

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3078

By: Steagall and **Crosswhite**  
**Hader**

7  
8                               COMMITTEE SUBSTITUTE

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

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

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

21                   Section 250.2   A.   Article V of the Oklahoma Constitution vests  
22                   in the Legislature the power to make laws, and thereby to establish  
23                   agencies and to designate agency functions, budgets and purposes.  
24                   Article VI of the Oklahoma Constitution charges the Executive Branch

1 of Government with the responsibility to implement all measures  
2 enacted by the Legislature.

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

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

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/25/2020 - DO PASS,  
As Amended and Coauthored.