

HOUSE BILL NO. HB0135

Public officials-nondisclosure agreements.

Sponsored by: Representative(s) Styvar, Angelos, Brown, G, Campbell, K, Erickson, Heiner, Neiman, Pendergraft, Riggins, Schmid, Singh, Webb, Webber and Wharff and Senator(s) Hicks, Ide, Laursen, D, Pearson and Salazar

A BILL

for

1 AN ACT relating to city, county, state and local powers;
2 prohibiting public officials from entering into
3 nondisclosure agreements as specified; providing
4 definitions; specifying penalties; specifying remedies for
5 violations; specifying applicability; and providing for an
6 effective date.

7

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

9

10 **Section 1.** W.S. 16-4-701 and 16-4-702 are created to
11 read:

12

13

ARTICLE 7

14

PUBLIC OFFICIAL NONDISCLOSURE AGREEMENTS

1

2 **16-4-701. Definitions.**

3

4 (a) As used in this article:

5

6 (i) "Government entity" means any municipal,
7 county or state government in Wyoming and any agency,
8 department or entity thereof;

9

10 (ii) "Public funds" means any money, funds,
11 credit, property, tax benefit, subsidy, grant, loan,
12 deferral or infrastructure support provided by a government
13 entity;

14

15 (iii) "Public-funded project" means any
16 proposal, negotiation, agreement or activity that uses or
17 commits public funds or that creates any ongoing
18 obligation, financial liability, land-use impact,
19 infrastructure demand or utility load on a Wyoming city,
20 town or county or a government entity;

21

22 (iv) "Public official" means any officer,
23 employee, agent or servant of a government entity,

1 including elected or appointed officials and persons acting
2 on behalf of the government entity in any official
3 capacity, whether with or without compensation.

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5 **16-4-702. Public officials; certain nondisclosure**
6 **agreements prohibited; penalties; remedies.**

7

8 (a) No public official shall enter into any
9 nondisclosure agreement or any other agreement that
10 prohibits, prevents or precludes the public official from
11 disclosing any information related to any one (1) or more
12 of the following:

13

14 (i) The use or commitment of public funds;

15

16 (ii) Any public obligations, incentives or
17 financial liabilities to be disbursed, awarded or incurred
18 under the agreement;

19

20 (iii) Impacts on land use, valuation,
21 infrastructure, water or power;

22

1 (iv) Information otherwise subject to disclosure
2 under the Public Records Act or information that is
3 required to be disclosed or provided in an open meeting
4 under W.S. 16-4-401 through 16-4-408.

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6 (b) Any agreement entered into in violation of
7 subsection (a) of this section is void and unenforceable as
8 contrary to public policy.

9

10 (c) No public official shall negotiate or pursue any
11 public-funded project if another party requires
12 nondisclosure as a condition of discussion or due
13 diligence.

14

15 (d) Nothing in this article shall be construed to
16 prohibit or prevent a public official from protecting or
17 limiting information from disclosure only to the extent
18 permitted under W.S. 16-4-203(d).

19

20 (e) Any public official who violates this section is
21 guilty of a misdemeanor punishable upon conviction by a
22 fine of not more than one thousand dollars (\$1,000.00).

23

1 (f) Violation of this section constitutes sufficient
2 cause for termination of a public employee's employment or
3 for removal of a public official from the official's office
4 or position. Any removal or termination based on cause
5 specified in this subsection shall be in accordance with
6 law.

7

8 (g) Any resident of Wyoming shall have standing to
9 seek a declaratory judgment or injunctive relief to void an
10 agreement or contract entered into in violation of this
11 section.

12

13 **Section 2.**

14

15 (a) This act shall apply to all agreements and
16 contracts entered into on and after the effective date of
17 this act.

18

19 (b) Nothing in this act shall be construed to alter,
20 amend or impair any agreement or contract entered into
21 before the effective date of this act.

22

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)