

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Federal acts-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; making  
4 conforming amendments; providing legislative findings;  
5 creating the federal land use plan litigation account;  
6 authorizing use of the funds in the federal land use plan  
7 litigation account as specified; and providing for an  
8 effective date.

9

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

11

12 **Section 1.** W.S. 28-8-114 by creating a new subsection

13 (b), by amending and renumbering (b) as (c), by renumbering

1 (c) and (d) as (d) and (e) and by creating new subsections  
2 (f) and (g) is amended to read:

3

4 **28-8-114. Legal actions authorized; employment of**  
5 **counsel; creation of an account; authorizing the use of**  
6 **funds.**

7

8 (b) The legislature finds that article 1, section 8  
9 and article 4, section 3 of the United States constitution  
10 recognizes the jurisdiction of the Wyoming legislature over  
11 land within the boundaries of the state of Wyoming. The  
12 Wyoming act of admission in section 1 recognizes that the  
13 state of Wyoming is admitted into the union upon equal  
14 footing with the original states in all respects  
15 whatsoever. Being a coequal branch of government, the  
16 legislature finds that federal land use plans within the  
17 state of Wyoming are matters of great public interest and  
18 importance. The legislature has a sufficient interest in  
19 the proper interpretation and administration of the  
20 National Environmental Policy Act, the Federal Land Policy  
21 and Management Act, the National Historic Preservation Act,  
22 the Endangered Species Act, the Clean Air Act, the Clean  
23 Water Act and other federal acts to provide standing for

1 the legislature to prosecute an action for declaratory  
2 judgment to protect its interests and the interests of the  
3 public.

4  
5 ~~(b)~~(c) The legislature by a majority vote of the  
6 members of both houses when in session, or the management  
7 council by the affirmative vote of two-thirds (2/3) of the  
8 members of the council during the interim, is authorized to  
9 commence and prosecute an action for declaratory judgment  
10 in the courts of this state, or of the United States, when  
11 such action is deemed necessary or advisable to protect the  
12 rights, powers and interests of the legislature or assure  
13 proper interpretation or administration of the  
14 constitution, statutes, ~~or~~ administrative rules and federal  
15 acts, including federal purchases of land within the state  
16 of Wyoming. The legislature shall have standing and may use  
17 funds for litigation purposes in accordance with  
18 subsections (f) and (g) of this section to prosecute  
19 actions for declaratory judgment.

20  
21 ~~(e)~~(d) The legislature may by resolution direct the  
22 management council to prosecute an action. The management  
23 council may commence an action upon its own motion.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

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

\*\*\*\*\*  
\*\*\*\*\*  
STAFF COMMENT  
Originally, this bill draft had Management Council borrowing funds from the LRSA to fund litigation under this section. That method is probably not feasible. It was suggested as this bill draft went through review that the draft should create an account for the purposes of this section and have an appropriation to the account that won't revert at the end of the biennium.

\*\*\*\*\*  
\*\*\*\*\*

(f) The management council, on behalf of the legislature, is authorized to utilize funds from the federal land use plan litigation account created in subsection (g) of this section. The management council may utilize an amount not to exceed fifty million dollars (\$50,000,000.00) at any one (1) time to take any of the actions specified in this section.

1       (g) There is created an account known as the federal  
2 land use plan litigation account. Funds within the account  
3 may be expended by the management council, on behalf of the  
4 legislature, to take any of the actions specified in this  
5 section. Funds within the account shall be invested by the  
6 state treasurer as authorized under W.S. 9-4-715(a), (d)  
7 and (e) and all investment earnings from the account shall  
8 be credited to the account. Any recovered court costs and  
9 other funds recovered or received through an action  
10 authorized by this section shall be transferred to the  
11 state auditor for deposit to the federal land use plan  
12 litigation account.

1           **Section 2.** There is appropriated fifty million  
2 dollars (\$50,000,000.00) from the legislative stabilization  
3 reserve account to the federal land use plan litigation  
4 account for purposes of implementing this act.  
5 Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207,  
6 this appropriation shall remain in effect and not lapse or  
7 revert at the end of any fiscal period except upon further  
8 legislative action.

9

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

11

12

(END)