

Introduced: 3/10/80
Referred: State Affairs

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 515

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 expenses in hearings of the State
7 Commission for Human Rights; and providing for an
8 effective date."

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

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

11 Sec. 18.80.102. PAYMENT OF EXPENSES. (a) The commission shall
12 take precautions and institute procedures necessary to discourage frivo-
13 lous and malicious complaints and to prevent the abuse of commission
14 services.

15 (b) At any time after a complaint has been filed, a party before
16 the commission may apply to the commission for an order for the payment
17 of reasonable expenses, including reasonable attorney fees. The order
18 shall be granted if the commission determines that the allowance is
19 appropriate; however, it is an abuse of discretion for the commission to
20 fail to award expenses to a respondent if the complaint is frivolous or
21 malicious.

22 (c) If the commission finds a portion of a complaint to be frivo-
23 lous or malicious, the commission shall award expenses under (b) of this
24 section in an amount which is just and appropriate considering the
25 expense to the respondent in defending against the frivolous or mali-
26 cious portion of the complaint and notwithstanding a finding by the
27 commission that the discrimination alleged in the remainder of the
28 complaint occurred.

29 (d) If necessary, the commission may gather evidence and hear

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arguments on a motion for expenses under (b) of this section in accordance with commission procedures for hearings and obtaining evidence.

(e) The failure of the commission to act on a motion for expenses before an action is dismissed, closed, or otherwise terminated is a denial of the motion and is a final administrative order.

(f) The commission may petition a court to enforce expense awards granted under (b) of this section.

(g) This section may not be construed as expanding or otherwise affecting the relief available to a successful complainant under this chapter.

* Sec. 2. AS 18.80.130(e) is repealed.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).