

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3078 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jay Steagall

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3078

By: Steagall

PROPOSED COMMITTEE SUBSTITUTE

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

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

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

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

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

57-2-11218 JBH 02/19/20