

SENATE FILE NO. SF0115

Discrimination.

Sponsored by: Senator(s) Rothfuss, Burns, Christensen, Coe, Nicholas, P., Pappas, Von Flatern and Wasserburger and Representative(s) Brown, Connolly, Lockhart, Madden, Paxton, Petroff and Zwonitzer, Dn.

A BILL

for

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

5

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

7

8 **Section 1.** W.S. 6-9-104, 6-9-105 and 27-1-116 are
9 created to read:

10

11 **6-9-104. Religious exemption.**

12

1 (a) With respect to sexual orientation and gender
2 identity, nothing in this article or any other provision of
3 law related to discrimination in employment shall apply to:

4
5 (i) A religious organization; or

6
7 (ii) An expressive association:

8
9 (A) Whose primary purpose and function are
10 grounded in religious teachings;

11
12 (B) Which is not organized for private
13 profit;

14
15 (C) Whose employment activities would
16 otherwise be subject to this article; and

17
18 (D) Whose right of expressive association
19 under the first amendment of the United States constitution
20 would be significantly burdened by application of this
21 article or by any other provisions of law related to
22 discrimination in employment.

23

1 **6-9-105. Definitions.**

2

3 (a) As used in W.S. 6-9-101 through 6-9-105:

4

5 (i) "Gender identity" means an individual's
6 actual or perceived gender, appearance, mannerisms or other
7 characteristics with or without regard to the individual's
8 sex at birth;

9

10 (ii) "Religious organization" means a religious
11 corporation, association, educational institution, society,
12 trust or any entity or association which is a wholly owned
13 or controlled subsidiary or agency of any religious
14 corporation, association, society, trust or corporation
15 sole;

16

17 (iii) "Sexual orientation" means an individual's
18 actual or perceived orientation as heterosexual, homosexual
19 or bisexual.

20

21 **27-1-116. Definitions.**

22

23 (a) As used in this title:

1

2 (i) "Gender identity" means as defined by W.S.
3 6-9-105(a) (i);

4

5 (ii) "Religious organization" means as defined
6 by W.S. 6-9-105(a) (ii);

7

8 (iii) "Sexual orientation" means as defined by
9 W.S. 6-9-105(a) (iii).

10

11 **Section 2.** W.S. 1-11-101(b), 6-9-101(a), 6-9-102(a),
12 9-2-1022(a) (v), 14-4-201(f), 19-14-107(a), 21-3-304(c),
13 21-4-302(d), 21-4-303, 21-7-302, 27-4-302(a) (intro) and
14 (iv), 27-9-105(a) (i), (ii) and by creating new subsections
15 (e) and (f), 35-1-620(b) (viii), 35-4-131(b) (intro) and
16 42-4-107(b) are amended to read:

17

18 **1-11-101. Qualifications of juror.**

19

20 (b) No citizen shall be excluded from service as a
21 juror on account of race, color, religion, sex, sexual
22 orientation or gender identity, age, national origin or
23 economic status.

1

2 **6-9-101. Equal enjoyment of public accommodations and**
3 **facilities; penalties.**

4

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

13

14 **6-9-102. Discrimination prohibited; penalties.**

15

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

20

21 **9-2-1022. Duties of department performed through**
22 **human resources division.**

23

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 or gender identity,
9 creed or age;

10
11 **14-4-201. Quality child care system established.**

12
13 (f) In the delivery of services, facilities that
14 receive funds under this article shall not discriminate
15 against any individual on the basis of sex, sexual
16 orientation or gender identity, color, race, religion,
17 national origin, disability or age other than the age of
18 the qualifying child. Notwithstanding this subsection,
19 facilities shall retain the ability to refer children with
20 developmental disabilities to appropriate services.

21
22 **19-14-107. Creation of veterans' commission;**
23 **composition; terms.**

1

2 (a) A Wyoming veterans' commission is created within
3 the military department consisting of twelve (12) members,
4 not less than one (1) of whom shall reside in each judicial
5 district identified in W.S. 5-3-101, appointed by the
6 governor for staggered terms of three (3) years.
7 Commencing with initial appointments made in 2005, four (4)
8 members of the board shall be appointed for a term of one
9 (1) year, four (4) members for a term of two (2) years and
10 four (4) members for a term of three (3) years. Terms
11 thereafter shall be three (3) years and staggered with
12 one-third (1/3) of the members' terms expiring each year.
13 Appointments shall be made without regard to political
14 affiliation, sex, sexual orientation or gender identity,
15 religion or ethnic background. The governor may remove any
16 member as provided in W.S. 9-1-202. A chairman shall be
17 elected by the commission from among its members and a new
18 chairman elected every two (2) years thereafter.

19

20 **21-3-304. Charter school; requirements; authority.**

21

22 (c) A charter school shall be subject to all federal
23 and state laws and constitutional provisions prohibiting

1 discrimination on the basis of disability, race, creed,
2 color, gender, sexual orientation or gender identity,
3 national origin, religion, ancestry or need for special
4 education services. Enrollment decisions shall be made in a
5 nondiscriminatory manner specified by the charter school
6 applicant in the charter school application. Enrollment
7 decisions shall not discriminate against at-risk students
8 or special program students.

9

10 **21-4-302. Age for registration in first grade and**
11 **kindergarten; preschool programs.**

12

13 (d) A program shall not discriminate in enrollment on
14 the basis of sex, sexual orientation or gender identity,
15 race, religion or national origin.

16

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

19

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

23

1 **21-7-302. Discrimination in compensation prohibited.**

2

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

7

8 **27-4-302. Prohibition on paying employees less for**
9 **same work.**

10

11 (a) No employer shall discriminate, within the same
12 establishment in which the employees are employed, between
13 employees on the basis of gender, gender identity or sexual
14 orientation by paying wages to employees at a rate less
15 than the rate at which the employer pays wages to employees
16 of the opposite gender, gender identity or sexual
17 orientation for equal work on jobs the performance of which
18 requires equal skill, effort and responsibility and which
19 are performed under similar working conditions, except
20 where the payment is made pursuant to:

21

22 (iv) A differential based on any other factor
23 other than gender, gender identity or sexual orientation.

1

2 **27-9-105. Discriminatory and unfair employment**
3 **practices enumerated; limitations.**

4

5 (a) It is a discriminatory or unfair employment
6 practice:

7

8 (i) For an employer to refuse to hire, to
9 discharge, to promote or demote, or to discriminate in
10 matters of compensation or the terms, conditions or
11 privileges of employment against, a qualified disabled
12 person or any person otherwise qualified, because of age,
13 sex, sexual orientation or gender identity, race, creed,
14 color, national origin, ancestry or pregnancy;

15

16 (ii) For a person, an employment agency, a labor
17 organization, or its employees or members, to discriminate
18 in matters of employment or membership against any person,
19 otherwise qualified, because of age, sex, sexual
20 orientation or gender identity, race, creed, color,
21 national origin, ancestry or pregnancy, or a qualified
22 disabled person;

23

1 (e) The following shall be exempt under this article
2 from employment practices relating to sexual orientation
3 and gender identity:

4
5 (i) A religious organization; or

6
7 (ii) An expressive association:

8
9 (A) Whose primary purpose and function are
10 grounded in religious teachings;

11
12 (B) Which is not organized for private
13 profit;

14
15 (C) Whose employment activities would
16 otherwise be subject to this article; and

17
18 (D) Whose right of expressive association
19 under the first amendment of the United States constitution
20 would be significantly burdened by application of this
21 article or by any other provisions of law related to
22 discrimination in employment.

23

1 (f) Nothing in this article shall be interpreted to
2 require an employer subject to this article to give
3 preferential treatment to any employee or applicant for
4 employment because of the employee's or applicant's sexual
5 orientation or gender identity on account of any imbalance
6 in the total number or percentage of employees of a
7 specific sexual orientation or gender identity employed by
8 the employer or otherwise admitted to membership or
9 classified by any labor organization or admitted to or
10 employed in, any apprenticeship or other training program.

11
12 **35-1-620. Powers and duties of department and its**
13 **divisions.**

14
15 (b) The department shall:

16
17 (viii) Prescribe conditions of eligibility for
18 funding under this act so that no person shall be denied
19 services on the basis of race, creed, color, national
20 origin, sexual orientation or gender identity or inability
21 to pay.

22

