



Written by [Joe Wolverton, II, J.D.](#) on July 6, 2012

## Oklahoma State Rep. to Propose ObamaCare Nullification Bill

Last week the Supreme Court of the United States exceeded its authority by [declaring an unconstitutional act of Congress constitutional](#). While there are many powerful weapons in the fight that must be fought to dismantle ObamaCare, one of the best items in the arsenal is nullification.

Simply stated, nullification is a concept of legal statutory construction that endows each state with the right to nullify, or invalidate, any federal measure that a state deems unconstitutional. Nullification is founded on the assertion that the sovereign states formed the union, and as creators of the compact, they hold ultimate authority as to the limits of the power of the central government to enact laws that are applicable to the states and the citizens thereof.



In the wake of the Supreme Court's ObamaCare decision, state legislators and governors are boldly asserting their right to restrain the federal government and are accordingly considering bills that will stop ObamaCare's multitude of mandates at the state border.

One of these noble state legislators is [State Representative Mike Ritze](#) of Oklahoma (pictured above, along with the Oklahoma State Capitol). Since its introduction by President Obama two years ago, Representative Ritze has fought to protect the citizens of his state from the burdens imposed by not only the individual mandate of ObamaCare, but from all effect from so many unlawful intrusions into family life that are part of the federal healthcare program.

"The federal health care law represents a radical change toward socialized medicine and the idea of the federal government forcing Americans to buy health insurance was a bold overreach," said Ritze, a Republican from Broken Arrow. "I simply don't see how the Supreme Court could justify upholding this law."

When it comes to health care, Representative Ritze knows what he's talking about. He is a family practice physician and surgeon and his wife is a nurse. It is this real-world experience with the cost of medical care that first alerted Ritze to the harm posed by ObamaCare prompting him two years ago to begin his fight against this federal overreach.

"I am going to continue my efforts to pass legislation in Oklahoma to nullify the law in our state," [said Ritze](#). "Although most Americans want to see our health care system improved, they do not want the government to take it over or to make important decisions for them. There is a conservative approach to fixing the system, which is to remove the government intervention already in place that has kept it from being a truly free market system."



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Citing the Tenth Amendment, Ritze's bill — HB 1276 — declares that the Patient Protection and Affordable Care Act, as well as the Health Care and Education Reconciliation Act of 2010:

are not authorized by the Constitution of the United States and violate its true meaning and intent as given by the founders and ratifiers, and are hereby declared to be invalid in the State of Oklahoma, shall not be recognized by this state, are specifically rejected by this state, and shall be considered null and void and of no effect in this state.

Admirably, Representative Ritze's bill does not stop at merely labeling ObamaCare unconstitutional; it includes a provision that criminalizes its enforcement in the Sooner State. The relevant portion of the bill reads:

Any official, agent, or employee of the United States government or any employee of a corporation providing services to the United States government that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a felony and upon conviction must be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00), or a term of imprisonment not exceeding five (5) years, or both.

Any public officer or employee of the State of Oklahoma that enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government of the United States in violation of this act shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

Ritze originally introduced a bill to opt out of ObamaCare in 2010, but after being passed by the legislature the act was vetoed by the governor. Undaunted, Ritze reintroduced the measure as a proposed constitutional amendment and it was overwhelmingly approved by the citizens of Oklahoma. Unfortunately, the climate created by the Supreme Court's recent ratification of ObamaCare makes it necessary for Ritze to continue the fight against the federal government and its seemingly never-ending salvo of unconstitutional acts and edicts

In a few months, Ritze will re-introduce his ObamaCare nullification bill, placing another barrier between Oklahoma and the federal assault on its people and its sovereignty.

Ritze is not alone in this fight. Oklahoma [Attorney General Scott Pruitt made the following statement](#), "We're disappointed the court upheld the individual mandate, and find it disturbing that they did not place a limit on the power of the federal government to control the lives of Americans. But, the battle isn't over. It is now up to the political process to repeal the act and replace it with measures that address the health care crisis within the confines of the Constitution. We must continue to oppose this act and multiple overreaching regulations proposed by the Obama administration that cross the line of federal power."

Oklahoma was one of the 25 states that filed federal lawsuits in 2011 challenging the constitutionality of ObamaCare. As readers may remember, Virginia and Florida also filed complaints with Florida taking the lead.

In a statement issued after the announcement of the Supreme Court's ObamaCare ruling, Oklahoma's [Governor Mary Fallin echoed the Attorney General's remarks](#) regarding the myriad problems with the federal health care program:

Oklahomans have voiced their opposition to the federal health care bill from the very beginning,



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having approved a constitutional amendment to block the implementation of this bill in our state. We believe that, rather than big government bureaucracy and one-size-fits-all solutions, the free-market principles of choice and competition are the best tools at our disposal to increase access to health care and reduce costs.

I'm extremely disappointed and frustrated by the Supreme Court's decision to uphold the federal health care law. President Obama's health care policies will limit patients' health care choices, reduce the quality of health care in the United States, and will cost the state of Oklahoma more than a half billion dollars in the process.

This decision highlights the importance of electing leaders who will work to repeal the federal health care law and replace it with meaningful reform focused on commonsense, market based changes.

When the Oklahoma state House of Representative re-convenes in a few months, Representative Ritze is confident that he and his fellow constitutionalists in state government can push through his nullification bill. In a statement to *The New American*, Ritze described the difficulty faced by those state lawmakers who would stand up to the bully on the Potomac:

So many state legislators are afraid to stand up to Congress. When you have something totally unconstitutional you have to take a stand and if the people don't do it all at once, then we [the state legislatures] will do it incrementally, the same way the federal government has brought socialism to the states over the years.

Finally, Representative Ritze sees hope on the horizon for the continuing sovereignty of Oklahoma, "We're looking at possibly adding three to six constitutionalists in the Oklahoma State Legislature next time. With such a strong Constitutional and spiritual grounding, it will be hard for enemies of freedom to shake us."



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