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Referred: Health, Education and
Social Services and
Judiciary

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1 IN THE SENATE

2 SENATE BILL NO. 168

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 rights of deaf, blind, and
7 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 unqualified to act as a juror solely because
11 of the loss of hearing or sight in any degree or a disability that
12 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 when necessary to enable a person with impaired hearing to
15 act as a juror.

16 * Sec. 2. AS 18.06 is amended by adding a new section to read:

17 Sec. 18.06.015. INTERPRETERS FOR DEAF PERSONS. A department,
18 office, agency, or other organizational unit of the state government,
19 or a political subdivision of the state, including the University of
20 Alaska, from which a deaf person seeks access to funds, services,
21 goods, facilities, advantages, or privileges shall pay the costs of
22 and provide an interpreter for the person.

23 * Sec. 3. AS 18.06.040 is amended to read:

24 Sec. 18.06.040. PENALTY FOR DENYING RIGHTS. A person who
25 denies or interferes with admittance to or enjoyment of the public
26 facilities set out in AS 18.06.020 or otherwise interferes with the
27 rights of a totally or partially blind or deaf or otherwise physically
28 disabled person is guilty of a misdemeanor and upon conviction is
29 punishable by a fine of not more than \$1,000, or by imprisonment for

1 not more than 60 days, or by both.

2 * Sec. 4. 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, deafness, blindness, disability, marital status, changes in
7 marital status, pregnancy or parenthood is a matter of public concern
8 and that such discrimination not only threatens the rights and
9 privileges of the inhabitants of the state but also menaces the
10 institutions of the state and threatens peace, order, health, safety
11 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, deafness, blindness, disability,
17 marital status, changes in marital status, pregnancy or parenthood.
18 It is not the purpose of this chapter to supersede laws pertaining to
19 child labor, the age of majority or other age restrictions or
20 requirements.

21 * Sec. 5. 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 deafness, blindness, disability, marital status, changes in marital
26 status, pregnancy, parenthood, race, religion, color or national
27 origin is a civil right.

28 * Sec. 6. 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, deafness, blindness,
6 disability, marital status, changes in marital status, pregnancy or
7 parenthood when the reasonable demands of the position do not require
8 distinction on the basis of age, [PHYSICAL HANDICAP,] sex, deafness,
9 blindness, disability, marital status, changes in marital status,
10 pregnancy or parenthood;

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

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

26 (4) an employer, labor organization or employment agency to
27 discharge, expel or otherwise discriminate against a person because
28 the person [HE] has opposed any practices forbidden under AS 18.80.200
29 - 18.80.280 or because the person [HE] has filed a complaint,

1 testified or assisted in a proceeding under this chapter;

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

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

14 * Sec. 7. AS 18.80.230 is amended to read:

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

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

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

26 (A) that any of the services, goods, facilities,
27 advantages or privileges of the public accommodation will be
28 refused, withheld from or denied to a person of a certain race,
29 religion, sex, deafness, blindness, disability, marital status,

1 color or national origin or because of pregnancy, parenthood, or
2 a change in marital status, or

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

8 * Sec. 8. AS 18.80.240 is amended to read:

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

12 (1) to refuse to sell, lease or rent the real property to a
13 person because of sex, deafness, blindness, disability, marital
14 status, changes in marital status, pregnancy, race, religion, color or
15 national origin; however, nothing in this paragraph prohibits the
16 sale, lease or rental of classes of real property commonly known as
17 housing for "singles" or "married couples" only;

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

25 (3) to make a written or oral inquiry or record of the sex,
26 deafness, blindness, disability, marital status, changes in marital
27 status, race, religion, color or national origin of a person seeking
28 to buy, lease or rent real property;

29 (4) to offer, solicit, accept, use or retain a listing of

1 real property with the understanding that a person may be discriminat-
2 ed against in a real estate transaction or in the furnishing of facil-
3 ities or sources in connection therewith because of a person's sex,
4 deafness, blindness, disability, marital status, changes in marital
5 status, pregnancy, race, religion, color, national origin or age;

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

13 (6) to engage in blockbusting;

14 (7) to make, print or publish, or cause to be made, printed
15 or published, any notice, statement or advertisement, with respect to
16 the sale or rental of real property that indicates any preference,
17 limitation, or discrimination based on race, color, religion, sex,
18 deafness, blindness, disability or national origin, or an intention to
19 make the preference, limitation or discrimination.

20 * Sec. 9. AS 18.80.250(a) is amended to read:

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

1 (1) to discriminate against the applicant because of sex,
2 deafness, blindness, disability, marital status, changes in marital
3 status, pregnancy, parenthood, race, religion, color or national
4 origin in a term, condition or privilege relating to the obtainment or
5 use of the institution's financial assistance or credit, except to the
6 extent of a federal statute or regulation applicable to a transaction
7 of the same character;

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

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

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

23 * Sec. 10. AS 18.80.255 is amended to read:

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

27 (1) to refuse, withhold from or deny to a person any local,
28 state or federal funds, services, goods, facilities, advantages or
29 privileges because of race, religion, sex, deafness, blindness,

1 disability, color or national origin;

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

11 * Sec. 11. AS 18.80.300 is amended by adding new paragraphs to read:

12 (15) "disability" means

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

15 (B) a history of, or a misclassification as having, a
16 mental or physical impairment that substantially limits one or
17 more major life activities; or

18 (C) having

19 (i) a physical or mental impairment that does not
20 substantially limit a person's major life activities but
21 that is treated by the person as constituting such a limita-
22 tion;

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

26 (iii) none of the impairments defined in this
27 paragraph but being treated by others as having such an
28 impairment;

29 (16) "major life activities" means functions such as caring

1 for one's self, performing manual tasks, walking, seeing, hearing,
2 speaking, breathing, learning, and working;

3 (17) "physical or mental impairment" means

4 (A) physiological disorder or condition, cosmetic
5 disfigurement, or anatomical loss affecting one or more of the
6 following body systems: neurological, musculoskeletal, special
7 sense organs, respiratory including speech organs, cardiovascu-
8 lar, reproductive, digestive, genito-urinary, hemic and
9 lymphatic, skin, and endocrine; or

10 (B) mental or psychological disorder, including mental
11 retardation, organic brain syndrome, emotional or mental illness,
12 and specific learning disabilities.

13 * Sec. 12. AS 18.80.300(13) is repealed.