

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 461

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO STATE SOVEREIGNTY; PROVIDING A SHORT TITLE; PROVIDING LEGISLA-  
2 TIVE INTENT; AMENDING CHAPTER 5, TITLE 67, IDAHO CODE, BY THE ADDITION  
3 OF A NEW SECTION 67-515, IDAHO CODE, TO PROVIDE A PROCEDURE FOR INVAL-  
4 IDATING CERTAIN PUBLIC LAWS, REGULATIONS OR CASES, TO PROVIDE PROHIBI-  
5 TION ON ENFORCEMENT, TO PROVIDE PENALTIES AND TO PROVIDE FOR A CIVIL AC-  
6 TION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.  
7

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

9 SECTION 1. SHORT TITLE. This act shall be known and may be cited as the  
10 "State Sovereignty Responsibility Act."

11 SECTION 2. LEGISLATIVE INTENT. (1) The several states, including the  
12 state of Idaho, are not united, by the Constitution of the United States  
13 and of amendments thereto, on the principle of unlimited submission to the  
14 federal government. The several states constituted a general government by  
15 compact for special purposes, delegating to that government certain defi-  
16 nite powers, reserving, each state to itself, the residuary mass of right to  
17 their own self-government. Whenever the federal government assumes undel-  
18 egated power, its acts are unauthoritative, void, and of no force. Further,  
19 the federal government, created by this compact, was not made the exclusive  
20 or final judge of the extent of the powers delegated to itself, since that  
21 would have made its discretion, and not the Constitution, the measure of its  
22 powers; but that, as in all other cases of compact among powers having no  
23 common judge, each party has an equal right to judge for itself, as well of  
24 infractions as of the mode and measure of redress. It is the duty of the state  
25 of Idaho to assure that the federal government conform to said compact.

26 (2) The Constitution of the United States having delegated to Congress  
27 a power to "provide for the ... general welfare of the United States," and  
28 separately a power "to regulate commerce ... among the several states,"  
29 does not extend to forcibly mandating, in any form, citizen participation  
30 in a national health plan, nor to any mandated Form 1099 reporting con-  
31 tained therein. And it being true, as a general principle, and one of the  
32 amendments to the Constitution having also declared, that "the powers not  
33 delegated to the United States by the Constitution, nor prohibited by it to  
34 the states, are reserved to the states respectively, or to the people." The  
35 state of Idaho, therefore, on behalf of the citizens of this state and to  
36 secure the rights of said citizens, hereby asserts its legitimate authority  
37 to interpose between said citizens and the federal government and declares a  
38 procedure to make void and of no effect acts of Congress, federal regulations  
39 and court decisions that violate the 10th Amendment to the United States  
40 Constitution.

41 (3) The Idaho Legislature hereby declares that the state of Idaho, on  
42 behalf of its citizens, is the final arbiter of whether an act of Congress,

1 a federal regulation or a court decision is unconstitutional and may declare  
2 that the federal laws, regulations or court decisions are not authorized by  
3 the Constitution of the United States and violate its meaning and intent, and  
4 further, are null, void and of no effect regarding any Idaho citizen residing  
5 within the borders of the state of Idaho.

6 SECTION 3. That Chapter 5, Title 67, Idaho Code, be, and the same is  
7 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
8 ignated as Section 67-515, Idaho Code, and to read as follows:

9 67-515. PROCEDURE FOR INVALIDATING CERTAIN PUBLIC LAWS, REGULATIONS  
10 OR CASES -- PROHIBITION ON ENFORCEMENT -- PENALTIES -- ATTORNEY GEN-  
11 ERAL. (1) The legislature is providing a process for invalidating certain  
12 public laws, regulations or cases. If a member of the legislature claims  
13 any executive order, federal law, federal regulation, federal court or U.S.  
14 supreme court decision is not constitutional as compared to the original  
15 intent of the United States constitution, legislation may be introduced  
16 proclaiming that fact, and if it is enacted into law, such laws, regulations  
17 or court cases are hereby declared to be unconstitutional. Such laws, regu-  
18 lations or court cases shall not be recognized by the state of Idaho and are  
19 null and void and of no effect in this state.

20 (2) (a) No department or agency of the state of Idaho shall establish any  
21 program, promulgate any rule, policy, guideline or plan or make changes  
22 to any program, rule, policy, guideline or plan in effect at the time of  
23 the passage and approval of this act, to implement the laws, regulations  
24 or court cases referenced in subsection (1) of this section.

25 (b) No department or agency of the state of Idaho or public officer or  
26 employee of the state of Idaho shall enter into any memorandum of agree-  
27 ment, memorandum of understanding or any other such obligation in fur-  
28 therance of the laws, regulations or court cases referenced in subsec-  
29 tion (1) of this section.

30 (c) No department or agency of the state of Idaho or public officer or  
31 employee of the state of Idaho shall offer assistance, guidance or re-  
32 sources of any kind to any agency, official, agent or employee of the  
33 federal government in the execution of the laws, regulations or court  
34 cases referenced in subsection (1) of this section.

35 (d) No department or agency of the state of Idaho shall either accept  
36 moneys offered or expend moneys available from the federal government  
37 in furtherance of the laws, regulations or court cases referenced in  
38 subsection (1) of this section.

39 (e) No person, employee, employer, health care provider or insurance  
40 provider shall be compelled by the state of Idaho, its employees or con-  
41 tractors to comply with the laws, regulations or court cases referenced  
42 in subsection (1) of this section;

43 (3) No judge of an Idaho state court shall issue any order to levy or ex-  
44 ecute on the property of any Idaho citizen to collect any amounts assessed  
45 against such citizen for failure to comply with any provision of the laws,  
46 regulations or court cases referenced in subsection (1) of this section.

47 (4) No federal or state official, agent or employee of the United States  
48 government or agent or employee of the state of Idaho shall levy or execute  
49 on the property of any Idaho citizen to collect any amounts assessed against

1 such citizen for failure to comply with any provision of the laws, regula-  
2 tions or court cases referenced in subsection (1) of this section. Any per-  
3 son who violates the provisions of this subsection shall be guilty of a mis-  
4 demeanor punishable by imprisonment in the county jail not exceeding six (6)  
5 months, or by a fine not exceeding one thousand dollars (\$1,000), or both  
6 such fine and imprisonment.

7 (5) Any aggrieved person shall have a right to a civil action against  
8 any person violating the provisions of this section.

9 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared  
10 to be severable and if any provision of this act or the application of such  
11 provision to any person or circumstance is declared invalid for any reason,  
12 such declaration shall not affect the validity of the remaining portions of  
13 this act.

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