

SENATE FILE NO. SF0041

Federal acts-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; authorizing the management council
5 to initiate litigation upon a majority vote; providing
6 legislative findings; providing for the use of funds for
7 litigation purposes; and providing for an effective date.

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

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

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1 **28-8-114. Legal actions authorized; employment of**
2 **counsel; creation of an account; authorizing the use of**
3 **funds.**

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

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

17

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

21

22 ~~(d)~~(e) The legislature or the management council may
23 direct the legal staff of the legislative service office to

1 commence and prosecute ~~the~~an action, or it may employ
2 private counsel for such purposes, as it deems advisable.

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4 (f) The management council, on behalf of the
5 legislature, is authorized to utilize an amount not to
6 exceed seventy-five million dollars (\$75,000,000.00) at any
7 one (1) time, or however much is available, to take any of
8 the actions specified in this section. It is the intent of
9 the legislature that these funds be expended from the
10 legislative stabilization reserve account for use by the
11 management council for litigation purposes.

12

13 **Section 2.** This act is effective July 1, 2025.

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(END)