

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE
5 RESOLUTION 1023

 By: Moore

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7
8 AS INTRODUCED

9 A Resolution declaring support for the recent
10 nullification and interposition of unconstitutional
11 federal gun laws by the State of Kansas; and
12 directing distribution.

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14 WHEREAS, the Kansas Bill of Rights stipulates that all political
15 power is inherent in the people and all free governments are founded
16 on their authority and are instituted for their equal protection and
17 benefit; and

18 WHEREAS, the Kansas Bill of Rights stipulates that a person has
19 the right to keep and bear arms for the defense of self, family,
20 home and state, for lawful hunting and recreational use, and for any
21 other lawful purpose; but standing armies, in time of peace, are
22 dangerous to liberty, and shall not be tolerated, and the military
23 shall be in strict subordination to the civil power; and
24

1 WHEREAS, all members of the Kansas House of Representatives and
2 Senate swore an oath before God to support and defend the Kansas
3 Constitution; and

4 WHEREAS, the Second Amendment of the United States Constitution
5 expressly and specifically prohibits the federal government from
6 regulating the unalienable right to self-defense via bearing arms;
7 and

8 WHEREAS, the Tenth Amendment of the United States Constitution
9 guarantees to the states and their people all powers not granted to
10 the federal government elsewhere in the United States Constitution
11 and reserves to the state and people of Kansas certain powers as
12 they were understood at the time that Kansas was admitted to
13 statehood in 1861. The guaranty of those powers is a matter of
14 contract between the state and people of Kansas and the United
15 States as of the time that the compact with the United States was
16 agreed upon and adopted by Kansas in 1859 and the United States in
17 1861; and

18 WHEREAS, the Ninth Amendment of the United States Constitution
19 guarantees to the people rights not granted in the United States
20 Constitution and reserves to the people of Kansas certain rights as
21 they were understood at the time that Kansas was admitted to
22 statehood in 1861. The guaranty of those rights is a matter of
23 contract between the state and people of Kansas and the United
24 States as of the time that the compact with the United States was

1 agreed upon and adopted by Kansas in 1859 and the United States in
2 1861; and

3 WHEREAS, on April 16, 2013, in the highest tradition of
4 statesmanship and in keeping with their oath of office, the duly
5 elected Kansas Legislature and Kansas Governor nullified all federal
6 laws and regulations within the borders of Kansas that are in
7 violation of the Second Amendment of the United States Constitution;
8 and

9 WHEREAS, nullification has been a useful approach to
10 unconstitutional laws such as the federal REAL ID Act of 2005 which
11 Oklahoma nullified in 2007. The Wisconsin Supreme Court nullified
12 the Fugitive Slave Acts in 1854, protecting slaves who fled the
13 south and made it to the State of Wisconsin; and

14 WHEREAS, in the fulfillment of their oaths of office, members of
15 the Oklahoma House of Representatives nullified unconstitutional
16 infringements on the inherent God-given right of the people of
17 Oklahoma to bear arms and the inherent right of the people of
18 Oklahoma to not be forced by the federal government via
19 unconstitutional laws to purchase health care; and

20 WHEREAS, the Oklahoma House of Representatives commends the
21 people of the State of Kansas, the Kansas Legislature and Kansas
22 Governor Sam Brownback for nullifying and interposing
23 unconstitutional federal laws within its borders.

24

1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
2 OF THE 1ST SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

3 THAT the Oklahoma House of Representatives reaffirms its
4 commitment to nullifying and interposing all unconstitutional laws
5 in keeping with the oath of office taken by all members of the
6 Oklahoma House of Representatives.

7 THAT copies of this resolution be distributed to Sam Brownback,
8 Governor of the State of Kansas, Kris W. Kobach, Secretary of State
9 of Kansas, Susan Wagle, President of the Kansas State Senate and Ray
10 Merrick, Speaker of the Kansas State House of Representatives.

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12 DIRECT TO CALENDAR.

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