

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2812
_____ Of the printed Bill
Page _____ Section _____ Lines _____
_____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Charles Key _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2812

By: Key

7 PROPOSED COMMITTEE SUBSTITUTE

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9 An Act relating to telecommunications; creating the
10 Communications Freedom Act; stating legislative
11 findings; providing for definitions; making
12 legislative declaration that the use of any apparatus
13 to transmit certain radio transmissions not causing
14 harm or interference is not to be considered
15 interstate commerce or subject to federal regulation;
16 making legislative declaration that the use of any
17 apparatus to transmit certain noncommercial radio
18 transmissions is not to be considered interstate
19 commerce or subject to federal regulation; making
20 legislative declaration that the use of any apparatus
21 to transmit certain radio transmissions not proven to
22 have certain effect is not to be considered
23 interstate commerce or subject to federal
24 regulations; making certain actions unlawful;
establishing penalty; providing for codification; and
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 211 of Title 17, unless there is
created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Communications
2 Freedom Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 212 of Title 17, unless there is
5 created a duplication in numbering, reads as follows:

6 The Legislature finds that the:

7 1. Tenth Amendment to the United States Constitution guarantees
8 to the states and their people all powers not granted to the federal
9 government elsewhere in the Constitution and reserves to the people
10 and the State of Oklahoma certain powers as they were understood at
11 the time that Oklahoma was admitted to statehood. The guarantee of
12 those powers is a matter of contract between the state and people of
13 Oklahoma and the United States as of the time that the compact with
14 the United States was agreed upon and adopted by Oklahoma and the
15 United States;

16 2. Ninth Amendment to the United States Constitution guarantees
17 to the people rights not granted in the Constitution and reserves to
18 the people of Oklahoma certain rights as they were understood at the
19 time that Oklahoma was admitted to statehood. The guarantee of
20 those rights is a matter of contract between the people and the
21 State of Oklahoma and the United States as of the time that the
22 compact with the United States was agreed upon and adopted by
23 Oklahoma and the United States; and

24

1 3. Regulation of intrastate commerce is vested in the states
2 under the Ninth and Tenth Amendments to the United States
3 Constitution.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 213 of Title 17, unless there is
6 created a duplication in numbering, reads as follows:

7 A. The Legislature of the State of Oklahoma declares that:

8 1. The definitions as found in 47 U.S.C., Section 153, shall
9 apply to the definition of terms as used in this section;

10 2. The use or operation of any apparatus for the transmission
11 of energy, communications or signals by radio originating inside the
12 State of Oklahoma, that has not been proven and adjudicated by the
13 Oklahoma court system or the federal court system to specifically be
14 causing, or to have caused quantifiable harm to, or interference
15 with the transmission or reception of energy, communications or
16 signals from:

- 17 a. within Oklahoma to any place beyond its borders,
- 18 b. any place beyond the borders of Oklahoma to any place
19 within Oklahoma, or
- 20 c. to places beyond the borders of Oklahoma,

21 is not intended to be involved in interstate commerce, nor to have
22 any effect upon interstate commerce and is not subject to federal
23 law or federal regulation under the authority of the United States
24 Congress to regulate interstate commerce;

1 3. The use or operation of any apparatus for the transmission
2 of energy, communications or signals by radio originating inside the
3 State of Oklahoma that has either been recognized by an agency of
4 the State of Oklahoma to be noncommercial in nature or that has been
5 proven and adjudicated within the Oklahoma court system to be
6 noncommercial in nature is not intended to be involved in interstate
7 commerce, nor to have any effect upon interstate commerce and is not
8 subject to federal law or federal regulation under the authority of
9 the United States Congress to regulate interstate commerce; and

10 4. The use or operation of any apparatus for the transmission
11 of energy, communications or signals by radio originating inside the
12 State of Oklahoma, the effects of which have not been proven and
13 adjudicated by the Oklahoma court system or the federal court system
14 to extend beyond the borders of the State of Oklahoma, is not
15 intended to be involved in interstate commerce, nor to have any
16 effect upon interstate commerce and is not subject to federal law or
17 federal regulation under the authority of the United States Congress
18 to regulate interstate commerce.

19 B. It shall be unlawful for any person, under color of federal
20 law, regulation or authority, to interfere with the use or operation
21 of any apparatus for the transmission of energy, communications or
22 signals by radio originating inside the State of Oklahoma, when the
23 use or operation of such is not subject to federal law or regulation
24 in accordance with this section. Any person convicted of violating

1 the provisions of this subsection without proving jurisdiction of
2 the federal government, or without proving official capacity and
3 authority to act in the name of the federal government, shall be
4 guilty of a felony and shall be punished by a fine not exceeding One
5 Thousand Dollars (\$1,000.00) or by imprisonment in the State
6 Penitentiary not exceeding two (2) years, or by both such fine and
7 imprisonment.

8 SECTION 4. This act shall become effective November 1, 2010.

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