
25 public statements describing or warning of a course of conduct which
26 constitutes or will constitute an unlawful practice under this chapter,
27 and the commission may also make information public if necessary to
28 perform its duties or exercise its powers under AS 18.80.105 and 18.80.-
29 120 - 18.80.145.

1 * Sec. 2. AS 18.80.120 is amended to read:

2 Sec. 18.80.120. HEARING. If the informal efforts to eliminate the
3 alleged discrimination are unsuccessful, the executive director shall
4 inform the commission of the failure, and the commission shall provide
5 the respondent and the complainant with notice of the failure and shall
6 serve written notice together with a copy of the complaint, requiring
7 the person, employer, labor organization or employment agency, charged
8 in the complaint to answer the allegations of the complaint at a hearing
9 before the commission. The hearing shall be held by the commission at
10 the place where the unlawful conduct is alleged to have occurred unless
11 the person, employer, labor organization or employment agency requests a
12 change of venue for good cause shown. The case in support of the com-
13 plaint shall be presented before the commission by the executive director
14 or his designee who shall be a bona fide resident of the state. The
15 person charged in the complaint may file a written answer to the com-
16 plaint and may appear at the hearing in person or otherwise, with or
17 without counsel, and submit testimony. The executive director has the
18 power reasonably and fairly to amend the complaint, and the person
19 charged has the power reasonably and fairly to amend his answer. The
20 commission is not bound by the strict rules of evidence prevailing in
21 courts of law or equity. The testimony taken at the hearing shall be
22 under oath and shall be transcribed at the request of any party to the
23 hearing.

24 * Sec. 3. AS 18.80.300(3) is amended to read:

25 (3) "employer" means a person, including the state and a
26 political subdivision of the state, who has one or more employees [AN
27 EMPLOYER OF ONE OR MORE PERSONS] in the state but does not include a
28 club that is exclusively social, or a fraternal, charitable, educational,
29 or religious association or corporation, if the club, association or

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corporation is not organized for private profit;

* Sec. 4. AS 18.80.300 is amended by adding new paragraphs to read:

(11) "commission" means the State Commission for Human Rights;

(12) "executive director" means the executive director of the State Commission for Human Rights;

(13) "physical handicap" means the existence or history of an anatomical, physiological, or neurological disability, infirmity, malformation, or disfigurement which is caused by injury, birth defect, or illness;

(14) "state" includes the University of Alaska and the judicial, legislative, and executive branches of state government including all departments, agencies, commissions, councils, boards, divisions and sections.

* Sec. 5. AS 23.10.155 - 23.10.185 and 23.10.192 are repealed.