

1 HB518
2 210335-1
3 By Representative Mooney
4 RFD: State Government
5 First Read: 09-MAR-21

8 SYNOPSIS: Under existing law, there is no mechanism
9 for review of presidential executive orders by the
10 state.

11 This bill would authorize the Legislative
12 Council to review a presidential executive order
13 and recommend to the Attorney General and the
14 Governor that the order be examined to determine
15 its constitutionality.

16 This bill would also prohibit state agencies
17 and political subdivisions and their officials and
18 employees from implementing a presidential
19 executive order that restricts individual rights or
20 that relates to epidemics, the regulation of
21 natural resources, the regulation of the
22 agricultural industry, the regulation of land use,
23 the regulation of the financial sector through the
24 imposition of environmental, social, or governance
25 standards, or the regulation of the right to keep
26 and bear arms and is determined by the Attorney
27 General to be unconstitutional.

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2 A BILL
3 TO BE ENTITLED
4 AN ACT

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6 Relating to presidential executive orders; to
7 authorize the Legislative Council to review a presidential
8 executive order and recommend to the Attorney General and the
9 Governor that the order be examined to determine its
10 constitutionality; and prohibit state agencies and political
11 subdivisions and their officials and employees from
12 implementing an executive order that restricts individual
13 rights or that relates to certain topics and is determined by
14 the Attorney General to be unconstitutional.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) An executive order issued by the
17 President of the United States that has not been affirmed by a
18 vote of the Congress of the United States and signed into law
19 may be reviewed by the Legislative Council.

20 (b) Upon review of an executive order, under
21 subsection (a), the council may recommend to the Attorney
22 General and the Governor that the order be further examined by
23 the Attorney General to determine the constitutionality of the
24 order and whether the state should declare the order to be an
25 unconstitutional exercise of legislative authority by the
26 President.

1 (c) Notwithstanding any other law, no state agency,
2 political subdivision, elected or appointed official, or
3 employee of this state or of a political subdivision may
4 implement an executive order that restricts an individual's
5 rights or that is determined by the Attorney General to be
6 unconstitutional under this section if the order relates to
7 any of the following:

8 (1) An epidemic or other public health emergency.

9 (2) The regulation of natural resources.

10 (3) The regulation of the agricultural industry.

11 (4) The regulation of land use.

12 (5) The regulation of the financial sector through
13 the imposition of environmental, social, or governance
14 standards.

15 (6) The regulation of the right to keep and bear
16 arms.

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