

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1236

By: McCall

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8 COMMITTEE SUBSTITUTE

9 An Act relating to the United States; providing for  
10 review of presidential executive orders and federal  
11 actions; prohibiting implementation of  
unconstitutional actions; providing for codification;  
and providing an effective date.

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

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

18 A. The Legislature may review any executive order issued by the  
19 President of the United States, federal agency rule or federal  
20 congressional action to determine the constitutionality of such  
21 action. Upon recommendation from the Legislature, the Attorney  
22 General shall review such action by the federal government to  
23 determine the constitutionality of the action and whether the state  
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1 should seek an exemption from the application of the action or seek  
2 to have the action declared unconstitutional.

3 B. Should the Attorney General decline to pursue action based  
4 upon the determination of the Legislature, the Legislature may  
5 declare the action unconstitutional by a majority vote.

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

12 1. Pandemics or other health emergencies;

13 2. The regulation of natural resources, including oil and  
14 natural gas;

15 3. The regulation of the agriculture industry;

16 4. The use of land;

17 5. The regulation of the financial sector as it relates to  
18 environmental, social or governance standards;

19 6. The regulation of the constitutional right to keep and bear  
20 arms;

21 7. The regulation of education;

22 8. The regulation of interscholastic, intramural or other  
23 extracurricular sports sponsored by an institution of higher  
24 education, a school district or a charter school; or

1           9. Any other powers reserved by the State of Oklahoma or the  
2 people of Oklahoma.

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