

HOUSE BILL NO. 165

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KERTTULA

Introduced: 2/21/11

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act adding to the powers and duties of the State Commission for Human Rights;**
2 **and relating to and prohibiting discrimination based on sexual orientation."**

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

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

5 (a) In addition to the other powers and duties prescribed by this chapter, the
6 commission shall

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

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

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

12 (4) accept complaints under AS 18.80.100;

13 (5) study the problems of discrimination in all or specific fields of
14 human relationships, foster through community effort or goodwill, cooperation and

1 conciliation among the groups and elements of the population of the state, and publish
 2 results of investigations and research as in its judgment will tend to eliminate
 3 discrimination because of race, religion, color, national ancestry, physical or mental
 4 disability, age, sex, **sexual orientation**, marital status, changes in marital status,
 5 pregnancy, or parenthood;

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

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

11 **Sec. 18.80.200. Purpose.** (a) It is determined and declared as a matter of
 12 legislative finding that discrimination against an inhabitant of the state because of
 13 race, religion, color, national origin, age, sex, **sexual orientation**, physical or mental
 14 disability, marital status, changes in marital status, pregnancy, or parenthood is a
 15 matter of public concern and that this discrimination not only threatens the rights and
 16 privileges of the inhabitants of the state but also menaces the institutions of the state
 17 and threatens peace, order, health, safety, and general welfare of the state and its
 18 inhabitants.

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

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

29 **Sec. 18.80.210. Civil rights.** The opportunity to obtain employment, credit and
 30 financing, public accommodations, housing accommodations, and other property
 31 without discrimination because of sex, **sexual orientation**, physical or mental

1 disability, marital status, changes in marital status, pregnancy, parenthood, race,
2 religion, color, or national origin is a civil right.

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

4 (a) Except as provided in (c) of this section, it is unlawful for

5 (1) an employer to refuse employment to a person, or to bar a person
6 from employment, or to discriminate against a person in compensation or in a term,
7 condition, or privilege of employment because of the person's race, religion, color, or
8 national origin, or because of the person's age, physical or mental disability, sex,
9 **sexual orientation**, marital status, changes in marital status, pregnancy, or parenthood
10 when the reasonable demands of the position do not require distinction on the basis of
11 age, physical or mental disability, sex, **sexual orientation**, marital status, changes in
12 marital status, pregnancy, or parenthood;

13 (2) a labor organization, because of a person's sex, **sexual orientation**,
14 marital status, changes in marital status, pregnancy, parenthood, age, race, religion,
15 physical or mental disability, color, or national origin, to exclude or to expel a person
16 from its membership, or to discriminate in any way against one of its members or an
17 employer or an employee;

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

26 (4) an employer, labor organization, or employment agency to
27 discharge, expel, or otherwise discriminate against a person because the person has
28 opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the
29 person has filed a complaint, testified, or assisted in a proceeding under this chapter;

30 (5) an employer to discriminate in the payment of wages as between
31 the sexes, or to employ a female in an occupation in this state at a salary or wage rate

1 less than that paid to a male employee for work of comparable character or work in the
2 same operation, business, or type of work in the same locality; or

3 (6) a person to print, publish, broadcast, or otherwise circulate a
4 statement, inquiry, or advertisement in connection with prospective employment that
5 expresses directly a limitation, specification, or discrimination as to sex, **sexual**
6 **orientation**, physical or mental disability, marital status, changes in marital status,
7 pregnancy, parenthood, age, race, religion, color, or national origin, unless based upon
8 a bona fide occupational qualification.

9 * **Sec. 5.** AS 18.80.230(a) is amended to read:

10 (a) It is unlawful for the owner, lessee, manager, agent, or employee of a
11 public accommodation

12 (1) to refuse, withhold from, or deny to a person any of its services,
13 goods, facilities, advantages, or privileges because of sex, **sexual orientation**,
14 physical or mental disability, marital status, changes in marital status, pregnancy,
15 parenthood, race, religion, color, or national origin;

16 (2) to publish, circulate, issue, display, post, or mail a written or
17 printed communication, notice, or advertisement that states or implies

18 (A) that any of the services, goods, facilities, advantages, or
19 privileges of the public accommodation will be refused, withheld from, or
20 denied to a person of a certain race, religion, sex, **sexual orientation**, physical
21 or mental disability, marital status, color, or national origin or because of
22 pregnancy, parenthood, or a change in marital status, or

23 (B) that the patronage of a person belonging to a particular
24 race, creed, sex, **sexual orientation**, marital status, color, or national origin or
25 who, because of pregnancy, parenthood, physical or mental disability, or a
26 change in marital status, is unwelcome, not desired, or solicited.

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

28 **Sec. 18.80.240. Unlawful practices in the sale or rental of real property.** It
29 is unlawful for the owner, lessee, manager, or other person having the right to sell,
30 lease, or rent real property

31 (1) to refuse to sell, lease, or rent the real property to a person because

1 of sex, **sexual orientation**, marital status, changes in marital status, pregnancy, race,
2 religion, physical or mental disability, color, or national origin; however, nothing in
3 this paragraph prohibits the sale, lease, or rental of classes of real property commonly
4 known as housing for "singles" or "married couples" only;

5 (2) to discriminate against a person because of sex, **sexual orientation**,
6 marital status, changes in marital status, pregnancy, race, religion, physical or mental
7 disability, color, or national origin in a term, condition, or privilege relating to the use,
8 sale, lease, or rental of real property; however, nothing in this paragraph prohibits the
9 sale, lease, or rental of classes of real property commonly known as housing for
10 "singles" or "married couples" only;

11 (3) to make a written or oral inquiry or record of the sex, **sexual**
12 **orientation**, marital status, changes in marital status, race, religion, physical or mental
13 disability, color, or national origin of a person seeking to buy, lease, or rent real
14 property;

15 (4) to offer, solicit, accept, use, or retain a listing of real property with
16 the understanding that a person may be discriminated against in a real estate
17 transaction or in the furnishing of facilities or sources in connection therewith because
18 of a person's sex, **sexual orientation**, marital status, changes in marital status,
19 pregnancy, race, religion, physical or mental disability, color, national origin, or age;

20 (5) to represent to a person that real property is not available for
21 inspection, sale, rental, or lease when in fact it is so available, or to refuse to allow a
22 person to inspect real property because of the race, religion, physical or mental
23 disability, color, national origin, age, sex, **sexual orientation**, marital status, change in
24 marital status, or pregnancy of that person or of any person associated with that
25 person;

26 (6) to engage in blockbusting;

27 (7) to make, print, or publish, or cause to be made, printed, or
28 published, any notice, statement, or advertisement with respect to the sale or rental of
29 real property that indicates any preference, limitation, or discrimination based on race,
30 color, religion, physical or mental disability, sex, **sexual orientation**, or national
31 origin, or an intention to make the preference, limitation, or discrimination.

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

2 (a) It is unlawful for a financial institution or other commercial institution
3 extending secured or unsecured credit, upon receiving an application for financial
4 assistance or credit for the acquisition, construction, rehabilitation, repair, or
5 maintenance of a housing accommodation or other property or services, or the
6 acquisition or improvement of unimproved property, or upon receiving an application
7 for any sort of loan of money, to permit one of its officials or employees during the
8 execution of the official's or the employee's duties

9 (1) to discriminate against the applicant because of sex, **sexual**
10 **orientation**, physical or mental disability, marital status, changes in marital status,
11 pregnancy, parenthood, race, religion, color, or national origin in a term, condition, or
12 privilege relating to the obtainment or use of the institution's financial assistance or
13 credit, except to the 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 or record of
16 the sex, **sexual orientation**, physical or mental disability, marital status, changes in
17 marital status, pregnancy, parenthood, race, religion, color, or national origin of a
18 person seeking the institution's financial assistance or credit, unless the inquiry is for
19 the purpose of ascertaining the creditor's rights and remedies applicable to the
20 particular extension of credit and is not made or used in order to discriminate in a
21 determination of creditworthiness;

22 (3) to refuse to extend credit, issue a credit card, or make a loan to a
23 married person or a person with a physical or mental disability [,] who is otherwise
24 creditworthy, if so requested by the person;

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

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

29 **Sec. 18.80.255. Unlawful practices by the state or its political subdivisions.**

30 It is unlawful for the state or any of its political subdivisions

31 (1) to refuse, withhold from, or deny to a person any local, state, or

1 federal funds, services, goods, facilities, advantages, or privileges because of race,
2 religion, sex, sexual orientation, color, or national origin;

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

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

15 * **Sec. 9.** AS 18.80.300(1) is amended to read:

16 (1) "blockbusting" means an unlawful discriminatory practice by real
17 estate brokers, real estate salesmen, or employees or agents of a broker or another
18 individual, corporation, partnership, or organization for the purpose of inducing a real
19 estate transaction from which any such person or its stockholders or members may
20 benefit financially, to represent directly or indirectly that a change has occurred or will
21 or may occur from a composition with respect to race, religion, sexual orientation,
22 color, or national origin of the owners or occupants of the block, neighborhood, or
23 area in which the real property is located, and to represent directly or indirectly that
24 this change may or will result in undesirable consequences in the block, neighborhood,
25 or area in which the real property is located, including but not limited to the lowering
26 of property values, an increase in criminal or antisocial behavior, or decline in the
27 quality of the schools or other facilities;

28 * **Sec. 10.** AS 18.80.300 is amended by adding a new paragraph to read:

29 (19) "sexual orientation" means heterosexuality, homosexuality,
30 bisexuality, and gender expression or identity.