

ORIGINAL SENATE
FILE NO. 0143

ENROLLED ACT NO. 72, SENATE

SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2011 GENERAL SESSION

AN ACT relating to public funds; providing for funding of county investigation and litigation related to federal natural resource policy as specified; requiring reports; providing an appropriation; and providing for an effective date.

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

Section 1. W.S. 9-4-218(a)(iii) is amended to read:

9-4-218. Federal natural resource policy account created; purposes.

(a) There is created an account known as the "federal natural resource policy account." Funds within the account may be expended by the governor on behalf of the state of Wyoming and its local governments, to take any of the actions specified in this subsection in response to federal land, water, air, mineral and other natural resource policies which may affect the tax base of the state, wildlife management, state species, recreation, private property rights, water rights or leasehold rights. Funds also may be expended for preparing and participating in environmental impact statements and environmental assessments, including analysis of economic or social and natural or physical environmental effects on the human environment. Funds also may be expended for coordinating and participating in rangeland health assessments pursuant to W.S. 11-2-207. The governor may expend funds from the federal natural resource policy account for:

(iii) Investigating, initiating, intervening or otherwise participating in litigation, or taking any other legal action by the state, a state agency or the counties of the state individually or jointly, that furthers the

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purposes of this subsection. In carrying out this subsection, the attorney general or the counties, with approval of the governor, may retain qualified practicing attorneys to act for the state or the counties, including providing representation in other forums with the federal government or other state or county governments that may preclude or resolve any outstanding issues or attempting to influence pertinent federal legislation;

Section 2.

(a) The counties of the state, individually or jointly, may investigate potential litigation against the government of the United States for the reasons provided in subsection (c) of this section and may, if necessary, initiate litigation, file an amicus curiae brief or intervene as provided by state or federal law in any existing lawsuit concerning the reasons specified in subsection (c) of this section. The counties, individually or jointly, may retain qualified practicing attorneys as provided in W.S. 9-4-218(a)(iii).

(b) The costs of any investigation or litigation under this section shall be paid from the federal natural resource policy account, with approval of the governor, as provided in W.S. 9-4-218, but nothing in this section shall be construed to limit the pursuit of reasonable costs and attorneys fees through litigation.

(c) Any investigation, litigation or other action under this section shall determine whether the state or the counties, jointly or individually, are entitled to damages or other relief under state or federal law as a result of order number 3310 of the secretary of the interior and the potential consequences of that order or any other unlegislated federal action related to multiple use of

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federal lands in this state. The state or the counties shall seek any applicable reimbursement for the costs of operating any state or local programs which have been or will be required by the federal government and for which adequate funding has not been provided to the state or the counties.

(d) Any county or counties taking action under this section shall report the action to the joint agriculture, state and public lands and water resources interim committee, the joint minerals, business and economic development interim committee and the joint appropriations interim committee not later than June 30, 2012.

Section 3. There is appropriated two hundred fifty thousand dollars (\$250,000.00) from the general fund to the federal natural resource policy account to be expended only as provided in section 2 of this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2012. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2012.

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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