

SENATE BILL 2471

By Bowling

AN ACT to amend Tennessee Code Annotated, Title 3 and
Title 4, relative to legislative review.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 3, is amended by adding the
following as a new section:

(a)

(1) There is created the committee on federalism, which consists of the
following ten (10) members:

(A) The speaker of the senate and the speaker of the house of
representatives, who serve as co-chairs of the committee;

(B) Four (4) members from the senate as appointed by the
speaker of the senate, one (1) of whom is a member of the minority party;
and

(C) Four (4) members from the house of representatives as
appointed by the speaker of the house of representatives, one (1) of
whom is a member of the minority party.

(2) The speakers shall appoint members based on knowledge of and
experience with the United States' and this state's constitutions.

(3) The committee is authorized to receive input, advice, and assistance
from interested and affected parties who are not members of the general
assembly.

(b) The committee shall:

(1) Monitor and review federal acts, laws, orders, and regulations that may impact the jurisdiction, governance, and sovereignty of this state;

(2) Review federal actions that may exceed the enumerated powers in the United States Constitution or that violate the sovereignty of the state or the people, to determine if the federal action is unconstitutional. The committee shall consider the plain language of the United States Constitution and the original intent in making the determination; and

(3) Advise the general assembly of its findings and recommendations annually on or before December 15.

(c)

(1) If the committee determines by majority vote that a federal action is an unconstitutional action, it shall report the determination to the speaker of the senate and the speaker of the house of representatives during the current session of the legislature, or the next regular or special session of the legislature.

(2) Each house of the legislature shall vote on whether, in the opinion of the legislature, the federal action is unconstitutional. The determination is made in the form of a bill, which requires an affirmative vote of a majority of all the members elected to each house. After becoming law as specified in the Constitution of Tennessee, the bill takes effect on the date specified in the bill.

(d) A federal action determined, in the opinion of the legislature, to be an unconstitutional action, has no legal effect in this state and shall not be recognized by this state or a political subdivision of this state as having legal effect. A state agency, political subdivision, elected or appointed state official or employee, or official or employee of a political subdivision shall not implement or enforce a federal action determined, in the opinion of the legislature, to be an unconstitutional action. The state

or a political subdivision of the state shall not spend public money or resources or incur public debt to implement or enforce a federal action determined, in the opinion of the legislature, to be unconstitutional.

(e) The committee shall meet at least twice a year and may be called for special meetings by the co-chairs of the committee. Six (6) members constitute a quorum. Members of the committee serve without additional compensation, however, when engaged in the conduct of their official duties, are entitled to reimbursement for travel expenses in accordance with the uniform regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(f) At the discretion of the co-chairs, the committee may participate by electronic or other means of communication as authorized by law for the benefit of the public and the committee in connection with any meeting authorized by law.

(g) The co-chairs of the committee may utilize staff and resources within state government in conducting committee business.

SECTION 2. For the purpose of appointing members to the committee, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2022, the public welfare requiring it.