

HOUSE BILL NO. HB0300

State legal action-wolves and other natural resource issues.

Sponsored by: Representative(s) Childers, Baker, Luthi, Philp and Simpson and Senator(s) Anderson, J., Coe, Northrup and Roberts

A BILL

for

1 AN ACT relating to federal natural resource policy;
2 amending the federal natural resource policy account to
3 allow legal action and other activities as specified;
4 allowing actions on behalf of Wyoming citizens as
5 specified; providing for retaining qualified practicing
6 attorneys; providing for the investigation and initiation
7 of legal action; providing the attorney general the ability
8 to seek legal remedies as specified; making an
9 appropriation; authorizing additional positions; and
10 providing for an effective date.

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

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14 **Section 1.** W.S. 9-4-218(a) (intro), (iii) and (iv) is
15 amended to read:

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2 **9-4-218. Federal natural resource policy account**
3 **created; purposes.**

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5 (a) There is created within the special revenue fund
6 an account known as the "federal natural resource policy
7 account." Funds within the account may be expended by the
8 governor on behalf of the state of Wyoming, ~~and~~ its local
9 governments, and its citizens to take any of the actions
10 specified in this subsection in response to federal land,
11 water, air, mineral and other natural resource policies
12 which may affect the tax base of the state, wildlife
13 management, state wildlife, recreation, private property
14 rights, water rights or leasehold rights. Funds also may be
15 expended for preparing and participating in environmental
16 impact statements and environmental assessments, including
17 analysis of economic or social and natural or physical
18 environmental effects on the human environment. The
19 governor may expend funds from the federal natural resource
20 policy account for:

21

22 (iii) Investigating, initiating, intervening or
23 otherwise participating in ~~ongoing~~ litigation, ~~initiated by~~
24 ~~a party other than the state after all reasonable avenues~~

1 ~~and methods to negotiate a settlement have been exhausted~~
2 or taking any other legal action, that furthers the
3 purposes of this subsection. In carrying out this
4 subsection, the attorney general, with approval of the
5 governor, may retain qualified practicing attorneys to act
6 for the state, including providing representation in other
7 forums with the federal government or other state
8 governments that may preclude or resolve any outstanding
9 issues or attempting to influence pertinent federal
10 legislation;

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12 (iv) Participation in monitoring of federal
13 natural resource issues, including the collection, review,
14 analysis or dissemination of any material that may be
15 required for legal action or to support any other purpose
16 authorized under this section.

17

18 **Section 2.**

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20 (a) The attorney general may investigate potential
21 litigation against the federal government of the United
22 States for the reasons provided in this section or, in the
23 alternative, may initiate litigation, file an amicus curiae
24 brief or intervene as provided by state or federal law in

1 any existing lawsuit concerning essentially the same
2 issues. When considering to initiate or intervene in
3 litigation, the attorney general shall give precedence to
4 lawsuits whose venue is within Wyoming, but may act in
5 lawsuits filed anywhere in the United States. The attorney
6 general may retain by contract private qualified practicing
7 attorneys to represent the state of Wyoming as provided by
8 W.S. 9-4-218(a).

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10 (b) All costs of the investigation or litigation
11 shall be provided from the federal natural resource policy
12 account pursuant to W.S. 9-4-218, but nothing in this act
13 shall be construed to prohibit the state, through the
14 attorney general or a private attorney representing the
15 state under contract, from seeking reasonable costs and
16 attorney's fees from any responding party in litigation.

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18 (c) The investigation or litigation initiated by the
19 attorney general under this section shall be to determine
20 whether the state of Wyoming is entitled to damages or
21 other relief as provided by state or federal laws or rules
22 or regulations as a result of the introduction of gray
23 wolves as an experimental, nonessential species into the
24 boundaries of this state, and further to determine whether

1 protection, proposed or otherwise, of other wildlife
2 populations within the boundaries of this state entitles
3 the state of Wyoming to damages or other relief. The
4 attorney general is authorized to take any legal action to
5 pursue other claims against the federal government that may
6 arise in the course of preparing the efforts authorized by
7 this act.

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9 (d) In addition to all other legal remedies that are
10 provided by law, the attorney general shall seek
11 reimbursement to the state of Wyoming for the cost of
12 operating all state wildlife management programs that have
13 been or will be required by the federal government, but for
14 which no adequate funding has been provided to the state of
15 Wyoming. In addition, reimbursement to the state of
16 Wyoming may be sought for any and all losses suffered
17 through the loss of all wildlife, which are the property of
18 the state, caused by the depredation from wolves. In
19 addition, the legal action may seek full authority for wolf
20 management within Wyoming.

21

22 **Section 3.**

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