

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 591

By: Boren

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5
6 AS INTRODUCED

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

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 466 of Title 74, unless there is
16 created a duplication in numbering, reads as follows:

17 A. The doctrine of state preemption of local regulation is
18 based on the Supremacy Clause found in Clause 2 of Article VI of the
19 United States Constitution. The state doctrine holds that state law
20 should displace a local law or regulation when the state law
21 explicitly occupies the field of a particular subject matter.
22 Displacement of a local law or regulation may occur if a statute
23 also conflicts with the local law or regulation and the subject of
24 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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