

SENATE FILE NO. SF0108

Lawsuits challenging state legislative acts.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to civil procedure; specifying the properly  
 2 named party for actions challenging legislative acts;  
 3 providing for removal of incorrect names; providing  
 4 legislative findings; specifying applicability; and  
 5 providing for an effective date.

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

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9 **Section 1.** W.S. 1-35-109 is created to read:

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11 **1-35-109. Legislature and legislators as party to**  
 12 **actions; properly naming party.**

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14 (a) In any action challenging any official act of the  
 15 legislature as a whole and naming the legislature or any  
 16 member thereof as a party, the proper party shall be "The

1 Legislature of the State of Wyoming." In any such action  
2 challenging an official act of either body of the  
3 legislature or a committee of the legislature the proper  
4 party shall be the appropriate body or committee of "the  
5 Legislature of the State of Wyoming".

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7 (b) In any action challenging any official act of a  
8 member of the state legislature, the legislator shall be  
9 designated only by the legislative office held unless the  
10 action seeks:

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12 (i) To recover a money judgment enforceable  
13 against the legislator's personal assets; or

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15 (ii) Other relief from actions of the legislator  
16 other than actions taken in his official capacity.

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18 (c) Any individual named in an action in which the  
19 proper party is the legislature or a body of the  
20 legislature or who has otherwise been improperly named has  
21 the substantive right to petition the court to have his  
22 name removed from the action.

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1           (d) Nothing in this section shall be interpreted to  
2 require naming the legislature as a party when the claim or  
3 cause of action arises from the enforcement or operation of  
4 any law.

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6           **Section 2.** The legislature finds that Wyoming has a  
7 part-time citizen legislature. As such, state legislators  
8 are often engaged in other occupations and businesses. In  
9 today's society, with the proliferation of social media and  
10 the internet, being named as a defendant to a lawsuit can  
11 negatively impact a person's occupation or other business  
12 interests regardless of the subsequent outcome of the  
13 litigation. The naming of a state legislator individually  
14 for actions taken by the legislature as a whole, or by a  
15 body of the legislature, or for official actions taken as a  
16 state legislator can negatively impact legitimate interests  
17 of the individual and accordingly discourage persons from  
18 seeking state legislative offices. The legislature further  
19 finds that the right not to be named individually for  
20 actions taken in an official capacity, or for actions taken  
21 by a legislative body, is not a matter of procedure, but a  
22 substantive right.

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1           **Section 3.** W.S. 1-35-109 shall apply to any action  
2 pending or initiated on or after the effective date of this  
3 act.

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5           **Section 4.** This act is effective immediately upon  
6 completion of all acts necessary for a bill to become law  
7 as provided by Article 4, Section 8 of the Wyoming  
8 Constitution.

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(END)