

SENATE FILE NO. SF0109

Attorney general-elected official.

Sponsored by: Senator(s) Bouchard, Biteman and James and
Representative(s) Clem, Edwards, Gray,
Jennings, Piiparinen, Salazar and Styvar

A BILL

for

1 AN ACT relating to the attorney general; providing for the
2 election of the attorney general; designating the attorney
3 general as a state elected official; setting the attorney
4 general's term of office; setting the attorney general's
5 salary; providing for filling a vacancy in the position;
6 repealing provision for interim appointment; providing for
7 the application of the Ethics and Disclosure Act to the
8 office of the attorney general; amending certain provisions
9 regarding actions the attorney general takes requiring
10 approval of or pursuant to the direction of the governor;
11 prescribing additional duties of the attorney general;
12 making conforming amendments; and providing for effective
13 dates.

14

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

1

2 **Section** **1.** W.S. 9-1-601, 9-5-101(a),
3 22-2-105(a)(ii)(intro) and 22-6-117(a)(iv) are amended to
4 read:

5

6 **9-1-601. Appointment; term; removal; special**
7 **assistant for legislative affairs; qualifications.**

8

9 (a) Until the term of office commences following the
10 general election in 2022, the attorney general of the state
11 of Wyoming shall be appointed by the governor with the
12 advice and consent of the senate in accordance with W.S.
13 28-12-101 through 28-12-103 and may be removed by the
14 governor as provided in W.S. 9-1-202. Beginning at the
15 general election in 2022, the attorney general shall be
16 elected in a statewide election for a term of four (4)
17 years.

18

19 (b) Prior to the general election in 2022, if a newly
20 elected governor appoints an attorney general to take
21 office prior to or during the legislative session next
22 following the governor's election, the newly appointed
23 attorney general designee shall become a member of the

1 attorney general's staff to serve as a special assistant to
2 the governor for legislative affairs. When the legislative
3 session adjourns the attorney general's term of office
4 shall terminate. Following the general election in 2022,
5 the term of an attorney general appointed under this
6 section shall terminate the first Monday in January next
7 following the general election.

8
9 (c) ~~Prior to his~~ To be eligible for appointment or
10 election, the attorney general shall have been a practicing
11 attorney for at least four (4) years. ~~At the date of~~
12 ~~appointment, he~~ shall be in good standing in the courts of
13 record of this state and shall be a resident and elector of
14 the state.

15
16 **9-5-101. State building commission; composition;**
17 **general powers and duties; conflicts of interest.**

18
19 (a) The ~~five (5) elected state officers~~ governor,
20 secretary of state, state auditor, state treasurer and
21 state superintendent of public instruction shall constitute
22 the state building commission. The governor shall be
23 chairman of the commission, but in his absence from any

1 meeting, one (1) of the members may act as chairman, and
2 shall preside at the meeting. All votes taken to decide the
3 commission's final action on any matter shall be recorded.

4

5 **22-2-105. Terms of office and offices voted on at**
6 **general elections.**

7

8 (a) The terms of office and offices voted on at
9 general elections are as follows:

10

11 (ii) Four Year Term. - At the general election
12 in 1974 and in every fourth ~~(4th)~~ year thereafter, there
13 shall be elected the following officers: one (1) governor,
14 one (1) secretary of state, one (1) state treasurer, one
15 (1) state auditor, one (1) superintendent of public
16 instruction, county clerks, county treasurers, county
17 assessors, county coroners, county and prosecuting
18 attorneys, district attorneys, sheriffs, clerks of the
19 district court. At every general election there shall be
20 elected the necessary member or members of the Wyoming
21 senate and county commissioners. At the general election in
22 2022 and every fourth year thereafter, there shall be
23 elected an attorney general. The question of retention of a

1 circuit court judge or a magistrate of the circuit court
2 shall be submitted:

3

4 **22-6-117. Order of listing offices in partisan**
5 **elections.**

6

7 (a) The major party primary and general partisan
8 election ballots shall contain the offices to be voted on
9 in the following order:

10

11 (iv) Candidates for governor, secretary of
12 state, state auditor, state treasurer, the attorney general
13 beginning at the 2022 primary and general election, and
14 superintendent of public instruction;

15

16 **Section 2.** W.S. 1-26-509(k), 1-31-103, 1-35-103(a),
17 1-35-104, 7-3-102, 7-22-101(a)(vi), 7-22-102(a), (b),
18 (c)(intro), (d), 7-22-108(a), 8-1-102(a)(xii),
19 8-2-101(a)(vi), 9-1-101(b), 9-1-211(a) by creating a new
20 paragraph (vi) and by renumbering (vi) through (viii) as
21 (vii) through (ix), 9-1-602, 9-1-603(b) and (c), 9-1-604,
22 9-1-605(b) through (d), 9-1-608(a) and (b), 9-1-611(c),
23 9-1-633(a) and (b)(intro), 9-1-636(b) and (c)(intro),

1 9-2-1016(h)(i), 9-3-101(a) by creating a new paragraph
2 (viii), 9-4-218(a)(iii), 9-13-102(a)(xii)(A) and (xvi),
3 9-13-108(a)(intro), 9-14-101, 9-14-102(c), 18-3-902(a),
4 22-18-111(a)(intro), 28-1-115(g)(ii), 28-12-102(c) and by
5 creating a new subsection (d), 35-7-1004, 35-11-1507(a) and
6 35-21-110(a) are amended to read:

7

8 **1-26-509. Negotiations; scope of efforts to purchase.**

9

10 (k) Attorney's fees and other expenses awarded under
11 this section from a public entity to a condemnee shall be
12 reported by the public entity which paid the fees, to the
13 Wyoming attorney general within sixty (60) days of the
14 award. The Wyoming attorney general shall collect this data
15 and report annually to the ~~governor~~joint revenue interim
16 committee and joint judiciary interim committee on the
17 amount of all taxpayer funded fee awards, beginning July
18 31, 2014. The report shall identify the name of each party
19 to whom an award was made, the name of each counsel of
20 record representing each party to whom an award was made,
21 the public agency which paid each award and the total
22 amount of each award.

23

1 **1-31-103. Commencement of action.**

2

3 The attorney general or a county attorney ~~shall~~may
4 commence an action ~~when directed by the governor, supreme~~
5 ~~court or legislature, or~~ when upon complaint or otherwise
6 he has good reason to believe that such an action can be
7 established by proof. The attorney general may commence an
8 action when requested by the governor, supreme court or
9 legislature. A county attorney shall commence an action
10 when directed by the governor, supreme court or
11 legislature.

12

13 **1-35-103. Violation of state contracts to be reported**
14 **to attorney general; investigation; action to recover**
15 **damages; employment of special assistants.**

16

17 (a) Any officer, board or commission of the state of
18 Wyoming, or their legal counsel, responsible for the
19 enforcement of any contract between the state of Wyoming
20 and any person, having reason to believe that there has
21 been a violation of the terms of the contract to the damage
22 of the state of Wyoming, shall report the matter to the
23 attorney general of the state of Wyoming. The attorney

1 general shall make such investigation of the matter as is
2 necessary. Upon completion of the investigation and finding
3 of probable damages to the state of Wyoming, the attorney
4 general may bring suit in any court of competent
5 jurisdiction to recover all damages that the state of
6 Wyoming may have incurred by reason of the breach of
7 contract, or for any money or other property that may be
8 due on the contract. ~~Subject to the governor's approval he~~
9 The attorney general may employ specially qualified
10 assistants or counsel to aid in any investigation of such
11 action.

12

13 **1-35-104. Actions under control of attorney general;**
14 **settlement or compromise with approval of governor.**

15

16 The attorney general shall control all investigations and
17 actions instituted and conducted in behalf of the state as
18 provided in W.S. 1-35-103 and has full discretionary powers
19 to prosecute all investigations and litigation and, ~~with~~
20 ~~the approval of the governor,~~ to settle, compromise or
21 dismiss the actions.

22

1 **7-3-102. Appointment of attorney general to represent**
2 **state on joint commissions.**

3
4 The ~~governor shall appoint the~~ attorney general is hereby
5 appointed as the commissioner who shall represent Wyoming
6 upon any joint commission created by Wyoming and any one
7 (1) or more states for the purpose of negotiating and
8 entering into agreements or compacts for cooperative effort
9 and mutual assistance in the prevention of crime and in the
10 enforcement of the respective criminal laws and policies of
11 Wyoming and any other state and for the establishment of
12 agencies deemed desirable for making effective any
13 agreement or compact.

14
15 **7-22-101. Definitions.**

16
17 (a) As used in this article:

18
19 (vi) "~~Five (5)~~ Six (6) state elected officials"
20 means the governor, secretary of state, state auditor,
21 state treasurer, attorney general and superintendent of
22 public instruction;

23

1 **7-22-102. Authority to contract; general conditions.**

2

3 (a) The state or a local government may contract with
4 private entities for the construction, lease (as lessor or
5 lessee), acquisition, improvement, operation, maintenance,
6 purchase or management of facilities and services as
7 provided in this article, but only after receiving the
8 consent of the ~~five (5)~~ six (6) state elected officials as
9 to site, number of beds and classifications of inmates or
10 prisoners to be housed in the facility.

11

12 (b) No contract shall be entered into or renewed
13 unless the contracting governmental entity, with the
14 concurrence of the ~~five (5)~~ six (6) state elected
15 officials, determines the contract offers substantial cost
16 savings to the contracting governmental entity and at least
17 the same quality of services provided by the state or by
18 similar local governments.

19

20 (c) After receiving the majority consent of the ~~five~~
21 ~~(5)~~ six (6) state elected officials as to the site, number
22 of beds and classifications of inmates or prisoners to be
23 housed in the facility, the state or the local government

1 may contract with private entities for the construction,
2 lease (as lessor or lessee), acquisition, improvement,
3 operation, maintenance, purchase or management of
4 facilities, either:

5
6 (d) The state or the local government may reject or
7 return prisoners from outside the state. Prisoners or
8 inmates of out-of-state, nonfederal jurisdictions shall not
9 be incarcerated in any facility operated by a local
10 government entity under this article without the consent of
11 the majority of the ~~five (5)~~ six (6) state elected
12 officials. ~~of this state.~~ At no time shall the number of
13 prisoners from out-of-state, nonfederal jurisdictions
14 incarcerated in a facility operated by a local government
15 entity under this article exceed thirty percent (30%) of
16 the capacity of that facility. Any out-of-state, nonfederal
17 prisoner shall be returned to the jurisdiction of origin to
18 be released from custody by them, outside the state of
19 Wyoming at the appropriate time.

20

21 **7-22-108. Monitoring; right of access.**

22

1 (a) The contracting governmental entity at the
2 contractor's expense, shall employ an individual to be
3 responsible for monitoring all aspects of the private
4 contractor's performance under a contract for the operation
5 of a facility pursuant to W.S. 7-22-102. The individual
6 employed as contract monitor shall be qualified to perform
7 this function by reason of education, training and
8 experience as determined by the ~~five (5)~~ six (6) state
9 elected officials. At a minimum, the contract monitor shall
10 have completed at least the same training required by this
11 article for detention officers and shall have served a
12 minimum of three (3) years as a detention officer. The
13 monitor, with the approval of the contracting governmental
14 entity, shall appoint staff as necessary to assist in
15 monitoring at the facility, which staff shall be at the
16 contractor's expense and will be solely responsible to the
17 contract monitor. The monitor or his designee shall be
18 provided an on-site work area by the contractor, shall be
19 on-site on a daily basis, and shall have access to all
20 areas of the facility and to inmates and staff at all
21 times. The contractor shall provide any and all data,
22 reports and other materials that the monitor determines are

1 necessary to carry out monitoring responsibilities under
2 this section.

3

4 **8-1-102. Definitions.**

5

6 (a) As used in the statutes unless the legislature
7 clearly specifies a different meaning or interpretation or
8 the context clearly requires a different meaning:

9

10 (xii) "Elected state official" means the
11 governor, secretary of state, state auditor, state
12 treasurer, attorney general and superintendent of public
13 instruction;

14

15 **8-2-101. Distribution of statutes, supplements and**
16 **session laws.**

17

18 (a) Statutes, supplements and session laws shall be
19 distributed as provided by contract with the publisher or
20 as directed by the management council, to the following,
21 without charge:

22

1 (vi) One (1) copy to each of the ~~five (5)~~ six
2 (6) elected state officers;

3
4 **9-1-101. Location of seat of government; residence of**
5 **state officials; deputies authorized; state superintendent**
6 **of public instruction physical office designation.**

7
8 (b) The governor, secretary of state, state
9 treasurer, state auditor, attorney general and state
10 superintendent of public instruction shall reside and
11 maintain their offices at the seat of government.

12
13 **9-1-211. Vacancy in office of governor; successor**
14 **designated; order of succession; proclamation on**
15 **succession.**

16
17 (a) If the governor is removed, dies, resigns or is
18 unable to act, the state officer appearing highest on the
19 following list who satisfies all constitutional
20 qualifications for governor and is not under impeachment by
21 the house of representatives shall act as governor until
22 the disability of the governor is removed or a new governor
23 is elected and qualified:

1

2

(vi) Attorney general;

3

4

~~(vi)~~(vii) State superintendent of public instruction;

6

7

~~(vii)~~(viii) Vice-president of the senate;

8

9

~~(viii)~~(ix) Speaker pro tem of the house of representatives.

11

12

9-1-602. Vacancy in office.

13

14

~~In case of A~~ vacancy in the office of attorney general ~~the~~
~~governor shall appoint a qualified person to fill the~~
~~vacancy in accordance with the provisions of W.S.~~
~~28-12-101(b)~~ shall be filled as provided by W.S. 22-18-111
except the vacancy shall be subject to senate confirmation
as provided in W.S. 28-12-101 through 28-12-103.

20

21

9-1-603. Duties generally; retention of qualified practicing attorneys; matters in which county or state is party or has interest; assistance to county and district

23

1 attorneys in felony trials; coordination of county and
2 school safety activities.

3

4 (b) ~~With the approval of the governor~~ The attorney
5 general may retain qualified practicing attorneys to
6 prosecute fee-generating suits for the state if expertise
7 in a particular field is desirable.

8

9 (c) Upon the failure or refusal of any district or
10 county attorney to act in any criminal or civil case or
11 matter in which the county, state or any agency thereof is
12 a party, or has an interest, the attorney general may, at
13 the request of the board of county commissioners of the
14 county involved or of the district judge of the judicial
15 district involved, act on behalf of the county, state or
16 any agency thereof, if after a thorough investigation the
17 action is deemed advisable by the attorney general. The
18 cost of investigation and the cost of any prosecution
19 arising therefrom shall be paid out of the general fund of
20 the county where the investigation and prosecution take
21 place. The attorney general ~~shall~~ may also, ~~upon direction~~
22 ~~of the governor,~~ investigate any matter in any county of
23 the state in which the county, state or any agency thereof

1 may be interested. After investigation, the attorney
2 general shall submit a report of the investigation to ~~the~~
3 ~~governor and to~~ the district or county attorney of each
4 county involved and may take such other action as he deems
5 appropriate.

6

7 **9-1-604. Office in state capital; private practice**
8 **prohibited; exception.**

9

10 The attorney general shall keep an office in the state
11 capital, shall not open an office elsewhere and shall not
12 engage in any private practice except to consummate
13 business pending at the time of his ~~appointment~~ election if
14 not in conflict with the duties of his office.

15

16 **9-1-605. Approval of public securities and official**
17 **bonds; water rights proceedings; investigation of**
18 **misconduct of county official; report to governor;**
19 **commencement of action.**

20

21 (b) ~~Under the direction of the governor~~ The attorney
22 general shall institute and pursue proceedings to maintain

1 the state's and its citizens' rights in the waters of
2 interstate streams.

3
4 (c) Upon representation to the ~~governor~~attorney
5 general of misconduct or malfeasance in office or the
6 commission of a crime by any county officer in the state
7 and if the ~~governor~~attorney general believes the ends of
8 justice demand or the matter will not be properly
9 investigated and prosecuted by the sheriff and by the
10 district attorney of the county, ~~the governor may direct~~
11 the attorney general ~~to~~may investigate the case.

12
13 (d) Upon completion of the investigation, the
14 attorney general ~~shall report the results of the~~
15 ~~investigation and his recommendations to the governor. If~~
16 ~~the governor and the attorney general determine that the~~
17 ~~attorney general should~~may institute a criminal or civil
18 action, ~~the attorney general shall commence the action~~ as
19 he deems appropriate. The attorney general shall have the
20 authority and duty vested in district attorneys in this
21 state.

22
23 **9-1-608. Assistant attorneys general.**

1

2 (a) ~~With the approval of the governor,~~ The attorney
3 general may appoint assistant attorneys general necessary
4 for the efficient operation of his office. Each assistant
5 attorney general shall be a member in good standing of the
6 Wyoming bar and shall serve at the pleasure of the attorney
7 general. The assistants shall act under the direction of
8 the attorney general and his deputies. The attorney
9 general, his deputies or his assistants may appear in any
10 courts of the state or the United States and prosecute or
11 defend on behalf of the state. An appearance by the
12 attorney general or his staff does not waive the sovereign
13 immunity of the state.

14

15 (b) ~~With the approval of the governor~~ The attorney
16 general may appoint special assistant attorneys general for
17 any purposes. A person shall not be employed as an attorney
18 or legal counsel by any department, board, agency,
19 commission or institution of the state, or represent the
20 state in that capacity, except by the written appointment
21 of the attorney general. Written appointment of the
22 attorney general shall not be required for the employment
23 of legal counsel by elected state officials.

1

2 **9-1-611. Division of criminal investigation; created;**
3 **definitions; director; appointment; qualifications.**

4

5 (c) ~~With the approval of the governor,~~ The attorney
6 general shall appoint a director who is the chief
7 administrative officer and chief agent of the division.

8

9 **9-1-633. Wyoming law enforcement academy; director;**
10 **appointment; term; qualifications; employees; salaries;**
11 **curriculum and training programs; fees; disposition.**

12

13 (a) A director of the Wyoming law enforcement academy
14 shall be appointed by the ~~attorney general with the consent~~
15 ~~of the~~ governor. ~~The director~~ and shall serve at the
16 pleasure of the ~~attorney general~~ governor. ~~He~~ The director
17 shall have administrative and operational experience in
18 criminal justice and such other qualifications as are
19 satisfactory to the ~~attorney general~~ governor.

20

21 (b) The director may employ assistants, instructors
22 and other personnel as approved by the ~~attorney general~~
23 ~~with the consent of the~~ governor. The attorney general may

1 appoint the director as a peace officer, if qualified
2 pursuant to W.S. 9-1-701 through 9-1-707. The director may
3 appoint full-time staff instructors who qualify pursuant to
4 W.S. 9-1-701 through 9-1-707 to perform as peace officers.
5 Persons appointed as peace officers pursuant to this
6 subsection shall be considered peace officers only:

7

8 **9-1-636. Division of victim services; created;**
9 **appointment of director and deputy director; administrative**
10 **and clerical employees; definitions.**

11

12 (b) ~~With the approval of the governor,~~ The attorney
13 general shall appoint a director who is the chief
14 administrative officer of the division. The director is
15 responsible to the attorney general for the operation of
16 the division and shall serve at the pleasure of the
17 attorney general.

18

19 (c) With the consent of the attorney general ~~and the~~
20 ~~governor,~~ and subject to legislative appropriation, the
21 director may:

22

23 **9-2-1016. General services division.**

1

2 (h) The general services division shall:

3

4 (i) Manage and control all state motor vehicles
5 and equipment including their identification, purchase,
6 lease, replacement, repair and permanent assignment, except
7 for state owned or leased vehicles personally used by or
8 assigned to the governor, secretary of state, state
9 auditor, state treasurer, attorney general or
10 superintendent of public instruction;

11

12 **9-3-101. Salaries; amount; date of payment.**

13

14 (a) Salaries for clerk of the supreme court and
15 district court reporters shall be determined by the supreme
16 court as authorized by legislative appropriations. Subject
17 to constitutional limitations the following state officers
18 and members of the judiciary shall receive the salaries
19 indicated by the figures following their respective titles:

20

21 (viii) Attorney General \$175,000.00

22

1 **9-4-218. Federal natural resource policy account**
2 **created; purposes.**

3
4 (a) There is created an account known as the "federal
5 natural resource policy account." Funds within the account
6 may be expended by the governor on behalf of the state of
7 Wyoming and its local governments, to take any of the
8 actions specified in this subsection ~~related~~in response to
9 federal land, water, air, mineral and other natural
10 resource policies which may affect the tax base of the
11 state, wildlife management, state species, recreation,
12 private property rights, water rights or leasehold rights.
13 Funds also may be expended for preparing and participating
14 in environmental impact statements and environmental
15 assessments, including analysis of economic or social and
16 natural or physical environmental effects on the human
17 environment. Funds also may be expended for coordinating
18 and participating in rangeland health assessments pursuant
19 to W.S. 11-2-207. The governor may expend funds from the
20 federal natural resource policy account for:

21

22 (iii) Investigating, initiating, intervening or
23 otherwise participating in litigation, or taking any other

1 legal action by the state, a state agency or the counties
2 of the state individually or jointly, that furthers the
3 purposes of this subsection. In carrying out this
4 subsection, the attorney general, or the counties, with
5 approval of the governor, may retain qualified practicing
6 attorneys to act for the state or the counties, including
7 providing representation in other forums with the federal
8 government or other state or county governments that may
9 preclude or resolve any outstanding issues or attempting to
10 influence pertinent federal legislation;

11

12 **9-13-102. Definitions.**

13

14 (a) As used in this article:

15

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

18

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

23

1 (xvi) "State office" means the state offices of
2 governor, treasurer, superintendent of public instruction,
3 auditor, secretary of state, attorney general and member of
4 the state legislature;

5

6 **9-13-108. Disclosure required.**

7

8 (a) Not later than January 31 annually, each of the
9 state's ~~five (5)~~ six (6) elected officials and each member
10 of the Wyoming legislature shall file a financial
11 disclosure form with the secretary of state. The form shall
12 be signed by the elected official or legislator filing it
13 and under a certification that it is accurate. Except as
14 otherwise provided in this subsection, the financial
15 disclosure form shall contain the following information
16 current as of January 15 of that year:

17

18 **9-14-101. Second amendment defense.**

19

20 The attorney general may seek to intervene or file an
21 amicus curiae brief in any lawsuit filed in any state or
22 federal court in Wyoming, or filed against any Wyoming
23 citizen or firm in any other jurisdiction for damages for

1 injuries as a result of the use of fire arms that are not
2 defective, if in his judgment, the action endangers the
3 constitutional right of citizens of Wyoming to keep and
4 bear arms. The attorney general is directed to advance
5 arguments that protect the constitutional right to bear
6 arms. ~~Before intervening in any lawsuit pursuant to this~~
7 ~~section, the attorney general shall obtain the approval of~~
8 ~~the governor.~~

9

10 **9-14-102. Unauthorized federal agency actions.**

11

12 (c) The attorney general may seek to take action
13 before the federal environmental protection agency, the
14 federal occupational safety and health administration or in
15 any state or federal court to stop the enforcement,
16 administration or implementation of rulemaking or other
17 actions taken by those agencies if, in his judgment, the
18 rulemaking or other action exceeds the authority granted by
19 the United States congress or otherwise rests on
20 questionable authority. ~~Before intervening in or initiating~~
21 ~~any lawsuit pursuant to this section, the attorney general~~
22 ~~shall obtain the approval of the governor.~~

23

1 **18-3-902. Attorney general to commence action;**
2 **petition served with summons; pleading; trial; judgment;**
3 **change of judge.**

4
5 (a) Whenever it appears to the ~~governor~~attorney
6 general on the verified complaint of qualified electors or
7 the board of county commissioners of the county that any
8 county officer is guilty of misconduct or malfeasance in
9 office, ~~he may direct~~ the attorney general ~~to~~may commence
10 and prosecute an action in the district court of the county
11 in which the officer is an official asking for the removal
12 of the officer. The action shall be commenced by the filing
13 of a verified petition in the name of the state of Wyoming
14 signed by the attorney general setting forth the facts
15 constituting the misconduct or malfeasance in office.

16

17 **22-18-111. Vacancies in other offices; temporary**
18 **appointments.**

19

20 (a) Any vacancy in any other elective office in the
21 state except representative in congress or the board of
22 trustees of a school or community college district, shall
23 be filled by the governing body, or as otherwise provided

1 in this section, by appointment of a temporary successor.
2 Except as provided in W.S. 28-12-101(b) with respect to the
3 office of attorney general, the person appointed shall
4 serve until a successor for the remainder of the unexpired
5 term is elected at the next general election and takes
6 office on the first Monday of the following January.
7 Provided, if a vacancy in a four (4) year term of office
8 occurs in the term's second or subsequent years after the
9 first day for filing an application for nomination pursuant
10 to W.S. 22-5-209, no election to fill the vacancy shall be
11 held and the temporary successor appointed shall serve the
12 remainder of the unexpired term. The following apply:

13

14 **28-1-115. Submission of state agency plans to**
15 **legislature; contents; purposes.**

16

17 (g) For purposes of this section and W.S. 28-1-116,
18 "state agency" means:

19

20 (ii) Offices of the ~~five (5) elected state~~
21 ~~officials and the attorney general~~ governor, secretary of
22 state, state auditor, state treasurer, attorney general and
23 state superintendent of public instruction; and

1

2 **28-12-102. Senate consideration of gubernatorial**
3 **appointments; procedure; roll call vote required.**

4

5 (c) Except as provided in subsection (d), if the
6 senate does not consent to a nominee for a given office,
7 the governor shall submit the name, address and biography
8 of another person for senate consideration if the
9 legislature is still in session. If the legislature has
10 adjourned, the governor may make a temporary appointment as
11 provided in W.S. 28-12-101(b). No person rejected by the
12 senate shall be appointed to or serve in, either
13 temporarily or otherwise, the public office for which his
14 nomination was rejected.

15

16 (d) If the senate does not consent to a nominee to
17 fill a vacancy in the office of attorney general submitted
18 by the governor pursuant to W.S. 22-18-111(a)(i), the
19 governor shall submit the name of another person from those
20 provided pursuant to W.S. 22-18-111(a)(i) for senate
21 consideration if the legislature is still in session. If
22 there are no qualified persons remaining for consideration
23 then the process outlined in W.S. 22-18-111(i) shall begin

1 again. If the legislature has adjourned, the governor
2 shall make a temporary appointment as provided in W.S.
3 28-12-101(b) from persons whose names are submitted
4 pursuant to W.S. 22-18-111(a)(i). No person rejected by the
5 senate shall be appointed to or serve in, either
6 temporarily or otherwise, the office of attorney general.

7
8 **35-7-1004. Personnel to administer provisions.**

9
10 The attorney general ~~by and with the consent of the~~
11 ~~governor~~ may employ such personnel as necessary to
12 administer this act. Such personnel shall serve at the
13 pleasure of the attorney general at such compensation as
14 may be approved by the Wyoming personnel division. Said
15 personnel shall be assigned such duties as may be necessary
16 to assist the commissioner in the performance of his
17 responsibilities under this act for the efficient operation
18 of the work of the office.

19
20 **35-11-1507. Injunction proceedings; penalties.**

21
22 (a) When, in the opinion of the ~~governor~~ attorney
23 general, a person is violating or is about to violate any

1 provision of this article, the ~~governor~~ attorney general
2 shall ~~direct the attorney general to~~ apply to the
3 appropriate court for an order enjoining the person from
4 engaging or continuing to engage in the activity. Upon a
5 showing that the person has engaged, or is about to engage
6 in the activity, the court may grant a permanent or
7 temporary injunction, restraining order or other order.

8

9 **35-21-110. Statewide protection order registry.**

10

11 (a) The Wyoming attorney general ~~or another agency~~
12 ~~designated by the governor~~ shall establish a statewide
13 registry of protection orders related to domestic violence
14 and shall maintain a complete and systematic record and
15 index of all valid temporary and final civil and criminal
16 court orders of protection.

17

18 **Section 3.** W.S. 9-1-618(b)(i) is repealed.

19

20 **Section 4.**

21

1 (a) Except as provided in subsection (b) of this
2 section, this act is effective July 1, 2020.

3

4 (b) Sections 2 and 3 of this act are effective
5 January 2, 2023.

6

7

(END)