

HB395 INTRODUCED



1 JRDCFN-1
2 By Representative Mooney
3 RFD: Constitution, Campaigns and Elections
4 First Read: 27-Apr-23
5
6 2023 Regular Session



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SYNOPSIS:

This bill would affirm Alabama's sovereignty under the Tenth Amendment to the United States Constitution.

A BILL
TO BE ENTITLED
AN ACT

Relating to states' rights; to provide legislative findings; and to specify the sovereignty of the State of Alabama under the Tenth Amendment to the United States Constitution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature finds and declares the following:

(1) That the Tenth Amendment to the Constitution of the United States of America defines the total scope of federal power as being that specifically granted by the United States Constitution and no more.

(2) That the Tenth Amendment guarantees and reserves to the states all powers not delegated to the federal government.

(3) That the United States Supreme Court in *New York v. United States*, 505 U.S. 144 (1992), confirmed that Congress



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29 may not commandeer the legislative and regulatory processes of
30 the state.

31 (4) That the United States Supreme Court in *Printz v.*
32 *United States*, 521 U.S. 898 (1997), reaffirmed that the
33 Constitution of the United States established a system of
34 "dual sovereignty" that retains "a residuary and inviolable
35 sovereignty" by the states.

36 (5) That under the Tenth Amendment, the people and
37 State of Alabama retain their exclusive power to regulate the
38 State of Alabama, subject only to the Fourteenth Amendment's
39 guarantee that the people and State of Alabama shall exercise
40 such sovereign power in accordance with each citizen's lawful
41 privileges and immunities, and in compliance with the
42 requirements of due process and equal protections of the law.

43 (6) That it is the duty of the Alabama Legislature to
44 adopt and enact any and all measures that may become necessary
45 to prevent the wrongful enforcement of any federal laws or
46 regulations that infringe on the State of Alabama's
47 sovereignty within the boundaries and limits of this state.

48 (b) The Legislature further declares that the State of
49 Alabama claims sovereignty under the Tenth Amendment to the
50 United States Constitution over all powers not otherwise
51 enumerated and granted to the federal government by the United
52 States Constitution.

53 (c) This section shall serve as a notice and demand to
54 the federal government to cease and desist any and all
55 activities outside the scope of its constitutionally
56 enumerated powers and any attempt to diminish the balance of



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57 powers as established. Congress and the federal government are
58 hereby prohibited from exercising any purported additional
59 control over, or from commandeering rights belonging to, the
60 State of Alabama or its people.

61 Section 2. This act shall become effective on the first
62 day of the third month following its passage and approval by
63 the Governor, or its otherwise becoming law.