

SENATE FILE NO. SF0107

Attorney general-elected official.

Sponsored by: Senator(s) Bouchard

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 a provision for interim appointment; providing
7 for 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 providing for the governor to utilize the federal natural
13 resource policy account in response to federal policy;
14 making conforming amendments; and providing for effective
15 dates.

16

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

2

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

6

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

9

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

19

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

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

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

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

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

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

5

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

8

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

11

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

1 elected an attorney general. The question of retention of a
2 circuit court judge or a magistrate of the circuit court
3 shall be submitted:
4

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

7
8 (a) The major party primary and general partisan
9 election ballots shall contain the offices to be voted on
10 in the following order:
11

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

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

1 9-1-611(c), 9-1-618(b)(i), 9-1-633(a) and (b)(intro),
2 9-1-636(b) and (c)(intro), 9-2-3204(h)(i), 9-3-101(a) by
3 creating a new paragraph (viii), 9-4-218(a)(intro) and
4 (iii), 9-13-102(a)(xii)(A) and (xvi), 9-13-108(a)(intro),
5 9-14-101, 9-14-102(c), 18-3-902(a), 22-18-111(a)(intro),
6 28-1-115(g)(ii), 28-12-102(c) and by creating a new
7 subsection (d), 35-7-1004, 35-11-1507(a) and 35-21-110(a)
8 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 and county
11 attorneys may commence an action when requested by the
12 governor, supreme court or legislature.

13

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

17

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

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

13

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

16

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

23

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, ~~and~~ superintendent of public instruction
22 and attorney general;

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, ~~and~~ superintendent of public instruction and
13 attorney general;

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 (vii) Attorney general;

3

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

5

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

8

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

10

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

17

18 **9-1-603. Duties generally; retention of qualified**
19 **practicing attorneys; matters in which county or state is**
20 **party or has interest; assistance to county and district**
21 **attorneys in felony trials; coordination of county and**
22 **school safety activities.**

23

1 (a) The attorney general shall:

2

3 (v) Be the legal adviser of all ~~elective and~~
4 appointive state officers, ~~and of the~~ county and district
5 attorneys of the state and all other elective state
6 officers;

7

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

12

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

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

10

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

13

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

19

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

1

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

6

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

15

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

1 authority and duty vested in district attorneys in this
2 state.

3

4 **9-1-608. Assistant attorneys general.**

5

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

18

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

1 state in that capacity, except by the written appointment
2 of the attorney general. Written appointment of the
3 attorney general shall not be required for the employment
4 of legal counsel by elected state officials.

5

6 **9-1-611. Division of criminal investigation; created;**
7 **definitions; director; appointment; qualifications.**

8

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

12

13 **9-1-618. Agents to be safeguarded as peace officers;**
14 **general assistance to state, county or local authorities;**
15 **investigative duties.**

16

17 (b) The division shall investigate:

18

19 (i) Suspected criminal activity when directed by
20 the ~~governor~~ attorney general to do so;

21

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

4
5 (a) A director of the Wyoming law enforcement academy
6 shall be appointed by the ~~attorney general with the consent~~
7 ~~of the~~ governor. ~~The director~~ and shall serve at the
8 pleasure of the ~~attorney general. He~~ governor. The director
9 shall have administrative and operational experience in
10 criminal justice and such other qualifications as are
11 satisfactory to the ~~attorney general~~ governor.

12
13 (b) The director may employ assistants, instructors
14 and other personnel as approved by the ~~attorney general~~
15 ~~with the consent of the~~ governor. The attorney general may
16 appoint the director as a peace officer, if qualified
17 pursuant to W.S. 9-1-701 through 9-1-707. The director may
18 appoint full-time staff instructors who qualify pursuant to
19 W.S. 9-1-701 through 9-1-707 to perform as peace officers.
20 Persons appointed as peace officers pursuant to this
21 subsection shall be considered peace officers only:

22

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

4
5 (b) ~~With the approval of the governor,~~ The attorney
6 general shall appoint a director who is the chief
7 administrative officer of the division. The director is
8 responsible to the attorney general for the operation of
9 the division and shall serve at the pleasure of the
10 attorney general.

11
12 (c) With the consent of the attorney general ~~and the~~
13 ~~governor,~~ and subject to legislative appropriation, the
14 director may:

15
16 **9-2-3204. General services division.**

17
18 (h) The general services division shall:

19
20 (i) Manage and control all state motor vehicles
21 and equipment including their identification, purchase,
22 lease, replacement, repair and permanent assignment, except
23 for state owned or leased vehicles personally used by or

1 assigned to the governor, secretary of state, state
2 auditor, state treasurer, attorney general or
3 superintendent of public instruction;

4

5 **9-3-101. Salaries; amount; date of payment.**

6

7 (a) Salaries for clerk of the supreme court and
8 district court reporters shall be determined by the supreme
9 court as authorized by legislative appropriations. Subject
10 to constitutional limitations the following state officers
11 and members of the judiciary shall receive the salaries
12 indicated by the figures following their respective titles:

13

14 (viii) Attorney General \$175,000.00

15

16 **9-4-218. Federal natural resource policy account**
17 **created; purposes.**

18

19 (a) There is created an account known as the "federal
20 natural resource policy account." Funds within the account
21 may be expended by the governor on behalf of the state of
22 Wyoming and its local governments, to take any of the
23 actions specified in this subsection related-in response to

1 federal land, water, air, mineral and other natural
2 resource policies which may affect the tax base of the
3 state, wildlife management, state species, recreation,
4 private property rights, water rights or leasehold rights.
5 Funds also may be expended for preparing and participating
6 in environmental impact statements and environmental
7 assessments, including analysis of economic or social and
8 natural or physical environmental effects on the human
9 environment. Funds also may be expended for coordinating
10 and participating in rangeland health assessments pursuant
11 to W.S. 11-2-207. The governor may expend funds from the
12 federal natural resource policy account for:

13

14 (iii) Investigating, initiating, intervening or
15 otherwise participating in litigation, or taking any other
16 legal action by the state, a state agency or the counties
17 of the state individually or jointly, that furthers the
18 purposes of this subsection. In carrying out this
19 subsection, the attorney general, or the counties, with
20 approval of the governor, may retain qualified practicing
21 attorneys to act for the state or the counties, including
22 providing representation in other forums with the federal
23 government or other state or county governments that may

1 preclude or resolve any outstanding issues or attempting to
2 influence pertinent federal legislation;

3

4 **9-13-102. Definitions.**

5

6 (a) As used in this article:

7

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

10

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

15

16 (xvi) "State office" means the state offices of
17 governor, treasurer, superintendent of public instruction,
18 auditor, secretary of state, attorney general and member of
19 the state legislature;

20

21 **9-13-108. Disclosure required.**

22

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

10

11 **9-14-101. Second amendment defense.**

12

13 The attorney general may seek to intervene or file an
14 amicus curiae brief in any lawsuit filed in any state or
15 federal court in Wyoming, or filed against any Wyoming
16 citizen or firm in any other jurisdiction for damages for
17 injuries as a result of the use of fire arms that are not
18 defective, if in his judgment, the action endangers the
19 constitutional right of citizens of Wyoming to keep and
20 bear arms. The attorney general is directed to advance
21 arguments that protect the constitutional right to bear
22 arms. ~~Before intervening in any lawsuit pursuant to this~~

1 ~~section, the attorney general shall obtain the approval of~~
2 ~~the governor.~~

3

4 **9-14-102. Unauthorized federal agency actions.**

5

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

17

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

21

22 (a) Whenever it appears to the ~~governor~~ attorney
23 general on the verified complaint of qualified electors or

1 the board of county commissioners of the county that any
2 county officer is guilty of misconduct or malfeasance in
3 office, ~~he may direct~~ the attorney general ~~to~~ may commence
4 and prosecute an action in the district court of the county
5 in which the officer is an official asking for the removal
6 of the officer. The action shall be commenced by the filing
7 of a verified petition in the name of the state of Wyoming
8 signed by the attorney general setting forth the facts
9 constituting the misconduct or malfeasance in office.

10

11 **22-18-111. Vacancies in other offices; temporary**
12 **appointments.**

13

14 (a) Any vacancy in any other elective office in the
15 state except representative in congress or the board of
16 trustees of a school or community college district, shall
17 be filled by the governing body, or as otherwise provided
18 in this section, by appointment of a temporary successor.

19 Except as provided in W.S. 28-12-101(b) with respect to the
20 office of attorney general, the person appointed shall
21 serve until a successor for the remainder of the unexpired
22 term is elected at the next general election and takes
23 office on the first Monday of the following January.

1 Provided, if a vacancy in a four (4) year term of office
2 occurs in the term's second or subsequent years after the
3 first day for filing an application for nomination pursuant
4 to W.S. 22-5-209, no election to fill the vacancy shall be
5 held and the temporary successor appointed shall serve the
6 remainder of the unexpired term. The following apply:

7

8 **28-1-115. Submission of state agency plans to**
9 **legislature; contents; purposes.**

10

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

13

14 (ii) Offices of the ~~five (5)~~ six (6) elected
15 state officials; ~~and the attorney general;~~ and

16

17 **28-12-102. Senate consideration of gubernatorial**
18 **appointments; procedure; roll call vote required.**

19

20 (c) Except as provided in subsection (d), if the
21 senate does not consent to a nominee for a given office,
22 the governor shall submit the name, address and biography
23 of another person for senate consideration if the

1 legislature is still in session. If the legislature has
2 adjourned, the governor may make a temporary appointment as
3 provided in W.S. 28-12-101(b). No person rejected by the
4 senate shall be appointed to or serve in, either
5 temporarily or otherwise, the public office for which his
6 nomination was rejected.

7
8 (d) If the senate does not consent to a nominee to
9 fill a vacancy in the office of attorney general submitted
10 by the governor pursuant to W.S. 22-18-111(a)(i), the
11 governor shall submit the name of another person from those
12 provided pursuant to W.S. 22-18-111(a)(i) for senate
13 consideration if the legislature is still in session. If
14 there are no qualified persons remaining for consideration
15 then the process outlined in W.S. 22-18-111(i) shall begin
16 again. If the legislature has adjourned, the governor
17 shall make a temporary appointment as provided in W.S.
18 28-12-101(b) from persons whose names are submitted
19 pursuant to W.S. 22-18-111(a)(i). No person nominated for
20 attorney general to fill a vacancy and rejected by the
21 senate shall be appointed to or serve in, either
22 temporarily or otherwise, the office of attorney general.

23

1 **35-7-1004. Personnel to administer provisions.**

2

3 The attorney general ~~by and with the consent of the~~
4 ~~governor~~ may employ such personnel as necessary to
5 administer this act. Such personnel shall serve at the
6 pleasure of the attorney general at such compensation as
7 may be approved by the Wyoming personnel division. Said
8 personnel shall be assigned such duties as may be necessary
9 to assist the commissioner in the performance of his
10 responsibilities under this act for the efficient operation
11 of the work of the office.

12

13 **35-11-1507. Injunction proceedings; penalties.**

14

15 (a) When, in the opinion of the ~~governor~~attorney
16 general, a person is violating or is about to violate any
17 provision of this article, the ~~governor~~attorney general
18 shall ~~direct the attorney general to~~ apply to the
19 appropriate court for an order enjoining the person from
20 engaging or continuing to engage in the activity. Upon a
21 showing that the person has engaged, or is about to engage
22 in the activity, the court may grant a permanent or
23 temporary injunction, restraining order or other order.

