

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 805

By: Brecheen

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6 AS INTRODUCED

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

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1 marriage. No employee of this state or any local governmental  
2 entity shall officially recognize, grant or enforce a same-sex  
3 marriage license and continue to receive a salary, pension or other  
4 employee benefit at the expense of taxpayers of this state. No  
5 taxes or public funds of this state shall be spent enforcing any  
6 court order requiring the issuance or recognition of a same-sex  
7 marriage license.

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

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

18 E. The Preservation of Sovereignty and Marriage Act shall be  
19 fully effective, based on the Eleventh Amendment to the Constitution  
20 of the United States and the structure of the United States  
21 Constitution, against any contrary federal court ruling.

22 F. Each provision in the Preservation of Sovereignty and  
23 Marriage Act is severable from the remainder of the act, such that  
24

1 the lack of enforceability of any provision shall not affect the  
2 enforceability of other provisions.

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

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