

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO.

Natural Resource Protection Act.

Sponsored by: Senator(s) Boner

A BILL

for

1 AN ACT relating to protection of constitutional rights;
2 providing a declaration of authority and policy;
3 prohibiting the enforcement of federal rules or regulations
4 regarding federal land management as specified; providing
5 an exception; providing a penalty; and providing for an
6 effective date.

7

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

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11 *****

12 STAFF COMMENT

13 Because of the timing of this bill draft request, this
14 draft has not gone through the complete LSO review process
15 for committee bills.

1 *****
 2 *****
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5 **Section 1.** W.S. 9-14-301 through 9-14-303 are created
 6 to read:

7

8

ARTICLE 3

9

NATURAL RESOURCE PROTECTION ACT

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11

9-14-301. Short title.

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13 This article shall be known and may be cited as the
 14 "Natural Resource Protection Act."

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 17 *****

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STAFF COMMENT

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The Sponsor may wish to consider narrowing the name of the
 20 act to the "State Natural Resource Protection Act."

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9-14-302. Declaration of authority and policy.

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(a) The Natural Resource Protection Act is enacted

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under the authority of the tenth amendment to the United

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States constitution and Wyoming's agreement with the United

1 States that the state adopted when it joined the union
2 under the United States constitution's system of dual
3 sovereignty.

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5 (b) The legislature finds and declares:

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7 (i) The federal government shall comply with
8 federal law when administering federal lands;

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10 (ii) The federal government arbitrarily
11 restricting significant amounts of federal lands from
12 public use is contrary to managing federal land under
13 principles of multiple use and sustained yield;

14

15 (iii) Any failure by the federal government to
16 abide by both historic land management practices and the
17 law undermines the law that is vital to our system of
18 government.

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20 *****
21 *****

22 STAFF COMMENT
23 The Sponsor may wish to consider removing the phrase
24 "historic land management practices" from paragraph (iii)
25 as it is unclear whether the federal government is required
26 to abide by historic land management practices.

1 *****
2 *****
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4 9-14-303. Prohibiting the enforcement of federal
5 regulation regarding federal land management; penalty.

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7 (a) Upon a determination by the governor, with advice
8 from the attorney general, that an executive order, rule or
9 regulation of the federal government does not comply with
10 federal laws regarding federal land management and upon
11 providing notice, this state and all political subdivisions
12 of this state shall not use any personnel, funds
13 appropriated by the legislature or any other source of
14 funds that originate within the state of Wyoming to
15 enforce, administer or coordinate with that federal
16 executive order, rule or regulation. The governor shall not
17 review a valid agreement with a federal agency for the
18 state to assume primacy over regulation and enforcement of
19 a federal law or program until a court of competent
20 jurisdiction determines the federal executive order, rule
21 or regulation is unlawful.

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23 *****
24 *****
25 STAFF COMMENT

- 1 The Sponsor may wish to consider:
- 2 • Who decides that a federal executive order, rule or
 - 3 regulation does not comply with federal law. For
 - 4 example, the determination may be made by a court of
 - 5 competent jurisdiction or by the governor (as
 - 6 written).
 - 7 • Specifying the applicable federal laws regarding
 - 8 federal land management.
 - 9 *****
 - 10 *****
 - 11

12 (b) Nothing in this act shall limit or restrict a

13 public officer, as defined by W.S. 6-5-101(a)(v), from

14 providing assistance to federal authorities for purposes

15 not specifically identified in subsection (a) of this

16 section. Nothing in this act shall be construed to prohibit

17 any governmental entity from accepting federal funds for

18 law enforcement purposes.

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20 (c) Any public officer, as defined in W.S. 6-5-

21 101(a)(v), who knowingly violates subsection (a) of this

22 section is guilty of a misdemeanor punishable by

23 imprisonment for not more than one (1) year, a fine of not

24 more than two thousand dollars (\$2,000.00), or both.

25

26 **Section 2.** This act is effective July 1, 2024.

27

28 (END)