

Original sponsor: Rodey, Chance,
Willis, et al

Offered: 4/7/75
Referred: Rules

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 60

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to arbitrary discrimination; and
7 providing for an effective date."

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

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

10 (5) study the problems of discrimination in all or specific
11 fields of human relationships, and foster through community effort or
12 goodwill, cooperation and conciliation among the groups and elements of
13 the population of the state, and publish results of investigations and
14 research as in its judgment will tend to eliminate discrimination because
15 of race, religion, color, national ancestry, physical handicap, age,
16 [OR] sex, marital status, changes in marital status, sexual orientation,
17 pregnancy or parenthood.

18 * Sec. 2. AS 18.80.060(b)(3) is amended to read:

19 (3) hold hearings under sec. 120 of this chapter; [, SUBPOENA
20 WITNESSES, TAKE THE TESTIMONY OF ANY PERSON UNDER OATH, ADMINISTER OATHS,
21 AND IN CONNECTION THEREWITH, TO REQUIRE THE PRODUCTION FOR EXAMINATION
22 OF BOOKS OR PAPERS RELATING TO A MATTER UNDER INVESTIGATION OR IN QUES-
23 TION BEFORE THE COMMISSION.]

24 * Sec. 3. AS 18.80.060(b) is amended by adding a new paragraph to read:

25 (4) or a commissioner or an employee authorized by the com-
26 mission may administer oaths, certify to all official acts, and issue
27 subpoenas, subpoenas duces tecum and other process to compel the atten-
28 dance of witnesses and the production of testimony, records, papers,
29 accounts and documents in any inquiry, investigation, hearing or proceed-

1 ing before the commission in the state; the commission, a commissioner
2 or an employee authorized by the commission may petition a court of
3 this state to enforce its subpoenas, subpoenas duces tecum and other
4 process.

5 * Sec. 4. AS 18.80.130(a)(1) is amended to read:

6 (1) employment, the commission may order any appropriate
7 relief, including but not limited to, the hiring, reinstatement or
8 upgrading of an employee with or without back pay, restoration to
9 membership in a labor organization, or his admission to or participa-
10 tion in an apprenticeship training program, on-the-job training program,
11 or other retraining program;

12 * Sec. 5. AS 18.80.130(a)(2) is amended to read:

13 (2) housing, the commission may order the sale, lease or
14 rental of the housing accommodation to the aggrieved person if it is
15 still available, or the sale, lease or rental of a like accommodation
16 owned by the person against whom the complaint was filed if one is still
17 available, or the sale, lease or rental of the next vacancy in a like
18 accommodation, owned by the person against whom the complaint was filed;
19 the commission may award actual damages which shall include, but not be
20 limited to, the expenses incurred by the complainant for obtaining
21 alternative housing or space; for storage of goods and effects; for
22 moving and for other costs actually incurred as a result of such unlawful
23 practice or violation.

24 * Sec. 6. AS 18.80.130 is amended by adding a new subsection to read:

25 (e) The commission may order payment of reasonable expenses,
26 including reasonable attorney fees to any private party before the
27 commission when the commission, in its discretion, determines the allow-
28 ance is appropriate.

29 * Sec. 7. AS 18.80.200 is amended to read:

1 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as a
2 matter of legislative finding that discrimination against an inhabitant
3 of the state because of race, religion, color, national origin, age,
4 [OR] sex, marital status, changes in marital status, sexual orientation,
5 pregnancy or parenthood is a matter of public concern and that such
6 discrimination not only threatens the rights and privileges of the
7 inhabitants of the state but also menaces the institutions of the state
8 and threatens peace, order, health, safety and general welfare of the
9 state and its inhabitants.

10 (b) Therefore, it is the policy of the state and the purpose of
11 this chapter to eliminate and prevent discrimination in employment, in
12 credit and financing practices, in places of public accommodation, in the
13 sale, lease, or rental of real property because of race, religion,
14 color, national origin, [OR, IN THE CASE OF EMPLOYMENT, BECAUSE OF] sex,
15 [OR] age, marital status, changes in marital status, sexual orienta-
16 tion, pregnancy or parenthood. It is not the purpose of this chapter to
17 supersede laws pertaining to child labor, the age of majority or other
18 age restrictions or requirements.

19 * Sec. 8. AS 18.80.210 is amended to read:

20 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain employ-
21 ment, credit and financing, public accommodations, housing accommoda-
22 tions and other property without discrimination because of sex, marital
23 status, changes in marital status, sexual orientation, pregnancy, parent-
24 hood, race, religion, color or national origin is a civil right.

25 * Sec. 9. AS 18.80.220(a) is amended to read:

26 (a) It is unlawful for

27 (1) an employer to refuse employment to a person, or to bar
28 him from employment, or to discriminate against him in compensation or
29 in a term, condition, or privilege of employment because of his race,

1 religion, color or national origin, or because of his age, physical
2 handicap, [OR] sex, marital status, changes in marital status, sexual
3 orientation, pregnancy or parenthood when the reasonable demands of
4 the position do not require distinction on the basis of age, physical
5 handicap, [OR] sex, marital status, changes in marital status, sexual
6 orientation, pregnancy or parenthood [DISTINCTION];

7 (2) a labor organization, because of a person's sex, marital
8 status, changes in marital status, sexual orientation, pregnancy, parent-
9 hood, age, race, religion, color or national origin, to exclude or to
10 expel him from its membership, or to discriminate in any way against
11 one of its members or an employer or an employee;

12 (3) an employer or employment agency to print or circulate
13 or cause to be printed or circulated a statement, advertisement, or
14 publication, or to use a form of application for employment or to make
15 an inquiry in connection with prospective employment, which expresses,
16 directly or indirectly, a limitation, specification or discrimination
17 as to sex, marital status, changes in marital status, sexual orienta-
18 tion, pregnancy, parenthood, age, race, creed, color or national origin,
19 or an intent to make the limitation, unless based upon a bona fide occu-
20 pational qualification;

21 (4) an employer, labor organization or employment agency
22 to discharge, expel or otherwise discriminate against a person because
23 he has opposed any practices forbidden under secs. 200 - 280 of this
24 chapter or because he has filed a complaint, testified or assisted in
25 a proceeding under this chapter; [OR]

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

1 or type of work in the same locality; or

2 (6) a person to print, publish, broadcast or otherwise circu-
3 late a statement, inquiry or advertisement in connection with prospective
4 employment which expresses directly, a limitation, specification or
5 discrimination as to sex, marital status, changes in marital status,
6 sexual orientation, pregnancy, parenthood, age, race, religion, color
7 or national origin, unless based upon a bona fide occupational qualifi-
8 cation.

9 * Sec. 10. AS 18.80.230 is amended to read:

10 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMODA-
11 TION. It is unlawful for the owner, lessee, manager, agent or employee
12 of a public accommodation

13 (1) to refuse, withhold from or deny to a person any of its
14 services, goods, facilities, advantages or privileges because of sex,
15 marital status, changes in marital status, sexual orientation, pregnancy,
16 parenthood, race, religion, color or national origin;

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

20 (A) that any of the services, goods, facilities, advan-
21 tages or privileges of the public accommodation will be refused,
22 withheld from or denied to a person of a certain race, religion,
23 sex, marital status, color or national origin or because of preg-
24 nancy, parenthood, sexual orientation, or a change in marital
25 status, or

26 (B) that the patronage of a person belonging to a
27 particular race, creed, sex, marital status, color or national
28 origin or who, because of pregnancy, parenthood, sexual orientation,
29 or a change in marital status, is unwelcome, not desired or soli-

1 cited.

2 * Sec. 11. AS 18.80.240 is amended to read:

3 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
4 PROPERTY [OR HOUSING ACCOMMODATIONS]. It is unlawful for the owner,
5 lessee, manager or other person having the right to sell, lease or rent
6 real property [A HOUSING ACCOMMODATION OR UNIMPROVED PROPERTY]

7 (1) to refuse to sell, lease or rent the real property
8 [HOUSING ACCOMMODATION OR UNIMPROVED PROPERTY] to a person because of
9 sex, marital status, changes in marital status, sexual orientation,
10 pregnancy, race, religion, color or national origin;

11 (2) to discriminate against a person because of sex, marital
12 status, changes in marital status, sexual orientation, pregnancy, race,
13 religion, color or national origin in a term, condition or privilege
14 relating to the use, sale, lease or rental of real property [A HOUSING
15 ACCOMMODATION OR UNIMPROVED PROPERTY]; or

16 (3) to make a written or oral inquiry or record of the sex,
17 marital status, changes in marital status, race, religion, color or
18 national origin of a person seeking to buy, lease or rent real property;
19 [A HOUSING ACCOMMODATION OR UNIMPROVED PROPERTY.]

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

26 (5) to represent to a person that real property is not avail-
27 able for inspection, sale, rental, or lease when in fact it is so
28 available, or to refuse a person to inspect real property because of the
29 race, religion, color, national origin, age, sex, marital status, change

1 in marital status or pregnancy of that person or of any person associated
2 with that person;

3 (6) to engage in blockbusting;

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

10 * Sec. 12. AS 18.80.250 is amended to read:

11 Sec. 18.80.250. UNLAWFUL FINANCING PRACTICE. It is unlawful for
12 a financial institution or other commercial institution extending secured
13 or unsecured credit, upon receiving an application for financial assis-
14 tance or credit for the acquisition, construction, rehabilitation,
15 repair or maintenance of a housing accommodation or other property or
16 services, or the acquisition or improvement of unimproved property,
17 or upon receiving an application for any sort of loan of money, to
18 permit one of its officials or employees during the execution of his
19 duties

20 (1) to discriminate against the applicant because of sex,
21 marital status, changes in marital status, sexual orientation, pregnancy
22 parenthood, race, religion, color or national origin in a term, condi-
23 tion or privilege relating to the obtainment or use of the institution's
24 financial assistance or credit, except to the extent of a federal
25 statute or regulation applicable to a transaction of the same char-
26 acter; [OR]

27 (2) to make or cause to be made a written or oral inquiry
28 or record of the sex, marital status, changes in marital status,
29 pregnancy, parenthood, race, religion, color or national origin of a

1 person seeking the institution's financial assistance or credit, unless
2 the inquiry is for the purpose of ascertaining the creditor's rights
3 and remedies applicable to the particular extension of credit and is
4 not made or used in order to discriminate in a determination of credit-
5 worthiness;

6 (3) to refuse to extend credit, issue a credit card or make
7 a loan to a married person, who is otherwise creditworthy, if so
8 requested by the person.

9 * Sec. 13. AS 18.80.300(8) is amended to read:

10 (8) "real property [HOUSING ACCOMMODATION]" means a building
11 or portion of a building, whether constructed or to be constructed,
12 structures, real estate, lands, tenements, leaseholds, interests in
13 real estate cooperatives, condominiums, and hereditaments, corporeal
14 and incorporeal, or any interest therein [WHICH IS OR WILL BE USED AS
15 THE SLEEPING QUARTERS OF ITS OCCUPANTS];

16 * Sec. 14. AS 18.80.300 is amended by adding new paragraphs to read:

17 (10) "blockbusting" means an unlawful discriminatory practice
18 by real estate brokers, real estate salesmen or employees or agents
19 of a broker or another individual, corporation, partnership or organiza-
20 tion for the purpose of inducing a real estate transaction from which
21 any such person or its stockholders or members may benefit financially,
22 or its stockholders or members may benefit financially, to represent
23 directly or indirectly that a change has occurred or will or may occur
24 from a composition with respect to race, religion, color or national
25 origin of the owners or occupants of the block, neighborhood or area
26 in which the real property is located, and to represent directly or
27 indirectly that this change may or will result in undesirable conse-
28 quences in the block, neighborhood or area in which the real property
29 is located, including but not limited to the lowering of property values,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities;

(11) "sexual orientation" means male or female homosexuality, heterosexuality and bisexuality, by preference or practice.

* Sec. 15. Secs. 1 - 11 and 13 - 14 of this Act take effect immediately in accordance with AS 01.10.070(c).

* Sec. 16. Sec. 12 of this Act takes effect on October 28, 1975.

#