

## 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 initiation of litigation  
7 against the federal government over the release of gray  
8 wolves to recoup unpaid damages and expenses; providing the  
9 attorney general the ability to seek other legal remedies  
10 as specified; making an appropriation; and providing for an  
11 effective date.

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

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

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

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

23

1           (iii) Initiating, intervening or otherwise  
2 participating in ~~ongoing litigation, initiated by a party~~  
3 ~~other than the state after all reasonable avenues and~~  
4 ~~methods to negotiate a settlement have been exhausted~~ or  
5 taking any other legal action, that furthers the purposes  
6 of this subsection. In carrying out this subsection, the  
7 attorney general, with approval of the governor, may retain  
8 qualified practicing attorneys to act for the state,  
9 including providing representation in other forums with the  
10 federal government or other state governments that may  
11 preclude or resolve any outstanding issues or attempting to  
12 influence pertinent federal legislation;

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

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20           **Section 2.**

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22           (a) The attorney general shall initiate litigation  
23 against the federal government of the United States for the  
24 reasons provided in this section or, in the alternative,

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

10

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

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19 (c) The litigation initiated by the attorney general  
20 under this section shall be for the purpose of establishing  
21 that the government of the United States has deprived, in  
22 violation of law, without just compensation, wildlife and  
23 other property belonging to the people of the state of  
24 Wyoming when it introduced gray wolves as an experimental,

1 nonessential species, into the boundaries of this state.  
2 The attorney general is authorized to take any legal action  
3 to pursue other claims against the federal government that  
4 may arise in the course of preparing the lawsuit authorized  
5 by this act.

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

20  
21 **Section 3.** There is appropriated three million  
22 dollars (\$3,000,000.00), or as much thereof as is  
23 necessary, from the general fund to the federal natural

1 resource policy account within the special revenue fund to  
2 implement the purposes of this act.

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4       **Section 4.** This act is effective immediately upon  
5 completion of all acts necessary for a bill to become law  
6 as provided by Article 4, Section 8 of the Wyoming  
7 Constitution.

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(END)