

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1236

7 By: **McCall, Roberts (Dustin),**
8 **Sims, Luttrell, Russ, Manger,**
9 **Worthen, Lepak, Roberts**
10 **(Eric), Gann, Sterling, Roe,**
11 **Kendrix, Hilbert, Davis, West**
12 **(Josh), Bashore, West**
13 **(Kevin), Cornwell, Lowe**
14 **(Dick), Moore, West (Rick),**
15 **Grego, May, Townley,**
16 **Stearman, Olsen, Wolfley,**
17 **Stark, Dobrinski, Patzkowsky,**
18 **Talley, Newton, Williams,**
19 **Miller, West (Tammy), Lawson,**
20 **Mize, Hill, Hardin (David),**
21 **Steagall, Fetgatter,**
22 **Vancuren, Boatman, Hasenbeck,**
23 **Martinez, Dempsey, Phillips,**
24 **McEntire, Kerbs, Boles,**
 Dills, Hardin (Tommy), Sneed,
 Johns, Osburn, Marti, Frix,
 Crosswhite Hader, Baker,
 Conley, O'Donnell, Strom,
 Humphrey, Caldwell (Trey),
 Caldwell (Chad), Burns, Ford,
 McDugle and Wallace

20 COMMITTEE SUBSTITUTE

21 An Act relating to the United States; providing for
22 review of presidential executive orders and federal
23 actions; prohibiting implementation of
24 unconstitutional actions; providing for codification;
 and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 101 of Title 80, unless there is
4 created a duplication in numbering, reads as follows:

5 A. The Legislature may review any executive order issued by the
6 President of the United States, federal agency rule or federal
7 congressional action to determine the constitutionality of such
8 action. Upon recommendation from the Legislature, the Attorney
9 General shall review such action by the federal government to
10 determine the constitutionality of the action and whether the state
11 should seek an exemption from the application of the action or seek
12 to have the action declared unconstitutional.

13 B. Should the Attorney General decline to pursue action based
14 upon the determination of the Legislature, the Legislature may
15 declare the action unconstitutional by a majority vote.

16 C. Notwithstanding any other provision of law, the state,
17 county, political subdivision or any other publicly funded
18 organization shall not implement any action that restricts a
19 person's rights or that the Office of the Attorney General or the
20 Legislature by a majority vote determines to be unconstitutional
21 under subsection A of this section and which relates to:

22 1. Pandemics or other health emergencies;

23 2. The regulation of natural resources, including oil and
24 natural gas;

- 1 3. The regulation of the agriculture industry;
- 2 4. The use of land;
- 3 5. The regulation of the financial sector as it relates to
- 4 environmental, social or governance standards;
- 5 6. The regulation of the constitutional right to keep and bear
- 6 arms;
- 7 7. The regulation of education;
- 8 8. The regulation of interscholastic, intramural or other
- 9 extracurricular sports sponsored by an institution of higher
- 10 education, a school district or a charter school; or
- 11 9. Any other powers reserved by the State of Oklahoma or the
- 12 people of Oklahoma.

13 SECTION 2. This act shall become effective November 1, 2021.

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15 COMMITTEE REPORT BY: COMMITTEE ON STATES RIGHTS, dated 02/18/2021 -
16 DO PASS, As Amended and Coauthored.

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