

SB

569

# AMENDMENT

OFFERED IN THE HOUSE:

By: Rep. Hugh Malone

To: House CS HOUSE BILL No. \_\_\_\_\_

SENATE BILL No. 569 and \_\_\_\_\_

PAGE: 1

LINE: \_\_\_\_\_

\* Sec. 2. AS 18.80.220(b) is amended to read:

(b) The state, employers, labor organizations and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. All persons required to furnish the federal Equal Employment Opportunity Commission with specified annual information in accordance with 42 U.S.C. 2000e - 8(c) and federal regulations promulgated under that provision shall provide the commission with a copy of such information. In addition all persons required to furnish the Office of Federal Contract Compliance Programs with specified annual information in accordance with Executive Order 11246 and federal regulations promulgated under that order shall provide the commission with a copy of such information. The submission of these informational reports to the commission shall be provided at the same time as such is given to the federal agency. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public.

(9)

# COMMITTEE REPORT

## HOUSE

5/2/80

FURTHER:

Date: \_\_\_\_\_

Mr. Speaker:

The Committee on JUDICIARY has had SB 569am

"An Act relating to the State Commission for Human Rights."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

[Signature] Do not pass

[Signature] DO PASS IF AMENDED


[Signature]

[Signature]

[Signature]

CHAIRMAN

POUCH V  
JUNEAU, ALASKA 99911



Senate

VICE CHAIRMAN  
SENATE RULES COMMITTEE

MEMBER  
SENATE STATE AFFAIRS COMMITTEE  
SENATE COMMITTEE ON COMMITTEES  
LEGISLATIVE COUNCIL  
WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE

April 21, 1980

The Honorable Clem V. Tillion,  
President of the Senate  
Alaska State Legislature  
Room 101 Capitol Building  
Juneau, Alaska

Dear Mr. President:

Later this morning a bill from the Senate Judiciary Committee, which will be numbered SB 569, will be read across Madam Secretary's desk.

In order to blunt the criticism I expect to receive, it should be pointed out that the introduction of the bill was proposed by the Executive Director of the Alaska Human Rights Commission. The bill is almost identical to a provision in the Unfair Trade Practices and Consumer Protection statutes, namely, Sec. 45.50.521 (b), which provides the records of investigation or intelligence information are not public records during the course of an investigation.

In other words, I am not out to "get" the Commission, and I want to make that point clear. I merely seek fairness and impartiality, and a fair shake for respondents as well as complainants.

It is thought, were this bill to become law, that unfortunate episodes such as that which recently occurred, will not be repeated in the future.

Very truly yours,

  
Robert H. Ziegler, Sr.

RHZ:lk

Amendment to HCS SB 569  
attached. We will hold  
it in the bill file and  
fill in the appropriate

"line" ~~no~~ when the C.S.  
comes back to us. I'll  
then take it up to Drene  
with the signed-off bill.

Sandra

3882

Wed. 5/21/80

5:30pm

Malone amend

p. 1 following sec. 1

insert new sec 2

check with Hugh  
give to clerk

1 \*Sec. 2. AS 18.80.220(b) is amended to read:

2 The state, employers, labor organizations and employment agencies  
3 shall maintain records on age, sex, and race that are required to  
4 administer the civil rights laws and regulations. All persons  
5 required to furnish the federal Equal Employment Opportunity  
6 Commission with specified<sup>annual</sup> information in accordance with 42 U.S.C.  
7 2000e - 8(c) and federal regulations promulgated under that provision  
8 shall provide the commission with a copy of such information. In  
9 addition all persons required to furnish the Office of Federal  
10 Contract Compliance Programs with specified<sup>annual</sup> information in accordance  
11 with Executive Order 11246 and federal regulations promulgated under  
12 that order shall provide the commission with a copy of such  
13 information. The submission of these informational reports to the  
14 commission shall be provided at the same time as such is given to  
15 the federal agency. These records are confidential and available only  
16 to federal and state personnel legally charged with administering  
17 civil rights laws and regulations. however, statistical information  
18 compiled from records on age, sex, and race shall be made available  
19 to the general public.  
20

Would you please  
have an amendment  
drafted to fit the  
HCS on S.B. 569  
to re-instate the former  
Sec 2 of the  
HRC that was  
taken out by committee.  
Place my name on it and  
forward to House Clerk with  
the bill? That way I won't forget  
to prepare the amendment for the floor.  
Thx H.

TO ALL LEGISLATORS:

You have before you SB 569 which utilizes the following definition:

"Physical Handicap means any anatomical physiological, or neurological disability, infirmity, malformation, or disfigurement, which is caused by injury, birth defect, illness, or the history of such a handicap."

We strongly object to this definition for the following reasons:

- (1) It develops and perpetuates negative imagery of handicapped persons by using the words "infirmity, malformation, defect" etc.
- (2) It does not address the functional differences which more accurately reflect handicap or disability (EG. the ability to walk, see, hear, or speak).
- (3) It does not address the rights of mentally handicapped persons.
- (4) It is in direct conflict with Federal Anti-Discrimination and Affirmative Action Legislation (HEW Regulations to PL 93-112, Sections 503 and 504)
- (5) It does not protect those persons who have experienced discrimination because they have been erroneously regarded as handicapped, (Example: individuals who because of a cosmetic or physical difference are treated as though they are handicapped even though they experience no functional limitations)

In 1973 millions of handicapped persons endorsed and secured a definition which is now utilized successfully in the Civil Rights Law for the handicapped known as the Rehabilitation Act of 1973 (HEW Regulations). This definition reads as follows:

" Handicapped Person (1) Handicapped Person means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, (iii) is regarded as having such an impairment."

We believe that the above stated definition eliminates those "infirmities", "defects", and "malformations" identified in the definition in SB 569.

NATIONAL FEDERATION OF THE BLIND OF ALASKA

111 East 7th Street  
Anchorage, Alaska 99501

February 14, 1980

Rep. Charles H. Parr  
Pouch V  
Juneau, Alaska 99811

Dear Parr;

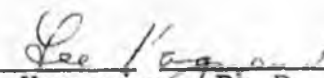
We have read and considered the Human Rights Law of Alaska, Chapter 18, Section 18.80.200 through 18.80.300. In its present form, the law does not provide for equal protection of the civil rights of handicapped individuals in credit and financing practices, public accommodations, the sale, lease, and rental of real property, and specific conditions of employment.

It has come to our attention that many handicapped individuals have encountered discrimination in one or more of the above areas. It is, therefore, of great concern to us that the Human Rights Law does not provide for the protection of the rights and privileges of this segment of Alaska's population. In virtually every aspect of the law, the rights of the handicapped have been omitted. We feel this omission must be corrected.

We understand that the Alaska State Commission on Human Rights is in the process of revising and rewriting the Human Rights Law. We firmly believe it is the Commission's responsibility to recognize the civil rights of handicapped individuals and to provide for their equal protection under the law. We further recommend that the definition of "Handicapped" and "Qualified Handicapped" person be adopted from the regulations promulgating Section 504 of the 1973 Rehabilitation Act.

Your full attention to our request is appreciated, and we look forward to receiving your letter and reading your comments.

Sincerely,

  
\_\_\_\_\_  
Lee Hagmeier, Ph.D.  
Legislative Chairman

\_\_\_\_\_  
Sandy Sanderson, President  
National Federation of the  
Blind of Alaska

P. S. If you have any questions, please contact Lee Hagmeier at (907) 337-2077.

policy of the defendant giving rise to the cause of action, the court shall, at the request of the commission, defer proceedings for a period of not more than 45 days or such extended period as the court may allow; except that the court may enter an order or injunction if necessary to prevent irreparable injury to the plaintiff.

- (b) If within the period allowed the commission conducts a hearing and reaches a decision under secs. 120 and 130 of this chapter, the decision of the commission is binding on the parties to the court action as to all issues resolved in the hearing but not as to any issues not resolved in the hearing.
- (c) When proceedings in the superior court are deferred for a hearing and decision by the commission under this section, the plaintiff may proceed, after the decision of the commission, as an aggrieved party for the purpose of obtaining judicial review under sec. 135 of this chapter, whether or not he was a party to, or complainant in, the commission proceedings.
- (d) If the commission does not intervene or file a certificate and conduct a hearing as provided in this section, the court has complete jurisdiction of the case, notwithstanding the provisions of sec. 280 of this chapter.

### 18.80.100. COMMISSION REPORTS AND PUBLICATIONS.

#### 18.80.150. ANNUAL REPORT.

The commission shall report annually to the governor and the legislature on civil rights problems it has encountered in the preceding year, and may recommend legislative action. The commission shall provide the Legislative Affairs Agency with 100 copies of the report during the week preceding the convening of the annual legislative session for legislator and library distribution. The commission shall make copies of the report available to the public.

#### 18.80.160. Informative publications.

The commission may prepare and distribute pamphlets and press releases to inform the public of its constitutional and statutory civil rights. The commission shall submit proposed publications to the Department of Law for a review of legal accuracy.

### 18.80.200. DISCRIMINATORY PRACTICES PROHIBITED.

#### 18.80.200. PURPOSE.

- (a) It is determined and declared as a matter of legislative finding that discrimination against an inhabitant of the state because of race, religion, color, national origin, age, sex, marital status, changes in marital status, pregnancy or parenthood is a matter of public concern and that such discrimination not only threatens the rights and privileges of the inhabitants of the state but also menaces the institutions of the state and threatens peace, order, health, safety and general welfare of the state and its inhabitants.

- (b) Therefore, it is the policy of the state and the purpose of this chapter to eliminate and prevent discrimination in employment, in credit and financing practices, in places of public accommodation, in the sale, lease, or rental of real property because of race, religion, color, national origin, sex, age, marital status, changes in marital status, pregnancy or parenthood. It is not the purpose of this chapter to supersede laws pertaining to child labor, the age of majority or other age restrictions or requirements.

#### Sec. 18.80.210. CIVIL RIGHTS.

The opportunity to obtain employment, credit and financing, public accommodations, housing accommodations and other property without discrimination because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin is a civil right.

#### Sec. 18.80.215. ACTIVITIES IN AID OF HOUSING FOR MINORITY GROUPS.

The activities of a nonprofit and noncommercial organization on a nonremunerative basis in aiding minority group members to obtain housing opportunities so as to further the purpose of this chapter are not considered a violation of AS 08.88.161.

#### Sec. 18.80.220. UNLAWFUL EMPLOYMENT PRACTICES.

##### (a) It is unlawful for

- (1) an employer to refuse employment to a person, or to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his race, religion, color or national origin, or because of his age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.
- (2) a labor organization, because of a person's sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members or an employer or an employee;
- (3) an employer or employment agency to print or circulate or cause to be printed or circulated a statement, advertisement, or publication, or to use a form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, or an intent to make the limitation, unless based upon a bona fide occupational qualification;

- (4) an employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he has opposed any practices forbidden under Sec. 200-280 of this chapter or because he has filed a complaint, testified or assisted in a proceeding under this chapter;
- (5) an employer to discriminate in the payment of wages as between the sexes, or to employ a female in an occupation in this state at a salary or wage rate less than that paid to a male employee for work of comparable character or work in the same operation, business or type of work in the same locality; or
- (6) a person to print, publish, broadcast or otherwise circulate a statement, inquiry or advertisement in connection with prospective employment which expresses directly, a limitation, specification or discrimination as to sex, marital status, changes in marital status, pregnancy, parenthood, age, race, religion, color or national origin, unless based upon a bona fide occupational qualification.

(b) The state, employers, labor organizations, and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public.

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

- (1) to refuse, withhold from or deny to a person any of its services, goods, facilities, advantages or privileges because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin;
- (2) to publish, circulate, issue, display, post or mail a written or printed communication, notice or advertisement which states or implies
  - (A) that any of the services, goods, facilities, advantages or privileges of the public accommodation will be refused, withheld from or denied to a person of a certain race, religion, sex, marital status, color or national origin or because of pregnancy, parenthood, or a change in marital status, or
  - (B) that the patronage of a person belonging to a particular race, creed, sex, marital status, color or national origin or who, because of pregnancy, parenthood, or a change in marital status, is unwelcome, not desired or solicited.

Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL PROPERTY.  
It is unlawful for the owner, lessee, manager or other person having the right to sell, lease or rent real property

- (1) to refuse to sell, lease or rent the real property to a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin; however nothing in this paragraph prohibits the sale, lease or rental of classes or real property commonly known as housing for "singles" or "married couples" only;
- (2) to discriminate against a person because of sex, marital status, changes in marital status, pregnancy, race, religion, color or national origin in a term, condition or privilege relating to the use, sale, lease or rental of real property; however, nothing in the paragraph prohibits the sale, lease or rental of classes or real property commonly known as housing for "singles" or "married couples" only; or
- (3) to make a written or oral inquiry or record of the sex, marital status, changes in marital status, race, religion, color or national origin of a person seeking to buy, lease or rent real property;
- (4) to offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or sources in connection therewith because of a person's sex, marital status, changes in marital status, pregnancy, race, religion, color, national origin or age;
- (5) to represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is available, or to refuse a person to inspect real property because of the race, religion, color, national origin, age, sex, marital status, change in marital status or pregnancy of that person or of any person associated with that person;
- (6) to engage in blockbusting;
- (7) to make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of real property that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make the preference, limitation or discrimination.

Sec. 18.80.250. UNLAWFUL FINANCING PRACTICE.

- (a) It is unlawful for a financial institution or other commercial institution extending secured or unsecured credit, upon receiving an application for financial assistance or credit for the acquisition, construction, rehabilitation, repair or maintenance of a housing accommodation or other property or services, or the acquisition or improvement of unimproved property, or upon receiving an application for any sort of loan of money, to permit one of its officials or employees during the execution of his duties

- (1) to discriminate against the applicant because of sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin in a term, condition or privilege relating to the obtainment or use of the institution's financial assistance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character;
  - (2) to make or cause to be made a written or oral inquiry or record of the sex, marital status, changes in marital status, pregnancy, parenthood, race, religion, color or national origin of a person seeking the institution's financial assistance or credit, unless the inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and is not made or used in order to discriminate in a determination of creditworthiness;
  - (3) to refuse to extend credit, issue a credit card or make a loan to a married person, who is otherwise creditworthy, if so requested by the person;
  - (4) to refuse to issue a credit card to a married person in that person's name, if so requested by the person, provided, however, that the person so requesting a card may be required to open an account in that name.
- (b) Notwithstanding the provisions of (a) of this section, any practice permitted by federal statute or regulation applicable to financial or credit transactions of the same character as those covered by this section shall not constitute discrimination under this section.
- (c) No action by a financial institution or other commercial institution extending credit taken in compliance with (a) of this section, including the extension of credit or the making of a loan, is a violation of AS 06.20.240, unless done with the intent or purpose of obtaining a higher rate of interest than would otherwise be permitted by AS 06.20.230.

18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL SUBDIVISIONS.

- It is unlawful for the state or any of its political subdivisions
- (1) to refuse, withhold from or deny to a person any local, state or federal funds, services, goods, facilities, advantages or privileges because of race, religion, sex, color or national origin;
  - (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. 18.80.260. COERCION.

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

Sec. 18.80.270. PENALTY.

A person, employer, labor organization or employment agency, who or which wilfully engages in an unlawful discriminatory conduct prohibited by this chapter, or wilfully resists, prevents, impedes or interferes with the commission or any of its authorized representatives in the performance of duty under this chapter, or who or which wilfully violates an order at the commission, is guilty of a misdemeanor and upon conviction by a court of competent jurisdiction is punishable by a fine or not more than \$500, or by imprisonment in a jail for not more than 30 days, or by both.

Sec. 18.80.280. ACQUITTAL BARS OTHER ACTIONS.

The acquittal of a person by the commission or a court of competent jurisdiction of any alleged violation of this chapter is a bar to any other action, civil or criminal, based on the same act or omission.

Sec. 18.80.290. LOCAL HUMAN RIGHTS COMMISSIONS.

- (a) The legislative body of a general law or home rule municipality may, by ordinance or resolution, authorize the establishment of membership in and support of a local human rights commission. The number and qualifications of the members of a local commission and their terms and method of appointment or removal shall be as determined by the legislative body, except that no member may hold office in a political party.
- (b) The legislative body of a general law or home rule municipality has the authority to appropriate the funds in amounts as considered necessary for the purpose of contributing to the operation of a local commission, including the payment of its share of the salary of an investigator or staff member to act jointly for it and one or more other local commissions.
- (c) The local commission has the power to appoint employees and staff as it considers necessary to fulfill its purpose, including the power to appoint an investigator or staff member to act jointly for it and one or more other local commissions.
- (d) The legislative body of a general law or home rule municipality has the authority under AS 29.48.035 to grant to local commissions powers and duties similar to those exercised by the Alaska Human Rights Commission under the provisions of this Act.

Sec. 18.80.295. APPRENTICESHIP PROGRAMS.

The provisions of this chapter affecting discrimination in employment on the basis of age shall not apply to apprenticeship programs registered by the Bureau of Apprenticeship and Training, United States Department of Labor, or apprenticeship programs that meet standards equivalent to apprenticeship programs registered by the Bureau of Apprenticeship and Training.

18.80.300. DEFINITIONS.

In this chapter

- (1) "person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies or labor organizations;
- (2) "employee" means an individual employed by an employer but does not include an individual employed in the domestic service of any person;
- (3) "employer" means an employer of one or more persons in the state but does not include a club that is exclusively social, or a fraternal, charitable, educational, or religious association or a corporation, if the club, association or corporation is not organized for private profit;
- (4) "employment agency" means a person undertaking to procure employees or opportunities to work;
- (5) "labor organization" means an organization and an agent of the organization, for the purpose, in whole or in part, of collective bargaining, dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection of employees;
- (6) "national origin" includes ancestry;
- (7) "public accommodation" means a place which caters or offers its services, goods or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;
- (8) "real property" means a building or portion of a building, whether constructed or to be constructed, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;
- (9) "financial institutions" means a commercial bank, trust company, mutual savings bank, cooperative bank, homestead association, mutual savings and loan association or an insurance company;
- (10) "blockbusting" means an unlawful discriminatory practice by real estate brokers, real estate salesmen or employees or agents of a broker or another individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or its stockholders or members may benefit financially, to repre-

sent directly or indirectly that a change has occurred or will or may occur from a composition with respect to race, religion, color or national origin of the owners or occupants of the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.

AS 22.10.020(c). SUITS IN SUPERIOR COURT.

The superior court is the court of original jurisdiction over all causes of action arising under the provisions of AS 18.80 or under AS 23.10.192. A person who is injured or aggrieved by an act, practice or policy which is prohibited under AS 18.80 or under AS 23.10.192 may apply to the superior court for relief. The person aggrieved or injured may maintain an action on his own behalf or on behalf of a class consisting of all persons who are aggrieved or injured by the act, practice or policy giving rise to the action. In an action brought under this subsection, the court may grant relief as to any act, practice or policy of the defendant which is prohibited by AS 18.80 or by AS 23.10.192, regardless of whether each act, practice or policy, with respect to which relief is granted, directly affects the plaintiff, so long as a class or members of a class of which the plaintiff is a member are or may be aggrieved or injured by the act, practice or policy. The court may enjoin any act, practice or policy which is illegal under AS 18.80 or under AS 23.10.192 and may grant any other relief, including the payment of money, that is appropriate.

- (3) "labor organization" includes any organization which exists and is constituted for the purpose, in whole or part, of collective bargaining or of dealing with employment or of other mutual aid or protection in connection with employment;
- (4) "unlawful discriminatory practice" includes only those unlawful discriminatory practices specified in AS 18.80.220 through 18.80.255;
- (5) "employer" does not include a club exclusively social, or a fraternal, charitable, educational or religious association or corporation, if such club, association, or corporation is not organized for private profit;
- (6) "employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person;
- (7) "national origin" includes "ancestry".
- (8) "place of public accommodation, resort or amusement" includes but is not limited to educational institutions and all places included in the meaning of that term as it appears in AS 18.80.300.; nothing in this paragraph, however, bars any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making the selection as is calculated by the organization to promote the religious principles for which it is established or maintained;
- (9) "commission" means the State Commission for Human Rights;
- (10) "commissioner" means one of the members of the State Commission for Human Rights;
- (11) "chairperson" means the duly appointed chairman or chairwoman of the State Commission for Human Rights, or in the absence of the chairperson, the acting chairperson designated by the remaining members of the commission;
- (12) "investigating officer" means the executive director or a member of the commission's staff designated by the executive director to make an investigation;
- (13) "hearing commissioners" means the commissioners designated by the chairperson to conduct a hearing;
- (14) "commission attorney" means the attorney general of the State of Alaska or anyone designated by him to act as the commission attorney;
- (15) "party" or "parties" means the complainant or the respondent or both;
- (16) "law" means the Alaska state laws against discrimination;
- (17) "sex" includes "marital status" and "sexual preference";
- (18) "hearing examiner" is any person appointed by the hearing commissioners in accordance with sec. 55 of this chapter.

- (b) In AS 18.80. "physical handicap" means any physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy, and includes any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, or physical reliance on a guide dog for the blind, wheelchair or other remedial appliance or device.

6 AAC 30.180. VALIDITY OF REGULATIONS.

If a provision of this chapter or its application to any person or circumstance is adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any regulation loses its force and effect, that judgment or action does not affect the remainder of this chapter.



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 21, 1980

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Please provide the Committee with a CS in final version form that incorporates the Committee's intent as expressed in the attached mark up.

5/21/80

Introduced: 4/21/80  
Referred: Judiciary

House

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

HCS for SENATE BILL NO. 569 am

2

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 Rights."

7

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

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

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Sec. 18.80.115. CONFIDENTIAL INFORMATION. Except as provided in AS 18.80.105, the commission may not make public the name of a person initiating a complaint or a person alleged to have committed an act or practice declared unlawful in this chapter during an investigation conducted by the commission under AS 18.80.110. The records of investigation and information obtained by the commission during an investigation under AS 18.80.110 are confidential and may not be made available by the commission for inspection by the general public. However, the

records and information compiled by the commission during an investigation shall be available to the complainant or respondent (1) at least 10 days prior to the holding of a hearing under AS 18.80.120 or upon the notice of failure of conciliation under AS 18.80.120, whichever occurs earlier, or (2) in accordance with the rules of discovery if an action relating to the charge is commenced in court.

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In addition the commission may issue public statements describing or warning of a course of conduct which constitutes or will constitute an unlawful practice under this chapter, and the commission may also make information public if necessary to perform its duties or exercise its powers under AS 18.80.105 and 18.80.120-18.80.145.

*deleted*

\*Sec. 2. AS 18.80.220(b) is amended to read:

The state, employers, labor organizations and employment agencies shall maintain records on age, sex, and race that are required to administer the civil rights laws and regulations. All persons required to furnish the federal Equal Employment Opportunity Commission with specified<sup>annual</sup> information in accordance with 42 U.S.C. 2000e - 8(c) and federal regulations promulgated under that provision shall provide the commission with a copy of such information. In addition all persons required to furnish the Office of Federal Contract Compliance Programs with specified<sup>annual</sup> information in accordance with Executive Order 11246 and federal regulations promulgated under that order shall provide the commission with a copy of such information. The submission of these informational reports to the commission shall be provided at the same time as such is given to the federal agency. These records are confidential and available only to federal and state personnel legally charged with administering civil rights laws and regulations. However, statistical information compiled from records on age, sex, and race shall be made available to the general public.

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1 \* Sec. ~~27~~. AS 18.80.300(3) is amended to read:

2 (3) "employer" means a person, including the state and a  
3 political subdivision of the state, who has one or more employees [AN  
4 EMPLOYER OF ONE OR MORE PERSONS] in the state but does not include a  
5 club that is exclusively social, or a fraternal, charitable, educa-

6 tional, or religious association or corporation, if the club, associ-  
7 ation or corporation is not organized for private profit;

8 \* Sec. ~~27~~. AS 18.80.300 is amended by adding new paragraphs to read:

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

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

12 (13) "physical handicap" means any anatomical, physiological,  
13 or neurological disability, infirmity, malformation, or disfigurement  
14 which is caused by injury, birth defect, illness or the history  
15 of such a handicap; ~~or the perception of such a handicap;~~

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

20 \* Sec. ~~27~~. AS 23.10.155 - 23.10.185 and 23.10.192 are repealed.  
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EMPLOYERS COVERED	FEDERAL LAW	ENFORCING AGENCY	PERIODIC REPORTS REQUIRED	DATE REPORT REQUIRED	TIME RECORDS TO BE KEPT	AGENCY TO BE GIVEN ACCESS TO RECORDS
15 or more Employees	Title VII	EEOC	None	—	6 mos.	EEOC
100 or more Employees (Including Divisions and Subsidiaries)	Title VII	EEOC	EEO-1	Annually	6 mos.	EEOC
State or Local Gov't Agency with 100 or more Employees	Title VII	EEOC	EEO-4	Annually	6 mos.	EEOC
Elementary and Secondary Schools	Title VII Title IX Ed. Amend.	EEOC/HEW	EEO-5	Annually	6 mos.	EEOC/HEW
Federal Gov't Agencies	Title VII	CSC/Justice	EEO-1	Annually	6 mos.	CSC/Justice EEOC
20 or more Employees	Age Act	EEOC	None	—	3 years	EEOC
Any Employer	Equal Pay Act	EEOC	None	—	2 years	EEOC
Unions with 100 or more members	Title VII	EEOC	EEO-3	Annually	6 mos.	EEOC
Employment Agency acting as union or employer	Title VII	EEOC	EEO-1	Annually	6 mos.	EEOC
Employment Agency	Age Act	EEOC	None	—	3 years	EEOC
Gov't Contractor or Subcontractor with \$10,000 contract	Executive Order 11246	OFCC	EEO-1	Annually	1 year	Contracting Agency and OFCC EEOC
Management Apprenticeship Program with 100 or more Employees	Title VII	EEOC/Labor	EEO-2-E	Annually	2 years	EEOC/Labor
Labor-Mgt. Apprenticeship Program	Title VII	EEOC/Labor	EEO-2	Annually	2 years	EEOC/Labor
Contractor in Highway Construction	Title VII	FHWA	Yes	Monthly 1st 3 mos., then on request	3 years	FHWA EEOC
Broadcaster employing 5 or more	FCC regulations	FCC	FCC-395	Every May 31	—	FCC EEOC

5/21/80

Introduced: 4/21/80  
Referred: Judiciary

House

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

HCS for SENATE BILL NO. 569 am

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  
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2 (3) "employer" means a person, including the state and a  
3 political subdivision of the state, who has one or more employees [AN  
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6 tional, or religious association or corporation, if the club, associ-  
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8 \* Sec. 24. AS 18.80.300 is amended by adding new paragraphs to read:

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Introduced: 4/21/80  
Referred: Judiciary

*House*

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To: Rep. Fred Brown, Chair  
House Commerce Committee

From: RIA. Fineberg

Date: April 21, 1980

Re: Human Rights Commission Data

HRC has agreed to release data re oil and oil field service companies to the House Commerce Committee through myself with the understanding that individual companies will be masked in all presentations. At your suggestion, I will have this information -- the committee will not -- thus precluding the possibility of committee leaks.

The arrangement was worked out with Neil Thomas; participating via telephone tie-in were Teresa Williams and Carolyn Jones. Controlling language was AG's May 14, 1979 letter to the Commission, page 9, which says: "Under this policy analysis, we believe AS 18.80.220(b) should be interpreted to require the Commission to keep information confidential until it is presented at public hearing unless the information is released in format which does not identify individual responding employers or unions."

Thomas and Daveed Schwartz (head of his systemic unit) said they had no objection to my intention to present the information publicly, if the data warrants, in a format that does not specify any companies and presents numbers in an altered, facsimile form -- or in percentages.

(This memo was written at 9:15 a.m., April 21.)

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Addendum: April 26, 1980

After I obtained the information discussed by phone during the morning April 21, I held an exit conversation with Neil Thomas and Daveed Schwartz to make sure my plans for release of information in accord with our agreement that morning were consistent with their understanding. Midway during that afternoon meeting, Daveed Schwartz indicated the controlling portion might not be the page 9 portion of the AG's opinion cited to you and cited above; instead, he said, a federal guideline mentioned in the AG's opinion might be controlling. That guideline is that EEO-1 data should not be released for individual companies in any form, masked or otherwise; rather, three companies should be grouped together. Schwartz and Thomas felt the HRC adopted the AG's opinion, and that guideline, at a meeting last spring, and that they therefore felt the three-company aggregate procedure was consistent with the agreement we struck this morning. They acknowledged that this procedure is different from the one I cited in accepting the AG's opinion. It seems to me that we've tied up an awful lot of time -- HRC's and mine -- trying to find a way to make public what ought

Fineberg / Brown

Memorandum

April 21, April 26, 1980

Page Two

Re: Human Rights Commission Data

to be public in the first place, if we're serious about enforcing laws regarding equal opportunity.

HB 301

AMENDMENT

Section 2, AS 29.23.540(b) is amended to read:

(b) This section applies to home rule, unified municipalities and general law municipalities.

EXPLANATION:

The amendment is a technical change suggested by the Department of Community and Regional Affairs to insure that the section covers unified municipalities which were created after the law was originally passed.