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Original sponsors: Duncan, Szymanski,
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1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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CS FOR SENATE BILL NO. 1 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

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

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* Sec. 2. AS 09.65 is amended by adding a new section to read:

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Sec. 09.65.150. DUTY TO DISABLED PEDESTRIANS. (a) The driver
of a vehicle approaching a physically disabled pedestrian who is
carrying a white or metallic-colored cane, or using special equipment
for mobility, or using a service animal, shall take precautions neces-
sary to avoid injury to the pedestrian or the service animal. A
driver who fails to take necessary precautions and, as a result,
causes injury to the pedestrian or the service animal is liable in
damages for the injury caused.

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(b) In this section

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(1) "physically disabled pedestrian" means a person who has
a physical condition that limits the person's ability to function as a
pedestrian without the assistance of another person, a service animal,
a cane, or other equipment or device;

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1 (2) "service animal" means a dog guide or other animal that
2 assists a physically disabled person to function as a pedestrian.

3 * Sec. 3. AS 11.76 is amended by adding a new section to read:

4 Sec. 11.76.130. INTERFERENCE WITH RIGHTS OF DISABLED PERSON.

5 (a) A person commits the crime of interference with the rights of a
6 disabled person if the person prevents or restricts

7 (1) a physically or mentally disabled person from having
8 full and free pedestrian use of a street, highway, sidewalk, walkway,
9 or other thoroughfare, to the same extent that any other person has a
10 right to pedestrian use; or

11 (2) a physically disabled person from being accompanied or
12 assisted by a certified service animal, without an extra charge for
13 the service animal, in a common carrier, place of public accommoda-
14 tion, or other place to which the general public is invited, except as
15 provided in (b) of this section.

16 (b) A physically disabled person who is accompanied or assisted
17 by a certified service animal in a common carrier, place of public
18 accommodation, or other place to which the general public is invited,
19 is liable for property damage done by the animal.

20 (c) In this section

21 (1) "certified service animal" means an animal trained to
22 assist a physically disabled person and certified by a school or
23 training facility for service animals as having completed such train-
24 ing;

25 (2) "physically or mentally disabled" has the meaning given
26 in AS 18.80.300.

27 (d) Interference with the rights of a disabled person is a class
28 B misdemeanor.

29 * Sec. 4. AS 12.55.155(c)(22) is amended to read:

1 (22) the defendant knowingly directed the conduct consti-
2 tuting the offense at a victim because of that person's race, sex,
3 color, creed, physical or mental disability, ancestry, or national
4 origin;

5 * Sec. 5. AS 18.80.050 is amended by adding a new subsection to read:

6 (b) The commission shall adopt regulations relating to dis-
7 crimination because of physical and mental disability. The regula-
8 tions shall furnish guidance concerning the circumstances under which
9 it is necessary to make a reasonable accommodation for a physically or
10 mentally disabled person when providing employment, financing or
11 credit, public accommodations, the sale or rental of real property, or
12 other goods, services, facilities, advantages, or privileges under
13 this chapter.

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

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

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

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

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

22 (4) accept complaints under AS 18.80.100;

23 (5) study the problems of discrimination in all or specific
24 fields of human relationships, and foster through community effort or
25 goodwill, cooperation and conciliation among the groups and elements
26 of the population of the state, and publish results of investigations
27 and research as in its judgment will tend to eliminate discrimination
28 because of race, religion, color, national ancestry, physical or
29 mental disability [HANDICAP], age, sex, marital status, changes in

1 marital status, pregnancy or parenthood;

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

6 * Sec. 7. AS 18.80.200 is amended to read:

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

16 (b) Therefore, it is the policy of the state and the purpose of
17 this chapter to eliminate and prevent discrimination in employment, in
18 credit and financing practices, in places of public accommodation, in
19 the sale, lease, or rental of real property because of race, religion,
20 color, national origin, sex, age, physical or mental disability,
21 marital status, changes in marital status, pregnancy or parenthood.
22 It is also the policy of the state to encourage and enable physically
23 and mentally disabled persons to participate fully in the social and
24 economic life of the state and to engage in remunerative employment.
25 It is not the purpose of this chapter to supersede laws pertaining to
26 child labor, the age of majority or other age restrictions or require-
27 ments.

28 * Sec. 8. AS 18.80.210 is amended to read:

29 Sec. 18.80.210. CIVIL RIGHTS. The opportunity to obtain

1 employment, credit and financing, public accommodations, housing
2 accommodations and other property without discrimination because of
3 sex, physical or mental disability, marital status, changes in marital
4 status, pregnancy, parenthood, race, religion, color or national
5 origin is a civil right.

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

7 (a) It is unlawful for

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

18 (2) a labor organization, because of a person's sex, mari-
19 tal status, changes in marital status, pregnancy, parenthood, age,
20 race, religion, physical or mental disability, color or national
21 origin, to exclude or to expel a person from its membership, or to
22 discriminate in any way against one of its members or an employer or
23 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 has opposed any practices forbidden under AS 18.80.200 -
7 18.80.280 or because the person has filed a complaint, testified or
8 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 that 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 states
3 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 to allow a person to inspect real property
17 because of the race, religion, physical or mental disability, color,
18 national origin, age, sex, marital status, change in marital status or
19 pregnancy 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 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 or a person with a physical or mental
25 disability, who is otherwise creditworthy, if so requested by the
26 person;

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

1 account in that name.

2 * Sec. 13. AS 18.80.255 is amended to read:

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

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

9 (2) to publish, circulate, issue, display, post or mail a
10 written or printed communication, notice or advertisement that 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; it is not
18 unlawful to post notice that facilities to accommodate the physically
19 or mentally disabled are not available;

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

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

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

27 (16) "physical or mental disability" means

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

1 (B) a history of, or a misclassification as having, a
2 mental or physical impairment that substantially limits one or
3 more major life activities; or

4 (C) having

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

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

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

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

17 (17) "physical or mental impairment" means

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

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

27 * Sec. 15. AS 18.06 and AS 18.80.300(11) are repealed.