LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 322

BY STATE AFFAIRS COMMITTEE

AN ACT RELATING TO FEDERALISM; AMENDING CHAPTER 93, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9302, IDAHO CODE, TO PROVIDE A PROCEDURE REGARDING NONRECOGNITION OF CERTAIN FEDERAL ACTIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 93, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-9302, Idaho Code, and to read as follows:

67-9302. FEDERALISM PROCEDURE. The state of Idaho declares a procedure to make null and void and of no force and effect federal executive orders, agency orders, rules, policy directives, regulations, acts of congress, or federal court rulings, hereinafter referred to collectively as "federal actions," that go beyond the powers enumerated to the federal government in the constitution of the United States. In order to declare such federal actions outside the scope of federal authority or contrary to the constitution of the state of Idaho, the following procedure is established: Any current member of the Idaho house of representatives or senate may bring a complaint within the Idaho legislature regarding the enforceability of such federal action, directed to the chairman of the committee on federalism, the speaker of the house of representatives, and the president pro tempore of the senate. Within fifteen (15) days of receiving the complaint, the chairman shall conduct a survey of the committee, either in person or by remote means, and determine whether or not the committee finds the complaint has merit and, upon such determination, will either dismiss or pursue the action. If the committee decides to pursue the action, a public meeting must be scheduled within thirty (30) days of the decision. No agency of or political subdivision of this state shall take any action or utilize any resources to give effect to or to enforce the federal action in question upon convening of the hearings until a determination has been made on its status in this state. If after investigation the committee finds the federal action is outside the scope of federal authority or is contrary to the constitution of the state of Idaho, it shall prepare a report setting forth its findings, recommendation, and reasons for the recommendation to the legislature. Legislation may then be introduced proclaiming that the federal action is outside the scope of federal authority and, if it is enacted into law, such federal actions shall not be recognized by the state of Idaho and are null and void and of no force and effect in this state, and no agency of or political subdivision of this state shall take any action or utilize any resources to give effect to or to enforce such federal executive orders, agency orders, rules, policy directives, regulations, acts of congress, or federal court rulings.
SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.