

**HB**

**155**

**CS FOR HOUSE BILL NO. 155(STA)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE STATE AFFAIRS COMMITTEE**

**Offered:**  
**Referred:**

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

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to hearings before and authorizing fees for the State  
2 Commission for 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.

1 \* Sec. 2. AS 18.80.120 is amended to read:

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

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

HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: February 24, 1997

FURTHER REFERRALS:

HESS  
Finance

Date of Committee Action: 3/25/97

The STATE AFFAIRS Committee considered:

HB 155

HOUSE BILL NO. 155

HUMAN RIGHTS COMMISSION FEES & HEARINGS

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

recommends it be replaced with the following committee substitute CS HB 155 (STA)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) Gov.

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Sharonette James</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			

CHAIR'S SIGNATURE *Sharonette James*

*old order 5  
Sent 3/22*

HOUSE BILL NO. 155

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/24/97

Referred: State Affairs, Health, Education and Social Services, Finance

A BILL

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*educational*

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21 [TRANSCRIBED AT THE REQUEST OF ANY PARTY TO THE HEARING].

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## ANALYSIS-HOUSE BILL 155

This bill allows the Human Rights Commission to hold hearings at its office in Anchorage rather than where the alleged discrimination occurred, as required under current law. The bill would also allow the Commission to charge fees to cover the costs of services, information and materials and to provide tapes rather than transcriptions of the hearings, as currently required.

Zero fiscal note from the Human Rights Commission. Estimated savings will result however, the savings resulting from the passage of this bill will be utilized in responding to increased demand for services.

TONY KNOWLES  
GOVERNOR

P.O. Box 115001  
Juneau, Alaska 99811-0001  
(907) 465-3500  
Fax (907) 465-3532

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 24, 1997

The Honorable Gail Phillips  
Speaker of the House  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Speaker Phillips:

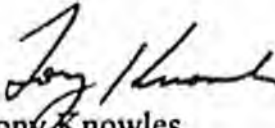
In our efforts to reduce budgets, some actions that save money also create efficiencies which better meet public service goals. That is the case with this bill regarding the Human Rights Commission. This proposal provides the Commission more flexibility in its operations and helps the body perform its essential work for the state.

The bill would allow the Human Rights Commission to hold hearings at its office in Anchorage rather than where the alleged discrimination occurred, as is required under current law. This will save time and money in travel costs. The Commission would continue to ensure that complainants may participate in the hearings.

This bill would also allow the Commission to charge fees to cover the costs of services, information and materials and to provide tapes rather than transcriptions of the hearings, as currently required.

These changes would reduce the cost and time involved in resolving cases, helping the Commission to work through its tremendous backlog of cases, and better respond to the public's increased requests for its services. The result will be better human rights protection for Alaskans.

Sincerely,

  
Tony Knowles  
Governor

HB 155

FAX TRANSMISSION SHEET

Alaska State Commission For Human Rights

800 A Street, Suite 204  
Anchorage, Alaska 99501-3669

PHONE: (907) 274-4692 or (907) 276-7474

FAX: (907) 278-8588

DATE: 3/24/97 TIME: 4:05<sup>P</sup>  
 TO: Representative James FROM: Paula M. Haley  
House State Affairs Committee Executive Director  
 FAX #: 907 465 2381 ext 241

THIS FAX IS:

- CONFIDENTIAL
- URGENT
- For action/processing
- For your information
- As requested
- ~~X/N~~ Hard copy will follow *by U.S. Mail*

ADDITIONAL INFORMATION:

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PLEASE CALL IMMEDIATELY IF YOU DO NOT RECEIVE ALL PAGES. THANK YOU.

# of Pages: 5 Operator: MT  
 (Including cover sheet) Extension No.: 237

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

**HUMAN RIGHTS COMMISSION**

800 A STREET, SUITE 204  
ANCHORAGE, ALASKA 99501-0869  
PHONE: (907) 274-4692 / 276-7474  
TTY/TDD: (907) 276-3177  
FAX: (907) 278-8588

March 24, 1997

SENT VIA FAX 907/465-2963

Representative Jeanette James, Chair  
House State Affairs Committee  
State of Alaska  
State Capitol  
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative James:

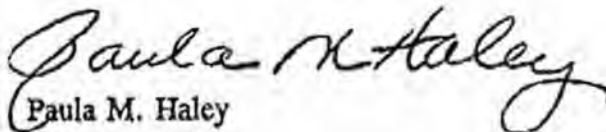
Thank you for the opportunity to testify and answer questions concerning the referenced legislation this past Saturday. I am sorry that my telephone connection made it so difficult for me to hear the questions posed by Committee members. I appreciate your assistance in transmitting their queries back to me.

I am enclosing copies of my letters of response to queries from Representatives Ivan and Vezey during my testimony on House Bill 155 this Saturday.

I hope that these letters address the Committee Members' questions and concerns. I will be at the Legislative Information Office teleconference of the House State Affairs Committee Meeting tomorrow morning if there are other questions.

You are welcome to call me anytime at 907/276-7474, extension 241.

Sincerely,



Paula M. Haley  
Executive Director

PMH/mt  
Enc: 2

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## HUMAN RIGHTS COMMISSION

800 A STREET, SUITE 204  
ANCHORAGE, ALASKA 99501-3669  
PHONE: (907) 274-4692 / 278-7474  
TTY/TDD: (907) 276-3177  
FAX: (907) 278-8588

March 24, 1997

SENT VIA FAX 907/465-3258

Representative Al Vezcy  
State of Alaska  
State Capitol  
Juneau, AK 99801-1182

Re: House Bill 155

Dear Representative Vezcy:

I am writing in follow-up to a question and concern which you raised during my testimony this past Saturday before the House State Affairs Committee on House Bill 155 (HB155). I will try to address each below.

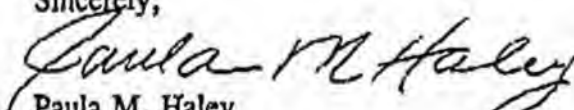
You asked whether the last sentence of Section 18.80.120 which reads "The testimony taken at hearing shall be under oath and shall be recorded. [TRANSCRIBED AT THE REQUEST OF ANY PARTY TO THE HEARING]" is necessary given the Open Meetings Act. While the Commission's meetings are covered by the Open Meetings Act, it is not clear that the agency's hearings are, in light of the exceptions listed under AS 44.62.310 (d)(i). Therefore, it might be best for clarity to leave this sentence in the bill.

You also expressed concern that the broad language of Section 1. AS 18.80.060 (b)(4) would allow for fees for other enforcement services, including filing fees. Representative Dyson and I both indicated that the Commission originally sought authorization to charge fees only for educational services and materials. The legislation, as originally discussed, read as follows: *(4) establish the amount and manner of payment of fees for education and training services and information and materials that the commission provides to public and private organizations and other persons.*

The Commission is fine with returning to this more limited language, if it will resolve the your concerns and those of other Committee members.

I hope that this letter answers your question as my telephone connection made it difficult to hear you and other Committee members. If this letter does not fully address your concerns, or if you need additional information, please feel free to contact me at 907/276-7474, extension 241.

Sincerely,

  
Paula M. Haley  
Executive Director

PMH/mt

cc: House State Affairs Committee Members

Toll Free  
In Alaska (800) 478-4692  
TTY / TDD Only (800) 478-3177

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

**HUMAN RIGHTS COMMISSION**

800 A STREET, SUITE 204  
ANCHORAGE, ALASKA 99501-3669  
PHONE: (907) 274-4692 / 278-7474  
TTY/TDD: (907) 276-5177  
FAX: (907) 278-8588

March 24, 1997

Representative Ivan  
State Capitol Building  
Juneau, AK 99801-1182

Re: **House Bill 155**

Dear Representative Ivan:

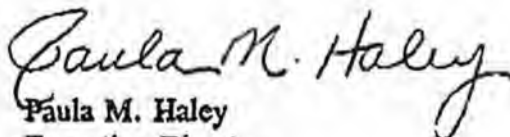
I am writing to answer a question which you raised during my testimony on HB 155 before the House State Affairs Committee on Saturday. You requested information regarding the location of cases filed with the Alaska State Commission for Human Rights (Commission) and location of public hearings.

I believe that Representative Dyson had a copy of the Commission's *1996 Annual Report* with him at the meeting and was able to show you the chart at page 10. This chart breaks out the origin of complaints filed with the agency (copy attached). Complaints from the Bethel area are listed under "Southcentral". More specifically, the Commission received seven complaints of discrimination from the Bethel area in 1996.

In addition, you wished to know where the Commission has been holding its hearings. Of the last ten hearings, six were held in Anchorage, three in Fairbanks and one in Kenai. One of the Anchorage hearings might have been held in Dutch Harbor, but for convenience the parties agreed to hold it in Anchorage. I wish to underscore that if a party does not wish to come to the Commission's office for a hearing, the agency's regulations allow them to attend by telephone.

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Sincerely,



Paula M. Haley  
Executive Director

enc: *1996 Annual Report*

cc: House State Affairs Committee Members w/out enc

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# 1996 CASE PROCESSING STATISTICS

## ANALYSIS OF FILINGS BY COMPLAINANT'S SEX

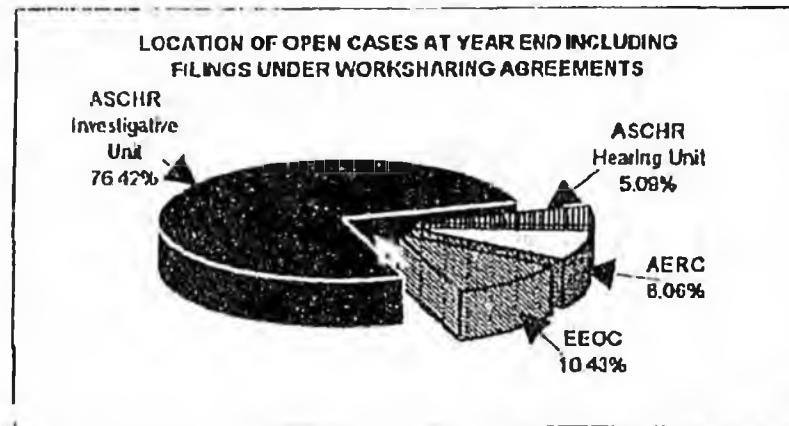
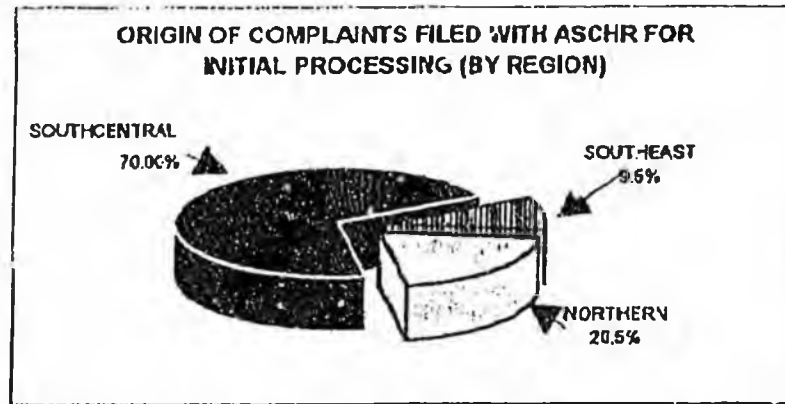
Female	299
Male	241
<b>Total Filings</b>	<b>540</b>

## ANALYSIS OF FILINGS BY COMPLAINANT'S RACE

Caucasian	287
Black	96
Alaska Native	49
Hispanic	34
Asian	28
Unknown	24
American Indian	14
Other	8
<b>Total Filings</b>	<b>540</b>

## ANALYSIS OF FILINGS BY TYPE

Employment	447
Government Practices	33
Public Accommodation	31
Housing	27
Coercion	0
Finance	0
Multiple	2
<b>Total Filings</b>	<b>540</b>



## ANALYSIS OF FILINGS BY BASIS

Basis	Single Basis Complaint	Multiple Basis Complaint
Race/Color	103	79
Physical Disability	73	37
Sex	54	96
Age	34	46
National Origin	22	26
Retaliation for Filing	19	18
Religion	15	12
Mental Disability	8	15
Marital Status	7	19
Pregnancy	7	10
Retaliation	5	69
Parenthood	1	10
Multiple Bases	192	0
<b>Total Filings</b>	<b>540</b>	<b>437</b>

## ANALYSIS OF FILINGS BY ISSUE

Issue	Single Issue Complaint	Multiple Issue Complaint
Discharge	86	154
Failure to Hire	76	21
Terms & Conditions	68	171
Denied Service	26	5
Failure to Promote	9	20
Other	8	16
Harassment	7	75
Sexual Harassment	5	46
Failure to Rent	5	3
Pay Equity	3	14
Denotation	3	13
Eviction	1	7
Failure to Dispatch	0	3
Multiple Issue	243	0
<b>Total Filings</b>	<b>540</b>	<b>548</b>

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

TONY KNOWLES, GOVERNOR

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State of Alaska  
State Capitol  
Juneau, AK 99801-1182

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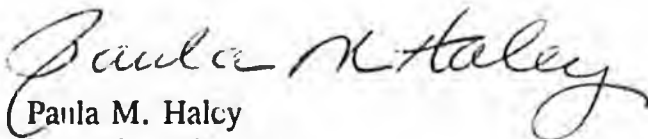
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Paula M. Halcy  
Executive Director

PMH/mt  
Enc: 2

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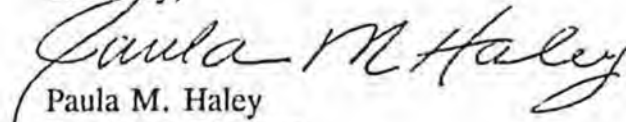
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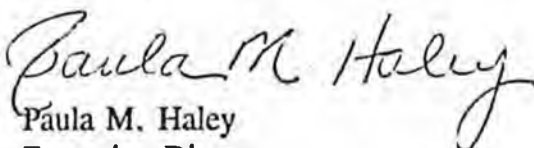
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cc: House State Affairs Committee Members w/out enc

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# 1996 CASE PROCESSING STATISTICS

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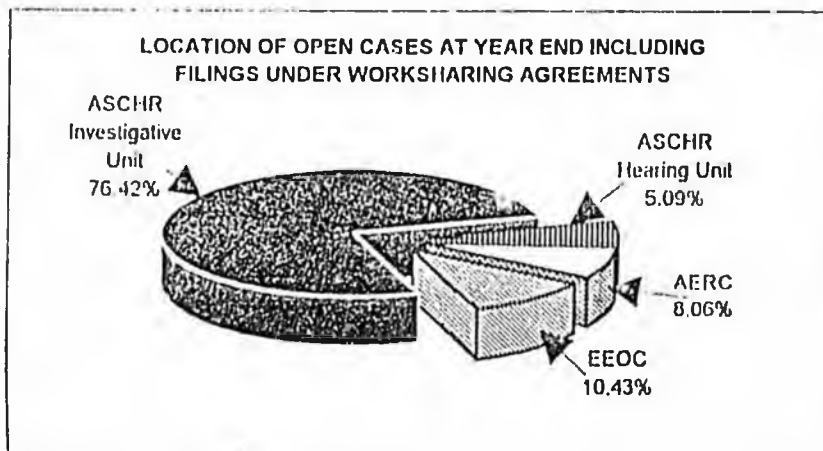
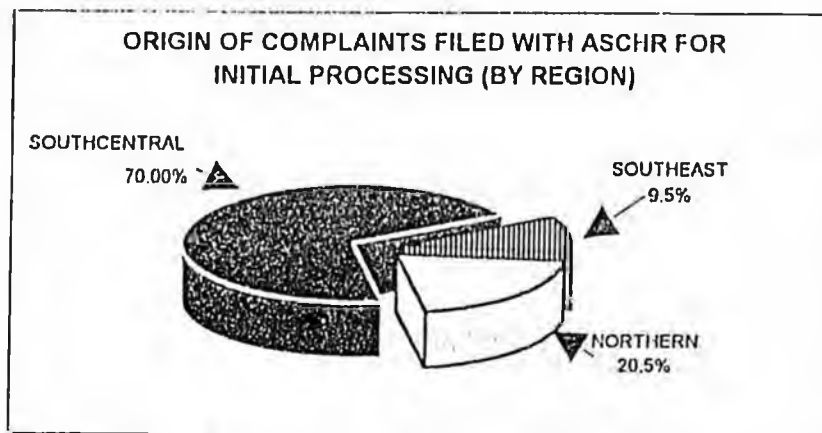
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# FISCAL NOTE

**STATE OF ALASKA  
 1997 LEGISLATIVE SESSION**

Revision Date: \_\_\_\_\_ Dept. Affected: Office of the Governor  
 Title: "An Act relating to hearings before and authorizing BRU: Commissions and Special Offices  
fees for the State Commission for Human Rights: ...." Component: Human Rights Commission  
 Sponsor: Rules Committee  
 Requester: Governor COMPONENT SERIAL NO. 1

**Expenditures/Revenues (Thousands of Dollars)**

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS: (Attach a separate page if necessary)**

The Commission has seen a dramatic increase in the number of Alaskans requesting services at a time when the Commission is operating with fewer staff. As a result, the Commission now has more cases in its inventory than ever before in its 33-year history and Alaskans must wait upwards of eight (8) months prior to cases reaching an investigator's desk. Passage of this bill will assist the Commission by reducing costs and allowing it to reallocate these resources to investigations.

This legislation will provide the Commission with authorization to conduct hearings at its office, rather than incur the expense of travel for the Hearing Advocate, and Hearing Examiner to the place where the unlawful conduct is alleged to have occurred. Any savings resulting from passage of this bill will be utilized in responding to the public's increased demand for services.

This bill also provides authorization for the Commission to charge fees for certain services. After legislative authorization is provided and required regulations are promulgated, the Commission will estimate the level of fees to be collected and seek the appropriate level of authority for receipts in the budget process.

Prepared by: Paula M. Haley, Executive Director Phone: 278-7474  
 Division: Human Rights Commission Date: 11-19-96  
 Approved by Commissioner: Jim Ayers, Chief of Staff Date: 11-20-96  
 Agency: Office of the Governor

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