

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1477

By: Dahm

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6 AS INTRODUCED

7 An Act relating to state government; creating the
8 Oklahoma Sovereignty Act; establishing findings of
9 the Legislature; establishing that the federal
10 government does not have authority to take action in
11 violation of the United States Constitution;
12 establishing the Joint Committee on Federal Action;
13 providing definitions; providing for membership and
14 appointing authority; establishing duties of the
15 committee; providing process for evaluating federal
16 action; establishing procedures for declaration of
17 unconstitutional federal action; requiring
18 transmission of declaration; establishing that
19 federal action declared unconstitutional shall have
20 no legal effect; prohibiting expenditure of certain
21 resources; authorizing the Attorney General to take
22 certain actions; providing definitions; providing for
23 original jurisdiction of a proceeding; providing for
24 declaratory relief; providing certain direction to
courts; providing for codification; and providing an
effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 466 of Title 74, unless there is
22 created a duplication in numbering, reads as follows:

23 1. This act may be known and cited as the "Oklahoma Sovereignty
24 Act".

1 2. The Legislature finds that the people of the several states
2 forming the United States of America created the federal government
3 to be their agent for certain enumerated powers delegated by the
4 states and the people to the federal government through the United
5 States Constitution.

6 3. The Legislature finds that the Tenth Amendment to the United
7 States Constitution confirms the intent and understanding of the
8 people of the United States that all powers not delegated to the
9 United States by the Constitution, or prohibited by it to the
10 states, are reserved to the states respectively, or to the people.

11 4. The Legislature finds that each power delegated to the
12 federal government by the United States Constitution is
13 constitutionally limited to that power as it was understood and
14 exercised at the time it was delegated. An amendment to the
15 Constitution as ratified by the states is required to expand or
16 limit a constitutionally delegated power.

17 5. The Legislature finds that the United States Constitution
18 authorizes the United States Congress to exercise only those
19 specific powers enumerated in Section 8, Article I, United States
20 Constitution, and those other powers as may be delegated to Congress
21 through amendments to the Constitution as ratified by the states.

22 6. The Legislature finds that Article VI, United States
23 Constitution, makes supreme the Constitution and federal laws
24 enacted pursuant to the Constitution, further requiring that public

1 officials at all levels and in all branches of government support
2 the Constitution.

3 7. The Legislature finds that the power delegated to the United
4 States Congress to regulate commerce among the several states under
5 Section 8, Article I, United States Constitution, is limited to
6 federal regulation of actual commerce between the states and among
7 foreign nations. Regulation of intrastate commerce is reserved to
8 the states and to the people of the states. The Commerce Clause of
9 the Constitution constrains the legislative, executive and judicial
10 branches of the federal government.

11 8. The Legislature finds that the power delegated to the United
12 States Congress to make all necessary and proper federal laws under
13 Section 8, Article I, United States Constitution, allows Congress to
14 enact only those laws necessary and proper to execute the
15 constitutionally delegated powers vested in the federal government,
16 all other powers being reserved to the states and to the people of
17 the states.

18 9. The Legislature finds that the power delegated to the United
19 States Congress to provide for the general welfare of the United
20 States under Section 8, Article I, United States Constitution, in
21 the General Welfare Clause constitutionally constrains Congress when
22 exercising a delegated power to act in a manner that serves the
23 states and the people of the states well and uniformly.

1 10. Articles II and IV, Oklahoma Constitution, provide that
2 this state and the people of this state retain the sovereign power
3 to regulate the affairs of Oklahoma, subject only to the United
4 States Constitution.

5 11. The federal government does not have the power to take any
6 legislative, executive or judicial action that violates the United
7 States Constitution. The contract with the State of Oklahoma has
8 been willfully violated by the federal government and must be
9 constitutionally restored. The act calls on all officials in
10 federal, state and local government, in all branches and at all
11 levels, to honor their oaths to preserve, protect and defend the
12 United States Constitution and its ratified amendments against any
13 federal action that:

- 14 a. would unconstitutionally undermine, diminish, or
15 disregard the balance of powers between the sovereign
16 states and the federal government established by the
17 United States Constitution and its ratified
18 amendments, or
19 b. is outside the scope of the power delegated to the
20 federal government by the United States Constitution.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 466.1 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:
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1 A. The Joint Committee on Federal Action is hereby established
2 as a permanent joint committee of the Legislature. The committee is
3 authorized to review federal actions that challenge the sovereignty
4 of the state and of the people for the purpose of determining if a
5 federal action is unconstitutional.

6 B. As used in this act:

7 1. "Committee" means the Joint Committee on Federal Action;

8 2. "Federal action" includes federal law, a federal agency
9 rule, policy or standard, an executive order of the President of the
10 United States, an order or decision of a federal court, and the
11 making or enforcing of a treaty; and

12 3. "Unconstitutional federal action" means a federal action
13 enacted, adopted, or implemented without authority specifically
14 delegated to the federal government by the people and the states
15 through the United States Constitution.

16 C. The committee shall consist of twelve (12) members. Six
17 members of the Senate shall be appointed by the President Pro
18 Tempore of the Senate. Six members of the House of Representatives
19 shall be appointed by the Speaker of the House of Representatives.
20 No more than four Senate members of the committee may be members of
21 the same political party. No more than four House members may be
22 members of the same political party.

23 D. Members of the committee shall serve two-year terms
24 beginning with the convening of each regular legislative session.

1 If a vacancy occurs on the committee, the appropriate appointing
2 officer shall appoint a member of the Senate or House, as
3 appropriate, to serve the remainder of the unexpired term. The
4 President Pro Tempore of the Senate and the Speaker of the House of
5 Representatives shall each designate one member of the committee as
6 a joint chair of the committee. The committee shall meet at the
7 call of either joint chair. A majority of the members of the
8 committee shall constitute a quorum.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 466.2 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Joint Committee on Federal Action may review any federal
13 action to determine whether the action is an unconstitutional
14 federal action. When reviewing a federal action, the committee
15 shall consider the plain reading and reasoning of the text of the
16 United States Constitution and the understood definitions at the
17 time of the framing and construction of the Constitution by the
18 framers before making a final declaration of constitutionality, as
19 demonstrated by:

- 20 1. The ratifying debates in the several states;
- 21 2. The understanding of the leading participants at the
22 constitutional convention;

1 3. The understanding of the doctrine in question by the
2 constitutions of the several states in existence at the time the
3 United States Constitution was adopted;

4 4. The understanding of the United States Constitution by the
5 first United States Congress;

6 5. The opinions of the first Chief Justice of the United States
7 Supreme Court;

8 6. The background understanding of the doctrine in question
9 under the English Constitution of the time; and

10 7. The statements of support for natural law and natural rights
11 by the framers and the philosophers admired by the framers.

12 B. Not later than the one hundred eightieth day after the date
13 the committee holds its first public hearing to review a specific
14 federal action, the committee shall vote to determine whether the
15 action is an unconstitutional federal action.

16 C. The committee may determine that a federal action is an
17 unconstitutional federal action by majority vote.

18 D. If the committee determines that a federal action is an
19 unconstitutional federal action, the committee shall report the
20 determination to the Senate and House of Representatives during the
21 current session of the Legislature, or the next regular or special
22 session of the Legislature if the Legislature is not convened when
23 the committee makes the determination.

1 E. Each chamber of the Legislature shall vote on whether the
2 federal action is an unconstitutional federal action. If a majority
3 of the members of each chamber determine that the federal action is
4 an unconstitutional federal action, the determination shall be sent
5 to the Governor for approval or disapproval as provided by Section
6 11, Article VI of the Oklahoma Constitution. A federal action shall
7 be declared by the state to be an unconstitutional federal action on
8 the date the Governor approves the vote of the Legislature making
9 the determination, or the determination would become law if
10 presented to the Governor as a bill and not objected to by the
11 Governor.

12 F. The Secretary of State shall forward official copies of the
13 declaration to the President of the United States, the Majority
14 Leader of the United States Senate, the Speaker of the United States
15 House of Representatives, and to all members of the Oklahoma
16 delegation to Congress, with the request that the declaration of
17 unconstitutional federal action be entered in the Congressional
18 Record.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 466.3 of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 A. This act does not limit or alter the authority of the
23 Governor, the Attorney General, a statewide elected official, a
24 state or federal court, a judge or justice, a state or local
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1 appointed or elected official, or the governing body of a political
2 subdivision of this state to issue a verbal or written opinion
3 determining a federal action to be unconstitutional.

4 B. An opinion issued under subsection A of this section may be
5 referred to the committee for review under this act.

6 C. A federal action declared to be an unconstitutional federal
7 action under the provisions of Section 3 of this act has no legal
8 effect in this state and may not be recognized by this state or a
9 political subdivision of this state as having legal effect.

10 D. The state and a political subdivision of the state may not
11 spend public money or resources or incur public debt to implement or
12 enforce a federal action declared to be an unconstitutional federal
13 action.

14 E. A person authorized to enforce the laws of this state may
15 enforce those laws against a person who attempts to implement or
16 enforce a federal action declared to be an unconstitutional federal
17 action.

18 F. This act does not prohibit a public officer who has taken an
19 oath to defend the United States Constitution from interposing to
20 stop acts of the federal government which, in the officer's best
21 understanding and judgment, violate the United States Constitution.

22 G. Oklahoma officials in federal, state, and local government
23 shall honor their oaths to preserve, protect, and defend the United
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1 States Constitution and shall act to constitutionally defend this
2 state and the people of this state.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 466.4 of Title 74, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Attorney General may defend the state to prevent the
7 implementation and enforcement of a federal action declared to be an
8 unconstitutional federal action.

9 B. The Attorney General may prosecute a person who attempts to
10 implement or enforce a federal action declared to be an
11 unconstitutional federal action.

12 C. The Attorney General may appear before a grand jury in
13 connection with an offense the Attorney General is authorized to
14 prosecute under subsection B.

15 D. The authority to prosecute prescribed by this section does
16 not affect the authority derived from other law to prosecute the
17 same offenses.

18 SECTION 6. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3246 of Title 12, unless there
20 is created a duplication in numbering, reads as follows:

21 A. In this section, "federal action" and "unconstitutional
22 federal action" have the meanings assigned by Section 466.1 of this
23 act.

1 B. Any court in this state has original jurisdiction of a
2 proceeding seeking a declaratory judgment that a federal action
3 effective in this state is an unconstitutional federal action.

4 C. A person is entitled to declaratory relief if the court
5 determines that a federal action is an unconstitutional federal
6 action.

7 D. In determining whether to grant declaratory relief to a
8 person under this section, a court:

9 1. May not rely solely on the decisions of other courts
10 interpreting the United States Constitution; and

11 2. Must rely on the plain meaning of the text of the United
12 States Constitutional doctrine as understood by the framers of the
13 constitution.

14 SECTION 7. This act shall become effective November 1, 2020.

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