

## HOUSE BILL NO. HB0122

Citizen standing.

Sponsored by: Representative(s) Gray, Edwards, Hallinan,  
Jennings and Lindholm and Senator(s) Biteman  
and James

A BILL

for

1 AN ACT relating to actions against the state; providing  
2 standing for a resident to bring an action for declaratory  
3 judgment; providing requirements for a declaratory judgment  
4 action; authorizing the court to compel or enjoin conduct as  
5 specified; amending the governmental claims act; amending a  
6 conflicting provision; and providing 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. 1-35-110 is created to read:

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12 **1-35-110. Standing to obtain declaratory judgment.**

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14 (a) The legislature finds that proper interpretation  
15 and administration of the constitution and legislative

1 enactments of the state of Wyoming are matters of great public  
2 interest and importance, and the public has a sufficient  
3 interest in the proper interpretation and administration of  
4 the constitution and legislative enactments to provide  
5 standing for any adult citizen of the United States who has  
6 been a resident of the state for at least ninety (90) days to  
7 prosecute an action for declaratory judgment to protect the  
8 interests of the public.

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10 (b) Notwithstanding any other provision of law, an  
11 adult citizen of the United States who has been a resident of  
12 the state for at least ninety (90) days may bring an action  
13 under this section for declaratory judgment against the  
14 state, a state agency or state official regarding alleged  
15 violations. Pursuant to a declaratory judgment action under  
16 this section, the court may issue an order to compel  
17 compliance with the constitution and laws of the state of  
18 Wyoming or to enjoin conduct that is not in compliance with  
19 the constitution and laws of the state of Wyoming. Actions  
20 under this section shall be subject to the following:

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1           (i) Actions under this section shall be filed in  
2 the district court where the person bringing the action  
3 resides;

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5           (ii) The state of Wyoming may intervene as a  
6 matter of right in any action filed under this section;

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8           (iii) The court, in issuing any final order in an  
9 action brought under this section, may award costs of  
10 litigation including attorney and expert witness fees to any  
11 party if the court determines an award is appropriate;

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13           (iv) The availability of any judicial remedy in  
14 addition to the rights provided by this section shall not be  
15 construed to limit the ability to bring an action under this  
16 section;

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18           (v) Nothing in this section shall limit any  
19 existing civil or criminal penalty or right arising out of a  
20 violation of any provision of the constitution or laws of the  
21 state of Wyoming.

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1           **Section 2.** W.S. 1-5-104(a)(ii), 1-30-104 and  
2 1-39-116(a) are amended to read:

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4           **1-5-104. Actions to be brought where cause of action**  
5 **arose.**

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7           (a) Actions for the following causes shall be brought  
8 in the county where the cause or some part thereof arose:

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10           (ii) Against a public officer for an act done by  
11 virtue or under color of his office, or for a neglect of his  
12 official duty, provided that a declaratory judgment action  
13 under W.S. 1-35-110 shall be brought in the district court  
14 for Laramie county;

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16           **1-30-104. Writ not to be issued if adequate remedy at**  
17 **law; party beneficially interested.**

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19 The writ must not be issued when there is an adequate remedy  
20 at law, provided that the availability of an action under  
21 W.S. 1-35-110 shall not be a bar to the issuance of a writ  
22 under this chapter. It may issue on the information of the  
23 party beneficially interested.

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2           **1-39-116. Exclusiveness of remedy.**

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4           (a) The remedy against a governmental entity as  
5 provided by this act is exclusive, and no other claim, civil  
6 action or proceeding for damages, by reason of the same  
7 transaction or occurrence which was the subject matter of the  
8 original claim, civil action or proceeding may be brought  
9 against the governmental entity. No rights of a governmental  
10 entity to contribution, indemnity or subrogation shall be  
11 impaired by this section. Nothing in this section prohibits  
12 any proceedings for mandamus, prohibition, habeas corpus,  
13 injunction or quo warranto or an action for declaratory  
14 judgment brought under W.S. 1-35-110.

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16           **Section 3.** This act is effective July 1, 2019.

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(END)