

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.

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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) The attorney general may include in his exception
7 budget request, to the extent he determines necessary, an
8 appropriation of funds from the federal natural resources
9 policy account created under W.S. 9-4-218, for the purpose
10 of carrying out his duties under this act. Nothing in this
11 section shall be construed to prohibit the state, through
12 the attorney general or a private attorney representing the
13 state under contract, from seeking reasonable costs and
14 attorney's fees from any responding party in litigation.

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

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

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

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

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21 (ii) To provide documentation under section 103;
22 and

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

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4 (e) The attorney general shall:

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

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

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

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

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(END)