

HOUSE BILL NO. HB0260

Illegal presidential EOs-review.

Sponsored by: Representative(s) Haroldson, Baker, Bear,
Blackburn, Fortner, Gray, Laursen and Neiman
and Senator(s) Steinmetz

A BILL

for

1 AN ACT relating to presidential executive orders;
2 authorizing the legislature to nullify presidential
3 executive orders; prohibiting enforcement of presidential
4 executive orders as specified; authorizing interim
5 nullification by nine members of the legislature as
6 specified; making legislative findings; and providing for
7 an effective date.

8

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

10

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

12

13 **9-14-103. Nullification of presidential executive**
14 **orders.**

15

1 (a) The legislature of the state of Wyoming may
2 review and declare unconstitutional any executive order
3 issued by the president of the United States if the order
4 has not been affirmed by a vote of the congress of the
5 United States and signed into law, as prescribed by the
6 constitution of the United States.

7

8 (b) Upon a majority of both houses of the legislature
9 declaring an order issued by the president of the United
10 States, not affirmed by a vote of the congress, to be
11 unconstitutional:

12

13 (i) No state agency, political subdivision or
14 any elected or appointed official or employee of this state
15 or a political subdivision shall implement or aid in the
16 implementation of an executive order that restricts a
17 person's rights if the order relates to:

18

19 (A) A pandemic or other public health
20 emergency;

21

22 (B) The regulation of natural resources;

23

1 (C) The regulation of the agricultural
2 industry;

3
4 (D) The regulation of land use;

5
6 (E) The regulation of the financial sector
7 through the imposition of environmental, social or
8 governance standards; or

9
10 (F) The regulation of the constitutional
11 right to keep and bear arms or the procurement and
12 ownership of ammunition.

13
14 (ii) The sheriff of each county, at his
15 discretion, may take any action deemed necessary to prevent
16 the implementation of the unconstitutional executive order
17 on land owned by the state or its citizens.

18
19 (c) Any nine (9) duly elected members of the Wyoming
20 legislature, including not less than three (3) members of
21 the senate of the Wyoming legislature and three (3) members
22 of the house of representatives of the Wyoming legislature,
23 having notified the governor, attorney general and the

1 management council of the Wyoming legislature in writing of
2 the unconstitutionality of an executive order of the
3 president of the United States shall cause that cited
4 presidential executive order to be considered
5 unconstitutional and treated accordingly under subsection
6 (b) of this section until the next regularly scheduled
7 session of the legislature. At the next regularly scheduled
8 session of the legislature, the legislature shall affirm or
9 reject the unconstitutionality of the cited executive order
10 of the president of the United States. If the legislature
11 fails to consider the constitutionality of cited
12 presidential executive order at its next regularly
13 scheduled session, the order shall be deemed constitutional
14 and no longer subject to this section.

15

16 **Section 2.** The legislature finds that presidential
17 executive order 14008, signed January 27, 2021, which
18 imposes an indefinite moratorium on new oil and natural gas
19 leases on public lands and in offshore waters, is hereby
20 declared unconstitutional.

21

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

5

6

(END)