

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE JOINT
4 RESOLUTION 1037

By: Key

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6 AS INTRODUCED

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

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28 WHEREAS, the federal government was created by the people as
29 free and independent states;

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31 WHEREAS, it is the right of the people to alter or abolish any
32 form of government which becomes destructive to the self-evident
33 truths that all men are created equal, that they are endowed by
34 their Creator with certain unalienable rights, that among these are
35 life, liberty, and the pursuit of happiness; and

1 WHEREAS, the United States Constitution is the supreme law of
2 the land; and

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

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

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

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

16 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
17 AND THE SENATE OF THE 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

18 SECTION 1. The State of Oklahoma is not bound in unlimited
19 submission to the federal government. Under the style and title of
20 a Constitution for the United States, and of amendments thereof, the
21 states constitute a federal government for special purposes and
22 delegate to that government certain definite powers, reserving, to
23 each state, the right to their own self-government. Whenever the
24 federal government assumes undelegated powers, its acts are

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

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

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

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

19 B. At any time a member of the Oklahoma House of
20 Representatives or State Senate receives the signatures from one-
21 third (1/3) of the duly elected members from the member's house of
22 the Legislature on a petition stating that the federal government
23 has passed a law, or issued an order or decision, that violates or
24 is in conflict with the United States Constitution and that usurps

1 the powers reserved to the State of Oklahoma, the member may
2 introduce a bill to declare the federal act null and void and
3 unenforceable as it applies to Oklahoma.

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

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

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

15 F. The Oklahoma Sovereignty Protection Act shall not be subject
16 to Section 30 of Article V or Section 11 of Article VI of the
17 Oklahoma Constitution.

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

21 BALLOT TITLE

22 Legislative Referendum No. _____ State Question No. _____

23 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

13 SHALL THE PROPOSAL BE APPROVED?

14 FOR THE PROPOSAL - YES _____

15 AGAINST THE PROPOSAL - NO _____

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

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22 53-1-5166 LRB 12/15/10
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