

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

SENATE BILL 853

4 By: Senators Hunter and Jeffries

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## For An Act To Be Entitled

8 "AN ACT TO REQUIRE THE ARKANSAS ATTORNEY GENERAL TO REVIEW  
9 ALL CURRENT AND FUTURE FEDERAL MANDATES AND BRING CIVIL  
10 ACTIONS AGAINST THE FEDERAL GOVERNMENT TO CHALLENGE  
11 UNCONSTITUTIONAL MANDATES; AND FOR OTHER PURPOSES."

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## Subtitle

14 "TO REQUIRE THE ARKANSAS ATTORNEY  
15 GENERAL TO REVIEW ALL CURRENT AND FUTURE  
16 FEDERAL MANDATES AND BRING CIVIL ACTIONS  
17 AGAINST THE FEDERAL GOVERNMENT TO  
18 CHALLENGE UNCONSTITUTIONAL MANDATES."

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Since the state of Arkansas proclaimed its sovereignty  
23 under the Tenth Amendment to the Constitution of the United States, over all  
24 powers not otherwise enumerated and granted to the federal government by the  
25 United States Constitution, on February 17, 1995, in the form of Senate  
26 Concurrent Resolution number two, the Arkansas General Assembly now directs  
27 the Arkansas Attorney General to immediately begin a systematic review of all  
28 current and future federal mandates.

29 The review shall begin with the mandates the Attorney General deems to  
30 be most likely to be found unconstitutional. The Attorney General shall  
31 issue an opinion publicly as to where the federal government is specifically  
32 granted the authority in the United States Constitution to impose the mandate  
33 or law on the sovereign state of Arkansas. If the Attorney General is unable  
34 to site the specific location in the United States Constitution where this  
35 authority is granted to the federal government, he shall file suit against

1 the federal government on the grounds that all powers not specifically  
2 delegated to the federal government by the United States Constitution are  
3 reserved to the states respectively, or to the people under the Tenth  
4 Amendment. If there is any doubt as to a federal mandate or law being  
5 unconstitutional, the Attorney General shall proceed with a lawsuit  
6 challenging it, and let the United States Supreme Court make the decision.

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8       SECTION 2. All provisions of this act of a general and permanent  
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
10 Code Revision Commission shall incorporate the same in the Code.

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12       SECTION 3. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18       SECTION 4. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

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