

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

April 12, 2024

1:03 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jesse Sumner
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

COMMITTEE CALENDAR

HOUSE BILL NO. 183

"An Act relating to school athletics, recreation, athletic teams, and sports; and providing for an effective date."

- MOVED CSHB 183 (JUD) OUT OF COMMITTEE

HOUSE BILL NO. 163

"An Act creating the FAFSA raffle fund; relating to the definition of 'gambling'; and providing for an effective date."

- BILL HEARING CANCELED

HOUSE BILL NO. 320

"An Act relating to the effect of a decree of adoption or termination of parental rights on the legal relationship between a person and the person's siblings."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 183

SHORT TITLE: DESIGNATE SEX FOR SCHOOL-SPONSORED SPORTS

SPONSOR(S): REPRESENTATIVE(S) ALLARD

04/28/23	(H)	READ THE FIRST TIME - REFERRALS
04/28/23	(H)	EDC, JUD

03/15/24 (H) EDC AT 8:00 AM DAVIS 106
03/15/24 (H) Heard & Held
03/15/24 (H) MINUTE(EDC)
03/25/24 (H) EDC RPT 2DP 3DNP 1NR 1AM
03/25/24 (H) DP: MCKAY, ALLARD
03/25/24 (H) DNP: HIMSCHOOT, STORY, MCCORMICK
03/25/24 (H) NR: PRAX
03/25/24 (H) AM: RUFFRIDGE
03/25/24 (H) EDC AT 8:00 AM DAVIS 106
03/25/24 (H) Moved HB 183 Out of Committee
03/25/24 (H) MINUTE(EDC)
04/08/24 (H) JUD AT 1:00 PM GRUENBERG 120
04/08/24 (H) Heard & Held
04/08/24 (H) MINUTE(JUD)
04/12/24 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

MORGAN LIM, Government Relations Manager
Planned Parenthood Alliance Advocates
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

SALIM HOUCK, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

ALEXANDER ROSALES, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 183.

JAN WHALEN
Inclusion Committee of Epiphany Church
Valdez, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

JENNIFER KELLY
Inclusion Committee of Epiphany Church
Valdez, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

NICK SCHOOB, Pastor,
Epiphany Lutheran Church
Valdez, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

KATHY TODD, PhD, representing self

Valdez, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

JOSH SMITH, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

LINDSEY BANNING, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

MONICA WHITMAN, representing self

Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

STEPHANIE UZZELL, representing self

North Pole

POSITION STATEMENT: Testified in opposition to HB 183.

OLIVIA EMERY, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

DAVID LESLIE, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

SARAH JEAN DOWNEY, representing self

Sitka, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

CHANDRA POE, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

BROOK BEVERIDGE, representing self

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

BREANNE MEATH, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

KC CASORT, representing self

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

MICHAEL GARVEY, Advocacy Director
American Civil Liberties Union of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

XOCHITL MUNOZ, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

EMILY COHEN, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

AUDREY PLEASE, representing self
Eagle River, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

JULIE SMYTH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

REBECCA BERNARD, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

MENEKA THIRU, representing self
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

AL SMITH, representing self
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

ALEX KOPLIN, representing self
Homer, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

ALEX KOPLIN, representing self
Homer, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

LIN DAVIS, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 183.

TESS RAMSEY, representing self
Juneau, Alaska

POSITION STATEMENT: Testified in opposition to HB 813.

ACTION NARRATIVE

[1:03:51 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 1:03 p.m. Representatives C. Johnson, Sumner, Gray, Groh, Allard, and Vance were present at the call to order. Representative Carpenter arrived as the meeting was in progress.

HB 183-DESIGNATE SEX FOR SCHOOL-SPONSORED SPORTS

[1:04:36 PM](#)

CHAIR VANCE announced that the only order of business would be HOUSE BILL NO. 183, "An Act relating to school athletics, recreation, athletic teams, and sports; and providing for an effective date."

CHAIR VANCE opened public testimony.

[1:05:08 PM](#)

MORGAN LIM, Government Relations Manager, Planned Parenthood Alliance Advocates (PPAA), testified in opposition to HB 183. He stated that PPAA strongly opposes HB 183, a blatantly discriminatory bill designed to exclude transgender ("trans") girls and deny them the ability to participate fully in sports and in their school community.

[1:07:12 PM](#)

SALIM HOUCK, representing self, testified in opposition to HB 183. He said this bill would make it very difficult for schools to support their transgender students in the way they support students.

[1:09:16 PM](#)

ALEXANDER ROSALES, representing Self, testified in support of HB 183. He referenced the difficulty of getting women into the U.S. Army Rangers because they weren't able to perform physically. He opined that women should be protected and their right to play sports defended.

[1:11:36 PM](#)

JAN WHALEN, Inclusion Committee of Epiphany Church, testified in opposition to HB 183. She said HB 183 is unnecessarily discriminatory and damaging. She opined that the bill is not needed, and a knee-jerk reaction to hyped up fear of lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA) [people]; further, she said the bill is poorly written and based on adult male and female capabilities.

[1:13:47 PM](#)

JENNIFER KELLY, Inclusion Committee of Epiphany Church, testified in opposition to HB 183. She shared her belief that the bill is a solution looking for a problem. She said the bill would label transgender girls as a particular threat, when in actuality, these are the people that Title 9 was designed to protect and serve.

[1:15:52 PM](#)

NICK SCHOOB, Pastor, Epiphany Lutheran Church, testified in opposition to HB 183. He opined that the bill seems to feed a false dilemma: either sustain the rights and protections of women or allow for the full inclusion and recognition of transgender bodies. He opined that it is wrong and unethical to sacrifice one population for the sake of another.

[1:18:32 PM](#)

KATHY TODD, PhD, representing self, testified in opposition to HB 183. She urged the committee not to pass the bill and to correct what the Department of Education and Early Development (DEED) and the Alaska School Activities Association (ASAA) had already done to exclude trans girls from high school sports.

[1:20:47 PM](#)

JOSH SMITH, representing self, testified in opposition to HB 183. He said he is adamantly opposed to HB 183, as banning transgender kids from sports is a solution looking for a problem.

[1:23:01 PM](#)

LINDSEY BANNING, representing self, testified in opposition to HB 183. She said the sponsor wants [people] to believe that an

eight-year-old transgender girl playing soccer with their friends is the single biggest threat to women's sports in Alaska, and that the solution to this made-up problem is codifying discrimination to make sure those little girls understand that they are not valued, respected, or included. She stated that HB 183 is a thinly veiled attempt to vilify an entire community while claiming to solve a problem that doesn't exist.

[1:25:17 PM](#)

MONICA WHITMAN, representing self, testified in opposition to HB 183. She said the bill is another attempt at putting transgender kids at the front and center of a culture war and has nothing to do with fairness. She thanked members of the committee that are asking the right questions, like how the legislation would impact every student's right to privacy.

[1:26:47 PM](#)

STEPHANIE UZZELL, representing self, testified in opposition to HB 183. She said HB 183 is clearly politicizing a circumstance that does not reflect how schools function. She added that this sort of legislation would open up the state's schools to costly litigation and waste time, energy, and patience, of Alaska's educators, as well as empower bullies.

[1:29:24 PM](#)

OLIVIA EMERY, representing self, testified in opposition to HB 183. She opined that the bill would cause more harm to [LGBTQIA] students who already face a significant amount of hate.

[1:31:26 PM](#)

DAVID LESLIE, representing self, testified in opposition to HB 183. He said the bill is not only transphobic, but racist to traditional Alaska Native cultures, which had many genders outside the binary with important roles. He opined that the bill would be used to further bully and act out violence on everyone in the state.

[1:33:32 PM](#)

SARAH JEAN DOWNEY, representing self, testified in opposition to HB 183. She said she opposes the bill because it's

discriminatory and would violate students' privacy and Fourteenth Amendment rights.

[1:34:17 PM](#)

CHANDRA POE, representing self, testified in opposition to HB 183. She characterized the bill as a coordinated legislative attack and noted the increase in bullying that occurs when these bills get "regurgitated" despite overwhelming opposition. She said she rejected the notion that sports is only about winning and that her daughter does not have the same right [to receive] all the benefits of sports as every other girl. Furthermore, she said she rejected the idea of state policy being informed by one story from an out-of-state collegiate athlete.

[1:35:46 PM](#)

BROOK BEVERIDGE, representing self, testified in opposition to HB 183. She said the bill is blatantly discriminatory and violates the privacy of all students in all schools. She added that she does not wish any child to be subjected to any amount of invasive protocols and questions. She said the bill would perpetuate and exaggerate hate against a community that already experiences a disproportionate amount of discrimination.

[1:37:26 PM](#)

BREANNE MEATH, representing self, testified in opposition to HB 183. She said that by moving forward with this legislative action, [the state] would be permitting and encouraging harassment and violence amongst school communities. She added that the bill claims to promote fairness, but nothing about it sounded fair to her.

[1:39:15 PM](#)

KC CASORT, representing self, testified in opposition to HB 183. She said she opposed the bill because investigating a child's gender would violate every student's basic right to privacy. She also opposed the bill because creating new ways to sue Alaska schools would not help [students] thrive.

[1:41:28 PM](#)

MICHAEL GARVEY, Advocacy Director, American Civil Liberties Union (ACLU) of Alaska, testified in opposition to HB 183. He said the ACLU of Alaska is opposed to HB 183 because it is

unconstitutional and discriminatory and would prevent transgender girls from participating in sports. HB 183 could not be enforced without violating explicit privacy and due process protections provided in the Alaska Constitution. Additionally, the bill would sanction the exclusion and bullying of LBTQIA people and lead to the policing of gender and girls' bodies.

[1:42:58 PM](#)

XOCHITL MUNOZ, representing self, testified in opposition to HB 183. She reminded the committee that in August, DEED passed a regulation banning transgender girls from high school sports, a move she strongly condoned. However, she said HB 183 would affect middle school and elementary transgender kids - a level where it does not matter who wins. She said the bill would also target transgender boys, intersex kids, and any girl who does not fit the stereotype of what a biological woman is. She said bills like this add to the feeling that [the state] does not want [transgender people] to exist, which has deadly repercussions for children.

[1:44:30 PM](#)

EMILY COHEN, representing self, testified in opposition to HB 183. She said the bill appears to violate Title 9, which requires American schools not to discriminate against sex. The bill, she said, would invite expensive litigation at the state and federal level.

[1:45:42 PM](#)

AUDREY PLEASE, representing self, testified in opposition to HB 183. She said the bill is highly discriminatory and would undoubtedly open the state and school districts to a bevy of lawsuits and harassment during formative years. She said the bill is poorly written and blatantly overlooks the protections established in Title 9. She added that HB 183 would violate all students' privacy and give the perception that anyone can define what femininity and women should look like.

[1:47:02 PM](#)

JULIE SMYTH, representing self, testified in opposition to HB 183. She explained that in Iñupiaq culture, there are three genders that are not based on a person's genitals, which, as she understood it, is true of all Alaska Native Cultures. She

reasoned that if the bill were to pass, the legislature would be passing an anti-Alaska Native bill.

[1:48:04 PM](#)

REBECCA BERNARD, representing self, testified in opposition to HB 183. She said the bill would attack the rights of transgender girls to participate in school sports and violate their constitutional rights to equal protection. She said the bill is not only unfair to transgender girls, but also unscientific and based on a highly exaggerated and binary view of biological differences in athletic ability that is not supported by real life. She opined that the disrespectful refusal to acknowledge transgender women by their names and pronouns in the previous committee hearing exposes that [inherent to the bill] is a belief that being transgender isn't or shouldn't be real, and therefore, that they don't have rights.

[1:50:32 PM](#)

MENEKA THIRU, representing self, testified in opposition to HB 183. She said similar legislation has had a negative impact on both transgender and cis girls, especially cis girls of color who do not conform to white standards of femininity. She expressed concern about the provision requiring birth certificates to be shared in school, which seems like a blatant violation of student privacy.

[1:51:50 PM](#)

AL SMITH, representing self, testified in opposition to HB 183. She said the privacy rights violations imposed by HB 183 are intolerable under the broader umbrella of existing nondiscrimination and medical privacy laws.

[1:52:51 PM](#)

ALEX KOPLIN, representing self, testified in opposition to HB 183. He highlighted the small number of transgender students that play sports. He said the bill is a heavy lift for a problem that doesn't exist. He expressed concern that bills like HB 183 divide [Alaskans] more than define them.

[1:54:55 PM](#)

ALEX KOPLIN, representing self, testified in opposition to HB 183. They said this expansion and codification of an already unnecessary and harmful policy would be laughable if it weren't so hateful. They said the bill is designed to divide [Alaskans], not protect them.

[1:56:43 PM](#)

LIN DAVIS, representing self, testified in opposition to HB 183. She said HB 183 bullies all students, not just transgender kids, and characterized the bill as government control, mean, and venom. She added that the bill is thick with discrimination.

[1:59:07 PM](#)

TESS RAMSEY, representing self, testified in opposition to HB 183. She said she was tired of losing sleep over legislation that targets such a vulnerable population. She urged [legislators] to stop putting pointless legislation forward.

CHAIR VANCE closed public testimony. She noted that Amendment 1 would not be offered.

[2:00:34 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 1 to HB 183, Version 33-LS0735\A.3, Bergerud, 4/4/24, which read:

Page 2, line 9:
Delete "or"

Page 2, line 10, following "school,":
Insert "or a postsecondary institution"

Page 3, line 17:
Delete "or"
Following "school":
Insert ", or a postsecondary institution"

REPRESENTATIVE CARPENTER objected.

[2:00:40 PM](#)

REPRESENTATIVE ALLARD explained that Amendment 2 would allow collegiate athletes "to ... make sure that they are able to compete in female sports only and that there won't be any biological males in those sports."

2:01:03 PM

REPRESENTATIVE GRAY asked whether the opinion of the National Collegiate Athletics Association (NCAA) or other collegiate sports organizations was known.

REPRESENTATIVE ALLARD said the National Association of Intercollegiate Athletics (NAIA) just passed a law to protect 86,000 women. She noted that there is a lawsuit against the NCAA and concluded that, yes, they do support Amendment 2.

REPRESENTATIVE GRAY sought to verify that the NCAA supports Amendment 2.

REPRESENTATIVE ALLARD remarked, "You can call them on the phone if you want, Representative Gray, and find out for yourself."

2:01:53 PM

REPRESENTATIVE CARPENTER removed his objection.

REPRESENTATIVE ALLARD asked Representative Gray to re-state his question about the NCAA.

REPRESENTATIVE GRAY asked whether the NCAA supports Amendment 2.

REPRESENTATIVE ALLARD said at this time, the NCAA is being sued for discrimination. She stated that she has no idea whether the NCAA supports the proposed amendment.

2:02:35 PM

A roll call vote was taken. Representatives Allard, Carpenter, C. Johnson, Sumner, and Vance voted in favor of Amendment 2. Representatives Gray and Groh voted against it. Therefore, Amendment 2 was adopted by a vote of 5-2.

2:03:09 PM

REPRESENTATIVE GRAY moved to adopt Amendment 3 to HB 183, Version 33-LS0735\A.12, Bergerud, 4/10/24, which read:

Page 1, following line 6:
Insert a new paragraph to read:

"(1) transgender and gender nonconforming people have the same constitutional rights and protections as all other citizens;"

Renumber the following paragraphs accordingly.

REPRESENTATIVE C. JOHNSON objected.

[2:03:15 PM](#)

REPRESENTATIVE GRAY explained that Amendment 3 would remind the public that the legislature knows that transgender and gender nonconforming people have the same constitutional rights and protections.

[2:03:55 PM](#)

REPRESENTATIVE GROH asked whether Representative Gray was familiar with a legal opinion from Legislative Legal Services dated March 14, 2024, addressing constitutional and legal concerns pertaining to HB 183.

REPRESENTATIVE GRAY answered yes, he had a copy of the memorandum ("memo").

REPRESENTATIVE GROH asked whether the passage of Amendment 3 would solve the constitutional concerns related to the right to privacy and equal protection claims described in the memo.

REPRESENTATIVE GRAY deferred to Legislative Legal Services. He said he is not sure that Amendment 3 would change the memo's applicability.

REPRESENTATIVE GROH asked to hear from Ms. Bergerud from Legislative Legal Services.

CHAIR VANCE said Legislative Legal Services is not available today.

[2:05:49 PM](#)

REPRESENTATIVE C. JOHNSON maintained his objection.

[2:05:51 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 3. Representatives Sumner, Allard,

Carpenter, C. Johnson, and Vance voted against it. Therefore, Amendment 3 failed by a vote of 2-5.

CHAIR VANCE sought closing comments from committee members.

[2:06:41 PM](#)

REPRESENTATIVE GRAY shared his belief that the bill is extraordinarily dangerous because it would affect all Alaskan children. He moved to table HB 183, as amended.

REPRESENTATIVE GROH called the question.

CHAIR VANCE ruled Representative Gray's motion out of order.

REPRESENTATIVE GRAY objected.

[2:08:01 PM](#)

The committee took a brief at-ease.

[2:08:18 PM](#)

REPRESENTATIVE VANCE clarified that the motion before the committee was to sustain the ruling of the chair.

[2:08:54 PM](#)

The committee took a brief at-ease.

[2:09:24 PM](#)

A roll call vote was taken. Representatives C. Johnson, Sumner, Allard, Carpenter, and Vanec voted in favor of sustaining the ruling of the chair. Representatives Gray and Groh voted against it. Therefore, the ruling of the chair was sustained by a vote of 5-2.

[2:10:08 PM](#)

REPRESENTATIVE GROH pointed out that the number of transgender athletes is small. He opined that the cost of adopting the legislation would exceed the benefits and expressed his concern about the potential for constitutional claims against the bill, which would breed costly litigation. Based on those concerns, he said he would be a "no" vote.

2:11:08 PM

REPRESENTATIVE ALLARD said the bill is about girls and women, not anybody or anything else. She said she respects the testimony that was heard today, noting that she had also seen over 2,000 names and phone calls in support of the bill.

2:12:05 PM

REPRESENTATIVE ALLARD moved to report HB 183, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GROH objected.

2:12:26 PM

A roll call vote was taken. Representatives Sumner, Allard, Carpenter, C. Johnson, and Vance voted in favor of reporting HB 183, as amended, from committee. Representatives Gray and Groh voted against it. Therefore, CSHB 183(JUD) was reported out of the House Judiciary Standing Committee by a vote of 5-2.

2:13:31 PM

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:13 p.m.