

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3078

6 By: Steagall

7 COMMITTEE SUBSTITUTE

8 An Act relating to statutes and reports; amending 75  
9 O.S. 2011, Section 250.2, as amended by Section 1,  
10 Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2019, Section  
11 250.2), which relates to the Administrative  
12 Procedures Act; stating statutory law supersedes  
13 conflicting state agency promulgated rules; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 75 O.S. 2011, Section 250.2, as  
17 amended by Section 1, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2019,  
18 Section 250.2), is amended to read as follows:

19 Section 250.2 A. Article V of the Oklahoma Constitution vests  
20 in the Legislature the power to make laws, and thereby to establish  
21 agencies and to designate agency functions, budgets and purposes.  
22 Article VI of the Oklahoma Constitution charges the Executive Branch  
23 of Government with the responsibility to implement all measures  
24 enacted by the Legislature.

1 B. In creating agencies and designating their functions and  
2 purposes, the Legislature may delegate rulemaking authority to  
3 executive branch agencies to facilitate administration of  
4 legislative policy. The delegation of rulemaking authority is  
5 intended to eliminate the necessity of establishing every  
6 administrative aspect of general public policy by legislation. In  
7 so doing, however, the Legislature reserves to itself:

8 1. The right to retract any delegation of rulemaking authority  
9 unless otherwise precluded by the Oklahoma Constitution;

10 2. The right to establish any aspect of general policy by  
11 legislation, notwithstanding any delegation of rulemaking authority;

12 3. The right and responsibility to designate the method for  
13 rule promulgation, review and modification;

14 4. The right to approve or disapprove any adopted rule by joint  
15 resolution; and

16 5. The right to disapprove a proposed permanent, promulgated or  
17 emergency rule at any time if the Legislature determines such rule  
18 to be an imminent harm to the health, safety or welfare of the  
19 public or the state or if the Legislature determines that a rule is  
20 not consistent with legislative intent.

21 C. Statutory law adopted by the Legislature shall supersede any  
22 rule promulgated by a state agency that conflicts with the statute.

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SECTION 2. This act shall become effective November 1, 2020.

57-2-11396 SD 02/25/20