

ENROLLED ACT NO. 67, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2024 BUDGET SESSION

AN ACT relating to the legislature; authorizing the legislature to prosecute actions involving the proper administration and interpretation of federal acts; making conforming amendments; providing legislative findings; authorizing loans as specified; authorizing the legislature to provide funding to counties as specified; specifying a sunset date for authorization for the legislature to provide funding to counties; specifying repayment of loans; and providing for an effective date.

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

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

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

(b) The legislature finds that the United States constitution in article 1, section 8 and article 4, section 3 recognizes the jurisdiction of the Wyoming legislature over land within the boundaries of the state of Wyoming. The Wyoming act of admission in section 1 recognizes that the state of Wyoming is admitted into the union upon equal footing with the original states in all respects whatsoever. Being a coequal branch of government, the legislature finds that federal land use plans within the state of Wyoming are matters of great public interest and importance. The legislature has a sufficient interest in the proper interpretation and administration of the National Environmental Policy Act, the Federal Land Policy and Management Act, the National Historic Preservation Act, the Endangered Species Act, the Clean Air Act, the Clean

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Water Act and other federal acts to provide standing for the legislature to prosecute an action for declaratory judgment to protect its interests and the interests of the public.

~~(b)~~(c) The legislature by a majority vote of the members of both houses when in session, or the management council by the affirmative vote of two-thirds (2/3) of the members of the council during the interim, is authorized to commence and prosecute an action for declaratory judgment in the courts of this state, or of the United States, when such action is deemed necessary or advisable to protect the rights, powers and interests of the legislature or assure proper interpretation or administration of the constitution, statutes, ~~or~~ administrative rules and federal acts including federal purchases of land within the state of Wyoming. The legislature shall have standing and may borrow funds in accordance with subsection (f) of this section to prosecute actions for declaratory judgment.

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

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

(f) The management council, on behalf of the legislature, is authorized to borrow from the legislative stabilization reserve account an amount not to exceed seventy-five million dollars (\$75,000,000.00) at any one (1) time to take any of the actions specified in this

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section. Funds borrowed under this subsection shall be in accordance with the following:

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

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

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

(iv) Interest on the unpaid balance shall be equal to the rate of return earned on the legislative stabilization reserve account in the previous fiscal year.

(g) A board of county commissioners with standing may by resolution request funding from management council from amounts borrowed under subsection (f) of this section to commence an action under this section provided that no funding shall be provided under this subsection if the attorney general has already commenced an action on behalf of the state on that issue. This subsection is repealed effective June 30, 2026 and any unexpended, unobligated funds provided to a board of county commissioners pursuant to this subsection shall revert to the legislative stabilization reserve account on June 30, 2026.

ORIGINAL SENATE  
FILE NO. SF0013

ENGROSSED

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**Section 2.** This act is effective July 1, 2024.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk