

SENATE FILE NO. SF0013

Federal land use plans-legal actions authorized.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to the legislature; authorizing the
2 legislature to prosecute actions involving the proper
3 administration and interpretation of federal acts; making
4 conforming amendments; providing legislative findings;
5 creating a fund; providing an appropriation; and providing
6 for an effective date.

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

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10 **Section 1.** W.S. 28-8-114 by creating a new subsection
11 (b), by amending and renumbering (b) as (c), by renumbering
12 (c) and (d) as (d) and (e) and by creating a new subsection
13 (f) is amended to read:

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1 **28-8-114. Legal actions authorized; employment of**
2 **counsel.**

3
4 (b) The legislature finds that the United States
5 constitution in article 1, section 8 and article 4, section
6 3 recognizes the jurisdiction of the Wyoming legislature
7 over land within the boundaries of the state of Wyoming.
8 The Wyoming act of admission in section 1 recognizes that
9 the state of Wyoming is admitted into the union upon equal
10 footing with the original states in all respects
11 whatsoever. Being a coequal branch of government, the
12 legislature finds that federal land use plans within the
13 state of Wyoming are matters of great public interest and
14 importance. The legislature has a sufficient interest in
15 the proper interpretation and administration of the
16 National Environmental Policy Act, the Federal Land Policy
17 and Management Act, the National Historic Preservation Act,
18 the Endangered Species Act, the Clean Air Act, the Clean
19 Water Act and other federal acts to provide standing for
20 the legislature to prosecute an action for declaratory
21 judgment to protect its interests and the interests of the
22 public.

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1 ~~(b)~~(c) The legislature by a majority vote of the
2 members of both houses when in session, or the management
3 council by the affirmative vote of two-thirds (2/3) of the
4 members of the council during the interim, is authorized to
5 commence and prosecute an action for declaratory judgment
6 in the courts of this state, or of the United States, when
7 such action is deemed necessary or advisable to protect the
8 rights, powers and interests of the legislature or assure
9 proper interpretation or administration of the
10 constitution, statutes, ~~or~~ administrative rules and federal
11 acts including federal purchases of land within the state
12 of Wyoming. The legislature shall have standing and may
13 establish a fund to prosecute actions for declaratory
14 judgment.

15
16 ~~(e)~~(d) The legislature may by resolution direct the
17 management council to prosecute an action. The management
18 council may commence an action upon its own motion.

19
20 ~~(d)~~(e) The legislature or the management council may
21 direct the legal staff of the legislative service office to
22 commence and prosecute the action, or it may employ private
23 counsel for such purposes, as it deems advisable.

1

2 (f) There is created an account known as the
3 "legislative legal action account." Funds within the
4 account may be expended by the management council on behalf
5 of the legislature to take any of the actions specified in
6 this section. All funds including any recovered court costs
7 and earned interest remaining in the legislative legal
8 action account at the end of a biennium shall remain in the
9 account to implement the purposes of this section.

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11 **Section 2.** There is appropriated fifty million
12 dollars (\$50,000,000.00) from the general fund to the
13 legislative legal action account for the purpose of funding
14 the legislative legal action account as created by this
15 act. This appropriation shall not be transferred or
16 expended for any other purpose. Notwithstanding W.S.
17 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall
18 remain in effect and not lapse or revert at the end of the
19 fiscal period except upon further legislative action.

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21 **Section 3.** This act is effective July 1, 2024.

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23

(END)