

SENATE FILE NO. SF0009

Ethics and Disclosure Act amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to government ethics; amending definitions
2 and procedures for the Ethics and Disclosure Act; expanding
3 the scope of the Act to local governmental entities and
4 additional state employees; amending penalties for
5 violations of the Act; and providing for an effective date.

6

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

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9 **Section 1.** W.S. 9-13-110 and 9-13-111 are created to
10 read:

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12 **9-13-110. Investigation of prohibited acts.**

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14 The division of criminal investigation shall be responsible
15 for investigating all complaints and matters arising under
16 this act. The division of criminal investigation shall

1 provide a report of any investigation under this act to the
2 district attorney or the attorney general as provided in
3 this act.

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5 **9-13-111. Substitute for district attorney.**

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7 Notwithstanding W.S. 9-1-804(a), the district attorney and
8 the division of criminal investigation shall refer all
9 prosecutions arising under this act of a public employee,
10 public member or public official of a county to the
11 attorney general.

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13 **Section 2.** W.S. 9-1-603(a)(v) and by creating a new
14 paragraph (xi), 9-1-804(a)(intro), 9-13-102(a)(xii)(intro),
15 (xiii), by creating a new paragraph (xvii) and by amending
16 and renumbering (xvii) as (xviii), 9-13-105(a) and
17 9-13-109(a) and by creating a new subsection (d) are
18 amended to read:

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20 **9-1-603. Duties generally; retention of qualified**
21 **practicing attorneys; matters in which county or state is**
22 **party or has interest; assistance to county and district**

1 attorneys in felony trials; coordination of county and
2 school safety activities.

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4 (a) The attorney general shall:

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6 (v) Be the legal adviser of all elective and
7 appointive state officers and of the county and district
8 attorneys of the state except for prosecutions and matters
9 referred to the attorney general under W.S. 9-13-111;

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11 (xi) Prosecute all actions arising under W.S.
12 9-13-111 that involve a public employee, public member or
13 public official of a county.

14

15 9-1-804. Duties and powers generally; employment of
16 deputy and assistant district attorneys and other necessary
17 personnel.

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19 (a) In addition to other duties prescribed by law and
20 except as provided in W.S. 9-13-111, each district attorney
21 has exclusive jurisdiction to:

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23 9-13-102. Definitions.

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2 (a) As used in this article:

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4 (xii) "Public employee" means any ~~of the~~
5 ~~following state employees:~~ employee of a governmental
6 entity;

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8 (xiii) "Public member" means a member appointed
9 to a part-time position on a ~~state~~ board, commission or
10 council of a governmental entity. A public member does not
11 lose this status by receiving reimbursement of expenses or
12 a per diem payment for services. The term includes a member
13 of the board of trustees of the University of Wyoming and
14 the community college commission. The term does not include
15 a public member of an advisory board, advisory commission
16 or advisory council;

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18 (xvii) "Governmental entity" means any state
19 entity, state office, city, town, county, school district,
20 joint powers board, airport board, public corporation, the
21 University of Wyoming, community college district, special
22 district and its governing body and all political

1 subdivisions of the state, and their agencies,
2 instrumentalities and institutions;

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4 ~~(xvii)~~(xviii) "This act" means W.S. 9-13-101
5 through ~~9-13-109~~9-13-111.

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7 **9-13-105. Misuse of office.**

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9 (a) A public official, public member or public
10 employee shall not use public funds, time, personnel,
11 facilities or equipment for his ~~private benefit~~personal or
12 private interest or that of another unless the use is
13 authorized by law. For purposes of this section, "personal
14 or private interest" means as provided in W.S. 9-13-106(a).

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16 **9-13-109. Penalties.**

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18 (a) Except as provided in subsection (d) of this
19 section, any person who violates this act is guilty of a
20 misdemeanor punishable upon conviction by a fine of not
21 more than one thousand dollars (\$1,000.00).

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23 (d) A violation of W.S. 9-13-103 or 9-13-105(a) is:

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(i) A felony punishable by imprisonment for not more than ten (10) years, a fine of not more than ten thousand dollars (\$10,000.00), or both, if the total value of the private benefit or personal or private interest is one thousand dollars (\$1,000.00) or more; or

(ii) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both, if the total value of the private benefit or personal or private interest is less than one thousand dollars (\$1,000.00).

Section 3. W.S. 9-13-102(a)(xii)(A) through (E) is repealed.

Section 4. This act is effective July 1, 2020.

(END)