

## HOUSE BILL NO. HB0078

Environmental protection agency actions.

Sponsored by: Representative(s) Miller, Jaggi, Larsen,  
Loucks, Reeder and Winters and Senator(s)  
Bebout, Coe, Cooper, Geis and Hicks

## A BILL

for

1 AN ACT relating to authority of the federal government;  
2 recognizing the constitutional limitations on rulemaking  
3 authority of federal agencies and specifically the  
4 environmental protection agency; providing legislative  
5 findings in relation to those limitations; specifying the  
6 policy of the state in regard to actions of the  
7 environmental protection agency; authorizing the attorney  
8 general to take actions; authorizing and prioritizing the  
9 use of federal natural resource policy account funds; and  
10 providing for an effective date.

11

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

13

14 **Section 1.** W.S. 9-14-102 is created to read:

15

16 **9-14-102. Unauthorized federal agency actions.**

1

2 (a) The legislature finds:

3

4 (i) Rules enacted and other actions taken by a  
5 federal agency in excess of authority authorized by the  
6 United States congress acting within its powers under the  
7 United States constitution violate the constitution;

8

9 (ii) The federal environmental protection agency  
10 has increasingly expanded its rulemaking authority granted  
11 by the United States congress in creation of the agency in  
12 1970;

13

14 (iii) Rulemaking and other actions of the  
15 federal environmental protection agency have severely  
16 impacted the ability of the state and its citizens to  
17 prudently develop the state's natural resources;

18

19 (iv) When rulemaking and other actions of the  
20 federal environmental protection agency rest on  
21 questionable congressional authority the state must act to  
22 protect its interests and the interests of its citizens and  
23 should challenge those actions, including unlawful  
24 rulemaking.

1

2 (b) The legislature declares it is the state's policy  
3 to vigorously defend its interests and those of its  
4 citizens against rulemaking and other actions of the  
5 federal environmental protection agency which are not  
6 authorized by the United States congress or which rest upon  
7 questionable authority.

8

9 (c) The attorney general may seek to take action  
10 before the federal environmental protection agency or in  
11 any state or federal court in Wyoming to stop the  
12 enforcement, administration or implementation of rulemaking  
13 or other actions taken by that agency if, in his judgment,  
14 the rulemaking or other action exceeds the authority  
15 granted by the United States congress or otherwise rests on  
16 questionable authority. The attorney general is directed  
17 to advance arguments that protect the state's tax base or  
18 protect the property rights of its citizens. Before  
19 intervening in or initiating any lawsuit pursuant to this  
20 section, the attorney general shall obtain the approval of  
21 the governor.

22

23 **Section 2.** W.S. 9-4-218(c) is amended to read:

24

1           9-4-218. Federal natural resource policy account  
2 created; purposes.

3

4           (c) In the expenditure of funds from the federal  
5 natural resources policy account pursuant to this section,  
6 preference shall be given to those funding requests that:

7

8           (i) Enhance the ability of a county to  
9 participate in federal natural resource policy matters; ~~or~~ or

10

11           (ii) Fund actions taken under paragraph (a)(iii)  
12 of this section as the governor determines necessary or  
13 advisable to protect the state's tax base or property  
14 rights within the state from actions taken by the  
15 environmental protection agency.

16

17           **Section 3.** This act is effective immediately upon  
18 completion of all acts necessary for a bill to become law  
19 as provided by Article 4, Section 8 of the Wyoming  
20 Constitution.

21

22

(END)