

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2339

By: Steagall

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5
6 AS INTRODUCED

7 An Act relating to statutes and reports; amending 75
8 O.S. 2011, Section 250.2, as amended by Section 1,
9 Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020, Section
10 250.2), which relates to the Administrative
11 Procedures Act; stating statutory law supersedes
12 conflicting state agency promulgated rules; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 75 O.S. 2011, Section 250.2, as
16 amended by Section 1, Chapter 357, O.S.L. 2013 (75 O.S. Supp. 2020,
17 Section 250.2), is amended to read as follows:

18 Section 250.2 A. Article V of the Oklahoma Constitution vests
19 in the Legislature the power to make laws, and thereby to establish
20 agencies and to designate agency functions, budgets and purposes.

21 Article VI of the Oklahoma Constitution charges the Executive Branch
22 of Government with the responsibility to implement all measures
23 enacted by the Legislature.

24 B. In creating agencies and designating their functions and
purposes, the Legislature may delegate rulemaking authority to

1 executive branch agencies to facilitate administration of
2 legislative policy. The delegation of rulemaking authority is
3 intended to eliminate the necessity of establishing every
4 administrative aspect of general public policy by legislation. In
5 so doing, however, the Legislature reserves to itself:

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

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

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2021.

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23 58-1-5833 LRB 12/04/20

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