

Original sponsor: Rodey, Chance,  
Willis, et al

Offered: 5/12/75  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR 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, pregnancy or parent-  
17 hood.

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, [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, however nothing in this paragraph  
6 prohibits the sale, lease or rental of classes of real property commonly  
7 known as housing for "singles" or "married couples" only;

8 (2) to discriminate against a person because of sex, marital  
9 status, changes in marital status, pregnancy, race, religion, color or  
10 national origin in a term, condition or privilege relating to the use,  
11 sale, lease or rental of real property [A HOUSING ACCOMMODATION OR  
12 UNIMPROVED PROPERTY], however nothing in this paragraph prohibits the  
13 sale, lease or rental of classes of real property commonly known as  
14 housing for "singles" or "married couples" only; or

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

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

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

1 associated with that person;

2 (6) to engage in blockbusting;

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

9 \* Sec. 12. AS 18.80.250 is amended to read:

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

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

24 [OR]

25 (2) to make or cause to be made a written or oral inquiry  
26 or record of the sex, marital status, changes in marital status,  
27 pregnancy, parenthood, race, religion, color or national origin of a  
28 person seeking the institution's financial assistance or credit,  
29 unless the inquiry is for the purpose of ascertaining the creditor's

1 rights and remedies applicable to the particular extension of credit  
2 and is not made or used in order to discriminate in a determination of  
3 creditworthiness;

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

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

11 (b) Notwithstanding the provisions of (a) of this section, any  
12 practice permitted by federal statute or regulation applicable to  
13 financial or credit transactions of the same character as those  
14 covered by this section shall not constitute discrimination under this  
15 section.

16 (c) No action by a financial institution or other commercial  
17 institution extending credit taken in compliance with (a) of this  
18 section, including the extension of credit or the making of a loan,  
19 is a violation of AS 06.20.240, unless done with the intent or purpose  
20 of obtaining a higher rate of interest than would otherwise be per-  
21 mitted by AS 06.20.230.

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

23 (8) "real property [HOUSING ACCOMMODATIONS]" means a building  
24 or portion of a building, whether constructed or to be constructed,  
25 structures, real estate, lands, tenements, leaseholds, interests in  
26 real estate cooperatives, condominiums, and hereditaments, corporeal  
27 and incorporeal, or any interest therein [WHICH IS OR WILL BE USED AS  
28 THE SLEEPING QUARTERS OF ITS OCCUPANTS];

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

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

15 \* Sec. 15. AS 18.80 is amended by adding a new section to read:

16 Sec. 18.80.290. LOCAL HUMAN RIGHTS COMMISSIONS. (a) The legis-  
17 lative body of a general law or home rule municipality may, by ordi-  
18 nance or resolution, authorize the establishment of membership in and  
19 support of a local human rights commission. The number and qualifica-  
20 tions of the members of a local commission and their terms and method  
21 of appointment or removal shall be as determined by the legislative  
22 body, except that no member may hold office in a political party.

23 (b) The legislative body of a general law or home rule munici-  
24 pality has the authority to appropriate funds in amounts as considered  
25 necessary for the purpose of contributing to the operation of a local  
26 commission, including the payment of its share of the salary of an  
27 investigator or staff member acting jointly for it and one or more other  
28 local commissions.

29 (c) The local commission has the power to appoint employees and

1 staff as it considers necessary to fulfill its purpose, including the  
2 power to appoint an investigator or staff member to act jointly for it  
3 and one or more other local commissions.

4 (d) The legislative body of a general law or home rule munici-  
5 pality has the authority under AS 29.48.035 to grant to local commis-  
6 sions powers and duties similar to those exercised by the Alaska Human  
7 Rights Commission under the provisions of this Act.

8 \* Sec. 16. Sections 1 - 11 and 13 - 15 of this Act take effect immediately  
9 in accordance with AS 01.10.070(c).

10 \* Sec. 17. Section 12 of this Act takes effect on October 28, 1975.