

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE
5 RESOLUTION 1005

By: Steagall

6
7
8 AS INTRODUCED

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

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

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

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

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

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

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

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

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

22 THAT Oklahoma hereby asserts sovereignty under the Tenth
23 Amendment to the Constitution of the United States over all powers
24

1 not otherwise enumerated and delegated to the federal government by
2 the Constitution of the United States.

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

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

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

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17 DIRECT TO CALENDAR.

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