

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HJR1063 _____
_____ 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 SUBSTITUTE
4 FOR
5 HOUSE JOINT
6 RESOLUTION NO. 1063

By: Key

7 PROPOSED COMMITTEE SUBSTITUTE

8
9 A Joint Resolution directing the Secretary of State
10 to refer to the people for their approval or
11 rejection a proposed amendment to the Constitution of
12 the State of Oklahoma by adding a new article to be
13 designated as Article XXX; creating the Oklahoma
14 Sovereignty Protection Act; providing for notice to
15 certain legislative leaders to file legislation
16 against acts of the federal government which violate
17 the United States Constitution; providing for
18 legislation to be sent to the floor calendar for a
19 recorded vote; providing for legislation to be sent
20 to floor calendar for a recorded vote in the opposite
21 house; prohibiting Governor from taking certain
22 actions; providing exemptions from certain articles
23 of the Constitution; providing ballot title; and
24 directing filing.

19 WHEREAS, the federal government was created by the people as
20 free and independent states;

21 WHEREAS, it is the right of the people to alter or abolish any
22 form of government which becomes destructive to the self-evident
23 truths that all men are created equal, that they are endowed by

1 their Creator with certain unalienable rights, that among these are
2 life, liberty, and the pursuit of happiness; and

3 WHEREAS, the United States Constitution is the supreme law of
4 the land; and

5 WHEREAS, the United States Constitution enumerates certain
6 specific powers delegated to the federal government; and

7 WHEREAS, the Ninth Amendment to the United States Constitution
8 states "The enumeration in the Constitution, of certain rights,
9 shall not be construed to deny or disparage others retained by the
10 people"; and

11 WHEREAS, the Tenth Amendment to the United States Constitution
12 states "The powers not delegated to the United States by the
13 Constitution, nor prohibited by it to the States, are reserved to
14 the States respectively, or to the people"; and

15 WHEREAS, Article 4, Section 4 of the United States Constitution
16 states "shall guarantee to every State in this Union a Republican
17 Form of Government".

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
19 AND THE SENATE OF THE 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

20 SECTION 1. The State of Oklahoma is not bound in unlimited
21 submission to the federal government. Under the style and title of
22 a Constitution for the United States, and of amendments thereof, the
23 states constitute a federal government for special purposes and
24 delegate to that government certain definite powers, reserving, to

1 each state, the right to their own self-government. Whenever the
2 federal government assumes undelegated powers, its acts are
3 unauthoritative, void, and of no force. To this compact Oklahoma
4 and each state acceded as a state, and is an integral party. This
5 government, created by this compact, was not made the exclusive or
6 final judge of the extent of the powers delegated to itself, since
7 that would have made its discretion, and not the Constitution, the
8 measure of its powers; but as in all other cases of compact among
9 parties having no common judge, each party has an equal right to
10 judge for itself, as well of infractions as the mode and measure of
11 redress.

12 SECTION 2. The Legislature may set forth in the Constitution of
13 the State of Oklahoma the Oklahoma Sovereignty Protection Act to
14 protect the state from certain acts of the federal government.

15 SECTION 3. The Secretary of State shall refer to the people for
16 their approval or rejection, as and in the manner provided by law,
17 the following proposed amendment to the Oklahoma Constitution which
18 would add a new article to be designated as Article XXX:

19 Section 1. A. This act shall be known and may be cited as the
20 "Oklahoma Sovereignty Protection Act".

21 B. At any time a member of the Oklahoma House of
22 Representatives or State Senate receives the signatures from one-
23 third (1/3) of the duly elected members from the member's house of
24 the Legislature on a petition stating that the federal government

1 has passed a law, or issued an order or decision, that violates or
2 is in conflict with the United States Constitution and that usurps
3 the powers reserved to the State of Oklahoma, the member may
4 introduce a bill to declare the federal act null and void and
5 unenforceable as it applies to Oklahoma, provided no member may file
6 more than one petition a year.

7 C. The bill shall bypass all legislative committee hearings and
8 be sent directly to the floor calendar for consideration by all duly
9 elected members of the originating house by a recorded vote.

10 D. Upon passage of the bill by the originating house, the bill
11 shall be sent to the opposite house and directly to the floor
12 calendar for a recorded vote by all duly elected members of the
13 opposite house.

14 E. The Governor of the State of Oklahoma shall be prohibited
15 from vetoing or issuing an executive order overturning the bill, or
16 adopting the federal law contrary to the findings of the
17 Legislature.

18 F. The Oklahoma Sovereignty Protection Act shall not be subject
19 to Section 30 of Article V or Section 11 of Article VI of the
20 Oklahoma Constitution.

21 SECTION 4. The Ballot Title for the proposed Constitutional
22 amendment as set forth in SECTION 3 of this resolution shall be in
23 the following form:

24 BALLOT TITLE

1 Legislative Referendum No. _____ State Question No. _____

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

3 This measure would amend the Constitution. It would allow the
4 Legislature to say certain acts of the federal government
5 violate the United States Constitution. One-third of either
6 house of the Legislature could sign a petition. It would allow
7 a member of either house of the Legislature to file a bill. The
8 bill would be sent directly to the floor calendar for a recorded
9 vote. Then the bill would go to the opposite house. It would
10 go directly to the floor calendar for a recorded vote. The
11 Governor could not override the bill. The bill would not be
12 subject to Section 30 of Article 5 of the Oklahoma Constitution.
13 The bill would not be subject to Section 1 of Article 6 of the
14 Oklahoma Constitution.

15 SHALL THE PROPOSAL BE APPROVED?

16 FOR THE PROPOSAL - YES _____

17 AGAINST THE PROPOSAL - NO _____

18 SECTION 5. The Chief Clerk of the House of Representatives,
19 immediately after the passage of this act, shall prepare and file
20 one copy thereof, including the Ballot Title set forth in SECTION 4
21 hereof, with the Secretary of State and one copy with the Attorney
22 General.

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24 52-2-10055 LRB 02/23/10

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