

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; amending conduct that constitutes a  
 6 misuse of public resources; and providing for an effective  
 7 date.

8

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

10

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

13

14 **9-13-110. Investigation of prohibited acts.**

15

1 The division of criminal investigation shall be responsible  
2 for investigating all complaints and matters arising under  
3 this act. The division of criminal investigation shall  
4 provide a report of any investigation under this act to the  
5 district attorney or the attorney general as provided in  
6 this act.

7

8 **9-13-111. Substitute for district attorney.**

9

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

15

16 **Section 2.** W.S. 9-1-603(a)(v) and by creating a new  
17 paragraph (xi), 9-1-804(a)(intro), 9-13-102(a)(xii)(intro),  
18 (xiii), by creating a new paragraph (xvii) and by amending  
19 and renumbering (xvii) as (xviii), 9-13-105(a) and  
20 9-13-109(a) and by creating a new subsection (d) are  
21 amended to read:

22

1           9-1-603. Duties generally; retention of qualified  
2 practicing attorneys; matters in which county or state is  
3 party or has interest; assistance to county and district  
4 attorneys in felony trials; coordination of county and  
5 school safety activities.

6  
7           (a) The attorney general shall:

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

13  
14                   (xi) Prosecute all actions arising under W.S.  
15 9-13-111 that involve a public employee, public member or  
16 public official of a county.

17  
18           9-1-804. Duties and powers generally; employment of  
19 deputy and assistant district attorneys and other necessary  
20 personnel.

21

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

4  
5 **9-13-102. Definitions.**

6  
7 (a) As used in this article:

8  
9 (xii) "Public employee" means any ~~of the~~  
10 ~~following state employees:~~ employee of a governmental  
11 entity;

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

22

1            (xvii) "Governmental entity" means any state  
2 entity, state office, city, town, county, school district,  
3 joint powers board, airport board, public corporation, the  
4 University of Wyoming, community college district, special  
5 district and its governing body and all political  
6 subdivisions of the state, and their agencies,  
7 instrumentalities and institutions;

8  
9            ~~(xvii)~~(xviii) "This act" means W.S. 9-13-101  
10 through ~~9-13-109~~9-13-111.

11  
12            **9-13-105. Misuse of office.**

13  
14            (a) A public official, public member or public  
15 employee shall not use public funds, time, personnel,  
16 facilities or equipment beyond usual, customary and  
17 incidental uses for his ~~private benefit~~personal or private  
18 interest or that of another unless the use is authorized by  
19 law. For purposes of this section, "personal or private  
20 interest" means as provided in W.S. 9-13-106(a).

21  
22            **9-13-109. Penalties.**

23

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

5  
6           (d) A violation of W.S. 9-13-103 or 9-13-105(a) is:

7  
8           (i) A felony punishable by imprisonment for not  
9 more than ten (10) years, a fine of not more than ten  
10 thousand dollars (\$10,000.00), or both, if the total value  
11 of the private benefit or personal or private interest is  
12 ten thousand dollars (\$10,000.00) or more; or

13  
14           (ii) A misdemeanor punishable by imprisonment  
15 for not more than six (6) months, a fine of not more than  
16 seven hundred fifty dollars (\$750.00), or both, if the  
17 total value of the private benefit or personal or private  
18 interest is less than ten thousand dollars (\$10,000.00).

19  
20           **Section 3.** W.S. 9-13-102(a)(xii)(A) through (E) is  
21 repealed.

22  
23           **Section 4.** This act is effective July 1, 2020.

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(END)