

HOUSE BILL NO. HB0203

Discrimination.

Sponsored by: Representative(s) Connolly, Barbuto, Bonner, Byrd, Childers, Esquibel, K., Shepperson, Throne, Wallis and Zwonitzer, Dn. and Senator(s) Burns and Massie

A BILL

for

1 AN ACT relating to discrimination; prohibiting
2 discrimination based on sexual orientation as specified;
3 and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 1-11-101(b), 6-9-101(a), 6-9-102(a),
8 9-2-1022(a)(v), 19-14-107(a), 21-2-304(a)(v)(F),
9 21-3-304(c), 21-4-303, 21-7-302, 26-14-103(a)(xii),
10 26-14-105(b)(intro), 27-9-105(a)(i) and (ii),
11 35-1-620(b)(viii), 35-4-131(b)(intro) and 42-4-107(b) are
12 amended to read:

13

14 **1-11-101. Qualifications of juror.**

15

1 (b) No citizen shall be excluded from service as a
2 juror on account of race, color, religion, sex, sexual
3 orientation, age, national origin or economic status.
4

5 **6-9-101. Equal enjoyment of public accommodations and**
6 **facilities; penalties.**
7

8 (a) All persons of good deportment are entitled to
9 the full and equal enjoyment of all accommodations,
10 advantages, facilities and privileges of all places or
11 agencies which are public in nature, or which invite the
12 patronage of the public, without any distinction,
13 discrimination or restriction on account of race, religion,
14 color, sex, sexual orientation or national origin.
15

16 **6-9-102. Discrimination prohibited; penalties.**
17

18 (a) No person shall be denied the right to life,
19 liberty, pursuit of happiness or the necessities of life
20 because of race, color, sex, sexual orientation, creed or
21 national origin.
22

23 **9-2-1022. Duties of department performed through**
24 **human resources division.**
25

1 (a) Subject to subsection (b) of this section, the
2 department through the human resources division shall:

3
4 (v) Maintain a register of applications made by
5 all persons seeking employment with an agency. Each
6 application shall be rated on the basis of suitability and
7 qualifications without regard to political affiliation,
8 race, color, sex, sexual orientation, creed or age;

9
10 **19-14-107. Creation of veterans' commission;**
11 **composition; terms.**

12
13 (a) A Wyoming veterans' commission is created within
14 the military department consisting of twelve (12) members,
15 not less than one (1) of whom shall reside in each judicial
16 district identified in W.S. 5-3-101, appointed by the
17 governor for staggered terms of three (3) years.
18 Commencing with initial appointments made in 2005, four (4)
19 members of the board shall be appointed for a term of one
20 (1) year, four (4) members for a term of two (2) years and
21 four (4) members for a term of three (3) years. Terms
22 thereafter shall be three (3) years and staggered with one-
23 third (1/3) of the members' terms expiring each year.
24 Appointments shall be made without regard to political

1 affiliation, sex, sexual orientation, religion or ethnic
2 background. The governor may remove any member as provided
3 in W.S. 9-1-202. A chairman shall be elected by the
4 commission from among its members and a new chairman
5 elected every two (2) years thereafter.

6
7 **21-2-304. Duties of the state board of education.**

8
9 (a) The state board of education shall:

10
11 (v) Through the state superintendent and in
12 consultation and coordination with local school districts,
13 implement a statewide assessment system comprised of a
14 coherent system of measures that when combined, provide a
15 reliable and valid measure of individual student
16 achievement for each public school and school district
17 within the state, and the performance of the state as a
18 whole. Improvement of teaching and learning in schools and
19 fostering school program improvement shall be the primary
20 purposes of statewide assessment of student performance in
21 Wyoming. The statewide assessment system shall:

22
23 (F) Provide a fair and unbiased assessment
24 of student performance without regard to race, sexual

1 orientation, ethnicity, limited English proficiency and
2 socioeconomic status;

3

4 **21-3-304. Charter school; requirements; authority.**

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6 (c) A charter school shall be subject to all federal
7 and state laws and constitutional provisions prohibiting
8 discrimination on the basis of disability, race, creed,
9 color, gender, national origin, religion, sexual
10 orientation, ancestry or need for special education
11 services. Enrollment decisions shall be made in a
12 nondiscriminatory manner specified by the charter school
13 applicant in the charter school application. Enrollment
14 decisions shall not discriminate against at-risk students
15 or special program students.

16

17 **21-4-303. Right not denied on account of sex, race,**
18 **sexual orientation or religion.**

19

20 No child shall be denied the right to attend the public
21 schools of this state on account of sex, sexual
22 orientation, race, or religion.

23

24 **21-7-302. Discrimination in compensation prohibited.**

1

2 No discrimination in the amount of compensation for the
3 teachers in the public schools of this state shall be made
4 on account of sex, sexual orientation, race or religious
5 belief.

6

7 **26-14-103. Definitions.**

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9 (a) As used in this chapter:

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11 (xii) "Unfairly discriminatory" refers to rates
12 that cannot be actuarially justified. It does not refer to
13 rates that produce differences in premiums for
14 policyholders with like loss exposures but different
15 expenses, or like expenses but different loss exposures, so
16 long as the rate reflects such differences with reasonable
17 accuracy. A rate is not unfairly discriminatory if it
18 averages broadly among persons insured under a group,
19 franchise or blanket policy or a mass marketing plan. No
20 rate in a competitive market shall be considered unfairly
21 discriminatory unless it violates the provisions of W.S.
22 26-14-105(b) in that they classify in whole or in part on
23 the basis of race, color, sexual orientation, creed or
24 national origin.

1

2 **26-14-105. Rating standards; methods.**

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4 (b) Risks may be classified in any way except that no
5 risk may be classified in whole or in part on the basis of
6 race, color, sexual orientation, creed or national origin.
7 In determining whether rates in a noncompetitive market are
8 excessive, inadequate or unfairly discriminatory,
9 consideration may be given to the following elements:

10

11 **27-9-105. Discriminatory and unfair employment**
12 **practices enumerated; limitations.**

13

14 (a) It is a discriminatory or unfair employment
15 practice:

16

17 (i) For an employer to refuse to hire, to
18 discharge, to promote or demote, or to discriminate in
19 matters of compensation or the terms, conditions or
20 privileges of employment against, a qualified disabled
21 person or any person otherwise qualified, because of age,
22 sex, sexual orientation, race, creed, color, national
23 origin, ancestry or pregnancy;

24

1 (ii) For a person, an employment agency, a labor
2 organization, or its employees or members, to discriminate
3 in matters of employment or membership against any person,
4 otherwise qualified, because of age, sex, sexual
5 orientation, race, creed, color, national origin, ancestry
6 or pregnancy, or a qualified disabled person;

7
8 **35-1-620. Powers and duties of department and its**
9 **divisions.**

10
11 (b) The department shall:

12
13 (viii) Prescribe conditions of eligibility for
14 funding under this act so that no person shall be denied
15 services on the basis of race, creed, color, sexual
16 orientation, national origin or inability to pay.

17
18 **35-4-131. Consent of minors to treatment; treatment**
19 **of infected or exposed persons; immunity from liability.**

20
21 (b) For the protection of public health, a physician,
22 health officer or other person or facility providing health
23 care in accordance with state or federal law shall for any
24 individual regardless of age, sex, sexual orientation, race
25 or color:

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2 **42-4-107. Uniform application throughout state;**
3 **discrimination prohibited; pilot projects authorized.**

4

5 (b) The provision of medical assistance to any
6 applicant or qualified recipient shall not be denied or
7 delayed and the administration of this chapter shall not
8 otherwise discriminate against any applicant or recipient
9 on the basis of race, creed, color, national origin, sexual
10 orientation, sex or mental or physical handicap.

11

12 **Section 2.** This act is effective July 1, 2009.

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14

(END)