

HOUSE BILL NO. 139

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES JOSEPHSON, Kerttula, Gruenberg, Kreiss-Tomkins, Muñoz, Gara, Kito III,
Nageak, Holmes**

Introduced: 2/22/13

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 is amended to read:

12 **Sec. 18.80.200. Purpose.** (a) It is determined and declared as a matter of
 13 legislative finding that discrimination against an inhabitant of the state because of
 14 race, religion, color, national origin, age, sex, **sexual orientation, gender identity or**
 15 **expression**, physical or mental disability, marital status, changes in marital status,
 16 pregnancy, or parenthood is a matter of public concern and that this discrimination not
 17 only threatens the rights and privileges of the inhabitants of the state but also menaces
 18 the institutions of the state and threatens peace, order, health, safety, and general
 19 welfare of the state and its inhabitants.

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

30 * **Sec. 3.** AS 18.80.210 is amended to read:

31 **Sec. 18.80.210. Civil rights.** The opportunity to obtain employment, credit and

1 financing, public accommodations, housing accommodations, and other property
 2 without discrimination because of sex, **sexual orientation, gender identity or**
 3 **expression**, physical or mental disability, marital status, changes in marital status,
 4 pregnancy, parenthood, race, religion, color, or national origin is a civil right.

5 * **Sec. 4.** AS 18.80.220(a) is amended to read:

6 (a) Except as provided in (c) of this section, 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,
 11 **sexual orientation, gender identity or expression**, marital status, changes in marital
 12 status, pregnancy, or parenthood when the reasonable demands of the position do not
 13 require distinction on the basis of age, physical or mental disability, sex, **sexual**
 14 **orientation, gender identity or expression**, marital status, changes in marital status,
 15 pregnancy, or parenthood;

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

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

29 (4) an employer, labor organization, or employment agency to
 30 discharge, expel, or otherwise discriminate against a person because the person has
 31 opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the

1 person has filed a complaint, testified, or assisted in a proceeding under this chapter;

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

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

12 * **Sec. 5.** AS 18.80.230(a) is amended to read:

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

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

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

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

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

1 * **Sec. 6.** AS 18.80.240 is amended to read:

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

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

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

17 (3) to make a written or oral inquiry or record of the sex, **sexual**
18 **orientation, gender identity or expression**, marital status, changes in marital status,
19 race, religion, physical or mental disability, color, or national origin of a person
20 seeking to buy, lease, or rent real property;

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

27 (5) to represent to a person that real property is not available for
28 inspection, sale, rental, or lease when in fact it is so available, or to refuse to allow a
29 person to inspect real property because of the race, religion, physical or mental
30 disability, color, national origin, age, sex, **sexual orientation, gender identity or**
31 **expression**, marital status, change in marital status, or pregnancy of that person or of

1 any person associated with that person;

2 (6) to engage in blockbusting;

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

9 * **Sec. 7.** AS 18.80.250(a) is amended to read:

10 (a) It is unlawful for a financial institution or other commercial institution
 11 extending secured or unsecured credit, upon receiving an application for financial
 12 assistance or credit for the acquisition, construction, rehabilitation, repair, or
 13 maintenance of a housing accommodation or other property or services, or the
 14 acquisition or improvement of unimproved property, or upon receiving an application
 15 for any sort of loan of money, to permit one of its officials or employees during the
 16 execution of the official's or the employee's duties

17 (1) to discriminate against the applicant because of sex, **sexual**
 18 **orientation, gender identity or expression**, physical or mental disability, marital
 19 status, changes in marital status, pregnancy, parenthood, race, religion, color, or
 20 national origin in a term, condition, or privilege relating to the obtainment or use of
 21 the institution's financial assistance or credit, except to the extent of a federal statute or
 22 regulation applicable to a transaction of the same character;

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

30 (3) to refuse to extend credit, issue a credit card, or make a loan to a
 31 married person or a person with a physical or mental disability, who is otherwise

1 creditworthy, if so requested by the person;

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

5 * **Sec. 8.** AS 18.80.255 is amended to read:

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

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

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

12 (2) to publish, circulate, issue, display, post, or mail a written or
13 printed communication, notice, or advertisement that states or implies that any local,
14 state, or federal funds, services, goods, facilities, advantages, or privileges of the
15 office or agency will be refused, withheld from, or denied to a physically or mentally
16 disabled person or a person of a certain race, religion, sex, **sexual orientation, gender**
17 **identity or expression**, color, or national origin or that the patronage of a physically
18 or mentally disabled person or a person belonging to a particular race, creed, sex,
19 **sexual orientation, gender identity or expression**, color, or national origin is
20 unwelcome, not desired, or solicited; it is not unlawful to post notice that facilities to
21 accommodate the physically or mentally disabled are not available;

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

25 * **Sec. 9.** AS 18.80.300(1) is amended to read:

26 (1) "blockbusting" means an unlawful discriminatory practice by real
27 estate brokers, real estate salesmen, or employees or agents of a broker or another
28 individual, corporation, partnership, or organization for the purpose of inducing a real
29 estate transaction from which any such person or its stockholders or members may
30 benefit financially, to represent directly or indirectly that a change has occurred or will
31 or may occur from a composition with respect to race, religion, **sexual orientation**,

1 **gender identity or expression**, color, or national origin of the owners or occupants of
2 the block, neighborhood, or area in which the real property is located, and to represent
3 directly or indirectly that this change may or will result in undesirable consequences in
4 the block, neighborhood, or area in which the real property is located, including but
5 not limited to the lowering of property values, an increase in criminal or antisocial
6 behavior, or decline in the quality of the schools or other facilities;

7 * **Sec. 10.** AS 18.80.300 is amended by adding new paragraphs to read:

8 (19) "gender identity or expression" means having or being perceived
9 as having a gender identity, self-image, appearance, behavior, or expression,
10 regardless of whether that gender identity, self-image, appearance, behavior, or
11 expression is different from that traditionally associated with the sex assigned to that
12 person at birth;

13 (20) "sexual orientation" means heterosexuality, homosexuality,
14 bisexuality, and gender expression or identity.