STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 805 By: Brecheen

AS INTRODUCED

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

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 21 of Title 43, unless there is 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

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

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

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

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

F. Each provision in the Preservation of Sovereignty and Marriage Act is severable from the remainder of the act, such that

the lack of enforceability of any provision shall not affect the enforceability of other provisions.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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