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Referred: State Affairs,
Judiciary and Finance

1 IN THE HOUSE

BY KOPONEN

2

HOUSE BILL NO. 616

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to discrimination on the basis of
7 residency in this state; and providing for an effec-
8 tive date."

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

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

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

13 (1) appoint an executive director approved by the governor;

14 (2) hire other administrative staff as may be necessary to
15 the commission's function;

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

18 (4) accept complaints under AS 18.80.100;

19 (5) study the problems of discrimination in all or specific
20 fields of human relationships, and foster through community effort or
21 goodwill, cooperation and conciliation among the groups and elements
22 of the population of the state, and publish results of investigations
23 and research as in its judgment will tend to eliminate discrimination
24 because of race, religion, color, national ancestry, physical handi-
25 cap, age, sex, marital status, changes in marital status, pregnancy or
26 parenthood, or because a person is a resident of the state;

27 (6) make an overall assessment, at least once every three
28 years, of the progress made toward equal employment opportunity by
29 every department of state government; results of the assessment shall

1 be included in the annual report made under AS 18.80.150.

2 * Sec. 2. AS 18.80.200 is amended to read:

3 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as
4 a matter of legislative finding that discrimination against an inhabi-
5 tant of the state because of race, religion, color, national origin,
6 age, sex, marital status, changes in marital status, pregnancy or
7 parenthood, or because the person is a resident of the state is a
8 matter of public concern and that such discrimination not only threa-
9 tens the rights and privileges of the inhabitants of the state but
10 also menaces the institutions of the state and threatens peace, order,
11 health, safety and general welfare of the state and its inhabitants.

12 (b) Therefore, it is the policy of the state and the purpose of
13 this chapter to eliminate and prevent discrimination in employment, in
14 credit and financing practices, in places of public accommodation, in
15 the sale, lease, or rental of real property because of race, religion,
16 color, national origin, sex, age, marital status, changes in marital
17 status, pregnancy or parenthood, or because the person is a resident
18 of the state. It is not the purpose of this chapter to supersede laws
19 pertaining to child labor, the age of majority or other age restric-
20 tions or requirements.

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

22 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain em-
23 ployment, credit and financing, public accommodations, housing accom-
24 modations and other property without discrimination because of sex,
25 marital status, changes in marital status, pregnancy, parenthood,
26 race, religion, color or national origin, or because the person is a
27 resident of the state is a civil right.

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

29 (a) It is unlawful for

1 (1) an employer to refuse employment to a person, or to bar
2 a person [HIM] from employment, or to discriminate against a person
3 [HIM] in compensation or in a term, condition, or privilege of employ-
4 ment because of [HIS] race, religion, color or national origin, or
5 because of [HIS] age, physical handicap, sex, marital status, changes
6 in marital status, pregnancy or parenthood, or because the person is a
7 resident of the state when the reasonable demands of the position do
8 not require distinction on the basis of age, physical handicap, sex,
9 marital status, changes in marital status, pregnancy or parenthood;

10 (2) a labor organization, because of a person's sex, mari-
11 tal status, changes in marital status, pregnancy, parenthood, age,
12 race, religion, color or national origin, or because the person is a
13 resident of the state, to exclude or to expel the person [HIM] from
14 its membership, or to discriminate in any way against one of its
15 members or an employer or an employee;

16 (3) an employer or employment agency to print or circulate
17 or cause to be printed or circulated a statement, advertisement, or
18 publication, or to use a form of application for employment or to make
19 an inquiry in connection with prospective employment, that [WHICH]
20 expresses, directly or indirectly, a limitation, specification or
21 discrimination as to sex, marital status, changes in marital status,
22 pregnancy, parenthood, age, race, creed, color or national origin, or
23 because a person is a resident of the state or an intent to make the
24 limitation, unless based upon a bona fide occupational qualification;

25 (4) an employer, labor organization or employment agency to
26 discharge, expel or otherwise discriminate against a person because
27 the person [HE] has opposed a practice [ANY PRACTICES] forbidden under
28 AS 18.80.200 - 18.80.280 or the person [BECAUSE HE HAS] filed a com-
29 plaint, testified or assisted in a proceeding under this chapter;

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

6 (6) a person to print, publish, broadcast or otherwise
7 circulate a statement, inquiry or advertisement in connection with
8 prospective employment that [WHICH] expresses directly, a limitation,
9 specification or discrimination as to sex, marital status, changes in
10 marital status, pregnancy, parenthood, age, race, religion, color or
11 national origin, or residency in the state unless based upon a bona
12 fide occupational qualification.

13 * Sec. 5. AS 18.80.230 is amended to read:

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

17 (1) to refuse, withhold from or deny to a person any of its
18 services, goods, facilities, advantages or privileges because of sex,
19 marital status, changes in marital status, pregnancy, parenthood,
20 race, religion, color or national origin, or because the person is a
21 resident of the state;

22 (2) to publish, circulate, issue, display, post or mail a
23 written or printed communication, notice or advertisement which states
24 or implies

25 (A) that any of the services, goods, facilities,
26 advantages or privileges of the public accommodation will be
27 refused, withheld from or denied to a person of a certain race,
28 religion, sex, marital status, color or national origin or be-
29 cause of pregnancy, parenthood, or a change in marital status, or

1 because the person is a resident of the state; or

2 (B) that the patronage of a state resident or a person
3 belonging to a particular race, creed, sex, marital status, color
4 or national origin or who, because of pregnancy, parenthood, or a
5 change in marital status, is unwelcome, not desired or solicited.

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

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

10 (1) to refuse to sell, lease or rent the real property to a
11 person because of sex, marital status, changes in marital status,
12 pregnancy, race, religion, color or national origin, or because the
13 person is a resident of the state; however, nothing in this paragraph
14 prohibits the sale, lease or rental of classes of real property com-
15 monly known as housing for "singles" or "married couples" only;

16 (2) to discriminate against a person because of sex, mari-
17 tal status, changes in marital status, pregnancy, race, religion,
18 color or national origin, or because the person is a resident of the
19 state in a term, condition or privilege relating to the use, sale,
20 lease, or rental of real property; however, nothing in this paragraph
21 prohibits the sale, lease, or rental of classes of real property
22 commonly known as housing for "singles" or "married couples" only;

23 (3) to make a written or oral inquiry or record of the sex,
24 marital status, changes in marital status, race, religion, color or
25 national origin of a person seeking to buy, lease or rent real prop-
26 erty;

27 (4) to offer, solicit, accept, use, or retain a listing of
28 real property with the understanding that a person may be discrimi-
29 nated against in a real estate transaction or in the furnishing of

1 facilities or sources in connection with them [THEREWITH] because of a
2 person's sex, marital status, changes in marital status, pregnancy,
3 race, religion, color, national origin or age, or because the person
4 is a resident of the state;

5 (5) to represent to a person that real property is not
6 available for inspection, sale, rental, or lease when in fact it is so
7 available, or to refuse a person to inspect real property because the
8 person is a resident of the state or because of the race, religion,
9 color, national origin, age, sex, marital status, change in marital
10 status or pregnancy of that person or of a [ANY] person associated
11 with that person;

12 (6) to engage in blockbusting;

13 (7) to make, print or publish, or cause to be made, printed
14 or published, a [ANY] notice, statement or advertisement, with respect
15 to the sale or rental of real property that indicates a [ANY] prefer-
16 ence, limitation, or discrimination based on race, color, religion,
17 sex, or national origin, or an intention to make the preference,
18 limitation or discrimination.

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

20 (a) It is unlawful for a financial institution or other
21 commercial institution extending secured or unsecured credit, upon
22 receiving an application for financial assistance or credit for the
23 acquisition, construction, rehabilitation, repair or maintenance of a
24 housing accommodation or other property or services, or the
25 acquisition or improvement of unimproved property, or upon receiving
26 an application for any sort of loan of money, to permit one of its
27 officials or employees during the execution of the official's or
28 employee's [HIS] duties

29 (1) to discriminate against the applicant because of sex,

1 marital status, changes in marital status, pregnancy, parenthood,
2 race, religion, color or national origin, or because the person is a
3 resident of the state in a term, condition or privilege relating to
4 the obtainment or use of the institution's financial assistance or
5 credit, except to the extent of a federal statute or regulation appli-
6 cable to a transaction of the same character;

7 (2) to make or cause to be made a written or oral inquiry
8 or record of the sex, marital status, changes in marital status,
9 pregnancy, parenthood, race, religion, color or national origin of a
10 person seeking the institution's financial assistance or credit,
11 unless the inquiry is for the purpose of ascertaining the creditor's
12 rights and remedies applicable to the particular extension of credit
13 and is not made or used in order to discriminate in a determination of
14 creditworthiness;

15 (3) to refuse to extend credit, issue a credit card or make
16 a loan to a married person, who is otherwise creditworthy, if [SO]
17 requested by the person;

18 (4) to refuse to issue a credit card to a married person in
19 that person's name, if [SO] requested by the person; [, PROVIDED,
20 HOWEVER, THAT] the person [SO] requesting a card may be required to
21 open an account in that name.

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

23 Sec. 18.80.255. UNLAWFUL PRACTICES BY THE STATE OR ITS POLITICAL
24 SUBDIVISIONS. It is unlawful for the state or any of its political
25 subdivisions

26 (1) to refuse, withhold from or deny to a person [ANY]
27 local, state or federal funds, services, goods, facilities, advantages
28 or privileges because of race, religion, sex, color or national origin
29 or because the person is a resident of the state:

1 (2) to publish, circulate, issue, display, post or mail a
2 written or printed communication, notice or advertisement which states
3 or implies that [ANY] local, state or federal funds, services, goods,
4 facilities, advantages or privileges of the office or agency will be
5 refused, withheld from or denied to a state resident or a person of a
6 certain race, religion, sex, color or national origin or that the
7 patronage of a state resident or a person belonging to a particular
8 race, creed, sex, color or national origin is unwelcome, not desired
9 or solicited.

10 * Sec. 9. This Act takes effect immediately in accordance with AS 01.-
11 10.070(c).