

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 2073

By: Fisher and Bennett

7 AS INTRODUCED

8 An Act relating to public health and safety; making
9 legislative findings; making certain declarations;
10 providing duty of Legislature to enact measure to
11 prevent enforcement of certain federal act; making
12 certain violations a felony; making certain
13 violations a misdemeanor; providing penalties;
14 creating private cause of action; providing for
15 codification; and declaring an emergency.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-124 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 The Legislature finds that:

20 1. The people of the several states comprising the United
21 States of America created the federal government to be their agent
22 for certain enumerated purposes as set forth in the United States
23 Constitution, and nothing more;

1 2. The Tenth Amendment to the United States Constitution
2 defines the total scope of federal powers as being those which have
3 been delegated by the people of the several states to the federal
4 government, and all powers not delegated to the federal government
5 in the Constitution of the United States are reserved to the states
6 respectively, or to the people themselves. Furthermore, as stated
7 in the Ninth Amendment, "The enumeration in the Constitution, of
8 certain rights, shall not be construed to deny or disparage others
9 retained by the people"; and

10 3. The assumption of power that the federal government has made
11 by enacting the "Patient Protection and Affordable Care Act" (Public
12 Law 111-148, March 23, 2010) and "Health Care and Education
13 Reconciliation Act of 2010" (Public Law 111-152, March 30, 2010) is
14 nowhere expressly granted by the United States Constitution and
15 interferes with the right of the people of the State of Oklahoma to
16 regulate health care as they see fit.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1-125 of Title 63, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Legislature of the State of Oklahoma declares that the
21 federal laws known as the "Patient Protection and Affordable Care
22 Act" (Public Law 111-148) and the "Health Care and Education
23 Reconciliation Act of 2010" (Public Law 111-152), signed by
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1 President Barack Obama on March 23 and 30, 2010, are not authorized
2 by the Constitution of the United States and violate its true
3 meaning and intent as given by the founders and ratifiers, and are
4 hereby declared to be invalid in the State of Oklahoma, shall not be
5 recognized by this state, are specifically rejected by this state,
6 and shall be considered null and void and of no effect in this
7 state.

8 B. It shall be the duty of the Legislature of this state to
9 adopt and enact any and all measures as may be necessary to prevent
10 the enforcement of the "Patient Protection and Affordable Care Act"
11 and the "Health Care and Education Reconciliation Act of 2010"
12 within the limits of this state.

13 C. Any official, agent, or employee of the United States
14 government or any employee of a corporation providing services to
15 the United States government that enforces or attempts to enforce an
16 act, order, law, statute, rule or regulation of the government of
17 the United States in violation of this act shall be guilty of a
18 felony and upon conviction shall be punished by a fine not exceeding
19 Five Thousand Dollars (\$5,000.00), or a term of imprisonment not
20 exceeding five (5) years, or both.

21 D. Any public officer or employee of the State of Oklahoma that
22 enforces or attempts to enforce an act, order, law, statute, rule,
23 or regulation of the government of the United States in violation of
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1 this act shall be guilty of a misdemeanor punishable by imprisonment
2 in the county jail not exceeding two (2) years, or by a fine not
3 exceeding One Thousand Dollars (\$1,000.00), or both such fine and
4 imprisonment.

5 E. Any aggrieved party shall also have a private cause of
6 action against any person violating the provisions of subsection C
7 or D of this section.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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13 COMMITTEE REPORT BY: COMMITTEE ON STATES' RIGHTS, dated 02/28/2013 -
14 DO PASS, As Coauthored.

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