

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE
4 RESOLUTION 1005

By: Steagall

5
6
7 AS INTRODUCED

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

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

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

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

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

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

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

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

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

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

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

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

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

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15 58-1-7403 GRS 02/09/21

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