

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 591

By: Boren

AS INTRODUCED

An Act relating to preemption; stating circumstances under which displacement of a local law or regulation may occur; requiring certain finding from the Legislature prior to approval of any bill which directly conflicts with a local law; providing for codification; and providing an effective date.

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 466 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The doctrine of state preemption of local regulation is based on the Supremacy Clause found in Clause 2 of Article VI of the United States Constitution. The state doctrine holds that state law should displace a local law or regulation when the state law explicitly occupies the field of a particular subject matter. Displacement of a local law or regulation may occur if a statute also conflicts with the local law or regulation and the subject of the state statute is determined to be a matter of statewide concern.

1 B. Upon the effective date of this act, any bill proposed by
2 the Legislature which either explicitly occupies a subject field or
3 directly conflicts with a local law shall include a written finding
4 that reflects the evidence that the statute or statutes is a matter
5 of statewide concern and not purely a local concern. Such written
6 findings shall be made available to the public and shall accompany
7 the bill prior to any hearing.

8 SECTION 2. This act shall become effective November 1, 2019.

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