

HOUSE BILL NO. 221

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HIGGINS

Introduced: 1/10/14

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to attorney fees for a prevailing party who appeals an order of the
2 State Commission for Human Rights; relating to the State Commission for Human
3 Rights; and amending Rule 508, Alaska Rules of Appellate Procedure."

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

5 * **Section 1.** AS 09.60 is amended by adding a new section to read:

6 **Sec. 09.60.017. Attorney fees for appeals of a decision of the State**
7 **Commission for Human Rights.** When a person appeals an order under
8 AS 18.80.130 (State Commission for Human Rights) and the person, when
9 represented by counsel, prevails in the action, the State Commission for Human Rights
10 shall pay reasonable attorney fees to the person, as determined by the court. In a case
11 of partial affirmance and partial reversal, the court shall determine the amount of costs
12 and attorney fees, if any, to be paid to the person by the State Commission for Human
13 Rights.

14 * **Sec. 2.** AS 18.80.100(a) is amended to read:

1 (a) A person who is aggrieved by a discriminatory practice prohibited by this
 2 chapter may sign and file with the commission, **within 90 days after the**
 3 **discriminatory practice is discovered by the complainant,** a written, verified
 4 complaint stating the name and address of the person alleged to have engaged in the
 5 discriminatory practice, and the particulars of the discrimination. A complainant may
 6 withdraw the complaint at any time before the service of an accusation under
 7 AS 18.80.120. A withdrawal must be signed by the complainant and be in writing. A
 8 withdrawal does not limit the discretion of the executive director provided in (b) of
 9 this section.

10 * **Sec. 3.** AS 18.80 is amended by adding a new section to read:

11 **Sec. 18.80.132. Time limit.** (a) The commission shall complete all action on a
 12 complaint not later than 24 months after the original complaint is filed. If the
 13 complaint is not resolved within 24 months through conference, conciliation,
 14 dismissal, hearing, or issuance of an order, the complaint shall be dismissed with
 15 prejudice, and the commission may not take any action against the respondent based
 16 on the original complaint. A person whose complaint is dismissed under this section
 17 may file an action in the superior court.

18 (b) When computing the 24-month time limit under this section, the
 19 commission shall exclude a delay resulting from

- 20 (1) a continuance granted at the request of the respondent or with the
 21 consent of the respondent or the respondent's counsel; and
 22 (2) the absence or unavailability of the respondent.

23 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

25 **INDIRECT COURT RULE AMENDMENT.** AS 09.60.017, enacted by sec. 1 of this
 26 Act, has the effect of changing Rule 508, Alaska Rules of Appellate Procedure, by providing
 27 for the award of attorney fees to certain persons in appeals from decisions of the State
 28 Commission for Human Rights.

29 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 **APPLICABILITY.** (a) AS 18.80.100(a), as amended by sec. 2 of this Act, applies to a

1 complaint based on a discriminatory practice committed on or after the effective date of this
2 Act.

3 (b) AS 18.80.132, enacted by sec. 3 of this Act, applies to a complaint filed with the
4 State Commission for Human Rights on or after the effective date of this Act.

5 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 **CONDITIONAL EFFECT.** AS 09.60.017, enacted by sec. 1 of this Act, takes effect
8 only if sec. 4 of this Act receives the two-thirds majority vote of each house required by art.
9 IV, sec. 15, Constitution of the State of Alaska.