

1 HB319  
2 209678-1  
3 By Representatives Stringer, Moore (P), Oliver, Wadsworth,  
4 Sorrells, Shaver, Wood (D), Isbell, Hanes, Robertson, Estes,  
5 Sorrell, Whitt, Brown (C), Bedsole, Reynolds, Stadthagen,  
6 Kiel, Farley and Fincher  
7 RFD: Judiciary  
8 First Read: 03-FEB-21

8 SYNOPSIS: This bill would authorize the Legislative  
9 Council to review executive orders issued by the  
10 President of the United States and submit them to  
11 the Attorney General for review.

12 This bill would also provide that when  
13 certain executive orders are determined by the  
14 Attorney General to be an unconstitutional  
15 restriction of rights, the state or a political  
16 subdivision of the state, or an agency thereof, may  
17 not implement the executive order.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Relating to state government; to authorize the  
24 review of certain presidential executive orders and to  
25 prohibit the implementation of certain presidential executive  
26 orders.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) The Legislative Council may review  
2 any executive order issued by the President of the United  
3 States and recommend to the Attorney General and the Governor  
4 that the executive order be further reviewed. Upon  
5 recommendation from the Legislative Council, the Attorney  
6 General shall review the executive order to determine the  
7 constitutionality of the order and whether the state should  
8 seek an exemption from the application of the order or seek to  
9 have the order declared to be an unconstitutional exercise of  
10 legislative authority by the President.

11           (b) Notwithstanding any provision of law to the  
12 contrary, the state or a political subdivision of the state,  
13 or an agency thereof, may not implement an executive order  
14 that the Attorney General determines to be an unconstitutional  
15 restriction of a person's rights under subsection (a) and  
16 which relates to any of the following:

17           (1) Epidemics, pandemics, or other health  
18 emergencies.

19           (2) The regulation of natural resources, including  
20 coal and oil.

21           (3) The regulation of the agriculture industry.

22           (4) The use of land.

23           (5) The regulation of the financial sector as it  
24 relates to environmental, social, or governance standards.

25           (6) The regulation of the constitutional right to  
26 keep and bear arms.

1                   Section 2. Although this bill would have as its  
2                   purpose or effect the requirement of a new or increased  
3                   expenditure of local funds, the bill is excluded from further  
4                   requirements and application under Amendment 621, as amended  
5                   by Amendment 890, now appearing as Section 111.05 of the  
6                   Official Recompilation of the Constitution of Alabama of 1901,  
7                   as amended, because the bill defines a new crime or amends the  
8                   definition of an existing crime.

9                   Section 3. This act shall become effective on the  
10                  first day of the third month following its passage and  
11                  approval by the Governor, or its otherwise becoming law.