

Introduced: 1/19/87
Referred: Health, Education and
Social Services, Judiciary
and Finance

5-0193A

1 IN THE SENATE BY DUNCAN AND SZYMANSKI
2 SENATE BILL NO. 1
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH 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 from serving 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 12.55.155(c)(22) is amended to read:
17 (22) the defendant knowingly directed the conduct consti-
18 tuting the offense at a victim because of that person's race, sex,
19 color, creed, physical or mental disability, ancestry, or national
20 origin;
21 * Sec. 3. AS 18.06.010 is amended to read:
22 Sec. 18.06.010. STATE POLICY. It is the policy of this state to
23 encourage and enable the [BLIND, THE VISUALLY HANDICAPPED, AND THE
24 OTHERWISE] physically or mentally disabled to participate fully in the
25 social and economic life of the state and to engage in remunerative
26 employment.
27 * Sec. 4. AS 18.06.020 is amended to read:
28 Sec. 18.06.020. RIGHTS. (a) The [BLIND, THE VISUALLY HANDI-
29 CAPPED, AND THE OTHERWISE] physically or mentally disabled have the

1 same right as the able-bodied to the full and free pedestrian use of
2 the streets, highways, sidewalks, walkways, public buildings, public
3 facilities, and other public places.

4 (b) The [BLIND, THE VISUALLY HANDICAPPED, AND THE OTHERWISE]
5 physically or mentally disabled are entitled to full and equal accom-
6 modations, advantages, facilities, and privileges of all common carri-
7 ers, airplanes, motor vehicles, railroad trains, motor buses, street
8 cars, boats or any other public conveyances or modes of transporta-
9 tion, hotels, lodging places, places of public accommodation, amuse-
10 ment or resort, and other places to which the general public is invit-
11 ed, subject only to the conditions and limitations established by law
12 and applicable alike to all persons.

13 (c) Persons who are physically or mentally disabled [TOTALLY OR
14 PARTIALLY BLIND PERSONS] have the right to be accompanied or assisted
15 by a service animal that is certified by a training facility for
16 service animals as being able to function in a public setting [GUIDE
17 DOG, ESPECIALLY TRAINED FOR THE PURPOSE], in any of the places listed
18 in (b) of this section without being required to pay an extra charge
19 for the service animal [GUIDE DOG]; however, the person with the
20 animal [GUIDE DOG] is liable for any damage done to the premises or
21 facilities by the animal [DOG].

22 * Sec. 5. AS 18.06.030 is amended to read:

23 Sec. 18.06.030. RIGHTS AS PEDESTRIANS. The driver of a motor
24 vehicle approaching a physically or mentally disabled [TOTALLY OR
25 PARTIALLY BLIND] pedestrian who is carrying a cane predominantly white
26 or metallic in color, with or without a red tip, using special equip-
27 ment for mobility, or using a service animal [GUIDE DOG] shall take
28 all necessary precautions to avoid injury to the pedestrian. A [, AND
29 A] driver who fails to take all necessary precautions and causes

1 injury to the pedestrian is liable in damages for the injury caused.
2 A physically or mentally disabled [TOTALLY BLIND OR PARTIALLY BLIND]
3 pedestrian not carrying a cane as described in this section or using
4 special equipment for mobility or a service animal [GUIDE DOG] in any
5 of the places, accommodations or conveyances set out under
6 AS 18.06.020 has all of the rights and privileges conferred by law
7 upon other persons. The [, AND THE] failure of a physically or
8 mentally disabled [TOTALLY OR PARTIALLY BLIND] pedestrian to carry a
9 cane as described in this section or to use special equipment for
10 mobility or a service animal [GUIDE DOG] is not by itself evidence of
11 [CONTRIBUTORY] negligence.

12 * Sec. 6. AS 18.06.040 is amended to read:

13 Sec. 18.06.040. ENFORCEMENT AND PENALTY [FOR DENYING RIGHTS].
14 The state Human Rights Commission shall enforce this chapter. A
15 person who denies or interferes with admittance to or enjoyment of the
16 public facilities set out in AS 18.06.020 or otherwise interferes with
17 the rights of a physically or mentally [TOTALLY OR PARTIALLY BLIND OR
18 OTHERWISE] disabled person is guilty of a class B misdemeanor [AND
19 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY
20 IMPRISONMENT FOR NOT MORE THAN 60 DAYS, OR BY BOTH].

21 * Sec. 7. AS 18.06.050 is amended to read:

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

28 * Sec. 8. AS 18.80.050 is amended by adding a new subsection to read:

29 (b) The commission shall adopt regulations relating to

1 discrimination because of physical and mental disability. The regula-
2 tions shall furnish guidance concerning the circumstances under which
3 it is permissible, appropriate, and relevant to consider a person's
4 physical or mental disability in deciding whether to provide the
5 person with employment, credit, financing, public accommodations,
6 housing accommodations, or other goods or services under this chapter.

7 * Sec. 9. AS 18.80.060(a) is amended to read:

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

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

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

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

15 (4) accept complaints under AS 18.80.100;

16 (5) study the problems of discrimination in all or specific
17 fields of human relationships, and foster through community effort or
18 goodwill, cooperation and conciliation among the groups and elements
19 of the population of the state, and publish results of investigations
20 and research as in its judgment will tend to eliminate discrimination
21 because of race, religion, color, national ancestry, physical or
22 mental disability [HANDICAP], age, sex, marital status, changes in
23 marital status, pregnancy or parenthood;

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

28 (7) enforce AS 18.06.

29 * Sec. 10. AS 18.80.200 is amended to read:

1 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as
2 a matter of legislative finding that discrimination against an inhabi-
3 tant of the state because of race, religion, color, national origin,
4 age, sex, physical or mental disability, marital status, changes in
5 marital status, pregnancy or parenthood is a matter of public concern
6 and that this discrimination not only threatens the rights and privi-
7 leges of the inhabitants of the state but also menaces the institu-
8 tions of the state and threatens peace, order, health, safety and
9 general welfare of the state and its inhabitants.

10 (b) Therefore, it is the policy of the state and the purpose of
11 this chapter to eliminate and prevent discrimination in employment, in
12 credit and financing practices, in places of public accommodation, in
13 the sale, lease, or rental of real property because of race, religion,
14 color, national origin, sex, age, physical or mental disability,
15 marital status, changes in marital status, pregnancy or parenthood.
16 It is also the purpose of this chapter to eliminate or prevent dis-
17 crimination resulting from ignorance or misconceptions concerning the
18 nature and effects of physical and mental disabilities. It is not the
19 purpose of this chapter to supersede laws pertaining to child labor,
20 the age of majority or other age restrictions or requirements.

21 * Sec. 11. 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 physical or mental disability, marital status, changes in marital
26 status, pregnancy, parenthood, race, religion, color or national
27 origin is a civil right.

28 * Sec. 12. 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 from employment, or to discriminate against a person in
3 compensation or in a term, condition, or privilege of employment
4 because of the person's race, religion, color or national origin, or
5 because of the person's age, physical or mental disability [HANDICAP],
6 sex, marital status, changes in marital status, pregnancy or parent-
7 hood when the reasonable demands of the position do not require dis-
8 tinction on the basis of age, physical or mental disability [HANDI-
9 CAP], sex, marital status, changes in marital status, pregnancy or
10 parenthood;

11 (2) a labor organization, because of a person's sex, mari-
12 tal status, changes in marital status, pregnancy, parenthood, age,
13 race, religion, physical or mental disability, color or national
14 origin, to exclude or to expel a person from its membership, or to
15 discriminate in any way against one of its members or an employer or
16 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, which expresses,
21 directly or indirectly, a limitation, specification or discrimination
22 as to sex, physical or mental disability, marital status, changes in
23 marital status, pregnancy, parenthood, age, race, creed, color or
24 national origin, or an intent to make the limitation, unless based
25 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 has opposed any practices forbidden under AS 18.80.200 -
29 18.80.280 or because the person [HE] has filed a complaint, testified

1 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 expresses directly, a limitation, speci-
10 fication or discrimination as to sex, physical or mental disability,
11 marital status, changes in marital status, pregnancy, parenthood, age,
12 race, religion, color or national origin, unless based upon a bona
13 fide occupational qualification.

14 * Sec. 13. 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 physical or mental 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 states
25 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, physical or mental 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, physical or
6 mental disability, or a change in marital status, is unwelcome,
7 not desired or solicited.

8 * Sec. 14. AS 18.80.240 is amended to read:

9 Sec. 18.80.240. UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL
10 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, marital status, changes in marital status,
14 pregnancy, race, religion, physical or mental disability, 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, mari-
19 tal status, changes in marital status, pregnancy, race, religion,
20 physical or mental disability, 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 marital status, changes in marital status, race, religion, physical or
27 mental disability, color or national origin of a person seeking to
28 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 discrimi-
2 ated against in a real estate transaction or in the furnishing of
3 facilities or sources in connection therewith because of a person's
4 sex, marital status, changes in marital status, pregnancy, race,
5 religion, physical or mental disability, color, national origin or
6 age;

7 (5) to represent to a person that real property is not
8 available for inspection, sale, rental, or lease when in fact it is so
9 available, or to refuse to allow a person to inspect real property
10 because of the race, religion, physical or mental disability, color,
11 national origin, age, sex, marital status, change in marital status or
12 pregnancy of that person or of any person associated with 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, physical
18 or mental disability, sex, or national origin, or an intention to make
19 the preference, limitation or discrimination.

20 * Sec. 15. 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 duties

1 (1) to discriminate against the applicant because of sex,
2 physical or mental 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, physical or mental disability, marital status,
10 changes in marital status, pregnancy, parenthood, race, religion,
11 color or national origin of a person seeking the institution's finan-
12 cial assistance or credit, unless the inquiry is for the purpose of
13 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 or a person with a physical or mental
18 disability, who is otherwise creditworthy, if so requested by the
19 person;

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

24 * Sec. 16. AS 18.80.255 is amended to read:

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

28 (1) to refuse, withhold from or deny to a person any local,
29 state or federal funds, services, goods, facilities, advantages or

1 privileges because of race, religion, sex, color or national origin;
2 (2) to publish, circulate, issue, display, post or mail a
3 written or printed communication, notice or advertisement that 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 physically or mentally disabled
7 person or a person of a certain race, religion, sex, color or national
8 origin or that the patronage of a physically or mentally disabled
9 person or a person belonging to a particular race, creed, sex, color
10 or national origin is unwelcome, not desired or solicited; it is not
11 unlawful to post notice that facilities to accommodate the physically
12 or mentally disabled are not available;

13 (3) to refuse or deny to a person any local, state, or
14 federal funds, services, goods, facilities, advantages or privileges
15 because of physical or mental disability.

16 * Sec. 17. AS 18.80 is amended by adding a new section to read:

17 Sec. 18.80.256. ALTERATIONS NOT REQUIRED. This chapter may not
18 be construed to require, or affect other laws that require or provide
19 for, the alteration or remodeling of buildings, facilities, or vehi-
20 cles in order to provide access to or accommodate the needs of a
21 person with a physical disability.

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

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

26 (16) "physical or mental disability" means

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

29 (B) a history of, or a misclassification as having, a

1 mental or physical impairment that substantially limits one or
2 more major life activities; or

3 (C) having

4 (i) a physical or mental impairment that does not
5 substantially limit a person's major life activities but
6 that is treated by the person as constituting such a limita-
7 tion;

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

11 (iii) none of the impairments defined in this
12 paragraph but being treated by others as having such an
13 impairment;

14 (D) a condition that may require the use of a prosthe-
15 sis, special equipment for mobility or service animal;

16 (17) "physical or mental impairment" means

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

23 (B) mental or psychological disorder, including mental
24 retardation, organic brain syndrome, emotional or mental illness,
25 and specific learning disabilities.

26 * Sec. 19. AS 18.80.300(13) is repealed.