

CS FOR SENATE BILL NO. 103(STA) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 4/30/97

Offered: 4/16/97

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to hearings before and fees for the State Commission for
2 Human Rights; and providing for an effective date."

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

4 * **Section 1.** AS 18.80.060(b) is amended to read:

5 (b) In addition to other powers and duties prescribed by this chapter, the
6 commission may

7 (1) delegate to the executive director all powers and duties given it by
8 this chapter except the duties and powers given it by AS 18.80.120 and 18.80.130;

9 (2) call upon the departments and agencies of the state, with the
10 approval of the governor, for cooperation and assistance in carrying out this chapter;

11 (3) hold hearings under AS 18.80.120;

12 (4) establish the amount and manner of payment of fees for
13 educational services, information, and materials that the commission provides to
14 public and private organizations and other persons; the commission shall waive

1 payment of fees for its services for persons whose household income, as
 2 determined by the commission, is below the federal poverty income guidelines for
 3 Alaska issued by the United States Department of Health and Human Services,
 4 as reported in the Federal Register.

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

6 **Sec. 18.80.120. Hearing.** If the informal efforts to eliminate the alleged
 7 discrimination are unsuccessful, the executive director shall inform the commission of
 8 the failure, and the commission shall provide the respondent and the complainant with
 9 notice of the failure and shall serve written notice, together with a copy of the
 10 complaint, requiring the person, employer, labor organization, or employment agency
 11 charged in the complaint to answer the allegations of the complaint at a hearing before
 12 the commission. The hearing shall be held by the commission at the **commission**
 13 **office unless a party** [PLACE WHERE THE UNLAWFUL CONDUCT IS ALLEGED
 14 TO HAVE OCCURRED UNLESS THE PERSON, EMPLOYER, LABOR
 15 ORGANIZATION, OR EMPLOYMENT AGENCY] requests a change of venue for
 16 good cause shown, **and the commission grants the request.** The case in support of
 17 the complaint shall be presented before the commission by the executive director or
 18 a designee who shall be a bona fide resident of the state. The person charged in the
 19 complaint may file a written answer to the complaint and may appear at the hearing
 20 in person or otherwise, with or without counsel, and submit testimony. The executive
 21 director has the power reasonably and fairly to amend the complaint, and the person
 22 charged has the power reasonably and fairly to amend the answer. The commission
 23 is not bound by the strict rules of evidence prevailing in courts of law or equity. The
 24 testimony taken at the hearing shall be under oath and shall be **recorded**
 25 [TRANSCRIBED AT THE REQUEST OF ANY PARTY TO THE HEARING].

26 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).