

EXHIBIT C



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 8, 2015

Mr. Ryan Schierman
Program Manager of Natural Resources
Wyoming Department of Environmental Quality
Land Quality Division
122 W. 25th Street
Herschler 4W
Cheyenne, WY 82002



Dear Mr. Schierman:

We have reviewed Wyoming's new data trespassing law, Wyoming Enrolled Act No. 61. Issues were raised related to this law when U.S Nuclear Regulatory Commission (NRC) staff reviewed the enabling legislation contained in Wyoming House Bill HB0027, received by our office on August 13, 2015.

As previously discussed during prior phone calls, the NRC has concerns that the law, entitled the Enrolled Act No. 61, would affect the ability of the State to develop and effectively administer a radiation program that is adequate to protect public health and safety and compatible with the NRC's national program. The new data recovery trespassing law may even interfere with the NRC's ability to implement the NRC's current radiation control program in the State by inhibiting potential informants from providing information involving allegations or performance concerns regarding radioactive materials.

The NRC staff reviewed the enabling legislation according to the criteria in Section 4.1.1 of the Office of Nuclear Material Safety and Safeguards procedure SA-700 and Handbook, "Processing an Agreement" (<https://scp.nrc.gov/procedures/sa700.pdf>). Section 4.1.1 specifically covers the criteria for the State laws providing authority to establish a program and enter into and Agreement.¹

¹ See also, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States through Agreement; Statement of Policy" (946 FR 7540); January 23, 1981, as amended on July 16, 1981 (46 FR 36969); July 21, 1983 (48 FR 33376). The Policy Statement criteria includes that State laws provide adequate authority to: 1) provide inspection authority adequate to assure compliance; 2) require licensees to provide access to inspectors and; 3) provide the necessary powers for prompt enforcement which may include administrative remedies looking toward issuance of orders requiring affirmative action or suspension or evocation of the right to possess and use material and impounding materials, the obtaining injunctive relief and imposing civil or criminal penalties

See also, "Statement of Principles and Policy for the Agreement State Program; Policy Statement on Adequacy and Compatibility of Agreement State Programs," 62 FR 46517 (Sept. 3, 1997) at 46524. The State should be able to respond to and conduct timely inspections or investigations of incidents, reported events, and allegations involving agreement material within

The State authorizations should include:

Section 4.1.1.1d - Authorizes representatives of the program to enter premises and conduct inspections.

Section 4.1.1.1e - Authorizes the program to require compliance with regulatory requirements by both licensees and unlicensed individuals.

Section 4.1.1.1f - Authorizes the program to impose sanctions for violations of regulations, orders, or license conditions.



SA-700 Section 4.1.1.2 provides evaluation criteria for the State law which includes:

Section 4.1.1.2g - "The law must authorize inspections of licensee operations to ensure compliance with regulatory requirements. It should authorize inspections of unlicensed facilities to assess the risk resulting from accidents or environmental releases of materials. The law should permit access at all reasonable times."

Section 4.1.1.2h - "The law must provide authority to take prompt enforcement action, and should provide a variety of legal sanctions. The law should provide authority to suspend licenses and to impound materials. In cases of an imminent threat to public health and safety, the law should authorize immediate suspension without prior hearing."

Section 4.1.1.2i - "The law should authorize suspension or revocation of a license for repeated or continued noncompliance. The authority to suspend or revoke a license may be conditioned on a prior administrative or judicial hearing. The program should also have authority to seek injunctive relief, and refer licensees for criminal prosecution. The program should also consider authority to impose civil or administrative monetary penalties."

SA-700 Section 4.7 also describes the evaluation criteria for reviewing written procedures for event and allegation response program elements.

Section 4.7.1.2.e - Allegation procedures should address response, follow-up and closeout. The procedures should also provide for protection of the identity of a person making an allegation when requested and provide for the protection of other sensitive information.

Our response letter dated, September 28, 2015, contained two comments regarding the new trespassing law:

16. On page 1 line 17, it states, "authorizing the Department to implement and administer the program." The Enrolled Act No. 61 in Wyoming that restricts inspection activities creates an incompatible obstacle to assuming regulatory responsibility over the NRC responsibility for source and byproduct material.

the State's jurisdiction.

See, ENROLLED ACT NO. 61, SENATE SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING 2015 GENERAL SESSION

Trespassing to unlawfully collect resource data and unlawful collection of resource data.

21. On page 4 line 86, it states "To facilitate inspections, licensees and proposed licensees shall obtain and grant access to the Department at all reasonable times." There should be an explicit (rather than implied) repeal of the sampling trespass law.

Additional comments discussed during prior phone calls.

1. On page 3, lines 5 through 18 state that trespassing to unlawfully collect resource data and unlawfully collecting resource data is punishable by imprisonment, fine or both. These provisions potentially punish people for developing and reporting information concerning allegations or performance concerns regarding Atomic Energy Act radioactive material and prevents the development of an adequate and compatible Agreement State program.
2. On page 5, Paragraph (e) lines 7 through 13 state "No resource data collected in violation of this section is admissible in evidence in any civil, criminal or administrative proceeding, other than a prosecution for violation of this section or a civil action against the violator." This section applies whether or not the violation was prosecuted or resulted in conviction of this law. These provisions are problematic because they discourage people from developing and reporting information concerning allegations or performance concerns, prevent the appropriate use of information in enforcement or other actions, and prevent the development of an adequate and compatible Agreement State program.
3. On page 5 (f) lines 15 through 19 state "that resource data collected in violation of this section in possession of any governmental entity shall be expunged by the entity from all files and data bases, and it shall not be considered in determining agency action." These provisions are problematic because they appear to prevent the use of information in State regulatory actions. This provision could even interfere with the NRC obtaining information regarding inspections, enforcement, allegations, or evaluating Agreement State performance.

We also request clarification on the following mean in the legislation:

- "Resource Data" (E.g. Does this include information on radioactive materials or related operations?)
- "Peace Officer" (E.g. Department employees, other State, federal, local or tribal officials? Applicability for government contractors?)
- "Engaged in the lawful performance of his official duties"
- "Government entity" (E.g. State, Federal, Tribal or local governments?)
- "Expunged from databases"
- "Agency actions"



J. Schierman

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The NRC requests that you address the comments above and provide additional information on the implementation of this law. Agreement State laws must clearly provide the regulating State agency with the authority to handle allegations, events, agreement state performance concerns, inspections, site-visits, and enforcement in a manner that adequately protects public health and safety.

If you have any questions regarding the comments, please contact Michelle Beardsley at 610-337-6942 (michelle.beardsley@nrc.gov) or Stephen Poy at 301-415-7135 (stephen.poy@nrc.gov).

Sincerely,



Pamela J. Henderson, Acting Director
Division of Material Safety, State, Tribal,
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards



EXHIBIT C

West's Wyoming Statutes Annotated
Title 6: Crimes and Offenses
Chapter 5: Offenses Against Public Administration
Article 1: Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-101

§ 6-5-101. Definitions

Currentness

(a) As used in this article:

(i) "Government" includes any branch, subdivision or agency of the state of Wyoming or any city, town, county, school district or special district within it;

(ii) "Governmental function" includes any activity which a public servant is legally authorized to undertake on behalf of a government;

(iii) "Harm" means loss, disadvantage or injury;

(iv) "Pecuniary benefit" is benefit in the form of property;

(A) to (C) Repealed by Laws 2015, ch. 82, § 2, eff. July 1, 2015.

(v) "Public officer" means a person who holds an office which is created or granted authority by the constitution or the legislature and who exercises a portion of the sovereign power of the state;

(vi) "Public servant" means any public officer, employee of government, or any person participating, as juror, witness, advisor, consultant or otherwise, in performing a governmental function;

Credits

Laws 1982, ch. 75, § 3; Laws 2015, ch. 82, § 1, 2, eff. July 1, 2015.

W. S. 1977 § 6-5-101, WY ST § 6-5-101
Current through the 2015 General Session

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West's Wyoming Statutes Annotated

Title 6. Crimes and Offenses

Chapter 5. Offenses Against Public Administration

Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-102

§ 6-5-102. Bribery; penalties

Currentness

(a) A person commits bribery, if:

(i) He offers, confers or agrees to confer any pecuniary benefit, testimonial, privilege or personal advantage upon a public servant as consideration for the public servant's vote, exercise of discretion or other action in his official capacity; or

(ii) While a public servant, he solicits, accepts or agrees to accept any pecuniary benefit, testimonial, privilege or personal advantage upon an agreement or understanding that his vote, exercise of discretion or other action as a public servant will thereby be influenced.

(b) Bribery is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1.

W. S. 1977 § 6-5-102, WY ST § 6-5-102

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West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-103

§ 6-5-103. Compensation for past official behavior; penalties

Currentness

(a) A person commits an offense if he solicits, accepts or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision or vote favorable to another, or for having otherwise exercised a discretion in his favor, or for having violated his statutory duties. For purposes of this section, "compensation" does not include mere acceptance of an offer of employment.

(b) Compensation for past official behavior is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1.

W. S. 1977 § 6-5-103, WY ST § 6-5-103

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West's Wyoming Statutes Annotated

Title 6. Crimes and Offenses

Chapter 5. Offenses Against Public Administration

Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-104

§ 6-5-104. Soliciting unlawful compensation; penalties

Currentness

(a) A public servant commits soliciting unlawful compensation if he solicits, accepts or agrees to accept a pecuniary benefit for the performance of an official action knowing that he was required to perform that action without compensation or at a level of compensation lower than that requested.

(b) Soliciting unlawful compensation is a felony punishable by imprisonment for not more than ten (10) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1.

W. S. 1977 § 6-5-104, WY ST § 6-5-104

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Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-105

§ 6-5-105. Unlawful designation of provider of services or goods; penalties; affirmative defense

Currentness

(a) No public servant shall require or direct a bidder or contractor to deal with a particular person in procuring any goods or service required in submitting a bid to or fulfilling a contract with any government.

(b) A provision in an invitation to bid or a contract document which violates this section is against public policy and voidable.

(c) It is an affirmative defense that the defendant was a public servant acting within the scope of his authority exercising the right to reject any material, subcontractor, service, bond or contract tendered by a bidder or contractor because it did not meet bona fide specifications or requirements relating to quality, availability, experience or financial responsibility.

(d) A violation of this section is 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.

Credits

Laws 1982, ch. 75, § 3; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-105, WY ST § 6-5-105

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Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-106

§ 6-5-106. Conflict of interest; penalties; disclosure of interest and withdrawal from participation

Currentness

(a) Except as provided by subsection (b) of this section, a public servant commits an offense if he requests or receives any pecuniary benefit, other than lawful compensation, on any contract, or for the letting of any contract, or making any appointment where the government employing or subject to the discretion or decisions of the public servant is concerned.

(b) If any public servant discloses the nature and extent of his pecuniary interest to all parties concerned therewith and does not participate during the considerations and vote thereon and does not attempt to influence any of the parties and does not act for the governing body with respect to the contracts or appointments, then the acts are not unlawful under subsection (a) of this section. Subsection (a) of this section does not apply to the operation, administration, inspection or performance of banking and deposit contracts or relationships after the selection of a depository.

(c) Violation of subsection (a) of this section is a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000.00).

Credits

Laws 1982, ch. 75, § 3.

W. S. 1977 § 6-5-106, WY ST § 6-5-106

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West's Wyoming Statutes Annotated
Title 6. Crimes and Offenses
Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-107

§ 6-5-107. Official misconduct; penalties

Currentness

(a) A public servant commits a misdemeanor punishable by a fine of not more than five thousand dollars (\$5,000.00), if, with intent to obtain a pecuniary benefit or maliciously to cause harm to another, he knowingly:

(i) Commits an act relating to his official duties that the public servant does not have the authority to undertake;

(ii) Refrains from performing a duty imposed upon him by law; or

(iii) Violates any statute relating to his official duties.

(b) A public officer commits a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00) if he intentionally fails to perform a duty in the manner and within the time prescribed by law.

Credits

Laws 1982, ch. 75, § 3; Laws 1983, ch. 171, § 1; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-107, WY ST § 6-5-107

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Chapter 5. Offenses Against Public Administration
Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-108

§ 6-5-108. Issuing false certificate; penalties

Currentness

(a) A public servant commits 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 he makes and issues an official certificate or other official written instrument which he is authorized to make and issue containing a statement which he knows to be false with intent to obtain a benefit or maliciously to cause harm to another.

(b) A public servant commits a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both, if he makes and issues an official certificate or other official written instrument which he is authorized to make and issue containing a statement which he knows to be false.

Credits

Laws 1982, ch. 75, § 3.

W. S. 1977 § 6-5-108, WY ST § 6-5-108
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Chapter 5. Offenses Against Public Administration

Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-110

§ 6-5-110. Wrongful appropriation of public property; penalties

Currentness

(a) A public servant who lawfully or unlawfully comes into possession of any property of any government and who, with intent temporarily to deprive the owner of its use and benefit, converts any of the public property to his own use or any use other than the public use authorized by law is guilty of wrongful appropriation of public property.

(b) Wrongful appropriation is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than one thousand dollars (\$1,000.00), or both.

(c) This section shall not apply to limited use of government property or resources for personal purposes if the use does not interfere with the performance of a governmental function and either the cost or value related to the use is de minimis or the public servant reimburses the government for the cost of the use.

Credits

Laws 1982, ch. 75, § 3; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-110, WY ST § 6-5-110

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Title 6. Crimes and Offenses

Chapter 5. Offenses Against Public Administration

Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-111

§ 6-5-111. Failure or refusal to account for, deliver or pay over property; penalties

Currentness

A public servant who fails or refuses to account for, deliver and pay over property received by virtue of the office, when legally required by the proper person or authority is guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

Credits

Laws 1982, ch. 75, § 3.

W. S. 1977 § 6-5-111, WY ST § 6-5-111

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Chapter 5. Offenses Against Public Administration

Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-113

§ 6-5-113. Removal from office after judgment of conviction

Currentness

A judgment of conviction rendered under W.S. 6-5-102 through 6-5-112 and 6-5-117 against any public servant, except state elected officials, supreme court justices, district court judges and circuit court judges, shall result in removal from office or discharge from employment.

Credits

Laws 1982, ch. 75, § 3; Laws 2000, ch. 24, § 4, eff. July 1, 2000.

W. S. 1977 § 6-5-113, WY ST § 6-5-113

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Title 6. Crimes and Offenses

Chapter 5. Offenses Against Public Administration

Article 1. Offenses by Public Officials (Refs & Annos)

W.S.1977 § 6-5-118

§ 6-5-118. Conflict of interest; public investments; disclosure required; penalty; definitions

Currentness

(a) No public servant who invests public funds for a unit of government, or who has authority to decide how public funds are invested, shall transact any personal business with, receive any pecuniary benefit from or have any financial interest in any entity, other than a governmental entity, unless he has disclosed the benefit or interest in writing to the body of which he is a member or entity for which he is working. Disclosures shall be made annually in a public meeting and shall be made part of the record of proceedings. The public servant shall make the written disclosure prior to investing any public funds in any entity, other than a governmental entity, which:

(i) Provides any services related to investment of funds by that same unit of government; or

(ii) Has a financial interest in any security or other investment made by that unit of government.

(b) A violation of subsection (a) of this section is 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.

(c) The definitions in W.S. 6-5-101 shall apply to this section except "pecuniary benefit" shall also include benefits in the form of services such as, but not limited to, transportation and lodging. As used in this section, "personal business" means any activity that is not a governmental function as defined in W.S. 6-5-101(a)(ii).

Credits

Laws 1997, ch. 3, § 1, eff. July 1, 1997; Laws 2015, ch. 82, § 1, eff. July 1, 2015.

W. S. 1977 § 6-5-118, WY ST § 6-5-118

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West's Wyoming Statutes Annotated
Title 9. Administration of the Government
Chapter 13. Government Ethics
Article 1. Public Officials, Members and Employees Ethics (Refs & Annos)

W.S.1977 § 9-13-102

§ 9-13-102. Definitions

Currentness

(a) As used in this article:

(i) "Anything of value" means:

(A) A pecuniary item, including money or a bank bill or note;

(B) A promissory note, bill of exchange, order, draft, warrant, check or bond given for the payment of money;

(C) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money;

(D) A stock, bond, note or other investment interest in an entity;

(E) A right in action;

(F) A gift, tangible good, chattel or an interest in a gift, tangible good or chattel;

(G) A work of art, antique or collectible;

(H) An automobile or other means of personal transportation;

(J) Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest or other beneficial interest in realty;

(K) An honorarium or compensation for services arising out of the person's service as a public official, public member or public employee;

(M) The sale or trade of anything of value:

(I) For reasonable consideration that would ordinarily not be available to a member of the public; or

(II) With a rebate or at a discount in its price, unless the rebate or discount is made in the ordinary course of business to a member of the public, or any group or category thereof, but without regard to that person's status as a public official, public member or public employee.

(N) A promise or offer of employment;

(O) Any other thing of value that is pecuniary or compensatory in value to a person.

(ii) "Anything of value" does not mean a campaign contribution properly received and reported, if reportable, as required under the Wyoming Election Code;

(iii) "Compensation" includes:

(A) An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value; or

(B) A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, for services rendered or to be rendered.

(iv) "Compensation" does not include:

(A) Reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses, and if the reimbursement is substantiated by an itemization of expenses; or

(B) Per diem payments or mileage allowances paid by the employing government entity in accordance with applicable law.

(v) "Family member" means an individual:

(A) Who is the spouse, parent, sibling, child, grandparent or grandchild; or

(B) Is a member of the individual's household.

(vi) "Gift" means anything of value to the extent that consideration of equal or greater value is not received, but excludes the following:

(A) Printed informational, educational or promotional material;

(B) A gift that:

(I) Is not used; and

(II) No later than thirty (30) days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes.

(C) A gift, devise or inheritance from any of the following, if the donor is not acting as the agent or intermediary for someone other than a person covered by this subparagraph:

(I) An individual's spouse;

(II) An individual's child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin;

(III) The spouse of any individual listed in subdivision (II) of this subparagraph;

(IV) Any person, including an organization, which has a bona fide social or private business relationship with the individual, where the circumstances demonstrate that the motivation for the gift arises out of that relationship and not from the recipient's holding of public office or employment. For the purposes of this subdivision, relevant circumstances include but are not limited to the source of funds used by the donor to acquire the gift;

(V) Any person, including an organization, where the gift does result from the person's holding an office or position, but where the gift is of nominal value, is made voluntarily by the donor and is made in recognition of a special occasion, such as marriage, illness or retirement.

(D) A certificate, commemorative token or item, or plaque with a value that does not exceed two hundred fifty dollars (\$250.00);

(E) Food and beverage;

(F) Compensation, per diem or other payments or benefits which the public official, public member or public employee receives in the performance of services for the governmental entity;

(G) Repealed by Laws 1999, ch. 140, § 2.

(H) Any loan, gift, gratuity, special discount or hospitality with a value of two hundred fifty dollars (\$250.00) or less; or

(J) Travel, registration and lodging for any conference or meeting while attending in his official capacity as a public official, public member or public employee.

(vii) "Local office" means the offices of county commissioner, county treasurer, county assessor, county clerk, county sheriff, county coroner, district attorney, county attorney, mayor and member of the council of a municipality, member of the board of trustees of a community college district or a school district and member of a joint powers board or special district. As used in this paragraph "special district" means any special district specified under W.S. 22-29-103(a) and any other corporate district authorized to be formed as a political subdivision under the laws of this state;

(viii) "Negotiating" or "negotiate for employment" means a communication, directly or indirectly, with a prospective employer to discuss rendering services for compensation to that prospective employer;

(ix) "Negotiation for employment" means the period that begins with a communication to a prospective employer to discuss rendering services for compensation to the prospective employer;

(x) "Official responsibility or official capacity" means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct government action;

(xi) "Participation" includes decision, approval, disapproval or vote;

(xii) "Public employee" means any of the following state employees:

(A) The attorney general and the director of any department of the executive branch appointed by the governor under W.S. 9-2-1706, or the director of any legislative agency;

(B) The chief executive officer of any separate operating agency under W.S. 9-2-1704(d), except those listed in paragraphs (d)(vi) and (x) of that section;

(C) To the extent the incumbent in the position serves at the pleasure of persons listed in subparagraphs (A) and (B) of this section, administrators of department or agency divisions, and deputy directors of departments;

(D) Commissioners of the public service commission and members of the state board of equalization;

(E) Deputies and administrators of divisions within the offices of state elected officials under W.S. 9-2-1704(a). The positions, in the governor's office, of chief of staff, attorney for intergovernmental affairs and chief of policy are included within this subparagraph.

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

(xiv) "Public official" means an individual elected to a state or local office, or an individual who is appointed to fill a vacancy in a state or local office, whether or not the individual has yet assumed the office;

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

(xvi) "State office" means the state offices of governor, treasurer, superintendent of public instruction, auditor, secretary of state and member of the state legislature;

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

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998; Laws 1999, ch. 140, §§ 1, 2, eff. Feb. 27, 1999; Laws 2005, ch. 122, § 1, eff. July 1, 2005.

W. S. 1977 § 9-13-102, WY ST § 9-13-102
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West's Wyoming Statutes Annotated

Title 9. Administration of the Government

Chapter 13. Government Ethics

Article 1. Public Officials, Members and Employees Ethics (Refs & Annos)

W.S.1977 § 9-13-103

§ 9-13-103. Use of title and prestige of public office

Currentness

(a) No public official, public member or public employee shall use his office or position for his private benefit.

(b) As used in this section, "private benefit" means the receipt by the public official, public member or public employee of a gift which resulted from his holding that office.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-103, WY ST § 9-13-103

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West's Wyoming Statutes Annotated

Title 9. Administration of the Government

Chapter 13. Government Ethics

Article 1. Public Officials, Members and Employees Ethics (Refs & Annos)

W.S.1977 § 9-13-104

§ 9-13-104. Nepotism

Currentness

(a) No public official, public member or public employee shall advocate or cause the employment, appointment, promotion, transfer or advancement of a family member to an office or position of the state, a county, municipality or a school district. A public official, public member or public employee shall not supervise or manage a family member who is in an office or position of the state, a county, municipality or school district.

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

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-104, WY ST § 9-13-104

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Article 1. Public Officials, Members and Employees Ethics (Refs & Annos)

W.S.1977 § 9-13-105

§ 9-13-105. Misuse of office

Currentness

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

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

(i) Authorized by law; or

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

(c) A public official, public employee or public member shall not disseminate to another person official information which the public official, public employee or public member obtains through or in connection with his position, unless the information is available to the general public or unless the dissemination is authorized by law.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-105, WY ST § 9-13-105

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Article 1. Public Officials, Members and Employees Ethics (Refs & Annos)

W.S.1977 § 9-13-106

§ 9-13-106. Official decisions and votes

Currentness

(a) A public official, public member or public employee shall not make an official decision or vote on an official decision if the public official, public member or public employee has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest:

(i) Is, with respect to the public official, public employee or public member, an interest which is direct and immediate as opposed to speculative and remote; and

(ii) Is an interest that provides the public official, public employee or public member, a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

(b) A public official, public member or public employee described by subsection (a) of this section shall abstain from voting on the decision and from making any official decision in the matter. The public official's, public member's or public employee's abstention from voting must be recorded in the governmental entity's official records.

(c) This section shall not be construed to supersede W.S. 15-9-220, 16-6-118 or 16-9-203(f). Those provisions shall control to the extent inconsistent with this section.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-106, WY ST § 9-13-106
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Article 1. Public Officials, Members and Employees Ethics (Refs & Annos)

W.S.1977 § 9-13-108

§ 9-13-108. Disclosure required

Currentness

(a) Not later than January 31 annually, each of the state's five (5) elected officials and each member of the Wyoming legislature shall file a financial disclosure form with the secretary of state. The form shall be signed by the elected official or legislator filing it and under a certification that it is accurate. The financial disclosure form shall contain the following information current as of January 15 of that year:

(i) A list of all offices, directorships and salaried employment held by the person filing the form in any business enterprise, but excluding offices and directorships in a nonprofit corporation where no compensation is received for service;

(ii) A list generally describing the sources of, but not the amount of, the member's income.

(b) Forms may be submitted by facsimile transmission under the same terms and conditions specified for campaign reports under W.S. 22-25-106. For the purposes of this section, "salaried employment" means an employment relationship under which the employee is compensated, at least in part, by payment of a specified dollar amount for each month, or longer period, of service.

(c) The disclosure form shall be as prescribed by the secretary of state but in substantially the following form:

"State Elected Official Financial Disclosure Form

Name of Official:

Office held:

Business address:

Business phone number:

Home address:

Home phone number:

I. Offices, directorships and employment

a. Offices held in business enterprises (includes partnerships)

Office

Name and address of business enterprise

b. Directorships held in business enterprises

Name and address of business enterprise

c. Salaried employment

Job Title

Name and address of business enterprise

II. Sources of income

a. Employment

Name and address of Employer

b. Business interests

Name and address of all business entities but excluding interests if less than ten percent (10%) of the entity is owned, or sole proprietorship from which income is earned, or describe generally

c. Investments

Income earned

Yes

No

i. Any security or interest earnings

—

—

ii. Real estate, leases, royalties

—

—

d. Other

(Describe generally)".

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-108, WY ST § 9-13-108

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W.S.1977 § 9-13-109

§ 9-13-109. Penalties

Currentness

(a) Any person who violates this act is guilty of a misdemeanor punishable upon conviction by a fine of not more than one thousand dollars (\$1,000.00).

(b) Violation of any provision of this act constitutes sufficient cause for termination of a public employee's employment or for removal of a public official or public member from his office or position.

(c) If any action is prohibited both by this act and any provision of title 6, the provisions of this act shall not apply and the provisions of title 6 shall apply.

Credits

Laws 1998, Sp. & Bud. Sess., ch. 116, § 1, eff. July 1, 1998.

W. S. 1977 § 9-13-109, WY ST § 9-13-109

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