

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 HOUSE BILL 1599

By: Kern and Bennett of the  
House

5 and

6 Brecheen of the Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to marriage; creating the  
11 Preservation of Sovereignty and Marriage Act;  
12 prohibiting public funds for any activity licensing  
13 or supporting same-sex marriage; prohibiting public  
14 employees from recognizing same-sex marriage  
15 licenses; prohibiting spending public funds to  
16 enforce certain court orders; directing state courts  
17 to dismiss challenges to the act; providing for  
18 payment of costs and attorney fees; prohibiting  
19 interference with implementation of the act;  
20 requiring removal of office for any judge violating  
21 the act; stating effectiveness of act against federal  
22 court rulings; providing for severability; providing  
23 for codification; and declaring an emergency.

24  
25  
26  
27  
28  
29  
30 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

31 SECTION 1. NEW LAW A new section of law to be codified  
32 in the Oklahoma Statutes as Section 21 of Title 43, unless there is  
33 created a duplication in numbering, reads as follows:  
34

1           A. This section shall be known and may be cited as the  
2 "Preservation of Sovereignty and Marriage Act".

3           B. No taxpayer funds or governmental salaries shall be paid for  
4 any activity that includes the licensing or support of same-sex  
5 marriage. No employee of this state and no employee of any local  
6 governmental entity shall officially recognize, grant or enforce a  
7 same-sex marriage license and continue to receive a salary, pension  
8 or other employee benefit at the expense of taxpayers of this state.  
9 No taxes or public funds of this state shall be spent enforcing any  
10 court order requiring the issuance or recognition of a same-sex  
11 marriage license.

12           C. The courts of this state shall dismiss any challenge to any  
13 portion of the Preservation of Sovereignty and Marriage Act, with an  
14 award of costs and attorney fees to defendants. No employee of this  
15 state and no employee of any local governmental entity shall violate  
16 or interfere with the implementation of this act and continue to  
17 receive a salary, pension or other employee benefit at the expense  
18 of taxpayers of this state.

19           D. If a judge violates this act, the judge shall be removed  
20 from office pursuant to Section 1 of Article VIIA of the Oklahoma  
21 Constitution.

22           E. The Preservation of Sovereignty and Marriage Act shall be  
23 fully effective, based on the Eleventh Amendment to the Constitution  
24

1 of the United States and the structure of the United States  
2 Constitution, against any contrary federal court ruling.

3 F. Each provision in the Preservation of Sovereignty and  
4 Marriage Act is severable from the remainder of the act, such that  
5 the lack of enforceability of any provision shall not affect the  
6 enforceability of other provisions.

7 SECTION 2. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,  
13 dated 02/18/2015 - DO PASS, As Coauthored.

14

15

16

17

18

19

20

21

22

23

24

25