

1 Page 6-line 2 After "Constitutions;" delete "and".

2  
3 Page 6-after line 10 Insert and renumber as necessary:

4  
5 "(xvii) Under the separation of powers, the federal  
6 government may not simply commandeer the legislative processes of  
7 the states by directly compelling them to enact and enforce a  
8 federal regulatory program. While Congress and the federal  
9 executive branch have substantial powers to govern the nation  
10 directly, including in areas of intimate concern to the states,  
11 the United States Constitution has never been understood to confer  
12 upon the federal government the ability to require the states to  
13 govern according to the instructions of the federal government;

14  
15 (xviii) Our system of government rests on what might at  
16 first seem a counterintuitive insight, that freedom is enhanced by  
17 the creation of two (2) governments, not one (1). For this reason,  
18 the United States Constitution has never been understood to confer  
19 upon Congress nor the federal executive branch the ability to  
20 require the states to govern according to their instructions.  
21 Otherwise, the two (2) government system established by the framers  
22 would give way to a system that vests power in one (1) central  
23 government, and individual liberty would suffer; and

24  
25 (xix) The directive issued by the federal executive  
26 branch and the forthcoming rules by federal agencies regarding  
27 COVID-19 vaccination mandates cannot be a more direct affront to  
28 state sovereignty. The state of Wyoming rejects these devices by  
29 the federal government under the anti-commandeering doctrine. This  
30 doctrine is simply that of a fundamental structural decision  
31 incorporated into the United States Constitution, the decision to  
32 withhold from the federal government the power to issue orders  
33 directly to the states. Conspicuously absent from the list of  
34 powers given to Congress is the power to issue direct orders to  
35 the governments of the states. The anti-commandeering doctrine  
36 simply represents the recognition of this limit on federal  
37 authority.

38  
39 (b) The legislature resolves that:

40  
41 (i) The legislature strongly condemns the promulgation  
42 of any federal COVID-19 vaccination requirement or mandate as an  
43 infringement on the rights of the citizens of Wyoming to make their  
44 own healthcare decisions without governmental coercion, intrusion

1 or dictate. The federal government does not have the right to  
2 impose such mandates on the states, and doing so violates the tenth  
3 amendment to the United States Constitution and article 1, section  
4 38 of the Wyoming Constitution;

5  
6 (ii) The states are laboratories of good policy. Each  
7 individual state should be granted the freedom to determine its  
8 own policies regarding how the COVID-19 pandemic is managed within  
9 its borders without interference from the federal government;

10  
11 (iii) No public entity in Wyoming should be coerced into  
12 enforcing any mandate, requirement or standard of the federal  
13 government, whether emergency, temporary or permanent, that  
14 requires an employer to ensure or mandate that an employee shall  
15 receive a COVID-19 vaccination;

16  
17 (iv) No public entity should be required to enforce any  
18 federal law, regulation, rule, standard or order relating to a  
19 COVID-19 vaccine requirement or mandate;

20  
21 (v) No public entity should be coerced into requiring a  
22 person to receive or show proof of a COVID-19 vaccination for the  
23 person to receive or qualify for any public benefit to which the  
24 person is entitled;

25  
26 (vi) The attorney general is empowered to initiate or  
27 participate in litigation and to take any other appropriate action  
28 to challenge and resist federal COVID-19 vaccine mandates or  
29 requirements that are contrary to federal and state law and that  
30 infringe on the rights of Wyoming citizens."

31  
32 Page 9-after line 9 Insert:

33  
34 **"Section 5.** The Wyoming secretary of state shall transmit  
35 copies of this act to the President of the United States, the  
36 Speaker of the United States House of Representatives, the  
37 President and the President Pro Tempore of the United States  
38 Senate, the Majority and Minority Leader and Whip of each house of  
39 the United States Congress and to Wyoming's Congressional  
40 Delegation."

41  
42 Page 9-line 11 Delete **"Section 5."** and insert **"Section 6."**

43  
44 To the extent required by this amendment, renumber as necessary.  
45 HICKS, DOCKSTADER, KINSKEY, NETHERCOTT, PERKINS