

**HOUSE BILL NO. 82**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES JOSEPHSON, Hopkins**

**Introduced: 3/6/19**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act adding to the powers and duties of the State Commission for Human Rights;**  
2 **and relating to and prohibiting discrimination based on sexual orientation or gender**  
3 **identity or expression."**

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

5 **\* Section 1.** AS 18.80.060(a) is amended to read:

6 (a) In addition to the other powers and duties prescribed by this chapter, the  
7 commission shall

8 (1) appoint an executive director approved by the governor;

9 (2) hire other administrative staff as may be necessary to the  
10 commission's function;

11 (3) exercise general supervision and direct the activities of the  
12 executive director and other administrative staff;

13 (4) accept complaints under AS 18.80.100;

14 (5) study the problems of discrimination in all or specific fields of

1 human relationships, foster through community effort or goodwill, cooperation and  
2 conciliation among the groups and elements of the population of the state, and publish  
3 results of investigations and research as in its judgment will tend to eliminate  
4 discrimination because of race, religion, color, national ancestry, physical or mental  
5 disability, age, sex, sexual orientation, gender identity or expression, marital status,  
6 changes in marital status, pregnancy, or parenthood;

7 (6) make an overall assessment, at least once every three years, of the  
8 progress made toward equal employment opportunity by every department of state  
9 government; results of the assessment shall be included in the annual report made  
10 under AS 18.80.150.

11 \* **Sec. 2.** AS 18.80.200(a) is amended to read:

12 (a) It is determined and declared as a matter of legislative finding that  
13 discrimination against an inhabitant of the state because of race, religion, color,  
14 national origin, age, sex, sexual orientation, gender identity or expression, physical  
15 or mental disability, marital status, changes in marital status, pregnancy, or parenthood  
16 is a matter of public concern and that this discrimination not only threatens the rights  
17 and privileges of the inhabitants of the state but also menaces the institutions of the  
18 state and threatens peace, order, health, safety, and general welfare of the state and its  
19 inhabitants.

20 \* **Sec. 3.** AS 18.80.200(b) is amended to read:

21 (b) Therefore, it is the policy of the state and the purpose of this chapter to  
22 eliminate and prevent discrimination in employment, in credit and financing practices,  
23 in places of public accommodation, in the sale, lease, or rental of real property because  
24 of race, religion, color, national origin, sex, sexual orientation, gender identity or  
25 expression, age, physical or mental disability, marital status, changes in marital status,  
26 pregnancy or parenthood. It is also the policy of the state to encourage and enable  
27 physically and mentally disabled persons to participate fully in the social and  
28 economic life of the state and to engage in remunerative employment. It is not the  
29 purpose of this chapter to supersede laws pertaining to child labor, the age of majority,  
30 or other age restrictions or requirements.

31 \* **Sec. 4.** AS 18.80.210 is amended to read:

1           **Sec. 18.80.210. Civil rights.** The opportunity to obtain employment, credit  
 2 and financing, public accommodations, housing accommodations, and other property  
 3 without discrimination because of sex, **sexual orientation, gender identity or**  
 4 **expression,** physical or mental disability, marital status, changes in marital status,  
 5 pregnancy, parenthood, race, religion, color, or national origin is a civil right.

6 \* **Sec. 5.** AS 18.80.220(a) is amended to read:

7           (a) Except as provided in (c) **and (e)** of this section, it is unlawful for

8                   (1) an employer to refuse employment to a person, or to bar a person  
 9 from employment, or to discriminate against a person in compensation or in a term,  
 10 condition, or privilege of employment because of the person's race, religion, color, or  
 11 national origin, or because of the person's age, physical or mental disability, sex,  
 12 **sexual orientation, gender identity or expression,** marital status, changes in marital  
 13 status, pregnancy, or parenthood when the reasonable demands of the position do not  
 14 require distinction on the basis of age, physical or mental disability, sex, **sexual**  
 15 **orientation, gender identity or expression,** marital status, changes in marital status,  
 16 pregnancy, or parenthood;

17                   (2) a labor organization, because of a person's sex, **sexual orientation,**  
 18 **gender identity or expression,** marital status, changes in marital status, pregnancy,  
 19 parenthood, age, race, religion, physical or mental disability, color, or national origin,  
 20 to exclude or to expel a person from its membership, or to discriminate in any way  
 21 against one of its members or an employer or an employee;

22                   (3) an employer or employment agency to print or circulate or cause to  
 23 be printed or circulated a statement, advertisement, or publication, or to use a form of  
 24 application for employment or to make an inquiry in connection with prospective  
 25 employment, that expresses, directly or indirectly, a limitation, specification, or  
 26 discrimination as to sex, **sexual orientation, gender identity or expression,** physical  
 27 or mental disability, marital status, changes in marital status, pregnancy, parenthood,  
 28 age, race, creed, color, or national origin, or an intent to make the limitation, unless  
 29 based **on** [UPON] a bona fide occupational qualification;

30                   (4) an employer, labor organization, or employment agency to  
 31 discharge, expel, or otherwise discriminate against a person because the person has

1           opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the  
2           person has filed a complaint, testified, or assisted in a proceeding under this chapter;

3                       (5) an employer to discriminate in the payment of wages as between  
4           the sexes, or to employ a female in an occupation in this state at a salary or wage rate  
5           less than that paid to a male employee for work of comparable character or work in the  
6           same operation, business, or type of work in the same locality; or

7                       (6) a person to print, publish, broadcast, or otherwise circulate a  
8           statement, inquiry, or advertisement in connection with prospective employment that  
9           expresses directly a limitation, specification, or discrimination as to sex, **sexual**  
10          **orientation, gender identity or expression,** physical or mental disability, marital  
11          status, changes in marital status, pregnancy, parenthood, age, race, religion, color, or  
12          national origin, unless based **on** [UPON] a bona fide occupational qualification.

13   \* **Sec. 6.** AS 18.80.220 is amended by adding a new subsection to read:

14                       (e) Notwithstanding (a) of this section, the prohibitions against discrimination  
15          under (a) of this section do not apply to an employment relationship between a  
16          religious organization and a minister employed by the religious organization. In this  
17          subsection,

18                               (1) "minister" means an employee who leads a religious organization,  
19          conducts worship services or important religious ceremonies or rituals, or serves as a  
20          messenger or teacher of the faith of a religious organization;

21                               (2) "religious organization" means an organization, church, body of  
22          communicants, or group, not for pecuniary profit, gathered in common membership  
23          for mutual support and edification in piety, worship, and religious observances, or a  
24          society, not for pecuniary profit, of individuals united for a religious purpose.

25   \* **Sec. 7.** AS 18.80.230(a) is amended to read:

26                       (a) It is unlawful for the owner, lessee, manager, agent, or employee of a  
27          public accommodation

28                               (1) to refuse, withhold from, or deny to a person any of its services,  
29          goods, facilities, advantages, or privileges because of sex, **sexual orientation, gender**  
30          **identity or expression,** physical or mental disability, marital status, changes in marital  
31          status, pregnancy, parenthood, race, religion, color, or national origin;

1 (2) to publish, circulate, issue, display, post, or mail a written or  
2 printed communication, notice, or advertisement that states or implies

3 (A) that any of the services, goods, facilities, advantages, or  
4 privileges of the public accommodation will be refused, withheld from, or  
5 denied to a person of a certain race, religion, sex, **sexual orientation, gender**  
6 **identity or expression**, physical or mental disability, marital status, color, or  
7 national origin or because of pregnancy, parenthood, or a change in marital  
8 status, or

9 (B) that the patronage of a person belonging to a particular  
10 race, creed, sex, **sexual orientation, gender identity or expression**, marital  
11 status, color, or national origin or who, because of pregnancy, parenthood,  
12 physical or mental disability, or a change in marital status, is unwelcome, not  
13 desired, or solicited.

14 \* **Sec. 8.** AS 18.80.240 is amended to read:

15 **Sec. 18.80.240. Unlawful practices in the sale or rental of real property.** It  
16 is unlawful for the owner, lessee, manager, or other person having the right to sell,  
17 lease, or rent real property

18 (1) to refuse to sell, lease, or rent the real property to a person because  
19 of sex, **sexual orientation, gender identity or expression**, marital status, changes in  
20 marital status, pregnancy, race, religion, physical or mental disability, color, or  
21 national origin; however, nothing in this paragraph prohibits the sale, lease, or rental  
22 of classes of real property commonly known as housing for "singles" or "married  
23 couples" only;

24 (2) to discriminate against a person because of sex, **sexual orientation,**  
25 **gender identity or expression**, marital status, changes in marital status, pregnancy,  
26 race, religion, physical or mental disability, color, or national origin in a term,  
27 condition, or privilege relating to the use, sale, lease, or rental of real property;  
28 however, nothing in this paragraph prohibits the sale, lease, or rental of classes of real  
29 property commonly known as housing for "singles" or "married couples" only;

30 (3) to make a written or oral inquiry or record of the sex, **sexual**  
31 **orientation, gender identity or expression**, marital status, changes in marital status,

1 race, religion, physical or mental disability, color, or national origin of a person  
2 seeking to buy, lease, or rent real property;

3 (4) to offer, solicit, accept, use, or retain a listing of real property with  
4 the understanding that a person may be discriminated against in a real estate  
5 transaction or in the furnishing of facilities or sources in connection therewith because  
6 of a person's sex, **sexual orientation, gender identity or expression**, marital status,  
7 changes in marital status, pregnancy, race, religion, physical or mental disability,  
8 color, national origin, or age;

9 (5) to represent to a person that real property is not available for  
10 inspection, sale, rental, or lease when in fact it is so available, or to refuse to allow a  
11 person to inspect real property because of the race, religion, physical or mental  
12 disability, color, national origin, age, sex, **sexual orientation, gender identity or**  
13 **expression**, marital status, change in marital status, or pregnancy of that person or of  
14 any person associated with that person;

15 (6) to engage in blockbusting;

16 (7) to make, print, or publish, or cause to be made, printed, or  
17 published, any notice, statement, or advertisement with respect to the sale or rental of  
18 real property that indicates any preference, limitation, or discrimination based on race,  
19 color, religion, physical or mental disability, sex, **sexual orientation, gender identity**  
20 **or expression**, or national origin, or an intention to make the preference, limitation, or  
21 discrimination.

22 \* **Sec. 9.** AS 18.80.250(a) is amended to read:

23 (a) It is unlawful for a financial institution or other commercial institution  
24 extending secured or unsecured credit, upon receiving an application for financial  
25 assistance or credit for the acquisition, construction, rehabilitation, repair, or  
26 maintenance of a housing accommodation or other property or services, or the  
27 acquisition or improvement of unimproved property, or upon receiving an application  
28 for any sort of loan of money, to permit one of its officials or employees during the  
29 execution of the official's or the employee's duties

30 (1) to discriminate against the applicant because of sex, **sexual**  
31 **orientation, gender identity or expression**, physical or mental disability, marital

1 status, changes in marital status, pregnancy, parenthood, race, religion, color, or  
 2 national origin in a term, condition, or privilege relating to the obtainment or use of  
 3 the institution's financial assistance or credit, except to the extent of a federal statute or  
 4 regulation applicable to a transaction of the same character;

5 (2) to make or cause to be made a written or oral inquiry or record of  
 6 the sex, sexual orientation, gender identity or expression, physical or mental  
 7 disability, marital status, changes in marital status, pregnancy, parenthood, race,  
 8 religion, color, or national origin of a person seeking the institution's financial  
 9 assistance or credit, unless the inquiry is for the purpose of ascertaining the creditor's  
 10 rights and remedies applicable to the particular extension of credit and is not made or  
 11 used in order to discriminate in a determination of creditworthiness;

12 (3) to refuse to extend credit, issue a credit card, or make a loan to a  
 13 married person or a person with a physical or mental disability, who is otherwise  
 14 creditworthy, if so requested by the person;

15 (4) to refuse to issue a credit card to a married person in that person's  
 16 name, if so requested by the person, provided, however, that the person so requesting a  
 17 card may be required to open an account in that name.

18 \* **Sec. 10.** AS 18.80.255 is amended to read:

19 **Sec. 18.80.255. Unlawful practices by the state or its political subdivisions.**

20 It is unlawful for the state or any of its political subdivisions

21 (1) to refuse, withhold from, or deny to a person any local, state, or  
 22 federal funds, services, goods, facilities, advantages, or privileges because of race,  
 23 religion, sex, sexual orientation, gender identity or expression, color, or national  
 24 origin;

25 (2) to publish, circulate, issue, display, post, or mail a written or  
 26 printed communication, notice, or advertisement that states or implies that any local,  
 27 state, or federal funds, services, goods, facilities, advantages, or privileges of the  
 28 office or agency will be refused, withheld from, or denied to a physically or mentally  
 29 disabled person or a person of a certain race, religion, sex, sexual orientation, gender  
 30 identity or expression, color, or national origin or that the patronage of a physically  
 31 or mentally disabled person or a person belonging to a particular race, creed, sex,

1        **sexual orientation, gender identity or expression**, color, or national origin is  
 2        unwelcome, not desired, or solicited; it is not unlawful to post notice that facilities to  
 3        accommodate the physically or mentally disabled are not available;

4                    (3) to refuse or deny to a person any local, state, or federal funds,  
 5        services, goods, facilities, advantages, or privileges because of physical or mental  
 6        disability.

7        \* **Sec. 11.** AS 18.80.300(1) is amended to read:

8                    (1) "blockbusting" means an unlawful discriminatory practice by a real  
 9        estate broker, real estate salesperson, or employee or agent of a broker or another  
 10       individual, corporation, partnership, or organization for the purpose of inducing a real  
 11       estate transaction from which **that** [ANY SUCH] person or its stockholders or  
 12       members may benefit financially, to represent directly or indirectly that a change has  
 13       occurred or will or may occur from a composition with respect to race, religion,  
 14       **sexual orientation, gender identity or expression**, color, or national origin of the  
 15       owners or occupants of the block, neighborhood, or area in which the real property is  
 16       located, and to represent directly or indirectly that this change may or will result in  
 17       undesirable consequences in the block, neighborhood, or area in which the real  
 18       property is located, including the lowering of property values, an increase in criminal  
 19       or antisocial behavior, or decline in the quality of the schools or other facilities;

20       \* **Sec. 12.** AS 18.80.300 is amended by adding new paragraphs to read:

21                    (19) "gender identity or expression" means having or being perceived  
 22       as having or expressing a gender, self-image, appearance, or behavior, regardless of  
 23       whether that gender, self-image, appearance, or behavior is different from that  
 24       traditionally associated with the sex assigned to that person at birth;

25                    (20) "sexual orientation" means heterosexuality, homosexuality, and  
 26       bisexuality.