

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 727

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 proce-  
11 dure to make of no effect federal executive orders, agency orders, rules,  
12 policy directives, and regulations, hereinafter referred to collectively  
13 as "federal actions," that go beyond the powers enumerated to the federal  
14 government in the constitution of the United States. In order to declare  
15 such federal actions outside the scope of federal authority or contrary to  
16 the constitution of the state of Idaho, the following procedure is estab-  
17 lished: Any current member of the Idaho house of representatives or senate  
18 may bring a complaint within the Idaho legislature regarding the enforce-  
19 ability of such federal action, directed to the chairmen of the committee  
20 on federalism, the speaker of the house of representatives, and the presi-  
21 dent pro tempore of the senate. Within fifteen (15) days of receiving the  
22 complaint, the chairmen shall conduct a survey of the committee, either in  
23 person or by remote means, and determine whether or not the committee finds  
24 the complaint has merit and, upon such determination, will either dismiss or  
25 pursue the action. If the committee decides to pursue the action, a public  
26 meeting must be scheduled within thirty (30) days of the decision. If the  
27 federal action in question began after January 1, 2022, then no agency of or  
28 political subdivision of this state shall take any action or utilize any re-  
29 sources to give effect to or to enforce the federal action in question upon  
30 convening of the hearings until a determination has been made on its status  
31 in this state. If the federal action in question began prior to January 1,  
32 2022, then it shall remain in effect throughout the hearing process. If no  
33 determination has been made by the committee prior to the end of the legisla-  
34 tive session in the year following the convening of hearings, the prohibi-  
35 tion on enforcement of the federal action shall be considered expired. If  
36 after investigation the committee finds the federal action is outside the  
37 scope of federal authority or is contrary to the constitution of the state of  
38 Idaho, it shall prepare a report setting forth its findings, recommendation,  
39 and reasons for the recommendation to the legislature. Legislation may then  
40 be introduced proclaiming that the federal action is outside the scope of  
41 federal authority and, if it is enacted into law, such federal actions shall  
42 not be recognized by the state of Idaho and are null and void and of no force

1 and effect in this state, and no agency of or political subdivision of this  
2 state shall take any action or utilize any resources to give effect to or to  
3 enforce such federal executive orders, agency orders, rules, policy direc-  
4 tives, and regulations.

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