



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3782/1  
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## 2017 SENATE BILL 328

June 23, 2017 - Introduced by Senators CARPENTER, LARSON, MILLER, RISSER, SHILLING, L. TAYLOR and VINEHOUT, cosponsored by Representatives SPREITZER, ZAMARRIPA, ANDERSON, BERCEAU, BILLINGS, BROSTOFF, CONSIDINE, CROWLEY, GOYKE, MASON, MILROY, POPE, RIEMER, SARGENT, SHANKLAND, SUBECK, C. TAYLOR, VRUWINK, WACHS and ZEPNICK. Referred to Committee on Government Operations, Technology and Consumer Protection.

1        **AN ACT** *to amend* 15.04 (1) (g), 16.765 (1), 16.765 (2), 36.09 (1) (e), 36.11 (3) (a),  
2            36.12 (1), 36.29 (1), 38.04 (13) (b), 38.23 (1), 47.02 (3m) (f), 51.90, 66.0125 (3) (a),  
3            66.0125 (3) (c) 1. b., 66.0125 (9), 66.1011 (1), 66.1201 (2m), 66.1213 (3), 66.1301  
4            (2m), 66.1333 (3) (e) 2., 86.195 (5) (c), 106.50 (1), 106.50 (1m) (h), 106.50 (1m)  
5            (nm), 106.50 (5m) (f) 1., 106.52 (3) (a) 1., 106.52 (3) (a) 2., 106.52 (3) (a) 3., 106.52  
6            (3) (a) 5., 106.58, 111.31 (1), 111.31 (2), 111.31 (3), 111.321, 111.36 (title), 111.36  
7            (1) (d) 1., 111.36 (1) (d) 2., 111.70 (2), 111.81 (12) (b), 118.019 (2d), 118.13 (1),  
8            118.20 (1), 118.40 (4) (b) 2., 194.025, 224.77 (1) (o), 227.10 (3) (a), 230.01 (2) (b),  
9            230.18, 234.29, 321.37, 440.45 (1), 440.45 (2), 452.14 (3) (n), 632.35 and 756.001  
10           (3); and **to create** 106.50 (1m) (kg), 106.52 (1) (cr), 111.32 (7j) and 628.34 (3) (c)  
11           of the statutes; **relating to:** discrimination in employment, housing, public  
12           accommodations, education, insurance coverage, jury duty, and the receipt of

**SENATE BILL 328**

1           mental health or vocational rehabilitation services on the basis of a person's  
2           gender identity, gender expression, or sexual orientation.

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***Analysis by the Legislative Reference Bureau***

This bill prohibits discrimination on the basis of a person's gender identity or gender expression, which is defined in the bill as a person's gender-related identity, gender-related appearance, gender-related expression, or gender-related behavior, regardless of the person's assigned sex at birth or gender identifiers on official documents issued by a federal, state, or local government agency. The bill also adds sexual orientation and gender identity or gender expression as bases of discrimination in certain other laws prohibiting discrimination.

Current law prohibits discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement on the basis of a person's sex or sexual orientation. Current law also prohibits the University of Wisconsin System, the Technical College System, public elementary and secondary schools, and charter schools from discriminating against a student on the basis of the student's sex or sexual orientation. In addition, current law prohibits exclusion of a person from jury duty on the basis of the person's sex or sexual orientation.

This bill adds gender identity or gender expression as a prohibited basis for discrimination in employment, housing, and the equal enjoyment of a public place of accommodation or amusement; prohibits the UW System, the Technical College System, public elementary and secondary schools, and charter schools from discriminating against a student on the basis of the student's gender identity or gender expression; and prohibits exclusion of a person from jury duty on the basis of the person's gender identity or gender expression.

Current law prohibits motor carriers, automobile insurers, and real estate brokers and salespersons from discriminating against a person on the basis of sex; prohibits discrimination on the basis of sex in the provision of vocational rehabilitation or mental health services; and prohibits the UW System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination based on sex.

This bill prohibits motor carriers, automobile insurers, and real estate brokers and salespersons from discriminating against a person on the basis of sexual orientation, gender identity, or gender expression; prohibits discrimination on the basis of sexual orientation, gender identity, or gender expression in the provision of vocational rehabilitation or mental health services; and prohibits the UW System Board of Regents from investing gifts, grants, and bequests in companies that practice discrimination based on sexual orientation, gender identity, or gender expression.

The bill also generally prohibits an insurer from discriminating against a person on the basis of age, sex, residence, race, color, creed, religion, national origin, ancestry, marital status, occupation, sexual orientation, gender identity, or gender expression.

**SENATE BILL 328**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 15.04 (1) (g) of the statutes is amended to read:

2           15.04 (1) (g) *Discrimination review.* In order to determine whether there is any  
3 arbitrary discrimination on the basis of race, religion, national origin, sex, marital  
4 status ~~or~~, sexual orientation, as defined in s. 111.32 (13m), or gender identity or  
5 gender expression, as defined in s. 111.32 (7j), examine and assess the statutes under  
6 which the head has powers or regulatory responsibilities, the procedures by which  
7 those statutes are administered, and the rules promulgated under those statutes.  
8 If the department or agency head finds any such discrimination, ~~he or she~~ the agency  
9 head shall take remedial action, including making recommendations to the  
10 appropriate executive, legislative, or administrative authority.

11           **SECTION 2.** 16.765 (1) of the statutes is amended to read:

12           16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
13 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
14 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
15 Economic Development Corporation, and the Bradley Center Sports and  
16 Entertainment Corporation shall include in all contracts executed by them a  
17 provision obligating the contractor not to discriminate against any employee or  
18 applicant for employment because of age, race, religion, national origin, color,  
19 handicap, sex, physical condition, developmental disability, as defined in s. 51.01 (5),  
20 sexual orientation, as defined in s. 111.32 (13m), or ~~national origin~~ gender identity  
21 or gender expression, as defined in s. 111.32 (7j), and, except with respect to sexual

1 orientation, gender identity, and gender expression, obligating the contractor to take  
2 affirmative action to ensure equal employment opportunities.

3 **SECTION 3.** 16.765 (2) of the statutes is amended to read:

4 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
6 Aerospace Authority, the Lower Fox River Remediation Authority, the Wisconsin  
7 Economic Development Corporation, and the Bradley Center Sports and  
8 Entertainment Corporation shall include the following provision in every contract  
9 executed by them: "In connection with the performance of work under this contract,  
10 the contractor agrees not to discriminate against any employee or applicant for  
11 employment because of age, race, religion, national origin, color, handicap, sex,  
12 physical condition, developmental disability, as defined in s. 51.01 (5), sexual  
13 orientation ~~or national origin, as defined in s. 111.32 (13m), or gender identity or~~  
14 gender expression, as defined in s. 111.32 (7j). This provision shall include, ~~but not~~  
15 ~~be limited to, the following:~~ employment, upgrading, demotion or transfer;  
16 recruitment or recruitment advertising; layoff or termination; rates of pay or other  
17 forms of compensation; and selection for training, including apprenticeship. Except  
18 with respect to sexual orientation, gender identity, and gender expression, the  
19 contractor further agrees to take affirmative action to ensure equal employment  
20 opportunities. The contractor agrees to post in conspicuous places, available for  
21 employees and applicants for employment, notices to be provided by the contracting  
22 officer setting forth the provisions of the nondiscrimination ~~clause~~. clause."

23 **SECTION 4.** 36.09 (1) (e) of the statutes is amended to read:

24 36.09 (1) (e) The board shall appoint a president of the system; a chancellor for  
25 each institution; a dean for each college campus; the state geologist; the director of

**SENATE BILL 328**

1 the laboratory of hygiene; the director of the psychiatric institute; the state  
2 cartographer; and the requisite number of officers, other than the vice presidents,  
3 associate vice presidents, and assistant vice presidents of the system; faculty;  
4 academic staff; and other employees and fix the salaries, subject to the limitations  
5 under par. (j) and s. 230.12 (3) (e), the duties and the term of office for each. The board  
6 shall fix the salaries, subject to the limitations under par. (j) and s. 230.12 (3) (e), and  
7 the duties for each chancellor, vice president, associate vice president, and assistant  
8 vice president of the system. No sectarian or partisan tests or any tests based upon  
9 race, religion, national origin, ~~or sex, sexual orientation, gender identity, or gender~~  
10 expression shall ever be allowed or exercised in the appointment of the employees  
11 of the system.

12 **SECTION 5.** 36.11 (3) (a) of the statutes is amended to read:

13 36.11 (3) (a) The board shall establish the policies for admission within the  
14 system and within these policies each institution shall establish specific  
15 requirements for admission to its courses of instruction. No sectarian or partisan  
16 tests ~~test~~ or any tests ~~test~~ based upon race, color, creed, religion, sex, national origin  
17 of ~~U.S. citizens or sex~~ a U.S. citizen, disability, ancestry, age, sexual orientation,  
18 gender identity, gender expression, pregnancy, marital status, or parental status  
19 shall ever be allowed in the admission of ~~students thereto~~ a student to any service,  
20 course, program, or facility of the system or any of its institutions.

21 **SECTION 6.** 36.12 (1) of the statutes is amended to read:

22 36.12 (1) No student may be denied admission to, participation in, or the  
23 benefits of, or be discriminated against in, any service, program, course, or facility  
24 of the system or its institutions because of ~~the student's~~ race, color, creed, religion,

**SENATE BILL 328**

1 sex, national origin, disability, ancestry, age, sexual orientation, gender identity,  
2 gender expression, pregnancy, marital status, or parental status.

3 **SECTION 7.** 36.29 (1) of the statutes is amended to read:

4 36.29 (1) All gifts, grants, and bequests for the benefit or advantage of the  
5 system or any of its institutions, departments, or facilities or to provide any means  
6 of instruction, illustration, or knowledge in connection therewith, whether made to  
7 trustees or otherwise, shall be valid notwithstanding any other provision of this  
8 chapter except as otherwise provided in this subsection and shall be executed and  
9 enforced according to the provisions of the instrument making the same, including  
10 all provisions and directions in any such instrument for accumulation of the income  
11 of any fund or rents and profits of any real estate without being subject to the  
12 limitations and restrictions provided by law in other cases; but no such income  
13 accumulation shall be allowed to produce a fund more than 20 times as great as that  
14 originally given. No investment of the funds of such gifts, grants, or bequests shall  
15 knowingly be made in any company, corporation, subsidiary, or affiliate that  
16 practices or condones through its actions discrimination on the basis of race, religion,  
17 color, creed, or sex, sexual orientation, gender identity, or gender expression. Except  
18 as otherwise provided in this section, the board may invest not to exceed 85 percent  
19 of trust funds held and administered by the board in common stocks. This subsection  
20 does not apply to a gift, grant, or bequest that the board declines to accept or that the  
21 board is not authorized to accept under this section.

22 **SECTION 8.** 38.04 (13) (b) of the statutes is amended to read:

23 38.04 (13) (b) No person may, on the ground of sex, age, race, color, religion or,  
24 national origin, sexual orientation, gender identity, or gender expression, be  
25 excluded from participating in, be denied the benefits of, or be subjected to

**SENATE BILL 328**

1 discrimination under any program or activity funded in whole or in part with funds  
2 made available under this subsection.

3 **SECTION 9.** 38.23 (1) of the statutes is amended to read:

4 38.23 (1) No student may be denied admission to, participation in, or the  
5 benefits of, or be discriminated against in, any service, program, course, or facility  
6 of the board or any district because of ~~the student's~~ race, color, creed, religion, sex,  
7 national origin, disability, ancestry, age, sexual orientation, gender identity, gender  
8 expression, pregnancy, marital status, or parental status.

9 **SECTION 10.** 47.02 (3m) (f) of the statutes is amended to read:

10 47.02 (3m) (f) Assure that eligibility for vocational rehabilitation services  
11 under this chapter is determined without regard to the sex, race, age, creed, color,  
12 ~~or~~ national origin, sexual orientation, gender identity, or gender expression of the  
13 individual applying for services, that no class of individuals is found ineligible solely  
14 on the basis of type of disability, and that no age limitations for eligibility exist ~~which~~  
15 that, by themselves, would result in ineligibility for vocational rehabilitation  
16 services.

17 **SECTION 11.** 51.90 of the statutes is amended to read:

18 **51.90 Antidiscrimination.** No employee, prospective employee, patient, or  
19 resident of an approved treatment facility, or consumer of services provided under  
20 this chapter, may be discriminated against because of age, race, creed, color, sex ~~or~~  
21 handicap, disability, sexual orientation, gender identity, or gender expression.

22 **SECTION 12.** 66.0125 (3) (a) of the statutes is amended to read:

23 66.0125 (3) (a) The purpose of the commission is to study, analyze, and  
24 recommend solutions for the major social, economic, and cultural problems that  
25 affect people residing or working within the local governmental unit, including

**SENATE BILL 328**

1 problems of the family, youth, education, the aging, juvenile delinquency, health and  
2 zoning standards, discrimination in employment and public accommodations and  
3 facilities on the basis of sex, class, race, religion, sexual orientation, gender identity,  
4 gender expression, or ethnic or minority status and discrimination in housing on the  
5 basis of sex, class, race, religion, sexual orientation, gender identity, gender  
6 expression, ethnic or minority status, or status as a victim of domestic abuse, sexual  
7 assault, or stalking.

8 **SECTION 13.** 66.0125 (3) (c) 1. b. of the statutes is amended to read:

9 66.0125 (3) (c) 1. b. To ensure to all residents of a local governmental unit,  
10 regardless of sex, race, sexual orientation, gender identity, gender expression, or  
11 color, the right to enjoy equal employment opportunities and to ensure to those  
12 residents, regardless of sex, race, sexual orientation, gender identity, gender  
13 expression, color, or status as a victim of domestic abuse, sexual assault, or stalking,  
14 the right to possess equal housing opportunities.

15 **SECTION 14.** 66.0125 (9) of the statutes is amended to read:

16 66.0125 (9) INTENT. It is the intent of this section to promote fair and friendly  
17 relations among all the people in this state, and to that end race, creed, sexual  
18 orientation, gender identity, gender expression, or color ought not to be made tests  
19 in the matter of the right of any person to earn a livelihood or to enjoy the equal use  
20 of public accommodations and facilities and race, creed, sexual orientation, gender  
21 identity, gender expression, color, or status as a victim of domestic abuse, sexual  
22 assault, or stalking ought not to be made tests in the matter of the right of any person  
23 to sell, lease, occupy, or use real estate.

24 **SECTION 15.** 66.1011 (1) of the statutes is amended to read:



**SENATE BILL 328**

1           66.1011 (1) DECLARATION OF POLICY. The right of all persons to have equal  
2 opportunities for housing regardless of their sex, race, color, disability, as defined in  
3 s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), gender identity  
4 or gender expression, as defined in s. 111.32 (7j), religion, national origin, marital  
5 status, family status, as defined in s. 106.50 (1m) (k), status as a victim of domestic  
6 abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), lawful source of  
7 income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and  
8 106.50 and also of local interest under this section and s. 66.0125. The enactment  
9 of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of  
10 equal opportunities in housing from consideration by political subdivisions, and does  
11 not exempt political subdivisions from their duty, nor deprive them of their right, to  
12 enact ordinances that prohibit discrimination in any type of housing solely on the  
13 basis of an individual being a member of a protected class.

14           **SECTION 16.** 66.1201 (2m) of the statutes is amended to read:

15           66.1201 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit,  
16 facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit,  
17 facility, or privilege in any manner for any purpose nor be discriminated against  
18 because of sex, race, color, creed, national origin, sexual orientation, gender identity,  
19 gender expression, or status as a victim of domestic abuse, sexual assault, or  
20 stalking, as defined in s. 106.50 (1m) (u), ~~or national origin~~.

21           **SECTION 17.** 66.1213 (3) of the statutes is amended to read:

22           66.1213 (3) DISCRIMINATION. Persons otherwise entitled to any right, benefit,  
23 facility, or privilege under this section may not be denied the right, benefit, facility,  
24 or privilege in any manner for any purpose nor be discriminated against because of  
25 sex, race, color, creed, national origin, sexual orientation, gender identity, gender

**SENATE BILL 328****SECTION 17**

1 expression, or status as a victim of domestic abuse, sexual assault, or stalking, as  
2 defined in s. 106.50 (1m) (u), ~~or national origin.~~

3 **SECTION 18.** 66.1301 (2m) of the statutes is amended to read:

4 66.1301 **(2m)** DISCRIMINATION. Persons entitled to any right, benefit, facility,  
5 or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility,  
6 or privilege in any manner for any purpose nor be discriminated against because of  
7 sex, race, color, creed, national origin, sexual orientation, gender identity, gender  
8 expression, or status as a victim of domestic abuse, sexual assault, or stalking, as  
9 defined in s. 106.50 (1m) (u), ~~or national origin.~~

10 **SECTION 19.** 66.1333 (3) (e) 2. of the statutes is amended to read:

11 66.1333 **(3)** (e) 2. Persons otherwise entitled to any right, benefit, facility, or  
12 privilege under this section may not be denied the right, benefit, facility, or privilege  
13 in any manner for any purpose nor be discriminated against because of sex, race,  
14 color, creed, national origin, sexual orientation, gender identity, gender expression,  
15 or status as a victim of domestic abuse, sexual assault, or stalking, as defined in s.  
16 106.50 (1m) (u), ~~or national origin.~~

17 **SECTION 20.** 86.195 (5) (c) of the statutes is amended to read:

18 86.195 **(5)** (c) *Conformity with discrimination laws.* Each business identified  
19 as a motorist service on a specific information sign shall, as a condition of eligibility  
20 for erection, installation, and maintenance of a sign under this section, give written  
21 assurance to the department that the business conforms with all applicable laws  
22 concerning the provisions of public accommodations without regard to race, religion,  
23 color, national origin, ~~sex or national origin,~~ sexual orientation, gender identity, or  
24 gender expression.

25 **SECTION 21.** 106.50 (1) of the statutes is amended to read:

**SENATE BILL 328**

1           106.50 (1) INTENT. It is the intent of this section to render unlawful  
2 discrimination in housing. It is the declared policy of this state that all persons shall  
3 have an equal opportunity for housing regardless of sex; race; color; sexual  
4 orientation; gender identity or gender expression; disability; religion; national  
5 origin; marital status; family status; status as a victim of domestic abuse, sexual  
6 assault, or stalking; lawful source of income; age; or ancestry, and it is the duty of  
7 the political subdivisions to assist in the orderly prevention or removal of all  
8 discrimination in housing through the powers granted under ss. 66.0125 and  
9 66.1011. The legislature hereby extends the state law governing equal housing  
10 opportunities to cover single-family residences that are owner-occupied. The  
11 legislature finds that the sale and rental of single-family residences constitute a  
12 significant portion of the housing business in this state and should be regulated.  
13 This section shall be considered an exercise of the police powers of the state for the  
14 protection of the welfare, health, peace, dignity, and human rights of the people of  
15 this state.

16           **SECTION 22.** 106.50 (1m) (h) of the statutes is amended to read:

17           106.50 (1m) (h) “Discriminate” means to segregate, separate, exclude, or treat  
18 a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r)  
19 because of sex; race; color; sexual orientation; gender identity or gender  
20 expression; disability; religion; national origin; marital status; family status;  
21 status as a victim of domestic abuse, sexual assault, or stalking; lawful source of  
22 income; age; or ancestry.

23           **SECTION 23.** 106.50 (1m) (kg) of the statutes is created to read:

24           106.50 (1m) (kg) “Gender identity or gender expression” has the meaning given  
25 in s. 111.32 (7j).

**SENATE BILL 328**

1           **SECTION 24.** 106.50 (1m) (nm) of the statutes is amended to read:

2           106.50 **(1m)** (nm) “Member of a protected class” means a group of natural  
3 persons, or a natural person, who may be categorized because of sex,; race,; color,;  
4 disability,; sexual orientation,; gender identity or gender expression; religion,;  
5 national origin,; marital status,; family status,; status as a victim of domestic abuse,  
6 sexual abuse, or stalking,; lawful source of income,; age,; or ancestry.

7           **SECTION 25.** 106.50 (5m) (f) 1. of the statutes is amended to read:

8           106.50 **(5m)** (f) 1. Nothing in this section prohibits an owner or agent from  
9 requiring that a person who seeks to buy or rent housing supply information  
10 concerning family status, and marital, financial, and business status, but not  
11 concerning race,; color,; disability,; sexual orientation,; gender identity or gender  
12 expression; ancestry,; national origin,; religion,; creed,; status as a victim of domestic  
13 abuse, sexual assault, or stalking,; or, subject to subd. 2., age.

14           **SECTION 26.** 106.52 (1) (cr) of the statutes is created to read:

15           106.52 **(1)** (cr) “Gender identity or gender expression” has the meaning given  
16 in s. 111.32 (7j).

17           **SECTION 27.** 106.52 (3) (a) 1. of the statutes is amended to read:

18           106.52 **(3)** (a) 1. Deny to another or charge another a higher price than the  
19 regular rate for the full and equal enjoyment of any public place of accommodation  
20 or amusement because of sex,; race,; color,; creed,; disability,; sexual orientation,;  
21 gender identity or gender expression; national origin,; or ancestry.

22           **SECTION 28.** 106.52 (3) (a) 2. of the statutes is amended to read:

23           106.52 **(3)** (a) 2. Give preferential treatment to some classes of persons in  
24 providing services or facilities in any public place of accommodation or amusement

**SENATE BILL 328**

1 because of sex,; race,; color,; creed,; sexual orientation,; gender identity or gender  
2 expression; national origin; or ancestry.

3 **SECTION 29.** 106.52 (3) (a) 3. of the statutes is amended to read:

4 106.52 (3) (a) 3. Directly or indirectly publish, circulate, display, or mail any  
5 written communication ~~which~~ that the communicator knows is to the effect that any  
6 of the facilities of any public place of accommodation or amusement will be denied  
7 to any person ~~by reason of,~~ or that the patronage of any person is unwelcome,  
8 objectionable, or unacceptable, because of sex,; race,; color,; creed,; disability,; sexual  
9 orientation,; gender identity or gender expression; national origin; or ancestry ~~or~~  
10 ~~that the patronage of a person is unwelcome, objectionable or unacceptable for any~~  
11 ~~of those reasons.~~

12 **SECTION 30.** 106.52 (3) (a) 5. of the statutes is amended to read:

13 106.52 (3) (a) 5. Refuse to rent, charge a higher price than the regular rate, or  
14 give preferential treatment, regarding the use of any private facilities commonly  
15 rented to the public because of sex,; race,; color,; creed,; sexual orientation,; gender  
16 identity or gender expression; national origin; or ancestry, ~~regarding the use of any~~  
17 ~~private facilities commonly rented to the public.~~

18 **SECTION 31.** 106.58 of the statutes is amended to read:

19 **106.58 Discrimination in education prohibited.** No child may be excluded  
20 from or discriminated against in admission to any public school or in obtaining the  
21 advantages, privileges, and courses of study of ~~such a~~ a public school on account of sex,;  
22 race,; religion ~~or~~; national origin; ancestry; creed; pregnancy; marital or parental  
23 status; sexual orientation; gender identity or gender expression; or physical, mental,  
24 emotional, or learning disability.

25 **SECTION 32.** 111.31 (1) of the statutes is amended to read:

**SENATE BILL 328**

1           111.31 (1) The legislature finds that the practice of unfair discrimination in  
2 employment against properly qualified individuals by reason of their age;<sub>;</sub> race;<sub>;</sub>  
3 creed;<sub>;</sub> color;<sub>;</sub> disability;<sub>;</sub> marital status;<sub>;</sub> sex;<sub>;</sub> national origin;<sub>;</sub> ancestry;<sub>;</sub> sexual  
4 orientation;<sub>;</sub> gender identity or gender expression; arrest record;<sub>;</sub> conviction record;<sub>;</sub>  
5 military service;<sub>;</sub> use or nonuse of lawful products off the employer's premises during  
6 nonworking hours;<sub>;</sub> or declining to attend a meeting or to participate in any  
7 communication about religious matters or political matters, substantially and  
8 adversely affects the general welfare of the state. Employers, labor organizations,  
9 employment agencies, and licensing agencies that deny employment opportunities  
10 and discriminate in employment against properly qualified individuals solely  
11 because of their age;<sub>;</sub> race;<sub>;</sub> creed;<sub>;</sub> color;<sub>;</sub> disability;<sub>;</sub> marital status;<sub>;</sub> sex;<sub>;</sub> national  
12 origin;<sub>;</sub> ancestry;<sub>;</sub> sexual orientation;<sub>;</sub> gender identity or gender expression; arrest  
13 record;<sub>;</sub> conviction record;<sub>;</sub> military service;<sub>;</sub> use or nonuse of lawful products off the  
14 employer's premises during nonworking hours;<sub>;</sub> or declining to attend a meeting or  
15 to participate in any communication about religious matters or political matters,  
16 deprive those individuals of the earnings that are necessary to maintain a just and  
17 decent standard of living.

18           **SECTION 33.** 111.31 (2) of the statutes is amended to read:

19           111.31 (2) It is the intent of the legislature to protect by law the rights of all  
20 individuals to obtain gainful employment and to enjoy privileges free from  
21 employment discrimination because of age;<sub>;</sub> race;<sub>;</sub> creed;<sub>;</sub> color;<sub>;</sub> disability;<sub>;</sub> marital  
22 status;<sub>;</sub> sex;<sub>;</sub> national origin;<sub>;</sub> ancestry;<sub>;</sub> sexual orientation;<sub>;</sub> gender identity or  
23 gender expression; arrest record;<sub>;</sub> conviction record;<sub>;</sub> military service;<sub>;</sub> use or nonuse  
24 of lawful products off the employer's premises during nonworking hours;<sub>;</sub> or  
25 declining to attend a meeting or to participate in any communication about religious

**SENATE BILL 328**

1 matters or political matters, and to encourage the full, nondiscriminatory utilization  
2 of the productive resources of the state to the benefit of the state, the family, and all  
3 the people of the state. It is the intent of the legislature in promulgating this  
4 subchapter to encourage employers to evaluate an employee or applicant for  
5 employment based upon the individual qualifications of the employee or applicant  
6 rather than upon a particular class to which the individual may belong.

7 **SECTION 34.** 111.31 (3) of the statutes is amended to read:

8 111.31 (3) In the interpretation and application of this subchapter, and  
9 otherwise, it is declared to be the public policy of the state to encourage and foster  
10 to the fullest extent practicable the employment of all properly qualified individuals  
11 regardless of age, race, creed, color, disability, marital status, sex, national  
12 origin, ancestry, sexual orientation, gender identity or gender expression, arrest  
13 record, conviction record, military service, use or nonuse of lawful products off the  
14 employer's premises during nonworking hours, or declining to attend a meeting or  
15 to participate in any communication about religious matters or political matters.  
16 Nothing in this subsection requires an affirmative action program to correct an  
17 imbalance in the work force. This subchapter shall be liberally construed for the  
18 accomplishment of this purpose.

19 **SECTION 35.** 111.32 (7j) of the statutes is created to read:

20 111.32 (7j) "Gender identity or gender expression" means a person's  
21 gender-related identity, gender-related appearance, gender-related expression, or  
22 gender-related behavior, regardless of the person's assigned sex at birth or gender  
23 identifiers on official documents issued by a federal, state, or local government  
24 agency.

25 **SECTION 36.** 111.321 of the statutes is amended to read:

**SENATE BILL 328**

1           **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to  
2 111.365, no employer, labor organization, employment agency, licensing agency, or  
3 other person may engage in any act of employment discrimination as specified in s.  
4 111.322 against any individual on the basis of age; race; creed; color; disability;  
5 marital status; sex; national origin; ancestry; sexual orientation; gender identity  
6 or gender expression; arrest record; conviction record; military service; use or  
7 nonuse of lawful products off the employer's premises during nonworking hours; or  
8 declining to attend a meeting or to participate in any communication about religious  
9 matters or political matters.

10           **SECTION 37.** 111.36 (title) of the statutes is amended to read:

11           **111.36 (title) Sex, sexual orientation, gender identity, or gender**  
12 **expression; exceptions and special cases.**

13           **SECTION 38.** 111.36 (1) (d) 1. of the statutes is amended to read:

14           111.36 (1) (d) 1. ~~For any employer, labor organization, licensing agency or~~  
15 ~~employment agency or other person to refuse~~ Refusing to hire, employ, admit, or  
16 license, ~~or to bar or terminate~~ any individual; barring or terminating from  
17 employment, membership, or licensure any individual; ~~or to discriminate~~  
18 discriminating against an any individual in promotion, in compensation, or in the  
19 terms, conditions, or privileges of employment because of the individual's sexual  
20 orientation; ~~or~~ or gender identity or gender expression.

21           **SECTION 39.** 111.36 (1) (d) 2. of the statutes is amended to read:

22           111.36 (1) (d) 2. ~~For any employer, labor organization, licensing agency or~~  
23 ~~employment agency or other person to discharge~~ Discharging or otherwise  
24 ~~discriminate~~ discriminating against any person because ~~he or she~~ the person has  
25 opposed any discriminatory practices under this paragraph or because ~~he or she~~ the



**SENATE BILL 328**

1 person has made a complaint, testified, or assisted in any proceeding under this  
2 paragraph.

3 **SECTION 40.** 111.70 (2) of the statutes is amended to read:

4 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right  
5 of self-organization, and the right to form, join, or assist labor organizations, to  
6 bargain collectively through representatives of their own choosing, and to engage in  
7 lawful, concerted activities for the purpose of collective bargaining or other mutual  
8 aid or protection. Municipal employees have the right to refrain from any and all  
9 such activities. A general municipal employee has the right to refrain from paying  
10 dues while remaining a member of a collective bargaining unit. A public safety  
11 employee or a transit employee, however, may be required to pay dues in the manner  
12 provided in a fair-share agreement; a fair-share agreement covering a public safety  
13 employee or a transit employee must contain a provision requiring the municipal  
14 employer to deduct the amount of dues as certified by the labor organization from the  
15 earnings of the employee affected by the fair-share agreement and to pay the amount  
16 deducted to the labor organization. A fair-share agreement covering a public safety  
17 employee or transit employee is subject to the right of the municipal employer or a  
18 labor organization to petition the commission to conduct a referendum. Such  
19 petition must be supported by proof that at least 30 percent of the employees in the  
20 collective bargaining unit desire that the fair-share agreement be terminated. Upon  
21 so finding, the commission shall conduct a referendum. If the continuation of the  
22 agreement is not supported by at least the majority of the eligible employees, it shall  
23 terminate. The commission shall declare any fair-share agreement suspended upon  
24 such conditions and for such time as the commission decides whenever it finds that  
25 the labor organization involved has refused on the basis of race, color, sexual

**SENATE BILL 328**

1 orientation, gender identity, gender expression, creed, or sex to receive as a member  
2 any public safety employee or transit employee of the municipal employer in the  
3 bargaining unit involved, and such agreement is subject to this duty of the  
4 commission. Any of the parties to such agreement or any public safety employee or  
5 transit employee covered by the agreement may come before the commission, as  
6 provided in s. 111.07, and ask the performance of this duty.

7 **SECTION 41.** 111.81 (12) (b) of the statutes is amended to read:

8 111.81 (12) (b) Which discriminates with regard to the terms or conditions of  
9 membership because of race, color, creed, national origin, sex, age, sexual  
10 orientation, or ~~national origin~~ gender identity or gender expression.

11 **SECTION 42.** 118.019 (2d) of the statutes is amended to read:

12 118.019 (2d) NONDISCRIMINATION. An instructional program under this section  
13 shall use instructional methods and materials that, consistent with s. 118.13 (1), do  
14 not discriminate against a pupil based upon the pupil's race, gender, religion, sexual  
15 orientation, gender identity, gender expression, or ethnic or cultural background or  
16 against sexually active pupils or children with disabilities. Nothing in this  
17 subsection shall be construed to prohibit a school board from approving an  
18 instructional program under this section that includes instruction on abstinence  
19 from sexual activity or that is abstinence-centered.

20 **SECTION 43.** 118.13 (1) of the statutes is amended to read:

21 118.13 (1) Except as provided in s. 120.13 (37m), no person may be denied  
22 admission to any public school or be denied participation in, be denied the benefits  
23 of, or be discriminated against in any curricular, extracurricular, pupil services,  
24 recreational, or other program or activity because of the person's sex,; race,; religion,;  
25 national origin,; ancestry,; creed,; pregnancy,; marital or parental status,; sexual

**SENATE BILL 328**

1 orientation; gender identity or gender expression; or physical, mental, emotional, or  
2 learning disability.

3 **SECTION 44.** 118.20 (1) of the statutes is amended to read:

4 118.20 (1) No discrimination because of sex, except where when sex is a bona  
5 fide occupational qualification, as ~~defined~~ described in s. 111.36 (2); race,  
6 nationality; national origin; sexual orientation; gender identity or gender  
7 expression; or political or religious affiliation may be practiced in the employment  
8 of teachers or administrative personnel in public schools or in their assignment or  
9 reassignment. No questions of any nature or form relative to sex, except where when  
10 sex is a bona fide occupational qualification, as ~~defined~~ described in s. 111.36 (2);  
11 race, nationality; national origin; sexual orientation; gender identity or gender  
12 expression; or political or religious affiliation may be asked applicants for teaching  
13 or administrative positions in the public schools either by public school officials or  
14 employees or by teachers agencies or placement bureaus.

15 **SECTION 45.** 118.40 (4) (b) 2. of the statutes is amended to read:

16 118.40 (4) (b) 2. Except as provided in sub. (3) (h), discriminate in admission  
17 or deny participation in any program or activity on the basis of a person's sex; race;  
18 religion; national origin; ancestry; pregnancy; marital or parental status; sexual  
19 orientation; gender identity or gender expression; or physical, mental, emotional, or  
20 learning disability.

21 **SECTION 46.** 194.025 of the statutes is amended to read:

22 **194.025 Discrimination prohibited.** No motor carrier may engage in any  
23 practice, act, or omission ~~which~~ that results in discrimination on the basis of race,  
24 creed, sex or national origin, sex, sexual orientation, or gender identity or gender  
25 expression.

**SENATE BILL 328****SECTION 47**

1           **SECTION 47.** 224.77 (1) (o) of the statutes is amended to read:

2           224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan  
3           originator, or mortgage broker, except in relation to housing designed to meet the  
4           needs of elderly individuals, treat a person unequally solely because of sex, race,  
5           color, handicap, sexual orientation, as defined in s. 111.32 (13m), gender identity or  
6           gender expression, as defined in s. 111.32 (7j), religion, national origin, age, or  
7           ancestry, the person's lawful source of income, or the sex, marital status, or status  
8           as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)  
9           (u), of the person maintaining a household.

10           **SECTION 48.** 227.10 (3) (a) of the statutes is amended to read:

11           227.10 (3) (a) No rule, either by its terms or in its application, may discriminate  
12           for or against any person by reason of sex, race, creed, color, national origin, ancestry,  
13           sexual orientation, ~~national origin or ancestry~~ or gender identity or gender  
14           expression.

15           **SECTION 49.** 230.01 (2) (b) of the statutes is amended to read:

16           230.01 (2) (b) It is the policy of this state to provide for equal employment  
17           opportunity by ensuring that all personnel actions including hire, tenure or term,  
18           and condition or privilege of employment be based on the ability to perform the duties  
19           and responsibilities assigned to the particular position without regard to age, race,  
20           creed or religion, color, disability, sex, national origin, ancestry, ~~sexual orientation,~~  
21           or political affiliation, sexual orientation, or gender identity or gender expression.

22           **SECTION 50.** 230.18 of the statutes is amended to read:

23           **230.18 Discrimination prohibited.** No question in any form of application  
24           or in any evaluation used in the hiring process may be so framed as to elicit  
25           information concerning the partisan political or religious opinions or affiliations of

**SENATE BILL 328**

1 any applicant nor may any inquiry be made concerning ~~such~~ those opinions or  
2 affiliations and all disclosures ~~thereof~~ of those opinions or affiliations shall be  
3 discountenanced except that the director may evaluate the competence and  
4 impartiality of applicants for positions such as clinical chaplain in a state  
5 institutional program. No discriminations may be exercised in the recruitment,  
6 application, or hiring process against or in favor of any person because of the person's  
7 political or religious opinions or affiliations or because of age, sex, disability, race,  
8 color, ~~sexual orientation~~, national origin, ~~or ancestry~~, sexual orientation, or gender  
9 identity or gender expression, except as otherwise provided.

10 **SECTION 51.** 234.29 of the statutes is amended to read:

11 **234.29 Equality of occupancy and employment.** The authority shall  
12 require that occupancy of housing projects assisted under this chapter be open to all  
13 regardless of sex,~~;~~ race,~~;~~ religion,~~;~~ creed; sexual orientation,~~;~~ gender identity or  
14 gender expression; or status as a victim of domestic abuse, sexual assault, or  
15 stalking, as defined in s. 106.50 (1m) (u), ~~or creed~~, and that contractors and  
16 subcontractors engaged in the construction of economic development or housing  
17 projects, shall provide an equal opportunity for employment, without discrimination  
18 as to sex, race, religion, creed, sexual orientation, or ~~creed~~ gender identity or gender  
19 expression.

20 **SECTION 52.** 321.37 of the statutes is amended to read:

21 **321.37 No discrimination.** No person, otherwise qualified, may be denied  
22 membership in the national guard or state defense force because of sex, color, race,  
23 creed, ~~or sexual orientation~~, or gender identity or gender expression, and no member  
24 of the national guard or state defense force may be segregated within the national  
25 guard or state defense force on the basis of sex, color, race, creed, ~~or sexual~~

**SENATE BILL 328**

1 orientation, or gender identity or gender expression. Nothing in this section  
2 prohibits separate facilities for persons of different sexes with regard to dormitory  
3 accommodations, toilets, showers, saunas, and dressing rooms, except that no person  
4 may be denied equal access to facilities most consistent with the person's gender  
5 identity.

6 **SECTION 53.** 440.45 (1) of the statutes is amended to read:

7 440.45 (1) NONDISCRIMINATION POLICY. Each licensed company shall adopt a  
8 policy of nondiscrimination on the basis of trip origin or destination, race, color,  
9 national origin, religious belief or affiliation, sex, disability, age, sexual orientation,  
10 or gender identity or gender expression with respect to passengers and prospective  
11 passengers and notify all of its participating drivers of the nondiscrimination policy.

12 **SECTION 54.** 440.45 (2) of the statutes is amended to read:

13 440.45 (2) A participating driver may not discriminate against any passenger  
14 or prospective passenger on the basis of destination, race, color, national origin,  
15 religious belief or affiliation, sex, disability, age, sexual orientation, or gender  
16 identity or gender expression.

17 **SECTION 55.** 452.14 (3) (n) of the statutes is amended to read:

18 452.14 (3) (n) Treated any person unequally solely because of sex,<sub>;</sub> race,<sub>;</sub> color,<sub>;</sub>  
19 ~~handicap,~~ disability; national origin,<sub>;</sub> ancestry,<sub>;</sub> marital status,<sub>;</sub> lawful source of  
20 income,<sub>;</sub> sexual orientation; gender identity or gender expression; or status as a  
21 victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u).

22 **SECTION 56.** 628.34 (3) (c) of the statutes is created to read:

23 628.34 (3) (c) No insurer may refuse to insure or refuse to continue to insure,  
24 or limit the amount, extent, or kind of coverage available to an individual, or charge  
25 an individual a different rate for the same coverage because of a person's age, sex,

**SENATE BILL 328**

1 residence, race, color, creed, religion, national origin, ancestry, marital status,  
2 occupation, sexual orientation, gender identity, or gender expression.

3 **SECTION 57.** 632.35 of the statutes is amended to read:

4 **632.35 Prohibited rejection, cancellation, and nonrenewal.** No insurer  
5 may cancel or refuse to issue or renew an automobile insurance policy wholly or  
6 partially because of ~~one or more of the following characteristics of any person: a~~  
7 person's age, sex, residence, race, color, creed, religion, national origin, ancestry,  
8 marital status ~~or~~, occupation, sexual orientation, or gender identity or gender  
9 expression.

10 **SECTION 58.** 756.001 (3) of the statutes is amended to read:

11 756.001 (3) No person who is qualified and able to serve as a juror may be  
12 excluded from that service in any court of this state on the basis of sex, race, color,  
13 sexual orientation, as defined in s. 111.32 (13m), gender identity or gender  
14 expression, as defined in s. 111.32 (7j), disability, religion, national origin, marital  
15 status, family status, lawful source of income, age, or ancestry or because of a  
16 physical condition.

17 (END)