

Offered: 3/22/85  
Referred: Judiciary

Original sponsors: Duncan, Collins  
and Gruenberg

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 172 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the rights of physically and  
7 mentally disabled persons."

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

9 \* Section 1. AS 09.20.010 is amended by adding new subsections to read:

10 (b) A person is not disqualified to act as a juror solely  
11 because of the loss of hearing or sight in any degree or a disability  
12 that substantially impairs or interferes with the person's mobility.

13 (c) The court shall provide, and pay the cost of services of, an  
14 interpreter or reader when necessary to enable a person with impaired  
15 hearing or sight to act as a juror.

16 \* Sec. 2. AS 18.06.020 is amended to read:

17 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-  
18 CAPPED, AND THE OTHERWISE] physically and mentally disabled have the  
19 same right as the able-bodied to the full and free pedestrian use of  
20 the streets, highways, sidewalks, walkways, public buildings, public  
21 facilities, and other public places.

22 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]  
23 physically and mentally disabled are entitled to full and equal accom-  
24 modations, advantages, facilities, and privileges of all common  
25 carriers, airplanes, motor vehicles, railroad trains, motor buses,  
26 street cars, boats or any other public conveyances or modes of trans-  
27 portation, hotels, lodging places, places of public accommodation,  
28 amusement or resort, and other places to which the general public is  
29 invited, subject only to the conditions and limitations established by

1 law and applicable alike to all persons.

2 (c) Persons who are physically and mentally disabled [TOTALLY OR  
3 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted  
4 by a service animal that is certified by a training facility for  
5 service animals as being able to function in a public setting [GUIDE  
6 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed  
7 in (b) of this section without being required to pay an extra charge  
8 for the service animal [GUIDE DOG]; however, the person with the  
9 animal [GUIDE DOG] is liable for any damage done to the premises or  
10 facilities by the animal [DOG].

11 \* Sec. 3. AS 18.06.030 is amended to read:

12 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor  
13 vehicle approaching a physically or mentally disabled [TOTALLY OR  
14 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white  
15 or metallic in color, with or without a red tip, using special equip-  
16 ment for mobility, or using a service animal [GUIDE DOG] shall take  
17 all necessary precautions to avoid injury to the pedestrian, and a  
18 driver who fails to take all necessary precautions and causes injury  
19 to the pedestrian is liable in damages for the injury caused. A  
20 physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]  
21 pedestrian not carrying a cane as described in this section or using a  
22 service animal [GUIDE DOG] in any of the places, accommodations or  
23 conveyances set out under AS 18.06.020 has all of the rights and  
24 privileges conferred by law upon other persons, and the failure of a  
25 physically or mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestri-  
26 an to carry a cane as described in this section or to use a service  
27 animal [GUIDE DOG] is not by itself evidence of [CONTRIBUTORY] negli-  
28 gence.

29 \* Sec. 4. AS 18.06.040 is amended to read:

1           Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].  
2 Enforcement of this chapter shall be by the state Human Rights Commis-  
3 sion under AS 18.80.010 - 18.80.145. A person who denies or inter-  
4 feres with admittance to or enjoyment of the public facilities set out  
5 in AS 18.06.020 or otherwise interferes with the rights of a  
6 physically or mentally [TOTALLY OR PARTIALLY BLIND OR OTHERWISE]  
7 disabled person is guilty of a misdemeanor and upon conviction is  
8 punishable by a fine of not more than \$1,000, or by imprisonment for  
9 not more than 60 days, or by both.

10 \* Sec. 5. AS 18.06.050 is amended to read:

11           Sec. 18.06.050. DEFINITIONS. In this chapter "physically or  
12 mentally disabled" has the meaning given in AS 18.80.300 [TOTALLY  
13 BLIND" OR "PARTIALLY BLIND" MEANS A PERSON WHOSE VISUAL ACUITY DOES  
14 NOT EXCEED 20/200 IN THE BETTER EYE WITH CORRECTING LENSES OR WHOSE  
15 WIDEST DIAMETER OF VISUAL FIELD SUBTENDS AN ANGLE NO GREATER THAN 20  
16 DEGREES].

17 \* Sec. 6. AS 18.80.060(a) is amended to read:

18           (a) In addition to the other powers and duties prescribed by  
19 this chapter the commission shall

20                   (1) appoint an executive director approved by the governor;  
21                   (2) hire other administrative staff as may be necessary to  
22 the commission's function;

23                   (3) exercise general supervision and direct the activities  
24 of the executive director and other administrative staff;

25                   (4) accept complaints under AS 18.80.100;

26                   (5) study the problems of discrimination in all or specific  
27 fields of human relationships, and foster through community effort or  
28 goodwill, cooperation and conciliation among the groups and elements  
29 of the population of the state, and publish results of investigations

1 and research as in its judgment will tend to eliminate discrimination  
2 because of race, religion, color, national ancestry, physical or  
3 mental disability [HANDICAP], age, sex, marital status, changes in  
4 marital status, pregnancy or parenthood;

5 (6) make an overall assessment, at least once every three  
6 years, of the progress made toward equal employment opportunity by  
7 every department of state government; results of the assessment shall  
8 be included in the annual report made under AS 18.80.150;

9 (7) enforce AS 18.06.

10 \* Sec. 7. AS 18.80.200 is amended to read:

11 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
12 a matter of legislative finding that discrimination against an inhabi-  
13 tant of the state because of race, religion, color, national origin,  
14 age, sex, physical or mental disability, marital status, changes in  
15 marital status, pregnancy or parenthood is a matter of public concern  
16 and that such discrimination not only threatens the rights and privi-  
17 leges of the inhabitants of the state but also menaces the institu-  
18 tions of the state and threatens peace, order, health, safety and  
19 general welfare of the state and its inhabitants.

20 (b) Therefore, it is the policy of the state and the purpose of  
21 this chapter to eliminate and prevent discrimination in employment, in  
22 credit and financing practices, in places of public accommodation, in  
23 the sale, lease, or rental of real property because of race, religion,  
24 color, national origin, sex, age, physical or mental disability,  
25 marital status, changes in marital status, pregnancy or parenthood.  
26 It is not the purpose of this chapter to supersede laws pertaining to  
27 child labor, the age of majority or other age restrictions or require-  
28 ments.

29 \* Sec. 8. AS 18.80.210 is amended to read:

1           Sec. 18.80.210.   CIVIL RIGHTS.   The opportunity to obtain em-  
2           ployment, credit and financing, public accommodations, housing accom-  
3           modations and other property without discrimination because of sex,  
4           physical or mental disability, marital status, changes in marital  
5           status, pregnancy, parenthood, race, religion, color or national  
6           origin is a civil right.

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

8                   (a) It is unlawful for

9                           (1) an employer to refuse employment to a person, or to bar  
10                           the person [HIM] from employment, or to discriminate against the  
11                           person [HIM] in compensation or in a term, condition, or privilege of  
12                           employment because of [HIS] race, religion, color or national origin,  
13                           or because of [HIS] age, physical or mental disability [HANDICAP],  
14                           sex, marital status, changes in marital status, pregnancy or parent-  
15                           hood when the reasonable demands of the position do not require dis-  
16                           tinction on the basis of age, physical or mental disability [HANDI-  
17                           CAP], sex, marital status, changes in marital status, pregnancy or  
18                           parenthood;

19                           (2) a labor organization, because of a person's sex, mari-  
20                           tal status, changes in marital status, pregnancy, parenthood, age,  
21                           race, religion, color or national origin, to exclude or to expel the  
22                           person [HIM] from its membership, or to discriminate in any way  
23                           against one of its members or an employer or an employee;

24                           (3) an employer or employment agency to print or circulate  
25                           or cause to be printed or circulated a statement, advertisement, or  
26                           publication, or to use a form of application for employment or to make  
27                           an inquiry in connection with prospective employment, which expresses,  
28                           directly or indirectly, a limitation, specification or discrimination  
29                           as to sex, physical or mental disability, marital status, changes in

1 marital status, pregnancy, parenthood, age, race, creed, color or  
2 national origin, or an intent to make the limitation, unless based  
3 upon a bona fide occupational qualification;

4 (4) an employer, labor organization or employment agency to  
5 discharge, expel or otherwise discriminate against a person because  
6 the person [HE] has opposed any practices forbidden under AS 18.80.-  
7 200 - 18.80.280 or because the person [HE] has filed a complaint,  
8 testified or assisted in a proceeding under this chapter;

9 (5) an employer to discriminate in the payment of wages as  
10 between the sexes, or to employ a female in an occupation in this  
11 state at a salary or wage rate less than that paid to a male employee  
12 for work of comparable character or work in the same operation, busi-  
13 ness or type of work in the same locality; or

14 (6) a person to print, publish, broadcast or otherwise  
15 circulate a statement, inquiry or advertisement in connection with  
16 prospective employment which expresses directly, a limitation, speci-  
17 fication or discrimination as to sex, physical or mental disability,  
18 marital status, changes in marital status, pregnancy, parenthood, age,  
19 race, religion, color or national origin, unless based upon a bona  
20 fide occupational qualification.

21 \* Sec. 10. AS 18.80.230 is amended to read:

22 Sec. 18.80.230. UNLAWFUL PRACTICES IN PLACES OF PUBLIC ACCOMMO-  
23 DATION. It is unlawful for the owner, lessee, manager, agent or  
24 employee of a public accommodation

25 (1) to refuse, withhold from or deny to a person any of its  
26 services, goods, facilities, advantages or privileges because of sex,  
27 physical or mental disability, marital status, changes in marital  
28 status, pregnancy, parenthood, race, religion, color or national  
29 origin;

1 (2) to publish, circulate, issue, display, post or mail a  
2 written or printed communication, notice or advertisement that [WHICH]  
3 states or implies

4 (A) that any of the services, goods, facilities,  
5 advantages or privileges of the public accommodation will be  
6 refused, withheld from or denied to a person of a certain race,  
7 religion, sex, physical or mental disability, marital status,  
8 color or national origin or because of pregnancy, parenthood, or  
9 a change in marital status, or

10 (B) that the patronage of a person belonging to a  
11 particular race, creed, sex, marital status, color or national  
12 origin or who, because of pregnancy, parenthood, physical or  
13 mental disability, or a change in marital status, is unwelcome,  
14 not desired or solicited.

15 \* Sec. 11. AS 18.80.240 is amended to read:

16 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL  
17 PROPERTY. It is unlawful for the owner, lessee, manager or other  
18 person having the right to sell, lease or rent real property

19 (1) to refuse to sell, lease or rent the real property to a  
20 person because of sex, marital status, changes in marital status,  
21 pregnancy, race, religion, physical or mental disability, color or  
22 national origin; however, nothing in this paragraph prohibits the  
23 sale, lease or rental of classes of real property commonly known as  
24 housing for "singles" or "married couples" only;

25 (2) to discriminate against a person because of sex, mari-  
26 tal status, changes in marital status, pregnancy, race, religion,  
27 physical or mental disability, color or national origin in a term,  
28 condition or privilege relating to the use, sale, lease or rental of  
29 real property; however, nothing in this paragraph prohibits the sale,

1 lease or rental of classes of real property commonly known as housing  
2 for "singles" or "married couples" only;

3 (3) to make a written or oral inquiry or record of the sex,  
4 marital status, changes in marital status, race, religion, physical or  
5 mental disability, color or national origin of a person seeking to  
6 buy, lease or rent real property;

7 (4) to offer, solicit, accept, use or retain a listing of  
8 real property with the understanding that a person may be discrimin-  
9 ated against in a real estate transaction or in the furnishing of  
10 facilities or sources in connection therewith because of a person's  
11 sex, marital status, changes in marital status, pregnancy, race,  
12 religion, physical or mental disability, color, national origin or  
13 age;

14 (5) to represent to a person that real property is not  
15 available for inspection, sale, rental, or lease when in fact it is so  
16 available, or to refuse a person to inspect real property because of  
17 the race, religion, physical or mental disability, color, national  
18 origin, age, sex, marital status, change in marital status or preg-  
19 nancy of that person or of any person associated with that person;

20 (6) to engage in blockbusting;

21 (7) to make, print or publish, or cause to be made, printed  
22 or published, any notice, statement or advertisement, with respect to  
23 the sale or rental of real property that indicates any preference,  
24 limitation, or discrimination based on race, color, religion, physical  
25 or mental disability, sex, or national origin, or an intention to make  
26 the preference, limitation or discrimination.

27 \* Sec. 12. AS 18.80.250(a) is amended to read:

28 (a) It is unlawful for a financial institution or other commer-  
29 cial institution extending secured or unsecured credit, upon receiving

1 an application for financial assistance or credit for the acquisition,  
2 construction, rehabilitation, repair or maintenance of a housing  
3 accommodation or other property or services, or the acquisition or  
4 improvement of unimproved property, or upon receiving an application  
5 for any sort of loan of money, to permit one of its officials or  
6 employees during the execution of the official's or the employee's  
7 [HIS] duties

8 (1) to discriminate against the applicant because of sex,  
9 physical or mental disability, marital status, changes in marital  
10 status, pregnancy, parenthood, race, religion, color or national  
11 origin in a term, condition or privilege relating to the obtainment or  
12 use of the institution's financial assistance or credit, except to the  
13 extent of a federal statute or regulation applicable to a transaction  
14 of the same character;

15 (2) to make or cause to be made a written or oral inquiry  
16 or record of the sex, physical or mental disability, marital status,  
17 changes in marital status, pregnancy, parenthood, race, religion,  
18 color or national origin of a person seeking the institution's finan-  
19 cial assistance or credit, unless the inquiry is for the purpose of  
20 ascertaining the creditor's rights and remedies applicable to the  
21 particular extension of credit and is not made or used in order to  
22 discriminate in a determination of creditworthiness;

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

26 (4) to refuse to issue a credit card to a married person in  
27 that person's name, if so requested by the person, provided, however,  
28 that the person so requesting a card may be required to open an ac-  
29 count in that name.

1 \* Sec. 13. AS 18.80.255 is amended to read:

2 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITI-  
3 CAL SUBDIVISIONS. It is unlawful for the state or any of its politi-  
4 cal subdivisions

5 (1) to refuse, withhold from or deny to a person any local,  
6 state or federal funds, services, goods, facilities, advantages or  
7 privileges because of race, religion, sex, physical or mental disabili-  
8 ty, color or national origin;

9 (2) to publish, circulate, issue, display, post or mail a  
10 written or printed communication, notice or advertisement which states  
11 or implies that any local, state or federal funds, services, goods,  
12 facilities, advantages or privileges of the office or agency will be  
13 refused, withheld from or denied to a physically or mentally disabled  
14 person or a person of a certain race, religion, sex, color or national  
15 origin or that the patronage of a physically or mentally disabled  
16 person or a person belonging to a particular race, creed, sex, color  
17 or national origin is unwelcome, not desired or solicited.

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

19 (15) "major life activities" means functions such as caring  
20 for one's self, performing manual tasks, walking, seeing, hearing,  
21 speaking, breathing, learning, and working;

22 (16) "physical or mental disability" means

23 (A) a physical or mental impairment that substantially  
24 limits one or more major life activities,

25 (B) a history of, or a misclassification as having, a  
26 mental or physical impairment that substantially limits one or  
27 more major life activities; or

28 (C) having

29 (1) a physical or mental impairment that does not

1 substantially limit a person's major life activities but  
2 that is treated by the person as constituting such a limita-  
3 tion;

4 (ii) a physical or mental impairment that sub-  
5 stantially limits a person's major life activities only as a  
6 result of the attitudes of others toward the impairment; or

7 (iii) none of the impairments defined in this  
8 paragraph but being treated by others as having such an  
9 impairment;

10 (D) a condition that may require the use of a  
11 prosthesis, special equipment for mobility or service animal;

12 (17) "physical or mental impairment" means

13 (A) physiological disorder or condition, cosmetic  
14 disfigurement, or anatomical loss affecting one or more of the  
15 following body systems: neurological, musculoskeletal, special  
16 sense organs, respiratory including speech organs, cardiovascu-  
17 lar, reproductive, digestive, genito-urinary, hemic and lymph-  
18 atic, skin, and endocrine; or

19 (B) mental or psychological disorder, including mental  
20 retardation, organic brain syndrome, and specific learning dis-  
21 abilities.

22 \* Sec. 15. AS 18.80.300(13) is repealed.  
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