

SENATE BILL NO. 82

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY SENATORS KAWASAKI, Gray-Jackson, Begich

Introduced: 3/8/19

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 or gender**
3 **identity or expression."**

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

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

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

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

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

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

13 (4) accept complaints under AS 18.80.100;

14 (5) study the problems of discrimination in all or specific fields of

human relationships, foster through community effort or goodwill, cooperation and conciliation among the groups and elements of the population of the state, and publish results of investigations and research as in its judgment will tend to eliminate discrimination because of race, religion, color, national ancestry, physical or mental disability, age, sex, **sexual orientation, gender identity or expression**, marital status, changes in marital status, pregnancy, or parenthood;

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

* **Sec. 2.** AS 18.80.200(a) is amended to read:

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

* **Sec. 3.** AS 18.80.200(b) is amended to read:

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

* **Sec. 4.** AS 18.80.210 is amended to read:

1 **Sec. 18.80.210. Civil rights.** The opportunity to obtain employment, credit and
 2 financing, public accommodations, housing accommodations, and other property
 3 without discrimination because of sex, **sexual orientation, gender identity or**
 4 **expression,** physical or mental disability, marital status, changes in marital status,
 5 pregnancy, parenthood, race, religion, color, or national origin is a civil right.

6 * **Sec. 5.** AS 18.80.220(a) is amended to read:

7 (a) Except as provided in (c) **and (e)** of this section, it is unlawful for

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

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

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

30 (4) an employer, labor organization, or employment agency to
 31 discharge, expel, or otherwise discriminate against a person because the person has

1 opposed any practices forbidden under AS 18.80.200 - 18.80.280 or because the
2 person has filed a complaint, testified, or assisted in a proceeding under this chapter;

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

7 (6) a person to print, publish, broadcast, or otherwise circulate a
8 statement, inquiry, or advertisement in connection with prospective employment that
9 expresses directly a limitation, specification, or discrimination as to sex, **sexual**
10 **orientation, gender identity or expression**, physical or mental disability, marital
11 status, changes in marital status, pregnancy, parenthood, age, race, religion, color, or
12 national origin, unless based **on** [UPON] a bona fide occupational qualification.

13 * **Sec. 6.** AS 18.80.220 is amended by adding a new subsection to read:

14 (e) Notwithstanding (a) of this section, the prohibitions against discrimination
15 under (a) of this section do not apply to an employment relationship between a
16 religious organization and a minister employed by the religious organization. In this
17 subsection,

18 (1) "minister" means an employee who leads a religious organization,
19 conducts worship services or important religious ceremonies or rituals, or serves as a
20 messenger or teacher of the faith of a religious organization;

21 (2) "religious organization" means an organization, church, body of
22 communicants, or group, not for pecuniary profit, gathered in common membership
23 for mutual support and edification in piety, worship, and religious observances, or a
24 society, not for pecuniary profit, of individuals united for a religious purpose.

25 * **Sec. 7.** AS 18.80.230(a) is amended to read:

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

28 (1) to refuse, withhold from, or deny to a person any of its services,
29 goods, facilities, advantages, or privileges because of sex, **sexual orientation, gender**
30 **identity or expression**, physical or mental disability, marital status, changes in marital
31 status, pregnancy, parenthood, race, religion, color, or national origin;

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

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

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

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

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

(1) to refuse to sell, lease, or rent the real property to a person because of sex, **sexual orientation, gender identity or expression**, marital status, changes in marital status, pregnancy, race, religion, physical or mental disability, color, or national origin; however, nothing in this paragraph prohibits the sale, lease, or rental of classes of real property commonly known as housing for "singles" or "married couples" only;

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

(3) to make a written or oral inquiry or record of the sex, **sexual orientation, gender identity or expression**, marital status, changes in marital status,

1 race, religion, physical or mental disability, color, or national origin of a person
2 seeking to buy, lease, or rent real property;

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

9 (5) to represent to a person that real property is not available for
10 inspection, sale, rental, or lease when in fact it is so available, or to refuse to allow a
11 person to inspect real property because of the race, religion, physical or mental
12 disability, color, national origin, age, sex, **sexual orientation, gender identity or**
13 **expression**, marital status, change in marital status, or pregnancy of that person or of
14 any person associated with that person;

15 (6) to engage in blockbusting;

16 (7) to make, print, or publish, or cause to be made, printed, or
17 published, any notice, statement, or advertisement with respect to the sale or rental of
18 real property that indicates any preference, limitation, or discrimination based on race,
19 color, religion, physical or mental disability, sex, **sexual orientation, gender identity**
20 **or expression**, or national origin, or an intention to make the preference, limitation, or
21 discrimination.

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

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

30 (1) to discriminate against the applicant because of sex, **sexual**
31 **orientation, gender identity or expression**, physical or mental disability, marital

status, changes in marital status, pregnancy, parenthood, race, religion, color, or national origin in a term, condition, or privilege relating to the obtainment or use of the institution's financial assistance or credit, except to the extent of a federal statute or regulation applicable to a transaction of the same character;

(2) to make or cause to be made a written or oral inquiry or record of the sex, sexual orientation, gender identity or expression, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, race, religion, color, or national origin of a person seeking the institution's financial assistance or credit, unless the inquiry is for the purpose of ascertaining the creditor's rights and remedies applicable to the particular extension of credit and is not made or used in order to discriminate in a determination of creditworthiness;

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

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

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

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

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

(1) to refuse, withhold from, or deny to a person any local, state, or federal funds, services, goods, facilities, advantages, or privileges because of race, religion, sex, sexual orientation, gender identity or expression, color, or national origin;

(2) to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement that states or implies that any local, state, or federal funds, services, goods, facilities, advantages, or privileges of the office or agency will be refused, withheld from, or denied to a physically or mentally disabled person or a person of a certain race, religion, sex, sexual orientation, gender identity or expression, color, or national origin or that the patronage of a physically or mentally disabled person or a person belonging to a particular race, creed, sex,

1 **sexual orientation, gender identity or expression**, color, or national origin is
 2 unwelcome, not desired, or solicited; it is not unlawful to post notice that facilities to
 3 accommodate the physically or mentally disabled are not available;

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

7 * **Sec. 11.** AS 18.80.300(1) is amended to read:

8 (1) "blockbusting" means an unlawful discriminatory practice by a real
 9 estate broker, real estate salesperson, or employee or agent of a broker or another
 10 individual, corporation, partnership, or organization for the purpose of inducing a real
 11 estate transaction from which **that** [ANY SUCH] person or its stockholders or
 12 members may benefit financially, to represent directly or indirectly that a change has
 13 occurred or will or may occur from a composition with respect to race, religion,
 14 **sexual orientation, gender identity or expression**, color, or national origin of the
 15 owners or occupants of the block, neighborhood, or area in which the real property is
 16 located, and to represent directly or indirectly that this change may or will result in
 17 undesirable consequences in the block, neighborhood, or area in which the real
 18 property is located, including the lowering of property values, an increase in criminal
 19 or antisocial behavior, or decline in the quality of the schools or other facilities;

20 * **Sec. 12.** AS 18.80.300 is amended by adding new paragraphs to read:

21 (19) "gender identity or expression" means having or being perceived
 22 as having or expressing a gender, self-image, appearance, or behavior, regardless of
 23 whether that gender, self-image, appearance, or behavior is different from that
 24 traditionally associated with the sex assigned to that person at birth;

25 (20) "sexual orientation" means heterosexuality, homosexuality, and
 26 bisexuality.