

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

May 8, 2004

9:14 p.m.

MEMBERS PRESENT

Representative Bruce Weyhrauch, Chair
Representative Bob Lynn
Representative Paul Seaton
Representative Ethan Berkowitz
Representative Max Gruenberg

MEMBERS ABSENT

Representative Jim Holm, Vice Chair
Representative John Coghill

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 354(STA) am(efd fld)
"An Act relating to complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; and making conforming amendments."

- MOVED HCS CSSB 354(STA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 354

SHORT TITLE: HUMAN RIGHTS COMMISSION PROCEDURES

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/27/04	(S)	READ THE FIRST TIME - REFERRALS
02/27/04	(S)	STA, JUD
03/23/04	(S)	STA AT 3:30 PM BELTZ 211
03/23/04	(S)	Heard & Held
03/23/04	(S)	MINUTE(STA)
04/01/04	(S)	STA AT 3:30 PM BELTZ 211
04/01/04	(S)	Moved CSSB 354(STA) Out of Committee
04/01/04	(S)	MINUTE(STA)
04/02/04	(S)	STA RPT CS FORTHCOMING 1DP 2NR
04/02/04	(S)	NR: STEVENS G, STEDMAN; DP: COWDERY
04/05/04	(S)	STA CS RECEIVED SAME TITLE
04/14/04	(S)	JUD AT 5:30 PM BUTROVICH 205
04/14/04	(S)	Scheduled But Not Heard
04/20/04	(S)	JUD RPT CS(STA) 1DP 3NR

04/20/04 (S) DP: SEEKINS
 04/20/04 (S) NR: THERRIAULT, OGAN, FRENCH
 04/20/04 (S) JUD AT 8:00 AM BUTROVICH 205
 04/20/04 (S) Moved CSSB 354(STA) Out of Committee
 04/20/04 (S) MINUTE(JUD)
 05/02/04 (S) TRANSMITTED TO (H)
 05/02/04 (S) VERSION: CSSB 354(STA) AM(EFD FLD)
 05/03/04 (H) READ THE FIRST TIME - REFERRALS
 05/03/04 (H) STA, JUD
 05/04/04 (H) STA AT 8:00 AM CAPITOL 102
 05/04/04 (H) Heard & Held
 05/04/04 (H) MINUTE(STA)
 05/05/04 (H) STA AT 8:00 AM CAPITOL 102
 05/05/04 (H) Heard & Held
 05/05/04 (H) MINUTE(STA)
 05/05/04 (H) JUD AT 1:00 PM CAPITOL 120
 05/05/04 (H) Scheduled But Not Heard
 05/06/04 (H) STA AT 8:00 AM CAPITOL 102
 05/06/04 (H) Heard & Held
 05/06/04 (H) MINUTE(STA)
 05/06/04 (H) JUD AT 3:00 PM CAPITOL 120
 05/06/04 (H) Scheduled But Not Heard
 05/07/04 (H) JUD AT 6:15 PM CAPITOL 120
 05/07/04 (H) Scheduled But Not Heard
 05/08/04 (H) STA AT 8:00 AM CAPITOL 102

WITNESS REGISTER

No witnesses to record

ACTION NARRATIVE

TAPE 04-81, SIDE A

Number 0001

CHAIR BRUCE WEYHRAUCH reconvened the House State Affairs Standing Committee meeting, which had been recessed on May 6, 2004, at 9:14 p.m. Present at the call back to order were Representatives Seaton, Lynn, Berkowitz, Gruenberg, and Weyhrauch.

SB 354-HUMAN RIGHTS COMMISSION PROCEDURES

Number 0010

CHAIR WEYHRAUCH announced that the first order of business was CS FOR SENATE BILL NO. 354(STA) am(efd fld), "An Act relating to

complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; and making conforming amendments."

CHAIR WEYHRAUCH noted that the committee previously had adopted amendments to SB 354.

CHAIR WEYHRAUCH closed public participation.

Number 0080

CHAIR WEYHRAUCH asked again if there was any objection to adopting Amendment 2, as amended. There being no objection, he announced that Amendment 2, as amended, was adopted. [Amendment 2, as amended, had been adopted by the committee during the May 6, 2004, portion of this meeting.]

Number 0090

CHAIR WEYHRAUCH asked if there was any objection to Amendment 3, which read as follows [original punctuation provided]:

Page 4, line 9 through page 5, line 13:
Delete all material.

Re-number bill sections accordingly.

CHAIR WEYHRAUCH announced that, there being no objection, Amendment 3 was adopted.

Number 0100

REPRESENTATIVE BERKOWITZ noted that his remaining amendments, labeled 4, 5, 6, and 7 [in the committee packet] were no longer necessary, now that Amendment 3 was adopted.

Number 0164

CHAIR WEYHRAUCH referred to a letter from the Disability Law Center of Alaska (DLC), [included in the committee packet and in which Robert B. Briggs, Staff Attorney, suggested amendments]. He directed attention to the amendment labeled "DLC Proposed Amendment 3" and stated that that amendment would be called Amendment 4. Amendment 4 read as follows [original punctuation provided]:

At page 3, line 24, after the phrase "...the commission." insert sentence:

"The complainant may be represented by counsel of the complainant's choice."

Number 0190

CHAIR WEYHRAUCH asked if there was any objection to Amendment 4. There being none, Amendment 4 was adopted.

Number 0219

CHAIR WEYHRAUCH directed attention to the amendment labeled "DLC Proposed Amendment 4" and stated that that amendment would be called Amendment 5. Amendment 5 read as follows [original punctuation provided]:

At page 4, line 17, delete the phrase:

"discriminatory practice. The commission may not order an award of noneconomic or punitive damages in any case [DISCRIMINATION]"

At page 4, lines 16-17, after the phrase [sic] "...type of" insert:

"discrimination."

Number 0226

CHAIR WEYHRAUCH asked if there was any objection to Amendment 5. There being none, Amendment 5 was adopted.

Number 0236

CHAIR WEYHRAUCH directed attention to the amendment labeled "DLC Proposed Amendment 5" and stated that that amendment would be called Amendment 6. Amendment 6 read as follows [original punctuation provided, with some formatting changed]:

At page 4, line 29, after the phrase "... may order" insert the phrase:

"any appropriate relief, including but not limited to"

At page 4, line 20, delete the phrase:

"one or more of the following:"

At page 4, line 25, delete the phrase:

"for a period of not more than one year if hiring, reinstatement, or upgrading of an employee is inappropriate because no vacancy exists, the employer's discriminatory practice rendered the employee incapable of returning to work, or the relationship between the employer and the employee has so deteriorated as to make working conditions intolerable"

At page 5, line 1, delete "must" and insert "may"

At page 5, line 11, delete "[,BUT NOT LIMITED TO,]"

Number 0242

CHAIR WEYHRAUCH asked if there was any objection to Amendment 6. There being none, Amendment 6 was adopted.

Number 0255

REPRESENTATIVE SEATON moved to report CSSB 354(STA) am(efd fld), as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 354(STA) was reported out of the House State Affairs Standing Committee.

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:18 p.m.