

Longi

20. 4. 88

96 LSO-1092

SENATE FILE

1236

Title

SF0036

AN ACT relating to labor and employment; granting immunity from civil liability to employers disclosing information concerning former employees under certain conditions as specified; and providing for an effective date.

SENATE FILE 10.36

Introduced by: Michael B. Longi

SENATE ACTION ON SENATE FILE

2/20 ☒ Introduced
Aye 28 No 1 Ex 1 Ab 0
☒ Read First Time and Ref. to
Committee No. 10
☐ Failed Introduction
Aye No Ex Ab
2/21 Returned from Committee No. 10
with Recommendation:
☒ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No.
 Re-referred to Committee No.
 Returned from Committee No.
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No.
2/28 Considered in Comm. of Whole
☐ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other:
2/29 Read Second Time
☐ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
3/1 Read Third Time
☐ Amended
☒ Passed ☐ Failed
Aye 27 No 3 Ex 0 Ab 0
☐ Held for Reconsideration
 Motion to Reconsider
☐ Passed ☐ Failed
Aye No Ex Ab
 Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye No Ex Ab
3/1 Sent to House (No Amendments)
 Sent to LSO for Engrossing
 ENGROSSED
 Sent to House

HOUSE ACTION ON SENATE FILE

3/4 Received. Read First Time.
Referred to Committee No. 10
3/11 Returned from Committee No. 10
with Recommendation:
☒ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No.
 Re-referred to Committee No.
 Returned from Committee No.
with Recommendation:
☐ Do Pass; ☐ Amend & Do
Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to
Committee No.
3/12 Considered in Comm. of Whole
☐ Amended
☒ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other:
3/13 Read Second Time
☒ Amended
☒ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
3/14 Read Third Time
☐ Amended
☒ Passed ☐ Failed
Aye 46 No 13 Ex 0 Ab 0
☐ Held for Reconsideration
 Motion to Reconsider
☐ Passed ☐ Failed
Aye No Ex Ab
 Third Reading Vote
(On Reconsideration)
☐ Passed ☐ Failed
Aye No Ex Ab
3/14 Sent to Senate
3/13 Sent for Enrolling
SEA No. 49
3/15 Signed by President
3/15 Signed by Speaker
3/22 Approved by Governor
Chapter No. 108

NOTES: ADDITIONAL SENATE/HOUSE ACTION

 / JCC# 3
 Senate Members
 Ch.

 / JCC# 3
 House Members
 Ch.

 / [] Request for New Committee.
 / [] Senate Adopted JCC#
 / [] Senate Did Not Adopt JCC#
 Aye No Ex Ab
 [] House Adopted
 [] House Did Not Adopt
 Aye No Ex Ab

SENATE FILE NO. SF0036

INTRODUCED

Employment-good faith disclosure.

Sponsored by: Senator(s) ENZI, CATHCART and SCOTT and
Representative(s) ERB, HINES, MCMURTREY,
PASENEAUX, PERKINS, SHIPPY and STARK

A BILL

for

1 AN ACT relating to labor and employment; granting immunity
2 from civil liability to employers disclosing information
3 concerning former employees under certain conditions as
4 specified; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 27-1-113 is created to read:

9

10 **27-1-113. Employer immunity for disclosure of certain**
11 **employee information; rebuttal of presumption.**

12

13 (a) An employer who discloses information about a
14 former employee's job performance to a prospective employer
15 or to an employer of the former employee is presumed to be
16 acting in good faith. Unless lack of good faith is shown by

1 clear and convincing evidence, the employer is immune from
2 civil liability for the disclosure or for the consequences
3 resulting from the disclosure.

4

5 (b) For purposes of subsection (a) of this section,
6 the presumption of good faith is rebutted upon a showing
7 that the information disclosed by the former employer was
8 knowingly false or deliberately misleading or was rendered
9 with malicious purpose.

10

11 **Section 2.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law as
13 provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16 (END)

Employment-good faith
disclosure.

96LSO-0092.L1

FISCAL NOTE

No fiscal or personnel impact.

53RD WYOMING STATE LEGISLATURE
BUDGET SESSION 1996

SENATE

SEQUENCE : 36

FEBRUARY 20 1996

BILL : SF0036
AMENDMENT:

10:23 AM

MOVED BY : SEN. ENZI
TITLE :

SECONDED BY:

ACTION : INTRODUCTION

APPLEGATE.....	A
BARTON.....	A
CAMERON.....	A
CATHCART.....	A
COE.....	A
ENZI.....	A
GEIS.....	A
GILBERTZ.....	A
GOODENOUGH.....	A
GRIEVE.....	A
HARRIS.....	A
HAWKS.....	A
KINNISON.....	A
KUNZ.....	A
LARSON.....	A
LAWLER.....	A
MAXFIELD.....	A
MEIER.....	A
MILLER.....	A
PECK.....	E
PHILLIPS.....	N
PICARD.....	A
PREVEDEL.....	A
SARCLETTI.....	A
SCHIFFER.....	A
SCOTT.....	A
TWIFORD.....	A
VINICH.....	A
ZIMMERMAN.....	A
MR. PRESIDENT..	A

VOTE REQ: 2/3 OF MEMBERSHIP REQUIRED

AYES : 28
NOES : 1
EXCUSED : 1
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 21, 1996

Mr. President:

Your Committee No. 10 on LABOR, HEALTH & SOCIAL SERVICES to whom was referred SF0036 respectfully reports same back to the Senate with the recommendation that it DO PASS.

MEMBERVOTE

Senator Scott, Chairman
Senator Cathcart
Senator Enzi
Senator Meier
Senator Sarcletti

Aye
Aye
Aye
Aye
Aye

.....
Chairman

FRONT DESK

FIFTY-THIRD WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
BUDGET SESSION
1996

SEQUENCE : 4315

MARCH 14 1996

BILL : SF0036
AMENDMENT: H3001

11:13 AM

MOVED BY : ZANETTI
TITLE :

SECONDED BY: MASSIE

ACTION : THIRD READING REGULAR

ANDERSON.....	N	MCMURTREY.....	N
BADGETT.....	N	MOCKLER.....	A
BAKER.....	N	MOORE.....	N
BARKER.....	A	MORROW.....	A
BEBOUT.....	N	NAGEL.....	N
BENSEL.....	A	NELSON.....	A
BETTS.....	N	PARADY.....	A
BOSWELL.....	N	PARK.....	A
BOWRON.....	N	PASENEAUX.....	N
BURNS.....	N	PERKINS.....	N
CASE.....	N	PHILP.....	N
DEVIN.....	N	REED.....	A
DEWITT.....	N	ROSE.....	N
DIERCKS.....	A	ROSS.....	N
ERB.....	N	RYCKMAN.....	A
EYRE.....	N	SELBY.....	N
GAMS.....	N	SESSIONS.....	A
GARCIA.....	A	SHIPPY.....	N
HAGEMAN.....	N	SHREVE.....	N
HANES.....	A	SIMONS.....	N
HARRISON.....	N	STAFFORD.....	E
HINCHEY.....	N	STARK.....	N
HINES.....	N	TAYLOR-HORTON..	A
HUCKFELDT.....	N	TEMPEST.....	N
JOHNSON.....	N	TIPTON.....	N
LAW.....	N	TOMASSI.....	N
LUTHI.....	A	WASSERBURGER...	A
MACMILLAN.....	A	WILLFORD.....	N
MASSIE.....	A	ZANETTI.....	A
MCCONIGLEY.....	A	MARTON MR SPKR.	N

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 20
NOES : 39
EXCUSED : 1
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

FIFTY-THIRD WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
BUDGET SESSION
1996

SEQUENCE : 4316

MARCH 14 1996

BILL : SF0036
AMENDMENT:

11:15 AM

MOVED BY :
TITLE :

SECONDED BY:

ACTION : THIRD READING REGULAR

ANDERSON.....	A	MCMURTREY.....	A
BADGETT.....	A	MOCKLER.....	N
BAKER.....	A	MOORE.....	A
BARKER.....	N	MORROW.....	N
BEBOUT.....	A	NAGEL.....	A
BENSEL.....	N	NELSON.....	N
BETTS.....	A	PARADY.....	A
BOSWELL.....	N	PARK.....	A
BOWRON.....	A	PASENEAUX.....	A
BURNS.....	A	PERKINS.....	A
CASE.....	A	PHILP.....	A
DEVIN.....	A	REED.....	A
DEWITT.....	A	ROSE.....	A
DIERCKS.....	A	ROSS.....	A
ERB.....	A	RYCKMAN.....	N
EYRE.....	A	SELBY.....	A
GAMS.....	A	SESSIONS.....	N
GARCIA.....	N	SHIPPY.....	A
HAGEMAN.....	A	SHREVE.....	A
HANES.....	A	SIMONS.....	A
HARRISON.....	A	STAFFORD.....	E
HINCHEY.....	N	STARK.....	A
HINES.....	A	TAYLOR-HORTON..	N
HUCKFELDT.....	A	TEMPEST.....	A
JOHNSON.....	A	TIPTON.....	A
LAW.....	A	TOMASSI.....	A
LUTHI.....	A	WASSERBURGER...	A
MACMILLAN.....	A	WILLFORD.....	A
MASSIE.....	N	ZANETTI.....	N
MCCONIGLEY.....	A	MARTON MR SPKR.	A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 46
NOES : 13
EXCUSED : 1
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

53RD WYOMING STATE LEGISLATURE
BUDGET SESSION 1996

SENATE

SEQUENCE : 163

MARCH 1 1996

BILL : SF0036
AMENDMENT:

10:31 AM

MOVED BY :
TITLE :

SECONDED BY:

ACTION : THIRD READING

APPLEGATE.....	A
BARTON.....	A
CAMERON.....	A
CATHCART.....	A
COE.....	A
ENZI.....	A
GEIS.....	A
GILBERTZ.....	A
GOODENOUGH.....	A
GRIEVE.....	A
HARRIS.....	N
HAWKS.....	A
KINNISON.....	A
KUNZ.....	A
LARSON.....	A
LAWLER.....	A
MAXFIELD.....	A
MEIER.....	A
MILLER.....	A
PECK.....	A
PHILLIPS.....	N
PICARD.....	A
PREVEDEL.....	A
SARCLETTI.....	A
SCHIFFER.....	A
SCOTT.....	A
TWIFORD.....	A
VINICH.....	N
ZIMMERMAN.....	A
EDDINS MR PRES.	A

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 27
NOES : 3
EXCUSED : 0
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, March 11, 1996

Mr. Speaker:

Your Committee No. 10 on LABOR, HEALTH & SOCIAL SERVICES to whom was referred SF0036 respectfully reports same back to the House with the recommendation that it DO PASS.

MEMBERVOTE

Devin
Erb
Huckfeldt
McMurtrey
Morrow
Shippy
Willford
Zanetti
Perkins

Aye
Aye
Aye
Aye
Aye
Aye
Aye
Aye
Aye

.....*Dorothy Perkins*.....
Chairman

BILL JACKET

AMENDMENT LIST

DATE 3/13

BILL NO. SF 36

Circle One: COW

2nd

3rd

SF 36 H 2001 / F

SF 36 H 2002 / A

SF 36 H 2003 / F

SF0036H2001

/F

C

1

②

Page 2-line 8

Delete "knowingly".—

3

④

Page 2-line 8

Delete "deliberately". JOHNSON

SF0036H2002

/A

C

1
2 Page 2-line 1 / Delete "clear and convincing" insert "a
3 preponderance of". LUTHI, JOHNSON, ROSE

/F

C

Page 1-line 4 After ";" insert "requiring disclosure to
former employees as specified;.

Page 2-After line 9 Insert:

"(c) An employer who discloses information about a former
employee's job performance to a prospective employer or to an
employer of the former employee shall provide the contents of the
disclosure to the former employee upon his request.". ZANETTI

C

1
2 Page 1-line 4 After ";" insert "requiring disclosure to
3 former employees as specified;".
4
5 Page 2-After line 9 Insert:
6
7 "(c) An employer who discloses information about a former
8 employee's job performance to a prospective employer or to an
9 employer of the former employee shall provide the contents of the
10 disclosure to the former employee upon his request.". ZANETTI
11

HOUSE OF REPRESENTATIVES
WYOMING STATE LEGISLATURE

Message No.270

Concurrence Requested.

Mr.President:

March 14, 1996

S.F. No. 0036 Employment-good faith disclosure.

The Senate File listed above passed on third reading in an amended form as follows by the vote indicated.

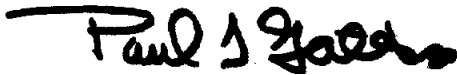
SF0036H2002/A

Page 2-line 1

Delete "clear and convincing" insert "a preponderance of". LUTHI,
JOHNSON, ROSE

Ayes 46 Noes 13 Excused 0 Absent 0

Sincerely,



Paul S. Galeotos
House Chief Clerk

Bill Jacket Attached

53RD WYOMING STATE LEGISLATURE
BUDGET SESSION 1996

SENATE

SEQUENCE : 411

MARCH 14 1996

BILL : SF0036
AMENDMENT:

2:12 PM

MOVED BY : SEN. ENZI
TITLE :

SECONDED BY:

ACTION : CONCURRENCE

APPLEGATE.....	A	
BARTON.....	A	
CAMERON.....	A	
CATHCART.....	A	
COE.....		E
ENZI.....	A	
GEIS.....	A	
GILBERTZ.....	A	
GOODENOUGH.....	A	
GRIEVE.....	A	
HARRIS.....	A	
HAWKS.....	A	
KINNISON.....	A	
KUNZ.....	A	
LARSON.....	A	
LAWLER.....	A	
MAXFIELD.....	A	
MEIER.....	A	
MILLER.....	A	
PECK.....	A	
PHILLIPS.....	A	
PICARD.....	A	
PREVEDEL.....	A	
SARCLETTI.....		E
SCHIFFER.....	A	
SCOTT.....	A	
TWIFORD.....	A	
VINICH.....	A	
ZIMMERMAN.....	A	
EDDINS MR PRES.	A	

VOTE REQ: MAJORITY OF MEMBERSHIP REQUIRED

AYES : 28
NOES : 0
EXCUSED : 2
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT