

HOUSE BILL NO. 181

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 4/26/23

Referred: Judiciary, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act renaming the State Commission for Human Rights the Alaska State**
2 **Commission for Civil Rights; relating to removal of commissioners of the Alaska State**
3 **Commission for Civil Rights; relating to reports from the Alaska State Commission for**
4 **Civil Rights; relating to the definition of 'employer' for the purposes of the Alaska State**
5 **Commission for Civil Rights; and relating to local civil rights commissions."**

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

7 * **Section 1.** AS 18.80.010 is amended to read:

8 **Sec. 18.80.010. Creation.** There is created in the office of the governor **an**
9 **Alaska** [A] State Commission for **Civil** [HUMAN] Rights.

10 * **Sec. 2.** AS 18.80.020 is amended by adding a new subsection to read:

11 (b) The governor may remove a commissioner from office for cause. For
12 purposes of this subsection, cause includes incompetence, neglect of duty, and
13 misconduct in office, and public statements and public or private actions that

1 undermine the commission's work or violate this chapter. To remove a commissioner
 2 for cause, the governor shall provide a copy of the charges to the commissioner and
 3 offer an opportunity for the commissioner to be publicly heard in person, or by
 4 counsel, in the commissioner's defense, upon not less than 10 days' notice. If a
 5 commissioner is removed for cause, the governor shall file with the lieutenant
 6 governor a complete statement of all charges made against the commissioner and the
 7 governor's findings based on the charges, together with a complete record of the
 8 proceedings.

9 * **Sec. 3.** AS 18.80.060(a) is amended to read:

10 (a) In addition to the other powers and duties prescribed by this chapter, the
 11 commission shall

12 (1) appoint an executive director approved by the governor;

13 (2) hire other administrative staff as may be necessary to the
 14 commission's function;

15 (3) exercise general supervision and direct the activities of the
 16 executive director and other administrative staff;

17 (4) accept complaints under AS 18.80.100;

18 (5) study the problems of discrimination in all or specific fields of
 19 human relationships, foster through community effort or goodwill, cooperation and
 20 conciliation among the groups and elements of the population of the state, and publish
 21 results of investigations and research as in its judgment will tend to eliminate
 22 discrimination because of race, religion, color, national ancestry, physical or mental
 23 disability, age, sex, marital status, changes in marital status, pregnancy, or parenthood;

24 (6) make an overall assessment, at least once every three years, of the
 25 progress made toward equal employment opportunity by every department of state
 26 government; **the commission shall prepare a report summarizing the results of the**
 27 **assessment within 90 days after the convening of the regular legislative session of**
 28 **the year in which the report is required; the commission shall make electronic**
 29 **copies of the report available to the public and notify the legislature that the**
 30 **report is available** [RESULTS OF THE ASSESSMENT SHALL BE INCLUDED IN
 31 THE ANNUAL REPORT MADE UNDER AS 18.80.150].

1 * **Sec. 4.** AS 18.80.150 is amended to read:

2 **Sec. 18.80.150. Annual report.** Each year, the [THE] commission shall
 3 review all data [REPORT ANNUALLY TO THE GOVERNOR] on civil rights
 4 problems the commission [IT] has encountered in the preceding year [,] and produce
 5 a report by November 15 of each year on those problems. The report may include
 6 recommendations for [RECOMMEND] legislative action. [THE COMMISSION
 7 SHALL PROVIDE THE LEGISLATIVE AFFAIRS AGENCY WITH 40 COPIES
 8 OF THE REPORT DURING THE WEEK PRECEDING THE CONVENING OF
 9 THE ANNUAL LEGISLATIVE SESSION FOR LIBRARY DISTRIBUTION.] The
 10 commission shall make [COPIES OF] the report available to the public electronically
 11 and notify the governor and the legislature that the report is available.

12 * **Sec. 5.** AS 18.80.290(a) is amended to read:

13 (a) The legislative body of a municipality may, by ordinance or resolution,
 14 authorize the establishment of membership in and support of a local civil [HUMAN]
 15 rights commission. The number and qualifications of the members of a local
 16 commission and their terms and method of appointment or removal shall be as
 17 determined by the legislative body, except that a member may not hold office in a
 18 political party.

19 * **Sec. 6.** AS 18.80.300(2) is amended to read:

20 (2) "commission" means the Alaska State Commission for Civil
 21 [HUMAN] Rights;

22 * **Sec. 7.** AS 18.80.300(5) is amended to read:

23 (5) "employer" means a person, including the state and a political
 24 subdivision of the state, who has one or more employees in the state; "employer"
 25 does not include

26 (A) a nonprofit organization, association, or entity that is
 27 exclusively social or fraternal and is organized under AS 10.20.005;

28 (B) a religious association;

29 (C) a religious corporation under AS 10.40.010 that is not
 30 organized under AS 10.20.005; or

31 (D) a religious organization under AS 10.50.010 that is not

1 **organized under AS 10.20.005** [BUT DOES NOT INCLUDE A CLUB
2 THAT IS EXCLUSIVELY SOCIAL, OR A FRATERNAL, CHARITABLE,
3 EDUCATIONAL, OR RELIGIOUS ASSOCIATION OR CORPORATION,
4 IF THE CLUB, ASSOCIATION, OR CORPORATION IS NOT
5 ORGANIZED FOR PRIVATE PROFIT];

6 * **Sec. 8.** AS 18.80.300(7) is amended to read:

7 (7) "executive director" means the executive director of the **Alaska**
8 State Commission for **Civil** [HUMAN] Rights;

9 * **Sec. 9.** AS 24.60.039(b) is amended to read:

10 (b) If a person files a complaint with the committee under AS 24.60.170
11 alleging a violation of this section, the committee may refer the complainant to the
12 **Alaska** State Commission for **Civil** [HUMAN] Rights and may defer its consideration
13 of the complaint until after the complainant establishes to the satisfaction of the
14 committee that the commission has completed its proceedings in the matter.

15 * **Sec. 10.** AS 39.50.200(b)(13) is amended to read:

16 (13) **Alaska** State Commission for **Civil** [HUMAN] Rights
17 (AS 18.80.010);

18 * **Sec. 11.** AS 44.62.330(a)(42) is amended to read:

19 (42) **Alaska** State Commission for **Civil** [HUMAN] Rights, where
20 procedures are not otherwise expressly provided in AS 18.80;