



**HB0092**

**Protection of parental rights.**

Sponsored By: Representative(s) Stith, Washut and Wylie and  
Senator(s) Kolb

AN ACT relating to parental rights; specifying applicability of parental rights protections; specifying duties for school district boards of trustees; and providing for an effective date.

1/30/2024 Bill Number Assigned  
2/1/2024 H Received for Introduction  
2/14/2024 H Introduced and Referred to H04 - Education 54-7-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Allred, Andrew, Banks, Bear, Berger, Brown, Burkhardt, Jr, Byron, Chadwick, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Speaker Sommers, Stith, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

**Nays:** Representative(s) Chestek, Jennings, Provenza, Sherwood, Slagle, Smith, Storer

**Excused:** Representative Angelos

**Ayes** 54    **Nays** 7    **Excused** 1    **Absent** 0    **Conflicts** 0

2/19/2024 H04 - Education:Recommend Do Pass 8-1-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allred, Andrew, Berger, Brown, Clouston, Lawley, Northrup, Obermueller

**Nays:** Representative Provenza

**Ayes** 8    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

2/19/2024 H Placed on General File

2/20/2024 H COW:Passed

2/21/2024 H 2nd Reading:Laid Back

**HB0092H2001/ADOPTED**

Page 2-line 13

After "child." insert "Nothing in this subsection shall prohibit a school district from adopting procedures that authorize school district personnel to withhold from disclosing to a parent or guardian information about their student's physical, mental or emotional health and well-being if a reasonably prudent person would believe that disclosure would result in abuse as defined by W.S. 14-3-202(a)(ii) or neglect as defined by W.S. 14-3-202(a)(vii).".

Page 2-line 22

After "14-2-206." insert "Nothing in this paragraph shall prohibit a school district from adopting procedures that authorize school district personnel to withhold from disclosing to a parent or guardian information about their student's physical, mental or emotional health and well-being if a reasonably prudent person would believe that disclosure would result in

abuse as defined by W.S. 14-3-202(a)(ii) or neglect as defined by W.S. 14-3-202(a)(vii).". ZWONITZER, DN

**HB0092H2002/FAILED**

Page 1-line 3 Delete entirely and insert "providing a civil penalty; creating an exception to the Wyoming Governmental Claims Act;".

Page 1-line 9 After "W.S." insert "1-39-104(a),".

Page 1-after line 11 Insert:

**"1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.**

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112 and 14-2-206. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities."

Page 2-lines 8 through 13 Delete entirely and insert:

"(c) If the state, or any agency or political subdivision of the state, infringes upon the parental rights of a person under this section, that person shall have grounds for a civil cause of action against the state, agency or political subdivision.". JENNINGS

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Conrad, Davis, Haroldson, Heiner, Hornok, Jennings, Knapp, Locke, Neiman, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Strock, Styvar, Tarver, Trujillo, Ward, Winter

**Nays:** Representative(s) Allred, Berger, Brown, Burkhardt, Jr, Byron, Chadwick, Chestek, Clouston, Crago, Eklund, Harshman, Henderson, Larsen, Lloyd, Larson, Jt, Lawley, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Provenza, Sherwood, Speaker Sommers, Stith, Storer, Walters, Washut, Western, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

**Ayes** 27    **Nays** 35    **Excused** 0    **Absent** 0    **Conflicts** 0

2/22/2024    H 2nd Reading:Passed

**HB0092H3001/ADOPTED**

Delete the Zwonitzer, Dn second reading amendment (HB0092H2001/A) entirely.  
HAROLDSON

**HB0092H3002/FAILED**

Page 1-line 3 After "protections;" insert "creating a civil cause of action; creating an exception to the Wyoming Governmental Claims Act;".

Page 1-line 9 After "W.S." insert "1-39-104(a),"; delete "a".

Page 1-line 10 Delete "subsection" and insert "subsections"; after "(c)" insert "and (d)".

Page 1-after line 11 Insert:

**"1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.**

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112 and 14-2-206. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities."

Page 1-line 14 After "**applicability**" insert "**; civil cause of action**".

Page 2-after line 13 Insert:

"(d) If parental rights are violated under this section, the parent shall have grounds for a civil cause of action against the violator for actual damages only." HAROLDSON

2/23/2024 H 3rd Reading:Passed 55-7-0-0-0

#### ROLL CALL

**Ayes:** Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Heiner, Henderson, Hornok, Knapp, Larsen, Lloyd, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Speaker Sommers, Stith, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Zwonitzer, Dan, Zwonitzer, Dave

**Nays:** Representative(s) Chestek, Jennings, Pendergraft, Provenza, Sherwood, Storer, Yin

**Ayes** 55      **Nays** 7      **Excused** 0      **Absent** 0      **Conflicts** 0

2/23/2024 S Received for Introduction

2/23/2024 S Introduced and Referred to S01 - Judiciary

3/4/2024 S01 - Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

#### ROLL CALL

**Ayes:** Senator(s) Case, Cooper, Furphy, Landen, Schuler

**Ayes** 5      **Nays** 0      **Excused** 0      **Absent** 0      **Conflicts** 0

3/4/2024 S Placed on General File

#### HB0092SS001/ADOPTED

Page 2-line 12 After "parent's" insert "unemancipated" LANDEN, CHAIRMAN

#### HB0092SW001/WITHDRAWN

3/4/2024 S COW:Passed

3/5/2024 S 2nd Reading:Laid Back

HB0092S2001/ADOPTED

(CORRECTED COPY)

- Page 1-line 1 Delete "clarifying all courts".
- Page 1-line 2 Delete entirely.
- Page 1-line 3 After "protections;" insert "creating a civil cause of action; creating an exception to the Wyoming Governmental Claims Act;".
- Page 1-line 9 Delete "14-2-206(b) and by creating a" and insert "1-39-104(a), 14-2-206 by creating".
- Page 1-line 10 Delete "subsection (c)" and insert "subsections (c) and (d)".
- Page 1-after line 11 Insert:

**"1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.**

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112 and 14-2-206. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities."

- Page 1-line 14 After "**applicability**" insert "**; civil cause of action**".
- Page 2-lines 1 through 6 Delete entirely.
- Page 2-after line 13 Insert:

"(d) If parental rights are violated under this section, the parent shall have grounds for a civil cause of action against the violator for actual damages only." STEINMETZ, KOLB

3/6/2024 S 2nd Reading:Passed  
3/7/2024 S 3rd Reading:Passed 28-2-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, French, Furphy, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Salazar, Schuler, Scott, Steinmetz

**Nays:** Senator(s) Gierau, Rothfuss

**Excused:** Senator Ellis

**Ayes 28 Nays 2 Excused 1 Absent 0 Conflicts 0**

3/7/2024 H Received for Concurrence  
3/7/2024 H Concur:Failed 24-37-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Andrew, Angelos, Bear, Haroldson, Heiner, Hornok, Jennings, Knapp, Locke, Neiman, Ottman, Pendergraft, Penn, Rodriguez-

Williams, Singh, Slagle, Smith, Strock, Styvar, Trujillo, Ward, Winter, Zwonitzer, Dan

**Nays:** Representative(s) Allred, Banks, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Harshman, Henderson, Larsen, Lloyd, Larson, Jt, Lawley, Newsome, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Provenza, Sherwood, Speaker Sommers, Stith, Storer, Tarver, Walters, Washut, Western, Wylie, Yin, Zwonitzer, Dave

**Excused:** Representative Nicholas

**Ayes 24      Nays 37      Excused 1      Absent 0      Conflicts 0**

3/7/2024      H Appointed JCC01 Members  
Representative(s) Stith, Clouston, Lawley

3/8/2024      S Appointed JCC01 Members  
Senator(s) Landen, Boner, Rothfuss

3/8/2024      H Adopted HB0092JC001: 41-20-1-0-0

**HB0092JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)**

Adopt the following Senate amendments:

HB0092SS001/A

Delete the following Senate amendments:

HB0092S2001/A

Further amend as follows:

Page 1-line 1                      Delete "clarifying all courts".

Page 1-line 2                      Delete entirely.

Page 1-line 9                      Delete "14-2-206(b) and" and insert "14-2-206".

Page 2-lines 1 through 6                      Delete entirely. STITH, CLOUSTON, LAWLEY,  
LANDEN, BONER, ROTHFUSS

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Byron, Chadwick, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Henderson, Hornok, Larsen, Lloyd, Larson, Jt, Lawley, Neiman, Newsome, Nicholas, Niemiec, Oakley, Obermueller, O'hearn, Olsen, Ottman, Rodriguez-Williams, Singh, Speaker Sommers, Stith, Strock, Walters, Washut, Western, Wylie, Zwonitzer, Dave

**Nays:** Representative(s) Chestek, Heiner, Jennings, Knapp, Locke, Northrup, Pendergraft, Penn, Provenza, Sherwood, Slagle, Smith, Storer, Styvar, Tarver, Trujillo, Ward, Winter, Yin, Zwonitzer, Dan

**Excused:** Representative Harshman

**Ayes 41      Nays 20      Excused 1      Absent 0      Conflicts 0**

3/8/2024      S Adopted HB0092JC001: 30-1-0-0-0

**HB0092JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)**

Adopt the following Senate amendments:

HB0092SS001/A

Delete the following Senate amendments:

HB0092S2001/A

Further amend as follows:

Page 1-line 1 Delete "clarifying all courts".

Page 1-line 2 Delete entirely.

Page 1-line 9 Delete "14-2-206(b) and" and insert "14-2-206".

Page 2-lines 1 through 6 Delete entirely. STITH, CLOUSTON, LAWLEY,  
LANDEN, BONER, ROTHFUSS

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Salazar, Schuler, Scott, Steinmetz

**Nays:** Senator Rothfuss

**Ayes** 30    **Nays** 1    **Excused** 0    **Absent** 0    **Conflicts** 0

3/8/2024 Assigned Number HEA No. 0055

3/8/2024 H Speaker Signed HEA No. 0055

3/8/2024 S President Signed HEA No. 0055