

**SENATE CS FOR CS FOR HOUSE BILL NO. 226(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/27/96

Referred: Rules

Sponsor(s): REPRESENTATIVES KELLY, Rokeberg

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act permitting the provision of different retirement and health benefits to  
2 certain employees by differentiating between benefits provided to employees with  
3 spouses or children and to other employees."

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

5 \* **Section 1.** AS 18.80.220(a) is amended to read:

6 (a) Except as provided in (c) of this section, it [IT] is unlawful for  
7 (1) an employer to refuse employment to a person, or to bar a person  
8 from employment, or to discriminate against a person in compensation or in a term,  
9 condition, or privilege of employment because of the person's race, religion, color, or  
10 national origin, or because of the person's age, physical or mental disability, sex, marital  
11 status, changes in marital status, pregnancy, or parenthood when the reasonable demands  
12 of the position do not require distinction on the basis of age, physical or mental  
13 disability, sex, marital status, changes in marital status, pregnancy, or parenthood;  
14 (2) a labor organization, because of a person's sex, marital status,

1 changes in marital status, pregnancy, parenthood, age, race, religion, physical or mental  
2 disability, color, or national origin, to exclude or to expel a person from its membership,  
3 or to discriminate in any way against one of its members or an employer or an  
4 employee;

5 (3) an employer or employment agency to print or circulate or cause to  
6 be printed or circulated a statement, advertisement, or publication, or to use a form of  
7 application for employment or to make an inquiry in connection with prospective  
8 employment, that expresses, directly or indirectly, a limitation, specification, or  
9 discrimination as to sex, physical or mental disability, marital status, changes in marital  
10 status, pregnancy, parenthood, age, race, creed, color, or national origin, or an intent to  
11 make the limitation, unless based upon a bona fide occupational qualification;

12 (4) an employer, labor organization, or employment agency to discharge,  
13 expel, or otherwise discriminate against a person because the person has opposed any  
14 practices forbidden under AS 18.80.200 - 18.80.280 or because the person has filed a  
15 complaint, testified, or assisted in a proceeding under this chapter;

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

20 (6) a person to print, publish, broadcast, or otherwise circulate a  
21 statement, inquiry, or advertisement in connection with prospective employment that  
22 expresses directly a limitation, specification, or discrimination as to sex, physical or  
23 mental disability, marital status, changes in marital status, pregnancy, parenthood, age,  
24 race, religion, color, or national origin, unless based upon a bona fide occupational  
25 qualification.

26 \* **Sec. 2.** AS 18.80.220 is amended by adding new subsections to read:

27 (c) Notwithstanding the prohibition against employment discrimination on the  
28 basis of marital status or parenthood under (a) of this section,

29 (1) an employer may, without violating this chapter, provide greater  
30 health and retirement benefits to employees who have a spouse or dependent children  
31 than are provided to other employees;

32 (2) a labor organization may, without violating this chapter, negotiate

1 greater health and retirement benefits for employees of an employer who have a spouse  
2 or dependent children than are provided to other employees of the employer.

3 (d) In this section, "dependent child" means an unmarried child, including an  
4 adopted child, who is dependent upon a parent for support and who is either

5 (1) less than 19 years old;

6 (2) less than 23 years old and registered at and attending on a full-time  
7 basis an accredited educational or technical institution recognized by the Department of  
8 Education; or

9 (3) of any age and totally and permanently disabled.