

Original sponsor: Rodey, Chance,
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Offered: 4/23/75

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 60 (Rules)

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."

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

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

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

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

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

(4) or a commissioner or an employee authorized by the com-
mission may administer oaths, certify to all official acts, and issue
subpoenas, subpoenas duces tecum and other process to compel the atten-
dance of witnesses and the production of testimony, records, papers,
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, [OR
4 sex, marital status, changes in marital status, pregnancy or parenthood
5 is a matter of public concern and that such discrimination not only
6 threatens the rights and privileges of the inhabitants of the state but
7 also menaces the institutions of the state and threatens peace, order,
8 health, safety and general welfare of the state and its inhabitants.

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

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

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

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

25 (a) It is unlawful for

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

1 handicap, [OR] sex, marital status, changes in marital status, pregnancy
2 or parenthood when the reasonable demands of the position do not require
3 distinction on the basis of age, physical handicap, [OR] sex, marital
4 status, changes in marital status, pregnancy or parenthood [DISTINCTION]

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

10 (3) an employer or employment agency to print or circulate or
11 cause to be printed or circulated a statement, advertisement, or publi-
12 cation, or to use a form of application for employment or to make an
13 inquiry in connection with prospective employment, which expresses,
14 directly or indirectly, a limitation, specification or discrimination as
15 to sex, marital status, changes in marital status, pregnancy, parent-
16 hood, age, race, creed, color or national origin, or an intent to make
17 the limitation, unless based upon a bona fide occupational qualifica-
18 tion;

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

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

29 (6) a person to print, publish, broadcast or otherwise circu-

1 late a statement, inquiry or advertisement in connection with prospec-
2 tive employment which expresses directly, a limitation, specification or
3 discrimination as to sex, marital status, changes in marital status,
4 pregnancy, parenthood, age, race, religion, color or national origin,
5 unless based upon a bona fide occupational qualification.

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

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

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

14 (2) to publish, circulate, issue, display, post or mail a
15 written or printed communication, notice or advertisement which states
16 or implies

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

22 (B) that the patronage of a person belonging to a
23 particular race, creed, sex, marital status, color or national
24 origin or who, because of pregnancy, parenthood, or a change in
25 marital status, is unwelcome, not desired or solicited.

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

27 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
28 PROPERTY [OR HOUSING ACCOMMODATIONS]. It is unlawful for the owner,
29 lessee, manager or other person having the right to sell, lease or rent

1 real property [A HOUSING ACCOMMODATION OR UNIMPROVED PROPERTY]

2 (1) to refuse to sell, lease or rent the real property
3 [HOUSING ACCOMMODATION OR UNIMPROVED PROPERTY] to a person because of
4 sex, marital status, changes in marital status, pregnancy, race, reli-
5 gion, color or national origin;

6 (2) to discriminate against a person because of sex, marital
7 status, changes in marital status, pregnancy, race, religion, color or
8 national origin in a term, condition or privilege relating to the use,
9 sale, lease or rental of real property [A HOUSING ACCOMMODATION OR
10 UNIMPROVED PROPERTY]; or

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

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

21 (5) to represent to a person that real property is not avail-
22 able for inspection, sale, rental, or lease when in fact it is so
23 available, or to refuse a person to inspect real property because of the
24 race, religion, color, national origin, age, sex, marital status, change
25 in marital status or pregnancy of that person or of any person associated
26 with that person;

27 (6) to engage in blockbusting;

28 (7) to make, print or publish, or cause to be made, printed
29 or published, any notice, statement or advertisement, with respect to

1 the sale or rental of real property that indicates any preference,
2 limitation, or discrimination based on race, color, religion, sex, or
3 national origin, or an intention to make the preference, limitation or
4 discrimination.

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

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

15 (1) to discriminate against the applicant because of sex,
16 marital status, changes in marital status, pregnancy, parenthood, race,
17 religion, color or national origin in a term, condition or privilege
18 relating to the obtainment or use of the institution's financial assis-
19 tance or credit, except to the extent of a federal statute or regulation
20 applicable to a transaction of the same character; [OR]

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

28 (3) to refuse to extend credit, issue a credit card or make a
29 loan to a married person, who is otherwise creditworthy, if so requested

1 by the person;

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

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

9 * Sec. 14. AS 18.80.300 is amended by adding a new paragraph to read:

10 (10) "blockbusting" means an unlawful discriminatory practice
11 by real estate brokers, real estate salesmen or employees or agents of a
12 broker or another individual, corporation, partnership or organization
13 for the purpose of inducing a real estate transaction from which any
14 such person or its stockholders or members may benefit financially, to
15 represent directly or indirectly that a change has occurred or will or
16 may occur from a composition with respect to race, religion, color or
17 national origin of the owners or occupants of the block, neighborhood or
18 area in which the real property is located, and to represent directly or
19 indirectly that this change may or will result in undesirable conse-
20 quences in the block, neighborhood or area in which the real property is
21 located, including but not limited to the lowering of property values,
22 an increase in criminal or antisocial behavior or decline in the quality
23 of the schools or other facilities.

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

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