

Resolution

ENROLLED HOUSE
RESOLUTION NO. 1005

By: Steagall, West (Kevin),
Stearman, Luttrell, Russ,
Lepak, Davis, West (Josh),
Bashore, Cornwell, Lowe
(Dick), Moore, West (Rick),
Grego, May, Townley, Olsen,
Wolfley, Stark, Dobrinski,
Patzkowsky, Talley,
Williams, Roberts (Eric),
West (Tammy), Lawson, Mize,
Hill, Hardin (David),
McCall, Fetgatter,
Vancuren, Boatman,
Humphrey, Hasenbeck,
Martinez, Dempsey,
Phillips, McEntire, Miller,
Conley, Baker, Manger,
Worthen, Hilbert, Kendrix,
Roe, Sterling, Gann, Kerbs,
Boles, Dills, Hardin
(Tommy), Sneed, Johns,
Osburn, Marti, Frix,
Crosswhite Hader,
O'Donnell, Caldwell (Trey),
Caldwell (Chad), Burns,
Ford, McBride, McDugle,
Wallace, Culver, Smith,
Echols, Sims, Newton and
Roberts (Sean)

A Resolution asserting sovereignty under the Tenth
Amendment to the United States Constitution; serving
notice to federal government of certain intent; and
directing distribution.

WHEREAS, the Tenth Amendment to the Constitution of the United States specifically provides that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, the Tenth Amendment was part of the original Bill of Rights, which was proposed on September 25, 1789, ratified by three-fourths of the states, and went into effect on December 15, 1791; and

WHEREAS, the Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states, rather than the states being agents of the federal government; and

WHEREAS, when taking the oath of office, all members of the Oklahoma House of Representatives solemnly swear that they will support, obey and defend the Constitution of the United States and the Constitution of the State of Oklahoma; and

WHEREAS, many federal mandates are in direct violation of the Tenth Amendment to the Constitution of the United States and infringe upon both the reserved powers of the State of Oklahoma and the reserved powers of the people; and

WHEREAS, the United States Supreme Court ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states by compelling them to enact and enforce regulatory programs; and

WHEREAS, the United States Supreme Court, in *Printz v. United States* and *Mack v. United States*, 521 U.S. 898 (1997), reaffirmed that the Constitution of the United States established a system of "dual sovereignty" that retains "a residuary and inviolable sovereignty" by the states.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

THAT Oklahoma hereby asserts sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and delegated to the federal government by the Constitution of the United States.

THAT this resolution shall serve notice to the federal government of our intent to maintain the balance of powers where the Constitution of the United States established it.

THAT we intend to ensure that all federal government agencies and their agents and employees operating within the geographic boundaries of Oklahoma, or whose actions have an effect on the inhabitants, lands or waters of Oklahoma, shall operate within the confines of the original intent of the Constitution of the United States.

THAT copies of this resolution be distributed to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Oklahoma Congressional Delegation.

Adopted by the House of Representatives the 25th day of February, 2021.

Presiding Officer of the House of
Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20 _____, at _____ o'clock _____ M.

By: _____