

ASSEMBLY BILL 32 (LRB -0342)

An Act to amend 111.31 (1), 111.31 (2), 111.31 (3) and 111.321; and to create 111.32 (12g) and 111.355 of the statutes; relating to: prohibiting employment discrimination because an individual is or applies to be a member of, or performs, has performed, applies to perform, or has an obligation to perform active service in, the state defense force, the national guard of any state, or any reserve component of the military forces of the United States. (FE)

2007

01-24. A. Introduced by Representatives Owens, Albers, Gunderson, Gundrum, Hahn, Kerkman, F. Lasee, Meyer, Mursau, Musser, Nerison, Petrowski, Strachota, Suder, Townsend and Van Roy; cosponsored by Senators Lassa, Leibham, Roessler, Schultz and Sullivan.
01-24. A. Read first time and referred to committee on Veterans and Military Affairs 32
03-06. A. Fiscal estimate received.
03-07. A. Public hearing held.
03-19. A. Assembly substitute amendment 1 offered by Representative Owens (LRB s0042) 99
05-02. A. Executive action taken.
05-02. A. Assembly amendment 1 to Assembly substitute amendment 1 offered by committee on Veterans and Military Affairs (LRB a0460) 164
05-21. A. Report Assembly Amendment 1 to Assembly Substitute Amendment 1 adoption recommended by committee on Veterans and Military Affairs, Ayes 8, Noes 1 195
05-21. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Veterans and Military Affairs, Ayes 8, Noes 1 195
05-21. A. Report passage as amended recommended by committee on Veterans and Military Affairs, Ayes 8, Noes 1 195
05-21. A. Referred to committee on Rules 195
10-24. A. Placed on calendar 10-30-2007 by committee on Rules.
10-30. A. Read a second time 329
10-30. A. Assembly amendment 1 to Assembly amendment 1 to Assembly substitute amendment 1 offered by Representatives Petersen and Roth (LRB a0827) 329
10-30. A. Assembly amendment 1 to Assembly amendment 1 to Assembly substitute amendment 1 adopted 329
10-30. A. Assembly amendment 1 to Assembly substitute amendment 1 adopted 329
10-30. A. Assembly substitute amendment 1 adopted 329
10-30. A. Ordered to a third reading 329
10-30. A. Rules suspended 329
10-30. A. Read a third time and passed 329
10-30. A. Ordered immediately messaged 329
10-31. S. Received from Assembly 400
11-02. S. Read first time and referred to committee on Veterans and Military Affairs, Biotechnology and Financial Institutions 404
11-13. S. Public hearing held.
12-06. S. Executive action taken.
12-07. S. Report concurrence recommended by committee on Veterans and Military Affairs, Biotechnology and Financial Institutions, Ayes 5, Noes 0 455
12-07. S. Available for scheduling.

2008

01-09. S. Placed on calendar 1-15-2008 by committee on Senate Organization.
01-15. S. Senator Vinehout added as a cosponsor.
01-15. S. Read a second time.
01-15. S. Ordered to a third reading.
01-15. S. Rules suspended.
01-15. S. Read a third time and concurred in.
01-15. S. Senator Darling added as a cosponsor.
01-15. S. Senator Hansen added as a cosponsor.
01-15. S. Ordered immediately messaged.
01-15. A. Received from Senate concurred in.

JP

**2007  
ENROLLED BILL**

07en A B-32

**ADOPTED DOCUMENTS:**

Orig     Engr    A SubAmdt 1    07 S0042/1

Amendments to above (if none, write "NONE"): AA1 TO ASAI - a 0460/1  
AA1 TO AA1 TO ASAI - a 0827/1

Corrections - show date (if none, write "NONE"): None

**Topic**      Prohibiting employment discrimination because a person serves or applies  
to serve in the U.S. armed forces, the state defence force, the national guard  
of any state, or any reserve component of the U.S. armed forces.

1-16-08      *JR Miller*  
**Date**                      **Enrolling Drafter**

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 32**

March 19, 2007 - Offered by Representative OWENS.

1 **AN ACT to amend** 111.31 (1), 111.31 (2), 111.31 (3) and 111.321; and **to create**  
2 111.32 (12g) and 111.355 of the statutes; **relating to:** prohibiting employment  
3 discrimination because an individual is or applies to be a member of, or  
4 performs, has performed, applies to perform, or has an obligation to perform  
5 active service in, the U.S. armed forces, the state defense force, the national  
6 guard of any state, or any reserve component of the U.S. armed forces.

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

Under current law, no employer, labor organization, licensing agency, employment agency, or other person may refuse to hire, employ, admit, or license an individual, bar or terminate an individual from employment, membership, or licensure, or discriminate against an individual in promotion, in compensation, or in the terms, conditions, or privileges of employment on the basis of membership in the national guard, state defense force, or any reserve component of the military forces of the United States or this state.

This substitute amendment prohibits employment discrimination because of service in the *U.S. armed forces*, the state defense force, the national guard of *any* state, or any other reserve component of the U.S. armed forces (military service). The substitute amendment provides that such discrimination includes an employer,

labor organization, licensing agency, employment agency, or other person refusing to hire, employ, admit, or license an individual; barring or terminating an individual from employment, membership, or licensure; or discriminating against an individual in promotion, in compensation, or in the terms, conditions, or privileges of employment because the individual is or applies to be a member of the U.S. armed forces, the state defense force, the national guard of any state, or any reserve component of the U.S. armed forces or because the individual performs, has performed, applies to perform, or has an obligation to perform military service. The substitute amendment provides, however, that it is not employment discrimination because of military service to refuse to hire, employ, or license an individual or to bar or terminate an individual from employment or licensure because the individual has been less than honorably discharged from military service and the circumstances of the discharge substantially relate to the circumstances of the particular job or licensed activity.

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

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

2           111.31 (1) The legislature finds that the practice of unfair discrimination in  
3 employment against properly qualified individuals by reason of their age, race,  
4 creed, color, disability, marital status, sex, national origin, ancestry, sexual  
5 orientation, arrest record, conviction record, ~~membership in the national guard,~~  
6 ~~state defense force or any other reserve component of the military forces of the United~~  
7 ~~States or this state~~ military service, or use or nonuse of lawful products off the  
8 employer's premises during nonworking hours substantially and adversely affects  
9 the general welfare of the state. Employers, labor organizations, employment  
10 agencies, and licensing agencies that deny employment opportunities and  
11 discriminate in employment against properly qualified individuals solely because of  
12 their age, race, creed, color, disability, marital status, sex, national origin, ancestry,  
13 sexual orientation, arrest record, conviction record, ~~membership in the national~~  
14 ~~guard, state defense force or any other reserve component of the military forces of the~~

1 ~~United States or this state~~ military service, or use or nonuse of lawful products off  
2 the employer's premises during nonworking hours deprive those individuals of the  
3 earnings that are necessary to maintain a just and decent standard of living.

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

5 111.31 (2) It is the intent of the legislature to protect by law the rights of all  
6 individuals to obtain gainful employment and to enjoy privileges free from  
7 employment discrimination because of age, race, creed, color, disability, marital  
8 status, sex, national origin, ancestry, sexual orientation, arrest record, conviction  
9 record, ~~membership in the national guard, state defense force or any other reserve~~  
10 ~~component of the military forces of the United States or this state~~ military service,  
11 or use or nonuse of lawful products off the employer's premises during nonworking  
12 hours, and to encourage the full, nondiscriminatory utilization of the productive  
13 resources of the state to the benefit of the state, the family, and all the people of the  
14 state. It is the intent of the legislature in promulgating this subchapter to encourage  
15 employers to evaluate an employee or applicant for employment based upon the  
16 employee's or applicant's individual qualifications rather than upon a particular  
17 class to which the individual may belong.

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

19 111.31 (3) In the interpretation and application of this subchapter, and  
20 otherwise, it is declared to be the public policy of the state to encourage and foster  
21 to the fullest extent practicable the employment of all properly qualified individuals  
22 regardless of age, race, creed, color, disability, marital status, sex, national origin,  
23 ancestry, sexual orientation, arrest record, conviction record, ~~membership in the~~  
24 ~~national guard, state defense force or any other reserve component of the military~~  
25 ~~forces of the United States or this state~~ military service, or use or nonuse of lawful

1 products off the employer's premises during nonworking hours. Nothing in this  
2 subsection requires an affirmative action program to correct an imbalance in the  
3 work force. This subchapter shall be liberally construed for the accomplishment of  
4 this purpose.

5 **SECTION 4.** 111.32 (12g) of the statutes is created to read:

6 111.32 (12g) "Military service" means service in the U.S. armed forces, the  
7 state defense force, the national guard of any state, or any other reserve component  
8 of the U.S. armed forces.

9 **SECTION 5.** 111.321 of the statutes is amended to read:

10 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to 111.36,  
11 no employer, labor organization, employment agency, licensing agency, or other  
12 person may engage in any act of employment discrimination as specified in s. 111.322  
13 against any individual on the basis of age, race, creed, color, disability, marital  
14 status, sex, national origin, ancestry, arrest record, conviction record, membership  
15 ~~in the national guard, state defense force or any reserve component of the military~~  
16 ~~forces of the United States or this state~~ military service, or use or nonuse of lawful  
17 products off the employer's premises during nonworking hours.

18 **SECTION 6.** 111.355 of the statutes is created to read:

19 **111.355 Military service; exceptions and special cases.** (1) Employment  
20 discrimination because of military service includes an employer, labor organization,  
21 licensing agency, employment agency, or other person refusing to hire, employ,  
22 admit, or license an individual, barring or terminating an individual from  
23 employment, membership, or licensure, or discriminating against an individual in  
24 promotion, in compensation, or in the terms, conditions, or privileges of employment  
25 because the individual is or applies to be a member of the U.S. armed forces, the state

1 defense force, the national guard of any state, or any reserve component of the U.S.  
2 armed forces or because the individual performs, has performed, applies to perform,  
3 or has an obligation to perform military service.

4 (2) Notwithstanding s. 111.322, it is not employment discrimination because  
5 of military service for an employer, licensing agency, employment agency, or other  
6 person to refuse to hire, employ, or license an individual or to bar or terminate an  
7 individual from employment or licensure because the individual has been less than  
8 ~~honorably discharged from military service, and the circumstances of the discharge~~  
9 substantially relate to the circumstances of the particular job or licensed activity.

10

(END)

AAI-1 ✓

INS. AAI-2

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 32**

May 2, 2007 - Offered by COMMITTEE ON VETERANS AND MILITARY AFFAIRS.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 5, line 7: delete "less than". ← AAI-1

3 2. Page 5, line 8: delete that line and substitute: "discharged from military

4 service under a bad conduct, dishonorable, or other than ~~honorable~~ discharge, and

5 the circumstances of the discharge".

6 (END)

AAI-2



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2007 ASSEMBLY BILL 32**

October 30, 2007 - Offered by Representatives PETERSEN and ROTH.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 1, line 4: after "discharge," insert "or under an entry-level  
3 separation)".

4 **2.** Page 1, line 5: after "discharge" insert "or separation".

5 (END)

AAI-AAI-1 ✓

AAI-AAI-2