

SB

354

.....

# facsimile transmittal

To: Leg. Legal Fax: 2029

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From: Katrina Matheny, Sen. Gary Stevens Date: 4/2/2004  
Office

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Re: State Affairs CS for SB 354 Pages: 1

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CC:

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Urgent     For Review     Please Comment     Please Reply     Please Recycle

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Can I please get a Senate State Affairs CS for SB 354. The committee passed version A with the following three amendments. 1) On Page 4, line 31 and Page 5, line 1, they changed reasonable and diligent to **reasonably diligent**. 2) On Page 3, lines 27 & 28, the committee changed the sentence to read: **An accusation may be reasonably and fairly amended by the commission.** 3) On Page 4, line 23, the committee deleted "two" years and inserted "one" year.

Thanks.

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# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 2/27/04

FURTHER: Judiciary

Date of 5-Day Notice: 3/25/04  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 4/2/04

State Affairs Committee considered SENATE BILL NO. 354

### SB 354 HUMAN RIGHTS COMMISSION PROCEDURES

"An Act relating to complaints filed with, and investigations, hearings, and orders of, the State Commission for Human Rights; making conforming amendments; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 354 (STA)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
<u>DOG</u>	<u>2/24/04</u>			<input checked="" type="checkbox"/>	<u>1</u>

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<u>John A. Caudrey</u>	<input checked="" type="checkbox"/>			
<u>Robert K. Thurman</u>			<input checked="" type="checkbox"/>	
CHAIR: <u>[Signature]</u>			<input checked="" type="checkbox"/>	

## ANALYSIS OF PROPOSED ASCHR BILL

- Would allow complainant to withdraw complaint before accusation is served, but preserve commission's right to file complaint on its own; bill avoids conflicts between (1) staff's exercise of expanded discretion to compromise, dismiss, or pursue complaint and (2) victims' interests, by allowing complainant to opt out of commission procedures; complainant may, after withdrawal, pursue claim independently of commission in another forum
- Would incorporate current regulation's (6 AAC 30.230) 180-day limitation period for filing complaint
- Would permit conciliation agreements compromising damage claims, require that agreements be reduced to writing, and provide that agreements would be enforceable as commission orders
- Would give commission staff greater authority to evaluate complaints and choose those that go to hearing, reversing decision in *Department of Fish and Game v. Meyer*, 906 P.2d 1365 (Alaska 1995); prosecutorial discretion would allow commission to commit its resources to complaints it determines merit pursuit, based on factors such as strength of evidence, severity of alleged violation, employer's history before the commission, or complaint's value in establishing precedent
- Would require commission to follow procedures in Administrative Procedure Act, unless AS 18.80 provides different procedure; would eliminate some

procedural requirements that Administrative Procedure Act addresses, such as admissibility of evidence and requirement that testimony be under oath

- Would limit amendments to complaint after case is referred for hearing to insure that all changes are supported by substantial evidence and that respondent has opportunity to address all charges informally before being required to defend them in formal hearing
- Would allow something similar to a motion for summary judgment if facts are not disputed
- Would clarify remedies available through commission to remedy unlawful discrimination; no noneconomic or punitive damages; remedies would normally be limited to restoration of actual benefits lost – i.e., hiring, promoting, or reinstating to position – except if working environment had deteriorated intolerably, when commission could award up to two years' compensation, less wages employee should be able to earn
- Would tie rate of interest awarded by commission to legal rate in AS 09.30.070; would bring commission into conformity with other administrative agencies and the courts

SENATE BILL NO. 354

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/27/04  
Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to complaints filed with, and investigations, hearings, and orders of,  
2 the State Commission for Human Rights; making conforming amendments; and  
3 providing for an effective date."

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

5 \* Section 1. AS 18.80.100 is amended to read:

6           Sec. 18.80.100. Complaint; time limitations. A person who is aggrieved by  
7           a [ANY] discriminatory practice [CONDUCT] prohibited by this chapter may sign  
8           and file with the commission a written, verified complaint stating the name and  
9           address of the person alleged to have engaged in the discriminatory practice  
10           [CONDUCT], and the particulars of the discrimination. A complainant may  
11           withdraw the complaint at any time before the service of an accusation under  
12           AS 18.80.120. A withdrawal must be signed by the complainant and be in  
13           writing. A withdrawal does not limit the discretion of the executive director  
14           provided in (b) of this section. [THE EXECUTIVE DIRECTOR MAY FILE A

1 COMPLAINT IN LIKE MANNER WHEN AN ALLEGED DISCRIMINATION  
2 COMES TO THE ATTENTION OF THE DIRECTOR.]

3 \* Sec. 2. AS 18.80.100 is amended by adding new subsections to read:

4 (b) The executive director may file a complaint in the manner provided in (a)  
5 of this section when a discriminatory practice comes to the attention of the executive  
6 director.

7 (c) A complaint may be filed no later than 180 days after the alleged  
8 discriminatory practice or, for a continuing discriminatory practice, no later than 180  
9 days after the alleged discriminatory practice stopped.

10 \* Sec. 3. AS 18.80.110 is amended to read:

11 **Sec. 18.80.110. Investigation and conciliation.** The executive director or a  
12 member of the commission's staff designated by the executive director shall  
13 informally investigate the matters set out in a filed complaint, promptly and  
14 impartially. If the investigator determines that there is [THE ALLEGATIONS ARE  
15 SUPPORTED BY] substantial evidence of a discriminatory practice under this  
16 chapter, the investigator shall immediately try to eliminate or remedy the  
17 discriminatory practice through an agreement reached [DISCRIMINATION  
18 COMPLAINED OF,] by conference, conciliation, and persuasion. If an agreement is  
19 reached, it must be reduced to writing and signed by the complainant, executive  
20 director, and respondent. The agreement is binding and enforceable under this  
21 chapter as an order of the commission. Any agreement reached under this  
22 section may include the compromise of damages authorized under this chapter.

23 \* Sec. 4. AS 18.80 is amended by adding a new section to read:

24 **Sec. 18.80.112. Dismissal for administrative convenience.** (a) At any time  
25 before the issuance of an accusation under AS 18.80.120, the executive director may  
26 dismiss without prejudice a complaint for administrative convenience if the executive  
27 director determines, in the executive director's discretion, that the complainant's  
28 objection to a proposed conciliation agreement is unreasonable; the complainant is  
29 unavailable or unwilling to participate in a hearing; relief is precluded by the absence  
30 of the person alleged to have engaged in the discriminatory practice; a hearing will not  
31 benefit the complainant; the person aggrieved by the discriminatory practice has

1 initiated or wants to initiate an action or proceeding in another forum based on the  
 2 same facts; a hearing will not represent the best use of commission resources; a  
 3 hearing will not advance the purposes stated in AS 18.80.200; the probability of  
 4 success of the complaint on the merits is low; or proceeding to a hearing will not serve  
 5 the public interest.

6 (b) Dismissal under this section does not prevent a complainant from

7 (1) initiating an action or proceeding in another forum; or

8 (2) filing a new complaint under AS 18.80.100 that resolves the  
 9 grounds for the dismissal under (a) of this section.

10 \* Sec. 5. AS 18.80.120 is repealed and reenacted to read:

11 **Sec. 18.80.120. Hearing.** (a) If informal efforts under AS 18.80.110 to  
 12 eliminate or remedy the alleged discriminatory practice are unsuccessful and the  
 13 executive director determines, in the executive director's discretion, to refer the  
 14 complaint for hearing, the executive director shall issue an accusation based on the  
 15 investigator's determination of substantial evidence and serve the person charged in  
 16 the accusation and the complainant with notice of the referral and a copy of the  
 17 accusation. The executive director's decision to refer the complaint to hearing is not  
 18 reviewable by the commission under this chapter. The location of the hearing is the  
 19 commission office unless the commission designates another location. The executive  
 20 director, or the executive director's designee, presents the case in support of the  
 21 accusation before the commission. The person charged in the accusation may file a  
 22 written answer and may appear at the hearing, with or without counsel, and submit  
 23 evidence.

24 (b) The commission shall follow the procedures in the Administrative  
 25 Procedure Act, AS 44.62.330 - 44.62.630, except as otherwise provided in this  
 26 chapter.

27 (c) An accusation <sup>may be amended by the commission, only upon a showing</sup>~~may be amended by the commission, only upon a showing~~  
 28 of good cause. An amendment to name a different discriminatory practice must be  
 29 supported by substantial evidence, and the discriminatory practice must be referred for  
 30 conciliation as provided in AS 18.80.110, before a hearing may proceed.

31 (d) In a hearing on an accusation, each element of an accusation or defense

1 must be proven by a preponderance of the evidence.

2 (e) At any time after the issuance of an accusation, the executive director or  
3 the person charged in the accusation may petition for a summary decision on the  
4 accusation. The commission shall grant a petition if the record shows that there is no  
5 genuine issue of material fact and the petitioner is entitled to an order under  
6 AS 18.80.130 as a matter of law.

7 \* Sec. 6. AS 18.80.130(a) is amended to read:

8 (a) At the completion of the hearing or after consideration of a petition for  
9 summary decision under AS 18.80.120(e), if the commission finds that a person  
10 charged in an accusation [AGAINST WHOM A COMPLAINT WAS FILED] has  
11 engaged in the discriminatory practice [CONDUCT] alleged in the accusation  
12 [COMPLAINT], it shall order the person to refrain from engaging in the  
13 discriminatory practice [CONDUCT]. The order must include findings of fact, and  
14 may prescribe conditions on [THE ACCUSED'S] future conduct relevant to the type  
15 of discriminatory practice [DISCRIMINATION]. The commission may not order  
16 an award of noneconomic or punitive damages in any case. In a case involving a  
17 discriminatory practice [DISCRIMINATION] in

18 (1) employment, the commission may order one or more of the  
19 following: the training of an employer, labor organization, or employment  
20 agency, and its employees, concerning discriminatory practices; [ANY  
21 APPROPRIATE RELIEF, INCLUDING BUT NOT LIMITED TO,] the hiring,  
22 reinstatement or upgrading of an employee with or without back pay; the payment of  
23 front pay for a period of not more than two years if hiring, reinstatement, or  
24 upgrading of an employee is inappropriate because no vacancy exists, the  
25 employer's discriminatory practice rendered the employee incapable of returning  
26 to work, or the relationship between the employer and employee has so  
27 deteriorated as to make working conditions intolerable; [,] restoration to  
28 membership in a labor organization; [,] or admission to or participation in an  
29 apprenticeship training program, on-the-job training program, or other retraining  
30 program; however, an order for back pay or front pay must be reduced by the  
31 amount the employee could have earned or could earn by making reasonable and

1           diligent efforts to obtain similar employment;

2                           (2) housing, the commission may order the sale, lease, or rental of the  
3 housing accommodation to the aggrieved person if it is still available, or the sale,  
4 lease, or rental of a like accommodation owned by the person charged in the  
5 accusation [AGAINST WHOM THE COMPLAINT WAS FILED] if one is still  
6 available, or the sale, lease, or rental of the next vacancy in a like accommodation,  
7 owned by the person charged in the accusation [AGAINST WHOM THE  
8 COMPLAINT WAS FILED]; the commission may award actual damages which shall  
9 include[, BUT NOT BE LIMITED TO,] the expenses incurred by the complainant for  
10 obtaining alternative housing or space; for storage of goods and effects; for moving  
11 and for other costs actually incurred as a result of the unlawful practice or violation.

12 \* Sec. 7. AS 18.80.130(c) is amended to read:

13                           (c) If the commission finds that a person charged in an accusation  
14 [AGAINST WHOM A COMPLAINT WAS FILED] has not engaged in the  
15 discriminatory practice [CONDUCT] alleged in the accusation [COMPLAINT], it  
16 shall issue and cause to be served on the complainant an order dismissing the  
17 complaint.

18 \* Sec. 8. AS 18.80.130 is amended by adding a new subsection to read:

19                           (f) The interest rate for an award under this section is determined in the  
20 manner provided in AS 09.30.070.

21 \* Sec. 9. AS 18.80.140 is amended to read:

22                           **Sec. 18.80.140. Effect of compliance with order.** Immediate and continuing  
23 compliance with all the terms of a commission order is a bar to criminal prosecution  
24 for the particular instances of discriminatory practice [CONDUCT] described in the  
25 accusation issued under AS 18.80.120 [FILED BEFORE THE COMMISSION].

26 \* Sec. 10. AS 18.80.270 is amended to read:

27                           **Sec. 18.80.270. Penalty.** A person, employer, labor organization, or  
28 employment agency, who or that wilfully engages in an unlawful discriminatory  
29 practice [CONDUCT] prohibited by this chapter, or wilfully resists, prevents,  
30 impedes, or interferes with the commission or any of its authorized representatives in  
31 the performance of duty under this chapter, or who or that wilfully violates an order of

1 the commission, is guilty of a misdemeanor and upon conviction by a court of  
2 competent jurisdiction is punishable by a fine of not more than \$500, or by  
3 imprisonment in a jail for not more than 30 days, or by both.

4 \* Sec. 11. AS 18.80.300 is amended by adding a new paragraph to read:

5 (17) "complainant" means a person who is aggrieved by a  
6 discriminatory practice prohibited by this chapter and who has filed a complaint as  
7 provided in AS 18.80.100.

8 \* Sec. 12. AS 44.62.330(a) is amended by adding a new paragraph to read:

9 (61) State Commission for Human Rights, where procedures are not  
10 otherwise expressly provided in AS 18.80.

11 \* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 APPLICABILITY. This Act applies to all complaints filed on or after the effective  
14 date of secs. 1 - 12 of this Act.

15 \* Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 TRANSITION: REGULATIONS. The State Commission for Human Rights may  
18 proceed to adopt regulations necessary to implement the changes made by this Act. The  
19 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
20 effective date of the statutory change.

21 \* Sec. 15. Section 14 of this Act takes effect immediately under AS 01.10.070(c).

22 \* Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2004.

SENATE BILL NO. 354  
"AN ACT RELATING TO COMPLAINTS FILED WITH,  
AND INVESTIGATIONS, HEARINGS, AND ORDERS OF,  
THE STATE COMMISSION FOR HUMAN RIGHTS"

SECTIONAL ANALYSIS  
OFFICE OF THE ATTORNEY GENERAL

Section 1: Amends AS 18.80.100 to ensure that a complainant may withdraw a complaint of unlawful discrimination during the investigative and conciliation phases of the procedures and before the executive director issues an accusation, which begins formal procedures.

Section 2: Adds new subsections to 18.80.100. The power of the executive director to file a complaint is moved to proposed subsection (b).

Proposed subsection (c) adds to 18.80.100 the limitation period for filing a complaint set out in 6 AAC 30.230. The limitation period established allows the filing of a complaint for 180 days after the discriminatory act or practice ends.

Section 3: Amends 18.80.110 to require a written and signed agreement if a complaint is resolved in the conciliation phase, to make that agreement the equivalent of a commission order for purposes of enforcement, and to authorize the compromise of a damages claim in the agreement.

Section 4: Adds a new section expanding the discretion of the executive director to dismiss complaints in appropriate circumstances. The purpose of the section is to reverse the Alaska Supreme Court's decision in *Department of Fish and Game v. Meyer*, 906 P.2d 1365 (Alaska 1995), that a hearing is mandatory if a complaint is supported by substantial evidence. The Court concluded that the law did not give the commission

staff discretion to discontinue action on a complaint after an investigator found substantial evidence of unlawful discrimination. *Id.*, at 1373. The effect of this decision was to require the commission to commit its resources to any complaint supported by substantial evidence without regard to such factors as the weakness of the evidence, the strength of an employer's affirmative defenses, or the significance of the alleged violation.

Subsection (a) expands the discretion of the executive director to pursue complaints based on such factors as, for example, the strength of the evidence, the severity of the alleged violation, an employer's history before the commission, the complainant's cooperation, or the complaint's value in establishing precedent guiding future conduct.

Subsection (b) ensures that the executive director's administrative dismissal is not a dismissal on the merits and that a complainant may file an action with a court or another agency or even file a new complaint with the commission if the reason for the administrative dismissal can be resolved.

**Section 5:** Repeals and reenacts 18.80.120, which sets out the requirements for a hearing on a complaint of discrimination.

Subsection (a) implements the expanded discretion of the executive director to choose the complaints that commission staff pursue to hearing and provides that the commission may not review the executive director's exercise of that discretion. It also provides that, if the executive director refers a complaint for hearing, the executive director must issue an accusation based on the investigator's determination of substantial evidence.

Subsection (b) adds a requirement that the hearing follow the procedures in the Administrative Procedure Act, AS 44.62.330 - 44.62.630, except where the statutes applying to the commission provide otherwise.

Subsection (c) provides for the amendment of an accusation only upon a showing of good cause, and it requires that an amendment naming a different discriminatory practice be supported by substantial evidence and that the parties be provided an opportunity to resolve the practice in conciliation before the hearing may proceed.

Subsection (d) establishes the burden of proof at a hearing by requiring that the elements of an accusation or defense be proven by a preponderance of the evidence.

Subsection (e) authorizes the commission to issue a summary decision without a hearing in the same manner that a court may issue a summary judgment -- when the facts are not in dispute and the party petitioning for a summary decision is entitled to an order as a matter of law.

Section 6: Amends the remedial provisions in 18.80.130(a) to authorize the commission to order a remedy after a hearing or after considering a petition for a summary decision. It clarifies the remedial authority of the commission by providing that the commission may not order awards of noneconomic or punitive damages in any cases.

Paragraph (1), addressing employment, is amended to set out the specific remedies that the commission can award to remedy a discriminatory employment practice. To the remedies of hiring, reinstatement or upgrading an employee with or without back pay, it adds the remedy of payment of front pay for a period of two years in special

circumstances: if hiring, reinstatement or upgrading of an employee cannot be accomplished because the employer does not have an appropriate vacancy; if the employer's discriminatory conduct made the employee incapable of returning to work; or if the relationship between the employer and employee has so deteriorated that they cannot work together. The paragraph adds a duty to mitigate. An order for either front pay or back pay must be reduced by the amount that the employee could have earned if the employee made a reasonable and diligent effort to obtain comparable employment.

- Section 7: Makes conforming amendments to 18.80.130(c).
- Section 8: Adds a provision tying the rate of interest when the commission awards interest to the legal rate in AS 09.30.070.
- Section 9: Makes conforming amendments to 18.80.140.
- Section 10: Makes conforming amendments to 18.80.270.
- Section 11: Adds a definition of "complainant" to the definition section in 18.80.300.
- Section 12: Adds a paragraph to the Administrative Procedure Act adding the commission to the list of agencies that the Act's hearing provisions cover.
- Section 13: Applies the law prospectively, to complaints filed after it is enacted.
- Section 14: Authorizes the commission to begin adopting regulations to implement the changes before the effective date of the act and provides that the regulations may not take effect before the act's effective date.
- Section 15: Provides an immediate effective date for section 14, which authorizes the commission to begin procedures to adopt regulations.

Section 16: Provides an effective date of July 1, 2004.

THE  
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SB 354

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February 25, 2004

The Honorable Gene Therriault  
President of the Senate  
Alaska State Legislature  
State Capitol, Room 111  
Juneau, AK 99801-1182

Dear President Therriault:

Under the authority of article III, section 18, of the Alaska Constitution, I am transmitting a bill that would amend the investigation and procedure laws of the State Commission for Human Rights (commission). The bill would amend the investigation and hearing procedures to enhance efficiency and to give the commission more enforcement discretion to increase its effectiveness in combating unlawful discrimination.

The bill would add a new statutory provision, AS 18.80.112, to provide the staff of the commission with greater authority to evaluate complaints of discrimination and to choose the complaints that it pursues to hearing before the commission. The purpose of the amendment is to reverse the Alaska Supreme Court's decision in Department of Fish and Game v. Meyer, 906 P.2d 1365 (Alaska 1995), that a hearing is mandatory if a complaint is supported by substantial evidence. The court concluded that the state human rights laws did not give the commission staff discretion to discontinue action on a complaint after an investigator found substantial evidence of unlawful discrimination. *Id.*, at 1373. The effect of this decision was to require the commission to commit its resources to any complaint supported by substantial evidence without regard to such factors as the weakness of the evidence, the strength of an employer's affirmative defenses, or the significance of the alleged violation. Providing the commission with genuine prosecutorial discretion would allow the commission to commit its resources to complaints it determines merit pursuit, based on such factors as, for example, the strength of the evidence, the severity of the alleged violation, an employer's history before the commission, or the complaint's value in establishing precedent guiding future conduct.

The discretion of the staff of the commission would also be expanded to allow it to compromise a claim for damages in the conciliation (or prehearing) phase of the procedures. The bill would avoid conflicts between staff's exercise

The Honorable Gene Therriault

February 25, 2004

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of its expanded discretion to compromise, dismiss, or pursue a complaint and the concerns of the victims of unlawful discrimination by allowing a complainant to opt out of commission procedures. A complainant may withdraw the complaint at any time before the executive director of the commission makes the decision to go to hearing and, after withdrawal, pursue the claim independently of the commission in another forum.

The bill also would change the hearing procedures. These changes include requiring the commission to follow the procedures in the Administrative Procedure Act, AS 44.62.330 - 44.62.630, unless AS 18.80 provides a different procedure. The bill would eliminate from AS 18.80 some duplicative procedural requirements that are addressed in the Administrative Procedure Act, such as the admissibility of evidence and the requirement that testimony be under oath. Another change would be the addition of a provision similar to a motion for summary judgment in the civil rules of court to allow a summary decision on the law if the facts are not disputed. The reason for allowing a summary decision would be that it is a faster procedure than a hearing, and it would provide a sufficient opportunity to be heard on the legal issues when the facts are not in dispute. The bill would add a provision tying the rate of interest when the commission awards interest to the legal rate in AS 09.30.070 to bring the commission into conformity with other administrative agencies and the courts. It would limit amendments to a complaint after a case is referred for hearing to ensure that all changes are supported by substantial evidence and that a respondent has an opportunity to address all charges informally before being required to defend them in a formal hearing. The bill would move the statute of limitations for bringing a claim from regulation (6 AAC 30.230) to statute.

Finally, the bill would amend AS 18.30.130, which addresses the authority of the commission to remedy unlawful discrimination, to establish that the appropriate remedy for unlawful employment discrimination normally would be to restore the actual benefit that was deprived -- hiring, promotion, or reinstatement to a position. In the unusual case where the relationship is so poisoned that the employee cannot return to work, the bill would allow an award of up to two years of compensation, minus the wages that the employee should be able to earn. Additionally, under the bill the commission would be able to order training regarding discriminatory practices.

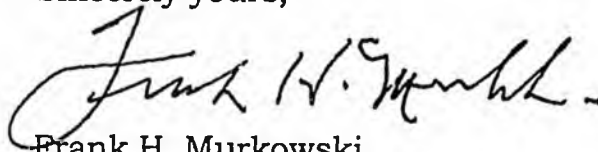
This bill, by increasing the commission's discretion in handling complaints, would enable the commission to allocate its diminishing resources to cases in which the commission could be the most effective in addressing and eliminating unlawful discrimination. By streamlining commission procedures,

The Honorable Gene Therriault  
February 25, 2004  
Page 3

the bill would help contain costs and ensure that the procedures are equitable to both complainants and the persons, businesses, labor organizations, and employment agencies charged before the commission with unlawful discrimination.

I urge your prompt and favorable action on this bill.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frank H. Murkowski". The signature is written in a cursive style with a large initial "F" and a long horizontal stroke at the end.

Frank H. Murkowski  
Governor

Enclosure

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: SB 354  
 (S) Publish Date: 2/27/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: OOG  
 Title "An Act relating to complaints filed RDU Executive Operations  
with the State Commission for Human Rights.." Component Human Rights  
 Sponsor Rules Committee  
 Requester Governor Component No. 1

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

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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 (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This legislation has no fiscal impact on the Alaska Human Rights Commission.

Prepared by: Gail Fenumiai, Asst. Admin. Director LP Phone 465-3885  
 Division: Office of the Governor, Administrative Services Date/Time 2/24/04 9:17 AM  
 Approved by: Paula Haley, Executive Director Date 2/24/2004  
 Agency: Alaska Human Rights Commission