

HOUSE BILL NO. HB0070

Occupational safety and health administration actions.

Sponsored by: Select Federal Natural Resource Management
Committee

A BILL

for

1 AN ACT relating to the administration of government;
2 recognizing limitations on the regulatory authority of the
3 occupational safety and health administration; providing
4 legislative findings in relation to those limitations;
5 specifying the policy of the state in regard to actions of
6 the occupational safety and health administration;
7 authorizing intervention by the attorney general to protect
8 the interests of the state as specified; and providing for
9 an effective date.

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

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13 **Section 1.** W.S. 9-14-102(a) by creating a new
14 paragraph (iv), by amending and renumbering (iv) as (v),
15 (b) and (c) is amended to read:

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9-14-102. Unauthorized federal agency actions.

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(a) The legislature finds:

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(iv) The federal occupational safety and health administration has expanded its regulation of highly hazardous chemicals on questionable authority;

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~~(iv)~~ (v) When rulemaking and other actions of the federal environmental protection agency or the federal occupational safety and health administration rest on 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.

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(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 or the federal occupational safety and health administration which are not

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1 authorized by the United States congress or which rest upon
2 questionable authority.

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4 (c) The attorney general may seek to take action
5 before the federal environmental protection agency, the
6 federal occupational safety and health administration or in
7 any state or federal court to stop the enforcement,
8 administration or implementation of rulemaking or other
9 actions taken by ~~that agency~~ those agencies if, in his
10 judgment, the rulemaking or other action exceeds the
11 authority granted by the United States congress or
12 otherwise rests on questionable authority. Before
13 intervening in or initiating any lawsuit pursuant to this
14 section, the attorney general shall obtain the approval of
15 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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(END)