

HOUSE BILL NO. HB0023

Elected officials-legal representation.

Sponsored by: Representative(s) Illoway, Berger, Byrd,
Nicholas, B. and Patton and Senator(s)
Bebout, Coe, Emerich, Nicholas, P. and Ross

A BILL

for

1 AN ACT relating to administration of government; repealing
2 authority of state elected officials to employ their own
3 legal counsel; making conforming amendments; specifying
4 reversions of funds appropriated for legal counsel
5 positions; superseding budget authorizations for positions;
6 and providing for an effective date.

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

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10 **Section 1.** W.S. 9-1-608(b) and 21-2-202(a)(xix)(H) are
11 amended to read:

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13 **9-1-608. Assistant attorneys general.**

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15 (b) With the approval of the governor the attorney
16 general may appoint special assistant attorneys general for

1 any purposes. A person shall not be employed as an attorney
2 or legal counsel by any department, board, agency,
3 commission or institution of the state, or represent the
4 state in that capacity, except by the written appointment of
5 the attorney general. ~~Written appointment of the attorney
6 general shall not be required for the employment of legal
7 counsel by elected state officials.~~

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9 **21-2-202. Duties of the state superintendent.**

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11 (a) In addition to any other duties assigned by law,
12 the state superintendent shall:

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14 (xix) Serve as the state agency to accept all
15 federal funds for aid to education, except as provided in
16 W.S. 21-2-307 and 21-2-601, and as the agency to administer
17 or supervise the administration of any state plan
18 established or federal funds subject to federal
19 requirements. Each acceptance is restricted in its effect
20 to the specific situation involved. The state
21 superintendent may:

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23 (H) Take any other action as may be
24 necessary to secure the benefits of the federal statute to

1 the schools of this state. Nothing in this paragraph shall
2 be construed as conferring any authority to the state
3 superintendent with respect to the University of Wyoming or
4 the various community colleges of the state. ~~and~~

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6 **Section 2.** W.S. 9-1-307, 9-1-403(c)(viii), 9-1-409(d)
7 and 21-2-202(a)(xix)(J) are repealed.

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9 **Section 3.** No funds appropriated for the 2013-2014
10 fiscal biennium, for the employment of legal counsel by an
11 elected official whose authority to employ counsel is
12 repealed by this act shall be expended and all such funds
13 shall revert on July 1, 2012 to the account from which they
14 were appropriated. To the extent 2012 House Bill 1
15 authorizes a legal counsel position within the budget of
16 the office or department under the control of any state
17 elected official whose authority to employ counsel is
18 repealed by this act, that authorization is hereby
19 nullified and the position terminated as of July 1, 2012.
20 The 2015-2016 standard biennial budget requests for all
21 such offices and departments shall be reduced to reflect
22 the provisions of this act.

23

1 **Section 4.** This act is effective July 1, 2012.

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(END)