

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 805

By: Brecheen

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6 AS INTRODUCED

7 An Act relating to marriage; creating the
8 Preservation of Sovereignty and Marriage Act;
9 prohibiting public funds for any activity licensing
10 or supporting same-sex marriage; prohibiting public
11 employees from recognizing same-sex marriage
12 licenses; prohibiting spending public funds to
13 enforce certain court orders; directing state courts
14 to dismiss challenges to the act; providing for
15 payment of costs and attorney fees; prohibiting
16 interference with implementation of the act;
17 requiring removal of office for any judge violating
18 the act; stating effectiveness of act against federal
19 court rulings; providing for severability; providing
20 for codification; and declaring an emergency.

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

22 SECTION . NEW LAW A new section of law to be codified in
23 the Oklahoma Statutes as Section 21 of Title 43, unless there is
24 created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the
"Preservation of Sovereignty and Marriage Act".

B. No taxpayer funds or governmental salaries shall be paid for
any activity that includes the licensing or support of same-sex

1 marriage. No employee of this state or any local governmental
2 entity shall officially recognize, grant or enforce a same-sex
3 marriage license and continue to receive a salary, pension or other
4 employee benefit at the expense of taxpayers of this state. No
5 taxes or public funds of this state shall be spent enforcing any
6 court order requiring the issuance or recognition of a same-sex
7 marriage license.

8 C. The courts of this state shall dismiss any challenge to any
9 portion of the Preservation of Sovereignty and Marriage Act, with an
10 award of costs and attorney fees to defendants. No employee of this
11 state or any local governmental entity shall violate or interfere
12 with the implementation of this act and continue to receive a
13 salary, pension or other employee benefit at the expense of
14 taxpayers of this state.

15 D. If a judge violates this act, the judge shall be removed
16 from office pursuant to Section 1 of Article VIIA of the Oklahoma
17 Constitution.

18 E. The Preservation of Sovereignty and Marriage Act shall be
19 fully effective, based on the Eleventh Amendment to the Constitution
20 of the United States and the structure of the United States
21 Constitution, against any contrary federal court ruling.

22 F. Each provision in the Preservation of Sovereignty and
23 Marriage Act is severable from the remainder of the act, such that
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1 the lack of enforceability of any provision shall not affect the
2 enforceability of other provisions.

3 SECTION . It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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