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2 **Model State Sovereignty Civil Rights Law**

3 REFERENCE TITLE: \_\_\_\_\_

4 State of \_\_\_\_\_

5 (Introducing \_\_\_\_\_)

6 \_\_\_\_\_ Legislature

7 \_\_\_\_\_ Regular Session

8 2011

9 H.B./S. B. \_\_\_\_\_

10 Introduced by \_\_\_\_\_

11 AN ACT

12 AMENDING TITLE \_\_, CHAPTER \_\_, ARTICLE \_\_, \_\_\_\_\_ REVISED STATUTES, BY  
13 ADDING SECTION \_\_; RELATING TO STATE SOVEREIGNTY CIVIL RIGHTS.

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15 Be it enacted by the Legislature of the State of \_\_\_\_\_:

16 Section 1. Title \_\_, chapter \_\_, article \_\_, \_\_\_\_\_ Revised Statutes, is amended by adding  
17 section \_\_\_\_, to read:

18 \_\_\_\_\_ Taxpayer State Sovereignty Civil Rights Law.

- 19 A. Every state and federal official who, under color of any statute, ordinance,  
20 regulation, custom, or usage, of the United States, or any State or Territory or the  
21 District of Columbia, enforces any federal law, federal grant condition or federal  
22 regulation that purports to displace, supersede, control or condition the exercise of  
23 the traditionally reserved powers of the State of \_\_\_\_\_ in violation of the United  
24 States Constitution, shall be liable in an individual capacity to suit in equity in the  
25 courts of the State of \_\_\_\_\_ by taxing residents of the State of \_\_\_\_\_.
- 26 B. Taxpaying residents who bring a lawsuit under the authority of section A shall be  
27 entitled to seek any appropriate equitable remedy, including, but not limited to,  
28 injunctive and declaratory relief.
- 29 C. If taxpaying residents of the State of \_\_\_\_\_ prevail in their lawsuit under the  
30 authority of section A, they shall be entitled to the recovery of their court costs,  
31 reasonable litigation expenses and attorneys fees from each losing party, who shall  
32 be jointly and severally liable for such costs, expenses and fees.
- 33 D. The courts of the State of \_\_\_\_\_ shall exercise subject matter jurisdiction over  
34 any lawsuit brought by any taxpaying resident under the authority of sections A, B  
35 and C if the initial pleading specifically alleges:
- 36 1. Each plaintiff has paid and will likely be liable for State of \_\_\_\_\_ and federal  
37 taxes during the pendency of the suit, the revenue of which has been and will  
38 likely be placed in the State of \_\_\_\_\_'s or federal government's general fund.
  - 39 2. Each defendant is responsible for the expenditure of State of \_\_\_\_\_ or federal  
40 government general fund revenues for the purpose of enforcing federal law(s),  
41 federal grant condition(s) or federal regulation(s) that purport to displace,

1 supersede, control or condition the exercise of one or more of the following  
2 traditionally reserved powers of the State of \_\_\_\_\_:

- 3 a. the establishment or regulation of local government;
  - 4 b. the regulation of real property;
  - 5 c. the regulation of personal property outside of commerce;
  - 6 d. the regulation of domestic and family affairs, including marriage and  
7 guardianship;
  - 8 e. local criminal law enforcement;
  - 9 f. the administration of civil justice (between citizens of the same state and  
10 outside of bankruptcy), including, but not limited to, personal injury torts,  
11 contracts, and nuisance laws;
  - 12 g. the establishment and regulation of schooling;
  - 13 h. the regulation of agriculture;
  - 14 i. the regulation of nonagricultural businesses outside the immediate stream  
15 of commerce;
  - 16 j. the construction of local infrastructure outside of postal roads;
  - 17 k. control over the voting franchise;
  - 18 l. control over the structure and mechanics of state government; or
  - 19 m. control over wages or qualifications of government employees, who  
20 perform directly legislative, executive, or judicial tasks for the state or its  
21 subdivisions.
- 22 3. No plaintiff claims any injury from the conduct of any defendant other than the  
23 expenditure of state or federal government general fund revenues to enforce  
24 federal law(s), federal grant condition(s) or federal regulation(s) that purport to  
25 displace, supersede, control or condition the exercise of the traditionally reserved  
26 powers of the State of \_\_\_\_\_ in violation of the United States Constitution.
- 27 4. The lawsuit is premised solely upon taxpayer standing.
- 28 5. The lawsuit does not present a Case or Controversy over which federal courts  
have the power to exercise subject matter jurisdiction under Article III of the  
United States Constitution.
6. Each plaintiff objects to removal of the lawsuit to any federal court on  
jurisdictional grounds.
7. Each plaintiff acknowledges and consents to the United States Supreme Court's  
ultimate appellate jurisdiction over a final judgment determining the claims  
brought in the lawsuit.