

ALASKA STATE LEGISLATURE



REPRESENTATIVE ANDY JOSEPHSON

SPONSOR STATEMENT

HB 184 – Prohibiting Discrimination Based on Sexual Orientation

The purpose of House Bill 184 is to include sexual orientation and gender expression or identity among existing protected classes. The Alaska Human Rights Law, as administered by the Alaska Human Rights Commission, already prohibits discrimination based on race, religion, color, national ancestry, physical or mental disability, age, sex, marital status, changes in marital status, pregnancy, or parenthood in the areas of employment, housing, and other economic opportunities.

In 1945, the territory of Alaska embarked into a new frontier of equal rights law when it enacted the Alaska Anti-Discrimination Act almost twenty years prior to the U.S. Civil Rights Act of 1964. The bill's key supporter was Elizabeth Peratovich who along with her family experienced racial discrimination throughout the state. It is in this spirit that the sponsor of HB 184 introduces legislation to continue the furtherance of equal rights in the state.

This bill aligns Alaska Statutes with nearly three decades of federal court decisions holding that discrimination based on sexual orientation or related characteristics in areas of private economic opportunity and by the government is illegal. Nevertheless, disregarding ample authority to find otherwise, the Alaska Supreme Court held in 2015 that the term 'sex' in the Alaska Human Rights Law does not include sexual orientation. In order to file a claim for discrimination based on sexual orientation or related characteristics an aggrieved person may not go to the Human Rights Commission but instead must either rely on federal administrative remedies or, if these are not available, file directly in federal court. There exist gaps in civil rights protections for Alaskans in the realm of private economic opportunities.

Also, pursuant to the 2012 U.S. Supreme Court case *Hosanna-Tabor v. EEOC*, HB 184 includes a ministerial exception to protect the constitutional right to free exercise by allowing religious institutions to discriminate in hiring leaders of worship. This exception occurs in the Anchorage and Juneau ordinances and many similar statutes.

Please contact my office at 465-4939 with questions or to discuss this bill.