

ENROLLED ACT NO. 30, SENATE

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

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

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

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

9-14-102. Unauthorized federal agency actions.

(a) The legislature finds:

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

(ii) The federal environmental protection agency has increasingly expanded its rulemaking authority granted by the United States congress;

(iii) Current rulemaking and other actions of the federal environmental protection agency have severely impacted the ability of the state and its citizens to prudently develop the state's natural resources;

(iv) When rulemaking and other actions of the federal environmental protection agency rest on

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questionable congressional authority the state is authorized to protect its interests and the interests of its citizens and should challenge those actions, including unlawful rulemaking.

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

(c) The attorney general may seek to take action before the federal environmental protection agency or in any state or federal court to stop the enforcement, administration or implementation of rulemaking or other actions taken by that agency if, in his judgment, the rulemaking or other action exceeds the authority granted by the United States congress or otherwise rests on questionable authority. Before intervening in or initiating any lawsuit pursuant to this section, the attorney general shall obtain the approval of the governor.

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

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

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

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

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(ii) Fund actions taken under paragraph (a)(iii) of this section as the governor determines necessary or advisable to protect the state's jurisdictional, economic or property interests from actions taken by the environmental protection agency.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk