

## **STATEMENT OF PURPOSE**

**RS29083 / #billnum**

This concurrent resolution authorizes the Speaker of the House and the President Pro Tempore of the Senate to engage counsel to sue the federal government, to have a federal court declare federal vaccine mandates unlawful, and to enjoin the mandates and prevent them from having any effect on Idaho employers and employees.

## **FISCAL NOTE**

It is anticipated that any money spent on this litigation will be drawn from the "federal overreach" fund.

### **Contact:**

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**DISCLAIMER:** This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).



LEGISLATURE OF THE STATE OF IDAHO



Sixty-sixth Legislature

First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. \_\_\_\_\_

BY \_\_\_\_\_

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE SPEAKER OF THE IDAHO HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE IDAHO SENATE TO ENGAGE COUNSEL TO SUE THE FEDERAL GOVERNMENT TO HAVE A FEDERAL COURT DECLARE THE COVID-19 VACCINATION MANDATES UNLAWFUL.

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

WHEREAS, on September 9, 2021, President Biden announced that his patience was "wearing thin" with Americans who are not vaccinated against COVID-19; and

WHEREAS, on that date, President Biden issued two executive orders setting out his "Action Plan" that included, among other things, a directive to the United States Department of Labor's Occupational Safety and Health Administration (OSHA) to develop a federal regulation requiring all United States employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work or be fired; and

WHEREAS, the Speaker of the Idaho House of Representatives, the President Pro Tempore of the Idaho Senate, Governor Little, and the Idaho Attorney General jointly responded to the President by letter dated September 17, 2021, objecting to the proposed regulation because it has no legal basis and asking the President to rescind his directive to the Department of Labor; and

WHEREAS, the Idaho constitutional and legislative officers strongly opposed the mandates because: (1) the power to promulgate and enforce vaccination policies in Idaho belongs to the state; (2) the Department of Labor lacks the requisite legal authority to issue the President's vaccination mandates; and (3) cooperative federalism requires the Department of Labor not to issue the workplace vaccination mandates; and

WHEREAS, the OSHA regulation as envisioned by the President will have serious legal flaws that will be foisted on Idaho unless remedied by a federal court.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-sixth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature authorizes the Speaker of the House of Representatives and the President Pro Tempore of the Senate to engage counsel to sue the federal government on behalf of their offices and the Legislature to have a federal court declare the federal vaccine mandates unlawful and to enjoin the mandates or otherwise prevent them from having any effect on Idaho employers and employees.