

array

ISO 117

SENATE FILE 72A

SENATE FILE 72A

Title

AN ACT to amend W.S. 9-2-522(b) and by creating new subsections (d) and (e), 18-3-106, 18-3-107(a) and (f), 18-3-301(a) and 18-3-302(b) and (c); and to repeal W.S. 18-3-301(b), all as created or amended by Chapters 21 or 22, Session Laws of Wyoming, 1981, Special Session, with an effective date of April 1, 1982; and to amend W.S. 22-2-107, 22-5-203(a), 22-5-206(a), 22-5-208(a) (ii) and by creating a new paragraph (iii) and 22-6-125(a) by creating a new paragraph (iv) and renumbering subsequent paragraphs relating to district, county and prosecuting attorneys; providing for an office of full-time county and prosecuting attorney in each county with a population greater than nine thousand; providing for a salary for full-time county and prosecuting attorneys to be paid by the state; eliminating the office of county attorney; providing for employment of attorneys to have the jurisdiction, responsibilities and duties of the county attorney; providing for the preparation of budgets for district attorneys; providing procedures for nomination, election and assuming of office of district attorneys; changing ballot positions on nonpartisan ballots; providing for an appropriation; and providing for an effective date.

Introduced by:

W. V. Cherry

DATE	ACTION	DATE	ACTION
2/15/82	----- Read First Time Referred to Com. No. 1 Delivered to Printing Com. Referred to Com. No. 1	FEB 2 8 582	RETURNED Recommended Amend and Do Pass
		FEB 7 8 582	CONSIDERED IN COM OF WHOLE Stand'ng Com. Amendment SF72AHS/AC
			ADOPTED
2/16/82	STANDING COMM. REPORT AMEND AND DO PASS		Indefinitely postponed
2/19/82	RE-REFER TO COM. NO. 2		
2/20/82	STANDING COMM. REPORT DO PASS		
2/22/82	CONSIDERED ON COM. OF WHOLE STANDING COM. AMT ADPTED SF72AHS-1-A DO PASS		
2/22/82	READ SECOND TIME AMENDED AS FOLLOWS SF72AHS23-A		
2/23/82	READ THIRD TIME PASSED 12. NOES 10 LAUSO. 2 ABSENT SENT TO HOUSE + ISO		
2-23	ENGROSSED Sent to House		
FEB 2 8 582	READ FIRST TIME REFERRED TO COM. NO. 2 DELIVERED		

CONTINUED ON BACK

5572 Porter Date 2/15/82

Roll Call of the Senate

of the FORTY-SIXTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY	✓			
30 BOYLE	✓			
29 BUSSART	✓			
28 CHRISTENSEN	✓			
27 CUNDALL				
26 DAILY	✓			
25 DOWNING	✓			
24 FRISBY	✓			
23 GEIS	✓			
22 HICKEY	✓			
21 LARSON, R.	✓			
20 MAJHANOVICH	✓			
19 MOORE	✓			
18 NICHOLAS	✓			
17 NICHOLS	✓			
16 NORRIS	✓			
15 NORTHRUP	✓			
14 PARKS - GADDIS	✓			
13 PECK	✓			
12 PROFFIT			✓	
11 RECTOR	✓			
10 SADLER	✓			
9 SEDAR	✓			
8 STAFFORD	✓			
7 STROOCK	✓			
6 TAGGART	✓			
5 TRUE	✓			
4 TURNER	✓			
3 YOUTZ	✓			
2 ZIMMER	✓			
1 MR. PRESIDENT	✓			

PRESENT		AYES	29
		NOES	0
		EXCUSED	1
		ABSENT	0
		TOTAL	30

SF 72A 3rd Date 2/23/82

Roll Call of the Senate
of the FORTY-SIXTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY	✓			
30 BOYLE	✓			
29 BUSSART	✓			
28 CHRISTENSEN	.	✓		
27 CUNDALL				
26 DAILY	✓			
25 DOWNING	✓			
24 FRISBY	✓			
23 GEIS	.	✓		
22 HICKEY	✓			
21 LARSON, R.	✓			
20 MAJHANOVICH	✓			
19 MOORE	✓			
18 NICHOLAS	✓			
17 NICHOLS	✓			
16 NORRIS	✓			
15 NORTHRUP	✓			
14 PARKS-GADDIS	✓			
13 PECK		✓		
12 PROFFIT			✓	
11 RECTOR	✓			
10 SADLER		✓		
9 SEDAR	✓			
8 STAFFORD		✓		
7 STROOCK	✓			
6 TAGGART		✓		
5 TRUE		✓	.	
4 TURNER			✓	
3 YOUTZ		✓		
2 ZIMMER		✓		
1 MR. PRESIDENT		✓		

PRESENT _____ AYES 18
NOES 10
EXCUSED 2
ABSENT 0
TOTAL 30

ENGROSSED

1982

STATE OF WYOMING

82LSO-117/eng

SENATE FILE NO. 72A

District attorneys.

Sponsored by: Senator ARNEY

A BILL

for

1 AN ACT to amend W.S. 9-2-522(b) and by creating new sub-
2 sections (d) and (e), 18-3-106, 18-3-107(a) and (f),
3 18-3-301(a) and 18-3-302(b) and (c); and to repeal W.S.
4 18-3-301(b), all as created or amended by Chapters 21 or
5 22, Session Laws of Wyoming, 1981, Special Session, with
6 an effective date of April 1, 1982; and to amend W.S.
7 22-2-107, 22-5-203(a), 22-5-206(a), 22-5-208(a)(ii) and by
8 creating a new paragraph (iii) and 22-6-125(a) by creating
9 a new paragraph (iv) and renumbering subsequent paragraphs
10 relating to district, county and prosecuting attorneys;
11 providing for an office of full-time county and prosecut-

1 ing attorney in each county with a population greater than
2 nine thousand; providing for a salary for full-time county
3 and prosecuting attorneys to be paid by the state; elimi-
4 nating the office of county attorney; providing for
5 employment of attorneys to have the jurisdiction,
6 responsibilities and duties of the county attorney; pro-
7 viding for the preparation of budgets for district attor-
8 neys; providing procedures for nomination, election and
9 assuming of office of district attorneys; changing ballot
10 positions on nonpartisan ballots; providing for an appro-
11 priation; and providing for an effective date.

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

13 Section 1. W.S. 9-2-522(b) and by creating new sub-
14 sections (d) and (e) 18-3-106, 18-3-107(a) and (f),
15 18-3-301(a) and 18-3-302(b) and (c), all as created or
16 amended by Chapters 21 or 22, Session Laws of Wyoming,
17 1981, Special Session, with an effective date of April 1,
18 1982, 22-2-107, 22-5-203(a), 22-5-206(a), 22-5-208(a)(ii)
19 and by creating a new paragraph (iii) and 22-6-125(a) by
20 creating a new paragraph (iv) and renumbering subsequent
21 paragraphs are amended to read:

22 9-2-522. Duties and powers generally; budgets;
23 office of district attorneys administrator.

1 (b) Each district attorney shall employ and assign
2 to each county in the judicial district at least one (1)
3 of the following to serve at his pleasure AFTER CONFERRING
4 WITH THE COUNTY COMMISSIONERS: a deputy district attorney,
5 an assistant district attorney or a part-time assistant
6 district attorney. The deputy, assistant or part-time
7 assistant district attorney assigned to a county shall
8 reside in the county ~~and-be-a-resident-of-Wyoming~~ and his
9 primary responsibility shall be to matters arising in the
10 county.

11 (d) DISTRICT ATTORNEYS SHALL PREPARE BUDGETS FOR THE
12 OPERATION OF THEIR RESPECTIVE OFFICES WITH THE ASSISTANCE
13 OF THE BUDGET OFFICE OF THE DEPARTMENT OF ADMINISTRATION
14 AND FISCAL CONTROL.

15 (e) THE DISTRICT ATTORNEYS SHALL SUBMIT BUDGETS FOR
16 THEIR OFFICES TO THE LEGISLATURE.

17 18-3-106. Full-time officers enumerated. Each county
18 clerk, county treasurer, clerk of the district court,
19 county assessor and county sheriff shall devote full time
20 to the duties of their respective offices during the term
21 for which they were elected or appointed. In counties
22 which are not served by a district attorney and in which

1 the population exceeds nine thousand (9,000) ~~but-is-less~~
2 ~~than-sixty-thousand-(60,000)}~~, the county and prosecuting
3 attorney shall devote full time to the duties of his
4 office. ~~whenever-a-majority-of-the-county-commissioners-in~~
5 ~~that-county-resolve-that-a-full-time-county-and--prosecut-~~
6 ~~ing--attorney--is--necessary.~~ In counties which are not
7 served by a district attorney and in which the population
8 does not exceed nine thousand (9,000), ~~as-well-as-in-count-~~
9 ~~ies--which--are-served-by-a-district-attorney,~~ the county
10 commissioners may designate the office of ~~county--attorney~~
11 ~~and--the--office--of~~ county and prosecuting attorney as a
12 full-time office. The designations shall be made by reso-
13 lution at the time salaries are set under W.S.
14 18-3-107(a).

15 18-3-107. Annual salaries of certain officers; addi-
16 tional compensation prohibited; exception as to traveling
17 and other expenses; compensation of county commissioner;
18 appointment and salaries of deputies, clerks, stenogra-
19 phers and other assistants.

20 (a) From and after January 1, 1979, the county
21 assessor, part-time county and prosecuting attorneys,
22 ~~part-time-county-attorneys,~~ county clerk, clerk of dis-
23 trict court, county sheriff and county treasurer in their

1 respective counties shall receive not less than ten thou-
2 sand dollars (\$10,000.00) nor more than twenty-five thou-
3 sand dollars (\$25,000.00) as annual salaries. From and
4 after January 1, 1983, the specified county officers shall
5 receive an annual salary of not less than ten thousand
6 dollars (\$10,000.00) nor more than forty thousand dollars
7 (\$40,000.00). ~~Full-time-county-attorneys-shall-receive-not~~
8 ~~less--than--thirty--thousand-dollars-(\$30,000.00)-nor-more~~
9 ~~than-forty-thousand-dollars-(\$40,000.00)--as--annual--sal-~~
10 aries. Full-time county and prosecuting attorneys shall
11 receive ~~not--less--than--thirty-five---thousand---dollars~~
12 ~~(\$35,000.00)-and-not-more-than~~ forty-five thousand dollars
13 (\$45,000.00) as annual salaries. Salaries shall be paid in
14 equal monthly installments. The board of county commis-
15 sioners of each county shall meet not later than June 1,
16 1978, and on or before the same date each four (4) years
17 thereafter, for the purpose of setting salaries, which
18 shall not be changed during the term of each official for
19 whom a salary is determined.

20 (f) The state ~~will~~ SHALL pay ~~twenty-thousand-dollars~~
21 ~~(\$20,000.00)-or-fifty-percent-(50%)-of~~ the salary of the
22 full-time county and prosecuting attorney, ~~whichever-is~~
23 ~~less,-per-year,~~ to each ~~qualifying~~ county WITH A POPU-
24 LATION GREATER THAN NINE THOUSAND (9,000) AND ONE-HALF

1 (1/2) OF THE SALARY OF THE FULL-TIME COUNTY AND PROSECUT-
2 ING ATTORNEY TO EACH OTHER COUNTY WHICH HAS DESIGNATED THE
3 OFFICE OF COUNTY AND PROSECUTING ATTORNEY AS A FULL-TIME
4 OFFICE UNDER W.S. 18-3-106. In counties with a population
5 greater than nine thousand (9,000) the state will pay fif-
6 teen thousand DOLLARS (\$15,000.00) or fifty percent (50%)
7 of the salary of a full-time assistant to the county and
8 prosecuting attorney, whichever is less, per year, for
9 each assistant per ten thousand (10,000) population over
10 nine thousand (9,000). The state shall also pay three
11 thousand dollars (\$3,000.00) for expenses of the office of
12 county and prosecuting attorney for each full-time county
13 and prosecuting attorney and each full-time assistant
14 authorized by this act. Payments under this section shall
15 be made annually on or before June 30.

16 18-3-301. Office created; qualifications; certifi-
17 cate of election; counties empowered to consolidate.

18 (a) In judicial districts in which the office of
19 district attorney has not been created there shall be
20 elected in each county a county and prosecuting attorney
21 who at the time of his nomination and election and during
22 his term of office, shall be a member of the bar of this
23 state. A copy of his certificate of election and oath

1 shall be filed by the county and prosecuting attorney with
2 the clerk of the district court for his county or coun-
3 ties. ~~In those judicial districts in which the office of~~
4 ~~district attorney has been created the county commis-~~
5 ~~sioners shall appoint an attorney to the office of county~~
6 ~~attorney for a term of one (1) year, who may be reap-~~
7 ~~pointed on a year-to-year basis. The county commissioners~~
8 ~~may remove the county attorney for cause.~~

9 18-3-302. Duties generally; employment of other
10 attorneys by county.

11 (b) In any county WITH A POPULATION GREATER THAN
12 NINE THOUSAND (9,000) in a judicial district in which the
13 office of district attorney has not been created, the
14 county and prosecuting attorney shall have the jurisdic-
15 tion, responsibilities, and duties of the district attor-
16 ney. ~~and of the county attorney.~~ IN COUNTIES WITH A POPU-
17 LATION GREATER THAN NINE THOUSAND (9,000) AND IN COUNTIES
18 IN A JUDICIAL DISTRICT IN WHICH THE OFFICE OF DISTRICT
19 ATTORNEY HAS BEEN CREATED, COUNSEL EMPLOYED PURSUANT TO
20 W.S. 18-3-302(c) SHALL HAVE THE JURISDICTION, RESPONSI-
21 BILITIES AND DUTIES OF THE COUNTY ATTORNEY. IN COUNTIES
22 WITH A POPULATION LESS THAN NINE THOUSAND (9,000) IN A
23 JUDICIAL DISTRICT IN WHICH THE OFFICE OF DISTRICT ATTORNEY

1 HAS NOT BEEN CREATED, THE COUNTY AND PROSECUTING ATTORNEY
2 SHALL HAVE THE JURISDICTION, RESPONSIBILITIES AND DUTIES
3 OF THE DISTRICT ATTORNEY AND OF THE COUNTY ATTORNEY.

4 (c) ~~Nothing-in-this-section-shall--be--construed--to~~
5 ~~prevent~~ The county commissioners of any county OF A POPU-
6 LATION GREATER THAN NINE THOUSAND (9,000) AND OF EACH
7 COUNTY IN A JUDICIAL DISTRICT IN WHICH THE OFFICE OF DIS-
8 TRICT ATTORNEY HAS BEEN CREATED or consolidation of coun-
9 ties ~~from--employing~~ MAY EMPLOY one (1) or more attorneys
10 to appear and ~~prosecute~~ PURSUE or defend ~~or--assist--the~~
11 ~~county-and-prosecuting-attorney~~ in behalf of the people of
12 the state or such county or A consolidation of counties in
13 ~~any--action--or--proceeding-whether-civil-or-criminal--in~~
14 ~~such-case,-the-nature--and--necessity--of--the--employment~~
15 ~~shall--appear--in--the-record-of-the-board-or-boards~~ CIVIL
16 ACTIONS AND PROCEEDINGS. Nothing in this section shall be
17 construed to prevent the board of county commissioners of
18 a county which has consolidated from independently employ-
19 ing one (1) or more attorneys to serve their respective
20 counties. ATTORNEYS EMPLOYED UNDER THIS SUBSECTION SHALL
21 BE PAID AS THE COUNTY COMMISSIONERS MAY PROVIDE, EXCEPT
22 THAT NO MORE THAN FORTY-FIVE THOUSAND DOLLARS (\$45,000.00)
23 SHALL BE PAID TO ANY SUCH ATTORNEY IN ONE (1) YEAR.

1 22-2-107. When elected state and county officers and
2 district attorneys assume offices. All state and county
3 officers AND DISTRICT ATTORNEYS elected at a general elec-
4 tion shall assume their offices on the first Monday in
5 January next following their election.

6 22-5-203. Nonpartisan judicial offices; separate
7 ballot; same time, etc.

8 (a) Candidates for the nonpartisan ~~office~~ OFFICES of
9 justice of the peace AND DISTRICT ATTORNEY shall be nomi-
10 nated only by nonpartisan primary election.

11 22-5-206. Where nomination applications to be filed.

12 (a) Nomination applications for United States sena-
13 tors and representatives in congress, state offices, mem-
14 bers of the legislature, AND DISTRICT ATTORNEYS shall be
15 filed in the office of the secretary of state.

16 22-5-208. Filing fees; exception.

17 (a) Applications shall be accompanied by the follow-
18 ing fees:

19 (ii) One hundred dollars (\$100.00) for offices
20 to be voted for by electors of the entire state or dis-
21 tricts larger than a county, but not the office of state

1 senator from a multi-county senatorial district;

2 (iii) ONE HUNDRED DOLLARS (\$100.00) FOR THE
3 OFFICES OF DISTRICT ATTORNEY REGARDLESS OF WHETHER THE
4 DISTRICT IS LARGER THAN A COUNTY.

5 22-6-125. Order of offices and ballot propositions
6 on nonpartisan ballots.

7 (a) The nonpartisan ballot shall contain the offices
8 and ballot propositions to be voted on in the following
9 order:

10 (iv) DISTRICT ATTORNEY;

11 ~~(iv)~~ (v) Justice of the peace;

12 ~~(v)~~ (vi) Constitutional amendments;

13 ~~(vi)~~ (vii) Initiative propositions;

14 ~~(vii)~~ (viii) Referendum propositions;

15 ~~(viii)~~ (ix) Other ballot propositions.

16 Section 2. W.S. 18-3-301(b) as amended by Chapter
17 21, Session Laws of Wyoming, 1981, Special Session, with
18 an effective date of April 1, 1982, is repealed.

19 Section 3. There is appropriated from the general

1 fund one million six hundred thirty-three thousand five
2 hundred dollars (\$1,633,500.00) to carry out the provi-
3 sions of this act.

4 Section 4. Except as otherwise provided, this act is
5 effective April 1, 1982. Payments shall be made from the
6 general fund effective July 1, 1982.

7 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne, February 20, 1982

Mr. President:

Your Committee No. 1 on Judiciary to whom was referred Senate File No. 72 respectfully reports same back to the Senate with the recommendation that it DO PASS with the following amendments:

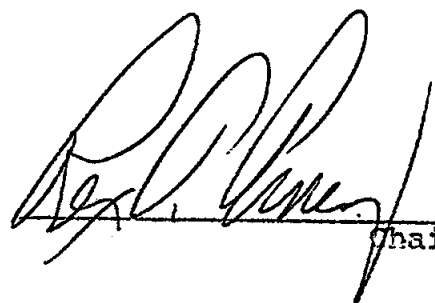
SF72SS1

Senate File 72A is substituted for Senate File 72 in its entirety, a copy of which is on file in the Legislative Service Office.

AN ACT to amend W.S. 9-2-522(b) and by creating new subsections (d) and (e), 18-3-106, 18-3-107(a) and (f), 18-3-301(a) and 18-3-302(b) and (c); and to repeal W.S. 18-3-301(b), all as created or amended by Chapters 21 or 22, Session Laws of Wyoming, 1981, Special Session, with an effective date of April 1, 1982; and to amend W. S. 22-2-107, 22-5-203(a), 22-5-206(a), 22-5-208(a)(ii) and by creating a new paragraph (iii) and 22-6-125(a) by creating a new paragraph (iv) and renumbering subsequent paragraphs relating to district, county and prosecuting attorneys; providing for an office of full-time county and prosecuting attorney in each county with a population greater than nine thousand; providing for a salary for full-time county and prosecuting attorneys to be paid by the state; eliminating the office of county attorney; providing for employment of attorneys to have the jurisdiction, responsibilities and duties of the county attorney; providing for the preparation of budgets for district attorneys; providing procedures for nomination, election and assuming of office of district attorneys; changing ballot positions on nonpartisan ballots; providing for an appropriation; and providing for an effective date.-ARNEY

AYES: Senators Arney, Nicholas, True, Nichols and Morris.

Stored: SF72SS1:0



Chairman

✓ SF72SS1/A

Senate File 72A is substituted for Senate File 72 in its entirety, a copy of which is on file in the Legislative Service Office.

AN ACT to amend W.S. 9-2-522(b) and by creating new subsections (d) and (e), 18-3-106, 18-3-107(a) and (f), 18-3-301(a) and 18-3-302(b) and (c); and to repeal W.S. 18-3-301(b), all as created or amended by Chapters 21 or 22, Session Laws of Wyoming, 1981, Special Session, with an effective date of April 1, 1982; and to amend W. S. 22-2-107, 22-5-203(a), 22-5-206(a), 22-5-208(a)(ii) and by creating a new paragraph (iii) and 22-6-125(a) by creating a new paragraph (iv) and renumbering subsequent paragraphs relating to district, county and prosecuting attorneys; providing for an office of full-time county and prosecuting attorney in each county with a population greater than nine thousand; providing for a salary for full-time county and prosecuting attorneys to be paid by the state; eliminating the office of county attorney; providing for employment of attorneys to have the jurisdiction, responsibilities and duties of the county attorney; providing for the preparation of budgets for district attorneys; providing procedures for nomination, election and assuming of office of district attorneys; changing ballot positions on nonpartisan ballots; providing for an appropriation; and providing for an effective date.-ARNEY

✓ SF72AS23/A

✓ Page 11-line 4 Delete "This" and insert "Except as otherwise provided, this"; after the second period insert "Payments shall be made from the general fund effective July 1, 1982."-ARNEY

House of Intro
 To Com No. _____
 Stand Report Do _____ Amd _____ Not _____
 Com Whole Do _____ Amd _____ Not _____
 2nd Reading Amd _____
 3rd Reading Amd _____ Pass _____ Fail _____

Second House
 To Com No. _____
 Stand Report Do _____ Amd _____ Not _____
 Com Whole Do _____ Amd _____ Not _____
 2nd Reading Amd _____
 3rd Reading Amd _____ Pass _____ Fail _____

INTRODUCED

1982

STATE OF WYOMING

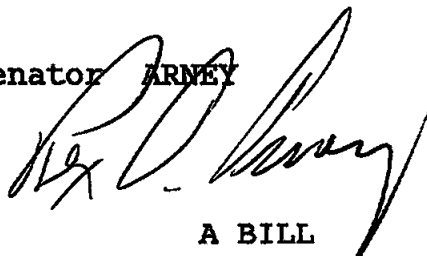
82LSO-117.01
 AG

SENATE FILE NO. 72

District attorneys.

Sponsored by:

Senator ARNEY



A BILL

for

1 AN ACT to amend W.S. 9-2-519, 9-2-520(a), 9-2-522(b) and
 2 by creating new subsections (d) through (h), 18-3-106,
 3 18-3-107(a), 18-3-302(c), 22-2-105(a)(ii); and to repeal
 4 W.S. 18-3-107(f), 18-3-301 and 18-3-302(b), all as
 5 created or amended by Chapters 21 or 22, Session Laws of
 6 Wyoming 1981, Special Session with an effective date of
 7 April 1, 1982; and to amend W.S. 22-2-107, 22-5-203(a),
 8 22-5-206(a), 22-5-208(a)(ii) and by creating a new para-
 9 graph (iii), 22-6-125(a) by creating a new paragraph (iv)
 10 and renumbering subsequent paragraphs relating to dis-
 11 trict, county and prosecuting attorneys; providing for an

1 office of district attorney in each judicial district;
2 providing for the preparation of budgets for district
3 attorneys; creating the office of district attorneys
4 administrator; eliminating the office of county and prose-
5 cuting attorney and provisions relating to such office;
6 providing procedures for the nomination, election and
7 assuming of office of district attorneys; changing ballot
8 positions on nonpartisan ballots; providing for an appro-
9 priation; and providing for an effective date.

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

11 Section 1. W.S. 9-2-519, 9-2-520(a), 9-2-522(b) and
12 by creating new subsections (d) through (h), 18-3-106,
13 18-3-107(a), 18-3-302(c), 22-2-105(a)(ii), all as created
14 or amended by Chapters 21 or 22, Session Laws of Wyoming
15 1981, Special Session, with an effective date of April 1,
16 1982; 22-2-107, 22-5-203(a), 22-5-206(a), 22-5-208(a)(ii)
17 and by creating a new paragraph (iii), 22-6-125(a) by
18 creating a new paragraph (iv) and renumbering subsequent
19 paragraphs are amended to read:

20 9-2-519. Office of the district attorney. There
21 shall be in each judicial district ~~in which any one of~~
22 ~~county has reached a population of sixty thousand (60,000)~~
23 ~~or more~~ the office of district attorney. ~~In each of the~~

1 ~~remaining--judicial-districts-there-shall-be-the-office-of~~
2 ~~district--attorney--whenever--a--majority--of--the--county~~
3 ~~commissioners--in-each-county-within-the-judicial-district~~
4 ~~shall-resolve-that-such-an--office--of--district--attorney~~
5 ~~should-be-created-in-that-judicial-district.~~

6 9-2-520. Election of district attorneys; qualifica-
7 tions; term; full-time; salary; vacancy in office.

8 (a) At the general election in 1982 and every four
9 (4) years thereafter, a district attorney shall be elected
10 in each judicial district. ~~in-which-the-office-of-district~~
11 ~~attorney--has-been-created-sin-(6)-months-or-more-prior-to~~
12 ~~the-date-of-the-general-election.~~ The district attorney
13 shall serve for a term of four (4) years and until his
14 successor is elected and qualified.

15 9-2-522. Duties and powers generally; budgets;
16 office of district attorneys administrator.

17 (b) Each district attorney shall employ and assign
18 to each county in the judicial district at least one (1)
19 of the following to serve at his pleasure AFTER CONFERRING
20 WITH THE DISTRICT JUDGE AND THE COUNTY COMMISSIONERS: a
21 deputy district attorney, an assistant district attorney
22 or a part-time assistant district attorney. The deputy,

1 assistant or part-time assistant district attorney
2 assigned to a county shall reside in the county ~~and be a~~
3 ~~resident of Wyoming~~ and his primary responsibility shall
4 be to matters arising in the county.

5 (d) DISTRICT ATTORNEYS SHALL PREPARE BUDGETS FOR THE
6 OPERATION OF THEIR RESPECTIVE OFFICES WITH THE ASSISTANCE
7 OF THE OFFICE OF DISTRICT ATTORNEYS ADMINISTRATOR.

8 (e) THE OFFICE OF DISTRICT ATTORNEYS ADMINISTRATOR
9 SHALL BE A PART OF THE OFFICE OF THE ATTORNEY GENERAL.

10 (f) THE ATTORNEY GENERAL SHALL SUBMIT THE BUDGETS OF
11 THE DISTRICT ATTORNEYS AS A SEPARATE SECTION OF THE OVER-
12 ALL BUDGET REQUEST OF HIS AGENCY.

13 (g) THE ATTORNEY GENERAL SHALL HAVE NO PROGRAMMATIC
14 OR POLICY SUPERVISION OVER THE CONDUCT OF THE OFFICES OF
15 THE DISTRICT ATTORNEYS.

16 (h) THE DISTRICT ATTORNEYS ADMINISTRATOR SHALL HAVE
17 THE AUTHORITY AFTER THE GENERAL ELECTION OF 1982 TO PUR-
18 CHASE EQUIPMENT AND SUPPLIES FOR THE OFFICES OF THE DIS-
19 TRICT ATTORNEYS UPON CONSULTATION WITH THOSE PERSONS
20 ELECTED TO THOSE OFFICES.

21 18-3-106. Full-time officers enumerated. Each county

1 clerk, county treasurer, clerk of the district court,
2 county assessor and county sheriff shall devote full time
3 to the duties of their respective offices during the term
4 for which they were elected or appointed. ~~In counties~~
5 ~~which are not served by a district attorney and in which~~
6 ~~the population exceeds nine thousand (9,000) but is less~~
7 ~~than sixty thousand (60,000), the county and prosecuting~~
8 ~~attorney shall devote full time to the duties of his~~
9 ~~office whenever a majority of the county commissioners in~~
10 ~~that county resolve that a full time county and prosecut-~~
11 ~~ing attorney is necessary. In counties which are not~~
12 ~~served by a district attorney and in which the population~~
13 ~~does not exceed nine thousand (9,000), as well as in coun-~~
14 ~~ties which are served by a district attorney, The county~~
15 commissioners may designate the office of county attorney
16 ~~and the office of county and prosecuting attorney~~ as a
17 full-time office. The designations shall be made by reso-
18 lution at the time salaries are set under W.S.
19 18-3-107(a).

20 18-3-107. Annual salaries of certain officers; addi-
21 tional compensation prohibited; exception as to traveling
22 and other expenses; compensation of county commissioner;
23 appointment and salaries of deputies, clerks, stenogra-
24 phers and other assistants.

1 (a) From and after January 1, 1979, the county
2 assessor, ~~part-time--county--and--prosecuting--attorneys,~~
3 part-time county attorneys, county clerk, clerk of dis-
4 trict court, county sheriff and county treasurer in their
5 respective counties shall receive not less than ten thou-
6 sand dollars (\$10,000.00) nor more than twenty-five thou-
7 sand dollars (\$25,000.00) as annual salaries. From and
8 after January 1, 1983, the specified county officers shall
9 receive an annual salary of not less than ten thousand
10 dollars (\$10,000.00) nor more than forty thousand dollars
11 (\$40,000.00). Full-time county attorneys shall receive not
12 less than thirty thousand dollars (\$30,000.00) nor more
13 than forty thousand dollars (\$40,000.00) as annual sal-
14 aries. ~~Full-time-county-and--prosecuting--attorneys--shall~~
15 ~~receive---not---less---than---thirty-five---thousand---dollars~~
16 ~~(\$35,000.00)-and-not-more-than-forty-five-thousand-dollars~~
17 ~~(\$45,000.00)-as-annual-salaries.~~ Salaries shall be paid in
18 equal monthly installments. The board of county commis-
19 sioners of each county shall meet not later than June 1,
20 1978, and on or before the same date each four (4) years
21 thereafter, for the purpose of setting salaries, which
22 shall not be changed during the term of each official for
23 whom a salary is determined.

1 18-3-302. Duties generally; employment of other
2 attorneys by county.

3 (c) Nothing in this section shall be construed to
4 prevent the county commissioners of any county or consoli-
5 dation of counties from employing one (1) or more attor-
6 neys to appear and prosecute or defend or assist the
7 county ~~and-prosecuting~~ attorney in behalf of the people of
8 the state or such county or consolidation of counties in
9 any CIVIL action or proceeding. ~~--whether-civil--or--crim-~~
10 ~~inal.~~ In such case, the nature and necessity of the
11 employment shall appear in the record of the board or
12 boards. Nothing in this section shall be construed to
13 prevent the board of county commissioners of a county
14 which has consolidated from independently employing one
15 (1) or more attorneys to serve their respective counties.

16 22-2-105. Terms of office and offices voted on at
17 general elections.

18 (a) The terms of office and offices voted on at gen-
19 eral elections are as follows:

20 (ii) Four Year Term. - At the general election
21 in 1974 and in every fourth ~~(4th)~~ year thereafter, there
22 shall be elected the following officers: one (1) gover-

1 nor, one (1) secretary of state, one (1) state treasurer,
2 one (1) state auditor, one (1) superintendent of public
3 instruction, county clerks, county treasurers, county
4 assessors, county coroners, ~~county-and-prosecuting-attor-~~
5 ~~neys~~, district attorneys, sheriffs, and clerks of the dis-
6 trict court. In those counties that have established a
7 county court, the question of retention of a county court
8 judge for the unexpired balance of or a new four (4) year
9 term shall be submitted to the electorate of the county,
10 as necessary. At every general election there shall be
11 elected the necessary member or members of the Wyoming
12 senate and county commissioners;

13 22-2-107. When elected state and county officers and
14 district attorneys assume offices. All state and county
15 officers AND DISTRICT ATTORNEYS elected at a general elec-
16 tion shall assume their offices on the first Monday in
17 January next following their election.

18 22-5-203. Nonpartisan judicial offices; separate
19 ballot; same time, etc.

20 (a) Candidates for the nonpartisan ~~office~~ OFFICES of
21 justice of the peace AND DISTRICT ATTORNEY shall be nomi-
22 nated only by nonpartisan primary election.

1 22-5-206. Where nomination applications to be filed.

2 (a) Nomination applications for United States sena-
3 tors and representatives in congress, state offices, mem-
4 bers of the legislature, AND DISTRICT ATTORNEYS shall be
5 filed in the office of the secretary of state.

6 22-5-208. Filing fees; exception.

7 (a) Applications shall be accompanied by the follow-
8 ing fees:

9 (ii) One hundred dollars (\$100.00) for offices
10 to be voted for by electors of the entire state or dis-
11 tricts larger than a county, but not the office of state
12 senator from a multi-county senatorial district;

13 (iii) ONE HUNDRED DOLLARS (\$100.00) FOR THE
14 OFFICES OF DISTRICT ATTORNEY REGARDLESS OF WHETHER THE
15 DISTRICT IS LARGER THAN A COUNTY.

16 22-6-125. Order of offices and ballot propositions
17 on nonpartisan ballots.

18 (a) The nonpartisan ballot shall contain the offices
19 and ballot propositions to be voted on in the following
20 order:

1 (iv) DISTRICT ATTORNEY;
2 ~~{iv}~~(v) Justice of the peace;
3 ~~{v}~~(vi) Constitutional amendments;
4 ~~{vi}~~(vii) Initiative propositions;
5 ~~{vii}~~(viii) Referendum propositions;
6 ~~{viii}~~(ix) Other ballot propositions.

7 Section 2. W.S. 18-3-107(f), 18-3-301 and
8 18-3-302(b) all as amended by Chapter 21, Session Laws of
9 Wyoming 1981, Special Session, with an effective date of
10 April 1, 1982 are repealed.

11 Section 3. There is appropriated from the general
12 fund five million one hundred sixty-four thousand eight
13 hundred sixty-eight dollars (\$5,164,868.00) to carry out
14 the provisions of this act.

15 Section 4. This act is effective April 1, 1982.

16 (END)

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED COST		

The bill provides for a General Fund appropriation of \$5,164,868. Additional personnel will be required to implement the provisions of this act.

SF 72

SF72AHS1/A (ENGROSSED COPY)

Page 6-line 15 Strike "June-30" insert "JULY 31".

Page 8-line 21 Delete the "1" insert a "."; delete "EXCEPT".

Page 8-line 22 Delete entirely.

Page 8-line 23 Delete entirely.

Page 11-line 5 After the "period" delete the remainder of the line; insert "Section 3 is effective January 1, 1983.".

Page 11-line 6 Delete entirely. -SIDI, CHAIRMAN

ADOPTED

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

Cheyenne, February 26, 1982...

Mr. Speaker:

Your Committee No. 2 on APPROPRIATIONS

to whom was referred SF No. 72A (Engrossed Copy)

respectfully reports same back to the House with the recommendation that it DO PASS with the following amendments:

Page 6 line 15 Delete "June 30" insert "July 31".
Page 8 line 21 Delete the "." insert a "."; delete "EXCEPT".
Page 8 line 22 Delete entirely.
Page 8 line 23 Delete entirely.
Page 11 line 5 After the period delete the remainder of the line; insert:
"Section 3. is effective January 1, 1983."
Page 11 line 6 Delete entirely.

AYES:

BUDD
LARSON
SIMPSON
URBIGKIT
SIDI

NOES:

JONES

August A. Sidi
JACK SIDI