

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1737

By: Moore

AS INTRODUCED

An Act relating to the United States; declaring state responsibility under the Tenth Amendment to the Constitution of the United States; requiring state intercession in certain circumstances; providing procedure for filing of action; prohibiting certain actions; providing procedures for issues involving the Internal Revenue Service; 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 of Congress granted in Section 8 of Article I of the Constitution of

1 the United States or granted by an amendment to the Constitution of
2 the United States, the State of Oklahoma shall intercede on behalf
3 of all Oklahoma citizens and Oklahoma businesses. Before the filing
4 of any action pursuant to this subsection, the Attorney General of
5 this state shall submit to the Legislature a written statement of
6 the basis for the action. If approved by the Legislature, the
7 Attorney General shall proceed with the action. 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. This
13 includes but is not limited to Internal Revenue Service requests,
14 investigations or forfeitures, which shall with the passage of this
15 law be directed to the Oklahoma Tax Commission, the State Attorney
16 General's office and the offices of the U.S. Senators representing
17 the State of Oklahoma for action. The Oklahoma Tax Commission shall
18 make the final determination of whether or not matters relating to
19 the Internal Revenue Service fall within the express authorization
20 provided by the United States Constitution. Before filing any
21 action pursuant to this subsection, the Tax Commission shall submit
22 to the Legislature a written statement of the basis for the action.
23 If approved by the Legislature, the Tax Commission shall proceed
24 with the action. If the Tax Commission fails to file an action

1 pursuant to this subsection, the Legislature may hire outside
2 counsel to proceed with the action.

3 C. No state agency, political subdivision of the state, or
4 contractor or other entity acting on behalf of the state or a
5 political subdivision shall request federal assistance, legal,
6 regulatory or administrative help, in any form, to include money in
7 the form of grants, loans of any kind, matching funds, or
8 reimbursements from any government subdivision outside of the
9 authority of the State of Oklahoma without approval of the State
10 Legislature and knowledge of the U.S. Senators representing the
11 State of Oklahoma.

12 D. Any state agency, political subdivision of the state, or
13 contractor or other entity acting on behalf of the state or a
14 political subdivision already receiving money from any government
15 subdivision outside of the authority of the State of Oklahoma shall
16 deposit the money with the State Treasurer's office and report the
17 transaction to the Office of Management and Enterprise Services and
18 the U.S. Senators representing the State of Oklahoma as of the date
19 this bill becomes law and shall include funds received as of January
20 1, 2009.

21 E. Violation of this section by any state officer, state
22 employee, or contractor or other entity acting on behalf of the
23 state shall constitute a misdemeanor and shall result in a fine of
24 Five Hundred Dollars (\$500.00) for each violation. In addition, any

1 violation by a state officer or officer of a political subdivision
2 shall result in loss of office; any violation by a state employee or
3 an employee of a political subdivision shall result in loss of
4 employment; and any violation by a contractor or other entity acting
5 on behalf of the state or a political subdivision shall result in
6 the termination of the contract or agreement between the contractor
7 or entity and the state or political subdivision.

8 SECTION 2. 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 55-1-6551 SD 01/21/15
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