

SENATE BILL NO. 66

BY SENATORS FOIL, BARROW, BASS, BOUDREAUX, BOUIE, CARTER, CLOUD, CONNICK, DUPLESSIS, EDMONDS, FESI, HARRIS, HENRY, HENSGENS, HODGES, JACKSON-ANDREWS, JENKINS, LAMBERT, LUNEAU, MCMATH, MIGUEZ, MIZELL, PRESSLY, PRICE, SELDERS AND STINE AND REPRESENTATIVES AMEDEE, BAYHAM, BERAULT, BILLINGS, BUTLER, ROBBY CARTER, CHASSION, CHENEVERT, EGAN, FIRMENT, FISHER, ILLG, MCCORMICK, OWEN, SCHAMERHORN, STAGNI, THOMPSON, WILDER, WILEY AND WYBLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 17:111(A)(1) and (B), R.S. 23:332(A)(1) and (2), (B), (C)(1) and (2), (D), (E), (F), and (H)(1) and (4), R.S. 49:145 and 146(A)(1), R.S. 51:2602(A), 2603(10) through (13), 2606(A)(1) through (5), 2607(A) and (C) and 2608 and to enact R.S. 23:322(10) and R.S. 51:2603(14), relative to discrimination based on military status; to prohibit discrimination in public schools; to prohibit discrimination in employment; to prohibit discrimination in public buildings; to prohibit discrimination in facilities to which the public is invited; to prohibit discrimination in the sale or rental of housing; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:111(A)(1) and (B) are hereby amended and reenacted to read as follows:

§111. Discrimination in public schools prohibited; pupil assignment; religious educational institutions

A.(1) No person shall be refused admission into or be excluded from any public school in the state of Louisiana on account of race, creed, color, disability, as

defined in R.S. 51:2232, national origin, **military status**, or natural, protective, or cultural hairstyle.

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B. Except with the express approval of a board of education or school board having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors ~~or~~, national origins, **or military status**, and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this ~~section~~ **Section** shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and provided further that nothing in this Act shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

Section 2. R.S. 23:332(A)(1) and (2), (B), (C)(1) and (2), (D), (E), (F), and (H)(1) and (4) are hereby amended and reenacted and R.S. 23:322(10) is hereby enacted to read as follows:

§322. Definitions

* * *

(10) "Military status" means status as:

(a) A member of the uniformed forces, as defined in 10 U.S.C. § 101(A)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101.

(b) A dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided one hundred eighty days immediately preceding an alleged action that if proven true

1 would constitute unlawful discrimination under this Section instead of one
2 hundred eighty days immediately preceding an application for relief under 50
3 U.S.C. Chapter 50.

4 * * *

5 §332. Intentional discrimination in employment

6 A. It shall be unlawful discrimination in employment for an employer to
7 engage in any of the following practices:

8 (1) Intentionally fail or refuse to hire or to discharge any individual, or
9 otherwise to intentionally discriminate against any individual with respect to
10 compensation, or terms, conditions, or privileges of employment, because of the
11 individual's race, color, religion, sex, national origin, **military status**, or natural,
12 protective, or cultural hairstyle.

13 (2) Intentionally limit, segregate, or classify employees or applicants for
14 employment in any way which would deprive or tend to deprive any individual of
15 employment opportunities, or otherwise adversely affect the individual's status as an
16 employee, because of the individual's race, color, religion, sex, national origin,
17 **military status**, or natural, protective, or cultural hairstyle.

18 * * *

19 B. It shall be unlawful discrimination in employment for an employment
20 agency to intentionally fail or refuse to refer for employment, or otherwise to
21 intentionally discriminate against, any individual because of his race, color, religion,
22 sex, ~~or~~ national origin, **military status**, or to intentionally classify or refer for
23 employment any individual on the basis of his race, color, religion, sex, national
24 origin, **military status**, or natural, protective, or cultural hairstyle.

25 C. It shall be unlawful discrimination in employment for a labor organization
26 to engage in any of the following practices:

27 (1) Intentionally exclude or intentionally expel from its membership, or
28 otherwise intentionally discriminate against, any individual because of his race,
29 color, religion, sex, national origin, **military status**, or natural, protective, or cultural
30 hairstyle.

(2) Intentionally limit, segregate, or classify its membership or applicants for membership, or intentionally classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, national origin, **military status**, or natural, protective, or cultural hairstyle.

* * *

D. It shall be unlawful discrimination in employment for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of his race, color, religion, sex, national origin, **military status**, or natural, protective, or cultural hairstyle in admission to, or employment in, any program established to provide apprenticeship or other training.

E. It shall be unlawful discrimination in employment for an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by an employer or membership in or any classification or referral for employment by a labor organization, or relating to any classification or referral for employment by an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by a joint labor-management committee, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, national origin, **military status**, or natural, protective, or cultural hairstyle. However, a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, **military status**, or national origin is a bona fide occupational qualification for employment.

F. It shall be unlawful discrimination in employment for an insurer to engage in any of the following practices:

(1) Intentionally fail or refuse to appoint or to discharge any insurance agent, or otherwise to intentionally discriminate against any insurance agent with respect to his compensation, terms, conditions, or privileges of employment, because of the insurance agent's race, color, religion, sex, national origin, **military status**, or natural, protective, or cultural hairstyle.

(2) Intentionally limit, segregate, or classify his insurance agents or applicants for an insurance agent in any way which would deprive or tend to deprive any insurance agent or applicant of employment opportunities, or otherwise adversely affect his status as an insurance agent or applicant because of the insurance agent's or applicant's race, color, religion, sex, national origin, **military status**, or natural, protective, or cultural hairstyle.

* * *

H. Notwithstanding any other provision of this Section, it shall not be unlawful discrimination in employment for:

(1) An employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of his religion, sex, or national origin in those certain instances where religion, sex, **military status**, or national origin is a bona fide occupational qualification reasonably necessary for the normal operation of that particular business or enterprise.

* * *

(4) An employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, national origin, **military status**, or natural, protective, or cultural hairstyle.

* * *

Section 3. R.S. 49:145 and 146(A)(1) are hereby amended and reenacted to read as follows:

§145. Use of public buildings; discrimination

No person shall be denied access to any public meeting in any public building or facility used or owned by the state or any political subdivision of the state because of race, color, creed, **military status**, or physical or mental disability. For purposes of this Section, a public meeting is a meeting which is advertised as being open to the general public.

§146. Facilities to which public invited; discrimination

A.(1) In access to public areas, public accommodations, and public facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, **military status**, or physical or mental disability.

* * *

Section 4.R.S. 51:2602(A), 2603(10) through (13), 2606(A)(1) through (5), 2607(A) and (C) and 2608 are hereby amended and reenacted and R.S. 51:2603(14) is hereby enacted to read as follows:

§2602. Policy

A. The legislature finds and declares that persons in this state who seek a place to live should be able to find such housing whenever it is available. Further, in many localities there may be housing shortages. All persons should therefore be able to compete for available housing on an open, fair, and equitable basis, regardless of race, color, religion, sex, disability, familial status, national origin, **military status**, or natural, protective, or cultural hairstyle.

* * *

§2603. Definitions

As used in this Chapter:

* * *

(10) **"Military status" means status as:**

(a) A member of the uniformed forces, as defined in 10 U.S.C. §

101(A)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101.

(b) A dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided one hundred eighty days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this Section instead of one hundred eighty days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

~~(10)~~(11) "Natural, protective, or cultural hairstyle" shall include but is not limited to afros, dreadlocks, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair styled to protect hair texture or for cultural significance.

~~(11)~~(12) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

~~(12)~~(13) "Respondent" means the person or other entity accused in a complaint of a discriminatory housing practice, or, any other person or entity identified in the course of an investigation and notified that they are a respondent who shall be joined in the complaint.

~~(13)~~(14) "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

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§2606. Discrimination in sale or rental of housing and other prohibited practices

A. As made applicable by R.S. 51:2604, and except as exempted by R.S. 51:2604(B) and 2605, it is unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, national origin, military status, or natural, protective, or cultural hairstyle.

(2) To discriminate against any person in the terms, conditions, or privileges

1 of sale or rental of a dwelling, or in the provision of services or facilities in
2 connection therewith, because of race, color, religion, sex, familial status, national
3 origin, **military status**, or natural, protective, or cultural hairstyle.

4 (3) To make, print, or publish, or cause to be made, printed, or published any
5 notice, statement, or advertisement with respect to the sale or rental of a dwelling
6 that indicates any preference, limitation, or discrimination based on race, color,
7 religion, sex, disability, familial status, national origin, **military status**, or natural,
8 protective, or cultural hairstyle, or an intention to make any such preference,
9 limitation, or discrimination.

10 (4) To represent to any person because of race, color, religion, sex, disability,
11 familial status, national origin, **military status**, or natural, protective, or cultural
12 hairstyle that any dwelling is not available for inspection, sale, or rental when such
13 dwelling is in fact so available.

14 (5) For profit, to induce or attempt to induce any person to sell or rent any
15 dwelling by representations regarding the entry or prospective entry into the
16 neighborhood of a person or persons of a particular race, color, religion, sex,
17 disability, familial status, national origin, **military status**, or natural, protective, or
18 cultural hairstyle.

19 * * *

20 §2607. Discrimination in residential real estate related transactions

21 A. It is unlawful for any person or other entity whose business includes
22 engaging in residential real estate related transactions to discriminate against any
23 person in making available such a transaction, or in the terms or conditions of such
24 a transaction, because of race, color, religion, sex, disability, familial status, national
25 origin, **military status**, or natural, protective, or cultural hairstyle.

26 * * *

27 C. Nothing in this Chapter prohibits a person engaged in the business of
28 furnishing appraisals of real property to take into consideration factors other than
29 race, color, religion, national origin, sex, disability, **military status**, or familial
30 status.

1 §2608. Discrimination in provision of brokerage services

2 It is unlawful to deny any person access to or membership or participation in
3 any multiple-listing service, real estate brokers' organization or other service,
4 organization, or facility relating to the business of selling or renting dwellings, or to
5 discriminate against him in the terms or conditions of such access, membership, or
6 participation, on account of race, color, religion, sex, disability, familial status,
7 national origin, **military status**, or natural, protective, or cultural hairstyle.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____