

HOUSE BILL NO. HB0032

Ethics and Disclosure Act amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to government ethics; amending and
2 establishing definitions and procedures for the Ethics and
3 Disclosure Act; expanding the scope of the Act to include
4 local governmental entities, the judicial branch and
5 additional state employees; amending offenses and penalties
6 of the Ethics and Disclosure Act; amending financial
7 disclosure requirements; and providing for an effective
8 date.

9

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

11

12 **Section 1.** W.S. 9-13-102(a)(xii)(intro), (xv), by
13 creating new paragraphs (xvii) through (xxi) and by
14 renumbering (xvii) as (xxii), 9-13-104, 9-13-105(a),
15 (b)(intro), (ii) and (c), 9-13-106(a)(intro) and (b),

1 9-13-107, 9-13-108(a)(iii) and (b) and 9-13-109(a) and (b)
2 are amended to read:

3

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

5

6 (a) As used in this article:

7

8 (xii) "Public employee" means any ~~of the~~
9 ~~following state employees:~~ employee or at-will contract
10 employee of a state entity or local office;

11

12 (xv) "State entity" means a state agency, state
13 office, department, division, bureau, board, commission or
14 council of the state, including the legislature, any court
15 or agency in the judicial branch and the Wyoming community
16 development authority; ~~and Wyoming science, technology and~~
17 ~~energy authority. The term does not include a court or an~~
18 ~~agency in the judicial branch;~~

19

20 (xvii) "Judicial branch" means any court or
21 agency in the judicial branch;

22

1 (xviii) "Judicial officer" means any supreme
2 court justice, district judge, circuit judge, chancery
3 court judge, district court commissioner and magistrate;

4
5 (xix) "Personal or private interest" means an
6 interest that is direct and immediate as opposed to
7 speculative and remote and that provides a greater benefit
8 or a lesser detriment than it does for a large or
9 substantial group or class of persons who are similarly
10 situated;

11
12 (xx) "Private benefit" means the receipt of a
13 gift by the public official, judicial officer, public
14 member or public employee and the receipt of the gift
15 resulted from taking action or inaction or his holding that
16 office;

17
18 (xxi) "Salaried employment" means an employment
19 relationship under which the employee is compensated, at
20 least in part, by payment of a specified dollar amount for
21 a specified period of service;

22

1 ~~(xvii)~~(xxii) "This act" means W.S. 9-13-101
2 through 9-13-109.

3

4 **9-13-104. Nepotism.**

5

6 (a) No public official, judicial officer, public
7 member or public employee shall advocate or cause the
8 employment, appointment, promotion, transfer or advancement
9 of a family member to an office or position of ~~the state, a~~
10 ~~county, municipality or a school district.~~ A public
11 ~~official, public member or public employee shall not~~
12 ~~supervise or manage a family member who is in an office or~~
13 ~~position of the state, a county, municipality or school~~
14 ~~district~~ a local office, state entity or the judicial
15 branch.

16

17 (b) A public official, judicial officer, public
18 member or public employee, acting in his official capacity,
19 shall not participate in his official responsibility or
20 capacity regarding a matter relating to the employment or
21 discipline of a family member.

22

1 (c) A public official, judicial officer, public
2 member or public employee shall not supervise or manage a
3 family member who is in an office or position of a local
4 office, state entity or the judicial branch, unless the
5 family member began employment in the local office, state
6 entity or judicial branch before the public official,
7 judicial officer, public member or public employee began
8 supervising or managing the family member.

9
10 (d) Nothing in this section shall preclude a public
11 official, judicial officer, public member or public
12 employee from responding to or participating in a
13 preemployment inquiry concerning a family member when that
14 inquiry is initiated by the local office, state entity or
15 the judicial branch.

16
17 **9-13-105. Misuse of office.**

18
19 (a) A public official, judicial officer, public
20 member or public employee shall not use public funds, time,
21 personnel, facilities or equipment for his private benefit
22 or that of another unless the use is authorized by law.

23

1 (b) A public official, judicial officer, public
2 member or public employee shall not use public funds, time,
3 personnel, facilities or equipment for political or
4 campaign activity unless the use is:

5

6 (ii) Properly incidental to another activity
7 required or authorized by law and the public official,
8 judicial officer, public employee or public member
9 allocates and reimburses the governmental entity for any
10 additional costs incurred for that portion of the activity
11 not required or authorized by law.

12

13 (c) A public official, judicial officer, public
14 employee or public member shall not disseminate to another
15 person official information which the public official,
16 judicial officer, public employee or public member obtains
17 through or in connection with his position, unless the
18 information is available to the general public or unless
19 the dissemination is authorized by law.

20

21 **9-13-106. Official decisions and votes.**

22

1 (a) A public official, judicial officer, public
2 member or public employee shall not make an official
3 decision or vote on an official decision if the public
4 official, judicial officer, public member or public
5 employee has a personal or private interest in the matter
6 or obtains or stands to obtain a private benefit from the
7 matter. In determining whether he has a personal or private
8 interest in a matter the public official shall recognize
9 the importance of his right to represent his constituency
10 and shall abstain from voting only in clear cases of a
11 personal or private interest ~~as defined in this subsection~~
12 or a private benefit. A public official or public member
13 shall not vote to give money or any direct financial
14 benefit to himself except for tax reductions affecting the
15 general public. ~~For the purposes of this section, a~~
16 ~~personal or private interest:~~

17

18 (b) A public official, judicial officer, public
19 member or public employee described by subsection (a) of
20 this section shall abstain from voting on the decision and
21 from making any official decision in the matter. The public
22 official's, judicial officer's, public member's or public

1 employee's abstention from voting must be recorded in the
2 governmental entity's official records.

3

4 **9-13-107. Actions taken while negotiating for**
5 **employment.**

6

7 A public official, judicial officer, public member or
8 public employee may not vote or take an official action in
9 a matter affecting a person with whom the public official,
10 judicial officer, public member or public employee is
11 negotiating for prospective employment.

12

13 **9-13-108. Disclosure required.**

14

15 (a) Not later than January 31 annually, each of the
16 state's five (5) elected officials and each member of the
17 Wyoming legislature shall file a financial disclosure form
18 with the secretary of state. The form shall be signed by
19 the elected official or legislator filing it and under a
20 certification that it is accurate. Except as otherwise
21 provided in this subsection, the financial disclosure form
22 shall contain the following information current as of
23 January 15 of that year:

1

2 (iii) A list of all state entities the person,
3 or the person's business enterprise in which the person
4 owns ten percent (10%) or more interest, has a contract
5 with for services and supplies in an amount greater than
6 five thousand dollars (\$5,000.00). The list shall include
7 all contracts subject to this paragraph entered into by the
8 elected official or legislator on and after January 15 of
9 the prior year. For each contract, this list shall include
10 the name and address of the business enterprise, if
11 applicable, and state entity, the type and description of
12 the contract and the effective date and term of the
13 contract. ~~For purposes of this paragraph "state entity" as~~
14 ~~defined in W.S. 9-13-102(a)(xv) shall include a court or an~~
15 ~~agency in the judicial branch.~~

16

17 (b) Forms may be submitted by electronic transmission
18 or by facsimile transmission under the same terms and
19 conditions specified for campaign reports under W.S.
20 22-25-106. ~~For the purposes of this section, "salaried~~
21 ~~employment" means an employment relationship under which~~
22 ~~the employee is compensated, at least in part, by payment~~

1 ~~of a specified dollar amount for each month, or longer~~
2 ~~period, of service.~~

3

4 **9-13-109. Penalties.**

5

6 (a) Any ~~person~~ public official, public member,
7 judicial officer or public employee who violates this act
8 is guilty of a misdemeanor punishable upon conviction by a
9 fine of not more than one thousand dollars (\$1,000.00).

10

11 (b) Violation of any provision of this act
12 constitutes sufficient cause for termination of a public
13 employee's employment or for removal of a public official
14 or public member from his office or position in accordance
15 with law.

16

17 **Section 2.** W.S. 9-13-102(a)(xii)(A) through (E),
18 9-13-103(b) and 9-13-106(a)(i) and (ii) are repealed.

19

20 **Section 3.** This act is effective July 1, 2021.

21

22

(END)