

ENROLLED ACT NO. 27, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to county officers; repealing provisions for removal of county officers by boards of county commissioners; providing clarification for removal of county officers for misconduct or malfeasance; specifying how a vacated office is filled; specifying the applicability of other law; and providing for an effective date.

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

Section 1. W.S. 18-3-902(a) and by creating new subsections (f) through (h) and 18-3-905 are amended to read:

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

(a) Whenever it appears to the governor on the verified complaint of qualified electors or the board of county commissioners of the county that any county officer is guilty of misconduct or malfeasance in office he may direct the ~~district attorney for the county or the~~ attorney general to commence and prosecute an action in the district court of the county in which the officer is an official asking for the removal of the officer. The action shall be commenced by the filing of a verified petition in the name of the state of Wyoming signed by the ~~district attorney or the~~ attorney general setting forth the facts constituting the misconduct or malfeasance in office.

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

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(i) The officer absents himself from his office for an aggregate of sixty (60) days in any three (3) month period unless such absence is caused by illness or other disability;

(ii) The officer is absent from his office for more than ninety (90) days because of illness or other disability and the illness or disability will probably not terminate during the unexpired portion of the officer's term of office.

(g) Whenever a vacancy occurs in any county office under the provisions of this section, it shall be filled as provided by law.

(h) This section is supplemental to all other statutes concerning removal of county officers.

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 Criminal statutes neither repealed nor barred.

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

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk