

ENROLLED ACT NO. 70, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to civil procedure; specifying the properly named party for actions challenging legislative acts; providing for removal of incorrect names; providing legislative findings; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 1-35-109 is created to read:

1-35-109. Legislature and legislators as party to actions; properly naming party.

(a) In any action challenging any official act of the legislature as a whole and naming the legislature or any member thereof as a party, the proper party shall be "The Legislature of the State of Wyoming." In any such action challenging an official act of either body of the legislature or a committee of the legislature the proper party shall be the appropriate body or committee of "the Legislature of the State of Wyoming".

(b) In any action challenging any official act of a member of the state legislature, the legislator shall be designated only by the legislative office held unless the action seeks relief from actions of the legislator other than actions taken in his official capacity.

(c) Any individual named in an action in which the proper party is the legislature or a body of the legislature or who has otherwise been improperly named has the substantive right to petition the court to have his name removed from the action.

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(d) Nothing in this section shall be interpreted to require naming the legislature as a party when the claim or cause of action arises from the enforcement or operation of any law.

Section 2. Wyoming has a part-time citizen legislature. State legislators often engage in other occupations and businesses. Being named as a defendant to a lawsuit can negatively impact a person's occupation or other business interests. The naming of a state legislator individually for actions taken by the legislature as a whole, or by a body of the legislature, or for official actions taken as a state legislator can negatively impact legitimate interests of the individual and may discourage persons from seeking state legislative offices. The legislature finds that the right not to be named individually for actions taken in an official capacity, or for actions taken by a legislative body, is not a matter of procedure, but a substantive right.

Section 3. W.S. 1-35-109 shall apply to any action pending or initiated on or after the effective date of this act.

ORIGINAL SENATE
FILE NO. SF0108

ENGROSSED

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Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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