

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2812

By: Key

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5  
6 AS INTRODUCED

7 An Act relating to telecommunications; creating the  
8 Communications Freedom Act; stating legislative  
9 findings; making legislative declaration that certain  
10 radio transmissions not causing harm or interference  
11 are not to be considered interstate commerce or  
12 subject to federal regulation; making legislative  
13 declaration that certain noncommercial radio  
14 transmissions are not to be considered interstate  
15 commerce or subject to federal regulation; providing  
16 for codification; and providing an effective date.

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

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

21 This act shall be known and may be cited as the "Communications  
22 Freedom Act".

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

The Legislature finds that the:

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

10           2. Ninth amendment to the United States Constitution guarantees  
11 to the people rights not granted in the Constitution and reserves to  
12 the people of Oklahoma certain rights as they were understood at the  
13 time that Oklahoma was admitted to statehood. The guarantee of  
14 those rights is a matter of contract between the people and the  
15 State of Oklahoma and the United States as of the time that the  
16 compact with the United States was agreed upon and adopted by  
17 Oklahoma and the United States; and

18           3. Regulations of intrastate commerce is vested in the states  
19 under the ninth and tenth amendments to the United States  
20 Constitution.

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

24           The Legislature of the State of Oklahoma declares that:

1           1. A transmission of energy, communications or signals by radio  
2 originating inside the State of Oklahoma, that has not been proven  
3 and adjudicated by the Oklahoma court system or the Federal court  
4 system to specifically be causing, or to have caused quantifiable  
5 harm to, or interference with the transmission or reception of  
6 energy, communications or signals from:

- 7           a. within Oklahoma to any place beyond its borders,
- 8           b. any place beyond the borders of Oklahoma to any place  
9                 within Oklahoma, or
- 10          c. or to places beyond the borders of Oklahoma;

11 is not intended to be involved in interstate commerce, nor to have  
12 any affect upon interstate commerce and is not subject to federal  
13 law or federal regulation under the authority of the United States  
14 Congress to regulate interstate commerce; and

15           2. A transmission of energy, communications or signals by radio  
16 originating inside the State of Oklahoma that has either been  
17 recognized by an agency of the State of Oklahoma to be noncommercial  
18 in nature or that has been proven and adjudicated within the  
19 Oklahoma court system to be noncommercial in nature is not intended  
20 to be involved in interstate commerce, nor to have any affect upon  
21 interstate commerce and is not subject to federal law or federal  
22 regulation under the authority of the United States Congress to  
23 regulate interstate commerce.

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

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