

HOUSE BILL 82

"AN ACT ADDING
TO THE POWERS
AND DUTIES OF
THE STATE
COMMISSION FOR
HUMAN RIGHTS;
AND RELATING TO
AND PROHIBITING
DISCRIMINATION
BASED ON SEXUAL
ORIENTATION OR
GENDER IDENTITY
OR EXPRESSION."

SPONSOR :
REPRESENTATIVE ANDY JOSEPHSON

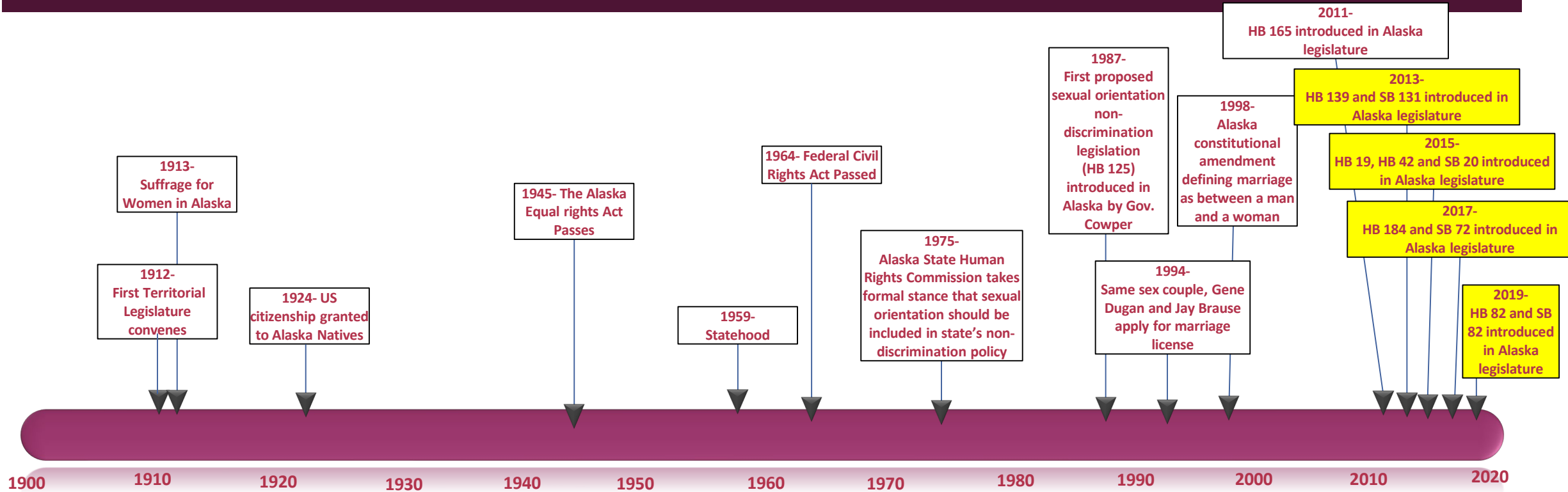
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31ST ALASKA LEGISLATURE

GOALS OF THE LEGISLATION

- To add “sexual orientation” and “gender identity or expression” to the list of classes protected under Alaska law
- To ensure that all Alaskans enjoy the right to participate in commerce and active lives in our communities
- To strengthen Alaska’s civil rights statutes
- To shape Alaska into a shining model for protection of human rights
- To protect one of the fastest growing communities of individuals in Alaska from discrimination and afford them the same protection as all other Alaskans

ALASKA'S CIVIL RIGHTS HISTORY IN BRIEF



POLICY OVERVIEW: LOCAL TRENDS

Alaska Communities that protect LGBTQ citizens:

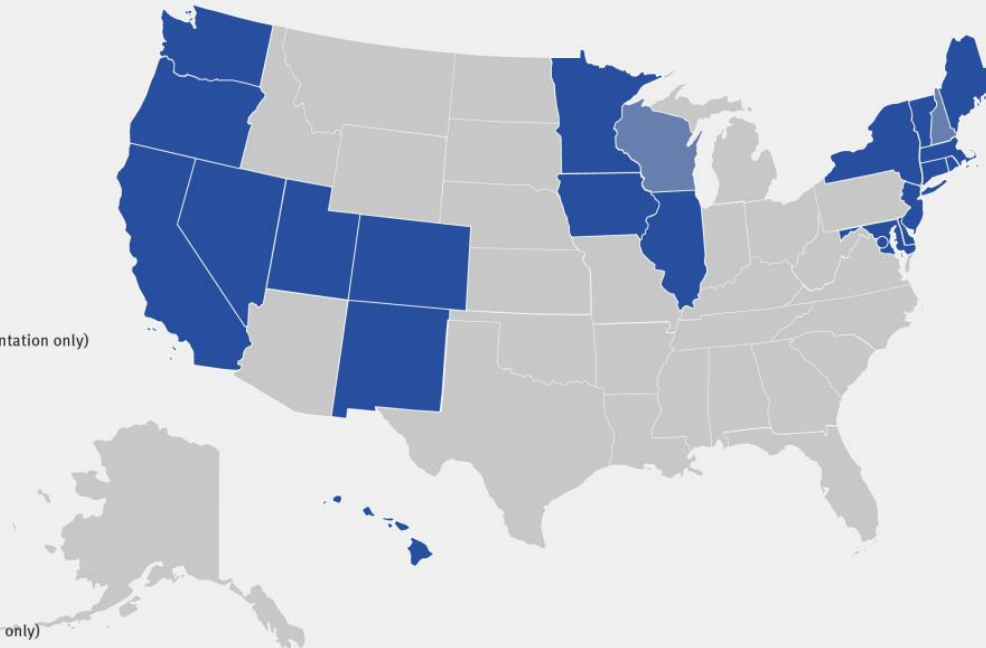
- Anti-discrimination ordinances are in place in 3 Alaska communities:
 - Juneau (Adopted August 2016)
 - Anchorage (Adopted September 2015 and upheld by Anchorage voters April 2018)
 - Sitka (Adopted December 2017)
- Anti-discrimination ordinance passed but vetoed by mayor:
 - Fairbanks
- NGOs and community organization working to end discrimination in Alaska include:
 - Fair Anchorage Campaign by the ACLU Alaska
 - Human Rights Campaign Alaska
 - Identity Alaska
 - Alaskans Together for Equality
 - Pride Foundation



POLICY OVERVIEW: OTHER STATES WITH SIMILAR LAWS

Employment Non-Discrimination: States that have laws protecting people from workplace discrimination based on sexual orientation and gender identity

California
Colorado
Connecticut
Delaware
Hawaii
Illinois
Iowa
Maine
Maryland
Massachusetts
Minnesota
Nevada
New Hampshire (sexual orientation only)
New Jersey
New Mexico
New York
Oregon
Rhode Island
Utah
Vermont
Washington
Washington, DC
Wisconsin (sexual orientation only)




 States with employment non-discrimination laws in place

Image from:
<https://www.hrw.org>

SECTION I:
ADDS “SEXUAL ORIENTATION” AND
“GENDER IDENTITY OR EXPRESSION”
TO THE LIST OF CATEGORIES
PROTECTED BY THE HUMAN RIGHTS
COMMISSION

THE ALASKA STATE COMMISSION ON HUMAN RIGHTS
PASSED A RESOLUTION IN 2016 REQUESTING THIS
CHANGE BUT LACK AUTHORITY TO IMPLEMENT IT ON
THEIR OWN

SECTION 2:

ADD CATEGORIES OF “SEXUAL ORIENTATION” AND “GENDER IDENTITY OR EXPRESSION” TO THE LIST OF PROTECTED CLASSES WHICH THE LEGISLATURE FINDS TO BE A CAUSE FOR PUBLIC CONCERN

SECTION 3:

ADDS “SEXUAL ORIENTATION” AND “GENDER IDENTITY OR EXPRESSION” TO THE LIST OF CATEGORIES THAT THE STATE PROTECTS AGAINST DISCRIMINATION IN EMPLOYMENT, CREDIT AND FINANCING, PLACES OF PUBLIC ACCOMMODATION AND MATTERS RELATED TO PROPERTY SALE, LEASE AND RENTAL

IN CURRENT ALASKA STATUTE OTHER PROTECTED CLASSES ARE SHIELDED FROM DISCRIMINATION BASED ON RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE, SEX, PHYSICAL OR MENTAL DISABILITY, MARITAL STATUTES, CHANGES IN MARITAL STATUS, PREGNANCY, OR PARENTHOOD

SECTION 4: ADDS "SEXUAL ORIENTATION" AND "GENDER IDENTITY OR EXPRESSION" TO THE CATEGORIES OF PROTECTED CIVIL RIGHTS

“CIVIL RIGHT IS AN ENFORCEABLE RIGHT OR PRIVILEGE, WHICH IF INTERFERED WITH BY ANOTHER GIVES RISE TO AN ACTION FOR INJURY. DISCRIMINATION OCCURS WHEN THE CIVIL RIGHTS OF AN INDIVIDUAL ARE DENIED OR INTERFERED WITH BECAUSE OF THE INDIVIDUAL'S MEMBERSHIP IN A PARTICULAR GROUP OR CLASS... **CIVIL RIGHTS REFER TO LEGAL PROVISIONS THAT STEM FROM NOTIONS OF EQUALITY.**”*

*[HTTPS://WWW.LAW.CORNELL.EDU/WEX/CIVIL_RIGHTS](https://www.law.cornell.edu/wex/civil_rights)

SECTION 5:
PROHIBITS UNLAWFUL EMPLOYMENT
PRACTICE BASED ON "SEXUAL
ORIENTATION" AND "GENDER IDENTITY OR
EXPRESSION"

A 2011 SURVEY OF LGBTQ INDIVIDUALS IN ANCHORAGE FOUND THAT 62% OF RESPONDENTS HAD HIDDEN THEIR SEXUAL ORIENTATION, GENDER IDENTITY OR GENDER TRANSITION AT WORK

SECTION 6:
PROVIDES A RELIGIOUS EXEMPTION FOR
EMPLOYMENT RELATIONSHIP BETWEEN A
RELIGIOUS ORGANIZATION AND A
MINISTER EMPLOYED BY THE RELIGIOUS
ORGANIZATION

SECTION 7: PROHIBITS UNLAWFUL PRACTICES IN PUBLIC ACCOMMODATIONS BASED ON “SEXUAL ORIENTATION” OR “GENDER IDENTITY OR EXPRESSION”

LGBTQ INDIVIDUALS IN A 2011 ANCHORAGE SURVEY WHO WERE DENIED ACCOMMODATIONS:

- 13.1% DENIED SERVICE IN A RESTAURANT
- 6% DENIED USE OF PUBLIC RESTROOM
- 3.4% DENIED ROOM IN HOTEL
- 8.2% DENIED MEMBERSHIP TO GYM OR FITNESS CLUB

SECTION 8: PROHIBITS UNLAWFUL PRACTICES IN THE SALE OR RENTAL OF REAL PROPERTY BASED ON “SEXUAL ORIENTATION” OR “GENDER IDENTITY OR EXPRESSION”

- A 2015 SURVEY OF TRANSGENDER INDIVIDUALS IN ALASKA REPORTED THAT 32% OF RESPONDENTS EXPERIENCED SOME FORM OF HOUSING DISCRIMINATION IN THE PAST YEAR AND 43% HAVE EXPERIENCED HOMELESSNESS AT SOME POINT IN THEIR LIVES
- A 2011 SURVEY OF LGBTQ INDIVIDUALS IN ANCHORAGE FOUND THAT 18.7% OF RESPONDENTS HAD BEEN HARASSED BY A LANDLORD OR OTHER TENANT BECAUSE OF THEIR SEXUAL ORIENTATION OR GENDER IDENTITY/EXPRESSION

SECTION 9:
PROHIBITS UNLAWFUL PRACTICES IN
FINANCING AND EXTENDING CREDIT
BASED ON “SEXUAL ORIENTATION” OR
“GENDER IDENTITY OR EXPRESSION”

A 2011 SURVEY OF LGBTQ INDIVIDUALS IN ANCHORAGE FOUND THAT 3.7% OF RESPONDENTS WERE DENIED A LOAN OR LINE OF CREDIT WHEN OTHERWISE QUALIFIED

SECTION 10:
PROHIBITS UNLAWFUL PRACTICES BY
THE STATE OR ITS POLITICAL
SUBDIVISIONS BASED ON “SEXUAL
ORIENTATION” OR “GENDER IDENTITY
OR EXPRESSION”

INCLUDES ALL STATE AND LOCAL GOVERNMENT AGENCIES AND WILL END
DISCRIMINATION IN SCHOOLS, IN COURTS, BY POLICE AND PUBLIC SAFETY
OFFICIALS AND BY GOVERNMENT SERVICES AND AGENCIES

SECTION 11: PROHIBITS UNLAWFUL PRACTICES IN BLOCKBUSTING, OR PRACTICE BY A REAL ESTATE AGENT TO CLOSE A TRANSACTION BASED ON “SEXUAL ORIENTATION” OR “GENDER IDENTITY OR EXPRESSION”

“BLOCKBUSTING” MEANS AN UNLAWFUL DISCRIMINATORY PRACTICE BY A REAL ESTATE BROKER, REAL ESTATE SALESPERSON, OR EMPLOYEE OR AGENT OF A BROKER OR ANOTHER INDIVIDUAL, CORPORATION, PARTNERSHIP, OR ORGANIZATION FOR THE PURPOSE OF INDUCING A REAL ESTATE TRANSACTION FROM WHICH ANY SUCH PERSON OR ITS STOCKHOLDERS OR MEMBERS MAY BENEFIT FINANCIALLY, TO REPRESENT DIRECTLY OR INDIRECTLY THAT A CHANGE HAS OCCURRED OR WILL OR MAY OCCUR FROM A COMPOSITION WITH RESPECT TO RACE, RELIGION, COLOR, OR NATIONAL ORIGIN OF THE OWNERS OR OCCUPANTS OF THE BLOCK, NEIGHBORHOOD, OR AREA IN WHICH THE REAL PROPERTY IS LOCATED, AND TO REPRESENT DIRECTLY OR INDIRECTLY THAT THIS CHANGE MAY OR WILL RESULT IN UNDESIRABLE CONSEQUENCES IN THE BLOCK, NEIGHBORHOOD, OR AREA IN WHICH THE REAL PROPERTY IS LOCATED, INCLUDING THE LOWERING OF PROPERTY VALUES, AN INCREASE IN CRIMINAL OR ANTISOCIAL BEHAVIOR, OR DECLINE IN THE QUALITY OF THE SCHOOLS OR OTHER FACILITIES

{ AS 18.80.30 (1) }

SECTION 12: DEFINITIONS SECTION

“GENDER IDENTITY OR EXPRESSION” MEANS HAVING OR BEING PERCEIVES AS HAVING OR EXPRESSING A GENDER, SELF-IMAGE, APPEARANCE, OR BEHAVIOR DIFFERENT FROM THAT TRADITIONALLY ASSOCIATED WITH THE SEX ASSIGNED AT BIRTH

“SEXUAL ORIENTATION” MEANS HETEROSEXUALITY, HOMOSEXUALITY AND BISEXUALITY



QUESTIONS?