

SENATE FILE NO. SF0143

Federal natural resource policy.

Sponsored by: Senator(s) Bebout, Coe, Cooper, Dockstader
and Peterson and Representative(s) Lockhart
and Stubson

A BILL

for

1 AN ACT relating to public funds; providing for funding of
2 county investigation and litigation related to federal
3 natural resource policy as specified; requiring reports;
4 providing an appropriation; and providing for an effective
5 date.

6

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

8

9 **Section 1.** W.S. 9-4-218(a)(iii) is amended to read:

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11 **9-4-218. Federal natural resource policy account**
12 **created; purposes.**

13

14 (a) There is created an account known as the "federal
15 natural resource policy account." Funds within the account
16 may be expended by the governor on behalf of the state of

1 Wyoming and its local governments, to take any of the
2 actions specified in this subsection in response to federal
3 land, water, air, mineral and other natural resource
4 policies which may affect the tax base of the state,
5 wildlife management, state species, recreation, private
6 property rights, water rights or leasehold rights. Funds
7 also may be expended for preparing and participating in
8 environmental impact statements and environmental
9 assessments, including analysis of economic or social and
10 natural or physical environmental effects on the human
11 environment. Funds also may be expended for coordinating
12 and participating in rangeland health assessments pursuant
13 to W.S. 11-2-207. The governor may expend funds from the
14 federal natural resource policy account for:

15

16 (iii) Investigating, initiating, intervening or
17 otherwise participating in litigation, or taking any other
18 legal action by the state, a state agency or the counties
19 of the state individually or jointly, that furthers the
20 purposes of this subsection. In carrying out this
21 subsection, the attorney general, with approval of the
22 governor, may retain qualified practicing attorneys to act
23 for the state or the counties, including providing
24 representation in other forums with the federal government

1 or other state or county governments that may preclude or
2 resolve any outstanding issues or attempting to influence
3 pertinent federal legislation;

4
5 **Section 2.**

6
7 (a) The counties of the state, individually or
8 jointly, may investigate potential litigation against the
9 government of the United States for the reasons provided in
10 subsection (c) of this section and may, if necessary,
11 initiate litigation, file an amicus curiae brief or
12 intervene as provided by state or federal law in any
13 existing lawsuit concerning the reasons specified in
14 subsection (c) of this section. The counties, individually
15 or jointly, may retain qualified practicing attorneys as
16 provided in W.S. 9-4-218(a)(iii).

17
18 (b) The costs of any investigation or litigation
19 under this section shall be paid from the federal natural
20 resource policy account as provided in W.S. 9-4-218, but
21 nothing in this section shall be construed to limit the
22 pursuit of reasonable costs and attorneys fees through
23 litigation.

1 (c) Any investigation, litigation or other action
2 under this section shall determine whether the state or the
3 counties, jointly or individually, are entitled to damages
4 or other relief under state or federal law as a result of
5 order number 3310 of the secretary of the interior and the
6 potential consequences of that order or any other
7 unlegislated federal action related to multiple use of
8 federal lands in this state. The state or the counties
9 shall seek any applicable reimbursement for the costs of
10 operating any state or local programs which have been or
11 will be required by the federal government and for which
12 adequate funding has not been provided to the state or the
13 counties.

14

15 (d) Any county or counties taking action under this
16 section shall report the action to the joint revenue
17 interim committee, the joint minerals, business and
18 economic development interim committee and the joint
19 appropriations interim committee not later than January 1,
20 2012.

21

22 **Section 3.** There is appropriated two hundred fifty
23 thousand dollars (\$250,000.00) from the general fund to the
24 federal natural resource policy account to be expended only

1 as provided in section 2 of this act. This appropriation
2 shall be for the period beginning with the effective date
3 of this act and ending January 1, 2012. Notwithstanding any
4 other provision of law, this appropriation shall not be
5 transferred or expended for any other purpose and any
6 unexpended, unobligated funds remaining from this
7 appropriation shall revert as provided by law on January 1,
8 2012.

9

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

14

15 (END)