

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 322, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FEDERALISM; AMENDING CHAPTER 93, TITLE 67, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 67-9302, IDAHO CODE, TO PROVIDE A PROCEDURE
3 REGARDING NONRECOGNITION OF CERTAIN FEDERAL ACTIONS; AND DECLARING AN
4 EMERGENCY.
5

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

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

10 67-9302. FEDERALISM PROCEDURE. The state of Idaho declares a pro-
11 cedure to make null and void and of no force and effect federal executive
12 orders, agency orders, rules, policy directives, regulations, acts of con-
13 gress, or federal court rulings, hereinafter referred to collectively as
14 "federal actions," that go beyond the powers enumerated to the federal gov-
15 ernment in the constitution of the United States. In order to declare such
16 federal actions outside the scope of federal authority or contrary to the
17 constitution of the state of Idaho, the following procedure is established:
18 Any current member of the Idaho house of representatives or senate may bring
19 a complaint within the Idaho legislature regarding the enforceability of
20 such federal action, directed to the chairmen of the committee on feder-
21 alism, the speaker of the house of representatives, and the president pro
22 tempore of the senate. Within fifteen (15) days of receiving the complaint,
23 the chairmen shall conduct a survey of the committee, either in person or by
24 remote means, and determine whether or not the committee finds the complaint
25 has merit and, upon such determination, will either dismiss or pursue the
26 action. If the committee decides to pursue the action, a public meeting must
27 be scheduled within thirty (30) days of the decision. If the federal action
28 in question began after January 1, 2021, then no agency of or political sub-
29 division of this state shall take any action or utilize any resources to give
30 effect to or to enforce of the federal action in question upon convening of
31 the hearings until a determination has been made on its status in this state.
32 If the federal action in question began prior to January 1, 2021, then it
33 shall remain in effect throughout the hearing process. If no determination
34 has been made by the committee prior to the end of the legislative session in
35 the year following the convening of hearings, the prohibition on enforcement
36 of the federal action shall be considered expired. If after investigation
37 the committee finds the federal action is outside the scope of federal au-
38 thority or is contrary to the constitution of the state of Idaho, it shall
39 prepare a report setting forth its findings, recommendation, and reasons
40 for the recommendation to the legislature. Legislation may then be intro-
41 duced proclaiming that the federal action is outside the scope of federal
42 authority and, if it is enacted into law, such federal actions shall not be

1 recognized by the state of Idaho and are null and void and of no force and
2 effect in this state, and no agency of or political subdivision of this state
3 shall take any action or utilize any resources to give effect to or to enforce
4 such federal executive orders, agency orders, rules, policy directives,
5 regulations, acts of congress, or federal court rulings.

6 SECTION 2. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after its
8 passage and approval.