

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Constitutional protections-tenth amendment.

Sponsored by: HDraft Committee

A BILL

for

1 AN ACT relating to the administration of government;
2 providing for the protection of Wyoming's constitutional
3 rights; making legislative findings regarding the tenth
4 amendment to the United States constitution; establishing
5 related state policy; authorizing the attorney general to
6 take action as specified; and providing for an effective
7 date.

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

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11 **Section 1.** W.S. 9-14-103 is created to read:

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13 **9-14-103. Tenth amendment guarantees.**

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2 (a) The legislature finds the tenth amendment to the
3 United States constitution:

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5 (i) Guarantees and reserves to the states, or the
6 people, all powers not specifically granted to the federal
7 government;

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9 (ii) Guarantees to the state that congress and
10 the federal government will not exercise any purported
11 additional control over or commandeer rights belonging to
12 the state; and

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14 (iii) Ensures the state retains exclusive power
15 to regulate and govern the state subject only to the powers
16 specifically granted to the federal government by the
17 constitution of the United States and the fourteenth
18 amendment's guarantee that the people and the state of
19 Wyoming exercise their sovereign powers in accordance with
20 each citizen's lawful privileges and immunities and right
21 to due process and equal protection of the law.

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1 (b) The legislature declares it is the state's policy
2 to vigorously defend the state's rights whenever the
3 federal government exercises control within the state that
4 violates the prescribed limits of the tenth amendment to
5 the United States constitution without express authority of
6 the state.

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8 (c) The attorney general may seek to take action in
9 any administrative hearing or before any state or federal
10 court to stop the enforcement or administration of any
11 action taken by the federal government that, in the
12 attorney general's judgment, violates the tenth amendment.
13 Before intervening in or initiating any lawsuit pursuant to
14 this section, the attorney general shall obtain the
15 approval of the governor.

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17 **Section 2.** 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.

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22

(END)