



HOUSE OF REPRESENTATIVES

HB 2201

sovereign authority; commandeering; prohibition; exception

Prime Sponsor: Representative Thorpe, LD 6

DP Committee on Federalism and States' Rights

DP Caucus and COW

X House Engrossed

OVERVIEW

HB 2201 prohibits Arizona from using its personnel or financial resources to enforce, administer or cooperate with any actions by the United States government that constitute *commandeering*.

PROVISIONS

1. Prohibits Arizona from using personnel or financial resources to enforce, administer or cooperate with any action of the United States government that constitute commandeering.
2. Specifies that the Legislature may enact legislation, with the approval of the Office of the Governor, that allows Arizona to use its own resources to enforce, administer or cooperate with any action of the U.S. government that constitute commandeering.
3. Requires the Attorney General to annually notify the Department of Justice of the provisions indicated in this bill.
4. Defines *action* as the following: (1) an executive order issued by the President of the United States (2) a policy directive issued by an agency of the United States (3) a ruling issued by a court of the United States or (4) a law or other measure enacted by Congress.
5. Defines *commandeering* as an action that is not in pursuance of the Constitution, been affirmed by a vote of Congress and signed into law as prescribed by the Constitution.

CURRENT LAW

[Arizona Constitution, Article 2, Section 3](#), provides that Arizona may exercise its sovereign power to limit actions in the use of its personnel and financial resources to purposes that are consistent with the Constitution in order to protect the people's freedom and preserve the checks and balances of the U.S. Constitution.

United States Constitution Article 1, Section 1 provides that all legislative powers are only granted in a Congress of the United States, which is made up of a Senate and House of Representatives. No other branch of the federal government has the constitutional power to make laws for the United States of America.

ADDITIONAL INFORMATION

The Anti-Commandeering Doctrine specifies that states do not have to be active participants in the implementation or enforcement of federal acts or regulatory programs. Examples of case law related to the Anti-Commandeering Doctrine include: [Prigg v Pennsylvania](#) (1842), [New York v. United States](#) (1992), [Printz v. United States](#), and [National Federation of Independent Business v. Sebelius](#) (2012).