

1 HB525
2 215263-1
3 By Representative Mooney
4 RFD: Judiciary
5 First Read: 29-MAR-22

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.

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

4 (3) That the United States Supreme Court in *New York*
5 *v. United States*, 505 U.S. 144 (1992), confirmed that Congress
6 may not commandeer the legislative and regulatory processes of
7 the state.

8 (4) That the United States Supreme Court in *Printz*
9 *v. United States*, 521 U.S. 898 (1997), reaffirmed that the
10 Constitution of the United States established a system of
11 "dual sovereignty" that retains "a residuary and inviolable
12 sovereignty" by the states.

13 (5) That under the Tenth Amendment, the people and
14 State of Alabama retain their exclusive power to regulate the
15 State of Alabama, subject only to the Fourteenth Amendment's
16 guarantee that the people and State of Alabama shall exercise
17 such sovereign power in accordance with each citizen's lawful
18 privileges and immunities, and in compliance with the
19 requirements of due process and equal protections of the law.

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

25 (b) The Legislature further declares that the State
26 of Alabama claims sovereignty under the Tenth Amendment to the
27 United States Constitution over all powers not otherwise

1 enumerated and granted to the federal government by the United
2 States Constitution.

3 (c) This section shall serve as a notice and demand
4 to the federal government to cease and desist any and all
5 activities outside the scope of its constitutionally
6 enumerated powers and any attempt to diminish the balance of
7 powers as established. Congress and the federal government are
8 hereby prohibited from exercising any purported additional
9 control over, or from commandeering rights belonging to, the
10 State of Alabama or its people.

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