

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

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

4       COMMITTEE SUBSTITUTE  
5       FOR  
6       HOUSE BILL NO. 1737

By: Moore of the House

and

Dahm of the Senate

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10                               COMMITTEE SUBSTITUTE

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

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

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

27           A.   This state endorses and is required to enforce the Tenth  
28           Amendment to the Constitution of the United States that provides  
29           that any power not delegated to Congress and not prohibited to the

1 states is reserved to the states or the people. Therefore, in any  
2 instance in which the Congress of the United States or any federal  
3 agency in compliance with an Act of Congress exceeds the authority  
4 of Congress granted in Section 8 of Article I of the Constitution of  
5 the United States or granted by an amendment to the Constitution of  
6 the United States, the State of Oklahoma may intercede on behalf of  
7 all Oklahoma citizens and Oklahoma businesses. If the Attorney  
8 General fails to file an action pursuant to this subsection, the  
9 Legislature may hire outside counsel to proceed with the action.

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

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

3 D. Any state agency, political subdivision of the state, or  
4 contractor or other entity acting on behalf of the state or a  
5 political subdivision already receiving money from any government  
6 subdivision outside of the authority of the State of Oklahoma shall  
7 deposit the money with the State Treasurer's office and report the  
8 transaction to the Office of Management and Enterprise Services and  
9 the United States Senators representing the State of Oklahoma as of  
10 the date this act becomes law and shall include funds received as of  
11 January 1, 2009.

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

23 SECTION 2. It being immediately necessary for the preservation  
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON STATE AND FEDERAL RELATIONS, dated  
5 02/23/2015 - DO PASS, As Amended and Coauthored.  
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