

## HOUSE BILL NO. HB0120

Attorney general-government efficiency and fraud division.

Sponsored by: Representative(s) Brown, Biteman, Obermueller  
and Zwonitzer

A BILL

for

1 AN ACT relating to the administration of government;  
2 creating the division of fraud and government efficiency  
3 within the office of the attorney general; establishing the  
4 duties of the division; providing rulemaking authority;  
5 providing a sunset date; requiring a report; prohibiting  
6 retaliatory employment practices as specified; making an  
7 appropriation; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 9-1-641 through 9-1-645 are created  
12 to read:

13

1           **9-1-641. Division of fraud and government efficiency;**  
2 **created; appointment of administrator; employees;**  
3 **definitions.**

4

5           (a) The division of fraud and government efficiency  
6 is created within the office of the attorney general.

7

8           (b) In consultation with the attorney general, the  
9 governor shall appoint an administrator who is the chief  
10 administrative officer of the division. The governor shall  
11 consider and give weight to the appointment of an attorney  
12 to be administrator. The administrator is responsible to  
13 the attorney general for the operation of the division.  
14 Once appointed, the administrator shall serve a term of six  
15 (6) years but may be removed by the governor pursuant to  
16 W.S. 9-1-202.

17

18           (c) With the consent of the attorney general and the  
19 governor, and subject to legislative appropriation, the  
20 administrator may employ investigative, administrative and  
21 other specialized personnel necessary to carry out the  
22 functions of the division.

23

1 (d) As used in this act:

2

3 (i) "Administrator" means the administrator of  
4 the division;

5

6 (ii) "Division" means the division of fraud and  
7 government efficiency within the office of the attorney  
8 general;

9

10 (iii) "Inefficient," "inefficiency" or  
11 "inefficiencies" means conduct or practices which increase  
12 the cost of operating state government or providing a state  
13 government service beyond reasonable and customary costs,  
14 or beyond the costs which would be incurred if the service  
15 or operation was provided after using reasonably available  
16 means to reduce costs, and includes waste, fraud or abuse  
17 by a government employee;

18

19 (iv) "This act" means W.S. 9-1-641 through  
20 9-1-645.

21

22 **9-1-642. Division of fraud and government efficiency;**  
23 **duties of administrator.**

1

2 (a) The administrator shall:

3

4 (i) Supervise and direct all activities of the  
5 division;

6

7 (ii) Report to the attorney general regarding  
8 all functions of the division, including findings of  
9 inefficiencies and substantiated and unsubstantiated claims  
10 of inefficiencies;

11

12 (iii) Serve as a liaison with state agencies,  
13 other branches of state government, state employees, the  
14 federal government and local governmental entities for the  
15 purpose of identifying inefficiencies and any related  
16 criminal conduct;

17

18 (iv) Upon the identification or report of an  
19 inefficiency, investigate the inefficiency and, if the  
20 inefficiency is verified by the investigation, design a  
21 plan of action reasonably likely to terminate the  
22 inefficiency. A plan may include recommendations for the

1 prosecution or discipline of a government employee or other  
2 person;

3  
4 (v) Submit plans developed pursuant to paragraph  
5 (iv) of this subsection to the governor and the attorney  
6 general for review. No plan shall be implemented without  
7 the approval of the governor and, upon approval by the  
8 governor, the plan shall be implemented only as consistent  
9 with the regular powers of the officers, employees and  
10 officials executing the plan;

11

12 (vi) In addition to submitting plans as required  
13 by paragraph (v) of this subsection, report at least  
14 quarterly verified instances of government inefficiency and  
15 substantiated and unsubstantiated claims of inefficiency to  
16 the attorney general, the governor and the legislature's  
17 management council. The report shall not identify by name  
18 any person who has made a report of an inefficiency and  
19 shall redact all information that, in the judgement of the  
20 administrator with approval from the attorney general,  
21 would unduly harm any person, impede a current  
22 investigation or that would not serve the best interests of  
23 the state or the efficiency related purposes of this act.

1 The report shall not contain any information withheld from  
2 public inspection pursuant to W.S. 9-1-644. The report may  
3 contain recommendations for any legislative action  
4 necessary to accomplish a plan developed and approved  
5 pursuant to paragraphs (iv) and (v) of this subsection.

6

7 **9-1-643. Division of fraud and government efficiency;**  
8 **duties and responsibilities.**

9

10 (a) The division of fraud and government efficiency  
11 shall:

12

13 (i) Administer a comprehensive statewide plan  
14 to:

15

16 (A) Promote efficiency in the operation of  
17 state government;

18

19 (B) Review the configuration of Wyoming  
20 state government and the duties and responsibilities of  
21 state agencies to identify inefficiencies;

22

1           (C) Promote the reporting of inefficiencies  
2 by state, federal and local government employees and by the  
3 public, including the promotion of reporting protection  
4 awareness in compliance with W.S. 9-11-103(d);

5

6           (D) Provide assistance to state agencies,  
7 other branches of state government and state and federal  
8 employees to identify inefficiencies and related criminal  
9 conduct.

10

11           (ii) Maintain a telephone and on-line system  
12 where state employees, federal government employees, local  
13 government employees and members of the public can report  
14 inefficiencies in the operation of state government. The  
15 identity of any person making a report on the telephone or  
16 on-line system shall be kept confidential to the extent  
17 reasonably possible. The system may allow anonymous  
18 reporting and shall endeavor to allow fully identified  
19 reporting under the employment protections provided by W.S.  
20 9-11-103;

21

22           (iii) Subject to the approval of the attorney  
23 general, promulgate rules and regulations necessary to

1 execute the duties and responsibilities assigned to the  
2 administrator and the division by this act.

3

4 **9-1-644. Confidentiality of records.**

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6 All records and information collected and generated  
7 pursuant to this act which are not already matters of  
8 public record are investigation records and may be withheld  
9 from public inspection pursuant to W.S. 16-4-203(b) (i).

10

11 **9-1-645. Sunset.**

12

13 This act is repealed effective July 1, 2024.

14

15 **Section 2.** W.S. 9-11-103(a) by creating a new  
16 paragraph (vi) and (b) is amended to read:

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18 **9-11-103. Discrimination against certain employees**  
19 **prohibited; civil action against employer.**

20

21 (a) No state employer may discharge, discipline or  
22 retaliate against an employee by unreasonably altering the  
23 terms, location or conditions of employment because the



1 employee acting in good faith and within the scope of  
2 duties of employment:

3  
4 (iv) Participates or is requested to participate  
5 in any investigation, hearing or inquiry;~~or~~

6  
7 (v) Has refused to carry out a directive which  
8 is beyond the scope, terms and conditions of his employment  
9 that would expose the employee or any individual to a  
10 condition likely to result in serious injury or death,  
11 after having sought and been unable to obtain a correction  
12 of the dangerous condition from the employer;~~or~~ or

13  
14 (vi) Submits a report to the attorney general's  
15 fraud and government efficiency division on-line or  
16 telephone reporting system, operated pursuant to W.S.  
17 9-1-643(a)(ii). No employee submitting a report to the  
18 attorney general's fraud and government efficiency division  
19 on-line or telephone reporting system shall be required to  
20 comply with the provisions of subsection (b) of this  
21 section as a condition of receiving the protections  
22 provided by this subsection.

23

1           (b) Except as provided by paragraph (a)(vi) of this  
2 section, subsection (a) of this section does not apply to  
3 an employee who has reported or caused to be reported a  
4 violation or unsafe condition or practice, unless the  
5 employee has first brought the alleged violation, condition  
6 or practice to the attention of a person having supervisory  
7 authority over the employee and has allowed the state  
8 employer a reasonable opportunity to correct that  
9 violation, condition or practice. Prior notice to a person  
10 having supervisory authority is not required if the  
11 employee reasonably believes that the report may not result  
12 in prompt correction of the violation, condition or  
13 practice. In such cases, the employee shall report the  
14 violation, condition or practice to the department or  
15 agency director of the state entity with which he is  
16 employed or to the office of the governor. In the event the  
17 alleged violation, condition or practice occurred within  
18 the office of the governor, the employee may report the  
19 violation, condition or practice to the office of the  
20 secretary of state.

21

22           **Section 3.** There is appropriated eight hundred  
23 thousand dollars (\$800,000.00) from the legislative

1 stabilization reserve account to the office of the attorney  
2 general. This appropriation shall be for the period  
3 beginning with the effective date of this act and ending  
4 June 30, 2020. This appropriation shall only be expended  
5 for the purpose of establishing the division of fraud and  
6 government efficiency within the office of the attorney  
7 general and recruiting and hiring one (1) administrator,  
8 two (2) investigators and one (1) office support person for  
9 the purpose of conducting the duties of the division of  
10 fraud and government efficiency as established by this act.  
11 Notwithstanding any other provision of law, this  
12 appropriation shall not be transferred or expended for any  
13 other purpose and any unexpended, unobligated funds  
14 remaining from this appropriation shall revert as provided  
15 by law on June 30, 2020. This appropriation shall be  
16 included in the attorney general's 2021-2022 standard  
17 biennial budget request.

18

19 **Section 4.** Not earlier than July 1, 2023 and not  
20 later than January 1, 2024, the governor shall submit a  
21 report to the joint appropriations committee and the  
22 legislature's management council. The report shall  
23 disclose whether the state of Wyoming has realized benefits

1 from the operation of W.S. 9-1-641 through 9-1-644 in  
2 excess of the legislative appropriations, and any other  
3 funding, used to operate the division of fraud and  
4 government efficiency created by this act. The legislature  
5 may use the report to determine whether the division of  
6 fraud and government efficiency should be allowed to sunset  
7 as provided by W.S. 9-1-645, created by this act.

8

9 **Section 5.** This act is effective July 1, 2018.

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11

(END)