

## HOUSE BILL NO. HB0047

NEPA and ESA review.

Sponsored by: Representative(s) Childers, Cohee, Jaggi and  
Simpson and Senator(s) Bebout and Jennings

A BILL

for

1 AN ACT relating to federal policy; providing for the  
2 investigation and initiation of legal action; providing the  
3 attorney general the ability to seek legal remedies as  
4 specified; requiring a report; and providing for an  
5 effective date.

6

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

8

9 **Section 1.**

10

11 (a) The attorney general shall investigate potential  
12 litigation against the federal government of the United  
13 States for the reasons provided in this section or, in the  
14 alternative, may initiate litigation, file an amicus curiae  
15 brief or intervene as provided by state or federal law in  
16 any existing lawsuit concerning essentially the same

1 issues. When considering whether to initiate or intervene  
2 in litigation, the attorney general shall give precedence  
3 to lawsuits whose venue is within Wyoming, but may act in  
4 lawsuits filed anywhere in the United States.

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

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15 (c) The investigation or litigation initiated by the  
16 attorney general under this section shall include  
17 determination of whether the state of Wyoming is entitled  
18 to damages or other relief as provided by state or federal  
19 laws or rules or regulations as a result of the failure of  
20 any federal government agency to follow the requirements of  
21 the National Environmental Policy Act, the Endangered  
22 Species Act or any other act placing procedural  
23 requirements on the federal government agency.  
24 Specifically, the attorney general is authorized to request

1 relief in the form of judicial direction requiring federal  
2 agencies to incorporate sections 101, 103 and 104 of the  
3 National Environmental Policy Act in decisions and  
4 administration under all federal laws impacting the human  
5 environment. Additionally, the attorney general is  
6 authorized to pursue legal options regarding the relisting  
7 of wolves on the endangered species act. The attorney  
8 general is authorized to take any legal action to pursue  
9 other claims against the federal government that may arise  
10 in the course of preparing the efforts authorized by this  
11 section.

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13 (d) The investigation initiated under this section  
14 shall consider whether the agencies have met the  
15 requirements of National Environmental Policy Act:

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17 (i) To create and maintain conditions under  
18 which man and nature can exist in productive harmony;

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20 (ii) To provide documentation under section 103;

21 and

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23 (iii) To coordinate with and act upon  
24 recommendations of local governments or state agencies.

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2 (e) The attorney general shall:

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

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

12

13 (iii) On or before January 1, 2011, report to  
14 the joint agriculture, public lands and water resources  
15 interim committee and the joint appropriations interim  
16 committee on duties assigned under paragraphs (i) and (ii)  
17 of this subsection.

18

19 **Section 2.** This act is effective July 1, 2010.

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(END)