



SF0133

Student eligibility in interscholastic sports.

Sponsored By: Senator(s) Schuler, Biteman, Dockstader, French, Hutchings, Jones, Kolb, McKeown, Salazar and Steinmetz and Representative(s) Allred, Angelos, Berger, Crago, Haroldson, Harshman, Henderson, Jennings, Lawley, Ottman, Rodriguez-Williams, Sommers, Styvar and Trujillo

AN ACT relating to education; prohibiting students of the male sex from competing on a team designated for students of the female sex as specified; prohibiting retaliation; providing for an administrative hearing as specified; alternatively providing for a commission to determine student eligibility as specified; providing definitions; providing immunity as specified; providing an appropriation; requiring rulemaking; and providing for an effective date.

1/17/2023 Bill Number Assigned
1/18/2023 S Received for Introduction
1/20/2023 S Introduced and Referred to S04 - Education
1/31/2023 S04 - Education:Recommend Amend and Do Pass 4-1-0-0-0

ROLL CALL

Ayes: Senator(s) Biteman, Brennan, Scott, Steinmetz
Nays: Senator Rothfuss
Ayes 4 Nays 1 Excused 0 Absent 0 Conflicts 0

1/31/2023 :Rerefer to S02 - Appropriations
2/2/2023 S02 - Appropriations:Recommend Do Pass 3-0-2-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Gierau, Kinskey
Excused: Senator(s) Nethercott, Salazar
Ayes 3 Nays 0 Excused 2 Absent 0 Conflicts 0

2/2/2023 S Placed on General File

SF0133SS001/ADOPTED

Page 3-line 22 Delete "with a" and insert "in an athletic activity or".

Page 3-line 23 After "sex" insert "." and delete balance of line.

Page 4-line 6 After "activities" insert "and teams". BITEMAN, ACTING CHAIRMAN

2/6/2023 S COW:Passed

SF0133S2001/ADOPTED

Page 10-lines 1 through 3 Delete entirely and renumber as necessary.

Page 10-line 5 Delete "(m)" and insert "(k)".

Page 10-line 10 Delete "(o)" and insert "(m)". ELLIS

2/7/2023 S 2nd Reading:Passed
2/8/2023 S 3rd Reading:Passed 28-3-0-0-0

ROLL CALL

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

Nays: Senator(s) Case, Gierau, Rothfuss

Ayes 28 **Nays** 3 **Excused** 0 **Absent** 0 **Conflicts** 0

2/8/2023 H Received for Introduction
2/14/2023 H Introduced and Referred to H04 - Education
2/24/2023 H04 - Education:Recommend Amend and Do Pass 5-4-0-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Berger, Clouston, Lawley, Northrup

Nays: Representative(s) Allred, Brown, Obermueller, Provenza

Ayes 5 **Nays** 4 **Excused** 0 **Absent** 0 **Conflicts** 0

2/24/2023 :Rerefer to H02 - Appropriations
2/27/2023 H02 - Appropriations:Recommend Amend and Do Pass 4-3-0-0-0

ROLL CALL

Ayes: Representative(s) Larsen, Nicholas, Stith, Walters

Nays: Representative(s) Henderson, Sherwood, Zwonitzer

Ayes 4 **Nays** 3 **Excused** 0 **Absent** 0 **Conflicts** 0

2/27/2023 H Placed on General File

SF0133HS001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 2 After "a" insert "high school".

Page 1-line 3 After "specified;" insert "prohibiting retaliation; providing for an administrative hearing as specified;".

Page 1-line 5 After "definitions;" insert "providing immunity as specified;"; delete "an appropriation" and insert "appropriations".

Page 2-line 15 After "student's" insert "high"; delete "an" and insert "a".

Page 2-line 16 Delete entirely and insert "Wyoming high school activities association sanctioned sport;".

Page 2-lines 18 through 20 Delete entirely and insert:

 "(iii) "High school" means a school consisting of grades nine (9) through twelve (12), or any combination of grades within this range, as determined by the plan of organization by the school district board of trustees;".

Page 3-line 5 After "**in**" insert "**high**".

Page 3-line 8 After "public" insert "high"; after "private" insert "high".

Page 3-line 9 After "public" insert "high"; after "designate" insert "high".

Page 3-line 21 After "public" insert "high".

Page 3-line 22 Delete "an" and insert "a high school interscholastic".

Page 4-line 5 Before "school" insert "high".

Page 4-line 6 After "separate" insert "high".

Page 4-lines 9 through 14 Delete entirely and insert:

"(d) Nothing in this section shall be construed to:

(i) Restrict the eligibility of any student to participate in any interscholastic athletic activity designated for students of the male sex or designated as coed or mixed; or

(ii) Prohibit a high school from permitting males to train or practice with an interscholastic athletic activity that is designated for females so long as no female is deprived of a roster spot on a team or sport, opportunity to participate in a practice or competition, scholarship, admission to an educational institution or any other benefit that accompanies participating in the interscholastic athletic activity.

(e) A government entity, any licensing or any athletic association shall not retaliate or take any adverse action against:

(i) A school for maintaining separate athletic teams or sports for students of the female sex; or

(ii) A student if the student or the parent or guardian of a student requests a contested case pursuant to subsection (f) of this section or that reports a violation of this section to an employee or representative of the school or athletic association.

(f) Any student or parent or guardian of a student aggrieved by an act of a government entity, school, athletic association or licensing or accrediting organization for failing to enforce the provisions of this act, may seek review in accordance with the Wyoming Administrative Procedures Act. In accordance with W.S. 16-3-112, review of a decision of a government entity, school, athletic association or licensing or accrediting organization under this subsection shall be before the state superintendent of public instruction."

Page 5-after line 14 Insert and renumber as necessary:

"(v) "Gender identity" means as stated in the Diagnostic and Statistical Manual. A person's gender identity can be shown by providing evidence, including but not limited to medical history, care or treatment of the gender identity, consistent and uniform assertion of the gender identity or the evidence that the gender identity is sincerely held, part of a person's core identity and not being asserted for an improper purpose;

(vi) "High school" means a school consisting of grades nine (9) through twelve (12), or any combination of grades within this range, as

determined by the plan of organization by the school district board of trustees;".

Page 5-line 16 Delete "(v)" and insert "(vii)".

Page 5-line 17 After "a" insert "high school"; after "student's" insert "high".

Page 5-line 18 After "another" insert "high".

Page 5-line 20 Delete "(vi)" and insert "(viii)".

Page 6-line 1 Delete "(vii)" and insert "(ix)".

Page 6-line 2 Delete "K-12"; after "public" insert "high".

Page 6-line 5 Delete "(viii)" and insert "(x)".

Page 7-line 6 Delete "governor" and insert "Wyoming high school activities association".

Page 7-line 8 After "the" delete balance of line.

Page 7-line 9 Delete "9-1-202" and insert "Wyoming high school activities association".

Page 8-line 9 Delete "governor" and insert "Wyoming high school activities association".

Page 8-line 12 Delete "governor" and insert "Wyoming high school activities association".

Page 10-after 8 Insert:

"(n) Any person, who serves on the commission or on the Wyoming high school activities association is immune from any liability arising from complying with or administering this act. This immunity shall apply to any health care provider that assists the commission in making eligibility determination in accordance with this act. Nothing in this subsection shall be construed to limit any other immunity available under law."

Page 14-line 19 After "commission" delete balance of line.

Page 14-line 20 Delete "voucher to" and insert "shall".

Page 19-line 21 After "**Section 3.**" insert "(a)"; delete "thirty thousand".

Page 19-line 22 Delete "dollars (\$30,000.00)" and insert "one hundred thousand dollars (\$100,000.00)".

Page 20-after line 9 Insert:

"(b) There is appropriated one million dollars (\$1,000,000.00) from the general fund to the governor for purposes of funding any litigation expenses incurred as a result of the enforcement and administration of this act. This appropriation shall be for the period beginning with the effective date of this

act and ending June 30, 2030. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2030. There is created an account within the office of the governor into which the funds appropriated under this section as created by this act shall be deposited. The funds in the account shall be continuously appropriated to the office of the governor for the purposes of funding any litigation expenses as authorized under this section. It is the intent of the legislature that this appropriation not be included in the governor's standard budget for the immediately succeeding fiscal biennium.". NORTHROP, CHAIRMAN

SF0133HS002/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 5

In the first House standing committee amendment (SF0133HS001/AE) to this line, delete "appropriations" and insert "an appropriation".

Page 19-line 21

In the first House standing committee amendment (SF0133HS001/AE) to this line, delete "(a)".

Page 20-after line 9

Delete the first House standing committee amendment (SF0133HS001/AE) to this line. NICHOLAS, CHAIRMAN

SF0133HW001/ADOPTED

(TO ENGROSSED COPY)

Page 10-after line 8

In the House standing committee amendment (SF0133HS001/AE) to this line, after "health care provider" insert "as defined in W.S. 35-31-101(a)(iii)". LARSEN, L

SF0133HW002/ADOPTED

(TO ENGROSSED COPY)

Page 4-lines 9 through 14

In the first House standing committee amendment (SF0173HS0001/AE) to these lines, in subsection (f) as created by this amendment, delete "state superintendent of public instruction" and insert "state board of education". CLOUSTON

2/27/2023 H COW:Passed

2/28/2023 H 2nd Reading:Passed

SF0133H3001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

Page 1-line 2

Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 2-line 15

Delete the first House standing committee amendment (SF0173HS0001/AE) to this line; delete "an" and insert "a".

Page 2-lines 18 through 20

Delete entirely including the first House standing committee amendment (SF0173HS0001/AE) to these lines and insert:

"(iii) "School" means a school consisting of grades seven (7) through 12 (twelve), or any combination of grades within this range, as determined by the plan of organization by the school district board of trustees;".

Page 3-line 5 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 3-line 8 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 3-line 9 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 3-line 21 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 3-line 22 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 4-line 5 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 4-line 6 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 4-lines 9 through 14 In the first House standing committee amendment (SF0173HS0001/AE) to these lines in paragraph (d)(ii) created by that amendment, delete "high" before "school".

Page 5-after line 14 In the first House standing committee amendment (SF0173HS0001/AE) to these lines delete paragraph (vi) created by that amendment and renumber as necessary.

Page 5-line 16 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 5-line 17 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 5-line 18 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 5-line 20 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 6-line 1 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line.

Page 6-line 2 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line; delete "a K-12" and insert "grades seven (7) through twelve (12) of a".

Page 6-line 5 Delete the first House standing committee amendment (SF0173HS0001/AE) to this line. HEINER, DAVIS

ROLL CALL

Ayes: (s) Allemand, Allred, Andrew, Angelos, Banks, Bear, Burkhart, Jr, Conrad, Crago, Davis, Eklund, Haroldson, Heiner, Hornok, Jennings, Knapp, Larson, Jt, Lawley, Locke, Neiman, Niemiec, Oakley, O'hearn, Olsen, Ottman, Pendergraft, Penn, Rodriguez-Williams, Singh, Slagle, Smith, Speaker Sommers, Stith, Strock, Styvar, Tarver, Trujillo, Ward, Washut, Western, Winter, Wylie

Nays: (s) Berger, Brown, Chadwick, Chestek, Clouston, Harshman, Henderson, Larsen, Lloyd, Newsome, Nicholas, Northrup, Obermueller, Provenza, Sherwood, Storer, Walters, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Byron

Ayes 42 **Nays** 19 **Excused** 1 **Absent** 0 **Conflicts** 0

SF0133H3002/WITHDRAWN

3/1/2023 H 3rd Reading:Passed 51-10-1-0-0

ROLL CALL

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

Nays: Representative(s) Chestek, Henderson, Nicholas, Obermueller, Provenza, Sherwood, Storer, Yin, Zwonitzer, Dan, Zwonitzer, Dave

Excused: Representative Byron

Ayes 51 **Nays** 10 **Excused** 1 **Absent** 0 **Conflicts** 0

3/1/2023 S Received for Concurrence

3/2/2023 S Concur:Passed 27-3-1-0-0

ROLL CALL

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

Nays: Senator(s) Case, Gierau, Rothfuss

Excused: Senator President Driskill

Ayes 27 **Nays** 3 **Excused** 1 **Absent** 0 **Conflicts** 0

3/2/2023 Assigned Number SEA No. 0092

3/3/2023 S President Signed SEA No. 0092

3/3/2023 H Speaker Signed SEA No. 0092

3/17/2023 Governor Signed SEA No. 0092

3/17/2023 Assigned Chapter Number 191

Chapter No. 191 Session Laws of Wyoming 2023