



COUNTY OF DANE

DEPARTMENT OF ADMINISTRATION
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Director of Administration

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To: Department Heads and Elected Officials

From: Greg Brockmeyer
Director of Administration

Dane County Ordinance 20.16 – Prohibited Travel to States that Discriminate, requires the Department of Administration to maintain a list of states that have enacted a law that voids or repeals, or has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

The list of prohibited states had previously included North Carolina, Tennessee, Mississippi, Kansas, Kentucky, South Dakota, Texas, South Carolina, Oklahoma, Iowa, and Alabama.

The Department of Administration requested an opinion from Corporation Counsel if additional states should be added to the list. Corporation Counsel has determined that nine additional states (Arkansas, Florida, Idaho, Indiana, Montana, North Dakota, Ohio, Utah, and West Virginia) have passed laws that void or repeals protections against discrimination as described in Dane County Ordinance 20.16.

Effective immediately, the Department of Administration has added **Arkansas, Florida, Idaho, Indiana, Montana, North Dakota, Ohio, Utah, and West Virginia** to the list of prohibited destinations under Dane County Ordinance 20.16.

As a reminder, County Officials and Department Heads are responsible for determining and certifying that the travel destination is not to a state specified in sub. (1). Failure to follow the ordinance will result in the denial for reimbursement of all travel costs. For your reference, I have included the text of the ordinance and the updated the list of states to which travel is restricted.

The Department of Administration has also added this memo to its website at the following link:

<https://admin.countyofdane.com/Prohibited-Travel>

DANE COUNTY ORDINANCE: 20.16 PROHIBITED TRAVEL TO STATES THAT DISCRIMINATE

- (1) No elected official or employee shall be required to travel to a state that has enacted a law that voids or repeals, or has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or has enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.
- (2) Except as otherwise provided herein, reimbursement shall not be made for travel to a state described in sub. (1).
- (3) The prohibitions in subs. (1) and (2) shall not apply to travel that is required for any of the following purposes:
 - (a). The performance of the duties of the Sheriff's Office as determined by the Sheriff.
 - (b). For purposes of juvenile residential treatment placements by the department of human services
 - (c). An exception granted by the Personnel & Finance Committee pursuant to sec. 20.20.
- (4) The prohibitions in subs. (1) and (2) shall continue while any law specified in sub. (1) remains in effect
- (5) Before travel outside the State of Wisconsin is approved, the elected official or department head shall determine and certify that the destination is not a state specified in sub. (1).
- (6) The department of administration shall maintain a current list of states that have enacted a law that voids or repeals, or has the effect of voiding or repealing, existing state or local protections against discrimination on the basis of sexual orientation, gender identity, or gender expression or have enacted a law that authorizes or requires discrimination against same-sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression, including any law that creates an exemption to antidiscrimination laws in order to permit discrimination against same sex couples or their families or on the basis of sexual orientation, gender identity, or gender expression.

Prohibited States:

1. North Carolina

- a. Legislation: HB 142
- b. Text: <https://lrs.sog.unc.edu/bill-summaries-lookup/H/142/2017-2018%20Session/H142>

2. Tennessee

- a. Legislation: HB 1840
- b. Text: <http://www.capitol.tn.gov/Bills/109/Bill/HB1840.pdf>

3. Mississippi

- a. Legislation: HB 1523
- b. Text: <http://billstatus.ls.state.ms.us/documents/2016/html/HB/1500-1599/HB1523PS.htm>

4. Kansas

- a. Legislation: SB 175
- b. Text: http://www.kslegislature.org/li_2016/b2015_16/measure/documents/summary_sb_175_2016.pdf

5. Kentucky

- a. Legislation: SB 17
- b. Text: <https://legiscan.com/KY/bill/SB17/2017>

6. South Dakota

- a. Legislation: SB 149
- b. Text: http://www.sdlegislature.gov/Legislative_Session/Bills/Bill.aspx?File=SB149ENR.htm&Session=2017

7. Texas

- a. Legislation: H.B. 3859
- b. Text: <https://capitol.texas.gov/tlodocs/85R/billtext/pdf/HB03859I.pdf>

8. South Carolina

- a. Legislation: H.4950
- b. Text: https://www.scstatehouse.gov/sess122_2017-2018/bills/4950.htm

9. Oklahoma

- a. Legislation: SB 1140
- b. Text: http://webserver1.lsb.state.ok.us/cf_pdf/2017-18%20ENR/SB/SB1140%20ENR.PDF

10. Iowa

- a. Legislation: HF 766
- b. Text: https://www.legis.iowa.gov/docs/publications/LGE/88/Attachments/HF766_GovLetter.pdf

11. Alabama

- a. Legislation: HB 24
- b. Text: <https://legiscan.com/AL/text/HB24/2017>

12. Arkansas

- a. Legislation: 2021 Arkansas Act 461 and 2021 Arkansas Act 626
- b. Text: 2021 Arkansas Act 461 - <https://www.arkleg.state.ar.us/Acts/FTPDocument?path=%2FACTS%2F2021R%2FPublic%2F&file=461.pdf&ddBienniumSession=2021%2F2021R> and 2021 Arkansas Act 626 - <https://www.arkleg.state.ar.us/Acts/FTPDocument?path=%2FACTS%2F2021R%2FPublic%2F&file=626.pdf&ddBienniumSession=2021%2F2021R>

13. Florida

- a. Legislation: 2021 SB1028
- b. Text: <https://www.flsenate.gov/Session/Bill/2021/1028>

14. Idaho

- a. Legislation: 2020 HB 500 and 2022 HB 509
- b. Text: HB500 – <https://legislature.idaho.gov/sessioninfo/2020/legislation/h0500/> and HB 509 – <https://legislature.idaho.gov/sessioninfo/2022/legislation/h0509/>

15. Indiana

- a. Legislation: 2022 HB 1041
- b. Text: <https://legiscan.com/IN/text/HB1041/id/2533772>

16. Montana

- a. Legislation: 2021 HB 112 and 2021 SB 215
- b. Text: 2021 HB 112 – <https://leg.mt.gov/bills/2021/billpdf/HB0112.pdf> and 2021 SB 215 – https://leg.mt.gov/bills/2021/SB0299/SB0215_2.pdf

17. North Dakota

- a. Legislation: 2021 HB 1503
- b. Text: <https://oag.ca.gov/system/files/media/north-dakota-hb-1503.pdf>

18. Ohio

- a. Legislation: 2021 HB 110
- b. Text: <https://legiscan.com/OH/drafts/HB110/2021>

19. Utah

- a. Legislation: 2022 HB 11
- b. Text: <https://le.utah.gov/~2022/bills/static/HB0011.html>

20. West Virginia

- a. Legislation: 2021 HB 3293
- b. Text: https://www.wvlegislature.gov/Bill_Status/Bills_history.cfm?input=3293&year=2021&sessiontype=RS&btype=bill