

HOUSE BILL NO. HB0238

Elected attorney general-2.

Sponsored by: Representative(s) Heiner, Bear, Fortner,
Gray, Jennings, Laursen, Styvar and Wharff
and Senator(s) Biteman, Bouchard, James and
McKeown

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 and modifying provisions for interim appointment;
7 providing for the application of the Ethics and Disclosure
8 Act and other laws to the office of the attorney general
9 and attorney general as a state elected official; amending
10 certain provisions regarding actions the attorney general
11 takes requiring approval of or pursuant to the direction of
12 the governor; prescribing additional duties of the attorney
13 general; making conforming amendments; and providing for
14 effective dates.

1

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

3

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

7

8 **9-1-601. Appointment; term; removal; special**
9 **assistant for legislative affairs; qualifications.**

10

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

20

21 (b) Prior to the general election in 2022, if a newly
22 elected governor appoints an attorney general to take
23 office prior to or during the legislative session next

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

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

17
18 **9-5-101. State building commission; composition;**
19 **general powers and duties; conflicts of interest.**

20
21 (a) The ~~five (5) elected state officers~~ governor,
22 secretary of state, state auditor, state treasurer and
23 state superintendent of public instruction shall constitute

1 the state building commission. The governor shall be
2 chairman of the commission, but in his absence from any
3 meeting, one (1) of the members may act as chairman, and
4 shall preside at the meeting. All votes taken to decide the
5 commission's final action on any matter shall be recorded.

6

7 **22-2-105. Terms of office and offices voted on at**
8 **general elections.**

9

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

12

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

1 2022 and every fourth year thereafter, there shall be
2 elected an attorney general. The question of retention of a
3 circuit court judge or a magistrate of the circuit court
4 shall be submitted:

5

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

8

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

12

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

17

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

1 9-1-605(b) through (d), 9-1-608(a) and (b), 9-1-611(c),
2 9-1-633(a) and (b)(intro), 9-1-636(b) and (c)(intro),
3 9-2-1016(h)(i), 9-3-101(a) by creating a new paragraph
4 (viii), 9-4-218(a)(iii), 9-13-102(a)(xii)(A) and (xvi),
5 9-13-108(a)(intro), 9-14-101, 9-14-102(c), 18-3-902(a),
6 22-18-111(a)(intro), 28-1-115(g)(ii), 28-12-102(c) and by
7 creating a new subsection (d), 35-7-1004, 35-11-1507(a) and
8 35-21-110(a) are amended to read:

9

10 **1-26-509. Negotiations; scope of efforts to purchase.**

11

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

1 the public agency which paid each award and the total
2 amount of each award.

3

4 **1-31-103. Commencement of action.**

5

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

15

16 **1-35-103. Violation of state contracts to be reported**
17 **to attorney general; investigation; action to recover**
18 **damages; employment of special assistants.**

19

20 (a) Any officer, board or commission of the state of
21 Wyoming, or their legal counsel, responsible for the
22 enforcement of any contract between the state of Wyoming
23 and any person, having reason to believe that there has

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

15

16 **1-35-104. Actions under control of attorney general;**
17 **settlement or compromise with approval of governor.**

18

19 The attorney general shall control all investigations and
20 actions instituted and conducted ~~in~~on behalf of the state
21 as provided in W.S. 1-35-103 and has full discretionary
22 powers to prosecute all investigations and litigation and,

1 ~~with the approval of the governor,~~ to settle, compromise or
2 dismiss the actions.

3

4 **7-3-102. Appointment of attorney general to represent**
5 **state on joint commissions.**

6

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

17

18 **7-22-101. Definitions.**

19

20 (a) As used in this article:

21

22 (vi) "~~Five (5) Six (6)~~ state elected officials"

23 means the governor, secretary of state, state auditor,

1 state treasurer, attorney general and superintendent of
2 public instruction;

3

4 **7-22-102. Authority to contract; general conditions.**

5

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

14

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

22

1 (c) After receiving the majority consent of the ~~five~~
2 ~~(5)~~six (6) state elected officials as to the site, number
3 of beds and classifications of inmates or prisoners to be
4 housed in the facility, the state or the local government
5 may contract with private entities for the construction,
6 lease (as lessor or lessee), acquisition, improvement,
7 operation, maintenance, purchase or management of
8 facilities, either:

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

1

2 **7-22-108. Monitoring; right of access.**

3

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

1 times. The contractor shall provide any and all data,
2 reports and other materials that the monitor determines are
3 necessary to carry out monitoring responsibilities under
4 this section.

5

6 **8-1-102. Definitions.**

7

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

11

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

16

17 **8-2-101. Distribution of statutes, supplements and**
18 **session laws.**

19

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

1

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

4

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

8

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

13

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

17

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

1 the disability of the governor is removed or a new governor
2 is elected and qualified:

3

4 (vi) Attorney general;

5

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

8

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

10

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

13

14 **9-1-602. Vacancy in office.**

15

16 ~~In case of A~~ vacancy in the office of attorney general ~~the~~
17 ~~governor shall appoint a qualified person to fill the~~
18 ~~vacancy in accordance with the provisions of W.S.~~
19 ~~28-12-101(b)~~ shall be filled as provided by W.S. 22-18-111
20 except the vacancy shall be subject to senate confirmation
21 as provided in W.S. 28-12-101 through 28-12-103.

22

1 9-1-603. Duties generally; retention of qualified
2 practicing attorneys; matters in which county or state is
3 party or has interest; assistance to county and district
4 attorneys in felony trials; coordination of county and
5 school safety activities.

6

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

11

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

1 place. The attorney general ~~shall~~may also, ~~upon direction~~
2 ~~of the governor,~~ investigate any matter in any county of
3 the state in which the county, state or any agency thereof
4 may be interested. After investigation, the attorney
5 general shall submit a report of the investigation to ~~the~~
6 ~~governor and to~~ the district or county attorney of each
7 county involved and may take such other action as he deems
8 appropriate.

9

10 **9-1-604. Office in state capital; private practice**
11 **prohibited; exception.**

12

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

18

19 **9-1-605. Approval of public securities and official**
20 **bonds; water rights proceedings; investigation of**
21 **misconduct of county official; commencement of action.**

22

1 (b) ~~Under the direction of the governor~~The attorney
2 general shall institute and pursue proceedings to maintain
3 the state's and its citizens' rights in the waters of
4 interstate streams.

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

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

1

2 **9-1-608. Assistant attorneys general.**

3

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

16

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

1 attorney general shall not be required for the employment
2 of legal counsel by elected state officials.

3

4 **9-1-611. Division of criminal investigation; created;**
5 **definitions; director; appointment; qualifications.**

6

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

10

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

14

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

22

1 (b) The director may employ assistants, instructors
2 and other personnel as approved by the ~~attorney general~~
3 ~~with the consent of the~~ governor. The attorney general may
4 appoint the director as a peace officer, if qualified
5 pursuant to W.S. 9-1-701 through 9-1-707. The director may
6 appoint full-time staff instructors who qualify pursuant to
7 W.S. 9-1-701 through 9-1-707 to perform as peace officers.
8 Persons appointed as peace officers pursuant to this
9 subsection shall be considered peace officers only:

10
11 **9-1-636. Division of victim services; created;**
12 **appointment of director and deputy director; administrative**
13 **and clerical employees; definitions.**

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

21

1 (c) With the consent of the attorney general ~~and the~~
2 ~~governor,~~ and subject to legislative appropriation, the
3 director may:

4
5 **9-2-1016. General services division.**

6
7 (h) The general services division shall:

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

16
17 **9-3-101. Salaries; amount; date of payment.**

18
19 (a) Salaries for clerk of the supreme court and
20 district court reporters shall be determined by the supreme
21 court as authorized by legislative appropriations. Subject
22 to constitutional limitations the following state officers

1 and members of the judiciary shall receive the salaries
2 indicated by the figures following their respective titles:

3

4 (viii) Attorney General \$175,000.00.

5

6 **9-4-218. Federal natural resource policy account**
7 **created; purposes.**

8

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

1 to W.S. 11-2-207. The governor may expend funds from the
2 federal natural resource policy account for:

3

4 (iii) Investigating, initiating, intervening or
5 otherwise participating in litigation, or taking any other
6 legal action by the state, a state agency or the counties
7 of the state individually or jointly, that furthers the
8 purposes of this subsection. In carrying out this
9 subsection, the attorney general, or the counties, with
10 approval of the governor, may retain qualified practicing
11 attorneys to act for the state or the counties, including
12 providing representation in other forums with the federal
13 government or other state or county governments that may
14 preclude or resolve any outstanding issues or attempting to
15 influence pertinent federal legislation;

16

17 **9-13-102. Definitions.**

18

19 (a) As used in this article:

20

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

23

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

5

6 (xvi) "State office" means the state offices of
7 governor, treasurer, superintendent of public instruction,
8 auditor, secretary of state, attorney general and member of
9 the state legislature;

10

11 **9-13-108. Disclosure required.**

12

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

22

23 **9-14-101. Second amendment defense.**

1

2 The attorney general may seek to intervene or file an
3 amicus curiae brief in any lawsuit filed in any state or
4 federal court in Wyoming, or filed against any Wyoming
5 citizen or firm in any other jurisdiction for damages for
6 injuries as a result of the use of firearms that are not
7 defective, if in his judgment, the action endangers the
8 constitutional right of citizens of Wyoming to keep and
9 bear arms. The attorney general is directed to advance
10 arguments that protect the constitutional right to bear
11 arms. ~~Before intervening in any lawsuit pursuant to this~~
12 ~~section, the attorney general shall obtain the approval of~~
13 ~~the governor.~~

14

15 **9-14-102. Unauthorized federal agency actions.**

16

17 (c) The attorney general may seek to take action
18 before the federal environmental protection agency, the
19 federal occupational safety and health administration or in
20 any state or federal court to stop the enforcement,
21 administration or implementation of rulemaking or other
22 actions taken by those agencies if, in his judgment, the
23 rulemaking or other action exceeds the authority granted by

1 the United States congress or otherwise rests on
2 questionable authority. ~~Before intervening in or initiating~~
3 ~~any lawsuit pursuant to this section, the attorney general~~
4 ~~shall obtain the approval of the governor.~~

5

6 **18-3-902. Attorney general to commence action;**
7 **petition served with summons; pleading; trial; judgment;**
8 **change of judge.**

9

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

21

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

1

2 (a) Any vacancy in any other elective office in the
3 state except representative in congress or the board of
4 trustees of a school or community college district, shall
5 be filled by the governing body, or as otherwise provided
6 in this section, by appointment of a temporary successor.
7 Except as provided in W.S. 28-12-101(b) with respect to the
8 office of attorney general, the person appointed shall
9 serve until a successor for the remainder of the unexpired
10 term is elected at the next general election and takes
11 office on the first Monday of the following January.
12 Provided, if a vacancy in a four (4) year term of office
13 occurs in the term's second or subsequent years after the
14 first day for filing an application for nomination pursuant
15 to W.S. 22-5-209, no election to fill the vacancy shall be
16 held and the temporary successor appointed shall serve the
17 remainder of the unexpired term. The following apply:

18

19 **28-1-115. Submission of state agency plans to**
20 **legislature; contents; purposes.**

21

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

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23

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

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

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

(d) If the senate does not consent to a nominee to fill a vacancy in the office of attorney general submitted by the governor pursuant to W.S. 22-18-111(a)(i), the

1 governor shall submit the name of another person from those
2 provided pursuant to W.S. 22-18-111(a)(i) for senate
3 consideration if the legislature is still in session. If
4 there are no qualified persons remaining for consideration
5 then the process outlined in W.S. 22-18-111(a)(i) shall
6 begin again. If the legislature has adjourned, the
7 governor shall make a temporary appointment as provided in
8 W.S. 28-12-101(b) from persons whose names are submitted
9 pursuant to W.S. 22-18-111(a)(i). No person rejected by the
10 senate shall be appointed to or serve in, either
11 temporarily or otherwise, the office of attorney general.

12

13 **35-7-1004. Personnel to administer provisions.**

14

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

1

2 **35-11-1507. Injunction proceedings; penalties.**

3

4 (a) When, in the opinion of the ~~governor~~attorney
5 general, a person is violating or is about to violate any
6 provision of this article, the ~~governor~~attorney general
7 shall ~~direct the attorney general to~~ apply to the
8 appropriate court for an order enjoining the person from
9 engaging or continuing to engage in the activity. Upon a
10 showing that the person has engaged, or is about to engage
11 in the activity, the court may grant a permanent or
12 temporary injunction, restraining order or other order.

13

14 **35-21-110. Statewide protection order registry.**

15

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

22

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

1

2 **Section 4.**

3

4 (a) Except as provided in subsection (b) of this
5 section, this act is effective July 1, 2021.

6

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

9

10

(END)