

The John Birch Society

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Nullify the EPA in Arizona with HB 2059

URGENT: On February 26, the state House [passed](#) HB 2059 by a [32-27 vote](#). It now heads to the Senate for consideration. ***Call and email your state senator, and urge him or her to support this important bill.***

Legislation has been introduced in the Arizona State Legislature to nullify the unconstitutional Environmental Protection Agency (EPA). ***It is imperative that legislators enact this bill and protect state sovereignty and individual freedom from federal overreach.***

House Bill 2059 ([HB 2059](#)) is sponsored by Representative Lisa Fink (R-Glendale) and co-sponsored by Representatives Rachel Jones (R-Tucson) and Khyll Powell (R-Gilbert). If enacted, it would effectively [nullify the federal EPA](#) within Arizona by prohibiting state or local enforcement of “any federal act, law, order, rule or regulation that relates to coal, oil, gas, timber or other extractive resources or downstream industries related to the extractive resources, if the federal act, law, order, rule or regulation does not exist pursuant to the laws of this state.

In HB 2059’s legislative findings, it correctly notes that “Article VI of the Constitution of the United States states that federal laws are supreme only when made ‘in pursuance’ of the Constitution of the United States.”

The bill then declares:

1. In enacting this act, the legislature intends to protect Arizona employees, including law enforcement officers, from being directed, through federal executive orders, agency orders, statutes, laws, rules or regulations in effect on or after the effective date of this act, to violate the person’s oath of office and rights affirmed under the Tenth Amendment to the United States Constitution.
2. Pursuant to and in furtherance of the principles of federalism enshrined in the United States Constitution, and recognized by the Supreme Court of the United States, the federal government

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may not commandeer this state's officers, agents or employees to participate in the enforcement or facilitation of any federal act or regulatory program.

If enacted, HB 2059 would be a major step toward [nullifying unconstitutional federal actions](#) and preventing Americans' liberties from being infringed. The bill is firmly grounded in the text of the U.S. Constitution. In particular, [Article VI](#) states, "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land." Additionally, the [10th Amendment](#) makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

Accordingly, any federal action — or agency — that violates or contradicts the Constitution cannot be "made in Pursuance thereof" and, thus, is not "the supreme Law of the Land." Unfortunately, in the last several decades, thousands of unconstitutional laws on the federal, state, and even local levels have been created and enforced.

HB 2059 follows and enforces both of these important constitutional provisions (Article VI and the 10th Amendment) by [nullifying unconstitutional federal actions](#) and by restoring state sovereignty. Additionally, exercising these powers is more important now than ever, considering the extent to which the federal government has overreached. If our leaders adhered consistently to the Constitution, more than 80 percent of the federal government would be declared unconstitutional.

[Urge your state senator to nullify unconstitutional EPA regulations with HB 2059 and to push back against all other unconstitutional laws at every level of government.](#)