

ENROLLED ACT NO. 124, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to federal natural resource policy; amending the federal natural resource policy account to allow legal action and other activities as specified; providing for retaining qualified practicing attorneys; providing for the investigation and initiation of legal action; providing the attorney general the ability to seek legal remedies as specified; making an appropriation; authorizing additional positions; 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) (intro), (iii) and (iv) is amended to read:

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

(a) There is created within the special revenue fund 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. The governor may expend funds from the federal natural resource policy account for:

ORIGINAL HOUSE
BILL NO. 0300

ENROLLED ACT NO. 124, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

(iii) Investigating, initiating, intervening or otherwise participating in ~~ongoing~~ litigation, ~~initiated by a party other than the state after all reasonable avenues and methods to negotiate a settlement have been exhausted or taking any other legal action, that furthers the purposes of this subsection.~~ In carrying out this subsection, the attorney general, with approval of the governor, may retain qualified practicing attorneys to act for the state, including providing representation in other forums with the federal government or other state governments that may preclude or resolve any outstanding issues or attempting to influence pertinent federal legislation;

(iv) Participation in monitoring of federal natural resource issues, including the collection, review, analysis or dissemination of any material that may be required for legal action or to support any other purpose authorized under this section.

Section 2.

(a) The attorney general may investigate potential litigation against the federal government of the United States for the reasons provided in this section or, in the alternative, may initiate litigation, file an amicus curiae brief or intervene as provided by state or federal law in any existing lawsuit concerning essentially the same issues. When considering to initiate or intervene in litigation, the attorney general shall give precedence to lawsuits whose venue is within Wyoming, but may act in lawsuits filed anywhere in the United States. The attorney general may retain by contract private qualified practicing attorneys to represent the state of Wyoming as provided by W.S. 9-4-218(a).

ORIGINAL HOUSE
BILL NO. 0300

ENROLLED ACT NO. 124, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

(b) All costs of the investigation or litigation shall be provided from the federal natural resource policy account pursuant to W.S. 9-4-218, but nothing in this act shall be construed to prohibit the state, through the attorney general or a private attorney representing the state under contract, from seeking reasonable costs and attorney's fees from any responding party in litigation.

(c) The investigation or litigation initiated by the attorney general under this section shall include determination of whether the state of Wyoming is entitled to damages or other relief as provided by state or federal laws or rules or regulations as a result of the introduction of gray wolves as an experimental, nonessential population into the boundaries of this state, and further to determine whether protection, proposed or otherwise, of other species within the boundaries of this state entitles the state of Wyoming to damages or other relief. The attorney general is authorized to take any legal action to pursue other claims against the federal government that may arise in the course of preparing the efforts authorized by this act.

(d) In addition to all other legal remedies that are provided by law, the attorney general shall seek reimbursement to the state of Wyoming for the cost of operating all state species management programs that have been or will be required by the federal government, but for which no adequate funding has been provided to the state of Wyoming.

(e) The attorney general shall:

(i) Monitor and identify monetary compensation received from federal agencies under W.S. 9-4-218 and this section;

ORIGINAL HOUSE
BILL NO. 0300

ENROLLED ACT NO. 124, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

(ii) In cooperation with other relevant state agencies, determine the benefits accrued to the state from actions undertaken pursuant to W.S. 9-4-218 and this section;

(iii) On or before January 1, 2004, report to the joint travel, recreation, wildlife and cultural resources interim committee and the joint appropriations committee on duties assigned under paragraphs (i) and (ii) of this subsection.

Section 3.

(a) There is appropriated two hundred fifty thousand dollars (\$250,000.00), or as much thereof as is necessary, from the general fund to the office of the attorney general.

(b) The office of the attorney general is authorized three (3) full-time equivalent positions to implement the purposes of this act. The attorney general shall determine the position classifications necessary to implement this act.

ORIGINAL HOUSE
BILL NO. 0300

ENROLLED ACT NO. 124, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

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 House.

Chief Clerk