

HOUSE BILL NO. HB0327

Attorney general-control by state-wide elected officials.

Sponsored by: Representative(s) Heiner, Brown, G, Lucas and
Neiman and Senator(s) Hicks, Hutchings and
Laursen, D

A BILL

for

1 AN ACT relating to the attorney general; providing for the
2 appointment of the attorney general by the state loan and
3 investment board; providing for filling a vacancy in the
4 position; amending provisions regarding actions the
5 attorney general takes requiring approval of or pursuant to
6 the direction of the governor; expanding the authority of
7 the attorney general to file lawsuits against federal
8 agencies; making conforming amendments; and providing for
9 an effective date.

10

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

12

13 **Section 1.** W.S. 1-26-509(k), 1-31-103, 1-35-103(a),
14 1-35-104, 7-3-102, 9-1-601(a) and (b), 9-1-602, 9-1-603(b)
15 and (c), 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), 9-4-218(a)(iii), 9-14-101,
3 9-14-102(c), 11-19-605(h) and (j), 18-3-902(a),
4 28-12-101(a)(intro) and (b), 28-12-102(b) and (c),
5 35-7-1004 and 35-11-1507(a) are amended to read:

6

7 **1-26-509. Negotiations; scope of efforts to purchase.**

8

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

21

22 **1-31-103. Commencement of action.**

23

1 The attorney general or a county attorney shall commence an
2 action when directed by ~~the governor~~ a majority of the
3 members of the state loan and investment board, supreme
4 court or legislature, or when upon complaint or otherwise
5 he has good reason to believe that such an action can be
6 established by proof.

7

8 **1-35-103. Violation of state contracts to be reported**
9 **to attorney general; investigation; action to recover**
10 **damages; employment of special assistants.**

11

12 (a) Any officer, board or commission of the state of
13 Wyoming, or their legal counsel, responsible for the
14 enforcement of any contract between the state of Wyoming
15 and any person, having reason to believe that there has
16 been a violation of the terms of the contract to the damage
17 of the state of Wyoming, shall report the matter to the
18 attorney general of the state of Wyoming. The attorney
19 general shall make such investigation of the matter as is
20 necessary. Upon completion of the investigation and finding
21 of probable damages to the state of Wyoming, the attorney
22 general may bring suit in any court of competent
23 jurisdiction to recover all damages that the state of

1 Wyoming may have incurred by reason of the breach of
2 contract, or for any money or other property that may be
3 due on the contract. Subject to ~~the governor's~~ a majority
4 of the members of the state loan and investment board's
5 approval he may employ specially qualified assistants or
6 counsel to aid in any investigation of such action.

7

8 **1-35-104. Actions under control of attorney general;**
9 **settlement or compromise with approval of the state loan**
10 **and investment board.**

11

12 The attorney general shall control all investigations and
13 actions instituted and conducted ~~in~~ on behalf of the state
14 as provided in W.S. 1-35-103 and has full discretionary
15 powers to prosecute all investigations and litigation and,
16 with the approval of ~~the governor~~ a majority of the members
17 of the state loan and investment board, to settle,
18 compromise or dismiss the actions.

19

20 **7-3-102. Appointment of attorney general to represent**
21 **state on joint commissions.**

22

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

12

13 **9-1-601. Appointment; term; removal; special**
14 **assistant for legislative affairs; qualifications.**

15

16 (a) The attorney general of the state of Wyoming
17 shall be appointed by ~~the governor~~ a majority of the
18 members of the state loan and investment board with the
19 advice and consent of the senate in accordance with W.S.
20 28-12-101 through 28-12-103 and may be removed by ~~the~~
21 ~~governor as provided in W.S. 9-1-202~~ a majority of the
22 members of the state loan and investment board.

23

1 (b) If a majority of a newly elected ~~governor~~state
2 loan and investment board appoints an attorney general to
3 take office prior to or during the legislative session next
4 following the ~~governor's~~state loan and investment board's
5 election, the newly appointed attorney general designee
6 shall become a member of the attorney general's staff to
7 serve as a special assistant to the governor for
8 legislative affairs. When the legislative session adjourns
9 the attorney general's term of office shall terminate.

10

11 **9-1-602. Vacancy in office.**

12

13 In case of a vacancy in the office of attorney general ~~the~~
14 ~~governor~~a majority of the members of the state loan and
15 investment board shall appoint a qualified person to fill
16 the vacancy in accordance with the provisions of W.S.
17 28-12-101(b).

18

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

1

2 (b) With the approval of ~~the governor~~ a majority of
3 the members of the state loan and investment board the
4 attorney general may retain qualified practicing attorneys
5 to prosecute fee-generating suits for the state if
6 expertise in a particular field is desirable.

7

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

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

7

8 **9-1-605. Approval of public securities and official**
9 **bonds; water rights proceedings; investigation of**
10 **misconduct of county official; report to state loan and**
11 **investment board; commencement of action.**

12

13 (b) Under the direction of ~~the governor~~ a majority of
14 the members of the state loan and investment board the
15 attorney general shall institute and pursue proceedings to
16 maintain the state's and its citizens' rights in the waters
17 of interstate streams.

18

19 (c) Upon representation to the ~~governor~~ state loan
20 and investment board of misconduct or malfeasance in office
21 or the commission of a crime by any county officer in the
22 state and if ~~the governor believes~~ a majority of the
23 members of the state loan and investment board believe the

1 ends of justice demand or the matter will not be properly
2 investigated and prosecuted by the sheriff and by the
3 district attorney of the county, ~~the governor~~ a majority of
4 the members of the state loan and investment board may
5 direct the attorney general to investigate the case.

6
7 (d) Upon completion of the investigation, the
8 attorney general shall report the results of the
9 investigation and his recommendations to the ~~governor~~ state
10 loan and investment board. If ~~the governor~~ a majority of
11 the members of the state loan and investment board and the
12 attorney general determine that the attorney general should
13 institute a criminal or civil action, the attorney general
14 shall commence the action. The attorney general shall have
15 the authority and duty vested in district attorneys in this
16 state.

17

18 **9-1-608. Assistant attorneys general.**

19

20 (a) With the approval of ~~the governor~~ a majority of
21 the members of the state loan and investment board, the
22 attorney general may appoint assistant attorneys general
23 necessary for the efficient operation of his office. Each

1 assistant attorney general shall be a member in good
2 standing of the Wyoming bar and shall serve at the pleasure
3 of the attorney general. The assistants shall act under the
4 direction of the attorney general and his deputies. The
5 attorney general, his deputies or his assistants may appear
6 in any courts of the state or the United States and
7 prosecute or defend on behalf of the state. An appearance
8 by the attorney general or his staff does not waive the
9 sovereign immunity of the state.

10

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

21

22 **9-1-611. Division of criminal investigation; created;**
23 **definitions; director; appointment; qualifications.**

1

2 (c) With the approval of ~~the governor~~ a majority of
3 the members of the state loan and investment board, the
4 attorney general shall appoint a director who is the chief
5 administrative officer and chief agent of the division.

6

7 **9-1-618. Agents to be safeguarded as peace officers;**
8 **general assistance to state, county or local authorities;**
9 **investigative duties.**

10

11 (b) The division shall investigate:

12

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

15

16 **9-1-633. Wyoming law enforcement academy; director;**
17 **appointment; term; qualifications; employees; salaries;**
18 **curriculum and training programs; fees; disposition.**

19

20 (a) A director of the Wyoming law enforcement academy
21 shall be appointed by the attorney general with the consent
22 of ~~the governor~~ a majority of the members of the state loan
23 and investment board. The director shall serve at the

1 pleasure of the attorney general. ~~He~~The director shall
2 have administrative and operational experience in criminal
3 justice and such other qualifications as are satisfactory
4 to the attorney general.

5

6 (b) The director may employ assistants, instructors
7 and other personnel as approved by the attorney general
8 with the consent of ~~the governor~~a majority of the members
9 of the state loan and investment board. The attorney
10 general may appoint the director as a peace officer, if
11 qualified pursuant to W.S. 9-1-701 through 9-1-707. The
12 director may appoint full-time staff instructors who
13 qualify pursuant to W.S. 9-1-701 through 9-1-707 to perform
14 as peace officers. Persons appointed as peace officers
15 pursuant to this subsection shall be considered peace
16 officers only:

17

18 **9-1-636. Division of victim services; created;**
19 **appointment of director and deputy director; administrative**
20 **and clerical employees; definitions.**

21

22 (b) ~~With the approval of the governor,~~The attorney
23 general shall appoint a director who is the chief

1 administrative officer of the division. The director is
2 responsible to the attorney general for the operation of
3 the division and shall serve at the pleasure of the
4 attorney general.

5

6 (c) With the consent of the attorney general ~~and the~~
7 ~~governor,~~ and subject to legislative appropriation, the
8 director may:

9

10 **9-4-218. Federal natural resource policy account**
11 **created; purposes.**

12

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

1 assessments, including analysis of economic or social and
2 natural or physical environmental effects on the human
3 environment. Funds also may be expended for coordinating
4 and participating in rangeland health assessments pursuant
5 to W.S. 11-2-207. The governor may expend funds from the
6 federal natural resource policy account for:

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

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 ~~fire arms~~ firearms that
7 are not defective, if in his judgment, the action endangers
8 the 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~~ a majority of the members of the state loan
14 and investment board.

15

16 **9-14-102. Unauthorized federal agency actions.**

17

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

1 federal agency if, in his judgment, the rulemaking or other
2 action exceeds the authority granted by the United States
3 congress or otherwise rests on questionable authority.
4 Before intervening in or initiating any lawsuit pursuant to
5 this section, the attorney general shall obtain the
6 approval of ~~the governor~~ a majority of the members of the
7 state loan and investment board.

8

9 **11-19-605. Wyoming bighorn/domestic sheep relocation**
10 **and removal; legislative findings; reimbursement; attorney**
11 **general action.**

12

13 (h) With the approval of ~~the governor~~ a majority of
14 the members of the state loan and investment board, the
15 attorney general shall seek to intervene in any lawsuit if
16 a federal action is contrary to the state's policy
17 regarding Wyoming bighorn/domestic sheep set forth in
18 subsections (a) and (b) of this section or that is
19 inconsistent with the Wyoming bighorn/domestic sheep plan.

20

21 (j) With the approval of ~~the governor~~ a majority of
22 the members of the state loan and investment board, the
23 attorney general shall file an action against any federal

1 agency to stop the enforcement, administration or
2 implementation of any federal agency rule, instructional
3 memo, handbook or other action taken by a federal agency if
4 the rule, instructional memo, handbook or other action is
5 contrary to the Wyoming bighorn/domestic sheep plan or is
6 otherwise contrary to law.

7

8 **18-3-902. State loan and investment board to direct**
9 **district attorney or attorney general to commence action;**
10 **petition served with summons; pleading; trial; judgment;**
11 **change of judge.**

12

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

1 signed by the attorney general setting forth the facts
2 constituting the misconduct or malfeasance in office.

3

4 **28-12-101. Appointments by governor or state loan and**
5 **investment board; vacancies.**

6

7 (a) The governor, or the state loan and investment
8 board in the case of the attorney general, shall submit to
9 the senate the name, address and occupation of each person
10 he proposes for appointment to public office and for which
11 senate advice and consent is required under either the
12 constitution or laws of this state. In addition and for
13 those appointments for which political party affiliation is
14 specified by law, the governor shall provide the senate
15 with documentation of compliance with W.S. 9-1-218(e). The
16 information required by this section shall be submitted to
17 the senate by:

18

19 (b) The governor, or the state loan and investment
20 board in the case of the attorney general, may fill any
21 vacancy occurring between sessions of the legislature by
22 temporary appointment to be effective until March 1 of the
23 ensuing calendar year.

1

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

4

5 (b) After review of nominees in accordance with
6 subsection (a) of this section, the senate, within five (5)
7 legislative working days after submission by roll call
8 vote, shall confirm or reject each gubernatorial or state
9 loan and investment board nominee requiring the advice and
10 consent of the senate.

11

12 (c) If the senate does not consent to a nominee for a
13 given office, the governor, or state loan and investment
14 board in the case of the attorney general, shall submit the
15 name, address and biography of another person for senate
16 consideration if the legislature is still in session. If
17 the legislature has adjourned, the governor, or state loan
18 and investment board in the case of the attorney general,
19 may make a temporary appointment as provided in W.S.
20 28-12-101(b). No person rejected by the senate shall be
21 appointed to or serve in, either temporarily or otherwise,
22 the public office for which his nomination was rejected.

23

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

2

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

13

14 **35-11-1507. Injunction proceedings; penalties.**

15

16 (a) When, in the opinion of ~~the governor~~a majority
17 of the members of the state loan and investment board, a
18 person is violating or is about to violate any provision of
19 this article, ~~the governor~~a majority of the members of the
20 state loan and investment board shall direct the attorney
21 general to apply to the appropriate court for an order
22 enjoining the person from engaging or continuing to engage
23 in the activity. Upon a showing that the person has

1 engaged, or is about to engage in the activity, the court
2 may grant a permanent or temporary injunction, restraining
3 order or other order.

4

5 **Section 2.** The state loan and investment board shall
6 appoint an attorney general not later than January 31, 2026
7 for confirmation consideration by the Wyoming Senate during
8 the 2026 Budget Session. The attorney general serving at
9 the time an attorney general is confirmed by the Senate
10 shall cease serving at the time of confirmation unless that
11 person is confirmed by the Senate as attorney general.

12

13 **Section 3.** The state loan and investment board shall
14 promulgate all rules necessary to implement this act.

15

16 **Section 4.** This act is effective January 1, 2026.

17

18

(END)