

Senate File 343 - Introduced

SENATE FILE 343

BY GUTH

A BILL FOR

1 An Act regarding the nullification of regulations of the United
2 States environmental protection agency in this state.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 455A.15A Nullification of United
2 States environmental protection agency regulations.

3 1. The general assembly makes the following findings:

4 a. The tenth amendment to the Constitution of the United
5 States reads as follows: "The powers not delegated to the
6 United States by the Constitution, nor prohibited by it to the
7 States, are reserved to the States respectively, or to the
8 people."

9 b. The tenth amendment defines the total scope of federal
10 power as being that which is specifically granted by the
11 Constitution of the United States and no more.

12 c. Article VI of the Constitution of the United States
13 states that federal actions are supreme only when made in
14 pursuance of the Constitution of the United States.

15 d. The scope of power defined by the tenth amendment
16 means that the federal government was created by the states
17 specifically to be an agent of the states.

18 e. The regulation-making authority of the United States
19 environmental protection agency is not authorized by the
20 Constitution of the United States in any article or amendment
21 and violates the Constitution's true meaning and intent as
22 given by the founders and ratifiers.

23 2. Based on the findings in section 1, all regulations
24 imposed by the United States environmental protection agency
25 before, on, or after July 1, 2015, are void in this state.

26 3. This state, being conscious of the need for environmental
27 protection for its citizens, shall provide environmental
28 protection through its department of natural resources.

29 4. All laws and funding appropriations concerning
30 environmental protection shall be determined through passage of
31 enrolled acts by the general assembly.

32 5. The department of natural resources shall be responsible
33 for the adoption and enforcement of all necessary rules
34 concerning environmental protection in this state.

35

EXPLANATION

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1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill nullifies the regulations of the United States
4 environmental protection agency in this state. The bill states
5 that the regulation-making authority of the United States
6 environmental protection agency is not authorized by the
7 Constitution of the United States in any article or amendment
8 and violates the Constitution's true meaning and intent. The
9 department of natural resources shall be responsible for
10 protection of the environment in this state. All laws and
11 funding related to environmental protection shall be enacted by
12 the general assembly of this state.