



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-3503/1
MIM:kjf

2019 SENATE BILL 308

June 28, 2019 - Introduced by Senators CARPENTER, BEWLEY, ERPENBACH, HANSEN, JOHNSON, LARSON, MILLER, RINGHAND, RISSER, SCHACHTNER, SHILLING, SMITH, L. TAYLOR and WIRCH, cosponsored by Representatives SPREITZER, ZAMARRIPA, CABRERA, ANDERSON, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, CROWLEY, DOYLE, EMERSON, FIELDS, GOYKE, GRUSZYNSKI, HAYWOOD, HEBL, HESSELBEIN, HINTZ, KOLSTE, MCGUIRE, B. MEYERS, MILROY, L. MYERS, NEUBAUER, OHNSTAD, POPE, RIEMER, SARGENT, SHANKLAND, SINICKI, STUBBS, STUCK, SUBECK, C. TAYLOR, VINING and VRUWINK. Referred to Committee on Government Operations, Technology and Consumer Protection.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 111.36 (2); *to amend* 15.04 (1) (g), 16.765 (1), 16.765 (2), 36.09
2 (1) (e), 36.11 (3) (a), 36.12 (1), 36.29 (1), 38.04 (13) (b), 38.23 (1), 47.02 (3m) (f),
3 48.82 (6), 51.90, 66.0125 (3) (a), 66.0125 (3) (c) 1. b., 66.0125 (9), 66.1011 (1),
4 66.1201 (2m), 66.1213 (3), 66.1301 (2m), 66.1331 (2m), 66.1333 (3) (e) 2., 86.195
5 (5) (c), 106.50 (1), 106.50 (1m) (h), 106.50 (1m) (nm), 106.50 (5m) (f) 1., 106.52
6 (3) (a) 1., 106.52 (3) (a) 2., 106.52 (3) (a) 3., 106.52 (3) (a) 4., 106.52 (3) (a) 5.,
7 106.58, 111.31 (1), 111.31 (2), 111.31 (3), 111.321, 111.36 (title), 111.36 (1) (a),
8 111.36 (1) (c), 111.36 (1) (d) 1., 111.36 (1) (d) 2., 111.70 (2), 111.81 (12) (b), 111.85
9 (2) (b), 118.019 (2d), 118.13 (1), 118.20 (1), 118.40 (4) (b) 2., 194.025, 224.77 (1)
10 (o), 227.10 (3) (a), 230.01 (2) (b), 230.18, 234.29, 321.37, 440.45 (1), 440.45 (2),
11 452.14 (3) (n), 625.12 (2), 632.35 and 756.001 (3); and *to create* 106.50 (1m)
12 (kg), 106.52 (1) (cr), 111.32 (7j) and 628.34 (3) (c) of the statutes; **relating to:**
13 discrimination in employment, housing, public accommodations, education,

SENATE BILL 308

1 insurance coverage, jury duty, and the receipt of mental health or vocational
2 rehabilitation services.

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. The bill also prohibits the University of Wisconsin System, the Technical College System, public elementary and secondary schools, and charter schools from discriminating against a student based on the protected status of the student's parent. 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. This bill also removes sex as a bona fide occupational qualification.

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.

SENATE BILL 308

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.

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

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),

SENATE BILL 308**SECTION 2**

1 sexual orientation, as defined in s. 111.32 (13m), or ~~national origin~~ gender identity
2 or gender expression, as defined in s. 111.32 (7j), and, except with respect to sexual
3 orientation, gender identity, and gender expression, obligating the contractor to take
4 affirmative action to ensure equal employment opportunities.

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

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

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

SENATE BILL 308

1 36.09 (1) (e) Subject to par. (em), the board shall appoint a president of the
2 system; a chancellor for each institution; a dean for each college campus; the state
3 geologist; the director of the laboratory of hygiene; the director of the psychiatric
4 institute; the state cartographer; and the requisite number of officers, other than the
5 vice presidents, associate vice presidents, and assistant vice presidents of the
6 system; faculty; academic staff; and other employees and fix the salaries, subject to
7 the limitations under par. (j) and s. 230.12 (3) (e), the duties and the term of office
8 for each. The board shall fix the salaries, subject to the limitations under par. (j) and
9 s. 230.12 (3) (e), and the duties for each chancellor, vice president, associate vice
10 president, and assistant vice president of the system. No sectarian or partisan tests
11 or any tests based upon race, religion, national origin, ~~or sex, sexual orientation,~~
12 gender identity, or gender expression shall ever be allowed or exercised in the
13 appointment of the employees of the system.

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

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

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

24 36.12 (1) No student may be denied admission to, participation in, or the
25 benefits of, or be discriminated against in, any service, program, course, or facility

SENATE BILL 308**SECTION 6**

1 of the system or its institutions because of the student's race, color, creed, religion,
2 sex, national origin, disability, ancestry, age, sexual orientation, gender identity,
3 gender expression, pregnancy, marital status, or parental status of the student or of
4 the student's parent.

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

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

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

SENATE BILL 308

1 38.04 (13) (b) No person may, on the ground of sex, age, race, color, religion ~~or~~,
2 national origin, sexual orientation, gender identity, or gender expression, be
3 excluded from participating in, be denied the benefits of, or be subjected to
4 discrimination under any program or activity funded in whole or in part with funds
5 made available under this subsection.

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

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

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

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

21 **SECTION 11.** 48.82 (6) of the statutes is amended to read:

22 48.82 (6) No otherwise qualified person may be denied the benefits of this
23 subchapter because of his ~~or her~~ the person's race, color, ancestry ~~or~~, national origin,
24 sexual orientation, gender identity, or gender expression.

25 **SECTION 12.** 51.90 of the statutes is amended to read:

SENATE BILL 308**SECTION 12**

1 **51.90 Antidiscrimination.** No employee, prospective employee, patient, or
2 resident of an approved treatment facility, or consumer of services provided under
3 this chapter, may be discriminated against because of age, race, creed, color, sex or
4 handicap, disability, sexual orientation, gender identity, or gender expression.

5 **SECTION 13.** 66.0125 (3) (a) of the statutes is amended to read:

6 66.0125 (3) (a) The purpose of the commission is to study, analyze, and
7 recommend solutions for the major social, economic, and cultural problems that
8 affect people residing or working within the local governmental unit, including
9 problems of the family, youth, education, the aging, juvenile delinquency, health and
10 zoning standards, discrimination in employment and public accommodations and
11 facilities on the basis of sex, class, race, religion, sexual orientation, gender identity,
12 gender expression, or ethnic or minority status and discrimination in housing on the
13 basis of sex, class, race, religion, sexual orientation, gender identity, gender
14 expression, ethnic or minority status, or status as a victim of domestic abuse, sexual
15 assault, or stalking.

16 **SECTION 14.** 66.0125 (3) (c) 1. b. of the statutes is amended to read:

17 66.0125 (3) (c) 1. b. To ensure to all residents of a local governmental unit,
18 regardless of sex, race, sexual orientation, gender identity, gender expression, or
19 color, the right to enjoy equal employment opportunities and to ensure to those
20 residents, regardless of sex, race, sexual orientation, gender identity, gender
21 expression, color, or status as a victim of domestic abuse, sexual assault, or stalking,
22 the right to possess equal housing opportunities.

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

24 66.0125 (9) INTENT. It is the intent of this section to promote fair and friendly
25 relations among all the people in this state, and to that end race, creed, sexual

SENATE BILL 308

1 orientation, gender identity, gender expression, or color ought not to be made tests
2 in the matter of the right of any person to earn a livelihood or to enjoy the equal use
3 of public accommodations and facilities and race, creed, sexual orientation, gender
4 identity, gender expression, color, or status as a victim of domestic abuse, sexual
5 assault, or stalking ought not to be made tests in the matter of the right of any person
6 to sell, lease, occupy, or use real estate.

7 **SECTION 16.** 66.1011 (1) of the statutes is amended to read:

8 66.1011 (1) DECLARATION OF POLICY. The right of all persons to have equal
9 opportunities for housing regardless of their sex, race, color, disability, as defined in
10 s. 106.50 (1m) (g), sexual orientation, as defined in s. 111.32 (13m), gender identity
11 or gender expression, as defined in s. 111.32 (7j), religion, national origin, marital
12 status, family status, as defined in s. 106.50 (1m) (k), status as a victim of domestic
13 abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u), lawful source of
14 income, age, or ancestry is a matter both of statewide concern under ss. 101.132 and
15 106.50 and also of local interest under this section and s. 66.0125. The enactment
16 of ss. 101.132 and 106.50 by the legislature does not preempt the subject matter of
17 equal opportunities in housing from consideration by political subdivisions, and does
18 not exempt political subdivisions from their duty, nor deprive them of their right, to
19 enact ordinances that prohibit discrimination in any type of housing solely on the
20 basis of an individual being a member of a protected class.

21 **SECTION 17.** 66.1201 (2m) of the statutes is amended to read:

22 66.1201 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit,
23 facility, or privilege under ss. 66.1201 to 66.1211 may not be denied the right, benefit,
24 facility, or privilege in any manner for any purpose nor be discriminated against
25 because of sex, race, color, creed, national origin, sexual orientation, gender identity,

SENATE BILL 308**SECTION 17**

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

3 **SECTION 18.** 66.1213 (3) of the statutes is amended to read:

4 66.1213 (3) DISCRIMINATION. Persons otherwise entitled to any right, benefit,
5 facility, or privilege under this section 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.** 66.1301 (2m) of the statutes is amended to read:

11 66.1301 (2m) DISCRIMINATION. Persons entitled to any right, benefit, facility,
12 or privilege under ss. 66.1301 to 66.1329 may not be denied the right, benefit, facility,
13 or privilege in any manner for any purpose nor be discriminated against because of
14 sex, race, color, creed, national origin, sexual orientation, gender identity, gender
15 expression, or status as a victim of domestic abuse, sexual assault, or stalking, as
16 defined in s. 106.50 (1m) (u), ~~or national origin.~~

17 **SECTION 20.** 66.1331 (2m) of the statutes is amended to read:

18 66.1331 (2m) DISCRIMINATION. Persons otherwise entitled to any right, benefit,
19 facility, or privilege under this section may not be denied the right, benefit, facility,
20 or privilege in any manner for any purpose nor be discriminated against because of
21 sex, race, color, creed, national origin, sexual orientation, gender identity, gender
22 expression, status as a victim of domestic abuse, sexual assault, or stalking, as
23 defined in s. 106.50 (1m) (u), ~~or national origin.~~

24 **SECTION 21.** 66.1333 (3) (e) 2. of the statutes is amended to read:

SENATE BILL 308

1 66.1333 (3) (e) 2. Persons otherwise entitled to any right, benefit, facility, or
2 privilege under this section may not be denied the right, benefit, facility, or privilege
3 in any manner for any purpose nor be discriminated against because of sex, race,
4 color, creed, national origin, sexual orientation, gender identity, gender expression,
5 or status as a victim of domestic abuse, sexual assault, or stalking, as defined in s.
6 106.50 (1m) (u), ~~or national origin~~.

7 **SECTION 22.** 86.195 (5) (c) of the statutes is amended to read:

8 86.195 (5) (c) *Conformity with discrimination laws.* Each business identified
9 as a motorist service on a specific information sign shall, as a condition of eligibility
10 for erection, installation, and maintenance of a sign under this section, give written
11 assurance to the department that the business conforms with all applicable laws
12 concerning the provisions of public accommodations without regard to race, religion,
13 color, national origin, ~~sex or national origin~~, sexual orientation, gender identity, or
14 gender expression.

15 **SECTION 23.** 106.50 (1) of the statutes is amended to read:

16 106.50 (1) INTENT. It is the intent of this section to render unlawful
17 discrimination in housing. It is the declared policy of this state that all persons shall
18 have an equal opportunity for housing regardless of sex,; race,; color,; sexual
19 orientation,; gender identity or gender expression; disability,; religion,; national
20 origin,; marital status,; family status,; status as a victim of domestic abuse, sexual
21 assault, or stalking,; lawful source of income,; age,; or ancestry, and it is the duty of
22 the political subdivisions to assist in the orderly prevention or removal of all
23 discrimination in housing through the powers granted under ss. 66.0125 and
24 66.1011. The legislature hereby extends the state law governing equal housing
25 opportunities to cover single-family residences that are owner-occupied. The

SENATE BILL 308**SECTION 23**

1 legislature finds that the sale and rental of single-family residences constitute a
2 significant portion of the housing business in this state and should be regulated.
3 This section shall be considered an exercise of the police powers of the state for the
4 protection of the welfare, health, peace, dignity, and human rights of the people of
5 this state.

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

7 106.50 (1m) (h) “Discriminate” means to segregate, separate, exclude, or treat
8 a person or class of persons unequally in a manner described in sub. (2), (2m), or (2r)
9 because of sex;; race;; color;; sexual orientation;; gender identity or gender
10 expression; disability;; religion;; national origin;; marital status;; family status;;
11 status as a victim of domestic abuse, sexual assault, or stalking;; lawful source of
12 income;; age;; or ancestry.

13 **SECTION 25.** 106.50 (1m) (kg) of the statutes is created to read:

14 106.50 (1m) (kg) “Gender identity or gender expression” has the meaning given
15 in s. 111.32 (7j).

16 **SECTION 26.** 106.50 (1m) (nm) of the statutes is amended to read:

17 106.50 (1m) (nm) “Member of a protected class” means a group of natural
18 persons, or a natural person, who may be categorized because of sex;; race;; color;;
19 disability;; sexual orientation;; gender identity or gender expression; religion;;
20 national origin;; marital status;; family status;; status as a victim of domestic abuse,
21 sexual abuse, or stalking;; lawful source of income;; age;; or ancestry.

22 **SECTION 27.** 106.50 (5m) (f) 1. of the statutes is amended to read:

23 106.50 (5m) (f) 1. Nothing in this section prohibits an owner or agent from
24 requiring that a person who seeks to buy or rent housing supply information
25 concerning family status, and marital, financial, and business status, but not

SENATE BILL 308

1 concerning race, color, disability, sexual orientation, gender identity or gender
2 expression, ancestry, national origin, religion, creed, status as a victim of domestic
3 abuse, sexual assault, or stalking; or, subject to subd. 2., age.

4 **SECTION 28.** 106.52 (1) (cr) of the statutes is created to read:

5 106.52 (1) (cr) "Gender identity or gender expression" has the meaning given
6 in s. 111.32 (7j).

7 **SECTION 29.** 106.52 (3) (a) 1. of the statutes is amended to read:

8 106.52 (3) (a) 1. Deny to another or charge another a higher price than the
9 regular rate for the full and equal enjoyment of any public place of accommodation
10 or amusement because of sex, race, color, creed, disability, sexual orientation,
11 gender identity or gender expression, national origin, or ancestry.

12 **SECTION 30.** 106.52 (3) (a) 2. of the statutes is amended to read:

13 106.52 (3) (a) 2. Give preferential treatment to some classes of persons in
14 providing services or facilities in any public place of accommodation or amusement
15 because of sex, race, color, creed, sexual orientation, gender identity or gender
16 expression, national origin, or ancestry.

17 **SECTION 31.** 106.52 (3) (a) 3. of the statutes is amended to read:

18 106.52 (3) (a) 3. Directly or indirectly publish, circulate, display, or mail any
19 written communication ~~which~~ that the communicator knows is to the effect that any
20 of the facilities of any public place of accommodation or amusement will be denied
21 to any person ~~by reason of, or that the patronage of any person is unwelcome,~~
22 objectionable, or unacceptable, because of sex, race, color, creed, disability, sexual
23 orientation, gender identity or gender expression, national origin, or ancestry ~~or~~
24 ~~that the patronage of a person is unwelcome, objectionable or unacceptable for any~~
25 ~~of those reasons.~~

SENATE BILL 308**SECTION 32**

1 **SECTION 32.** 106.52 (3) (a) 4. of the statutes is amended to read:

2 106.52 (3) (a) 4. Refuse to furnish or charge another a higher rate for any
3 automobile insurance because of race, color, creed, disability, national origin or,
4 ancestry, sexual orientation, gender identity, or gender expression.

5 **SECTION 33.** 106.52 (3) (a) 5. of the statutes is amended to read:

6 106.52 (3) (a) 5. Refuse to rent, charge a higher price than the regular rate, or
7 give preferential treatment, regarding the use of any private facilities commonly
8 rented to the public because of sex,; race,; color,; creed,; sexual orientation,; gender
9 identity or gender expression; national origin,; or ancestry, ~~regarding the use of any~~
10 ~~private facilities commonly rented to the public.~~

11 **SECTION 34.** 106.58 of the statutes is amended to read:

12 **106.58 Discrimination in education prohibited.** No child may be excluded
13 from or discriminated against in admission to any public school or in obtaining the
14 advantages, privileges, and courses of study of ~~such a~~ public school on account of the
15 sex,; race,; religion or,; national origin,; ancestry,; creed,; pregnancy,; marital or
16 parental status,; sexual orientation,; gender identity or gender expression,; physical,
17 mental, emotional, or learning disability of the child or of the child's parent.

18 **SECTION 35.** 111.31 (1) of the statutes is amended to read:

19 111.31 (1) The legislature finds that the practice of unfair discrimination in
20 employment against properly qualified individuals by reason of their age,; race,;
21 creed,; color,; disability,; marital status,; sex,; national origin,; ancestry,; sexual
22 orientation,; gender identity or gender expression; arrest record,; conviction record,;
23 military service,; use or nonuse of lawful products off the employer's premises during
24 nonworking hours,; or declining to attend a meeting or to participate in any
25 communication about religious matters or political matters, substantially and

SENATE BILL 308

1 adversely affects the general welfare of the state. Employers, labor organizations,
2 employment agencies, and licensing agencies that deny employment opportunities
3 and discriminate in employment against properly qualified individuals solely
4 because of their age, race, creed, color, disability, marital status, sex, national
5 origin, ancestry, sexual orientation, gender identity or gender expression, arrest
6 record, conviction record, military service, use or nonuse of lawful products off the
7 employer's premises during nonworking hours, or declining to attend a meeting or
8 to participate in any communication about religious matters or political matters,
9 deprive those individuals of the earnings that are necessary to maintain a just and
10 decent standard of living.

11 **SECTION 36.** 111.31 (2) of the statutes is amended to read:

12 111.31 (2) It is the intent of the legislature to protect by law the rights of all
13 individuals to obtain gainful employment and to enjoy privileges free from
14 employment discrimination because of age, race, creed, color, disability, marital
15 status, sex, national origin, ancestry, sexual orientation, gender identity or
16 gender expression, arrest record, conviction record, military service, use or nonuse
17 of lawful products off the employer's premises during nonworking hours, or
18 declining to attend a meeting or to participate in any communication about religious
19 matters or political matters, and to encourage the full, nondiscriminatory utilization
20 of the productive resources of the state to the benefit of the state, the family, and all
21 the people of the state. It is the intent of the legislature in promulgating this
22 subchapter to encourage employers to evaluate an employee or applicant for
23 employment based upon the individual qualifications of the employee or applicant
24 rather than upon a particular class to which the individual may belong.

25 **SECTION 37.** 111.31 (3) of the statutes is amended to read:

SENATE BILL 308**SECTION 37**

1 111.31 (3) In the interpretation and application of this subchapter, and
2 otherwise, it is declared to be the public policy of the state to encourage and foster
3 to the fullest extent practicable the employment of all properly qualified individuals
4 regardless of age; race; creed; color; disability; marital status; sex; national
5 origin; ancestry; sexual orientation; gender identity or gender expression; arrest
6 record; conviction record; military service; use or nonuse of lawful products off the
7 employer's premises during nonworking hours; or declining to attend a meeting or
8 to participate in any communication about religious matters or political matters.
9 Nothing in this subsection requires an affirmative action program to correct an
10 imbalance in the work force. This subchapter shall be liberally construed for the
11 accomplishment of this purpose.

12 **SECTION 38.** 111.32 (7j) of the statutes is created to read:

13 111.32 (7j) "Gender identity or gender expression" means any of the following
14 with respect to an individual, whether actual or perceived, and regardless of the
15 individual's assigned sex at birth or gender identifiers on official documents issued
16 by a federal, state, or local government agency:

- 17 (a) Gender-related identity.
- 18 (b) Gender-related appearance.
- 19 (c) Gender-related expression.
- 20 (d) Gender-related behavior.

21 **SECTION 39.** 111.321 of the statutes is amended to read:

22 **111.321 Prohibited bases of discrimination.** Subject to ss. 111.33 to
23 111.365, no employer, labor organization, employment agency, licensing agency, or
24 other person may engage in any act of employment discrimination as specified in s.
25 111.322 against any individual on the basis of age; race; creed; color; disability;

SENATE BILL 308

1 marital status; sex; national origin; ancestry; sexual orientation; gender identity
2 or gender expression; arrest record; conviction record; military service; use or
3 nonuse of lawful products off the employer's premises during nonworking hours; or
4 declining to attend a meeting or to participate in any communication about religious
5 matters or political matters.

6 **SECTION 40.** 111.36 (title) of the statutes is amended to read:

7 **111.36 (title) Sex, sexual orientation, gender identity, or gender**
8 **expression; exceptions and special cases.**

9 **SECTION 41.** 111.36 (1) (a) of the statutes is amended to read:

10 111.36 (1) (a) Discriminating against any individual in promotion,
11 compensation paid for equal or substantially similar work, or in terms, conditions or
12 privileges of employment or licensing on the basis of sex where sex is not a bona fide
13 occupational qualification.

14 **SECTION 42.** 111.36 (1) (c) of the statutes is amended to read:

15 111.36 (1) (c) Discriminating against any ~~woman~~ individual on the basis of
16 pregnancy, childbirth, ~~maternity~~ parental leave, or related medical conditions by
17 engaging in any of the actions prohibited under s. 111.322, including, but not limited
18 to, actions concerning fringe benefit programs covering illnesses and disability.

19 **SECTION 43.** 111.36 (1) (d) 1. of the statutes is amended to read:

20 111.36 (1) (d) 1. ~~For any employer, labor organization, licensing agency or~~
21 ~~employment agency or other person to refuse~~ Refusing to hire, employ, admit, or
22 license, ~~or to bar or terminate~~ any individual; barring or terminating from
23 employment, membership, or licensure any individual; ~~or to discriminate~~
24 discriminating against an any individual in promotion, in compensation, or in the

SENATE BILL 308**SECTION 43**

1 terms, conditions, or privileges of employment because of the individual's sexual
2 orientation; ~~or~~ or gender identity or gender expression.

3 **SECTION 44.** 111.36 (1) (d) 2. of the statutes is amended to read:

4 111.36 (1) (d) 2. ~~For any employer, labor organization, licensing agency or~~
5 ~~employment agency or other person to discharge~~ Discharging or otherwise
6 ~~discriminate~~ discriminating against any person because ~~he or she~~ the person has
7 opposed any discriminatory practices under this paragraph or because ~~he or she~~ the
8 person has made a complaint, testified, or assisted in any proceeding under this
9 paragraph.

10 **SECTION 45.** 111.36 (2) of the statutes is repealed.

11 **SECTION 46.** 111.70 (2) of the statutes is amended to read:

12 111.70 (2) RIGHTS OF MUNICIPAL EMPLOYEES. Municipal employees have the right
13 of self-organization, and the right to form, join, or assist labor organizations, to
14 bargain collectively through representatives of their own choosing, and to engage in
15 lawful, concerted activities for the purpose of collective bargaining or other mutual
16 aid or protection. Municipal employees have the right to refrain from any and all
17 such activities. A general municipal employee has the right to refrain from paying
18 dues while remaining a member of a collective bargaining unit. A public safety
19 employee or a transit employee, however, may be required to pay dues in the manner
20 provided in a fair-share agreement; a fair-share agreement covering a public safety
21 employee or a transit employee must contain a provision requiring the municipal
22 employer to deduct the amount of dues as certified by the labor organization from the
23 earnings of the employee affected by the fair-share agreement and to pay the amount
24 deducted to the labor organization. A fair-share agreement covering a public safety
25 employee or transit employee is subject to the right of the municipal employer or a

SENATE BILL 308

1 labor organization to petition the commission to conduct a referendum. Such
2 petition must be supported by proof that at least 30 percent of the employees in the
3 collective bargaining unit desire that the fair-share agreement be terminated. Upon
4 so finding, the commission shall conduct a referendum. If the continuation of the
5 agreement is not supported by at least the majority of the eligible employees, it shall
6 terminate. The commission shall declare any fair-share agreement suspended upon
7 such conditions and for such time as the commission decides whenever it finds that
8 the labor organization involved has refused on the basis of race, color, sexual
9 orientation, gender identity, gender expression, creed, or sex to receive as a member
10 any public safety employee or transit employee of the municipal employer in the
11 bargaining unit involved, and such agreement is subject to this duty of the
12 commission. Any of the parties to such agreement or any public safety employee or
13 transit employee covered by the agreement may come before the commission, as
14 provided in s. 111.07, and ask the performance of this duty.

15 **SECTION 47.** 111.81 (12) (b) of the statutes is amended to read:

16 111.81 (12) (b) Which discriminates with regard to the terms or conditions of
17 membership because of race, color, creed, national origin, sex, age, sexual
18 orientation, or national origin gender identity or gender expression.

19 **SECTION 48.** 111.85 (2) (b) of the statutes is amended to read:

20 111.85 (2) (b) The commission shall declare any fair-share or maintenance of
21 membership agreement suspended upon such conditions and for such time as the
22 commission decides whenever it finds that the labor organization involved has
23 refused on the basis of race, color, sex, sexual orientation, gender identity, gender
24 expression, or creed to receive as a member any public safety employee in the
25 collective bargaining unit involved, and the agreement shall be made subject to the

SENATE BILL 308**SECTION 48**

1 findings and orders of the commission. Any of the parties to the agreement, or any
2 public safety employee covered thereby, may come before the commission, as
3 provided in s. 111.07, and petition the commission to make such a finding.

4 **SECTION 49.** 118.019 (2d) of the statutes is amended to read:

5 118.019 (2d) NONDISCRIMINATION. An instructional program under this section
6 shall use instructional methods and materials that, consistent with s. 118.13 (1), do
7 not discriminate against a pupil based upon the pupil's race, gender, religion, sexual
8 orientation, gender identity, gender expression, or ethnic or cultural background or
9 against sexually active pupils or children with disabilities. Nothing in this
10 subsection shall be construed to prohibit a school board from approving an
11 instructional program under this section that includes instruction on abstinence
12 from sexual activity or that is abstinence-centered.

13 **SECTION 50.** 118.13 (1) of the statutes is amended to read:

14 118.13 (1) Except as provided in s. 120.13 (37m), no person may be denied
15 admission to any public school or be denied participation in, be denied the benefits
16 of, or be discriminated against in any curricular, extracurricular, pupil services,
17 recreational, or other program or activity because of the ~~person's sex;~~ race;~~;~~ religion;~~;~~
18 national origin;~~;~~ ancestry;~~;~~ creed;~~;~~ pregnancy;~~;~~ marital or parental status;~~;~~ sexual
19 orientation ~~or;~~ gender identity or gender expression; physical, mental, emotional, or
20 learning disability of the person or of the person's parent.

21 **SECTION 51.** 118.20 (1) of the statutes is amended to read:

22 118.20 (1) No discrimination because of sex, ~~except where sex is a bona fide~~
23 ~~occupational qualification as defined in s. 111.36 (2);~~ race, ~~nationality;~~ national
24 origin; sexual orientation; gender identity or gender expression; or political or
25 religious affiliation may be practiced in the employment of teachers or

SENATE BILL 308

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

8 **SECTION 52.** 118.40 (4) (b) 2. of the statutes is amended to read:

9 118.40 (4) (b) 2. Except as provided in sub. (3) (h), discriminate in admission
10 or deny participation in any program or activity on the basis of ~~a person's~~ the sex;~~;~~
11 race;~~;~~ religion;~~;~~ national origin;~~;~~ ancestry;~~;~~ pregnancy;~~;~~ marital or parental status;~~;~~
12 sexual orientation ~~or~~; gender identity or gender expression; physical, mental,
13 emotional, or learning disability of the person or of the person's parent.

14 **SECTION 53.** 194.025 of the statutes is amended to read:

15 **194.025 Discrimination prohibited.** No motor carrier may engage in any
16 practice, act, or omission ~~which~~ that results in discrimination on the basis of race,
17 creed, ~~sex or~~ national origin, sex, sexual orientation, or gender identity or gender
18 expression.

19 **SECTION 54.** 224.77 (1) (o) of the statutes is amended to read:

20 224.77 (1) (o) In the course of practice as a mortgage banker, mortgage loan
21 originator, or mortgage broker, except in relation to housing designed to meet the
22 needs of elderly individuals, treat a person unequally solely because of sex, race,
23 color, handicap, sexual orientation, as defined in s. 111.32 (13m), gender identity or
24 gender expression, as defined in s. 111.32 (7j), religion, national origin, age, ~~or~~
25 ancestry, the person's lawful source of income, or the sex, marital status, or status

SENATE BILL 308**SECTION 54**

1 as a victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m)
2 (u), of the person maintaining a household.

3 **SECTION 55.** 227.10 (3) (a) of the statutes is amended to read:

4 227.10 (3) (a) No rule, either by its terms or in its application, may discriminate
5 for or against any person by reason of sex, race, creed, color, national origin, ancestry,
6 sexual orientation, national origin or ancestry or gender identity or gender
7 expression.

8 **SECTION 56.** 230.01 (2) (b) of the statutes is amended to read:

9 230.01 (2) (b) It is the policy of this state to provide for equal employment
10 opportunity by ensuring that all personnel actions including hire, tenure or term,
11 and condition or privilege of employment be based on the ability to perform the duties
12 and responsibilities assigned to the particular position without regard to age, race,
13 creed or religion, color, disability, sex, national origin, ancestry, ~~sexual orientation,~~
14 ~~or political affiliation, sexual orientation, or gender identity or gender expression.~~

15 **SECTION 57.** 230.18 of the statutes is amended to read:

16 **230.18 Discrimination prohibited.** No question in any form of application
17 or in any evaluation used in the hiring process may be so framed as to elicit
18 information concerning the partisan political or religious opinions or affiliations of
19 any applicant nor may any inquiry be made concerning such those opinions or
20 affiliations and all disclosures ~~thereof~~ of those opinions or affiliations shall be
21 discountenanced except that the director may evaluate the competence and
22 impartiality of applicants for positions such as clinical chaplain in a state
23 institutional program. No discriminations may be exercised in the recruitment,
24 application, or hiring process against or in favor of any person because of the person's
25 political or religious opinions or affiliations or because of age, sex, disability, race,

SENATE BILL 308

1 color, ~~sexual orientation~~, national origin, or ancestry, sexual orientation, or gender
2 identity or gender expression, except as otherwise provided.

3 **SECTION 58.** 234.29 of the statutes is amended to read:

4 **234.29 Equality of occupancy and employment.** The authority shall
5 require that occupancy of housing projects assisted under this chapter be open to all
6 regardless of sex,~~;~~ race,~~;~~ religion,~~;~~ creed; sexual orientation,~~;~~ gender identity or
7 gender expression; or status as a victim of domestic abuse, sexual assault, or
8 stalking, as defined in s. 106.50 (1m) (u), ~~or creed~~, and that contractors and
9 subcontractors engaged in the construction of economic development or housing
10 projects, shall provide an equal opportunity for employment, without discrimination
11 as to sex, race, religion, creed, sexual orientation, or ~~creed~~ gender identity or gender
12 expression.

13 **SECTION 59.** 321.37 of the statutes is amended to read:

14 **321.37 No discrimination.** No person, otherwise qualified, may be denied
15 membership in the national guard or state defense force because of sex, color, race,
16 creed, ~~or sexual orientation, or gender identity or gender expression~~, and no member
17 of the national guard or state defense force may be segregated within the national
18 guard or state defense force on the basis of sex, color, race, creed, ~~or sexual~~
19 ~~orientation, or gender identity or gender expression~~. Nothing in this section
20 prohibits separate facilities for persons of different sexes with regard to dormitory
21 accommodations, toilets, showers, saunas, and dressing rooms, except that no person
22 may be denied equal access to facilities most consistent with the person's gender
23 identity.

24 **SECTION 60.** 440.45 (1) of the statutes is amended to read:

SENATE BILL 308**SECTION 60**

1 440.45 (1) Each licensed company shall adopt a policy of nondiscrimination on
2 the basis of trip origin or destination, race, color, national origin, religious belief or
3 affiliation, sex, disability, age, sexual orientation, ~~or~~ gender identity or gender
4 expression with respect to passengers and prospective passengers and notify all of
5 its participating drivers of the nondiscrimination policy.

6 **SECTION 61.** 440.45 (2) of the statutes is amended to read:

7 440.45 (2) A participating driver may not discriminate against any passenger
8 or prospective passenger on the basis of destination, race, color, national origin,
9 religious belief or affiliation, sex, disability, age, sexual orientation, or gender
10 identity or gender expression.

11 **SECTION 62.** 452.14 (3) (n) of the statutes is amended to read:

12 452.14 (3) (n) Treated any person unequally solely because of sex;_; race;_; color;_;
13 ~~handicap,~~ disability; national origin;_; ancestry;_; marital status;_; lawful source of
14 income;_; sexual orientation; gender identity or gender expression; or status as a
15 victim of domestic abuse, sexual assault, or stalking, as defined in s. 106.50 (1m) (u).

16 **SECTION 63.** 625.12 (2) of the statutes is amended to read:

17 625.12 (2) CLASSIFICATION. Risks may be classified in any reasonable way for
18 the establishment of rates and minimum premiums, except that no classifications
19 may be based on race, color, creed ~~or~~, national origin, sexual orientation, gender
20 identity, or gender expression, and classifications in automobile insurance may not
21 be based on physical condition or developmental disability as defined in s. 51.01 (5).
22 Subject to s. 632.365, rates thus produced may be modified for individual risks in
23 accordance with rating plans or schedules that establish reasonable standards for
24 measuring probable variations in hazards, expenses, or both. Rates may also be
25 modified for individual risks under s. 625.13 (2).

