

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Federal land use plans-legal actions authorized.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

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;
4 authorizing the legislature to be a cooperating agency;
5 making conforming amendments; providing legislative
6 findings; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 28-8-114 by creating new subsections
11 (b) and (c) and by renumbering (b), (c) and (d) as (d), (e)
12 and (f) is amended to read:

1

2 **28-8-114. Legal actions authorized; employment of**
3 **counsel.**

4

5 (b) The legislature finds that proper interpretation
6 of federal land use plans within the state of Wyoming are
7 matters of great public interest and importance. The
8 legislature has a sufficient interest in the proper
9 interpretation and administration of the National
10 Environmental Policy Act, the Federal Land Policy and
11 Management Act, the National Historic Preservation Act, the
12 Endangered Species Act, the Clean Air Act, the Clean Water
13 Act and other federal acts to provide standing for the
14 legislature to prosecute an action for declaratory judgment
15 to protect its interests and the interests of the public.

16

17 (c) The legislature shall be considered a cooperating
18 agency for purposes of the National Environmental Policy
19 Act, the Federal Land Policy and Management Act, the
20 National Historic Preservation Act, the Endangered Species
21 Act, the Clean Air Act, the Clean Water Act and other
22 federal acts.

23

1 *****
 2 *****
 3 STAFF COMMENT
 4

5 Most federal acts require that cooperating agencies have a
 6 written agreement with federal agencies in order to have
 7 cooperating agency status. Cooperating agency status is not
 8 something that can simply be declared. For instance, for a
 9 state to have cooperating agency status in the NEPA
 10 process, an eligible government entity must have a written
 11 agreement with the Bureau of Land Management.
 12

13 *****
 14 *****
 15

16 ~~(b)~~ (d) The legislature by a majority vote of the
 17 members of both houses when in session, or the management
 18 council by the affirmative vote of two-thirds (2/3) of the
 19 members of the council during the interim, is authorized to
 20 commence and prosecute an action for declaratory judgment
 21 in the courts of this state, or of the United States, when
 22 such action is deemed necessary or advisable to protect the
 23 rights, powers and interests of the legislature or assure
 24 proper interpretation or administration of the
 25 constitution, statutes, ~~or~~ administrative rules ~~of Wyoming~~
 26 or federal acts. The legislature shall have standing and
 27 may establish a fund to prosecute actions for declaratory
 28 judgment.
 29

1 ~~(e)~~ (e) The legislature may by resolution direct the
2 management council to prosecute an action. The management
3 council may commence an action upon its own motion.

4

5 ~~(d)~~ (f) The legislature or the management council may
6 direct the legal staff of the legislative service office to
7 commence and prosecute the action, or it may employ private
8 counsel for such purposes, as it deems advisable.

9

10 **Section 2.** This act is effective July 1, 2024.

11

12

(END)