

SENATE FILE NO. SF0077

County officers removal from office.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to county officers; repealing provisions
2 for removal of county officers by boards of county
3 commissioners; providing clarification for removal of
4 county officers for misconduct or malfeasance; and
5 providing for an effective date.

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

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9 **Section 1.** W.S. 18-3-902 by creating a new subsection
10 (f) and 18-3-905 are amended to read:

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12 **18-3-902. Governor to direct district attorney or**
13 **attorney general to commence action; petition served with**
14 **summons; pleading; trial; judgment; change of judge.**

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1 (f) As used in this section, "misconduct or
2 malfeasance" includes, but is not limited to, instances
3 when:

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5 (i) The officer fails to devote full time to the
6 duties of his office;

7
8 (ii) The officer absents himself from his office
9 without leave of the board of county commissioners for an
10 aggregate of sixty (60) days in any three (3) month period
11 unless such absence is caused by illness or other
12 disability;

13
14 (iii) The officer is absent from his office for
15 more than ninety (90) days because of illness or other
16 disability and the board of county commissioners is
17 satisfied after fair investigation that the illness or
18 disability will probably not terminate during the unexpired
19 portion of the officer's term of office. The board shall
20 contact the governor to initiate an action and may serve as
21 complaining party in an action under this section to remove
22 any officer pursuant to this paragraph.

23

1 18-3-905. Criminal statutes neither repealed nor
2 barred.

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4 Nothing in W.S. ~~18-3-901~~18-3-902 through 18-3-904 shall be
5 construed as repealing any law making it a crime or
6 misdemeanor for county officers to violate statutes of this
7 state and providing a punishment for the violation.
8 Proceedings under W.S. ~~18-3-901~~18-3-902 through 18-3-904
9 shall not bar proceedings under any criminal statute.

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11 **Section 2.** W.S. 18-3-901 and 18-3-907 are repealed.

12

13 **Section 3.** This act is effective July 1, 2011.

14

15 (END)