

## HOUSE BILL NO. HB0333

Federal acts-legal actions authorized-2.

Sponsored by: Representative(s) Banks

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 an appropriation; and  
7 providing for an effective date.

8

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

10

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:

15

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.

1

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.

3

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.

9

10 **Section 2.** There is appropriated seventy-five million  
11 dollars (\$75,000,000.00) from the general fund to the  
12 legislative service office for litigation purposes for the  
13 legislature as specified in this act. This appropriation  
14 shall be for the period beginning with the effective date  
15 of this act and ending June 30, 2028. This appropriation  
16 shall not be transferred or expended for any other purpose  
17 and any unexpended, unobligated funds remaining from this  
18 appropriation shall revert as provided by law on June 30,  
19 2028.

20

21 **Section 3.** This act is effective July 1, 2025.

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23

(END)