

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1737

By: Moore

COMMITTEE SUBSTITUTE

An Act relating to the United States; declaring state responsibility under the Tenth Amendment to the Constitution of the United States; authorizing state intercession in certain circumstances; providing procedure for filing of action; authorizing the Legislature to hire outside counsel in certain circumstances; prohibiting certain acts; directing the deposit of certain funds; providing penalty; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 51 of Title 80, unless there is created a duplication in numbering, reads as follows:

A. This state endorses and is required to enforce the Tenth Amendment to the Constitution of the United States that provides that any power not delegated to Congress and not prohibited to the states is reserved to the states or the people. Therefore, in any instance in which the Congress of the United States or any federal agency in compliance with an Act of Congress exceeds the authority

1 of Congress granted in Section 8 of Article I of the Constitution of
2 the United States or granted by an amendment to the Constitution of
3 the United States, the State of Oklahoma may intercede on behalf of
4 all Oklahoma citizens and Oklahoma businesses. If the Attorney
5 General fails to file an action pursuant to this subsection, the
6 Legislature may hire outside counsel to proceed with the action.

7 B. No state agency, entity or political subdivision is
8 authorized to act upon any federal request or action of any kind not
9 expressly provided for in the United States Constitution without
10 approval of the State Legislature or appropriate standing committee
11 of the State Legislature and knowledge of the United States Senators
12 representing the State of Oklahoma.

13 C. No state agency, political subdivision of the state, or
14 contractor or other entity acting on behalf of the state or a
15 political subdivision shall request federal assistance, legal,
16 regulatory or administrative help, in any form, to include money in
17 the form of grants, loans of any kind, matching funds or
18 reimbursements from any government subdivision outside of the
19 authority of the State of Oklahoma without approval of the State
20 Legislature or appropriate standing committee of the State
21 Legislature and knowledge of the United States Senators representing
22 the State of Oklahoma.

23 D. Any state agency, political subdivision of the state, or
24 contractor or other entity acting on behalf of the state or a

1 political subdivision already receiving money from any government
2 subdivision outside of the authority of the State of Oklahoma shall
3 deposit the money with the State Treasurer's office and report the
4 transaction to the Office of Management and Enterprise Services and
5 the United States Senators representing the State of Oklahoma as of
6 the date this act becomes law and shall include funds received as of
7 January 1, 2009.

8 E. Violation of this section by any state officer, state
9 employee, or contractor or other entity acting on behalf of the
10 state shall constitute a misdemeanor and shall result in a fine of
11 Five Hundred Dollars (\$500.00) for each violation. In addition, any
12 violation by a state officer or officer of a political subdivision
13 shall result in loss of office; any violation by a state employee or
14 an employee of a political subdivision shall result in loss of
15 employment; and any violation by a contractor or other entity acting
16 on behalf of the state or a political subdivision shall result in
17 the termination of the contract or agreement between the contractor
18 or entity and the state or political subdivision.

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

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