

ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

Sponsor Statement

House Bill 17: Prohibiting Discrimination Based on Sexual Orientation, Gender Identity and Expression

Historically, Alaska has been a forerunner for human rights, having passed our Civil Rights Act nearly two decades before the national act of 1964. However, we do not protect the civil rights of LGBTQ Alaskans in statute. This population continues to lack legal protection from discrimination in housing, financing, employment, and public accommodations—protections we afford to all other Alaskans.

In June of 2020, the US Supreme Court announced their decision in the *Bostock v. Clayton County, GA* case. In the majority opinion in this case, Justice Gorsuch wrote that, “An employer who fired an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII [of the Civil Rights Act of 1964] forbids.” Consequently, the federal Equal Employment Opportunity Center now considers LGBTQ discrimination to be a form of sex discrimination, and the Alaska State Commission for Human Rights now accepts LGBTQ cases involving public accommodation, housing, credit and financing, and government practices.

Our human rights commission passed a resolution in 2016 urging the Legislature to make the very changes included in this legislation, given that the commission then lacked the authority to address these types of discrimination. Such changes have yet to be made, and Alaska’s statutes now lag well behind settled Supreme Court precedent.

This legislation aims to bring statute into alignment with settled law. Passage of HB will strengthen Alaska’s statutory protections for one of Alaska’s fastest-growing demographic groups, make our state more attractive to workers considering a move from elsewhere, and continue Alaska’s position as a model for human rights advocacy in the US.

I encourage your support of this legislation and urge you to reach out to my office with any questions or concerns.