

HOUSE BILL NO. HB0133

Attorney general-removal process.

Sponsored by: Representative(s) Gay, Davison, McKim and
Watt and Senator(s) Meier

A BILL

for

1 AN ACT relating to administration of the government;
2 specifying the process for removal of the attorney general;
3 and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 9-1-202(a) and 9-1-601(a) and by
8 creating a new subsection (d) are amended to read:

9

10 **9-1-202. Removal of appointive officers and**
11 **commissioners; reason for removal to be filed.**

12

13 (a) Notwithstanding any other provision of law and
14 except as otherwise provided in this section, any person
15 may be removed by the governor, at the governor's pleasure,
16 if appointed by the governor to serve as head of a state

1 agency, department or division, or as a member of a state
2 board or commission. The governor may only remove a member
3 of the Wyoming business council as provided in W.S.
4 9-12-103 and may only remove the attorney general as
5 provided in W.S. 9-1-601.

6
7 **9-1-601. Appointment; term; removal; special**
8 **assistant for legislative affairs; qualifications.**

9
10 (a) The attorney general of the state of Wyoming
11 shall be appointed by the governor with the advice and
12 consent of the senate in accordance with W.S. 28-12-101
13 through 28-12-103 and may be removed: ~~by the governor as~~
14 ~~provided in W.S. 9-1-202.~~

15
16 (i) By the governor with the advice and consent
17 of the senate; or

18
19 (ii) By the governor for malfeasance,
20 misfeasance or nonfeasance in office, provided that the
21 attorney general issuing or not issuing an opinion contrary
22 to the direction of the governor on an issue where
23 reasonable minds might disagree shall not be considered

1 malfeasance, misfeasance or nonfeasance under this
2 paragraph.

3

4 (d) To remove the attorney general under paragraph
5 (a)(i) of this section, the governor shall submit the
6 recommendation for removal in the same manner as provided
7 in W.S. 28-12-101(a) for appointments, and the senate shall
8 consider the removal in the same manner as it considers
9 appointments under W.S. 28-12-102(a) and (b).

10

11 **Section 2.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law
13 as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

15

16 (END)