

SENATE FILE NO. SF0128

Attorney general.

Sponsored by: Senator(s) Meier and Bouchard and
Representative(s) Gray

A BILL

for

1 AN ACT relating to administration of government; providing
2 for the appointment of the attorney general as specified;
3 providing for confirmation and term of the attorney
4 general; modifying duties of the attorney general;
5 providing for representation and advising of state entities
6 by the attorney general; modifying role of the governor as
7 it relates to the office of the attorney general; and
8 providing for effective dates.

9

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

11

12 **Section 1.** W.S. 1-31-103, 9-1-601(a), 9-1-602,
13 9-1-603(a)(v), (vi), by creating a new paragraph (x) and
14 (b), 9-1-608(a) and (b) and 9-1-636(b) and (c)(intro) are
15 amended to read:

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2 **1-31-103. Commencement of action.**

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4 The attorney general or a county attorney shall commence an
5 action when directed by the governor, supreme court, a
6 majority vote of the elected state officials at a meeting
7 called for the purpose, or legislature, or when upon
8 complaint or otherwise he has good reason to believe that
9 such an action can be established by proof.

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11 **9-1-601. Appointment; term; removal; special**
12 **assistant for legislative affairs; qualifications;**
13 **definitions.**

14

15 (a) The attorney general of the state of Wyoming
16 shall be appointed by ~~the governor~~ majority vote of the
17 elected state officials from a list of at least three (3)
18 qualified candidates submitted by the supreme court. The
19 appointment shall be made at a meeting of all elected state
20 officials conducted for that purpose and shall be with the
21 advice and consent of the senate in accordance with W.S.
22 28-12-101 through 28-12-103 ~~and~~ with the elected state
23 officials by majority vote fulfilling the duties of the

1 governor under those provisions. The supreme court shall
2 submit the list of candidates to the elected state
3 officials not later than the first day of the legislative
4 budget session at which the appointment is to be considered
5 by the senate. The attorney general shall serve a term of
6 six (6) years and may be reappointed. The attorney general
7 may be removed ~~by the governor as provided in W.S. 9-1-202~~
8 for cause by a vote of a majority of the elected state
9 officials at a meeting attended by all the elected state
10 officials.

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12 **9-1-602. Vacancy in office.**

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14 In case of a vacancy in the office of attorney general the
15 ~~governor~~ supreme court shall submit a list of at least
16 three (3) qualified candidates to the elected state
17 officials within thirty (30) days of receiving notification
18 by the elected state officials that a vacancy exists. The
19 elected state officials shall appoint a qualified person to
20 fill the vacancy in accordance with the provisions of W.S.
21 28-12-101(b) with the officials fulfilling the duties of
22 the governor.

23

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 (a) The attorney general shall:

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9 (v) Be the legal adviser of all elective and
10 appointive state officers and of the county and district
11 attorneys of the state. The attorney general shall render
12 advice as requested by elective and appointive state
13 officers, including the head of any state agency, board,
14 commission or other state entity. If an agency, board,
15 commission or other state entity acts contrary to written
16 advice provided by the office of the attorney general, the
17 attorney general may decline to represent the agency,
18 board, commission or other state entity further in the
19 matter if he determines in his sole discretion to do so
20 would be in the best interest of the state;

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22 (vi) When requested, give written opinions upon
23 questions submitted to him by:

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(A) Elective and appointive state officers.
~~and by either branch of the legislature~~ Requests by any
legislator, legislative committee or legislative body shall
be submitted in accordance with subparagraphs (B) through
(D) of this paragraph;

(B) Any legislator, legislative committee
or legislative body, when in session in accordance with the
rules of each house;

(C) When the legislature is not in session:

(I) The management council by a
majority vote of the members of each house present;

(II) A joint interim committee by a
majority vote of the committee, a majority of the members
of each house present.

(D) Any legislator involving a potential
personal conflict of interest or other specific factual
personal ethical issue confronting the legislator in his

1 legislative capacity and relating to application of Wyoming
2 law to the specific fact situation.

3
4 (x) In conjunction with the agency, board,
5 commission or other state entity having substantive
6 jurisdiction over the matter, coordinate all actions of an
7 agency, board, commission or other state entity which
8 extend beyond the boundaries of the state. The entity
9 having substantive jurisdiction over the matter shall
10 maintain the final decision making authority to act on
11 behalf of the state.

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13 (b) With the approval of the ~~governor~~elected state
14 officials the attorney general may retain qualified
15 practicing attorneys to prosecute fee-generating suits for
16 the state if expertise in a particular field is desirable.

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

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20 (a) With the approval of the ~~governor~~elected state
21 officials, the attorney general may appoint assistant
22 attorneys general necessary for the efficient operation of
23 his office. Each assistant attorney general shall be a

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

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

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21 **9-1-636. Division of victim services; created;**
22 **appointment of director and deputy director; administrative**
23 **and clerical employees; definitions.**

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

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9 (c) With the consent of the attorney general and the
10 ~~governor~~elected state officials, and subject to
11 legislative appropriation, the director may:

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13 **Section 2.** W.S. 9-1-601(b) is repealed.

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15 **Section 3.**

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17 (a) The provisions of W.S. 9-1-601 as amended in
18 section 1 of this act shall be effective January 1, 2018
19 and the procedures for the appointment of the attorney
20 general appointed under the provisions of this act shall
21 commence January 1, 2018 with the term of the attorney
22 general first appointed under the provisions of this act
23 commencing March 1, 2018.

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2 (b) Except as provided in subsection (a) of this
3 section this act is effective March 1, 2018.

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(END)