

1 HB530
2 210544-1
3 By Representative Mooney
4 RFD: Boards, Agencies and Commissions
5 First Read: 29-MAR-22

8 SYNOPSIS: Existing law does not provide a mechanism
9 for the review by the Legislature of federal laws,
10 regulations, or executive orders to determine their
11 validity under the Constitution of the United
12 States.

13 This bill would establish the Joint
14 Legislative Committee on the Nullification of
15 Federal Laws and provide for its composition.

16 This bill would require the committee to
17 review federal laws, regulations, and executive
18 orders in order to determine their validity under
19 the Constitution of the United States.

20 This bill would authorize the committee to
21 recommend to the Legislature that it enact a bill
22 to nullify a specific federal law, regulation, or
23 executive order.

24 This bill would provide that a given federal
25 law, regulation, or executive order recommended by
26 the committee to be nullified is not enforceable in
27 this state until it is approved by the Legislature.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

6 Relating to nullification of federal law; to
7 establish the Joint Legislative Committee on the Nullification
8 of Federal Laws and provide for its composition; to require
9 the committee to review federal laws, regulations, and
10 executive orders in order to determine their validity; to
11 authorize the committee to recommend to the Legislature that
12 it enact legislation to nullify in its entirety a specific
13 federal law, regulation, or executive order; and to provide
14 that until the Legislature reviews a given federal law,
15 regulation, or executive order recommended by the committee to
16 be nullified, it is not enforceable in this state.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) The Joint Legislative Committee on
19 the Nullification of Federal Laws is established.

20 (b) The membership for the committee is as follows:

21 (1) The President Pro Tempore of the Senate.

22 (2) Six members of the Senate, to be appointed by
23 the President Pro Tempore of the Senate, not more than four of
24 whom may be members of the same political party.

25 (3) The Speaker of the House of Representatives.

26 (4) Six members of the House of Representatives, to
27 be appointed by the Speaker of the House of Representatives,

1 not more than four of whom may be members of the same
2 political party.

3 (c) The President Pro Tempore of the Senate and the
4 Speaker of the House of Representatives shall serve as
5 co-chairs of the committee.

6 (d) Each committee member shall serve a term of four
7 years, coinciding with the beginning and end of each Regular
8 Session of the Legislature.

9 (e) The committee shall meet at the call of either
10 co-chair.

11 (f) The joint committee shall review each federal
12 law, regulation, and executive order enacted, adopted, or
13 issued after the effective date of this act and shall
14 recommend whether to nullify in its entirety the federal law,
15 regulation, or executive order. In making its recommendation,
16 the committee shall consider whether the legislation,
17 regulation, or executive order is outside the scope of the
18 powers delegated to the federal government in the Constitution
19 of the United States.

20 (g) The committee may review all existing federal
21 laws, regulations, and executive orders enacted, adopted, or
22 issued before the effective date of this act for the purpose
23 of determining constitutionality and shall recommend whether
24 to nullify in its entirety the law, regulation, or executive
25 order.

26 (h) If the committee recommends the nullification of
27 a federal law, regulation, or executive order the law,

1 regulation, or order shall not be enforced in this state until
2 it is approved by the Legislature.

3 (i) The Secretary of State shall forward a copy of
4 this act to the legislatures of the several states, the
5 President of the United States, the President of the United
6 States Senate, the Speaker of the United States House of
7 Representatives, and each member of the Alabama congressional
8 delegation.

9 Section 2. 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.