



TESTIMONY OF  
**DR. MICAH W. KUBIC**  
EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS

**IN SUPPORT OF HB 2323**  
KANSAS HOUSE JUDICIARY COMMITTEE

JANUARY 14, 2016

**- WRITTEN TESTIMONY ONLY -**

Thank you, Chairman Barker, and members of the Committee on the Judiciary for holding a hearing on HB 2323 and affording us the opportunity to provide testimony on this important issue.

The American Civil Liberties Union (ACLU) of Kansas, a membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas, is pleased to **strongly support HB 2323**. The bill would ensure that all Kansans are protected from discrimination in employment, housing, and public services, prohibiting discrimination that is based simply on sexual orientation and gender identity.

- **This bill is about treating all Kansans fairly.** All hardworking people should be treated fairly and equally under the law. When it comes to being able to earn a living, find a place to live, or be served at a public establishment, all Kansans should be treated fairly and equally. Although Kansas law currently provides that protection to many people and groups, it excludes Kansans who are gay or transgender. Kansans who are gay or transgender should not be unfairly discriminated against simply because of who they are. Instead, gay and transgender people should have access to the same opportunities—and should be protected from discrimination—as everyone else.
- **HB 2323 reflects our shared values of freedom, dignity, and mutual respect.** Americans and Kansans value freedom, including the freedom that all people should have to earn a living and support a family—regardless of sexual orientation or gender identity. Without protection from discrimination in employment, the freedom to earn a living is circumscribed. Kansans also believe in treating others as we would want to be treated, with dignity and respect. That principle includes making sure no one is fired from their job, evicted from their home, or turned away from a public establishment just because of who they are. By amending the Kansas Act Against Discrimination to include sexual orientation and gender identity, HB 2323 articulates those values.
- **Non-discrimination laws are good for business and the economy.** Passing non-discrimination protections would strengthen the Kansas economy, by sending a strong message that Kansas is open for business. In particular, HB 2323 will help ensure that

Kansas can attract new businesses and jobs and better compete in the global marketplace. During the spring of 2015, when other states considered bills that would give a license to discriminate on the basis of sexual orientation and gender identity, it became very clear that corporate America knows that basic fairness is good for business. In addition, 89% of Fortune 500 companies currently have non-discrimination policies that include sexual orientation. Many of these companies make location and site selection decisions on the basis of the legal protections that will exist for their employees. Even though some Kansans may be protected from employment discrimination by their specific employers, a law is necessary to ensure that everyone in Kansas has access to equal opportunity.

- **Non-discrimination laws have broad public support, including among Kansas voters.** Twenty two states—including Utah, Colorado, and Iowa—currently have statewide non-discrimination laws that cover sexual orientation. Bills have been introduced or are being actively considered in a number of other states. Non-discrimination protections for sexual orientation and gender identity are broadly popular with the public; surveys have found that nearly 70 percent of Americans—including large majorities of Republicans and Democrats—support these laws. **An April 2015 survey by the Docking Institute at Ft. Hays State University found that 70% of Kansas voters favor a state law that would provide protection from employment discrimination for lesbian, gay, bisexual, and transgender people.**
- **Existing protections for gay and transgender people in Kansas are not sufficient.** Gay and transgender people are not protected from discrimination in employment, housing, or services under current Kansas law. Gay and transgender Kansans may be—and are—discriminated against with impunity simply on the basis of sexual orientation or gender identity. Federal protections from discrimination are also inadequate. While the federal Equal Employment Opportunity Commission (EEOC) and some federal courts have provided protections for gay and transgender workers, not all courts have agreed and EEOC decisions are not binding on many private employers. In addition, EEOC decisions do not cover housing or public accommodations. As a result, we need clear, comprehensive, and secure non-discrimination protections in Kansas that will eliminate confusion for residents and businesses alike.

We urge you to **support HB 2323** on these grounds.