

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 authorizing loans as specified; specifying repayment of
6 loans; 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. 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:

14

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 borrow funds in accordance with subsection (f) of this
14 section to prosecute actions for declaratory judgment.

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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.

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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.

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2 (f) The management council, on behalf of the
3 legislature, is authorized to borrow from the legislative
4 stabilization reserve account an amount not to exceed fifty
5 million dollars (\$50,000,000.00) at any one (1) time to
6 take any of the actions specified in this section. Funds
7 borrowed under this subsection shall be in accordance with
8 the following:

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10 (i) Amounts borrowed under this subsection shall
11 be repaid as soon as possible, using funds specified in
12 this subsection;

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14 (ii) The legislature may appropriate funds to
15 repay the amounts borrowed under this subsection;

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17 (iii) Any recovered court costs and other funds
18 recovered or received through an action authorized by this
19 section shall be transferred to the state auditor and
20 credited against the amount borrowed under this subsection;

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