Legislative Manual

Oklahoma House of Representatives
Sixteenth Revised Edition
February 2015

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15-0199

Oklahoma
House of Representatives

Legislative Manual

Presented to the House Members of the
Fifty-fifth Oklahoma Legislature

Speaker of the House
Jeffrey W. Hickman

Sixteenth Revised Edition
February 2015

Revised by:

Marcia L. Goff
Research Director

Jan Harrison	Joel Kintsel	Sue Derr	Mark Tygret
Chief Clerk	Parliamentarian/Administrator	Chief Counsel	Fiscal Director

Table of Contents

PREFACE 9

CHAPTER ONE – Legislative Powers and Functions 11

CHAPTER TWO – Legislative Sessions and Interims 17
Regular and Organizational Sessions 17
Special or Extraordinary Sessions 17
Recesses and Adjournments 18
Meetings, Working Hours, and Deadlines 18
Interim Meetings 19

CHAPTER THREE – Legislative Body and Members 21
Size and Apportionment 21
Membership Qualifications 22
Membership Disqualifications and Term Limits 22
Elections 23
Vacancies 23
Compensation and Benefits 23
Communications 25
Other Benefits 26
Privileges and Immunities 27

CHAPTER FOUR – Organization of the House 29
Legislative Officers 29
Swearing In and Presession Orientation 30
Seating of Members and Other Organizational Matters 31
House Officers and Employees 32
Committees and Subcommittees 33

CHAPTER FIVE – Enactment of Laws 39
Legislative Powers and Limitations 39

CHAPTER SIX – Daily Legislative Routine 43

CHAPTER SEVEN – The Course of Bills in Becoming Law 45
Preparing a Bill 46
Introduction 49
First Reading 50
Second Reading 50
Committee Assignment and Consideration 50
Floor Consideration and Third Reading 52

Engrossment 54
Consideration by the Second House 54
After Passage by the Senate or Conference Committees 55
Enrollment 56
Transmittal to the Governor 56
Consideration by the Governor 57
Consideration of a Veto 58
Referendum Petitions 58
Publication as Law 58
Carryover Bills 58
Administrative Rules, Attorney General Opinions, and Court Rulings 59

CHAPTER EIGHT – Enactment or Adoption and Promulgation of Legislative Measures 63
Bills 63
Joint Resolutions 63
Concurrent Resolutions 64
Simple Resolutions 64

CHAPTER NINE – Reading and Understanding a Bill 67
Components of a Bill 67
Oklahoma Statutes 69
Oklahoma Session Laws 69
Annotated Statutes 70

CHAPTER TEN – Voting 73

CHAPTER ELEVEN – Parliamentary Procedure 75
Parliamentary Decisions, Appeals, and Precedent 75
Obtaining the Floor 76
Question of Personal Privilege, Incidental Motions, and Precedence of Motions 76
Adoption and Withdrawal of Motions 77
Restrictions on Debate 77

CHAPTER TWELVE – Legislative Staff and Other Legislative Service Organizations 79
Legislators as Personnel Managers 80
House of Representatives Staff 80
Americans With Disabilities Act Compliance 82
Senate Services 82
Legislative Services Bureau 82
Oklahoma Department of Libraries Services 83
National Organizations 83
Lobbyists, Governmental Specialists, and Agency Liaisons 85

CHAPTER THIRTEEN – Legislative Ethics and Conduct 87
Constitutional Provisions 87

Statutory Provisions and Ethics Rules 88
Lobbying 89
Prohibited Acts of Legislators in Statutes with Criminal Penalties 90
Legislative Ethics that Violate Public Standards, but Not Legal Prohibition 90
Decorum 90
Federal Restraints 91

CHAPTER FOURTEEN – Legislators and the Media 93
Purpose of the House Media Services Division 94
Services 94
News Conference Tips 95
What is News? 95
Chances of Material Getting Used 95

APPENDICES 97
Appendix A - Glossary of Legislative Terms 99
Appendix B - Tips for Being an Effective Legislator 113
Appendix C - Oklahoma Statutes, Crimes Against the Legislative Power 115
Appendix D – Oklahoma House of Representatives History 119

Preface

The original purpose of this document was to provide new members of the Oklahoma House of Representatives with basic information about the Oklahoma Legislature, the House of Representatives, and the policymaking process that will enable them to do the job that the citizens in their districts elected them to perform and that the state requires as Oklahoma endeavors to address future challenges and opportunities. For this purpose, this edition should serve as a useful supplement to the freshmen orientation conference for new members of the House of Representatives and as a handy resource for the session. Over the years, this manual has become a useful public document as well. Persons interested in the legislative process have found a great benefit from the information contained in these pages. Throughout this document, the term "house" is used interchangeably with "chamber(s)" and refers in a nonspecific way to one or both legislative bodies. The House of Representatives will often be referred to as the "House." This edition represents the sixteenth revision of the Legislative Manual since it was originally written by George G. Humphreys, former House Research Director.

The premise of this manual is that being a legislator is not unlike any other job. The successful performance of this job will depend on the member's skill in acquiring and utilizing the written and unwritten rules of governing. It is not possible to cover all the topics and circumstances that any new legislator might have questions about. As a rule of thumb, new members should seek out experienced members, staff, and other persons familiar with the legislative process or issues confronting the Legislature for answers to their questions and never hesitate to draw on those resources. The willingness of new members to learn and profit from the available resources and to apply that knowledge will be a critical factor in the performance of their duties of office.

I am indebted to my colleagues who have provided input and assistance with this revision. Specifically, Lori Oldham, Administrative Assistant; Brad Wolgamott, Deputy Research Director; Mark Harter, Assistant Chief Counsel; Joel Kintsel, Parliamentarian/Administrator and Jason Sutton, Media Division Director.

Marcia L. Goff
Research Director

Chapter One

The Legislative Powers and Functions

The Oklahoma Constitution is patterned after the federal and most state constitutions in that it establishes the framework for three separate and distinct branches of state government: the legislative, executive, and judicial branches. Article IV of the Oklahoma Constitution provides that "the Legislative, Executive and Judicial Departments of government shall be separate and distinct, and neither shall exercise the powers properly belonging to either of the others" (a provision that does not always resemble reality at the state or federal levels). Other than Nebraska, which is a unicameral body consisting of a Senate only, Oklahoma is similar to the other states in that it has a bicameral Legislature with two houses or chambers. In Oklahoma, the two houses are called the State Senate and the House of Representatives. The two years between general elections constitute a "Legislature." Therefore, the Legislature elected in November 2014 is the state's Fifty-fifth Legislature.

The United States Constitution guarantees to each state that it shall be governed by a republican form of state government much like the federal government with its three branches. For Oklahoma, there are some very important differences from the federal system that have had a significant influence on the operations of the Oklahoma Legislature, two of the most notable being:

- The federal government has a stronger reliance on "representative democracy" than Oklahoma. Although the First Amendment to the U.S. Constitution guarantees American citizens the right to petition members of Congress on legislation, the Oklahoma Constitution went one step beyond to provide the opportunity for popular input into major policy decisions through the initiative and referendum processes which give the people the ultimate legislative authority.

- The President's powers over the federal executive branch are much greater than the Oklahoma governor's powers over state agencies, which are frequently administered by other elected officials or by appointed boards and commissions.

> "The legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislature and also reserve power at their own option to approve or reject at the polls any act of the Legislature."
>
> *Article V, Section 1, Oklahoma Constitution*

The quotation from the Oklahoma Constitution is worth emphasizing for several reasons. First, the writers of the Oklahoma Constitution assigned the main responsibility for making laws to the legislative branch, which is comprised of citizen legislators. Second, the same writers placed limits on the Legislature by reserving to the people the power to propose their own laws and constitutional amendments and to reject those passed by the Legislature. This very important power, which is frequently called "direct democracy," is based on the initiative and referendum procedures that will be discussed later.

With the passage of State Question 640 on March 11, 1992, voters once again expanded the scope of issues they will have an opportunity to consider. Pursuant to this question, voters must approve any revenue-raising measures passed by the Legislature unless the Legislature can obtain a three- fourths majority in both houses to approve such measures. Even if the super-majority can be achieved, voters

will have an opportunity to contest such measures by petitioning for a referendum vote before they become law.

Many of the legal parameters that the Legislature must follow are found in Article V of the Oklahoma Constitution. Others, such as the impeachment powers of the Legislature, are in other articles of the Constitution or in the statutes. Some of the Legislature's most important powers may not be directly located in statutes or the Constitution but have evolved from the duties of the Legislature.

What are some of the major functions that the Legislature performs in addition to the lawmaking function? Of the powers inherent to the Legislature, the lawmaking power is the first that comes to mind. There are, however, others of great importance which should be outlined here.

1. Legislative Oversight and Fact-finding

The oversight and fact-finding activity of the Legislature, either by legislative committees or by individual legislators, is a very important function. Oversight activity typically will occur throughout the year, but it may be most important during the interim when the Legislature prepares issues for the next session. Certainly, legislators exercise the oversight function during the session as they act on the budget, consider major legislation or decide whether or not to sunset state programs. The statutes providing the Legislature and its committees with the power to issue subpoenas to compel the attendance of witnesses and the production of evidence stems from the Legislature's independent need to ascertain facts before enacting laws (74 O.S. Sections 772-5). It is not at all uncommon for a legislator or a legislative committee to have a significant influence over policy, without having to pass legislation, through the exercise of the oversight function.

Oklahoma is one of 24 states that provides for the Initiative. Similarly, Oklahoma is one of 24 states that provide for the Popular Referendum.

19 states permit recall of state officials – Oklahoma does not.

Source: National Conference of State Legislatures

2. Budget-writing

Through the Legislature's powers to tax and appropriate, members of the Legislature play a major role in establishing spending priorities for the state. Indeed, it is difficult to separate policy decisions and fiscal policy since budget resources are critical to the ability of state officials to implement programs.

3. Appointments to State Boards and Commissions

The Legislature is a very active participant in the appointment of persons to serve on the many boards and commissions in Oklahoma state government. These public bodies affect the operations of many programs and professions in Oklahoma. For example, the Legislature has numerous gubernatorial appointments to confirm or deny. These may include agency directors, but the largest number is members of state boards or commissions that oversee state agencies or advisory bodies. Almost without exception, the Senate traditionally exercises control over the confirmation process. This can be a very important power, particularly when the Legislature refuses to confirm an appointment based on some grievance or policy issue. It is possible that the confirmation of a particular candidate to a board can result in a shift in the balance of power within a board.

Many of these public boards and commissions, through their powers to write administrative rules, play an important role in shaping public policy and enforcing state laws. In other cases, the House of Representatives or the Senate (largely through their presiding officers) will make their own appointments. This power has been the subject of several legal contests, including a 2002 State Supreme Court ruling that declared the Legislative Bond Oversight Commission to be unconstitutional

and developed a series of criteria for determining whether or not other entities with legislative appointments are constitutional.

A very important role that the Legislature plays in the appointment process comes from its lawmaking function. The Legislature can set the qualifications of agency directors or board appointees, place citizen members on professional boards, and change the composition of a commission to alter the balance of power between competing factions.

4. Consideration of Administrative Rules

Through agency rulemaking, state boards, commissions, and officials with rulemaking authority may adopt permanent and emergency rules to implement, interpret, or prescribe policies or law affecting the rights of the public. The Legislature, through the Oklahoma Administrative Procedures Act (APA), plays an important oversight role in the rulemaking process. In the 1994 session, the House of Representatives added a standing committee on Administrative Rule Review (variously titled, in subsequent legislatures) to enhance the House's review of agency rulemaking for compliance with legislative intent. Through the APA, the Legislature can disapprove agency rules, in whole or in part, by a joint resolution or a concurrent resolution. In 2014 the Legislature began to take a more proactive approach to administrative rules by establishing a statutory requirement that all rules must be *approved* by the Legislature with the adoption of an omnibus joint resolution.

5. Participating in Amending the State Constitution

The Oklahoma Legislature may play the leading role in the amending of the Constitution in one of two ways. Most frequently, the Legislature will use the referendum process and ask the people to vote on questions that the Legislature has prepared in the same way that it passes other measures, except that such bills may not be presented to the Governor for consideration. For the 2014 election cycle, the Legislature initiated three state questions that appeared on the November general election ballot proposing amendments to the Constitution and/or statutes. All of the questions were approved by the voters. The second way is amend those parts of the constitution that its writers allowed the Legislature to amend by legislative enactments, which must be approved by the Governor.

The Oklahoma Constitution requires voters to have the opportunity every 20 years to call a state constitutional convention but does not address who is charged with the responsibility for putting the question to voters. Voters have rejected the calling of such a convention three times, the last time in 1970. Oklahoma voters rejected a state question to remove this requirement in 1994.

6. Amending the United States Constitution or Petitioning to Amend Federal Law

The Legislature can also act on proposed amendments to the U.S. Constitution. Article V of the U.S. Constitution gives the state legislatures a critical role in amending the U.S. Constitution. First, upon a two-thirds vote of both houses of the Congress, the U.S. Constitution can be amended if approved by the legislatures of three-fourths of the states.

Second, a national constitutional convention will be called upon the request of legislatures of two-thirds of the states. Any changes proposed by a convention must be approved by three-fourths of the states' legislatures. Occasionally, the Oklahoma Legislature will, by resolution, petition the Congress in support of a constitutional amendment or a change in federal statutes or administrative rules. These petitions are only expressions of legislative sentiment on a particular matter.

7. Redistricting

After each decennial census, the Legislature must be redistricted. Article V, Section 11A of the Oklahoma Constitution directs that the Legislature shall reapportion itself within 90 legislative days of

the convening of the first regular session following the decennial census. If the Legislature fails to do so within the time allowed, the task devolves to the Bipartisan Commission on Legislative Apportionment. The commission consists of six voting members. The Governor, the President Pro Tempore of the Senate and the Speaker of the House each appoint one Republican and one Democrat to the commission. The Lieutenant Governor serves as a nonvoting chairperson for the commission. Four of the six voting members must agree for new lines to take effect. The Legislature also draws the congressional districts in the state of Oklahoma and judicial districts in Oklahoma and Tulsa counties.

The Oklahoma Constitution provides for a 48-member Senate and "approximately 100 state representatives." The Oklahoma constitutional provision for apportionment (Section 10A of Article V), which gave great weight to representation of the rural part of the state, was found to violate the federal constitution in part in 1964 on the principle of one man/one vote and has never been revised. By law, the Legislature in 2011 provided for an apportionment of the state into 101 districts for the 2013-2020 legislative sessions. All redistricting bills are subject to the Governor's veto.

8. Exercise of Quasi-Judicial Powers/Impeachment

The Legislature can exercise several important quasi-judicial powers. Article VIII of the state Constitution provides for the Legislature's impeachment powers. The Governor, other elected state officials, and certain other state officials, such as the members of the Ethics Commission, may be removed by the impeachment process for willful neglect of duty, corruption in office, habitual drunkenness, incompetence, or offenses involving moral turpitude committed while in office.

The House of Representatives presents all charges of impeachment. After impeachment charges are approved by the House of Representatives, the Senate sits as a Court of Impeachment with the Chief Justice of the Supreme Court presiding, unless a member of the Supreme Court is the subject, in which case the Senate elects one of its members as the presiding officer. Members of the House serve as the prosecutors in an impeachment trial. It takes a two-thirds concurrence of senators present to convict, and the conviction causes removal from office. Oklahoma has a long history of impeachment proceedings including the removal of two governors from office (John C. "Jack" Walton in 1923 and Henry S. Johnston in 1929). Most recently, on September 9, 2004, the House impeached State Insurance Commissioner Carroll Fisher, who resigned prior to the trial in the Senate.

In addition to impeachment, Article V, Section 30 of the Oklahoma Constitution enables each chamber to punish its own members for disorderly conduct and to expel a disorderly member upon a two-thirds vote. The same section also makes each chamber of the Legislature the judge of elections and qualifications of its own members.

9. District and Constituent Service

Legislators devote considerable time at the Capitol and in their districts to constituent service and issues of interest to their district. Legislators are expected to be knowledgeable about the needs and concerns of their districts and be willing to help constituents with their problems. To constituents, the work that their elected officials perform on behalf of the people back home may be the most important task of the lawmaker. At times, legislators come to view themselves as district ombudsmen or ambassadors as they work to persuade the state bureaucracy to be more responsive to the needs of the taxpayers. Legislators will continue to engage in efforts to work with state officials in order that the officials might look with favor on awarding grants and other assistance to their districts.

10. State Ambassadors

Members of the Oklahoma Legislature, in addition to representing their local districts, are state officials. Very often members are called upon to view issues, not just from the perspective of their local constituents, but from a state perspective as well. Members of the Legislature also meet with federal,

other state, tribal, and private-sector officials on numerous matters, such as location of an industry in the state or, most importantly, the lawmaker's district. At such meetings, legislators endeavor to gain a favorable response from such officials that will benefit all or some portion of the state. Recently, Oklahoma legislators have also become increasingly engaged in expanding the state's economy through negotiations with international public and private officials in order to promote the state's imports and exports. Legislators may meet with international dignitaries in Oklahoma or in their countries during trade missions.

11. Education of the Public

Passage of important legislation will often be preceded by considerable efforts by individual legislators or groups of legislators through the media and public hearings of committees with the goal of educating the public on the issue that the legislation addresses.

12. Conflict Resolution

The arts of compromise and persuasion are essential to successful legislators in almost every part of their job. Frequently, passage of legislation requires legislators to engage in extensive consensus-building efforts or difficult negotiations. For example, state legislators have become increasingly proficient in negotiating with the various Indian tribes in Oklahoma on concerns affecting one or both of the parties. To resolve issues confronting the state and the many tribal governments in Oklahoma, a Joint Committee on State-Tribal Relations has been created to consider and approve or disapprove compacts negotiated by the Governor between the state and tribes. Legislators also find themselves involved in vigorous disputes between various occupational groups over the scope of their professions.

Chapter Two

Legislative Sessions and Interims

Regular and Organizational Sessions

Article V, Section 26 of the Oklahoma Constitution requires the Oklahoma Legislature to meet in annual regular sessions. Until passage of a legislative referendum in 1966, the Legislature met in regular session only in odd-numbered years. From 1967 through1989, regular sessions convened on the first Tuesday after the first Monday in January at noon, after which the Constitution limited the Legislature to 90 legislative days (a legislative day is a day when the Legislature actually meets). With greater control over the legislative schedule, past Legislatures could, and sometimes did, extend the session into June and July. With the passage of a popular initiative in 1989, annual sessions are now limited in terms of when they start and when they must adjourn. In each odd year, the session starts with a half-day organizational session as described below. In even years, the regular session begins at noon on the first Monday in February and must conclude no later than 5:00 p.m. on the last Friday in May. In odd-numbered years, after the organizational session, the session meets the same time as for even-numbered years.

The current constitutional provisions setting out requirements for regular legislative sessions provides that an organizational "session" be held each odd-numbered year on the first Tuesday after the first Monday in January from noon to 5:00 p.m. For the fifty-fifth Oklahoma Legislature, this organizational session will occur January 6, 2015. The Legislature will then reconvene on Monday, February 2, 2015 and work through Friday, May 29, 2015 (unless the session is adjourned earlier). The organizational session permits the House and Senate to formally elect their officers and take care of other important business, including the appointment of committees. The deadlines for bills will normally have been set by a concurrent resolution amending joint rules at the end of the last regular session of the previous Legislature so that legislative business can begin in earnest.

Special or Extraordinary Sessions

In addition to the regular session, the Governor is empowered to call either the Legislature or the Senate alone into special or extraordinary session. When the Governor calls a special session, it is restricted to only those matters the Governor specifies in calling the special session. The Governor may amend the call during the special session. Calling the Senate alone into a special session is rare, though the provision exists, presumably for the possible emergency confirmation of a gubernatorial appointment or to sit as a court of impeachment.

State Question 540, adopted by the people on November 4, 1980, amended the Oklahoma Constitution to allow the Legislature to call itself into special session. The call for the special session must be signed by two-thirds of the members of each house, and the specific purpose must be set out in the call. The first such legislatively called special session occurred at the end of the 1994 regular session. The Legislature was preparing to override bills pocket-vetoed by the Governor at the end of the regular session. The last time a special session was called was in 2013 for the purpose of reforming the state's workers' compensation system.

Unlike annual sessions, the Constitution does not provide any limits on the length of special sessions. However, a special session called during one Legislature cannot extend past the swearing in of the next Legislature. It is possible for both a regular and special session to occur simultaneously and the Legislature may adjourn without acting on the issues that it has been asked to address. It is possible for additional special sessions to be called in the same manner as provided above.

Recesses and Adjournments

The Legislature determines the date of its session adjournment, provided that it is not later than the last Friday in May for annual sessions. There are several other types of adjournments in a regular session. One is frequently referred to as a "recess." A recess in the Legislature occurs when it fails to meet on any calendar day within the period between the beginning and end of a session. There have been occasions when one or both houses will adjourn subject to a call of the presiding officer, particularly during special sessions. Typically, both houses have recessed the session from Friday through Sunday, with Friday sessions being held during the last weeks of the session.

Sine die or final adjournment occurs at the end of a regular or special session. If the two houses cannot agree on a date of sine die adjournment, the Constitution provides that the Governor may adjourn the session based on the facts certified to the Governor by the presiding officer of the chamber first moving adjournment. This latter provision has rarely been invoked. The 1989 constitutional amendment prohibits regular sessions from extending past 5:00 p.m. on the last Friday in May.

At the end of each legislative day, a motion to adjourn will be approved and a date and time established for the next legislative meeting.

Meetings, Working Hours, and Deadlines

After the opening day ceremony of the regular session, the Legislature settles into its routine of caucuses, meetings, hearings, and daily legislative sessions. Each house adopts its own rules, and joint rules that govern the operations of the Legislature are adopted by the House of Representatives and Senate.

The time that the session convenes is fixed by motion at the end of the previous legislative day. Times can fluctuate depending on the workload of the session. A 1989 reform of House Rules required daily sessions to end no later than midnight, to prevent all-night sessions, and precluded the House of Representatives from meeting between midnight and 8:00 a.m. With the shortened session provision, the Legislature has been more likely to meet on Fridays.

The House uses a "coordinated" committee meeting schedule to minimize schedule conflicts. Committees are assigned regular days, rooms, and times by the Speaker to avoid conflicts for members who are assigned to more than one committee meeting concurrently. However, committees and subcommittees will meet, if necessary, at other times to conduct their business. Existing House Rules prohibit such meetings when the House is in session, except when special permission is granted by the Speaker.

The Legislature has adopted a system of bill deadlines governing the flow of bills from the

Legislative Deadlines
2015-16 Regular Sessions

Deadline	2015	2016
Final Date for Requesting Drafting of Measures	12/12/14	12/11/15
Organizational Session	1/6/15	n/a
Final Date for Introduction of Measures	1/22/15	1/21/16
Session Convenes/ Reconvenes	2/2/15	2/1/16
Final Legislative Day for Third Reading and Final Passage of a Measure in House of Origin	3/12/15	3/10/16
Final Legislative Day for Third Reading and Final Passage of a Measure in Opposite House of Origin	4/23/15	4/21/16
Adjournment, no later than 5:00 p.m.	5/29/15	5/27/16

requesting of legislation through each stage of the legislative process. If a bill fails to meet these deadlines, it cannot be considered during that session unless rules are suspended (requiring a two-thirds majority) or there is an exemption for such legislation. The joint rules generally exempt certain types of bills from the deadlines, including measures dealing with disapproving or approving agency rules, Ethics Commission constitutional rules, retirement system bills, special laws, and duplicate sections. These deadlines are very important in determining the work schedule of the Legislature. To comply with the short session, the bill request and introduction deadlines have been advanced so that bills each year have been introduced before February 1.

Traditionally, as the committee deadlines approach, the floor sessions tend to be short so that the committees can consider their bills. Conversely, committees may not meet often or long when clogged calendars force long sessions on the floor. During the last weeks of the session when conference committees complete their work, lawmakers' daily schedules can begin early in the morning and extend late into the night. During such periods, committee meetings and the mechanics of drafting and bill reproduction can become very important considerations in the proceedings that signal the end of the regular session.

During the session, legislative caucuses are held to take up important business issues, including the nomination of House leadership and election of caucus officers, or discussion of major issues. In the House, both parties have caucuses. The House may also caucus as a whole. Caucus meetings are designed to discuss policy, discipline caucus members, inform the caucus members on significant matters, and develop consensus. The party caucuses operate under their own adopted caucus rules. Many of these caucus meetings are closed to the public.

Interim Meetings

Interim meetings and hearings are held by standing and special committees authorized to meet during the period between regular sessions. These committees may exercise their powers when provided for by law, concurrent, joint, or simple resolution, or by appointment by the presiding officers of the house acting jointly or singularly. Between sessions of a Legislature, standing committees may act on measures in their committees at the end of the even session, although this option has rarely been exercised.

Other interim special committees will have a specific charge guiding their activities that will result in recommendations to the Legislature for action. Existing House Rules stipulate that interim study requests should be made upon forms provided by the House Chief Clerk, rather than by a bill or resolution. There are, however, circumstances when a resolution would be appropriate. These interim meetings will be staffed most commonly by the permanent staff of the House or of both houses in the case of joint committees. If necessary, outside consultants can be authorized. The Speaker is responsible for assigning interim studies. The authors of interim studies are also considered voting members of committees to which the study is assigned, along with any other members the Speaker assigns for the study, but only for the purpose of the specific study proposal. Not all interim requests will be approved for study. Interim study proposals are the subject of the committee, so the chair and the committee can exercise considerable influence over how the study is conducted.

Technically, the interim ends when the Legislature reconvenes in regular session (including the one-day organization meeting). For practical purposes; however, most interim activities wind down by the end of November or somewhat earlier at the end of the even session.

House interim committees may be provided with subpoena powers by approval of the Speaker. House Rules, however, require the presence of a quorum of the committee for it to take any final actions. A

committee during the interim also cannot meet unless notice of the meeting is made no less than 10 days prior to the meeting.

Members appointed to committees and authors of interim study proposals receive mileage and per diem for expenses related to attending interim meetings. The Speaker usually limits the number of times House committees or subcommittees can meet during the interim and statutes (740.5 Sec. 456) limit the number of interim meetings House members can be paid for attending to 20 meetings. These limits can be waived by the Speaker upon request.

Chapter Three

Legislative Body and Members

It is not uncommon for people, in describing the two legislative bodies in any state or the federal government, to refer to the Senate and the House of Representatives or Assembly as the upper and lower houses or chambers, respectively. However, this distinction is not recognized by the Oklahoma Constitution. While there are many characteristics shared by members of the two legislative bodies in any state, there are equally important differences which help define and explain the politics of a state. In fact, it is often the case that political conflict and debate on a legislative issue will turn not on political party or urban versus rural splits but on differences between the two chambers as they compete to win passage of their legislative agendas.

> "Each House shall be the judge of the elections, returns, and qualifications of its own members..."
>
> *Article V, Section 30, Oklahoma Constitution*

Following are several of the issues that help define the differences between the House of Representatives and Senate in the Oklahoma Legislature. In addition, this chapter will discuss the salary and compensation of Oklahoma legislators.

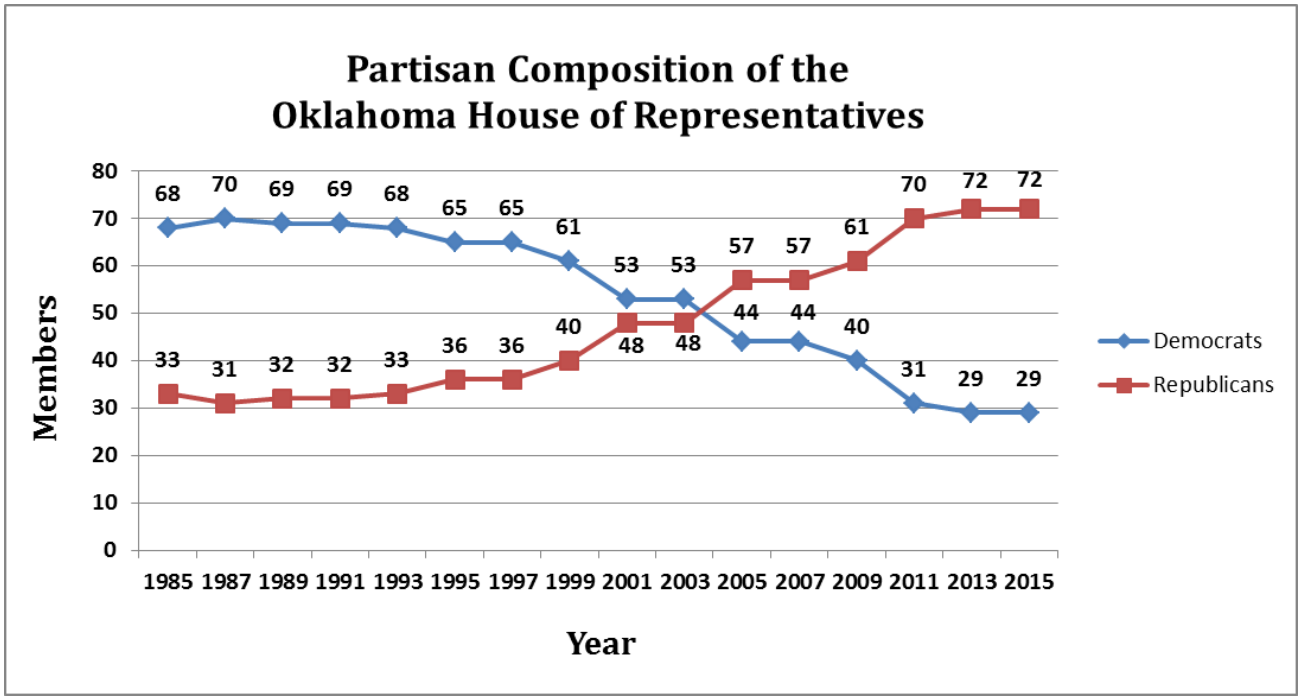
Size and Apportionment

The Oklahoma Constitution (Article V, Section 9A) sets the number of senators at 48. Article V, Section 10A calls for the state to be apportioned into approximately 100 House districts. Reading together a 1964 federal district court ruling in Reynolds v. State Election Board and a 1971 opinion of the Oklahoma Attorney General, the House has been divided into 101 districts in the last five decennial redistricting plans.

As with so many issues, apportionment of the two houses is very different than it was in the past. In the first Legislature, there were only 96 members in the House of Representatives, and the apportionment for both houses was heavily weighted in favor of rural counties until the federal courts forced states to reapportion on the basis of "one person, one vote." Prior to then, for example, Oklahoma and Tulsa counties had only one state senator each out of 48.

The current apportionment plan of the House of Representatives is set forth in the State House of Representatives Redistricting Act of 2011, which provided for the districts that the members of the Fifty-fourth through Fifty-eighth Oklahoma Legislatures (2013-2020 regular sessions) are elected to serve. The Constitution provides that the Legislature must apportion itself within 90 legislative days following each census; if the Legislature fails to do so, then the apportionment will be carried out by the Bipartisan Commission on Legislative Apportionment which is composed of seven members, including the Lieutenant Governor who is a non-voting member and chair and two members, one democrat and one republican, each appointed by the President Pro Tempore of the Senate, Speaker of the House and Governor.

The redistricting bills are acted upon just as are all other bills and are subject to gubernatorial approval. The Legislature also is responsible for congressional redistricting, but is not subject to the 90-day deadline. The exact number of congressional seats is determined by a formula established by the federal Census Bureau and presented to the President on December 31 of the first year of the new decade (i.e. December 31, 2010). The 2010 Census revealed that Oklahoma's population growth kept pace with most of the nation, increasing by 8.7% which allowed the state to retain its five congressional districts unlike 10 years ago when the state lost a congressional seat.



For the House of Representatives, the State House of Representatives Redistricting Act of 2011 (14 O.S. 2011, Section 133 et. seq.) provided that, based upon the total population of the state, each House district (HD) should have an ideal population of 37,142 people (in contrast to 34,165 from the 2000 census). Each new HD deviates from the ideal population by less than 1 percent. In contrast to the district sizes of the House of Representatives, the Senate ideal district population is 78,153 – a difference in terms of numbers of persons represented, geographical size, and complexity of the constituencies included that cannot be overlooked. Based on the districts' population densities, there are obvious differences in representing compact urban versus sprawling rural districts. The next redistricting of the Legislature and congressional districts will occur in 2021. Legislators' career can hinge on how their new districts are drawn. Equally important, shifts in power within the Legislature can result from redistricting.

Membership Qualifications

Article V, Section 17 of the Oklahoma Constitution requires that members of the House of Representatives be at least 21 years of age and that members of the Senate be at least 25 at the time of their election. Statutes require that a person filing for a state legislative seat live in the district and be a qualified elector at the time they file for office. Legislators must reside in their districts during their term of office.

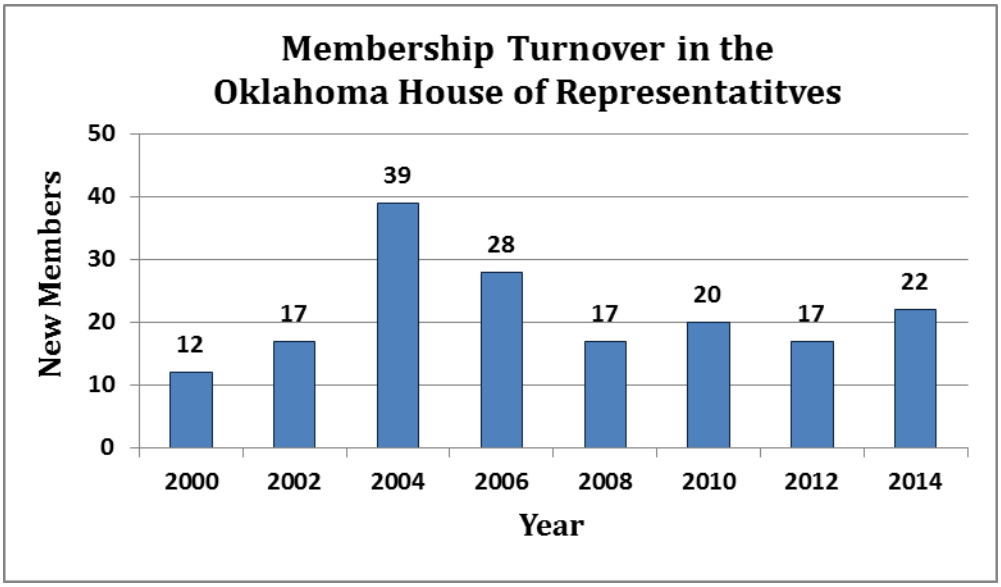
Membership Disqualifications/Term Limits

Similar to most states, the Oklahoma Constitution does not allow legislators to hold any other state, local, or federal office (a practice known as dual office-holding) for compensation while serving in the Legislature, nor may any person convicted of a felony serve in the Legislature. A member who is expelled for corruption will not be eligible for membership in either house. While these are the legal barriers to membership, each house is the judge of the elections, returns, and qualifications of its members and may refuse to seat any member by a simple majority vote. Using this power, however, would be extraordinary.

State voters adopted the nation's first term limitation provision on state legislators in 1990. Article V, Section 17A of the Oklahoma Constitution limits state legislators to 12 cumulative years of service.

This is also a lifetime limit and years in both the House and Senate are added together. Elections for partial terms do not apply; however Attorney General Opinion 03-51 held that years of service in a full term to which a member is elected are included in the 12-year limit even when the member voluntarily resigns and does not complete the term, because the provision for a partial term exception only applies to years "elected or appointed to serve less than a full legislative term to fill a vacancy."

The full impact of term limits began with the 2004 election cycle, when the House had 36 open seats. The effect of term limits on legislative bodies has been widely debated. One issue that is not in dispute is that term limits have caused members to become more educated about policy issues more quickly. New members are expected to master the intricacies of policy making much earlier in their careers.



Elections

Members of the House of Representatives serve two-year terms and must stand for reelection at each general election. Members of the Senate serve four years, with half of them standing for reelection each two years. The longer term permits Senate members who would not otherwise face reelection to run for other political positions without fear of losing their legislative seat. House members rarely encounter this situation unless they are running in a special election for a vacated post sometime during the course of their term in the House. Senate turnover is limited by the fact that only 50 percent of its members stand for election at each general election, a major factor that distinguishes the House from the Senate.

Vacancies

Whenever a vacancy occurs in the Legislature, the Governor must call a special election within thirty days, unless the vacancy occurs in an even numbered year and term of office expires the same year. Unlike some states, no appointment may be made to fill the unexpired portion of the term. Persons elected to fill vacant seats serve the remainder of the term of office. Those years will not count against the 12-year term limitation provision in the Oklahoma Constitution for state legislators. Legislation enacted in 2002 allows legislators to tender a nonnegotiable letter of resignation. By doing so, the official enables the special election process to start before they leave office, thereby minimizing vacancies.

Compensation and Benefits

Compensation of legislators is reserved exclusively to the Board on Legislative Compensation. Retirement, health insurance, and other insurance are the same as all state employees. Travel expenses, per diem, postage, and staff assistance are provided for a member's official use. The staff and other resources provided to members for their official duties may not be used for a member's private benefit, including campaigns.

Legislative salaries are set by the constitutionally created Board on Legislative Compensation which was approved by the people in 1968. The board is a nine-member board, comprised of five appointments by the Governor and two each by the Speaker of the House of Representatives and President Pro Tempore of the Senate. No member of the Legislature can be appointed to the board. The Governor appoints the chair. Additionally, the Chair of the Oklahoma Tax Commission and the Director of State Finance are ex officio, nonvoting members of the board. Until 1989, the board met before the November general election. The 1990 Legislature changed the law so that the board meets in November of odd-numbered years. Any changes it makes would apply to the next Legislature, because the Constitution prohibits any increase in salary for elected officials during their current terms. Changes in compensation approved by the board do not require any further action by the Legislature and take effect on the fifteenth day following the general election when members are sworn into office.

Fifty-fifth Legislature Annual Base Salary	
$38,400	
Additional Compensation	
➢ Speaker of the House ➢ Senate President Pro Tempore $17,932	➢ House Speaker Pro Tempore ➢ Minority Floor Leaders ➢ Appropriations Chairs $12,364

At its 1997 meeting, the Board on Legislative Compensation gave legislators their first general compensation increase in ten years other than increases in the flexible benefit allowance consistent with increases for state employees. The approved general increase, effective November 18, 1998, added $6,400 or 20 percent to the base legislative salary effective for the start of the Forty-seventh Legislature. The previous annual salary increase was made by the Board on Legislative Compensation in November 1988, when the annual salary was raised from $20,000 to $32,000. The Board on Legislative Compensation met in early 2002 to discuss legislative compensation. In a nonbinding motion, the board took the position that legislative salary increases should not be considered for the next ten years.

Legislators are also eligible to participate in the state's regular deferred savings incentive plan compensation program (SoonerSave program). This program has two plans: a regular 457 deferred compensation plan and an incentive 401 plan to which the state contributes $25 each month (at no cost to members) when the participant contributes at least $25 to the 457 plan.
The state pays a benefit allowance each month from which members, just as other covered state employees, must purchase for themselves "core benefits" including a $20,000 life insurance policy, health and dental insurance, and a disability insurance plan through the Oklahoma State and Education Employees Group Insurance Board. Any money left over after those benefits are selected is considered compensation and can be received as income or used for other benefits, including dependent coverage. Health and dental insurance coverage begins December 1 for new members. Other insurance benefits such as medical and dental coverage for dependents can also be obtained. For more information on these fringe benefits, the House's designated agent is the Director of Administration and Personnel Director located in Room 109 of the Capitol.

Oklahoma state legislators can elect to participate in the Oklahoma Public Employees Retirement System under the elected officer's option. Once made, the decision is irrevocable. Under this plan:

- Members elected prior to November 1, 2011, must have six years of service to vest. Those elected on or after November 1, 2011, must have eight full years of participating election service to become vested.
- The level of benefits paid is based on a formula according to the participant's contribution, time of service, and salary.

- Participating members elected prior to November 1, 2011, contribute between 4 ½ percent and 10 percent of their salary. Members elected on or after November 1, 2011, contribute 3.5 percent of their salary.
- The House of Representatives, as the employer, makes a 16 1/2 percent contribution;
- Members can also receive military service and allowable public service credits to raise their length of service.
- Members elected before November 1, 2011, can receive retirement benefits at age 60 with six years of full time equivalent participation or when the sum of age and credited service equals 80. Members elected on or after November 1, 2011, can begin receiving retirement benefits at age 62 with six years of full time equivalent participation.
- Members first elected before November 1, 2011, can begin receiving reduced retirement benefits at age 55 after at least 10 years of service. Member elected on or after November 1, 2011, can begin receiving reduced benefits at age 60 after at least 10 years of service.

In addition, members are reimbursed for travel in the amount of the Internal Revenue Service allowable rate for deductibility of travel expenses while away from home without additional documentation (currently 56 cents per mile) for one round trip per week from their district to the Capitol, and $153 per diem for days the Legislature meets. The round-trip mileage is determined for each member of the House on the opening day of the session and published in the House Journal. Some members elect not to be reimbursed for travel. Members also receive $25 per diem and round-trip mileage when attending interim meetings of committees. All other travel in the performance of a member's duties, such as out- of-state travel to various meetings for which reimbursement is requested, must be approved, in advance, by the Speaker and is paid in accordance with the State Travel Reimbursement Act. The impact of the economy on the state budget, however, triggered the House to restrict out-of-state travel beginning in 2009.

It is very important that members take responsibility for the timely filing of travel claims. During the interim, the committee staff will make sure that claims are signed and filed for members authorized to attend meetings. The filing of travel claims is coordinated through the Comptroller's office so that the proper forms can be submitted to the Office of State Finance.

Finally, state legislators may be eligible for federal tax breaks. The most notable of these is the provision in the federal tax code for a "legislators' home tax break" which pertains to your home being a primary business address. Under the federal tax code, Section 162(h), certain state legislators who reside outside Oklahoma City can qualify to deduct certain living expenses incurred while living at the capital during sessions. For information on this, legislators should talk to their accountants or may request background information from the Washington, D.C., office of the National Conference of State Legislatures (202-624-5400).

All questions about compensation and travel reimbursement should be directed to the Comptroller's office.

Communications

Legislators also receive limited postage allocations for official business, an allowance for office supplies, and long distance telephone privileges to assist them in carrying out their legislative duties. The House, by resolution adopted at the start of each session, authorizes members to purchase stationary and supplies**.** Members can use the House Post Office to send official mail. During the 54th Legislature, each member received a postage allowance of $500 per month and was given a credit of $350 for the purchase of stationery and/or office supplies. The House maintains a supply room in Room B23 of the basement for members and staff.

Members and their legislative assistants have easy access to extensive computerized facilities. The Legislature has developed the Oklahoma Legislative Information System (OLIS) providing members with online bill status and the full text of bills and statutes with keyword search capabilities. Word processing software for handling constituent letters is also provided. This system uses a "Windows" platform to make its use more flexible and to permit access to bill status and full text on bills through the Internet.

One of the most important tools provided House members at their Capitol office is their telephone. The House uses an Avaya Definity ECS system. This system has a number of useful features, including conference calling, speed dialing, automatic redialing, the ability to handle numerous calls at the same time, and an "audix" system. The audix system enables members to send voice-mail messages within the House, allows members to use personalized messages for callers who call when members are not available, allows the caller to leave a message, and allows the member to call audix from outside the Capitol to retrieve messages. Within the House of Representatives, members can call staff or other members directly by dialing a three-digit number. Local offsite numbers are reached by dialing "9" and then the number. Calls from constituents can be transferred easily to staff or agencies for assistance. There are instruction manuals available in room 109, and the Information Services staff can answer more detailed questions about the telephone system.

Another important tool provided to House members is a laptop computer, allowing them to easily check their official House email and correspond with constituents, staff, agency representatives and lobbyists. Members also use their laptop to vote on bills in committee and can easily retrieve different versions of a measure and access bill summaries and fiscal impacts of the measure.

In compliance with the federal Americans with Disabilities Act (ADA), the House of Representatives is equipped to receive from and send messages to persons who have hearing disabilities by means of Terminal Data Display (TDD) lines. The toll-free TDD number is (877) 299-3468. Should members need to make outgoing TDD calls, they should call the House operators (Ext. 0). For more information on this and other matters related to the ADA, see page 87.

The House of Representatives maintains its own switchboard, staffed by House personnel located in Room B-26a. They answer all outside calls from persons dialing the House's 405-521-2711 main number or the toll free, in-state number 1-800-522-8502. The operators then transfer the calls to the appropriate office. Members have direct line numbers for their offices which can be reached by dialing 557-7 plus the three-digit extension number. Members can use House telephones for official calls. Long distance charges are authorized for official state business for members.

Other Benefits

Senators have individual offices at the State Capitol and are each assigned an administrative assistant. House members also have individual offices located either on the second, third, fourth, or fifth floor of the Capitol. By statute, the House controls the west wings of these floors. Office assignments are made by the Speaker of the House. Members are assigned a legislative assistant; however some members share an assistant. Some legislative assistants are session-only employees who are selected in coordination with the House Human Resources office. Each member receives an assigned parking place in one of the lots adjacent to the Capitol during the session. During the interim, the East Oval is reserved for House member parking. The House has the lot east of the Capitol, and staff spaces are available on the east and south sides. Parking is coordinated by the Chief Clerk's office. The lots are patrolled during business hours by the House sergeants-at-arms. A sergeant-at-arms is on duty during session Monday through Thursday from 6 a.m. to approximately 10 p.m.

Security concerns tightened access to the State Capitol in 2002. Metal detectors and x-ray screening are set up at the east and south first floor entrances and at the east and west basement tunnel entrances to the Capitol. During heightened levels of alert, all persons and baggage entering the building are subject to search, and display of House identification may be required of members. Access is no longer allowed at the north entrance.

Legislators have an opportunity to sponsor students from their districts to serve as pages for the Oklahoma House of Representatives. During the legislative session, members are allowed two "full pay" or four "split pay" compensated pages. "Full pay" pages are paid $100 per service week and "split pay" pages are paid $50 per service week. All House pages must be either a sophomore, junior or senior. Lodging, during the page service week, is provided by the House for those pages who live outside the Oklahoma City metro area, as well as transportation from the hotel to the Capitol and back. In the case of younger pages, who do not drive, or when parents may feel unsure about allowing their child to drive during the busy hours of commuter traffic an exception may be allowed for lodging. Pages are well chaperoned. Scheduling of page assignments is handled by a House member, selected by the Speaker, and the House Page Program Secretary. House pages are appointed by the House to serve for one week (Monday through Thursday, except for the last two weeks of session which may extend through Friday, or any week during session, designated by the Speaker, with a Friday session date).

House members may also sponsor personal pages. These are usually young people who wish to serve in some capacity, but who do not meet the age requirements of the House page program. They do not take part in the House page program, but work exclusively out of their sponsoring representative's office. Personal pages will be allowed access to the House floor by the sergeant-at- arms for brief errands to their representative only. If they wish to observe session, they must do so from the gallery area. A personal page is the sole responsibility of the sponsoring representative and will not be supervised at any time by House page personnel.

The experience of working at the Capitol and gaining first hand exposure to democracy at work is an invaluable opportunity. This, along with the supplemental educational aspects of the House page program, greatly enhanced in recent years, affords House pages a well-rounded experience. House pages work out of the House page area, located between the House Chamber and the House Lounge. They are supervised at all times by the House Page Supervisor and other assigned staff for their safety and protection.

Members may secure an appointment of one of their constituents to serve as House chaplain for the week. The chaplain is paid $60 per day and may receive travel reimbursement. The Oklahoma medical and nurses associations make separate arrangements for the doctor- and nurse-of-the-day program.

House members are permitted to use special motor vehicle tags for their cars pursuant to 47 O.S., Section 1136. These tags are easily identified by the designation "H" and the member's district, e.g. "H-1." Requests for such tags are made to the Member's Legislative Assistant. The cost for each tag is $8, which is in addition to their regular plate and fees, and must be accompanied by proof of registration for the vehicle for which the tag is requested.

Privileges and Immunities

The Oklahoma Constitution states that members cannot be arrested while attending sessions or going to or returning from sessions except for treason, felony, or breach of the peace. Immunity from arrest may not be as broad as it may seem, since almost any unlawful conduct could be construed as breach of the peace. In fact, the Oklahoma Supreme Court held in April, 1977 (*Howard et al v. Webb*) that "the Legislative privilege from arrest in civil matters does not exempt members from arrest for any

violation of criminal laws no matter how minor." This provision, common to many state constitutions, was originally designed to protect legislators from executive harassment.

Members may not be held legally accountable elsewhere for remarks made on the floor of the House. The protection of freedom of speech is designed to encourage free debate by protecting members from libel or slander suits. Members take personal privilege with a speech not related to debate at hand but of a personal nature. Members wishing to take "personal privilege" or "privileges of the House" notify the Speaker in advance of their wish to do so. When a member takes personal privilege, no debate on the question is allowed, and the member cannot yield for any questions. Personal privilege and privileges of the House are taken when a member feels the collective integrity of the body or that of an individual member has been affected adversely. By House Rule, members are prohibited from talking about pending legislation before the House when they take personal privilege. Should a member violate the restrictions regarding personal privilege, a point of order can be raised, and the Speaker can terminate the member's personal privilege.

Chapter Four

Organization of the House

> "The Legislature shall meet in regular session at the seat of government at twelve o'clock noon on the first Monday in February of each year and the regular session shall be finally adjourned sine die not later than five o'clock p.m. on the last Friday in May of each year."
>
> *Article V, Section 26, Oklahoma Constitution*

On the first Monday in February of each year, the Legislature convenes in regular session at noon. By that time, much of the preliminary organization that is required to hold the regular session is in place. New members will have been sworn in and oriented, staff hired, caucuses held, and bills filed. In 1991, the Legislature began meeting on the first Tuesday after the first Monday in January in odd-numbered years for a half-day "organizational session" to elect legislative officers, adopt rules, and take care of other matters to prepare for the regular session. The organizational session is the first legislative day of the regular session. The Legislature, like any large body, organizes itself in the form of a hierarchy with leaders elected and appointed and the division of labor (the committee system, specialized interests of members, and staff) established.

Legislative Officers

The majority and minority party caucuses in each house normally select their leadership prior to the convening of the Legislature. The Oklahoma Constitution does not formally recognize such caucuses, but Article V, Sections 28 and 29 state that the Senate and the House shall elect at the beginning of each Legislature a President Pro Tempore and Speaker, respectively. (The Lieutenant Governor, constitutionally, is the presiding officer in the Senate where he or she can cast tie-breaking votes and preside over joint sessions; in reality, the Senate has rarely permitted the Lieutenant Governor anything more than a ceremonial role.) The caucuses play a very important role in the organization of the Legislature.

Before 1960, it was the Governor, as the head of the political party (Democrat) which controlled both the Governor's office and both houses of the Legislature who was the key player in picking the legislative leaders and committee chairs. Since then, the Legislature has organized itself, independent of the Governor regardless of the party of the Governor. The caucuses of the two houses have their own rules, and the elections of their leaders are conducted in accordance with caucus rules and tradition. These decisions are then customarily adopted in the organizational session. Even when caucus votes have been close, the members of each caucus have bound themselves to vote for their caucus' choice.

In the House of Representatives, each party caucus chooses its slate of elected and appointed officers. In reality, the majority party's slate for the offices of Speaker and Speaker Pro Tempore historically prevails at the actual election during the organizational session. These are the only elected offices in the House of Representatives. All other majority and minority caucus positions are selected by their respective caucuses.

The Speaker, as presiding officer of the House, has a powerful role in Oklahoma government. Article V, Section 29 authorizes the Speaker of the House of Representatives as its only constitutional officer. The Speaker:

- Represents the House at meetings with the Senate leadership and the Governor;

- Serves on the three-member Contingency Review Board which can approve certain state agency business agreements during the interim;
- Holds press conferences to discuss issues pending before the Legislature;
- Presides over the floor and recognizes members from the floor who want to speak;
- Decides all questions of order;
- Appoints all standing, conference, and special committees;
- Controls the staff and budget;
- Certifies all bills and resolutions passed by the House;
- Controls and preserves order in the House chamber and galleries;
- Ensures proper decorum during floor sessions;
- Assigns offices and seats in the chamber; and
- Approves claims against the House budget.

Also, the Speaker is an ex officio voting member of all House special and standing committees and assigns bills to committees. The Speaker makes numerous appointments to boards, commissions, advisory committees, and other statutory entities. The Speaker has authority to permit House members to file additional bills and joint resolutions beyond the current House Rule limiting introductions to eight House bills and joint resolutions per session.

The Speaker Pro Tempore acts as presiding officer in the Speaker's absence and also is an ex officio voting member of all standing and special committees. The Speaker Pro Tempore can designate someone else to act as the presiding officer. Although the duties of the floor leaders of both the majority and minority parties have not been stated in the statutes or the rules, they have considerable influence in the House. The Majority Floor Leader works closely with the Speaker on seating, committee, and bill assignments. The Majority Floor Leader also maintains close contact with other members of the majority party caucus to aid communication through the ranks. All motions on the floor to recognize members go through the Majority Floor Leader.

The Minority Leader has assumed the spokesperson's role for the minority party caucus in stating its position on important matters. Very often the Speaker and Minority Leader confer on issues. The assistant floor leaders and whips of both parties are responsible for mobilizing support for their parties' positions on the floor and reporting members' concerns back to their leadership.

Swearing In and Presession Orientation

Within 15 days of the November general election, all members of the House of Representatives take their oaths of office to become members of the Legislature, pending the formal acceptance of the election at the January organizational session. The swearing-in ceremony is a special moment for legislators, their families, and supporters. The Supreme Court Chief Justice or one of the other justices administers the oath that reads as follows:
Those who are unable to attend the ceremony can make other arrangements to be sworn into office

> "I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law; I further swear (or affirm) that I will faithfully discharge my duties as [state representative] to the best of my ability."

with the House Chief Clerk. Shortly after, new members attend freshmen orientation designed to assist them in performing their duties. Recent presession orientations have focused less on substantive

policy issues in favor of orienting the new members to the duties and responsibilities of a state representative and how to best conduct themselves in their new office. These sessions are extremely valuable in preparing new members to be effective legislators. Considerable planning enters into preparation for the presession orientation.

Seating of Members and Other Organizational Matters

There is a great deal of pomp and ceremony that accompanies the beginning of each regular session of the Legislature. Members, their families, the media, cabinet and agency officials, and other dignitaries gather for the ceremonies surrounding the beginning of each annual legislative session that include, most notably, the Governor's State of the State message and the traditional Speaker's Ball.

Following is how a typical organizational session, which occurs only in odd-numbered years, will unfold.

The organizational session, which begins at noon on the first Tuesday after the first Monday in January (January 6, 2015, for the Fifty-fifth Legislature) starts in the House of Representatives when officers from the majority caucus call the House to order. Next a prayer is delivered by the House chaplain, followed by the acceptance of the Secretary of the State Election Board's list of persons that it has certified to service in the House from the previous year's elections. Members who were not sworn in previously may now take their oaths of office. Next, the roll will be called a quorum recognized so that the formal election of officers can occur. A formal motion from one of the members will state that the members-elect are all duly elected and qualified to serve as members of the new Legislature and to participate in the organization of the House of Representatives.

At this point, the formal nominations and election of the Speaker candidate of the majority party takes place. It is common for the minority caucus to nominate one of its members for Speaker and/or Speaker Pro Tempore, but there have been exceptions. After the resignation of Speaker Lance Cargill following the First Regular Session of the Fifty-first Legislature, Representative Chris Benge was nominated to serve as Speaker on the opening day of the Second Regular Session. The Democrat caucus' nominee, Representative Danny Morgan, withdrew his name from consideration for Speaker and Representative Benge was declared Speaker by acclamation. The new Speaker, once elected, is then escorted to the rostrum and sworn in by the Chief Justice or another Supreme Court justice. The Speaker delivers an acceptance speech to the House and conducts the election of the Speaker Pro Tempore, who will then take the oath of office and deliver an acceptance speech.

After the elections, there remain other business matters. A motion to provide for each member's necessary funds to purchase stationary, supplies and equipment will be made and acted upon. Changes to House Rules, including changes to the list of standing committees, may be adopted. The Speaker may also announce appointments to those committees which by rule are to be made by the Speaker. Additional business will be the incorporation into the House Journal of the certification of revenues from the Board of Equalization and adoption of the mileage report that indicates the reimbursement each member will be entitled to receive for travel. The mileage is determined by the distance of the member's residence to the State Capitol. A member can choose not to accept mileage reimbursement.

By this time, the Majority Floor Leader will move to notify the Senate that the House is organized and ready to meet with the Senate in a joint session. The Legislature will be called to order in a joint session by the Lieutenant Governor who also serves ceremonially as President of the Senate. The roll calls of both bodies will be accepted as the roll call of the joint session and quorum will be called. A prayer will then follow. If needed, amendments to joint rules may be adopted.

The first legislative day in February, particularly in even years, is important for several reasons. According to the Oklahoma Constitution, the Legislature convenes at noon on the first Monday in February. For the odd-numbered year, that will be the second legislative day (the January organizational session is the first legislative day). As usual, the roll is called and a prayer is delivered to start the day. The most important agenda item on this day is the joint session at which the Governor will deliver the State of the State address. This address provides governors an opportunity to present their budget for the ensuing fiscal year and to highlight their programs for the legislative session. Normally, the proposed budget will be made public following the speech and provided to legislators and staff. Other important business includes the First Reading of prefiled bills in the House, adoption of resolutions providing for session employees for the House, and setting travel allowances for authorized out-of-state travel by members. The report from the State Board of Equalization will also be accepted certifying funds available for appropriation.

After this, both houses of the Legislature are prepared to begin work on the issues that confront the state. Between then and adjournment, each Legislature will develop an agenda that will characterize it in the state's political history.

House Staff Officers and Employees

The House and Senate have staff who serve as officers of the respective houses but who are not elected by the public. They do, however, serve at the pleasure of the presiding officers. In the Oklahoma House of Representatives, the most important of these officials are the Clerk of the House, the Parliamentarian and the Chief Sergeant at Arms.

Clerk of the House

By rule, the Clerk of the House is responsible for:

1. Employing and managing personnel;
2. Supervising legislative procedures of the House;
3. The safekeeping of all bills and resolutions pending in the House at the final adjournment of the First Regular Session of the Legislature;
4. Maintaining all official papers, records, reports, testimony presented and other materials belonging to the House;
5. Maintaining official copies of all bills and resolutions and other materials designated by the Speaker;
6. Preparing and signing communications under the direction of, and in the name of, the Speaker;
7. Acting as the guardian of electronic signatures for the House and making determinations as to validity and authenticity of electronic signature; and
8. Establishing safeguards for the electronic transmission of bills, resolutions or messages to the Senate, Governor or Secretary of State.

Chief Sergeant-at-Arms

The duties of the Chief Sergeant-at-Arms are also established by rule. The Chief Sergeant is a permanent position. The other sergeants-at-arms under supervision of the Chief Sergeant are part-time and session-only positions. The duties of the Chief Sergeant-at-Arms include:

1. Attending all House sessions to maintain order under the direction of the presiding officer;
2. Seeing that the chamber is kept in order and ready for use at all times by the House; and
3. Clearing the House Floor, anterooms of the House Floor and the House Lounge of all unauthorized persons fifteen minutes before the House convenes and ensuring that no unauthorized persons enter these areas while the House is in session.

Parliamentarian

House Rules provide that the parliamentarian is responsible for assisting the presiding officer in the making of parliamentary rules and, at the direction of the Speaker, assisting the Speaker in publishing a volume of substantive parliamentary rulings.

Committees and Subcommittees

Essentially, the Oklahoma Legislature has the following kinds of committees: (1) standing committees, (2) subcommittees, (3) special committees, and (4) conference committees. Committees are a significant part of the legislative process.

Standing Committees

The standing committees of the Legislature are the workhorses for initiating inquiry, ascertaining the facts regarding legislation, and performing many of the oversight tasks that the Legislature is required to undertake. Most standing committees have a continuing jurisdictional responsibility for a policy area, such as education, agriculture, or revenue and taxation. In standing committees, bills are reviewed, amendments offered, policies explored, citizens, lobbyists and agencies heard, disagreements explored, and solutions offered. From the House subcommittee on Revenue and Taxation comes vital tax legislation. The task of preparing the state budget falls to the Committee on Appropriations and Budget and its subcommittees. Other standing committees develop expertise in various policy areas of state government.

Standing committees in the Oklahoma House of Representatives are created by House Rules. The number of standing committees has changed from one Legislature to another. In the 54th Legislature, the House had 18 standing committees, one of those, the Appropriations and Budget Committee, had 8 subcommittees. By rule, the Speaker and Speaker Pro Tempore are ex officio and voting members of all standing, special and joint (House-Senate) committees.

One of the principal functions of the standing committees is that they allow members to specialize in a particular area of interest to them or their district. The Speaker makes all committee appointments in the House. The Speaker selects the chairs and vice chairs and also has discretion over creation of subcommittees to the standing committees and appointments to all subcommittees. Official action on legislation from a committee to the full House must come from the full standing committee, even if the real work took place in subcommittee.

Membership in most committees will reflect, for the most part, the proportional representation of the two parties in the House. This means that the majority party generally has a majority of the members on all committees. The House leadership commonly will consider members' interests in making committee assignments; however, other factors such as seniority or needed subject expertise may override members' preferences. Not all members who request assignment may serve on the Appropriations and Budget Committee or the Rules Committee, for example. During the interim, the author of an interim study proposal is also considered a member of the committee to which the study was assigned for purposes of the study.

> "…it is at the committee stage in the legislative process that the minority party usually plays its most constructive role… In a partisan legislature, especially, minority party members have far more opportunity to affect the shape of a proposal in committee than anywhere else."
>
> Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature (2004)*

The standing committees become a very important point of reference for members both in terms of successfully carrying legislation and deciding on the policy areas in which they wish to gain expertise and influence during their tenure. The interests and outlooks of the committee, individual members of the committee, and particularly the chairs are very important for members who work on the committee or who have measures assigned to the committee. In the latter case, it is a good rule of thumb for the authors to discuss their bills with the chairs and other key members of the committee before the bill is heard in committee. Some chairs will not schedule a measure for a committee meeting unless the author requests that it be heard. On controversial bills, careful strategies involving lobbying groups and constituents of committee members offering their opposition to or support for a measure can be instrumental in the measure's success or failure in a committee. Indeed, the committee assignment itself can be critical to the fate of a bill.

Following is a list of the standing committees of the Oklahoma House of Representatives during the Fifty-fourth Legislature, the chair of the committee, number of members assigned, number of measures referred to each committee during the 2013-2014 regular sessions, the number of measures reported by each committee to the House floor, and the percent of total measures reported from committee.

House Standing Committees for the Fifty-fourth Legislature, 2013-14

Committee	Chair	Members	Measures Referred	Measures Reported From Committee	Percent Reported From Committee
Administrative Rules and Agency Oversight	Gus Blackwell	14	186	133	72%
Agriculture and Wildlife	Dale DeWitt	17	70	41	59%
Appropriations and Budget	Scott Martin	28	620	267	43%
Common Education	Ann Coody	20	194	109	56%
Economic Development and Financial Services	Randy McDaniel	16	230	124	54%
Energy and Aerospace	John Trebilcock	28	49	20	41%
General Government	Paul Wesselhoft	12	86	51	59%
Government Modernization and Accountability	Jason Murphey/ Mike Reynolds	16	142	93	65%
Higher Education and Career Tech	Harold Wright	9	33	14	42%
Human Services	Pat Ownbey/Tom Newell	10	68	50	74%
Insurance	Dan Kirby	11	61	44	72%
Judiciary	Leslie Osborn/Aaron Stiles	17	407	235	58%
Long-term Care and Senior Services	David Dank	9	17	12	71%
Public Health	David Derby	11	168	101	60%
Public Safety	Steve Martin	16	159	98	62%
Rules	Todd Russ	7	113*	33	29%
States' Rights	Lewis Moore	16	37	22	59%
Tourism and International Relations	Charles Ortega	10	12	5	42%
Transportation	Charlie Joyner	16	91	54	59%
Utility and Environmental Regulation	Colby Schwartz	8	64	29	45%
Veterans and Military Affairs	Gary Banz	10	14	9	64%
TOTAL		301	2,708	1,544	

*Number does not include measures referred to Rules committee as a result of being over the eight bill limit.

Current House Rules require all committees and subcommittees to provide notice of a meeting at least 48 hours in advance, except in the case of an emergency as approved by the Speaker and vote on measures and amendments in open public meetings. A majority of members present can vote a bill out of committee and the only recorded vote in committee is the vote on recommendation for final passage.

Committee Chairs determine which bills will receive a hearing; however there are two alternatives provided by rule by which a bill or resolution can be considered by the committee or moved out of committee. First, the principal author of a measure can force a measure to be heard in committee by submitting an electronic request to the Chief Clerk that is signed by a majority of the members of the committee. The Chair of the Committee must schedule a hearing on the measure at least four legislative days prior to the final date for Third Reading in either regular session. The author can also cause a measure to be discharged from a standing committee by submitting electronically, to the Clerk of House, a petition signed by 2/3 of the members of the House. If the petition contains the necessary signatures, the Clerk will forward the petition to the House Floor Leader who will place the bill or resolution on the floor agenda. The petition will also be published on the House website. These parliamentary moves occur very rarely.

Committee chairs set the agenda and call the meetings of their committees. The House uses a coordinated meeting schedule. The schedule provides each committee a room assignment, day, and time for meetings. House Rules prohibit committees and subcommittees from meeting during the daily session without the permission of the presiding officer. The committee is assisted by the professional staff from the Research, Legal and Fiscal Divisions assigned to the committee, and pages and sergeants-at-arms. The professional staff work with members in explaining technical points, helping to draft amendments and preparing bill summaries and fiscal impacts. Agency personnel, lobbyists, and other interested parties can also provide technical assistance on issues within their competency.

In considering a legislative measure, a standing committee can take one of several actions:

- A “do pass” motion will cause the measure being reported to go to the floor calendar;
- A “do pass as amended” will cause the measure being reported to go to the floor calendar with the amendments from committee incorporated for the floor;
- A “do not pass” motion will cause the measure to fail and is considered final action.
- If a committee does not return a bill or resolution with the recommendation of either “Do Pass” or “Do Not Pass,” the bill or resolution remains the property of the committee, unless placed on the calendar directly by the Speaker or discharged from the committee.

House Rules require that all House measures passed by House committees, except those assigned to the House Committee on Appropriations and Budget, must contain complete titles and enacting or resolving clauses. This encourages committees to make all changes that they feel should be made to a measure. However, the author may ask the Rules Committee to grant permission to have a measure’s title “stricken” during floor action to ensure the House the opportunity to review the bill further. This is a fairly common action on major legislation, particularly if it has a significant fiscal impact or causes great controversy. On Senate measures, the House author may need to strike the enacting clause if the title has already been removed in order to prevent it from being sent to the Governor in an incomplete form. This may be done by either committee amendment or floor amendment.

Committee records are somewhat scant. In 2005, the House began recording committee votes and making them available on the House Website and a committee report with amendments and the committee’s final action is filed with the Chief Clerk. However, unlike the Congress where significant records are kept and published on legislative intent and history, Oklahoma legislative committees, as

is true for many state legislatures, do not keep records that could be used to develop detailed legislative histories to accompany measures passed by the Legislature.

Conference Committees

Conference committees play a very important role in the session work of the Legislature by reconciling differences between the House and Senate on specific bills. All conferees from the House of Representatives, as well as the bills assigned to a conference committee, are determined by the House Speaker. Beginning with the Fifty-third Legislature (2011), the House adopted a standing conference committee schedule in which conference committees provided advance public notice of meetings and voting to adopt the report was done in the meeting. The Conference Committee Report, accompanied by a Conference Committee Substitute if necessary, is presented by the author to members of the committee. Beginning with the Fifty-fourth Legislature (2013), members who agreed with the report could add their electronic signature to the report (and remove it) at any time after presentation of the report and, for House measures, before the report was closed for submission or withdrawn by the House author. For Senate measures, the signature could be added (or removed) at any time after presentation and before the time a Senate conference committee report ceased to be in the possession of the House. For House measures, if a report is signed by a majority of House and Senate conferees, the author submits it to the Clerk of the House and it becomes eligible to be placed on the floor calendar by the Floor Leader.

The originating house always has the opportunity to review and accept or reject any amendments made in the opposite house. In the event that the originating house rejects amendments from the other house, a conference committee may be appointed by the Speaker and the President Pro Tempore of the Senate. If a House member, usually the principal author, desires a conference committee, the member requests that Senate amendments be rejected and calls for a conference committee. Usually that request will be approved in both bodies, but it can be denied in either house, thereby delaying further action on the measure.

Historically, the General Conference Committee on Appropriations (GCCA) was the mechanism by which the final legislative budget bills were shaped. Beginning with the Fifty-third Legislature (2011), the House and Senate adopted joint rules that established the Joint Committee on Appropriation and Budget. GCCA would now serve as a standing conference committee for non-budget legislation. This represented a significant change in the way the Legislature dealt with budget bills.

Joint Committee on Appropriation and Budget

The Joint Committee on Appropriation and Budget, comprised of members of the House and Senate as appointed by the leaders of each chamber, typically are the members serving on the House Appropriations and Budget Committee and the Senate Appropriations Committee. There are a couple of very significant characteristics of the committee. First, it is exempt from all intra-session legislative deadlines and may introduce budget related measures as needed in the development of the budget. Legislation approved by the Committee is reported out as “Do Pass” or Do Pass, As Amended” to the chamber in which the measure originated and is placed on the Joint Calendar for Appropriations and Budget. When a measure is scheduled for consideration by the chamber of origin the joint committee report is considered for adoption prior to the advancement of the measure from General Order for third reading and final passage. A second important characteristic is that measures reported from the committee are not subject to amendment on either floor. Upon final passage in the chamber of origin the measure is transmitted to the opposite chamber for introduction and second reading prior to consideration of the joint committee report and third reading in a process identical to that of the chamber of origin. After final passage in the opposite chamber the measure is enrolled and sent to the Governor for approval. The Legislature strives to pass the budget bills at least five days before sine die adjournment to ensure that the Governor will be unable to use the pocket veto and that the

Legislature will have an opportunity to override any vetoes of those budget bills; however, this is certainly not always the case.

Special Committees and Interim Studies

Special committees are appointed occasionally to study and consider matters referred to them. Under current statutes and rules, standing committees of each house can also meet during the interim. Moreover, the Speaker can create special committees of the House, and joint special committees may be created by the Speaker and President Pro Tempore acting together. Special committees will frequently include nonlegislative members with a significant interest in the matters under study or with special expertise required for a study. This public involvement has proved to be very helpful in the work of the Legislature and broadens the affected public's understanding and appreciation of the complexity of the legislative solutions produced. Nonlegislators frequently provide interim committees with vital perspectives that will profoundly impact the committee's work. In some cases, the participation of certain groups in a study will be critical in determining whether or not reforms can be passed in the Legislature.

The special committees and other interim study activities are of vital importance to the work of the Legislature. Complex reforms frequently require extensive study during the interim which is difficult to do during the session when time pressures inhibit the thorough research and search for alternative solutions. In fact, many bills result from interim studies by the Legislature and other groups working on issues between the sessions. Also, it is not uncommon for state agencies to implement reforms of their operations in response to a legislative inquiry and without having to pass legislation.

All requests for interim studies, by House Rule, must be made by members on interim study request forms. These forms are available online and are filed electronically. Members wishing to make an interim study request also can contact the staff in House Research, Legal and Fiscal Divisions for assistance in drafting the request. The House Speaker is responsible for approving and assigning interim study requests to committees. All study proposal authors and others added by the Speaker to a proposal are considered voting members of the committee to which a proposal is assigned for that study only. If the requestor intends to seek approval for a joint committee or joint study with the Senate, the request should so indicate, and the requestor should identify a Senator to author an identical interim study request in the Senate.

Task Forces

Another type of legislative committee, the task force, serves a function not unlike special committees. Often, task forces are created in legislation and their membership is appointed by legislative leaders and, sometimes, the governor. Task Forces, like special committees, usually include state agency representatives and other nonlegislative members with a significant interest in the matters under study or with special expertise required for the study. Task forces generally conclude their series of meetings with a report containing specific recommendations for the legislature to consider.

Chapter Five

Enactment of Laws

The mechanics of the Legislature in any state are vital to the operations of that body. All bills that their authors hope to see enacted into law must undergo close scrutiny at a number of checkpoints. Throughout members' tenure in the Legislature, they will frequently hear the term "the legislative process" used to describe in one cryptic term all the rules and procedures that members will encounter in accomplishing their lawmaking duties. The term, however, is overly simplistic and masks the complexity of the system. It is worth stating here that the legislative process, with all its steps and two houses and gubernatorial veto provisions, is really designed to block passage of legislation.

> "The legislative process in the states has been described and characterized repeatedly, but never quite satisfactorily. The confusion, humanity, and messiness are difficult to communicate."
>
> Alan Rosenthal, *Heavy Lifting: The Job of the American Legislature (2004)*

Some aspects of the legislative process can be found in the Oklahoma Constitution or Statutes while others may be found in legislative rules. Still others are in *Mason's Manual of Legislative Procedure* or have found legitimacy from prior rulings or custom in the Legislature (precedence). Mastery of the legislative process for new members requires careful attention to the details, a thorough knowledge of the process, the cultivation of a network of mentors and informational sources able to advise them on legislative matters, and experience.

Legislative Powers and Limitations

The powers and duties of the Legislature as the lawmaking body for the State of Oklahoma can be found in Article V of the state Constitution. Section 36 states that: *"The authority of the Legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this Constitution, upon any subject whatsoever, shall not work a restriction, limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever."*

In reality, the Oklahoma Legislature is limited in numerous ways by the Oklahoma and U.S. Constitutions, by court rulings, and by congressional acts. For example, Section 32 of Article V of the Oklahoma Constitution limits the Oklahoma Legislature from considering special or local laws "until notice of the intended introduction of such bill or bills shall have been published for four consecutive weeks in some weekly newspaper published or of general circulation in the city or county affected." Section 46 of Article V defines more specifically the meaning of "local and special laws." This restriction on local and special laws greatly reduces the number of bills that the Oklahoma Legislature will consider each session. There are states which are forced to act on hundreds of such special or local bills.

There are other restrictions on introduction of bills. For example, the House of Representatives in 1999 amended its rules to permit members to introduce no more than eight House bills or joint resolutions in a session, unless authorized by the Speaker. Excluded from the eight bill limit are measures related to redistricting, approval or disapproval of agency rules, duplicate section bills, appropriation bills, sunset bills, and simple or concurrent resolutions. Members routinely introduce more than eight bills; however, bills over the first eight are assigned to the Rules Committee and do not receive a hearing.

The Legislature is also restricted in the area of taxation. The Legislature cannot exempt property from taxation except as specifically provided in the Constitution. The Constitution specifically exempts the Legislature from taxing property used for libraries, colleges, museums, cemeteries, charitable and religious purposes and property exempted as homesteads. The Legislature cannot levy an ad valorem tax for state purposes. The power to tax may never be suspended, surrendered, or contracted away, nor may the Legislature impose taxes for the purpose of any county, city, town, or other local government (this does not preclude the Legislature from referring state questions amending the Oklahoma Constitution that will result in local tax changes).

In addition, the Constitution imposes certain procedural limitations on the taxing power. All revenue-raising measures must originate in the House of Representatives, and they may not be passed during the last five days of the session. This prevents the Governor from "pocket vetoing" the revenue bills and the disrupting effect that could accompany the veto of a tax bill. A most significant restriction on the legislative power to tax was added in March 1992 by voter approval of an initiative petition that removed the ability of the Legislature to attach the emergency clause to revenue-raising measures. Now such bills passed by the Legislature are required to be put on the November general election ballot, unless they receive a three-fourths "super-majority" in both houses. If the measure obtains the super-majority, the bill still cannot take effect until at least 90 days after the session adjourns, during which a petition could be circulated to force a referendum election on the measure. This is regarded as one of the nation's strictest limitations on a state legislature's power to enact revenue measures.

Finally, taxes must be uniformly applied to the same class of subjects or property. Each tax levied must specify distinctly the purpose for which the revenue is to be used, and revenue derived from it must be used for no other purpose. A more detailed discussion of the State's tax system is available on the Fiscal Division's publication page of the House website.

As for budgetary matters, the Oklahoma Legislature operates under a number of constitutional provisions which the voters have adopted since statehood to ensure fiscal responsibility. Like the majority of the states, Oklahoma has a balanced budget provision in its state Constitution. The process for certifying the amount of revenue available for appropriation by the Legislature is quite conservative. A major feature is that only 95 percent of the state's certified estimate can be appropriated by the Legislature along with cash balances and prior year certified but un-appropriated funds. In addition, the Constitution limits growth in all legislative appropriations to 12% over the previous year's appropriation, after adjusting for inflation. If for any reason total revenue is not sufficient to meet the appropriated amounts, all appropriations are reduced proportionately.

General Revenue Fund receipts greater than 100 percent of the certified estimate of funds go to a "rainy day" account, the Constitutional Reserve Fund. This fund may be appropriated in the event of a current-year revenue shortfall, a declared emergency, or for the next year's appropriations when the certified estimate is less than for the current year. Also, there is a ceiling on how much the Constitutional Reserve Fund may contain. The ceiling is 15 percent of the General Revenue Fund certification for the preceding fiscal year. Members interested in a more detailed discussion of the appropriations process can access the Fiscal Division's publication page on the House website.

In addition, the Legislature cannot borrow on state credit except in time of war or for controlling invasions or insurrections. The state's full faith and credit can be pledged only by a vote of the people for general obligation state bonds for specific purposes. The last general obligation bond issue was passed by the Legislature in 1992 and approved by the voters during the general election that year. The money was then appropriated by the Legislature in the 1993 regular session. Certain state agencies, such as the Oklahoma Transportation Authority, Oklahoma Development Finance Authority and a variety of state-beneficiary public trusts, the state institutions of higher education, and the Grand River Dam Authority, may issue bonds to be retired using revenues of the agency. Other

agencies may receive specific authority to issue revenue bonds. These "special obligation" bond issues differ from those approved by the people in that they are not backed by the full credit of the state. However, any failure to pay these bonds could have a negative effect on the state in the financial world when future bond issuances are rated. These special obligation bonds must also be reviewed by the five-member Council of Bond Oversight.

The Oklahoma Constitution provides certain other general procedural limitations on the legislative process as well. Article V, Section 57 states that all bills must be concerned with one subject, clearly expressed in the title; the only exceptions are general appropriation bills, general revenue bills, or those which adopt a code, digest, or revision of existing statutes. A general appropriation bill, according to Article V, Section 56 of the Oklahoma Constitution is one which is confined to the expense of the legislative, executive, or judicial departments, or for interest on state debts; all other appropriation bills must separately state the amount and object to which they are applied. Enactment of a general appropriation bill has been used in recent years. One of its major features is that it requires only a majority vote rather than two-thirds majority vote to take effect immediately.

An Oklahoma Supreme Court decision arising from several measures passed during the 1991 legislative session (along with several subsequent cases addressing the same concern) has had a significant effect on how legislation is drafted. In this case, the Governor chose to veto parts of a substantive bill that he believed had more than one subject. Ultimately, the Supreme Court ruled in favor of the Legislature that the Governor did not have that power. The court, however, instructed governors that it would be their duty to veto any legislation that they find violation of the one-subject provision.

The two-thirds approval from each body of the Legislature needed to attach the emergency clause to a measure is an important facet of the Oklahoma legislative process that encourages compromise. Without an emergency, for example, appropriations measures, except for the general appropriation bill, will not take effect until 90 days after a regular session ends — well after the start of the new state fiscal year that begins on July 1.

Enactment of legislation normally involves bicameralism (approval of both chambers of the Legislature) and presentment (action by the Governor). Major exceptions to the norm are simple or concurrent resolutions adopted by one or both chamber(s) and bills or joint resolutions proposing state statutory or constitutional changes which may not require action from the Governor.

There are, moreover, other significant limits on the powers of the Legislature. These include the U.S. Constitution, the many federal laws, and U.S. Supreme Court rulings that may preempt or restrict the options available to the states in many policy areas. The Oklahoma Constitution itself is unusual among state constitutions in the extensive length and detail of its provisions.

Chapter Six

Daily Legislative Routine

For its daily operations, the House of Representatives follows its own rules as well as constitutional and statutory provisions. In general, procedures in the House are guided, in order, by the Oklahoma Constitution, the Oklahoma Statutes, House Rules, *Mason's Manual of Parliamentary Procedure*, and precedence.

For the typical legislative day, the House Speaker, Speaker Pro Tempore, or another designated member acting as the presiding officer calls the House to order, after having established that there is a quorum present by calling the roll, and proceeds with the order of business. The House will be called into session at various times of the day depending on its workload. Sessions on Thursdays will almost always start early in the morning to allow members to return to their districts for Friday and the weekend. The Legislature can, if it wishes, also meet on Fridays or weekends. Floor sessions are longer during weeks when bills must be reported out of each house and at the end of the session. However, House Rules prohibit meeting after midnight or starting a session between midnight and 8:00 a.m.

Historically, a regular order of business has been established in the House Rules adopted at the beginning of each regular session and has generally resembled the pattern shown in the following chart:

Order of Business	
1. Roll call	11. Senate bills and joint resolutions on first reading
2. Prayer	12. House and Senate bills and joint resolutions on second reading
3. Correction of previous day's journal	13. Consideration of simple and concurrent resolutions
4. Petitions and memorials	14. Messages from the Senate and Senate amendments to House bills
5. Executive messages or communications	15. House and Senate bills and joint resolutions on general order
6. Reports of special committees	16. House and Senate bills and joint resolutions on third reading
7. Reports of standing committees	17. Consideration of conference committee reports
8. Reports of conference committees	18. House and Senate bills and joint resolutions on fourth reading
9. Reports of engrossed and enrolled bills	19. Motions and notices
10. Introduction of bills and joint resolutions	20. Unfinished business

On any legislative day, many of the items on the order of the day are dispensed with fairly quickly and are procedural in nature. The major focus of the floor work is the consideration of the legislation itself. The Majority Floor Leader is responsible for scheduling a measure to be heard on the floor. The agenda is then made available to members so that they can prepare for the day's work. The agenda is also posted on the House website.

The floor is strictly controlled, in accordance with House Rules, by the House Speaker or the member designated in the House Speaker's absence to act as presiding officer. That usually means the Speaker Pro Tempore, but he or she can also designate another member to preside. House Rules provide that the presiding officer is responsible for: preserving order and decorum; preventing personal reflections or the impugning of the motives of any member during debate; confining members in debate to the question under discussion; recognizing members seeking to speak; rendering decisions on points of order; ruling on issues of germaneness and closing the vote. This list of duties should provide some sense of the power that the presiding officer can hold in the daily proceedings in the House of Representatives.

Chapter Seven

The Course of Bills in Becoming Law

State constitutions and legislative rules provide for a lengthy and complex process to provide ample opportunity for consideration of pending measures and afford time to achieve consensus. This is certainly the case with the Oklahoma legislative process. The principal stages that a bill or joint resolution typically passes through before it can be enacted are described below (also in the "The Path of a New Law in Oklahoma" chart at the end of this chapter):

1. Research and study of an issue.
2. Request for bill drafting to legislative staff by the author.
3. Filing and introduction of the measure by the author. (Measures may be preassigned by the Speaker to standing committees prior to First Reading where they may be studied and amendments prepared. Official action on the measures must await official committee assignment of the bill by the Speaker after Second Reading.)
4. First Reading. The First Reading is by title only.
5. Second Reading. As in the First Reading, Second Reading is only by title unless otherwise ordered by the House (normally only the bill number is read before it is assigned). At the time the bill is read for the second time, the Speaker usually assigns it to committee. Occasionally, the bill will be assigned directly to the calendar where it could be considered the next legislative day.
6. Committee consideration.
7. Report from committee, with recommendations.
8. Printing of the bill and placing on the general order
9. Floor explanation, questions and answers.
10. Floor amendments, unless the measure was placed on the consent docket.
11. Third reading of the bill.
12. Floor debate, unless the measure was placed on the consent docket.
13. Floor vote(s).
14. Engrossing of the bill.
15. Transmittal of the bill to the second house where the bill goes through steps 4-13 again.

At this stage, it is entirely possible that a bill could be ready for enrollment by the house of origin if, and only if, the second house made no amendments to the bill that was transmitted as the "engrossed bill" from the original house and the bill's title and enacting or resolving clause are present. That is not usually the case, but if it were, the bill is enrolled and presented to the Governor for the Governor's signature or veto. If not, the following steps may occur:

> "Every bill shall be read on three different days in each House, and no bill shall become a law unless, on its final passage, it be read at length, and no law shall be passed unless upon a vote of a majority of all the members elected to each house in favor of such law; and the question, upon final passage, shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal."
>
> *Article V, Section 34, Oklahoma Constitution*

16. Consideration by the first house of all "engrossed amendments" added by the second house.

The motion in order at this point is whether to accept or reject those engrossed amendments. If they are accepted, a vote takes place on Fourth Reading, the bill is enrolled and presented to the Governor or Secretary of State in the case of a measure containing a state question.

If the engrossed amendments are rejected:

17. Conference is requested by the house of origin and conference committee members are appointed by the presiding officer of the house of origin.
18. Conference may be granted and conference committee members appointed by the presiding officer of the opposite house.
19. Conference committee report is filed in the chamber where the measure originated.
20. Conference committee report is adopted or rejected in the original house. If adopted the conference committee report is submitted to the other chamber. If rejected by either house, the measure may return to the conference committee for further work. The same conferees (or new ones) can be appointed.

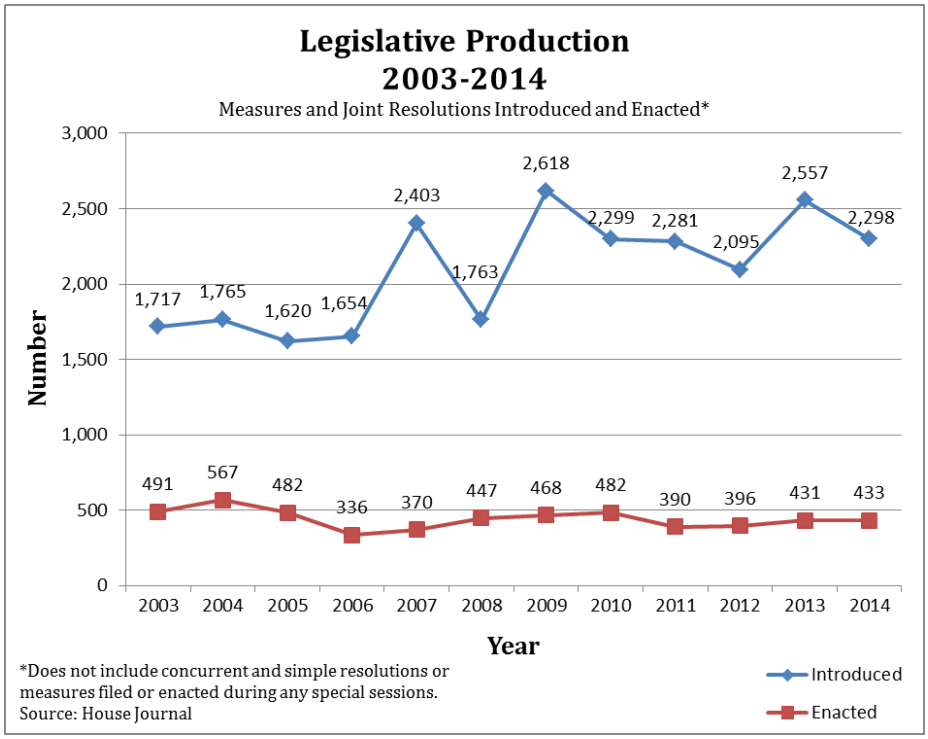
If conference committee report is adopted:

21. Fourth Reading in both houses.
22. Enrollment in the house of origin and signatures of presiding officers in both houses.
23. Presentment of the bill to the Governor or measure filed with the Secretary of State, if a legislative referendum.
24. Reconsideration by the house of origin first and then the opposite house if vetoed.
25. Publication and printing of the bill/resolution after a bill or joint resolution is signed or a veto overridden or a concurrent or simple resolution is filed with the Secretary of State.

Note that some measures must be approved by the people before actually becoming law. This is the case for legislative referenda and revenue-raising measures which fail to receive the necessary super-majority approval from both houses. In addition, a popular referendum can require a statewide vote to occur on a measure that fails to contain an emergency clause.

Preparing a Bill

For the most part, state legislatures operate on what might be called "the author system" for the making of law. Only members of the Oklahoma Legislature can introduce legislation. Not even governors can introduce legislation in the Legislature; they may have their budgets and major program initiatives drafted into bill form for introduction, but the bills must have legislative sponsors before they can be introduced. The decision on authorship, particularly if an outside group is requesting a measure, is crucial to the success of a bill.



Although members are engaged in many other activities, it is the legislating process of promulgating new law that members are most involved in during the session. Over 4,000 measures may be introduced in the Oklahoma Legislature during a two-year legislative term. For the 2012 legislative session alone, there were 2,450 bills introduced. According to *The Book of the States, 2013*, there were only 15 states that had more introduced bills (excludes all forms of resolutions) in their legislatures for the 2012 regular session than Oklahoma. To help put these numbers into perspective, the New York Legislature had the greatest number of bills (15,944) introduced in 2012 and the Wyoming Legislature had the fewest number (229.) Nonetheless, the consideration of such a large number of measures is a time-consuming matter. The graph on the previous page provides historical data for recent sessions on bills introduced and enacted.

So, how does a lawmaker go about introducing a bill? Most charts on the legislative process will identify the filing of a bill as the initial step in the course of a bill in the Legislature. A few will start with the bill drafting. Ideally, the introduction of legislation should follow a thorough examination of the subject that the bill will cover. There will be a number of outside parties interested in having members introduce legislation on their behalf. These include administrative officials, constituents, lobbyists, and various interest groups. In many cases, they will have bills in draft form already prepared to present to members to see if they will introduce the legislation. These measures are sometimes referred to as "request bills."

Other bills come from a member's committee work, staff research, or programs in other states. Many bills are in response to federal legislation or federal agency rules. In all cases, a legislator is wise to learn as much as possible about the subject before a bill is introduced. Prior planning, research, and discussion enhance the likelihood of the bill's passage through clearer issue identification or compromise efforts before the proposed measure is even introduced. In some cases, preliminary research could persuade members that there is no need for the legislation or could encourage them to avoid filing a bill that could later hurt a member with their colleagues or in their district. Not infrequently, the member's ultimate goals can be achieved as a result of the bill research and bill drafting process itself and without the introduction of the bill.

Following is a step-by step discussion of the course that a bill will follow in the Oklahoma Legislature. The narrative will assume that the bill is one sponsored by a House member.

Some possible questions that a member might ask before requesting a bill be drafted or filing the bill after drafting are:

1. What problem is it that my legislation will solve?
2. Are there any other problems that my legislation will create?
3. What agencies, groups, or other parties need and will support my legislation?
4. How can I enlist the support of such outside groups? Which legislators will support my legislation? Should I ask for their input?
5. Who will oppose my legislation? Are there any opportunities to compromise with them in order to negate or neutralize their opposition? If so, should the compromises be incorporated in the introduced bill or used as concessions to opposing parties?
6. Are there any constitutional problems associated with my legislation or conflicts with existing laws?
7. Can I clearly estimate the fiscal impact of the bill to the state and affected parties, if there are any? Who will be expected to bear any associated costs or receive benefits? Can I identify a funding source to pay the associated costs? Are there associated benefits that might outweigh the costs?
8. Are the enforcement provisions of the bill clear? If passed, will the parties responsible for the administration or enforcement of the law be likely and able to do so?

9. Are there any potential unintended consequences of the bill that may be overlooked?
10. Is the language clear and are the parts of the bill logical?
11. Am I willing to expend the time and energy to see this bill through the legislative process? (Given the time constraints placed on members, some serious thought should be given to the amount of time that certain bills will require to pass before a member agrees to sponsor them.)
12. Are there other states that have attempted to act on the same issue? What alternative approaches have they used? What reasons are there for or against these alternatives?
13. Should I consider dividing the legislation into several bills? Or would it be advisable to pass the legislation over several years?
14. How will the other chamber respond to the legislation? Who would I want to be the principal author in the Senate? Should I involve the potential author in the process of developing the bill?
15. Is the Governor likely to sign or veto the legislation?

A concern for House members is whether or not the member is sufficiently interested in a proposed bill to allocate one of the eight bill introductions each House member is allowed per session on this particular bill. If not, other alternatives might be considered such as looking for another House author or trying to cooperate with another member who is authoring comparable legislation.

These questions are not exhaustive, but they do point out the importance of careful research before a bill is drafted or introduced. The staff of the House is always available to assist members in discussing these questions.

Once the member has decided that a bill should be drafted, a bill request must be presented to the House Legal Division where a bill request number is assigned and the bill request is put into a bill form. These requests are treated as confidential in nature, unless otherwise directed by the requestor. In most cases, the bill will be drafted by a staff attorney; however, the research and/or fiscal staff may also be involved in preparation of legislation by either the author or the bill drafter. Legislators should provide staff with all pertinent information, such as research or letters, in order that the staff drafting the bill can address the issues in the manner that the legislator desires. It is not uncommon for an agency or an outside lobbying interest to provide a legislator with draft language. Very often, legislation could be so technical in nature that such outside efforts are required. In some cases, the draft language may be so well written that little or no rewriting will be required by House bill drafters.

Members requesting a bill will receive electronic copies of bill drafts in order for them to make any changes. The exception is for bill requests in which the information required for drafting is received by the staff too late to permit the author an opportunity to make changes prior to filing. An opportunity to make changes will present itself during the committee process.

The staff is trained to draft members' ideas into proper legal terminology, form, and style. Bills must be coherent, concise, and free from ambiguity. The legal staff will examine the measure's content for possible constitutional problems and any other legal difficulties. At that point, the legal staff will authorize it to be prepared for filing. Staff from the House Office of Bill Processing will transmit the bill to the author electronically. The author then files the bill electronically with the House Chief Clerk's office where the measure is assigned a bill number and prepared for First Reading. After filing, the text of the legislation, including the introduced and all succeeding versions, is available to the public through the House and Senate websites.

It should go without saying that bill requests (including requests for the redrafting of bills) should be made as soon as possible so bill drafters will have adequate time to draft bills before deadlines and to allow for refinement. There are deadlines for requesting and introducing bills. The chart for the 2015-16 session deadlines is found on page 18. There are also provisions for prefiling legislation (starting 15 days after the general election of even- numbered years) that allow bills to be filed and given a

number before the beginning of each session. It is important to note that either the author of the bill or his or her Legislative Assistant is responsible for filing the bills. House staff cannot file a bill on behalf of a member.

Introduction

House Bill Processing prepares the official bill for introduction electronically and also makes enough printed copies of the bill for distribution to various House personnel. In the House, a bill is submitted electronically to the Bill Clerk in the Chief Clerk's office who numbers it and assigns it to the Reading Clerk for introduction. Bills are assigned numbers according to the order in which they were filed. House measures are numbered beginning with 1001, and the number stays with the bill through the end of that Legislature. Thus, the first bill introduced in the House will be House Bill No. 1001. The numbering system holds true for simple, concurrent, and joint resolutions introduced in the House. Senate measures, however, start with the number "1."

The Oklahoma House of Representatives imposes a rule upon itself limiting the number of House bills and joint resolutions that can be introduced by members. Members are limited to eight House bills or joint resolutions (total) introduced as principal author in any session (including special sessions). Exceptions are made for measures containing appropriation matters filed by the chair of the House Appropriations and Budget Committee, reapportionment bills, duplicate section bills, bills for the purpose of disapproving or approving agency rules, sunset measures, repealer measures, simple and concurrent resolutions, and measures authorized by the Speaker. This rule requires House members to more closely manage their bill requests so that they do not find themselves unable to introduce what they consider to be the most important measures that they have requested.

Each bill contains the names of its legislative sponsors and a title explaining its provisions. The title always begins with the phrase "An Act relating to . . . ." Article V, Section 57 of the Oklahoma Constitution requires that every act, with certain exceptions such as general appropriation bills, shall embrace one subject. It is very important that the title is complete since the courts may invalidate provisions not included in the title when it becomes law. The staff is trained to write complete titles. HB 3311, enacted in 2010, requires a separate provision that clearly expresses the subject of the bill. The subject line appears after the title and before the enacting clause.

The early introduction of bills enables the House of Representatives to make good use of the practice of preassigning some of the bills. The committees can then hold hearings and prepare to act on legislation in advance of the actual referral of legislation that occurs when the Legislature convenes in February. No formal action can occur until after the legislation has been actually referred to a committee following Second Reading.

The Oklahoma Pension Legislation Actuarial Analysis Act (OPLAA), imposes certain restrictions on authoring and passing bills that affect the state's retirement systems. The act is intended to ensure that the state retirement systems are responsibly operated and that any benefit increases are funded at the same time they are granted. Before any retirement bill can be introduced, the bill's author, with assistance from staff, must have the Legislative Actuary analyze the bill. The Legislative Actuary will determine if the bill has a fiscal impact on a state retirement system. The Legislative Actuary will then provide to the House an OPLAA statement containing his findings. No retirement bill can be accepted for introduction by the Secretary of the Senate or the Clerk of the House of Representatives if it does not have an accompanying OPLAA statement from the actuary. The act also excludes any bills or amendments which have a fiscal impact on a state retirement system from being considered by any House or Senate committee or by either chamber unless they have had a formal actuarial investigation, and requires concurrent funding for any new liabilities that would otherwise result from adoption of the bill or amendment. If the retirement bill has a fiscal impact, it can only be considered

during odd-numbered years during the regular session. This same bill can only be passed during even-numbered years during the regular session.

First Reading

First reading is a perfunctory step, required by the Oklahoma Constitution, and is largely informational. The bill will be "read" by title only during the first floor session, excluding the organizational session at the beginning of each new Legislature, after the measure is filed and published in the House Journal. The bill is not actually read, but it is listed in the House Journal for the public to learn of its existence. The public, particularly the administration and lobbyists, closely reviews the bills after First Reading so that they can track those that interest them.

Second Reading

Second Reading is also brief, usually involving only the bill number, unless otherwise ordered by the Speaker. By constitution, Second Reading occurs on the legislative day following First Reading. After Second Reading, the Speaker or presiding officer assigns the measure to a committee. The presiding officer announces the assignment immediately after the reading clerk performs the Second Reading. In rare cases, the measure can be advanced to the calendar for Third Reading on the next legislative day and thereby be excluded entirely from the committee process in that house.

First and Second Reading in both houses must take place on consecutive legislative days. It takes at least five legislative days to pass a bill or joint resolution, assuming that Third Reading in the house of origin and First Reading in the second house take place on the third day.

Committee Assignment and Consideration

Committee assignment and committee consideration are the first major checkpoints that a bill must pass before it can become law. This step can be bypassed in rare situations by the Speaker assigning the bill direct to the calendar for floor consideration. The committee assignments by the Speaker may indeed be vital. A committee hostile to the subject of a measure may block the bill's passage or alter it in some manner to weaken its impact or reduce its chance of passage on the floor.

The committee system is designed to also screen out legislation that is, in the committee's judgment, unnecessary, duplicative, or not ready for passage. It is not uncommon for several bills on the same subject to be assigned to a committee. In such cases, the committee may decide to leave some of bills in committee. The effective screening of such legislation enables the Legislature to focus its attention on legislation felt to have greater merit or urgency. Frequently, a bill will have great merit but would so radically change the law that further study is required by the committee during an interim. Many major reforms can take several years to pass.

Committees are the heart of the legislative process, and members are advised to thoroughly familiarize themselves with the House Rules on the committee process. In all cases, standing committees will bring their expertise and policy perspectives to bear on bills before they are passed. Most committees are created to examine issues on a given subject matter. Members of these committees specialize within that subject matter which provides the opportunity for a bill to be strengthened by committee action. Frequently, a bill will gain support from committee members, some of whom will decide to act as coauthors to demonstrate their support to the floor and the opposite house.

The committees schedule meetings and agendas to receive public testimony on bills in their committees, make amendments, and vote on the measures. Committee hearings may provide the public its only opportunity to formally provide its opinion on legislation.

Although legislative meetings are not subject to the provisions of the Open Meetings Act, the rules of the House and Senate support the holding of open meetings. As discussed in depth in Chapter Four, House Rules require all committee votes recommending final passage of a measure to be conducted in open public meetings, with certain exceptions. A committee may only take up bills or resolutions for consideration if a quorum is present. It is possible that a committee could lose its quorum during a meeting. If that occurs and a member of the committee challenges the presence of a quorum the committee cannot take final action on other measures until a quorum is present.

Customarily, the House principal author of the bill will be at the meeting to explain and defend the bill. The author may also have amendments or a proposed committee substitute. Committee substitutes are common in the Oklahoma Legislature. They are proposed substitutes for the measure referred to the committee until adopted as a "working draft" by the committee and passed, with amendments to the proposed committee substitute incorporated. Amendments can be adopted by unanimous consent or, if controversial, by vote of the committee. Committee members will often offer their own amendments to the measure that the author may either endorse or oppose. Amendments must be submitted electronically in the proper House amendment format (see amendment sample below). Should the measure have been amended, the committee will frequently direct the staff to prepare a committee substitute incorporating the amendments. It is important to understand that at this stage, the measure is the property of the committee, not the author; therefore it is the committee's intentions that will prevail.

AMENDMENT

HOUSE OF REPRESENTATIVES
State Of Oklahoma

~~SPEAKER~~:
MR.
CHAIRMAN:

I move to amend Committee Substitute for House (BILL)(~~RESOLUTION~~) No. 1271
~~of the printed Bill~~
Page 3 Section 3 Line 27 and 28
of the Engrossed Bill

by striking all language after the word "Director" on line 27 through the word "member" on line 28 and by inserting in lieu thereof the words "of State Finance or a designee"

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jane Doe

Adopted: Reading Clerk

The bill may be debated thoroughly in committee if there is discussion about its passage. If a committee decides to report a bill favorably out of committee, it will do so on a "do pass," "do pass as amended," or "do pass as a committee substitute" motion. A majority vote on a "do not pass" motion constitutes final action on the bill, and it is rarely used. Current House Rules require House measures to have a complete title and enacting or resolving clause when passed by committees, except for the Appropriations and Budget Committee.

Following the committee meeting, if the bill passes, a committee report will be electronically generated, signed and filed with the Chief Clerk's office by the committee chair. The report will include any committee amendments or be accompanied by a committee substitute into which the amendments have been incorporated.

Floor Consideration and Third Reading

After the committee makes its report to the House, all amendments are incorporated to create the floor version of the bill. This floor version is advanced to general order. By rule, measures cannot be scheduled for floor consideration unless they have a principal Senate author. Bills are placed on the House floor calendar by the Majority Floor Leader. That action triggers a two-day amendment cycle. Any member wishing to file an amendment to the bill must file it electronically within 24 hours of it being placed on the floor calendar. If no amendments are filed, the bill is then available to be heard by the full House at a time of the Floor Leader's choosing. If an amendment is filed, then a second 24-hour amendment cycle is triggered. Any member wishing to file an amendment to the amendment must do so within 48 hours of the time bill was placed on the floor calendar. After the 48 hours expires, the bill is available to be heard at the Floor Leader's discretion.

Beginning with the Fifty-fourth Legislature (2013) House Rules provided for the establishment of a Calendar Committee that was responsible for scheduling measures to be heard on the floor. Its main function was to consider bills that had already been reported from a committee or that had been referred directly to General Order for scheduling on the floor. Another significant change in procedure was that the Calendar Committee would determine, in consultation with the House Fiscal Division, whether or not a measure scheduled for consideration on the floor required a fiscal impact statement. At the beginning of the second session of the Fifty-fourth Legislature, Speaker T.W. Shannon resigned as Speaker and Representative Jeff Hickman, who was elected Speaker, abolished the Calendar Committee and returned the duties of scheduling bills to be heard on the floor to the Floor Leader.

Very often, bill summaries or other supplementary materials for floor consideration are coordinated by the authors. Members can have materials passed out on the floor, but the materials must indicate the member responsible for distribution. The public cannot circulate information to be placed on the floor. It can, however, distribute information to the members' offices.

Many states require fiscal notes to accompany legislation. The House requires that all bills and resolutions be accompanied by a fiscal analysis if their adoption will have a fiscal impact. A Fiscal impact is defined as affecting revenues, expenditures, or fiscal liability. The analysis does not express comment or opinion relative to the merits of the proposed legislation.

The Majority Floor Leader will seek recognition on behalf of the author so the measure can be presented. When the presiding officer decides that a measure is ready to be discussed, the principal author will be recognized for the explanation of the bill. By rule, the explanation cannot include a discussion of the merits of the bill, as such arguments are reserved for debate. For appropriation bills, the chair or another member of the Appropriations and Budget Committee subcommittee that handled the bill will often offer the explanation. Before debate on the bill itself, the presiding officer will request unanimous consent on behalf of the author to advance the bill to Third Reading for a vote.

The reading of bills on final consideration (Third or Fourth Reading) has become controversial in recent years. While the Oklahoma Constitution says that these readings must be "at length," an Attorney General's opinion in 1998 stated that this requirement could be met by someone reciting to the assembled house the bill's contents verbally from beginning to end or by providing each member a copy of the bill for the member to read prior to the vote on final passage. (1998 OK AG 38)

Debate on a measure may precede the final vote on the measure. Debate, by House Rules, is limited to one hour divided equally between the proponents and opponents. No member may speak for more than ten minutes. Five minutes of the proponents' time is allocated to the principal author who will close the debate. Filibusters on a measure are not permissible in the House. The presiding officer will request all those wishing to debate to indicate their intent to do so. The presiding officer will list those in support and in opposition to the measure. Members can then yield their time to another member who shares the same position on the measure. Members may yield to other members for questions if they wish, but that time expended for the question and answer will count against their allotted time. By the same token, a member can refuse to yield for questions. In all cases, the supporters of the measure, normally represented by the author, speak last.

Once the debate is closed, the presiding officer calls for a vote. The vote is recorded on the electronic roll call board, and members can change their vote until the presiding officer closes the vote. House Rules require each vote on final passage to be held open for at least two minutes or a shorter period if the presiding officer determines all members recorded as present have voted. Fifty-one votes in the House of Representatives are required for a bill to pass. If the bill contains an emergency clause (or a special election provision for a legislative referendum) that would make the bill effective upon signature of the Governor, there must be a separate recorded vote. That vote requires the approval of two-thirds majority (68.) This may not actually occur unless there are objections when the bill passes with the two-thirds majority. If the emergency should fail, the bill will advance, but without the emergency clause. Bills without emergencies cannot take effect until after 90 days following sine die adjournment of the Legislature and may be subject to a popular referendum to reject all or part of the bill.

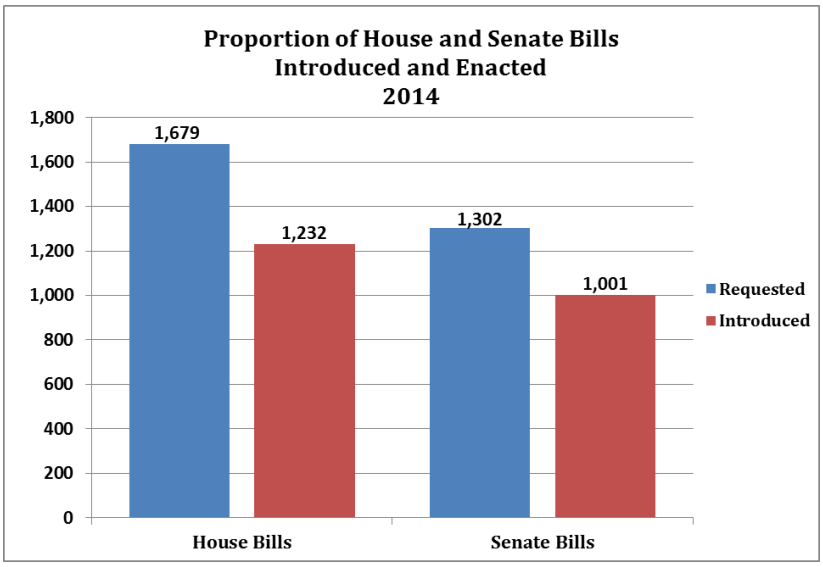
Revenue-raising bills are not subject to the emergency. Unless they receive a three-fourths majority in both houses, they must be approved by a popular vote at the next general election. Note that the vote requirements are not dependent on the number of members present or currently elected, but on the number of members who *constitute* the respective chamber.

At this stage, there are several parliamentary motions that can occur. A rare tool is "the call of the house" which is simply a roll call to determine which members are absent. The Chief Sergeant- at-Arms is then directed to compel the attendance of the absent members. On critical bills where the number of votes needed on a measure or the emergency cannot be obtained from the members present, any member, seconded by fifteen members, may initiate a call of the house. Also, the Speaker, seconded by five members, may move a call of the house and send for the absent members.

A more frequent parliamentary move involves the serving of notice to reconsider the vote on the measure or the emergency clause. An author or another member will serve notice that they intend to ask for reconsideration of the vote. This notice must be served prior to any other business. This parliamentary action holds the measure for three legislative days. The actual motion to reconsider requires 51 votes to pass. This tactic allows the party wanting reconsideration time to change the outcome of the vote in question. The serving of notice action is not in order during the final two days of a session, but a motion to reconsider a final vote is in order, if done before any further action is considered. For more on this matter, the member should read carefully the language in the House Rules on the subject.

House Rules are very specific about procedures regarding floor voting. Significant safeguards are taken in the rules to guarantee the integrity of the House in its voting methods. The vote on final passage will be announced to give members the opportunity to vote. The roll is held open at least two minutes unless the presiding officer determines all members present have voted. When a vote is announced, a loud ring sounds throughout the House and sergeants are dispatched to announce "House roll call" so that members have an opportunity to vote. The presiding officer will announce that the vote is about to close, which gives members the opportunity to vote or change their vote. Once the vote is closed no vote may be changed.

Such votes become a matter of record and are published in the *House Journal* and available on the House's website. This is very important because members' votes will be utilized in a variety of ways to judge their performance. Votes cast by a member, no matter how justifiable, as well as missing recorded votes can affect a member in campaigning for future office.



A couple of points are worth making here. There are important differences between the rules of the House of Representatives and the State Senate that can become very important in the work of the Legislature. For instance, the House is prevented, by rule, from considering, during the remainder of that Legislature, a bill or joint resolution containing an issue that has already been defeated. Deemed "final action" not only is the particular measure defeated, no other measure having "the same effect and covering the same specific subject matter" can be considered in the House during the rest of that legislative term. The House also has germaneness rules that prevent consideration of what are sometimes referred to as "shucked bills." This means that if a bill contains matters not germane to it when it was filed in the House, it cannot be considered during that Legislature.

Engrossment

If the measure does pass, the measure and all amendments are delivered to the House Office of Engrossing and Enrolling for engrossment. All amendments are incorporated into the engrossed bill which will be forwarded to the presiding officer for signature in open session. The House Office of Engrossing and Enrolling has been empowered by House Rules to correct "scrivener's" errors such as misspelled or repeated words and to make certain other technical corrections.

Consideration by the Second House

After the bill passes the House of Representatives and is in proper order, it will go through a similar process in the Senate. Communication and cooperation with the author and leaders in the opposite house and outside interested parties as the bill goes through the opposite house are critical. In some cases, the original author can advise lawmakers in the opposite house how proposed changes will affect the chances of a measure passing. If the bill is amended in any way by the opposite house, the amendments will be engrossed and returned to the house of origin along with the engrossed bill for consideration. The principal author will be recognized to make recommendations as to whether or not the house of origin should concur in the amendments or reject them and request conference.

It has been common practice for the title of measures to be struck in Senate committees, the House Committee on Appropriations and Budget, or on the floor of the house of origin so that the house of origin will maintain control or the measure will be guaranteed to go to conference. In other words, the opposite house will receive a "crippled bill" that cannot become law unless the title is restored. Restoration of the title is an amendment which will restore the original house's control over the measure. In effect, this practice adds to the work of the Legislature as it nears adjournment.

After Passage by the Senate

After a House measure is passed by the Senate, a number of actions can occur after the Senate returns the measure to the House of Representatives. If there were no amendments and the bill is ready to be sent to the Governor for consideration, the measure is simply signed by the presiding officer, enrolled by the House's Engrossing and Enrolling Office, and sent to the Governor. If there were any Senate amendments they will be submitted to the House as engrossed amendments along with the engrossed House measure. At this point, one of two things can occur:

- The author may move to have the House accept Senate amendments. A vote then would occur on Fourth Reading with the same requirements as Third Reading. If there are sufficient votes, the measure will be enrolled and prepared to send to the Governor.

- If the House refuses to concur with the engrossed amendments of the Senate, conference may be requested. The request for conference and the members that the house of origin wishes to appoint to conference are communicated to the opposite house in the form of a message. The granting of conference is not automatic. In some cases, conference will be denied or delayed until both houses approve the request. Conference committees are designed to resolve differences on a measure between the two houses.

Conference Committees

Each house has an equal voice on reporting a bill out of conference committee even though there may be an unequal number of conferees from each house and the mechanics of the process are different in each house.

In the House of Representatives, the conference committee process underwent a number of significant changes beginning with the First Regular Session of the 53rd Legislature. The House Rules provided for the establishment of standing conference committees appointed by the Speaker. The Chair, Vice-Chair and members of each conference committee would also be named by the Speaker. For the first time in the history of the Oklahoma House of Representatives, conference committees were required to hold open meetings and provide a reasonable advance notice of scheduled meetings along with a listing of measures to be considered by the committee.

In addition, unlike regular standing committee operations discussed earlier, Chairs of Conference Committees have not had discretion over which measures they choose to hear. By rule, once a measure has been assigned to a Conference Committee, the Chair must schedule consideration of that measure if requested to do so by the House author. Often the report will reject all amendments and include an attached conference committee substitute. If a conference committee report is recommended by the committee, an electronic report containing the signature of committee members that agree with the report is generated and sent to the House author. At this point, the House author will work with the Senate author to obtain the necessary number of senate conferee signatures. In the Senate, ad hoc conference committees are appointed by the President Pro Tempore for each measure in conference and they rarely hold actual meetings.

The makeup of conference committees can affect the fate of the measure. Persons with different ideas than the principal authors on the measure can result in the bill being held in conference or substantially revised in order for the bill to be reported out of conference. In some cases, opposition from conferees of one or both chambers can be so strong that the bill will not be reported out favorably.

Once a report has received a majority of signatures of both the House and Senate conferees, it must be submitted to the clerk's office of the house of origin. Current House Rules require a conference committee report to be placed on the joint conference committee calendar 24 hours before it is considered on the floor. The report must be accompanied by a separate summary of changes made to the bill or resolution since last voted on in the House as well as a fiscal impact. (House measures only.)

A conference committee report cannot be amended or altered in any way by either house once it has been signed by the conferees. The report first goes to the house of origin where it may be accepted or rejected. Adoption of the report only requires a majority of members voting. If the report is rejected, another conference may be requested. Occasionally, new conferees may be appointed (applies only to the Senate.) If the report is approved in the house of origin, a vote on the final passage of the bill occurs. Debate on the bill is allowed at this stage (Fourth Reading), but no amendments are allowed. Debate rules are the same as on Third Reading. Just as on Third Reading, the vote will be on the bill and another vote, if necessary, on the emergency. It is possible that the measure can pass, but not the emergency, thereby forcing the opposite house to decide whether or not to approve the measure without the emergency or to reject the report and send the bill for further conference. The opposite house will have the opportunity to adopt or reject the report unless the house of origin rejects the report itself.

If additional conference is required as described above, the next product of the conference process will be reflected as a "second conference report." It is not unusual for a measure to be considered several times by conference committees and for several conference reports and conference committee substitutes to be prepared. In the event that no agreement is reached, by rule, the measure will "die" in that conference committee after sine die adjournment of either session of a Legislature. Thus it is very important that any such measures in the first regular session of a Legislature be reported out of conference indicating that no agreement has been reached.

For appropriation bills, as noted in Chapter Four, the Oklahoma Legislature uses the Joint Committee on Appropriation and Budget to bring into final form and balance the state's budget and the General Conference Committee on Appropriations serves as a conference committee for non-budget legislation.

Enrollment

Enrollment of a bill or resolution simply means that it is prepared so as to include all alterations to which both houses have agreed following final passage by both houses and is performed by the Office of Engrossing and Enrolling of the house in which the measure originated

Transmittal to the Governor

Once the House bill is enrolled, it is then signed by the Speaker and also sent back to the Senate where it is signed by the Senate's presiding officer. It is then returned to the House and, upon order of the Speaker, is transmitted to the Governor.
Timing for this stage is important as it affects the time the Governor has to consider the bill and whether it is subject to a pocket veto. Timing also affects the ability of the Legislature to attempt a veto override.

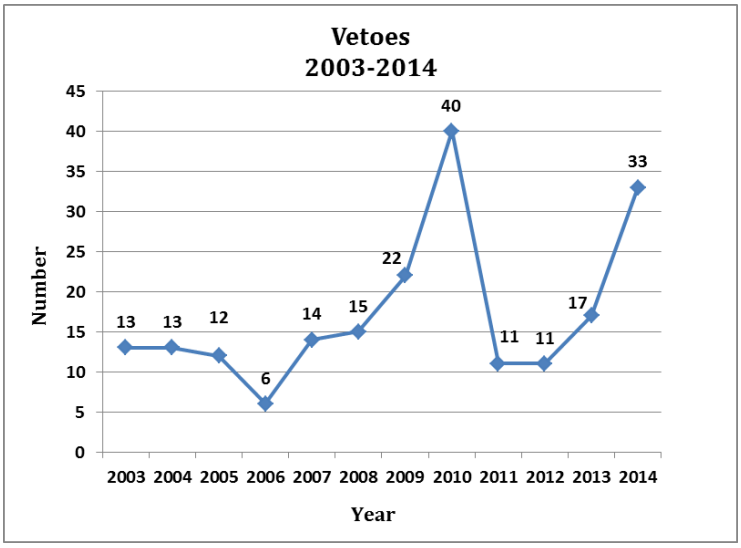
Consideration by the Governor

As with the federal and most state constitutions, the Oklahoma Constitution provides for the presentment of all bills to the Governor before they become law. In simple terms, the Governor has the opportunity to review all such measures after they have been enrolled. The presentment clause only applies to bills and joint resolutions that will not result in legislative referenda. Simple and concurrent resolutions, which do not have the full force and effect of law but express the opinion of one or both houses respectively, are not subject to the presentment provision. Instead, they are forwarded to the Secretary of State with directions for distribution (which is the responsibility of the principal author in the house of origin). Joint resolutions providing for a legislative referendum to the people are exempt from the presentment provision since thy are enacted into law by a vote of the people.

At this stage, one of several options is available to the Governor. Those are:

1. Sign the bill within a period of five days (Sundays excepted);
2. Allow the bill to become law without the Governor's signature, while the Legislature is in session, by holding it beyond the five-day period;
3. Veto the entire bill (package veto) within the five-day period (Sundays excepted) and return the bill to the house of origin with a message giving the reasons for the veto; or
4. Sign the bill with line-item vetoes in the case of appropriation bills.
5. In the case where the Legislature adjourns sine die before the five-day period expires, the Governor can take up to 15 days following adjournment (including Sundays) to either sign the measure, exercise the "pocket veto" provision allowed in the Constitution, or veto the measure and return it to the House of origin. This power to "pocket veto" bills at the end of the session enables those measures that the Governor objects to becoming law to be vetoed by simply refusing to sign them. No reasons for the pocket veto are required, and no override is possible.

Article VI, Section 12 of the Constitution also makes provision for the Governor's line-item veto powers on appropriation measures. All bills passed by the Legislature "making appropriations of money embracing distinct items" are subject to the line-item veto powers of the Governor. Unlike nonappropriation measures in which the veto is on the entire measure, governors can be selective in what items to veto in an appropriations bill. The remainder of the measure can become law. The line-item veto provision has, based on a State Supreme Court action, also embraced substantive language in the appropriations bill, particularly when that language relates to the vetoed appropriations. If the Governor line-item vetoes any substantive language in an appropriation bill, all substantive language is vetoed. Another Supreme Court decision in 1991 directs the Governor to veto measures that violate the constitutional one-subject provision.



Revenue-raising measures that pass the Legislature but fail to achieve the three-fourths majority approval from both houses of the Legislature must be presented to the Governor for signature *and* must be approved by voters before they become law. Such revenue-raising measures, pursuant to Article V, Section 33 of the Oklahoma Constitution, can only be considered at the next general election.

Note that a revenue-raising measure is not any bill that raises revenues. For example, bills that raise fees or have major purposes other than raising taxes may not be revenue-raising measures pursuant to the Oklahoma Constitution.

Consideration of a Veto

The Governor's package or line-item veto messages are received by the house of origin and entered in the journal of that house. The Legislature can then proceed to reconsider the vetoed bill, or the item or items vetoed. The override effort will begin in the house of origin. If the override fails there, the measure will die at the end of that Legislature. For measures that do not have emergency provisions, the override requires the approval of two-thirds of both houses (68 votes in the House, 32 in the Senate). For measures or items with an emergency clause, the override requirement increases to three-fourths of both houses (76 in the House and 36 in the Senate).

There are no time limits in the Constitution for the Legislature to override a gubernatorial veto during the Legislature in which the veto message is received. A motion to override a veto can be made at any time and as often during that Legislature as desired. In any case, the authors of measures who may be concerned about a veto should consider in their strategy the possibility of a veto and passing such measures sufficiently in advance of the end of the session that, if the measure is vetoed, the authors and those in favor of the measure can work for an override.

Referendum Petitions

If there is no emergency, a bill also may be overturned by the people through the referendum process. Revenue-raising bills, even if they obtain the three-fourths super majority, cannot have emergencies. The referendum petition may be against all or part of an act. Such petitions require a number of signatures equivalent to 8 percent of the votes cast in the last general election for statewide offices receiving the highest number of votes. The petition must be submitted to the Secretary of State not more than 90 days after the sine die adjournment of the Legislature that passed the measure. Should the petition include sufficient legal signatures, a popular vote on the affected bill or portions thereof will have to take place before it can become law.

Publication as Law

Once enacted, the measure is sent to the Secretary of State who makes it available to the public as an act. Copies of the act can be requested from that office or can be viewed on House and Senate websites.

In 2014, HB3542 transferred responsibility for the publication and distribution of the Oklahoma Session Laws and the cumulative supplements to the Oklahoma Statutes, which are published by West Group from the House to the Secretary of State. The statutes are published as a set every ten years. The last compilation was in 2011. Cumulative supplements are prepared each year. The session laws (containing all the acts passed that session) and supplements are not available until the end of the interim. Periodic pamphlets containing chapters of the session laws are published earlier by West Group and made available to the public, members, and staff of the Legislature. The acts are arranged in the session laws in the order that the bills are signed into law and are published with a suitable index devised by the publisher by subject and tables showing the sections of the Oklahoma Statutes affected by the new laws.

Carryover Bills

Oklahoma Statutes and past House Rules permit bills to carry over between regular sessions of any Legislature. In other words, bills introduced in the odd-numbered years can be considered in the following session with some exceptions. However, all bills not passed in that second session die.

It is possible for a standing committee to consider and act on carryover measures in its possession during the interim between the first and second regular sessions. Although this is rarely done, such bills can then be reported to the appropriate house for general order in the second regular session. Rules require at least ten days' notice for meetings and a quorum for the committee to act on the bills.

Administrative Rules, Attorney General Opinions, and Court Rulings

Once a legislative bill is passed, signed, and becomes effective, there are numerous legal procedures which can dramatically affect the measure and how it is implemented. These procedures can, in many cases, result in additional legislation to correct mistakes or resolve additional problems. Among the many quasi-legislative and judicial procedures that can affect implementation of legislation, the following are the most common:

1. Administrative Law

The executive branch of state government, under the state's Administrative Procedures Act, can promulgate "administrative rules" that can affect substantially the implementation of state legislation. Most of these rules will ultimately be reviewed by the Legislature. The Speaker of the House of Representatives and the President Pro Tempore of the Senate may each establish a rule review committee or designate standing committees of each house to review administrative rules. There are literally hundreds of rulemaking authorities in Oklahoma state government. These rulemaking authorities, usually a board or commission, develop emergency and permanent rules that have the force of law when properly promulgated. Emergency rules are subject to approval by the Governor; permanent rules are subject to action by both the Governor and Legislature. The Secretary of State publishes "The Oklahoma Register" on a monthly basis for the publication of new rules, amendments, revisions or revocation of an existing rule, emergency rules, any notices of such rulemaking process and Executive Orders. Rules promulgated by agencies subject to the Administrative Procedures Act are contained in "Oklahoma Administrative Code" (OAC.) Copies of the code and many titles of the code are available on the Secretary of State's website or can be obtained from the Office of Administrative Rules in the office of the Secretary of State (521-4911). The law library in the State Capitol also has copies of the OAC.

The Oklahoma Constitution gives the Ethics Commission the authority to promulgate rules governing state campaigns and the ethical behavior of state officers, including legislators, and state employees. These rules may have civil penalties and are published in the Oklahoma Statutes.

2. Executive Orders

The Governor may issue directives to state agencies on various matters subject to the Governor's executive responsibilities. These are available on the Secretary of State's website or by calling 522-4564.

3. Attorney General Opinions

The Attorney General, upon request, can issue formal and informal opinions on state laws which agencies will incorporate in the implementation of legislation. These opinions, however, are advisory only when addressing the issue of the constitutionality of state law. These opinions are available in published book form, on the Attorney General's website, or by calling 521-4274.

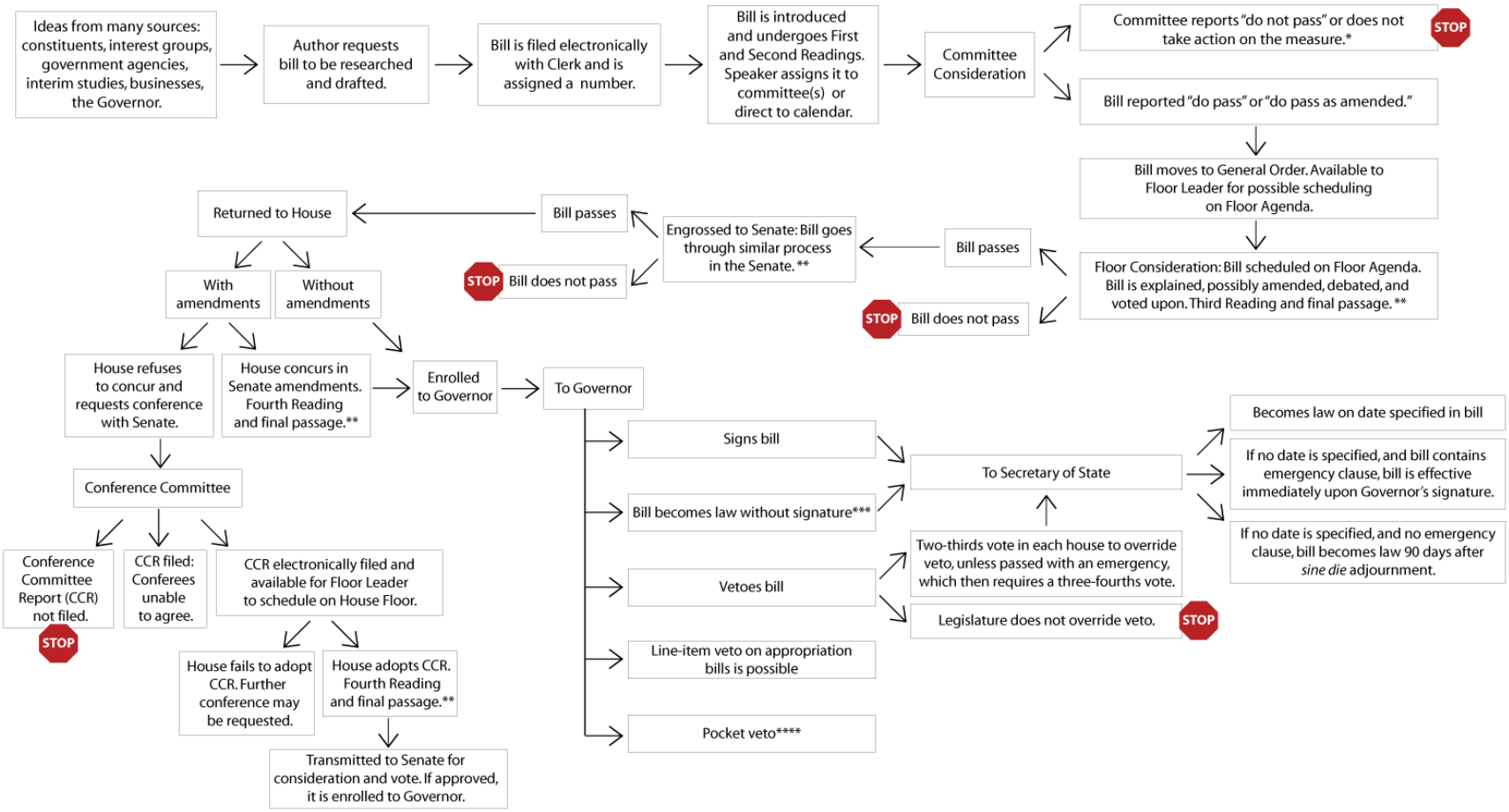
4. Judicial Case Law

The state and federal courts will often rule on various legal matters involving state statutes. The courts can rule state statues unconstitutional.

5. Common Law

The historic body of nonstatutory laws that proscribe conduct where statutory laws have not supplanted the common law. The common law is articulated by the courts through their decisions.

How an Idea Becomes a Law



*Under certain conditions, failure of a measure will prohibit another bill having same effect and subject from being considered by the House during either session of the current Legislature.

**Final passage in the House normally requires 51 votes; 68 votes to adopt emergency clause. Vote requirement in the Senate is 25 votes; 33 votes to adopt emergency clause.

***Except during the last five days of session, the Governor has five days to take action on a bill. If no action is taken, the bill becomes law on its effective date.

****No bill may become law after the final adjournment of the Legislature, unless signed by the Governor within 15 days after adjournment.

Prepared by Oklahoma House of Representatives
Research Division
Updated 11/25/14
TD\14-1725

Chapter Eight

Enactment or Adoption and Promulgation of Legislative Measures

In the previous chapter on the passage of legislation, the legislative product most often referred to was a "measure" which is generic and can mean a bill, joint resolution, concurrent resolution or simple resolution. As noted earlier, only bills and joint resolutions have the force and effect of law. Members will also often encounter concurrent and simple resolutions. There is also another product, the citation, that the House commonly uses. The following discussion will attempt to make distinctions among the various measures. The importance of the degree of legal authority and the requirements for final approval are central to distinguishing among the various legal documents.

Bills

Generally, bills will propose new statutes or amendments to existing ones. Often, a bill will propose the repeal of statutes. Bills must be passed by both houses and be presented to the Governor. Once a bill passes through the process outlined in the previous chapter, it is considered to have been enacted and has the force and effect of law. Major exceptions include revenue-raising measures that are subject to a popular vote pursuant to Article V Section 33 of the Oklahoma Constitution and legislative referenda that voters must approve before they can become law either as amendments to the Oklahoma Constitution or state statutes.

Joint Resolutions

Joint resolutions look like and proceed through the legislative process much like bills and are subject to the five-day amendment rule just as bills are. Frequently, joint resolutions will not amend statute, but will have the full force and effect of law if approved by the Governor. Joint resolutions require the approval of both houses. In the past, the Legislature, for example, mandated state employee salary increases in joint resolutions. Joint resolutions also are frequently introduced to disapprove administrative rules.

In other cases, the joint resolution will provide for a legislative referendum to the voters in order to start the process of placing a state question on the ballot. The legislative referendum can propose the enactment of a state law or an amendment to the Oklahoma Constitution. In this way, the Legislature can play a role in amending the Oklahoma Constitution or seeking the people's decision on an issue. Legislative referenda will be placed on the general election ballot, unless a "special election" clause is attached to the resolution by a two-thirds majority in both houses. In the 2014 general election, there were three state questions.

Special and Local Laws

The calendars of other state legislatures can be burdened by a class of legislation which Oklahoma's legislators only rarely see. This class is called "special and local legislation." Article V, Section 46 of the Oklahoma Constitution lists the types of laws that are considered special and local laws.

Examples are:

- Granting of divorces;
- Authorizing the adoption or legitimation of children;
- Changing the names of persons or places;
- Summoning or impaneling grand juries; and
- Changing the venue of civil or criminal cases.

Oklahoma's Constitution discourages consideration of special and local legislation in several ways. Article V, Section 59 provides that "where a general law can be made applicable, no special law shall be enacted." Finally, Article V, Section 32 adds significant procedural requirements for local and special legislation not applicable to general measures. Before special and local measures can be considered, they must be preceded by four consecutive weeks published notice in a weekly newspaper of general circulation in the affected city or county of the intended introduction of such measures.

Pursuant to state law, the Legislature also uses joint resolutions for ratification of amendments to the United States Constitution, even though the U.S. Constitution only requires state legislatures to ratify constitutional amendments.

Concurrent Resolutions

Concurrent resolutions require the approval of both houses, but concurrent resolutions do *not* have the full force and effect of law. They are usually expressions of the intent or will of the Legislature on a specific issue. Concurrent resolutions can memorialize the President, Congress, or state and federal agencies on an issue. Some concurrent resolutions will highlight a noteworthy state event or honor individuals or organizations. These resolutions may be assigned to a committee and follow the legislative process, except that they are not subject to deadlines, do not have to go through the various readings, and rarely go to a conference committee. If they request information or give rise to debate, they must lay over for at least one day. A 1991 amendment to the Administrative Procedures Act (APA) permits the Legislature to disapprove a proposed agency rule by concurrent resolution, but this provision has never been tested in a court of competent jurisdiction for its constitutionality. Concurrent resolutions are never sent to the Governor for a signature but are adopted by the Legislature and filed with the Secretary of State with directions for distribution (which is the responsibility of the principal author in the house of origin).

Simple Resolutions

Simple resolutions are similar in nature to concurrent resolutions, except that they represent the feelings or position of only one house. They are also filed only with the Secretary of State. One interesting point about simple resolutions is that in the past they were used under the APA to allow one-house disapproval of state agency rules and regulations. This procedure became controversial following an opinion of the Attorney General in 1986 suggesting that the one-house veto is unconstitutional because it violates the presentment and bicameral provisions of the state constitution.

In 1987, the Legislature amended the APA to require joint resolutions to disapprove rules and asked the people to approve a constitutional amendment for a one-house veto. That state question was defeated, so the APA now requires both houses to disapprove a rule, either by a joint resolution or, by 1991 amendment of the APA, a concurrent resolution. Simple resolutions are considered in the same method that concurrent resolutions are considered.

Citations

In the past, the House Rules authorized the use of citations in lieu of resolutions for commendations, congratulations, condolences, or recognition of special events. Although citations are not addressed in the current House Rules, they are commonly utilized by members and are very similar in many regards to simple resolutions in that they express the feeling of the House with reference to a person or to an event. Citations cannot be used for procedural matters or to memorialize Congress and they are not published in the House Journal. Citations are preferred over resolutions for most commendations since they do not involve the expenditure of time on the House Floor that a resolution requires and are less costly than a resolution. Citations are prepared by the requesting member's legislative assistant.

Oklahoma Statutes		
1. Abstracting (*See 74, State Government)*	27A. Environment and Natural Resources	56. Poor Persons
2. Agriculture	28. Fees	57. Prisons and Reformatories
3. Aircraft and Airports	29. Game and Fish	58. Probate Procedure
3A. Amusements and Sports	30. Guardian and Ward	59. Professions and Occupations
4. Animals	31. Homestead and Exemptions	60. Property
5. Attorneys and the State Bar	32. Husband and Wife *(See 43, Marriage and Family)*	61. Public Buildings and Public Works
6. Banks and Trust Companies	33. Inebriates *(See 63, Public Health and Safety)*	62. Public Finance
7. Blind Persons	34. Initiative and Referendum	63. Public Health and Safety
8. Cemeteries	35. Insane and Feeble Minded Persons *(See 43A, Mental Health)*	64. Public Lands
9. Census *(See 14, Congressional and Legislative Districts)*	36. Insurance	65. Public Libraries
10. Children	37. Intoxicating Liquors	66. Railroads
10A. Children and Juvenile Code	38. Jurors	67. Records
11. Cities and Towns	39. Justices and Constables *(See 12, Civil Procedure and 22, Criminal Procedure)*	68. Revenue and Taxation
12. Civil Procedure	40. Labor	69. Roads, Bridges, and Ferries
12A. Uniform Commercial Code	41. Landlord and Tenant	70. Schools
13. Common Carriers	42. Liens	71. Securities
14. Congressional and Legislative Districts	43. Marriage	72. Soldiers and Sailors
14A. Consumer Credit Code	43A. Mental Health	73. State Capital and Capitol Building
15. Contracts	44. Militia	74. State Government
16. Conveyances	45. Mines and Mining	75. Statutes and Reports
17. Corporation Commission	46. Mortgages	76. Torts
18. Corporations	47. Motor Vehicles	77. Townships and Township Officers *(See 11, Cities and Towns and 19, Counties and County Officers)*
19. Counties and County Officers	48. Negotiable Instruments *(See 12A, Commercial Code)*	78. Trade Marks and Labels
20. Courts	49. Notaries Public	79. Trusts and Pools
21. Crimes and Punishments	50. Nuisances	80. United States
22. Criminal Procedure	51. Officers	81. Warehouses *(See 12A, Commericial Code)*
23. Damages	52. Oil and Gas	82. Waters and Water Rights
24. Debtor and Creditor	53. Oklahoma Historical Societies and Associations	83. Weights and Measures
25. Definitions and General Provisions	54. Partnership	84. Wills and Succession
26. Elections	55. Pledges *(See 12A Commercial Code)*	85. Workers' Compensation
27. Eminent Domain		

Chapter Nine

Reading and Understanding a Bill

It is vitally important for legislators to read and understand the bills that they are called to vote on in committees and on the floor. This is no easy task given the length and number of bills each session. This chapter will briefly discuss the form and format of bills, how to read bills, and how to use statutes.

> "Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred shall be re-enacted and published at length: Provided, that if any subject be embraced in any act contrary to the provisions of this section, such act shall be void only as to so much of the laws as may not be expressed in the title thereof."
>
> *Article V, Section 57, Oklahoma Constitution*

Components of a Bill

The components that make up a bill are discussed below. A sample bill on page 69 is provided as an illustration.

Heading

Each introduced bill will indicate the Legislature, session, and year in which the measure was introduced. Thus, bills introduced during the 2015 regular session are part of the first regular session of the Fifty-fifth Oklahoma Legislature (2015-16). The heading will change to indicate different versions and changes in authors/coauthors.

Each bill will be numbered in order of introduction as either a Senate or House bill, depending upon its house of origin. This numbering system ends with closure of the biennium and begins all over with a new Legislature. If the bill has been engrossed (passed one house) or enrolled (ready for the Governor's signature), or is a committee substitute, this information will precede the number. House bills are numbered beginning with "1001" and Senate bills with "1."

The first name listed for each house is the principal author. In the House, coauthors can be added electronically to the measure as it proceeds through the Legislature.

It is very important to use the correct version of a bill. Versions other than the introduced version may be the subcommittee recommendation, committee substitute, the floor version, the engrossed bill, the engrossed bill with engrossed amendment(s), the conference committee substitute, the enrolled bill, or the act. If the bill is in any version other than the "as introduced" version, it will be noted above and left of the title. The "as introduced" version will simply be noted as a House or Senate bill. Other versions will be labeled, for example, "Engrossed House Bill" or "Committee Substitute for House Bill."

Title

Constitutionally, every measure must have a title. Legislative measures are described in the title according to the general subject addressed. The state Constitution requires that, with the exception of general appropriation bills, general revenue bills and bills adopting a code, digest, or revision of statutes, every act must embrace only one subject. Examples are: "An Act Relating to Criminal Procedure" or "An Act Relating to Public Health and Safety." The language at the front of the title is deliberately general, but must include all matters in a measure. Frequently, but not always, subjects are determined by the statutory title into which the bill's provisions would fall. As the sample bill indicates, House Bill 2952 relates to criminal procedure and proposes amending statute related to evidence in aggravation or mitigation of punishment. In actuality, this introduced bill appears to have been a "shell bill" that simply cleaned up statutory references; however, it could have been used to make substantive changes to criminal procedures.

The title gives citations for all statutes amended, repealed, or created in the bill. The example given tells the reader that the section of law being amended was a statute that was part of the 2001 decennial Oklahoma statutes. It had not been amended since 2001, but if it had been, the title would have stated the session, the session law chapter, and the section of that chapter where the amendment could be found. For sections added since 2001, the title would reflect the session law chapter and section and supplement statute cite of the section being amended. The 2001 decennial Oklahoma statutes and the yearly supplements were replaced by the 2011 decennial Oklahoma statutes which now includes the 2014 Supplement.

The title next gives a description of the contents of the bill, but the title is not written to be a summary of the bill. The title also provides specific information such as sections being repealed and whether an effective date and emergency clause are added. Drafters write titles with very general language, e.g. "clarifying statutory references." The title does not tell the reader what circumstances are addressed. The legislative bill drafter must make every effort to include all changes in the title; failure to do so can have an adverse effect on the constitutionality of a measure.

Since the Constitution requires a title on all bills enacted, it is common in the legislative process to "strike" the title of a bill by amendment in committee or on the floor to ensure that the bill will go to a conference committee for further work. This strategy gives legislators a final opportunity to amend the bill in conference before restoring the title to the bill for Fourth Reading. A stricken title will not have the detailed information discussed above.

Subject

In 2010, HB 3311 was enacted and requires the subject matter of a bill to be a separate section of a bill. Beginning in 2011, the subject line was added to all bills. It will appear after the title and before the enacting clause.

Enacting Clause

The state Constitution requires the phrase at the beginning of all bills: "Be It Enacted By the People of the State of Oklahoma." This clause precedes the first section of a bill. Resolutions contain "resolving clauses" rather than enacting clauses. Very often, these clauses will be deleted in the opposite chamber if the house of origin struck the title and no other amendments were made in the second chamber. This will prevent a bill from going to the Governor if the second chamber passes it, but instead will make it a candidate for conference.

Body of the Bill

The body contains the substance of the act and is divided into sections. The entire section of existing law is provided with proposed changes. Each section that affects a statute is labeled in capital letters by its function; e.g., AMENDATORY, NEW LAW, or REPEALER and again gives the citation for the statute affected. Not all sections may affect a statute. An example might be a section in a state agency's annual appropriation bill which gives directions to the agency on the expenditure of some funds for that year. Another example is a noncodified section in a substantive bill that may direct an agency to take certain actions but the section of law will not be published as a statute.

Unlike some state legislatures and the Congress, Oklahoma legislative measures amending sections of Oklahoma law include the entire text of the section. Some legislative bodies in other states will provide only the portion of a section that is being amended, thereby leaving out significant provisions that legislators may require to more clearly understand the full impact of the changes being proposed.

By legislative rule, all bills and resolutions calling for legislative action to amend any provisions of existing law must indicate the nature of the amendment by underlining new material and striking

through provisions to be eliminated. For sections labeled "NEW LAW," there is no underlining or strikeout, because those entire sections are new law. There is a uniform system for amendatory language used throughout the legislative process.

Section 2 of the example bill provides an effective date for the bill. In the example, this bill would not have become effective until November 1, 2002. With an emergency clause, a measure is law when the Governor signs it (unless it is a revenue-raising measure in which case the bill cannot take effect until 90 days after the Legislature adjourns, as discussed in Chapter Five.) A later effective date, such as November 1 of that year, delays it from being enforceable until then. Without an emergency, a measure becomes law 90 days after the session's sine die adjournment or later if there is a later effective date, i.e., November 1 or January 1 of the following year.

At the bottom of the bill, the House staff person's initials, intraoffice information, and the request number are provided. This can be helpful to a member in seeking further staff assistance.

Line-Spacing

Note that each line of text is printed on a numbered line. The purpose of the lines is to make it easy for members to identify the location of language under discussion and to locate amendments. Thus, "page 1, lines 17-18" would direct all parties quickly to the same part of a bill.

Oklahoma Statutes

The *Oklahoma Statutes 2011* and amendments thereto is the statutory law of the state. The Oklahoma Statutes and other legislative documents are published by West Group of St. Paul, Minnesota. A list of the 85 titles by which the statutes are arranged is given on page 63. Titles are organized alphabetically. With enactment of legislation on an annual basis, a yearly supplement to the statutes is published consisting of cumulative changes, additions, and deletions to the law. The statutes and supplements are subject-indexed for easier use. The current year's Supplement and previous years' supplements are available from the Chief Clerk's Office. The entire body of statutes is reprinted decennially and will next be issued after the 2021 session.

At the beginning of each decennial Oklahoma Statutes are the:

- Magna Charta;
- Declaration of Independence;
- U.S. Constitution;
- 1890 Oklahoma Organic Act setting up the Oklahoma and Indian Territories;
- 1906 Enabling Act setting out provisions for the Oklahoma and Indian Territories' admission to the Union as the State of Oklahoma;
- Statehood Proclamation admitting the State of Oklahoma to the Union; and
- Oklahoma Constitution.

Oklahoma Session Laws

Following adjournment of the Legislature each year, the enacted bills are gathered and published as chapters in pamphlet form and then compiled into a one- or two-volume hardbound publication in order of enactment. This is the most accessible source of appropriation bills, concurrent resolutions, and other measures which do not change the statutes. The most recent publication is the *Oklahoma Session Laws 2014*.

Annotated Statutes

The *Oklahoma Statutes Annotated* is particularly helpful in legal research. Following each section of statute are library references, cross references, law review commentary references, historical notes and notes of case law, federal rule decisions, and state Attorney General opinions. As a result, the annotated statutes are currently over 85 volumes. The volumes are updated annually with pocket parts. The annotated statutes can be found in the House staff area in Room 109 and the Capitol Library.

ELEMENTS OF A BILL

EXAMPLE OF AN INTRODUCED BILL

HEADING

A. Bill Number
B. Author

TITLE

A. Subject of bill
B. Amendatory language with general description of section being amended
C. General description of amendment
D. Miscellaneous provisions

SUBJECT

ENACTING CLAUSE

LEAD LINE

BODY OF THE BILL

INTRAOFFICE INFORMATION

REQUEST NUMBER AND PAGE NUMBER

STATE OF OKLAHOMA

2nd Session of the 52nd Legislature (2010)

HOUSE BILL NO. 2952 (A.) By: Edwards (B.)

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 975, which relates to evidence in aggravation or mitigation of punishment; clarifying statutory references; and providing an effective date. (A. B. C. D.)

Subject: Criminal Procedure

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 975, is amended to read as follows:

Section 975. No affidavit or testimony, or representation of any kind, verbal or written, can be offered to or received by the court or member thereof in aggravation or mitigation of the punishment, except as provided in ~~the last two sections~~ Sections 973 and 974 of this title.

SECTION 2. This act shall become effective November 1, 2010.

48-2-8468 SD 1/12/10

Req. No. 8468

Chapter Ten

Voting

As a member of the Legislature, each representative will be called upon to vote hundreds of times each session. In the committees, members of the committee vote on amendments and passage of bills. In the past, many of those committee votes were not recorded votes; voice votes or a show of hands were common. Changes to House Rules in the 2005 session required recorded votes on final action in committee.

On the floor of the House, the majority of votes will be recorded and included in the daily House Journal. It is in this more structured environment that an understanding of the procedures and the rules is imperative. Current House Rule 9 is directed to the issue of floor votes and it is described below as applied.

The Oklahoma Legislature, like most other modern legislative bodies, employs an electronic roll call and voting machine. This electronic machine is required to be used to record votes whenever the "ayes" and "nays" are required or ordered, for determination of the presence of a quorum, or when a division is requested. The machine is under the control of the presiding officer and is operated by the clerk designated by the presiding officer. For the House of Representatives, a large board is located behind where the Speaker sits in the chamber. The board lists each member's name, except for the Speaker. When a vote is in progress, the public can clearly see how individual members are voting and the vote tally at any given time during the course of the vote.

> ". . . and no law shall be passed unless upon a vote of a majority of all the members elected to each House in favor of such law; and the question, upon final passage, shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal."
>
> *Article V, Section 34, Oklahoma Constitution*

Rules call for the presiding officer to announce, prior to the vote being taken, that a vote is about to be taken. When this occurs, a loud ring sounds throughout the halls of the House, and Sergeants at Arms are dispatched throughout the halls to announce "House roll call." This provides time for members to return to the floor and cast their votes. The roll call machine displays the number of the bill and the nature of the vote (e.g. amendments, Third or Fourth Reading, conference report, or emergency).

In 1998, a controversy arose over claims that members voted for each other on the House floor in violation of House Rules. The result was adoption of an amendment to House Rules permitting members present in the chamber or in view of the presiding officer to direct another member to activate the roll call switch as requested. This rule is strictly enforced, and any member who votes improperly for another member can be barred from the chamber and further punished by the House.

On final passage of a measure, the presiding officer must hold the roll call open for at least two minutes unless all members registered present have voted. There is no time limit for other types of votes such as on emergency clauses and suspension of rules. By rule, all members present in the chamber must vote. When sufficient time has been given for all members to have voted, the presiding officer will announce "all members desiring to vote or change their vote" to indicate the vote is in progress. Then the presiding officer will gavel the vote to a close and announce "Declare the vote!" Until then, members can change their vote or excuse themselves from voting based on the constitutional or Ethics Commission rule provisions regarding members' conflict of interest. The

reading clerk will read the final vote, followed by the presiding officer's declaration as to whether the motion, amendment, measure, or emergency passed or failed. No vote may be changed after it has been recorded.

While a vote is in progress, House Rules prescribe a strict level of decorum. The presiding officer must see that no other business is being discussed, that no member is recognized, that members are not visiting in the area near the clerk, and that no explanation or debate on the measure is offered during the vote. On occasion, members who miss a vote will ask that the Journal reflect how they would have voted if they had been present. This action has no bearing on the vote, its outcome or the member's voting record. If the electronic voting software is not functioning, votes and quorum determinations can be conducted by a rising vote. If members' voting devices are out of order, they can rise and announce that the device is out of order prior to the declaration of the result of the vote and announce their vote orally.

The results of the votes are included in the daily Journal and compiled in the annual House Journal which is bound and published at the end of each session. The votes are also posted on the House website. These votes become an important component of the public record for the House and each individual member. In fact, the press and legislators' opponents often use the information on attendance, missed votes, and votes on various measures or amendments for campaign or other purposes. One-fifteenth of the members present, a quorum being present, may demand a recorded vote on any proposition, or the presiding officer may order a recorded vote on the presiding officer's own initiative. All such votes are recorded in the House Journal.

The number of votes required for a particular action varies upon the nature of the vote. Many procedural votes will require only a majority of those voting. Oklahoma's Constitution, however, requires a majority of those elected to and constituting the House or Senate to pass a measure. In other words, it takes 51 votes in the House and 25 in the Senate to pass a measure, even if there are fewer than 101 representatives or 48 senators present or serving in the Legislature at the time of a vote. By the same token, an emergency clause requires approval by 68 members of the House and 36 state senators. The voting requirements are not reduced for Third or Fourth Reading if members are absent or seats vacant. The table on page 76 summarizes debate time and vote requirements for various motions.

How should I vote?

A major challenge for lawmakers is to decide how to vote on the 2,000 or more roll call votes that they will face over the two sessions of a legislative term.

Perhaps the classic model used to discuss the style of legislators and how that influences their voting behavior is the one that classifies legislators as trustees, delegates, or politicos. Trustees see themselves as better informed than their constituents on the issues, so they vote the way they think best or their consciences dictate and trust that they will be successful in justifying their voting record to constituents. On the other extreme, delegates believe it is their role to vote according to the wishes of their constituents. Politicos fall in between the other two, sometimes voting the way they perceive their district wanting the member to vote on issues where public opinion is particularly strong, while using other cue sources for other votes. In actuality, it may be difficult for a member to always portray one of the above roles. For those who tend to see themselves as delegates, public opinion may not always be clear on many issues. Trustees, on the other hand, may encounter some issues where public opinion or other cue sources may be too strong to ignore.

Chapter Eleven

Parliamentary Procedure

One of the key skills that an effective legislator must develop is familiarity with the parliamentary procedure that governs the Legislature. That is no easy task. Each house of the Legislature is governed by a mixture of its own and joint rules contained in its published rules, precedents, and the parliamentary procedure included in *Mason's Manual of Legislative Procedure*.

> "It is necessary that every deliberative body be governed by rules of procedure in order that the will of a majority of its members may be determined and revealed in an orderly manner."
>
> *Mason's Manual of Legislative Procedure*

New members should quickly familiarize themselves with House Rules and the appropriate parliamentary procedures used and observe closely the actions of experienced members in committee and on the floor. Imitation of more experienced members can be very valuable. In addition, members should keep a copy of the House Rule book with them at all times in the chamber for quick reference.

In the published rule book that can be obtained from the House Chief Clerk's office, there are very handy reference guides that should aid a member in understanding legislative rules. These include tables of contents for House and joint rules, a numerical list of rule titles for House and joint rules and subject indexes for House and joint rules. In addition, there is a summary of debate time and vote requirements on all House motions with a reference to the appropriate section of House Rules for more information

This chapter cannot begin to provide a complete guide to all the potential situations that a member will encounter on parliamentary procedure; however, it may help by providing a brief overview. Members should be discouraged from approaching parliamentary procedure with an overly zealous emphasis on technical issues. As the introduction to *Mason's Manual* suggests, "Any rule serves best when it is applied with judgment and fairness. Arbitrary, inflexible rules, vigorously applied to differing situations, often produce injustice."

Parliamentary Decisions, Appeals, and Precedent

The presiding officer (normally the Speaker) decides on motions and questions raised before the House. Such decisions may be appealed by any member. A member wishing to appeal a ruling from the Chair can do so with a minimum of 15 members seconding the motion. Successful appeals have been very unusual.

In addition to House Rules and *Mason's Manual*, there are *House Precedents*, a compilation of past rulings of the presiding officers and established practices of the House. In the past, these precedents were not recorded and compiled. During the 2002 session, a motion was adopted requiring the Chief Clerk to maintain a written record of all parliamentary rulings of the chair. Beginning with the Fiftieth Legislature, House Rules required a book of precedents to be published. The volume of *House Precedents* is included in the bound copy of the House Rules and joint rules available in the Chief Clerk's office.

What is a precedent?

"When in a deliberative body a certain mode of procedure has been adopted in any case, it becomes a precedent for its government in every case thereafter of a similar character. Thus, in time, a succession of precedents is accumulated, forming together a regular system of procedure known as a parliamentary law that once established, is binding on the body."

Mason's Manual of Legislative Procedure

Obtaining the Floor

To obtain the floor, members should turn on the recognition light on their desk and wait to be recognized by the presiding officer. Members must be at their desk when recognized. Members cannot proceed to address the House until they have been recognized by the presiding officer as entitled to the floor. As a rule, it is the presiding officer who determines when a member shall be recognized when the House is in session, and that recognition is usually obtained through the Majority Floor Leader. Once members have been given the floor, they always should begin by addressing the presiding officer as "Mr. Speaker" or "Madam Speaker" (even if the House Speaker is not presiding, the person presiding is referred to as the "Speaker"). Then members may proceed with their remarks, question, or motion. Other members may rise for a point of order at any point if they feel the member holding the floor is proceeding out of order. The presiding officer decides on points of order without debate or subject to the appeals provisions in the House Rules.

Once a member has the floor, other members may seek to ask a question. The presiding officer will ask the member holding the floor if he or she wishes to "yield" the floor. Yielding the floor is optional but is expected as a matter of practice. Sometimes, members requesting recognition may be "friendly" to the measure, and the questions can be helpful to the position of the person explaining or debating the issue. In any case, the time lost during debate due to yielding to other members is at the expense of the member who yields. Questions and answers during the explanation of a bill generally are not limited in time but are subject to the direction of the presiding officer.

Question of Personal Privilege, Privileged Motions, Incidental Motions, Subsidiary Motions and Main Motions

There are a number of motions in the House Rules that are allowable at any time. Questions and motions of privilege or personal privilege are one such class of motions. "Personal privilege" is, by rule, designed to air grievances when the safety, dignity, or integrity of the House collectively or the right, reputation, and conduct of members individually in their representative capacity have been affected. The personal privilege motion takes precedence over all other motions, except to adjourn. When members take personal privilege, they cannot debate any matter pending in the House. No questions from the floor are allowed.

Privileged motions relate to the House itself, to its members, or to matters that have been given a special, or privileged, status. These motions take precedence over all other classes of motions and also have precedence in the order stated.

Privileged motions, by order of precedence, include:

Motion	Amendable	Debatable
1. To adjourn*	No	No
2. To adjourn to a time certain	Yes	No
3. Questions and motions of privilege; "personal privilege"	No	No
4. To recess	Yes	No

5. Call of the House**	No	No
6. To work under the call of the House	No	No
7. Question of presence of quorum	No	No
8. To table	No	No

**May be ruled "out of order" by the presiding officer if the motion is made in order to delay and if such motion was voted in the negative during the previous 10 minutes.*
***Must be seconded by 15 members.*

Incidental motions relate to the general business of the House and do not relate directly to any one main question and are subject to the order of precedence outlined in the House Rules. They are procedural in nature or incidental to the subject being considered. Motions proposing any new business have to be first scheduled with the Majority Floor Leader.

Some of the more common incidental motions include:

Motion	Amendable	Debatable
Appeals	No	No
Withdrawal of motions	No	No
Suspension of the Rules	No	No
Objection to consideration of a question	No	No

Subsidiary motions relate directly to procedural matters or adhere to a main motion and are also subject to the order of precedence outlined in the House Rules. Main motions are defined by House Rules as relating to a substantive proposal which requires adoption or rejection by the House of Representatives. For more information on these two classes of motions, members should consult House Rules.

Adoption and Withdrawal of Motions

Unless otherwise noted in the rules or the Constitution, adoption of motions only requires a majority of those voting if a quorum is present. In other words, a motion can pass with less than 51 votes, if not all members vote. Except for bills or resolutions, there are two ways a motion can be withdrawn: prior to action being taken, the member who made the motion can withdraw it; if action on the motion has taken place, the House must vote to allow the member to withdraw the motion. A member can withdraw a bill or resolution any time prior to the vote in committee to recommend the measure or vote on final passage on the House floor.

Restrictions on Debate

In addition to the procedural matters described above, the House imposes limits on the amount of time which may be spent in debate, as well as setting certain minimum numbers required for certain votes. As a general rule, debatable questions are limited to 15 minutes, equally divided between the two sides. No member may speak for more than ten minutes on the same question. The exception on the general rule is for bills on final passage, veto overrides and adoption of conference committee reports. Debate on these motions is limited to 30 minutes per side and no member can speak for more than 10 minutes. Debate on simple or concurrent resolutions is limited to 15 minutes per side. House

Rules permit members to request the time be extended; however, that is subject to a vote. The following table provides a summary of some of the more important restrictions.

Debate Time and Vote Requirements

Motion	Time	Vote
1. Adjournment of daily session	Not debatable	Speaker and 3 members may adjourn
2. Adjournment as to time*	Not debatable	Speaker and 3 members may adjourn
3. Adoption of conference committee report	30 minutes per side	Majority vote
4. Amendments to bills or resolutions*	7.5 minutes per side	Majority vote
5. Amendment to House rules	7.5 minutes per side	Majority if recommended by Rules Committee, otherwise 2/3 of membership (68)
6. Appeal of chair decisions	5 minutes for appealing member to explain reasons	Majority vote
7. Bills and joint resolutions on final passage	30 minutes per side	Majority of House membership (51)
8. Call of House	Not debatable	5 members if quorum not present or 15 members at any time
9. Demand roll call	Not applicable	1/15 of members present or on order of Speaker
10. Advance from General Order	Not debatable	Majority of those voting
11. Emergency section	7.5 minutes per side	2/3 membership (68)
12. Postpone indefinitely	7.5 minutes per side	Majority vote
13. Previous question	Not debatable	Majority vote
14. Recommit to committee without instructions	Not debatable	Majority vote
15. Recommit to committee with instructions*	7.5 minutes per side	Majority vote
16. Reconsideration on final passage	7.5 minutes per side	Majority of membership (51)
17. Reconsideration of amendments	7.5 minutes per side	Majority vote
18. Reconsideration of emergency section	7.5 minutes per side	Majority vote
19. Simple or concurrent resolutions on final passage*	15 minutes per side	Majority vote
20. Reconsideration of simple or concurrent resolution	7.5 minutes per side	Majority of membership (51)
21. Suspension of rules	Not debatable	2/3 membership (68)
22. Recess to certain time*	Not debatable	Majority vote
23. Table	Not debatable	Majority vote
24. Veto override	15 minutes per side	2/3 membership (68); ¾ membership, if emergency (76)

*Motion is amendable.

Chapter Twelve

Legislative Staff and Other Legislative Service Organizations

The duties and responsibilities of the Legislature and the sheer volume of work necessitates a well-developed system for organizing and staffing state legislatures. Much of the staff work is fairly invisible to the public and members, but it nonetheless provides vital services to the proper functioning of the Legislature. This chapter will endeavor to identify some of the services, aids, and publications that are provided for the House of Representatives. Several services are shared with the Senate, and others are directly under the control of the House or the Senate. In addition, there are other services provided by the executive branch and still others by national and state organizations.

Any discussion of legislative staffing should recognize that the development of staff has been an important ingredient in what has been called the professionalization of the legislative process. Increasing emphasis on legislative staff resources occurs due to technological change, the increased complexity and importance of state policy, and the recognition of the independence and need of the Legislature to perform its function in the political system based on checks and balances among the three equal branches of state government.

The Oklahoma legislative staff has not only increased somewhat in size over the past 30 years, but there have been significant improvements in terms of the specialization, the educational levels, and the career paths of the staff that have paralleled the other changes within the Legislature, such as improved compensation of members and annual sessions. Indeed, Oklahoma traditionally has been recognized as one of the more progressive states in terms of its legislative organization. Oklahoma was one of the first states to form a "legislative council" when the Legislature created the Oklahoma Legislative Council in 1939.

> "Members of a state legislature have neither the time nor the specialized skills to undertake the countless support tasks that must be performed with expertise and competence for the legislature to respond to the needs of its constituents effectively…Scholars of the U.S. legislative and political process have long argued that nonpartisan support staff is the first essential ingredient necessary for a legislature to establish institutional strength as an independent and coequal branch of the government."
>
> Thomas H. Little and David B. Ogle, *The Legislative Branch of State Government, (2006)*

The formation of the Legislative Council provided the Legislature the opportunity to hold joint meetings between biennial sessions. The Legislative Council prepared bills and conducted research for the committees of the Council, as well as the two houses when staff for the House and Senate for these purposes was very small or nonexistent. Under the Legislative Council, the staff belonged to a separate agency within the legislative branch under the control of an Executive Committee which included the leadership from both chambers. The Legislative Council included all members of the Legislature. Although the Council was subsequently abolished in 1981, each house has continued to provide staff for its committees and to handle the very elaborate system that the legislative process demands. The Legislative Service Bureau provides various information technology services and maintenance of legislative databases for both the House and the Senate.

Nationally, the Oklahoma Legislature's staff ranks among the small to medium-size staffs in terms of its approximately 300 full-time staffers. This includes staff for committees, staff in the two clerk's offices, leadership staff, information systems staff, sergeants, housekeeping and administrative assistants, but not the session-only staff. In contrast, other states' staffing sizes range between

Pennsylvania and New York with more than 2,500 staffers and North Dakota and Wyoming with less than 50 staff (Source: NCSL). In a few states, each party has its own staff. This has not been the case in Oklahoma where the majority of the staff is nonpartisan.

Legislators as Personnel Managers

One of the most important tasks that members of the Legislature confront is personnel management. At a minimum, members will need to supervise their legislative assistants, some of whom are full-time employees. In addition, members will coordinate with the professional staff in conducting research and drafting bills. Finally, committee chairs and legislative leaders will be responsible for more direct supervision of professional and support staff. In all cases, the clear and effective management of the personnel resources will require the legislator to exercise significant leadership and personnel management skills.

The importance of working through staff – from communicating to legislative assistants how to handle calls from the home districts and organization of office files to directing committee staff on committee agendas and information to be provided to committee members – cannot be underestimated as one of the skills that members should acquire.

So, are there any suggestions for members to effectively work with the staff? Following are a few simple suggestions:

1. As quickly as possible, become familiar with the staff resources that the House and other offices provide the members. Most of those are listed in this chapter. Take time to talk to staff directors, other members, and committee staff about the kinds of assistance they can provide.

2. When a member needs assistance from the staff, be as clear and concise as possible about the nature of the assistance that you need and provide as much lead time as possible. The professional staff normally works with more than one committee and usually has multiple requests in the process of completing. Therefore, if the member's staff product is not needed for several weeks or if it is essential to have it by the end of the day, indicate the time frame clearly. Staff are used to meeting rush assignments, but they will be able to provide a better product if some lead time is allowed for information to be gathered.

3. Explain as completely as possible the circumstances behind the request. Knowing the context of the request will help the staff better answer it properly. Be frank as to whether or not the request is confidential. If the request is to handle a constituent-related problem and time is the most important factor, say so. When staff is requesting information from an agency, the knowledge of who the requestor is may help illuminate the kind of information really needed. Staff members are trained to handle requests confidentially, but in some cases a request can be expedited if the member's name can be used.
4. Review all staff work as quickly and thoroughly as possible. If it does not meet the needs, explain to the staff what other information is required. If further clarification or further action is needed, make the request known.

5. Provide the staff with feedback. Very often, staff goes to great lengths in answering requests and would appreciate a kind or constructive word.

House of Representatives Staff

There is considerable diversity among the staff in the House, including members' legislative assistants, housekeeping staff, legislative clerks, engrossing and enrolling staff, bill processing staff, sergeants-at-arms, committee staff, media staff, information systems staff, supply clerks, post office employees, and

telephone operators. It takes this entire staff to make the House operate smoothly. For the purpose of this publication, the responsibilities of the staffs in the Clerk's office and those of the Research, Legal and Fiscal Divisions, often referred to as the "committee staff," are emphasized. These staff are the most closely linked to the development and processing of legislation. Their offices are located in room 109 of the Capitol Building.

Clerk of the House

Jan Harrison is the Chief Clerk of the House. Joel Kintsel serves as the Parliamentarian/Administrator for the House. During floor proceedings, the Chief Clerk, the parliamentarian and several other clerks are conspicuously located around the Speaker to assist the Speaker and to perform various tasks associated with the day's events.

Among the responsibilities of this office are the preparation of the House calendars and journals, handling of messages among the House, Senate and Governor, updating of bill status, and engrossing and enrolling of legislation. The Clerk's office is also responsible for payroll, purchasing and for the physical operations of the House and for the distribution of the Oklahoma Statutes, Session Laws, and Supplements.

The staff members in the Chief Clerk's office are for the most part full-time employees. They perform their duties in a nonpartisan manner.

Committee Staff

The three divisions that are primarily responsible for researching and preparing legislation and staffing House committees are the Research, Legal and Fiscal Divisions; they are under the supervision of Joel Kintsel, Parliamentarian/Administrator. The Administrator is responsible for seeing that the work of the three divisions is coordinated. As in the case of the House clerks, the committee staff are full-time nonpartisan staff. Following are brief descriptions about the services that members can expect from each division.

Research Division

The research staff is utilized by House members for assignments ranging from information and policy analysis requests from individual members to staff support for House committees during session and interim periods. Each researcher has expertise in one or more legislative policy areas (e.g. education, transportation, health), as well as a solid background in Oklahoma government. The research staff is also involved in general review and oversight of Oklahoma's executive agencies and their operations. At the request of an individual member or committee, this oversight can involve more specific concentration on a particular program or function of a state agency. Individual House members request staff researchers to do both spot research plus longer, more involved research assignments. Each legislative request is handled individually and confidentially by the staff. As part of the work performed for House committees, staff provide summaries and analyses of legislation of each bill that is given a hearing. At the end of each regular session, the research staff prepares the "Session Overview," which describes some of the more significant legislation passed during the session, as well as the more in-depth *Session in Review* which takes a look at each substantive bill and joint resolution enacted during the previous session. Marcia Goff is the director of the Research Division.

Legal Division

The primary duty of the legal staff is the drafting of bills, amendments, and resolutions for legislators. Each legislative request for a bill is handled individually and confidentially by one of the staff attorneys. The staff performs legal research for legislators and committees, ranging from simple spot answers, through short memos and questions on the constitutionality of pending legislation, to longer

legal memoranda involving detailed legal research and analysis. Staff attorneys also attend committee meetings where they are available for on-the-spot legal questions, the drafting of amendments and committee substitutes, and assisting the conduct of committee investigations. Sue Ann Derr, House Chief Counsel, is the director of the Legal Division.

Fiscal Division

The fiscal division's primary responsibility is to provide budgetary analysis and data to the House Appropriations and Budget Committee. As time permits, fiscal analysts also perform fiscal research and analysis for all other House committees and individual House members. As with the research staff and the legal staff, all requests are handled individually and confidentially. Fiscal analysts staff all appropriations subcommittees and serve as liaisons between the House and staff of the Governor, Senate, and state agencies on all budgetary issues. Fiscal Division work includes: budgetary analysis, revenue tracking, fiscal research and policy analysis, preparation of fiscal notes on substantive legislation, drafting of appropriations and budget legislation, and oversight of budget implementation through field work at state agencies. The fiscal division prepares an end-of-session publication providing an overview of the appropriations made during the session. Mark Tygret is the director of the Fiscal Division.

Americans with Disabilities Act Compliance

The Oklahoma House of Representatives, pursuant to the federal Americans with Disabilities Act (ADA), has taken a number of steps to make its operations accessible to persons with disabilities. Among the features of the House's ADA compliance efforts are provisions for enhanced communications with persons who have hearing impairments and the designation of committee rooms in the House as alternative meeting locations for persons with disabilities. The House ADA coordinator will arrange for an interpreter for committee meetings or floor proceedings as needed. Arrangements for an interpreter should be made 48 hours in advance. House General Counsel is the House's ADA coordinator.

In addition, the House is equipped with Terminal Data Display (TDD) telecommunications capability for the sending and receiving of communications from persons with hearing impairments. The TDD equipment permits the two parties to communicate using keyboards and display screens. Incoming TDD calls can be received by dialing (405) 557-7447 or (877) 299-3468 which reaches the House switchboard where operators can promptly contact the appropriate party. Outgoing calls requiring use of the TDD system can be made by contacting House operators, Ext. "0."

Senate Services

Like the House, the Senate has a full-time, permanent nonpartisan staff to assist its members and committees. Most of them are housed on the east side of the third floor. They can be reached through the Senate's main number, 524-0126. Most Senate staff offices are located in Room 309 of the Capitol.

The Senate cooperates with the House by providing, free to the public, copies of bills upon request. To have a bill mailed to a constituent, members may call Bill Distribution, Room 310 (521-5514). Bills and their supporting documents are also available through the House and Senate websites.

Legislative Service Bureau

The Legislative Service Bureau (521-4144) assists the Legislature in a number of joint projects and provides necessary support for a variety of legislative joint efforts. In addition, the Oklahoma Legislative Information System (OLIS) is provided through the Legislative Services Bureau. The photographer for the Legislature is also assigned to the Legislative Service Bureau. Members should schedule their photo sessions directly with Stu Ostler. He can be reached through the House switchboard.

Over the past several years, the Legislature has embarked on a major effort to upgrade its computer operations. A legislative mainframe computer was acquired for bill processing through OLIS. Since the 1991 session, the clerks' offices of the two houses have maintained bill status electronically through a database that the two houses share. These systems can be accessed by legislators and staff for their work. OLIS permits legislators and staff to conduct significant searches of state statutes and legislation and to produce a series of on-line reports to enhance the productivity of the Legislature. A major revamping of OLIS involved adopting a "windows" platform making OLIS accessible on the Internet for bill status and providing full text of bills.

Oklahoma Department of Libraries

The Oklahoma Department of Libraries provides several services of interest to the Legislature and its staff. Some of these services are located at the Jan Eric Cartwright Memorial Branch and others at the Main Branch in the Capitol Complex.

The Jan Eric Cartwright Memorial Branch (commonly referred to as the Capitol Branch or Law Library) of the Oklahoma Department of Libraries is located in Room B-8 of the State Capitol (522-3213). The Law Reference section of the library's comprehensive law collection includes Federal and State Reporters, Federal and State Codes and Session Laws, Statute and Case Law for all of the states, federal legislation, law reviews, periodicals, and loose-leaf services. The Capitol branch of the library has access to holdings of the Department of Libraries, including U.S. Government documents, State Archives and Records, films, and the general collection. Among the many resources of the Capitol Branch is the On-Line Computer Library Center (OCLC), an international bibliographic data base. Materials not owned by the department may be obtained through interlibrary loan. Also maintained in the Capitol Branch are vertical files containing material of legislative interest, copies of appointments and executive orders from the Office of the Governor, and Attorney General opinions.

Publications of the Oklahoma Department of Libraries include the annual *Oklahoma State Agencies, Boards, and Commissions* (also known as the ABC Book) and the biennial *Oklahoma Almanac* (sometimes published as the Directory of Oklahoma). This is a compendium of useful historical and current data on state and local government. The Department of Libraries must charge for the *Almanac.* It can be ordered through the Libraries' website.

The main branch of the Oklahoma Department of Libraries, as mentioned above, is also a repository for useful information such as federal government documents. Finally, the Department of Libraries is the agency that is responsible for archiving of state records. Those records may be useful for specific members' research requests.

National Organizations

There are numerous national organizations which focus on state legislative matters. For Oklahoma legislators, the most important of these organizations are as follows:

National Conference of State Legislatures

The National Conference of State Legislatures (NCSL) is the major national organization that represents all the state legislatures. Oklahoma State Senator Angela Monson was the first NCSL president from Oklahoma (2002-03). NCSL is a bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues. NCSL is an effective and respected advocate for the interests of state governments before Congress and federal agencies. NCSL has staff offices in Denver, CO, and Washington, D.C., dedicated to

responding to the requests of the legislatures and representing the states before the federal government.

To accomplish its stated mission, NCSL is divided into 15 standing committees that consider both federal and state issues and develop lobbying positions for NCSL. The Speaker makes appointments of members to these committees. NCSL conducts a Fall Forum and Spring Forum each year in addition to the summer annual meeting. Several thousand legislators, staff, and lobbyists from across the nation attend the annual meetings. The 1989 annual meeting was hosted by Oklahoma in Tulsa.

In addition to hosting meetings, NCSL provides the states with current information regarding state and federal issues, offers training and professional development seminars for members and staff, and represents the states' legislatures to Congress. Upon request, NCSL may provide legislative committees with expert testimony on selected topics, a service Oklahoma has used frequently.

Publications of NCSL include: the State Legislatures magazine published monthly, the Capitol to Capitol newsletter, and significant specialized legislators' guides and briefs on various issues. Most of these publications are available free to legislators by contacting the Denver office or through the website. NCSL also has an extensive computerized database, Legisnet, which contains hundreds of reports on dozens of topics of interest to the states' legislatures.

NCSL can be contacted at one of its two major office locations. For state legislative issues, the best contact is NCSL Center Headquarters, 7700 East First Place, Denver, Colorado 80230, (303-364-7700). For state and federal issues, contact NCSL's Office of State-Federal Relations, Hall of the States, 444 North Capitol Street, Northwest, Suite 515, Washington, D.C. 20001, (202-624-5400). The Internet site for the NCSL is www.ncsl.org. Diane Chaffin from Pawhuska, Oklahoma, is Oklahoma's contact with NCSL and can be reached at the Denver office.

Council of State Governments

The Council of State Governments (CSG) is one of the oldest and largest national organizations focusing on state matters. Unlike the National Conference of State Legislatures, CSG also supports executive branch officials and associations. Oklahoma legislators are actively involved in the Southern Legislative Conference of CSG which has regional staff at the Atlanta office. The Southern Legislative Conference (SLC) and CSG host numerous meetings on general and specific issues and prepare numerous reports on timely issues. The 1995 annual meeting of the SLC was held in Tulsa. Oklahoma City hosted the 2007 CSG meeting and the 2008 SLC meeting.

Among the many publications produced by CSG are *Capitol Ideas* magazine, published bi-monthly and the biennial *The Book of the States*. The CSG Website, www.csg.org, contains informative and useful tools for policymakers as it includes relevant news features as well as policy and research materials. The address for CSG is: Council of State Governments, 2760 Research Park Drive, Box 11910, Lexington, KY 40578-1910. The telephone number is 859-244-8000. The telephone number of the Southern Legislative Conference is 404-633-1866. The Internet site for CSG is www.csg.org; the Southern Legislative Conference's home page can be accessed from the CSG home page.

American Legislative Exchange Council

The American Legislative Exchange Council (ALEC) is the largest nonpartisan individual public-private membership association of state legislators, which is somewhat different from NCSL in that its legislators are dues- paying members and ALEC accepts no government funding. Membership also includes over 200 corporate and 18 foundation members. ALEC hosts eight task forces of state legislators and private sector members by policy area including civil justice, criminal justice, education, health and human services, natural resources, tax, information technology and commerce.

The task forces convene at each of ALEC's three major meetings each year: Spring Task Force Summit, Annual Meeting and the States and Nation Policy Summit. Task forces serve as forums for state-to-state exchange of trends and information and establish policy solutions in the form of model legislation.

Publications include a monthly newsletter, *Inside ALEC* and *The State Factor*, among others. ALEC has a permanent staff located in Washington, D.C. who can provide research and expert testimony upon request. The address is 2900 Crystal Drive, 6th Floor, Arlington, VA 22202 and the telephone number is 703-373-0933. ALEC's website address is www.alec.org.

Lobbyists, Governmental Specialists, and Agency Liaisons

Lobbyists, governmental specialists working in the private sector, and liaison officials for state and other governmental agencies are vital informational sources for legislative issues. Many such officials are obviously engaged in influencing legislation to the benefit of their constituencies or employing agencies. Lobbyists and state agency officials who routinely follow legislative affairs for their agencies (who are not legally considered lobbyists) are also the repository of key information and research. The recognition of this role is implicitly embodied in the state statutes on lobbying where there are statutory penalties for such persons knowingly providing false information to legislators. Listings of Oklahoma lobbyists, prepared by the Ethics Commission, can be found on the Commission's website. In addition, there are literally thousands of associations in Oklahoma and elsewhere that can assist legislators with their work.

Private Legislative Information Vendors

There are several private companies which publish daily newsletters and provide on-line services to their subscribers who are interested in legislative developments and Oklahoma state government. These are The Journal Record Legislative Report, published by The Journal Record Publishing Co., and the eCapitol, published by Oklahoma Publishing Today. The number for subscribing to The Journal Record Legislative Report is 278-2808. The telephone number for the eCapitol is 524-2833 and its Internet address is www.ecapitol.net. On-line access to these services is restricted to their subscribers. Both of these services have reporters located in the press areas of the fourth floor of the Capitol Building.

Electronic Databases

The House's home page at www.okhouse.gov offers a wealth of information. The website details information on legislation, voting, organization, publications, meetings, members, staff, and maps. The legislative session can be accessed by audio and video broadcast.

The state's web portal, www.ok.gov, provides access to various areas of interest ranging from online government services, such as state agency information, to renewing of professional licenses or searching for unclaimed property.

Chapter Thirteen

Legislative Ethics and Conduct

The ethical conduct of legislators today is governed by a complex web of legal standards and expectations of the public, including the media. A number of legal constraints are found in the Oklahoma Constitution and date back to statehood. Others are found in the Oklahoma statutes and in rules of the State Ethics Commission. Additionally, federal restraints applicable to state legislators and other elected officers exist.

Every member should become familiar with the various legal standards governing campaign and ethics law, including those related to financial disclosure and conflicts of interest, since they affect so many activities in which legislators engage. If there is any question about any facet of the ethics law or its applicability to a particular situation, a member may wish to seek clarification from the House General Counsel, the Ethics Commission staff or request a formal ethics interpretation from the Ethics Commission.

> "Never before have American politicians and political institutions been held in as much contempt by the publics they serve. Skepticism, even cynicism, is not a completely new phenomenon in the nation and the states; nor is free-floating distrust of the political system. But the negativism of the American people appears to have reached new heights lately. If it persists, it can do grave damage to a political system that, for all its imperfections, still serves the nation well."
>
> Alan Rosenthal, *Drawing the Line; Legislative Ethics in the States (1996)*

Constitutional Provisions

There are several sections of the Oklahoma Constitution which address the issue of legislators and ethics:

- Article V, Section 18 states that officers of the federal or state government, or persons receiving compensation as such, cannot serve as members of the Legislature and that persons adjudged guilty of a felony are not eligible to serve in the Legislature.

- Article V, Section 19 provides that members expelled from the Legislature for corruption are not eligible thereafter for membership in either House.

Matters of conflicts of interest are addressed in Article V, Sections 21, 23 and 24:

- Section 21 enables the Legislature to enact laws to prohibit legislators from engaging in activities in which conflicts of interest would interfere with the discharge of their duties as legislators.

- Section 23 prohibits members from being elected or appointed to a state office which was created during his or her term of office, or for which the compensation was increased during his or her term of office. For a two-year period following a member's departure from office, Section 23 likewise prevents a member from having a direct or indirect interest in a contract with either the state or a political subdivision of the state, if the contract was authorized by a law passed during a term for which the legislator was elected.

- Section 24 requires a legislator who has a personal or private interest in a measure pending before the Legislature to disclose the fact at the time that such measure is voted on and to refrain from voting.

Discipline for ethical lapses is governed by Article V, Section 30 of the Oklahoma Constitution. That section allows each House to punish members for disorderly behavior and to expel them with the concurrence of two-thirds of the body.

Statutory Provisions and Ethics Rules

Since 1907, the legal framework that state legislators and other state officers must adhere to in the discharge of their duties has undergone a number of changes. Since then, there have been major changes in the statutes related to ethics. The 1986 passage of HB 2054 resulted in the creation of an independent Oklahoma Ethics Commission. That act was substantially rewritten in 1988, and the name of the enforcement agency was changed to the Oklahoma Council on Campaign Compliance and Ethical Standards. In September 1990, a five-member Ethics Commission was created as a constitutional body by initiative petition. This prompted a revision of the statutes in 1991 to transfer duties and responsibilities of the Oklahoma Council on Campaign Compliance and Ethical Standards to the Ethics Commission. However, the 1991 act was overturned by the State Supreme Court, and a new set of constitutional civil ethics rules were then prepared by the Ethics Commission and took effect in time for the 1994 campaigns.

With respect to the Ethics Commission, the Speaker of the House of Representatives, Senate President Pro Tempore, Governor, Attorney General, and Supreme Court Chief Justice each have an appointment to the Commission. No more than three of the five members can be from the same political party. No more than one member can be from the same congressional district. The appointees serve a five-year term and can be removed only by impeachment.

Under Article XXIX of the Oklahoma Constitution, the Ethics Commission is empowered to promulgate rules of ethical conduct, including civil penalties for rule violations, in three areas:

1. Ethical conduct of campaigns for elected state office;
2. Ethical conduct of campaigns for initiative and referenda; and
3. Ethical conduct for state officers and state employees.

While the Commission may promulgate rules in these three areas, the rules promulgated by the Commission do not automatically become law. Under the Constitution, the Commission must present its rules to the Legislature and the Governor. The Legislature, by joint resolution and subject to the Governor's veto, may disapprove all or some of the rules presented. If the rules are not disapproved during the same legislative session, they become effective. Effective rules of the Commission may be repealed or modified by the Legislature by a bill or joint resolution or by the Ethics Commission through the process described above.

Legislative campaigns and state legislators are subject to rules of the State Ethics Commission. By the time new members take office, they are already familiar with the rules affecting campaigns and those for disclosure of financial interests.

In general, the ethics rules require public disclosure of anything given to a legislator by a lobbyist. Some of the more significant requirements contained in the rules of the Ethics Commission include:

- A prohibition against a member of the legislature from receiving anything of value from a legislative liaison, legislative lobbyist or lobbyist principal unless specifically provided by Ethic Rules;

- A prohibition against a legislative liaison, legislative lobbyist or lobbyist principal from indirectly providing something of value to a state office or employee via his or her family member; and
- A prohibition against a state officer or employee from using his or her state position for personal gain; for endorsing a product, service or enterprise; for the private gain of a family member or of a person or nonprofit organization with whom the officer or employee is affiliated in a nongovernmental capacity, and for the private gain of persons with whom the state officer or employee is seeking employment or business relations.

In addition, Title 21, Section 1871 of the Oklahoma Statutes prohibit a legislator from intentionally soliciting or accepting a contribution from a lobbyist or lobbyist principal during a regular legislative session and for five calendar days after sine die adjournment.

The State Ethics Commission may initiate an investigation of an alleged violation of its rules by a majority vote on the basis of written, verified information or by a unanimous vote on the basis of other information. Records and materials obtained or work products prepared by the Commission or others relating to an investigation are confidential, with some exceptions. Upon completion of an investigation, the Ethics Commission may refer the investigatory record to the appropriate prosecuting authorities or, upon approval of a majority of the Commission, initiate a complaint in district court. A settlement agreement may be entered into at any time and is a matter of public record.

Members would be well-advised to obtain and read a copy of the ethics statutes and rules published by the Ethics Commission. Ethics questions may be asked of the Commission's staff at 521-3451. The office is in B-5 of the Capitol. The website is: http://www.ok.gov/ethics

Lobbying

For decades, Oklahoma statutes have addressed the issue of lobbying in state government. The statutory definition of "lobbying" is "… any oral or written communication with a member of the Legislature or with the Governor or with a member of the judiciary or with an employee of the Legislature or the Governor or the judiciary on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rules, regulation, executive order or any other program, policy or position of the state government…" The regulation of lobbying activities incorporates both lobbyists and "lobbyist principals" who employ lobbyists. Lobbying is, of course, an acceptable and common practice for various groups in the legislative process. Professional organizations and consumer groups frequently employ professional lobbyists to promote the interests of such groups.

Oklahoma statutes require most persons lobbying for associations, labor unions, and businesses to register as lobbyists with the Ethics Commission. Legislation in 2004 imposed an annual registration fee of $100 for the purpose of funding the Ethics Commission responsibilities. Ethics rules adopted in 2014 extended the registration requirement to legislative liaisons employed by state agencies.

Prohibited Acts of Legislators in Statutes with Criminal Penalties

In 1995, the Legislature repealed numerous ethics provisions in the Oklahoma statutes that tended to duplicate, to a large extent, constitutional rules of the Ethics Commission. The legislation, however, retained several ethics statutes for which the penalty for violation carries a criminal penalty. These include violations related to lobbying practices, conflicts of interest, and prohibitions against exceeding campaign contribution limits. The latter crime carries a felony or misdemeanor penalty, depending on the culpability of the contributor, with substantial financial penalties or fines and imprisonment periods.

Moreover, in Chapter 7 of Title 21 of the Oklahoma Statutes, there are numerous statutes covering "crimes against the legislative power." The text of these statutes can be found in Appendix C.

Legislative Ethics that Violate Public Standards, but Not Legal Prohibitions

Some "ethical" lapses of public officers may not be covered by law but can cause considerable harm to a legislator, the legislator's family, and the Legislature as an institution. Since this category of "unethical" practices is not found in the statutes, they are acts that may be judged unethical against an "appearance of impropriety standard." For example, a member could receive a campaign contribution or gift from a person who would be positively or negatively impacted by a bill before the member votes on the bill. No quid pro quo agreement may be involved, but a legislator's independence could be questioned by a third party who believes the contribution has impaired the lawmaker's independence. In such cases, the consequences for the legislator can be nearly as damaging to the member's future political career as a legal action involving an actual ethics violation.

The discussion of the appearance of impropriety standard is frequently debated along with the admonition that members should not do anything that they would not like to read about on the front page of the newspaper. This clearly raises the fact that legislators function in a fish bowl environment where their actions are always subject to media scrutiny. This, according to legislative scholar Alan Rosenthal, does not mean that state legislators must necessarily concede to the media that they are the proper arbitrators of legislative ethics since many acts of legislators that the press criticizes are, in reality, proper.

Decorum

Below the level of ethical violations are actions that violate decorum or orderliness in the House. Conversations between members while other members are presenting legislation or debating can certainly qualify as a violation of decorum in the House. Major points of decorum on the House floor are:

1. When rising to debate, give notice, make a motion or present a paper of any kind, do not proceed until addressing the Presiding Officer and being recognized;

2. When someone else is speaking, do not enter into private conversation or pass between the Speaker and the member speaking;

3. Profane, obscene or indecent language is prohibited;

4. All members shall, while in the chamber, be appropriately attired, with men in jackets and ties, and women in dresses, skirts, or pants worn with a jacket or sweater;

5. Any member who, while under the influence of intoxicating liquor or drugs, appears in the Chamber or any part of the Capitol building assigned to the House shall be in contempt of the House and subject to reprimand, suspension, or expulsion;

6. Possession of intoxicating liquor shall not be permitted at any time in the Chamber or in any part of the Capitol building assigned to the House;

7. No person shall smoke within those parts of the Capitol Building assigned to the House. (The Governor, by Executive Order 2012-01, prohibited the use of tobacco on all state property); and

8. Having food, including canned or bottled beverages, in the chamber is prohibited. Food may be consumed in the lounge and foyer at the west end of the chamber.

Although House Rules do not address the use of cell phones on the House floor, members need to be aware that they can disrupt proceedings. For that reason, these devices should either be turned off or placed in the vibrate mode, and telephone calls should be taken outside the chamber.

One of the benefits of maintaining order in the House is that it maintains the public's confidence in its legislators. Throughout the session, visitors from members' districts will come to the Capitol and watch the proceedings from the gallery. Thousands of others will see the Legislature in action on various news and public affairs programs on television or on the House Website.

Federal Restraints

Federal authorities, particularly through the United States attorneys, have been increasingly vigilant in enforcing various criminal statutes affecting state legislators and other state and local elected officers. Federal prosecutors can use numerous federal criminal statutes such as the Hobbes Act and the RICO statutes (designed to curb racketeering) or a variety of tax laws to crack down on state officials. As a rule of thumb, any public officer, including legislators, should be sensitive to the limits of office. As a member of the Legislature and its various committees, and as the representative of a district, a member will be expected to meet with many agencies and associations in an official capacity. Sometimes, the purpose of these activities will be informational or fact-finding in nature. Other times, meetings will be to resolve problems. However, members should be sensitive that attempts to use their office or influence for personal advantage could have serious legal, even criminal, consequences if carried too far. Common sense in such circumstances is always warranted and advisable.

Chapter Fourteen

Legislators and the Media

Dissemination of information through the news media is an important aspect of policymaking. Even the best ideas can fail if they are misunderstood by the voters, and the news media are the most important tool for conveying ideas to the general public. Consequently, understanding the media is a prerequisite

The House of Representatives has a permanent staff to help members with news releases, news conferences, speeches, etc. Reporters from Oklahoma City and Tulsa news outlets comprise the Capitol press corps in Oklahoma City. Most of these journalists can be found in their Capitol quarters each weekday.

The print media are housed in Room 430, just north of the snack bar on the fourth floor. Permanent newspaper staffs include journalists from *The Oklahoman*, *The Tulsa World, The Journal Record*, *Associated Press, CapitolBeatOK* and reporters for eCapitol, a newsletter covering state government.

The electronic media are housed across the hall, in Room 432-B. Few broadcast journalists from radio/television stations are assigned to the Capitol beat full-time; usually they come to the Capitol to cover a specific event or major news story. Exceptions are KTOK/ONN radio and OETA (the Oklahoma Educational Television Authority); both of those news outlets have reporters stationed full-time at the Capitol.

Remember that while serving in the Legislature, members will be literally under the spotlight. The Capitol press corps is perched in a glass booth above and behind members while the House is in session. As public servants, members' behavior as well as their legislation and their votes will be scrutinized.

Here are some pointers for dealing with the media:

- Be honest with a reporter. If a member is not, and gets caught, which is likely, the member's credibility is lost forever. Journalists are long on memory and short on forgiveness.
- Reporters are not your friends. While social interaction is acceptable, reporters have a job to do, and like you, they take their jobs very seriously.
- Assume that nothing is ever "off the record." If you insist, or if the reporter insists, that information be "off the record," agree to what that means before you offer information. Only go "off the record" with a reporter you trust.
- Generally, "off the record" means the information or comment provided can and will be published/broadcast, perhaps verbatim, but the report will not attribute the information or comment to the member. However, sometimes that information or remark can be traced, with little effort, back to its source.
- Never use "no comment" as a response to a reporter's inquiry. Among the news media, a "no comment" response is almost universally perceived as a tacit admission that the question posed by the reporter is accurate. Nevertheless, "no comment" is a safer reply than an outright lie. It is okay to tell a reporter you don't know the answer to their question, but offer to find the answer and get back with them promptly.
- View a reporter's inquiry as an opportunity rather than a nuisance. A reporter's call is an opportunity for you to frame your message or tell your story to the reporter.

Purpose of the House Media Services Division

The House Media Services Division, under the direction of Jason Sutton, located in Room 600, helps House members keep their constituents informed about their legislative activities as well as provide other services as directed. The Media Services Division, however, is prohibited from taking part in partisan campaign activities. While the state's major newspapers and radio and television stations do a good job covering the Legislature as a big picture, they cannot devote the time and space necessary for in-depth coverage of individual members' legislative activities. The Media Division helps members fill that void.

Services

News Releases

The House Media Division produces news releases and news advisories for any member on a nonpartisan, first-come, first-served basis. To request a news release, call the media offices at extension 421 or 671 or stop by Room 600 with the information.

After the division receives a request, a draft is written and submitted to the member for approval or for any changes. The division maintains a list of emails of statewide print, television and radio media outlets. Once the release is approved by the member, the division can distribute it to either the statewide list or to media outlets in the member's House district.

Unless otherwise specified, statewide releases are also placed on the House Media webpage, and distributed via the House social media platforms, such as Twitter and Facebook, which are maintained by the division.

Video and Audio Clips

Video and audio clips are recorded upon request. Clips are placed on a file transfer protocol (FTP) site where television and radio reporters can download them. After clips are recorded, targeted television and radio outlets are provided information on how to access the FTP. Statewide videos are placed on the House website and House YouTube page, which is also maintained by the division.

The division archives the daily floor video recordings and the committee audio recordings and posts them on the House website.

Weekly Report

A summary of each week's House news is provided to all House members on Thursdays. Some members use the report as the basis for their weekly legislative columns in their local newspapers. Others refer to it while making speaking appearances back in the district or taping local radio interviews.

Columns

Members may request an opinion column or ask to have a column edited for Associated Press style. *The Oklahoman* prefers exclusive column submissions and has strict guidelines for length, style and content. Columns can also be distributed statewide or to specific, targeted newspapers.

The division will contact district newspapers upon request in order to determine their willingness to run a weekly, bi-weekly or monthly column.

Speeches

Given the heavy demands on lawmakers' time, they may find it difficult to write every speech they may be called upon to give. With that in mind, the Media Division also prepares talking points on a variety of subjects.

The division asks that members give as much lead time as possible. Two weeks before the speech is the ideal, minimum lead time, though exceptions can be made in an emergency.

Media Tracking

The division tracks statewide media coverage of legislative activity each morning and collects pertinent stories, which are placed in the Media Clippings folder on Microsoft Outlook.

News Conferences

Where a member wishes to hold a news conference, the division will assist the member by reserving the site, ensuring the site is properly set and informing the media in advance of the conference.

Media Training

The division is available to provide basic media training to any member, which includes interview preparation, messaging and tips for dealing with the media on a day-to-day basis.

News Conference Tips

Members should:

- Time their news conference so it does not conflict with other newsworthy events; check the bulletin boards outside the press rooms on the fourth floor for scheduled events.
  Also, remember that reporters' hours are not the same as bankers' hours. Deadlines for newspaper reporters range from about 3 to 5 p.m., while deadlines for television reporters are nearer to noon or 1 p.m. A news conference held at 9:30 a.m. or 10 a.m. will be covered much better than one at 3:30 p.m. or 4 p.m.

- Provide notice of a news conference well ahead of time and notify the right people. The House Media Division can provide the appropriate contact information. If there are special media outlets or reports or editors that legislators want present, a personal telephone call can be helpful.

- Have a typed press release ready for reporters when they arrive at the news conference. This will give the reports someplace to begin rather than having to "start from scratch" and helps to ensure accuracy of particular details.

What is news?

News is information that is of interest to constituents. A partial list of legislative events that would lend themselves to print or radio news releases to media outlets in a member's district are:

- Authorship or coauthor ship of a bill;
- Committee assignments;
- House or Senate committee action on the member's bill or a bill of interest to the district;
- Action by the full House or Senate on such a bill;
- The Governor's action on such a bill;
- How the member voted, or is going to vote, on a controversial or news-making bill;
- An explanation of how pending legislation may affect the district; and
- Awards or honors the member may receive.

Chances of Material Getting Used

No one can guarantee every media outlet will use all of a member's press releases or radio stories. Editors weigh many factors when deciding what material to use. Some do not like "canned" material.

On a busy news day, the big story might fill limited newspaper space or broadcast time. Some small outlets may not have enough staff. On the other hand, many of the smaller operations are very happy to run items from local lawmakers. The Oklahoma City and Tulsa media are usually interested only in news of major statewide interest.

Sometimes a newspaper will run only part of a release. Other times, it will run it word for word. Occasionally the newspaper may not run it at all. There are a lot of factors involved, and it really just depends on the given situation.

Appendices

Appendix A – Glossary of Legislative Terms 99
Appendix B – Tips for Being an Effective Legislator 113
Appendix C – Oklahoma Statutes, Crimes Against the Legislative Power 115
Appendix D – Oklahoma House of Representatives History 119

Appendix A

Glossary of Legislative Terms

Following is a glossary of specialized terms frequently encountered in the Oklahoma Legislature. Like most other organizations, a grasp on legislative terms is required to understand the proceedings on the floor or in committee. This list is not a comprehensive list.

Act: A measure that was passed by both chambers of the Legislature and approved by the Governor, became effective without the Governor's signature, passed over the Governor's veto by an override, or was approved by voters by virtue of a legislative initiative, thus becoming law.

Adjournment: Termination of a daily session, occurring at the close of each legislative day, with the hour and day of the next meeting being set prior to adjournment.

Adjournment Sine Die: Final termination of a regular or special (extraordinary) session.

Adoption: Approval or acceptance - usually applied to amendments, committee reports, and resolutions.

Administrative Rule: A state agency policy affecting the public, normally promulgated through the Administrative Procedures Act, having force and effect of law once promulgated. Such rules can either be promulgated as permanent, emergency, or preemptive rules.

Advancing the Bill: A commonly used phrase meant to signify a desire to offer the motion to Advance from General Order. The effect of this motion is to terminate consideration of amendments by moving the measure from General Order status to Third Reading and final passage.

Advice and Consent: The process whereby the State Senate considers executive nominations made by the Governor.

Agenda: Schedule of business for a legislative day or a committee meeting.

Amend: To alter formally by modification, deletion, or addition.

Amendment: Any alteration made or proposed to be made to a measure, motion, or clause thereof by adding, changing, substituting, or omitting.

Appeal: A parliamentary procedure for testing (and possibly changing) the decision of a presiding officer.

Apportionment: Establishment of the legislative districts from which members are elected.

Appropriation: A legislative authorization for the expenditure of funds for a specific purpose.

Author: The member sponsoring a measure introduced in either chamber (sometimes called "principal author"). (See **COAUTHOR**)

Balanced Budget Requirement: The prohibition against appropriating funds in excess of the amount certified for appropriation plus available cash.

Biennium: A two-year period of legislative activity, starting with the swearing in of the members of a new Legislature fifteen (15) days after a general election.

Bill: Proposed legislation which in order to become law must pass through the Legislature according to the procedures established by the Oklahoma Constitution.

Bill History: A record of all action on any legislative measure.

Bill Limit: A limit imposed by a House Rule on the number of House bills and joint resolutions members may introduce in a regular or special session.

Bipartisan: Usually associated with an issue in which members from both parties set aside political differences for purposes of supporting the issue.

Bloc: A group of legislators with common interests who may vote together on matters affecting that interest.

Budget: An annual plan for appropriation of available funds to state agencies.

Call of the House: Procedure used to compel attendance of members and to compel those in attendance to remain in the chamber.

Call to Order: The action of the presiding officer that brings the Legislature officially into session. It may also be used to call a disorderly member(s) to order.

Capital Expenditures: Expenditures for durable items such as computers, roads, buildings, and infrastructure.

Carryover Legislation: Legislation held over from the first regular session of the Legislature to the second regular session (from odd-numbered years to even-numbered years).

Casework: Assistance to the constituents of a legislator, normally involving a state agency.

Caucus: A common term for the informal organization of each party in each chamber or other grouping of members with a common interest or characteristic interests. Can also be used as a verb meaning "to meet".

Censure: An action by a legislative body to officially reprimand an elected official for inappropriate or illegal actions committed by that official while in office.

Central Purchasing: State purchases subject to a competitive bid procedure administered by the Oklahoma Office of Management and Enterprise Services.

Certification Process: The process by which the Board of Equalization determines, according to a constitutional formula, how much money the Legislature has available to appropriate for the upcoming fiscal year. The certification is one of the keys to the state's balanced-budget provisions. Certification of funds takes place in December, is revised in February, and revised again if changes are made in the laws that affect revenue.

Chair: Presiding officer of a committee or the chamber.

Chamber: Official place where a legislative body meets.

Classified Employee: An employee subject to merit protection provisions of the Oklahoma Personnel Act and the Merit System of Personnel Administration. Synonymous to "merit employee."

Coauthor: Member of either chamber added as a sponsor to a measure after it has been introduced. (See **AUTHOR**)

Codification: The process by which newly enacted law is systematically numbered within the Oklahoma Statutes.

Commit: To send or return to a committee. Synonymous to "refer" or "recommit."

Committee: A group of members of a legislative body to which is assigned a special task.

Standing Committee: A committee appointed with continuing responsibility in a general issue area or field of legislative activity.

Special Committee: A temporary committee set up to deal with a specific issue.

Joint Committee: A committee composed of members from both chambers.

Conference Committee: A joint committee whose function is to arrive at a single version of a bill which has passed the two legislative chambers in different forms. (See **GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS**)

Committee Amendment: An amendment which is attached to a measure by a committee and made part of the committee's report.

Committee Report: The official recommendation adopted by the members of a standing, special, or conference committee on any measure, which is transmitted to one chamber of the Legislature or to the full Legislature in the case of a conference committee report.

Committee Substitute: A bill offered by a committee in lieu of a bill it has considered. This committee substitute replaces the original bill that was referred to a committee, including conference committees.

Companion Bills: Related legislation introduced in one or both chambers.

Concurrence: Action by which one chamber agrees to a proposal or action of the opposite chamber.

Concurrent Resolution: See RESOLUTION.

Conferees: Legislators appointed to serve on a conference committee.

Conference Committee Report: A document submitted to both chambers containing the agreements of a conference committee resolving the differences between the two chambers or indicating that conferees could not reach an agreement.

Confirmation: The process by which the Senate considers a nomination submitted by the Governor.

Consent Docket: Bills placed on the consent docket are normally noncontroversial and cannot be amended or debated on the floor.

Consider: To take up a measure, motion, or matter for the purpose of action.

Constitutional Reserve Fund (CRF): The state's "rainy-day fund." Surplus monies accruing to the General Revenue Fund over and above the estimate made by the State Board of Equalization are placed in the CRF until the CRF contains the equivalent of ten (10) percent of the General Revenue Fund certification for the preceding fiscal year. Appropriations made from the CRF must be considered as special appropriations.

Constituent: A citizen residing within the district of a legislator.

Contingency Review Board (CRB): A board consisting of the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. It has limited power to make changes to the agencies' appropriations and expenditure limits when the Legislature is not in session, in order to respond to emergencies or unforeseen circumstances.

Continuing Appropriations: A term sometimes used to refer to agency revolving funds. Since such funds have statutorily established revenue sources and uses, there is no need for them to be appropriated annually.

Convene: The assembling of the Legislature or either chamber thereof.

Dead Measure: A bill or joint resolution that received final action (i.e. failed on third reading or fourth reading on the House floor or received a "do not pass" recommendation from committee). The subject matter contained in a "dead" bill may not be considered by the House for the remainder of the two-year legislative cycle.

Debate: Discussion of a matter under consideration by a legislative body within the guidelines of parliamentary rules.

Decorum: The conventions of a legislative body that must be adhered to for maintaining order and for maintaining an appropriate level of respect towards that legislative body or its individual members.

Desk: The dais at the front of the chamber where much of the clerical work of the House of Representatives is conducted.

Desk is Clear: Statement by the presiding officer typically included in a motion to adjourn meaning that the legislative body will not be considered adjourned until all the necessary paperwork is processed by the Clerk's staff.

Died in Committee: Defeat of or no action on a bill by a committee by the appropriate committee deadline.

Direct Democracy: Means by which the people can act as a legislative body. The most well- known of these methods in Oklahoma are the initiative and the referendum processes.

Division: A method of voting which demonstrates the ayes and the nays on a particular question. A division is not recorded in the House Journal.

Dormant Measure: A bill or joint resolution that does not move out of committee prior to the committee deadline or does not move off the House Calendar under General Order prior to the relevant General Order deadline. Dormant bills from the first regular session are available to be heard in the second regular session of a Legislature.

Earmark: Dedication of funds to a specific fund for a specific program or agency.

Effective Date: Provisions of a bill that specify when the entire act or portions thereof become effective as law. Synonymous to "operative date."

Emergency Clause: A section in a bill which allows the measure to become effective immediately upon the signature of the Governor or upon a specific date within 90 days of sine die adjournment. A bill without the emergency clause becomes effective 90 days after sine die adjournment, unless a later date is specified therein.

Enacting Clause: The opening phrase of a bill which by custom says, "Be It Enacted by the People of the State of Oklahoma."

Enactment: Process by which a measure becomes law.

Engrossment: The act of preparing an official copy of a bill or resolution as passed by one chamber, with all changes and amendments included. Engrossment of a measure in the originating chamber results in the engrossed measure. The opposite chamber's amendments to an engrossed measure will also undergo engrossment.

Enrollment: The process by which a measure is proofed and certified as passed by both chambers of the Legislature for signature by the presiding officers followed by presentment to the Governor or filing with the Secretary of State.

Ex Officio: Members of the House of Representatives who are voting members of each House committee by virtue of their office as Speaker or Speaker Pro Tempore of the House of Representatives.

Executive Order: A document issued by the Governor directing the executive operations of state government.

Executive Session: A closed meeting of any body for the purpose of confirming executive nominations, considering personnel matters, or conducting other business. Synonymous to "closed session."

Extraordinary Session: A session, other than a regular legislative session, called for on a certain date and for specific reasons. Synonymous to "special session."

Fee: An amount allowed by law for an agency to charge for a service or activity which is frequently deposited in a revolving fund for the agency's operational use. A fee is not considered a tax.

Filibuster: Prolonged debate for the purpose of delaying or preventing action by the Legislature (not allowed by House Rules).

Final Action: Most frequently means failure of a bill or joint resolution in committee or on Third Reading or Fourth Reading; the procedural result of final action is that another measure having the same effect and covering the same specific subject matter cannot be considered again by the House of Representatives during the remainder of the two-year Legislature.

Fiscal Impact: Analysis of the financial effect of a measure to the state budget. Fiscal impact statements are prepared by the House Fiscal Staff.

Fiscal Year (FY): The Oklahoma fiscal year is the 12-month period established for state budgeting purposes. It begins on July 1 and ends on June 30. It is labeled according to the calendar year in which it ends.

Floor: That portion of the chamber restricted to members and others granted floor privileges. Also, when a member has been recognized to speak by the presiding officer, the member is said to "have the floor".

Floor Agenda: The webpage published daily listing the measures the House may take up for consideration on the House floor.

Floor Amendment: An amendment offered to a measure or another floor amendment, presented by a legislator while the measure is being considered on the floor of that chamber.

Floor Leaders: Legislators designated by the majority (Majority Floor Leader) and minority (Minority Floor Leader) caucuses to manage the floor activity of the House.

Floor Substitute: A floor amendment proposing a substitute to the entire printed bill.

F.T.E. (Full-Time-Equivalent Employees): This is an accounting measure, not a person. One F.T.E. is the equal of one person working full time. Two people working half-time equal one F.T.E. Since many employees are part time, this measure gives a more exact count of the employment level of state government than a head count of employees would.

G.C.C.A. (General Conference Committee on Appropriations): This standing conference committee was historically responsible for finalizing the state budget; however, non-budget legislation is now referred to this committee for reconciliation.

General Appropriation (G.A.) Bill: The bill funding all three branches of state government, but not containing new programs. Unlike most measures, the G.A. bill does not need an emergency clause for it to become effective immediately upon signature by the Governor.

General Order: Bills and joint resolutions which have been either reported favorably by a standing committee or have been referred directly to the Calendar are on General Order and thus available to be scheduled for consideration by the House.

Germaneness: Determination as to whether or not the subject of a proposed amendment to a measure is related to the subject of a measure under consideration by the House or related to the subject of a measure under consideration in a conference committee. Amendments containing subject matter not adequately related to the subject of the measure under consideration are ruled "nongermane."

Gerrymander: To divide into election districts to give one political party or group an electoral advantage.

Grandfather Clause: Provisions in a bill to make new requirements inapplicable either temporarily or on a permanent basis to a class of individuals.

Hearing: Scheduled committee meetings to receive testimony on proposed legislation or other legislative matters.

Hold-Harmless Clause: A provision to ensure recipients are not adversely affected by a legislative change.

House Calendar: An organized list of bills or resolutions eligible to be scheduled for consideration by the House. The House Calendar also includes notice of committee meetings and lists those serving as the chaplain, doctor, and nurse of the day.

Impeachment: The process of bringing formal charges against an elected official of the judiciary or executive branch or other officers subject to impeachment. In Oklahoma, impeachment is reserved to the House of Representatives. The officer who is the subject of an impeachment effort is not actually impeached until one or more charges are approved by the House of Representatives. If impeached by the House, the impeached official is tried by the Senate and either removed or acquitted.

Inactive Measure: A bill or joint resolution that is either dormant or dead. (See **DORMANT MEASURE or DEAD MEASURE**)

Initiative Process: The means by which the electorate can propose a law or constitutional amendment. If properly drafted and with sufficient signatures, the petition will result in a state question that is placed on the ballot for the vote of the people. (See **STATE QUESTION**)

Instructions: Directions to a standing or conference committee regarding what is to be included in a measure. Adopted instructions are binding on the members of a standing, special or conference committee appointed by the legislative body from which the instructions are issued.

Interim: The period from adjournment sine die of one regular legislative session to the commencement of the next regular legislative session.

Interim Committee: A committee tasked with studying legislative proposals or other legislative matters during the period the Legislature is not meeting in regular session.

Investigative Power: Authority of a legislative body to pursue investigations.

Joint Committee: A committee composed of members from each chamber. **Joint Resolution:** See **RESOLUTION**.

Joint Committee on Appropriations and Budget: A committee comprised of members of the House and Senate, as appointed by the leaders of each chamber, responsible for finalizing all budget bills.

Joint Rules: Rules adopted by both chambers governing the procedure of the Legislature in matters requiring their concurrent action.

Joint Session: A combined meeting of both the House and the Senate in one chamber.

Journal: The official record of proceedings of the House of Representatives. The journal records actions taken on motions and votes. Each daily journal is typically published on the House website by the close of business on the same calendar day. The full and permanent House journal is physically printed subsequent to the sine die adjournment of each regular session.

Laid Over: An informally expressed motion to postpone a question pending before the House of Representatives.

Lame Duck: Jargon for an elected official who has not been reelected or did not seek reelection and who is serving out the balance of his or her term.

Lay On The Table: The formal postponement of a question before a committee or the full House.

Legislative Day: A day on which the Legislature convenes and actually engages in business.

Legislative History: Information on the background of legislation that may be used to determine legislative intent.

Legislative Immunity: Constitutional protections provided to legislators to shield them from lawsuits and arrests that would interfere with their legislative duties.

Legislative Intent: Purpose for which a measure was considered.

Legislative Veto: A procedure utilized by the Legislature, by joint or concurrent resolution, to disapprove an administrative rule.

Legislature: Two houses or assemblies, which when considered as a whole, constitute a legislative body tasked with the creation or amendment of law (Nebraska's unicameral Senate is the exception); or the two-year term that such bodies may meet.

Line Item: A designated amount of money contained within an appropriation bill, either referring to a separate appropriation or to separate amounts divided up within an appropriation.

Line-Item Veto: The disapproval of a line item by the Governor.

Lobbyist: A representative of a special interest group whose function is to influence legislation affecting his special interest.

Lobbyist Principal: The employer of a lobbyist.

Logrolling: Jargon for a legislative tactic in which sufficiently broad support for legislation is achieved by adding related or nonrelated provisions into a measure.

Majority Leader: A legislator from the majority party who is responsible for managing the legislative business conducted in the House of Representatives.

Mandate: A requirement from a higher to a lower level of government forcing certain actions.

Measure: Bill, joint resolution, concurrent resolution or simple resolution.

Message: Communication from one chamber to the other, or to or from the Governor, concerning legislative or gubernatorial action on bills or resolutions.

Minority Leader: A legislator from the minority party who is its leader in that chamber.

Motion: A formal proposal offered by a member that the House of Representatives take a specific action or decide a specific question. A motion may be substantive in nature, such as a bill or resolution, or merely procedural, such as to amend, to lay on the table, to suspend, to recess, or to adjourn.

Nonappropriated Funds: A term sometimes used to refer to agency revolving or continuing funds. Since such funds have statutorily established revenue sources and uses and continuing authority for appropriation, there is no need for them to be appropriated annually.

Noncodified: Sections of law which do not require permanent inclusion in state statutes such as appropriations sections or matters of a less permanent nature.

Nondebatable Motions: Procedural motions that must be put to an immediate vote without the opportunity for prior discussion.

Oklahoma Administrative Code: The compilation of agency rules promulgated pursuant to the Administrative Procedures Act.

Order of Business: The sequence of events during a legislative day.

Organizational Session: A one-day legislative session held at the beginning of each new Legislature during which the Legislature organizes itself for the two-year biennial legislature.

Out of Order: Not being conducted under proper parliamentary rules and procedures.

Override: To pass a bill over the Governor's veto (two-thirds vote of each chamber; three- fourths vote on emergency measures).

Oversight: Legislative review of state agency operations.

Parliamentarian: Advisor to the presiding officer on the interpretation of the House's rules and procedures.

Personal Privilege: The privilege possessed by each member to speak to matters affecting the House collectively or affecting members individually in their representative capacity.

Pocket Veto: Failure of the Governor to sign a measure presented to him or her within the final five (5) days of a regular or a special session within the fifteen (15) day period following sine die adjournment of the Oklahoma Legislature. (See **VETO**)

Point of Order: An objection raised by a legislator in which the claim is made that the rules of procedure are being violated. A point of order typically includes a request that the rules be properly enforced.

Popular Title: An unofficial name for a bill or act such as the "Make My Day" act.

Pork or Pork Barrel: An uncomplimentary term for funds intended to benefit a legislator's district.

Precedent: A ruling previously made on a parliamentary matter or a long-standing practice or custom of the House.

Predesignating Bills: A method sometimes used by the House to enable committees to begin consideration of legislation in January based on the Speaker's intended assignments of prefiled bills.

Prefiled Bills: A bill filed by a member prior to the official convening of a session. State law permits members in a new Legislature to file proposed legislation beginning fifteen (15) days after the general election.

Presentment: The requirement that for enactment, a bill or joint resolution must be sent to the Governor for his or her approval.

Presiding Officer: The Speaker of the House or a member designated by the Speaker tasked with supervising the floor activity of the House.

Printed Bill: The version of a measure specifically formatted for consideration on the House floor.

Public Hearing: House Rules enable one-half of the members of a committee along with the principal author to demand that a bill assigned to that committee be considered.

Question: Any matter on which the House must make a decision through voting, such as adoption of a motion or passage of a bill.

Quorum: The required number of members that must be present to transact business in a committee or in the full House.

Rainy Day Fund: See CONSTITUTIONAL RESERVE FUND.

Readings: Presentation of a measure before each of the chambers. "Every bill shall be read on three different days in each house…" (Constitution, Art. V, Sect. 34)

Reapportionment: The allocation of seats in a legislative body (such as Congress) among established districts (such as states), where the district boundaries do not change but the number of members per district does. (See **REDISTRICTING**)

Recede: Withdraw from an amendment or position on a matter.

Recess: The formal interruption of a legislative day that does not result in an end to business for that legislative day.

Recognize: The presiding officer recognizing a member to speak or to offer a motion. At that point, the member "has the floor."

Recommit: To send back to committee.

Reconsider: To consider again a vote on the adoption or failure of an amendment prior to the measure in question being advanced from General Order; to consider again a vote on passage or failure of a bill or joint resolution previously taken by the House of Representatives on Third or Fourth Reading; and, to consider again a vote on the adoption or failure of a simple or concurrent resolution taken by the House of Representatives.

Redistricting: The drawing of new political district boundaries.

Referendum: The method by which a measure passed by the Legislature must be submitted to a popular vote to be approved or rejected in whole or in part. (See **STATE QUESTION**)

Referral: The assignment of a measure to committee(s).

Repeal: To delete from the statutes an existing section of law. Legislative measures will provide only statutory citations for laws being repealed in the repealer clause found near the end of the measure.

Report: Approval or disapproval by a committee.

Request Bill: Legislation introduced by a legislator at the request of an interested party.

Rescind: Annulment of a previous action.

Resolutions:

- **Joint Resolution:** Passed by both chambers and having the force and effect of law. It may be used when a law of a temporary character is proposed or to propose amendments to the Oklahoma Constitution.
- **Concurrent Resolution:** Expresses the intent or will of both chambers and is adopted by both chambers. It does not have the force of law.
- **Resolution:** Expresses the intent or will of one chamber of the legislature and does not have the force of law.

Revenue-Raising Measure: A measure whose principal object is to raise revenue or levy taxes.

Revolving Fund: Sometimes called a special, continuing, or earmarked fund. It is a statutorily created fund to which monies that are deposited can be used on a continuing basis without a specific annual appropriation to a specific agency and for a specific purpose.

Roll Call: A call of the roll to determine the presence of a quorum.

Roll Call Vote: A vote in which each member's vote is recorded.

Session: The period during which the Legislature meets.

- **Daily Session:** Each day's session.
- **Joint Session:** The meeting of the House and the Senate together.
- **Regular Session:** The regular annual session.
- **Special or Extraordinary Session:** A special or extraordinary session of the Legislature is any session of the Legislature other than a regular session. A special session may be called in two different ways. First, a special session of the Legislature may be called by the Governor, in which case no subject may be acted upon except those recommended by the Governor. Second, the Legislature may call itself into special session when two-thirds (2/3) of the membership of each chamber sign and file a written call with the Speaker of the House and the President Pro Tempore of the Senate, who then issue a joint order convening the special session. The Legislature is limited to dealing with the subject or subjects specified in the written call.

Session Laws: A bound volume containing all laws enacted during a session of the Legislature. (See **STATUTES**)

Shell Bill: A measure introduced in the House yet having little or no substantial effect which may later be used as a vehicle for a more substantive legislative proposal.

Short Title: A shortened version of a measure's full title which typically contains sufficient information to identify the subject of the proposed measure but not to satisfy the constitutional requirements pertaining to the content of a measure's title.

Shucked Bill: A measure which has been so greatly changed from its original subject that the current language bears no relation to the original.

Simple Majority: One member more than half of those voting on a matter.

Sine Die: Literally, "without day;" usually, adjournment without a day being set for reconvening; final adjournment.

Speaker: A Representative elected by his or her fellow members to preside over the House, with powers and duties prescribed by law and within the House Rules. The individual member presiding over the House of Representatives while in session is addressed as Mr. or Madam Speaker, even if the person is not the elected Speaker.

Speaker Pro Tempore: A Representative elected by the members of the House of Representatives to preside in the absence of the Speaker.

Special Committee: A committee created for a limited purpose or time.

Special and Local Laws: Section 46, Article V of the Oklahoma Constitution defining classes of legislation that can only be considered after notice of the intended introduction has been advertised for four consecutive weeks in the city or county that would be affected.

Standing Committee: A committee established typically for the duration of the two-year legislative biennium for purposes of considering legislation containing specific subject matter.

State of the State Address: The presentation of the Governor's message on legislative priorities customarily delivered to a joint session of the Legislature at the beginning of a regular session.

State Question: A proposed referendum or initiative containing changes in law or the Oklahoma Constitution which, if properly prepared, will be submitted to a vote of the people.

Status: The ongoing progress of a measure within the legislative process.

Statutes: Compilation of all state laws presently in effect, prepared in volumes by West Publishing Company. These include the multi-volume Oklahoma Statutes and the annual supplements containing the revisions adopted by the Legislature since the previous full statute publication. (See **SESSION LAWS**)

Stricken Title: Often a member of one of the chambers will offer an amendment on a measure to "strike the title". To amend a measure in such a manner causes the bill or joint resolution to be out of compliance with the Oklahoma Constitution thus ensuring that the measure will have to be considered an additional time prior to final passage.

Substantive Bill: A measure not containing subject matter touching on a fiscal matter.

Substitute: An amendment proposing the replacement of the entire text of a measure or amendment.

Sunset Date: Termination of an entity unless otherwise extended by the Legislature.

Supplemental Appropriations: A mid-year appropriation; an appropriation for the current fiscal year.

Table: To lay aside a motion, usually with the intention of postponing or shelving the matter indefinitely.

Title: A concise statement accurately expressing the subject of a bill, prepared as a preambular statement to the bill as required by the Oklahoma Constitution.

Unanimous Consent: A request that the House take a certain action without taking a formal vote on the question. Even one objection by a member defeats a unanimous consent request.

Unfunded Mandate: The imposition of legal requirements from a higher level of government without provision of the corresponding funding for costs associated with the new requirement.

Veto: An action taken by the Governor where he or she refuses to approve a bill or joint resolution passed and presented to him or her by the Legislature. A veto action prevents the enactment of a measure into law.

Voice Vote: Oral expression of the will of the members of the House when a question is put to them for their determination. The response is given by "ayes" or "nays," and the result of the vote is announced by the chairperson or presiding officer.

Well: The area where the center podium is located in the House chamber.

Yield: Relinquishing of the floor by one member to another member to speak or to ask a question.

Appendix B

*Tips for Being an Effective Legislator**

1. Honor the institution in order to protect and preserve the Legislature as a coequal branch of state government in Oklahoma.

2. Take the high road so that you conduct yourself in a way that you would not be embarrassed to see your actions reported in the newspaper.

3. Master the rules of the Legislature.

4. Know where to get help from staff, state agencies, lobbyists, and other members.

5. Manage your time effectively and meet legislative deadlines.

6. Develop a legislative specialty and seek out committee assignments that are in your areas of interest.

7. Vote your conscience and be prepared to defend your vote to constituents.

8. Don't burn your bridges with other legislators who you will need to work with in the future.

9. Keep your word.

10. Be careful about cosponsorship of bills that could result in minor rewards and major headaches.

11. Don't hog the mike and be prepared when speaking on the floor.

12. Stay in touch with constituents.

13. Be a problem solver in handling your issues.

14. Work with the media.

15. Stop and smell the roses by taking care of yourself and maintaining a normal private life.

*Adapted from the National Conference of State Legislatures (1995) *Congratulations! You won! 15 Tips for Being an Effective Legislator: A How-To Handbook for State Lawmakers*

Appendix C

Crimes Against the Legislative Power: 21 O.S. 2011

§301. Preventing meetings of Legislature

Any person who willfully and by force or fraud prevents the State Legislature or either of the houses composing it, or any of the members thereof, from meeting or organizing shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.

§302. Disturbing legislative proceedings - Penalty

Any person who alone or in concert with others willfully disturbs, disrupts or interferes with any session, meeting or proceeding of either house of the State Legislature or any committee of either house of the State Legislature, whether within or outside the presence of either house of the State Legislature or any committee, by:

1. Engaging in violent, tumultuous or threatening behavior;
2. Using abusive or obscene language or making an obscene gesture;
3. Making unreasonable noise; or
4. Congregating with other persons and refusing to comply with a lawful order of the police or security officer to disperse; shall be guilty of a misdemeanor.

§302.1. Refusal to leave legislative chambers, galleries and offices - Penalty

Any person who alone or in concert with others, and without proper authorization, refuses to leave any part of the chambers, galleries or offices of either house of the State Legislature or building in which such chambers, galleries or any such office is located, or within any room or building or upon the property of a building in which a legislative hearing or meeting is being conducted upon a lawful order of the police or a security officer to disperse, leave, or move to a designated area, shall be guilty of a misdemeanor.

§303. Compelling adjournment of Legislature

Every person who willfully and by force or fraud compels or attempts to compel the State Legislature, or either of the houses composing it, to adjourn or disperse shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00), or both.

§304. Preventing legislative member or personnel from performing official duties – Penalty

Any person who alone or in concert with others willfully either by force, physical interference, fraud, intimidation, or by means of any independently unlawful act, prevents or attempts to prevent any member, officer or employee of either house of the State Legislature or any committee of either house of the State Legislature from performing any official act, function, power or duty shall be guilty of a misdemeanor.

§305. Compelling Legislature to perform or omit act

Any person who willfully compels or attempts to compel either of the houses composing the Legislature to pass, amend or reject any bill or resolution, or to grant or refuse any petition, or to perform or omit to perform any other official act, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.

§306. Altering draft bill

Any person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house, shall be guilty of a felony.

§307. Altering engrossed copy of bill

Any person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the Legislature, with intent to procure it to be approved by the Governor or certified by the Secretary of State, or printed or published by the printer of the statutes in language different from that in which it was passed by the Legislature, shall be guilty of a felony.

§308. Bribery of or influencing members

Any person who gives or offers to give a bribe to any member of the Legislature, or attempts directly or indirectly, by menace, deceit, suppression of truth or any other corrupt means, to influence a member in giving or withholding his vote, or in not attending the house of which he is a member, or any committee thereof, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both.

§309. Soliciting bribes – Trading votes

Any member of either of the houses composing the Legislature, who asks, receives or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives, or offers or promises to give any official vote in consideration that another member of the Legislature shall give any such vote, either upon the same or another question, is guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both.

§310. Witness refusing to attend legislature or committee

Every person who, being duly summoned to attend as a witness before either house of the Legislature or any committee thereof authorized to summon witnesses, refuses or neglects without lawful excuse to attend pursuant to such summons, is guilty of a misdemeanor.

§311. Witness refusing to testify before legislature or committee

Every person who, being present before either house of the Legislature or any committee thereof authorized to summon witnesses, willfully refuses to be sworn or affirmed, or to answer any material

and proper question, or to produce upon reasonable notice any material and proper books, papers, or documents in his possession or under his control, is guilty of a misdemeanor.

§312. Forfeiture of office - Disqualification to hold office

The conviction of a member of the Legislature of any of the crimes defined in this article, involves as a consequence, in addition to the punishment prescribed by this code, a forfeiture of his office, and disqualifies him from ever afterwards holding any office under this State.

§318. Bribery

No person, firm, or member of a firm, corporation, or association shall give or offer any money, position or thing of value to any member of the State Legislature to influence him to work or to vote for any proposition, nor shall any member of the State Legislature accept any money, position, promise, or reward or thing of value for his work or vote upon any bill, resolution or measure before either house of the Legislature.

§320. Penalty for violating Section 318

Any person or member of any firm, corporation or association violating the provisions of Section 318 of this title shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years nor more than five (5) years, and by a fine in the sum of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00).

§321. Member of legislature - Soliciting or securing employment with State department or institution

It shall be unlawful for any member of the Legislature of Oklahoma to solicit, receive or accept any money or thing of value either directly or through another person for soliciting or securing employment of or for another person from any department or institution of the State, where the said department or institution is supported in whole or in part from revenues levied pursuant to law or appropriations made by the Legislature.

§322. Penalty for violating Section 321

Any member of the Legislature who shall violate the provisions of Section 321 of this title shall be guilty of a felony, and upon conviction shall be fined in any sum not less than One Hundred Dollars ($100.00) nor to exceed One Thousand Dollars ($1,000.00), and be sentenced to the State Penitentiary for a term not less than one (1) year nor to exceed five (5) years and, in addition thereto, the member shall forfeit office.

Appendix D

Oklahoma House of Representatives History

The Oklahoma House of Representatives has a rich history. This appendix of the Legislative Manual was added after the publication of *A Century to Remember: A Historical Perspective on the Oklahoma House of Representatives,* January 2000, written by former Research Director George G. Humphreys. Copies of *A Century to Remember* are still available from the House Research Division and on the House Website, under the publications tab.

At how many locations has the House of Representatives met?

The House of Representatives has met in five different buildings in its history. At statehood, Guthrie was the state capital. The First Oklahoma Legislature met at the City Hall Building in 1907-8. The people of Guthrie then built the Convention Hall (now part of the Masonic Temple) where the House of Representatives met in 1909. After the state capital moved in 1910 to Oklahoma City, the Oklahoma House of Representatives met at the Levy Building (later known at the Mercantile Building) at the corner of Harvey and West Main for the 1910 special session and 1911 regular session. The House then used the India Temple (now part of the Kerr-McGee complex in downtown Oklahoma City) until the current State Capitol Building was made ready for the 1917 session.

Has the Oklahoma House of Representatives always had 101 members?

No. The size of the Oklahoma House of Representatives has never been set in the Oklahoma Constitution as is the Senate. At statehood, the House of Representatives had 110 members. Until the principle of "one person, one vote" was imposed on state legislatures in the mid-1960s, the number of seats in the House of Representatives was determined by a mixture of county and popular representation. However, no county was allowed more than seven seats. This created a situation by the mid-1960s whereby the urban areas of the state were very much underrepresented. This ended in 1964 when the courts imposed one person, one vote. Oklahoma County and Tulsa County's delegation increased from 7 each to 15 and 19 respectively out of 99 seats. Twenty House members ran against each other, and there were 48 new members when the House met in 1965. Beginning with the Thirtieth Legislature (1964-6), the number of House districts was reduced to "approximately one hundred." Since 1973, the House has had 101 seats.

To what extent has the Oklahoma House of Representative been controlled by Democrats or Republicans?

Historically, the Oklahoma House of Representatives has been controlled by Democrats, with two notable exceptions prior to the 2004 elections when the Republicans gained control. The Legislature in Oklahoma Territory (the western part of the state) was controlled by the Republican Party. However, Oklahoma became a state in the heyday of the populist movement. Democrats were elected in 93 of the 110 House districts in the First Legislature and continued to control the Legislature through the First World War. Republicans in Oklahoma were able to take advantage of a strong nationwide postwar rejection of Democratic President Woodrow Wilson's policies by winning a 55-37 advantage for the Eighth Legislature (1920-2). Speaker George B. Schwabe from Nowata became the first Republican Speaker of the House of Representatives for the 1921 regular and special sessions. Democrats regained control of House in the next legislature by a 93-14 margin.

The Democrats also lost control of the House of Representatives in the Twelfth Legislature (1928-30). In the 1928 elections, Oklahoma voters rejected the Democratic presidential campaign of New York Governor Al Smith, a Catholic and anti-prohibitionist, and the leadership of Oklahoma Governor Henry S. Johnston. Democrats continued to hold a slim majority of seats (56-47) in the House. However, the House was clearly split over impeachment of Governor Johnston. In fact, the House had already impeached him in a controversial 1927 special session known as the Ewe Lamb Rebellion. In the new legislature, the Democratic Caucus picked Allan Street as its Speaker-elect. He was subsequently elected Speaker, but failed to last the first day of the session as it became clear that a group of anti-Johnston Democrats had formed a coalition with the Republican Caucus for the purpose of impeaching Johnston. The House then elected Democrat James C. Nance from Walters as Speaker for the regular and special sessions. Even though Democrats had a 56 to 47 majority, this Twelfth Legislature was controlled by a coalition of Republicans and Democrats.

The Fiftieth Legislature (2005-2006) witnessed a major change in control of the House with the Republicans becoming the majority party for the first time in seventy-five years. While the number of Democrat members had been gradually decreasing in the recent past, the imposition of term limits hastened the trend. Term limits mandated that a member could not hold office for more than twelve years after a constitutional amendment became effective in 1991; however, those elected prior to January, 1991 were entitled to complete the current term and eligible to serve an additional twelve years.

Is it true that Governors organized the Oklahoma House of Representatives before the election of Speaker J.D. McCarty in the 29th Legislature (1960-2)?

Yes, with notable exceptions. From the previous question, one could guess that Democratic Governor Robertson would not have had much of a role in the election of Republican Speaker Schwabe in the 1921 session, nor would Governor Johnston have had a hand in picking Speaker Nance in the 1929 session. There would always be challenges to this rule and a few exceptions which meant trouble for Governors who were unable to pick their Speakers. For example, the House elected W.D. McBee from Duncan as Speaker for the 1924 special session as the candidate for the faction wanting to impeach Governor John C. (Jack) Walton (he was the first of two governors impeached by the Oklahoma House of Representatives).

Even when a Governor picked a Speaker and organized the House (as they also did the Senate), it did not mean that the Governor controlled the House of Representatives. The independence of the House of Representatives was illustrated during the speakerships of J.H. Maxey from Muskogee in 1913 when the House investigated nearly every executive department, impeached several state officers, and nearly impeached Governor Lee Cruce; Murray F. Gibbons from Purcell, who was said to be able to deliver less than ten votes for Governor Walton's agenda in 1923; Leon C. (Red) Phillips from Okemah, who so vigorously fought the Oklahoma New Deal agenda of Governor E. W. Marland in 1935 that Marland campaigned (unsuccessfully) against
Phillips in the 1936 election.

J.D. McCarty from Oklahoma City broke the Governor's control when House Democrats refused to give Governor J. Howard Edmondson a voice in the 1960 Speaker's race after Edmondson had lost control of the state Democratic party during his first two years in office. When Republican Henry Bellmon followed Edmondson as Governor, the House's independence of the Governor was firmly established.

Have Speakers in the Oklahoma House of Representatives generally served long terms?

In recent history, yes. Prior to the 1950s, Speakers would typically serve one term or, in some cases, for one regular or special session. James C. Nance was the first two-term Speaker, but his terms were

24 years apart (1929 and 1953). B.E. Bill Harkey was perhaps the first two-term Speaker to serve consecutive terms when he was picked as Governor Raymond Gary's choice for Speaker for the 1955 and 1957 regular sessions. J.D. McCarty became the first of six Speakers elected for more than two terms when he led the House from 1961-69 (with the exception of Steve Lewis who served the portion of Jim Barker's last term when he, Jim Barker, was removed as Speaker near the end of the 1989 session). J.D. McCarty had been elected for a fourth term by the Democratic Caucus, but he was defeated in the general election before he could serve any of the fourth term. Jim Barker (1983-89) was the only Speaker who served in that post during four Legislatures, although he completed Daniel Draper's third term in the Thirty-ninth Legislature and served most of the first regular session in the Forty-Second Legislature. Glen D. Johnson served three terms as Speaker (1991-1996) and both Loyd Benson (1997-2000) and Larry E. Adair (2001-2004) served two full terms as Speaker. Post term limits, two Speakers have served more than one term. Chris Benge (2008-2010) was elected at the beginning of the second regular session of the Fifty-first Legislature after Lance Cargill resigned as Speaker and Jeffrey W. Hickman (2014-present) was elected on the fifth legislative day of the second regular session of the Fifty-fourth Legislature after T.W. Shannon resigned the position of Speaker.

Have there ever been any third-party members in the Oklahoma House of Representatives?

Yes. In the Fifth Legislature (1914-6), there were five Socialist members elected to the Oklahoma House of Representatives.

When was the first African-American elected to the Oklahoma House of Representatives?

A.C. Hamlin, a Republican from Guthrie, was elected to the Second Legislature (1908-10). This was a very difficult period for race relations in Oklahoma. During his term in office, voters approved a "grandfather clause" that imposed a literacy test to determine eligibility for voting that disenfranchised many African-American voters in Oklahoma and played a role in his subsequent defeat under unusual circumstances in his 1910 reelection campaign. There were no other African-American House members until the 1964 reapportionment which resulted in the election of three African-American state representatives in the Thirtieth Legislature.

In February 2013, T.W. Shannon, a Republican from Lawton, was the first African-American elected Speaker of the House. Shannon resigned the Speakers' position February 4, 2014

When was the first woman elected to the Oklahoma House of Representatives?

Republican Bessie McGolgin from Rankin, in Roger Mills County, was elected in 1920 after her father filed for her without her knowledge. She served only one term. There were three women elected to serve in the next term, but there were no women House members between the 1930 and 1940 elections. Historically, female membership in the Oklahoma Legislature has been well below the national average.

What has been the House's history in terms of Native American representation?

It is difficult to respond precisely to this question. Native American participation at statehood was considerable as Oklahoma statehood involved the merger of Oklahoma and Indian Territories. The first Speaker, William H. (Alfalfa Bill) Murray, was a member of the Chickasaw nation by marriage. When W.A. Durant was elected Speaker for the 1911 regular session, the House elected a prominent Choctaw leader who was also Speaker of the Choctaw legislature. At that time, there were at least eight Native American House members. Other prominent Native Americans in the history of the Oklahoma House of Representatives include Bill Willis (member of the Kiowa tribe and a three-term

Speaker from 1973-77), Larry E. Adair (member of the Cherokee tribe and Speaker from 2001-2004), Chris Benge (member of the Cherokee tribe and Speaker from 2008-2009) and T.W. Shannon (member of the Chickasaw Nation and Speaker for the 2013 Regular and Special Sessions).

When did Oklahoma change from biennial to annual sessions?

Voters surprised legislative leaders by approving State Question 435 on May 24, 1966. That question amended the Oklahoma Constitution to require annual sessions. Previous biennial sessions had been marked by their extraordinary length. The 1961 and 1965 regular sessions had 117 legislative days. The new annual sessions were limited to 90 legislative days. Starting with the 1989 session, the annual sessions were limited to the first Monday in February through the last Friday in May (with a half-day organizational session in January of each odd-year on the first Tuesday after the first Monday). In the 1990s, the House met no more than 71 legislative days in a regular session.

How many Oklahoma Governors served in the Oklahoma House of Representatives?

Six: William H. Murray, Leon C. Phillips, Henry Bellmon, David Boren, George Nigh, Frank Keating, and Mary Fallin. Phillips and Boren were the only two elected while serving in the House of Representatives. Murray and Phillips are the only two former House Speakers elected Governor, although they were not Speaker when elected.