

**Appendix IV**

**Oklahoma House of Representatives  
Then and Now**

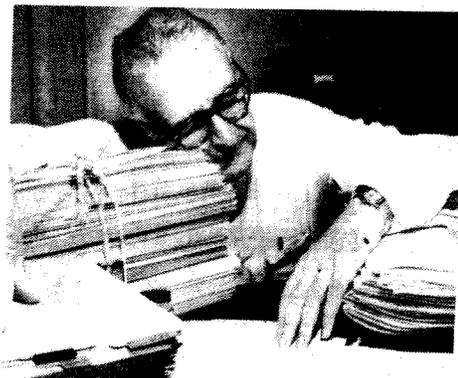
In the preparation of this historical perspective, there are a number of extremely important aspects of the Oklahoma House of Representatives' history that deserve to be preserved that could not easily be included in the major text. One of the more satisfying aspects of this effort has been the opportunity to preserve parts of the House's history that otherwise soon would have vanished. Much of the material in this appendix is for an audience with a serious interest in the evolution of the House of Representatives. Parts of the following were made possible only through conversations with persons who were involved in the legislative process during the 1940's and 1950's.

### Sessions

The writers of the Oklahoma Constitution had a vision of a Legislature that would be part-time in nature, composed of citizen lawmakers who would come to the state capital and perform their legislative duties in a three- or four-month period in the odd-numbered year following their election, and then return to their normal occupations. Certainly, there would be rare times that they might be called back for a special session.

Although the original Oklahoma Constitution did not put any length restrictions on regular sessions, it did provide strong financial incentives to keep the length of sessions to a minimum. The salary of legislators was set in the Constitution at six dollars per day for sixty days, after which their pay dropped to two dollars per day. During the two-dollar days (frequently referred to as the "hamburger diet days"), rank and file members became quite anxious to wrap up the session. In some sessions, when it became apparent that the work would need to continue much longer than the sixty days, the Governor and legislative leaders would agree to a special session so that members would again receive the six-dollars-per-day salary. The only other compensation that members received was ten cents per mile for their travel to the capital. There was no provision made for lodging and meals as there is today.

For many years, the interpretation of the law was that members received the six dollars per day for the first sixty calendar days. Later, it was paid on a working-day basis, so sessions could be extended a little longer before the "hamburger diet days" began.



*Russell Ruby from Muskogee, Chair of the Committee on Appropriations and Budget, at end of 1959 session.  
Source: The Daily Oklahoman, July 4, 1959*

Compensation and the length of sessions remained an issue for nearly four decades as the purchasing power of six dollars eroded. Three times before 1948 (1920, 1926, and 1938) legislative compensation state questions were referred to voters and defeated. The approval of State Question 329 in 1948 raised legislative compensation to fifteen dollars per day for up to seventy-five legislative days in a regular or special session and one hundred dollars per month after that. Regular sessions from 1948 until the 1967 session used the entire seventy-five days and more.

The next major change in legislative sessions occurred in 1966 when voters approved annual ninety-day legislative sessions. By that time, inadequate legislative compensation had once again become a source of concern for lawmakers. However, voters again rejected three attempts (first in 1960 and twice in 1964) to raise compensation before the last compensation amendment to the Constitution was approved in August 1968. State Question 462 established a nine-member Board of Legislative Compensation, with five members appointed by the Governor and two each by the Speaker of the House of Representatives and the Senate President Pro Tempore. This Board was given the constitutional authority to set legislative compensation. The Board set legislative compensation that fall at \$8,400 per year. House members elected during the 1968 campaign received \$1,000 for the first three calendar months and \$600 per month thereafter. Later compensation increases established by the Board have come at more regular intervals. In addition to increased compensation, members who had to live away from home during the session started receiving a per diem to cover meal and lodging expenses in 1976.

Much like the age-old plea of college students for their parents to send more money, a consistent complaint of House members has been the long days and crush of legislation and insufficient time to read the bills at the end of sessions. The legislative sessions, when limited only by the ninety- legislative-days limit (and more so when there was no limits before 1966) frequently stretched well into the summer months. During the Speakerships of Clint Livingston and two of the three sessions of Speaker J.D. McCarty, regular sessions ended in July. Not counting the first session of the Legislature in 1907-8, the 1961 and 1965 sessions tied for the record of 117 legislative days. Moreover, with rare exceptions, most sessions of the Legislature until the 1990's ended in the late hours of the night. It was quite common for both chambers to "cover the clock," until the practice ended in 1978, in order to work past the time set for sine die adjournment. On numerous occasions, the desk would be held open for hours or days, with members taking shifts in the chamber, before work could be completed.

Since 1989 when voters approved an initiative petition pushed by Governor Bellmon, sessions must end by 5 p.m. on the last Friday in May. The shortened session amendment also has caused the session to start the first Monday in February rather than the first Tuesday after the first Monday in January (which is now used only in odd-numbered years for a half-day organizing session). Shorter sessions (in 1999 there were only sixty-nine legislative days) have caused the House to seek measures to compensate for fewer legislative days. For example, bill request and introduction deadlines have been moved up so that House committees can meet to review the legislation in the last two weeks of January.

*Voters Won't Approve That!*

*When Oklahoma voters approved State Question 435, a legislative referendum proposing annual legislative sessions on May 24, 1966, there were fewer surprised citizens than the House leadership. Senate Joint Resolution 7 was one of the key reform planks for modernizing state Legislatures. However, Speaker Pro Tempore Rex Privett recently said that the House leadership agreed to vote the measure out of conference as a courtesy to Senate President Pro Tempore Clem McSpadden, the Senate author who had worked with the Oklahoma League of Women Voters on the legislation, but House leaders expected voters to disapprove the question. The House author was J. W. Bynum of Locust Grove. The resolution was approved in the House 91-0, and voters changed the operations of the Legislature dramatically by narrowly approving the question.*

Still, the complaint about the volume of legislation and the flood of bills at the end of a session remains. By way of historical contrast, this was perhaps as much a problem in early Legislatures when there were no legislative deadlines to manage the bill workload. Bills could be introduced at any time. This included the departmental and institutional appropriation bills (the major appropriation bills for many decades) which might only be introduced in the last weeks of a session.

Beginning in 1961, the Legislature adopted joint legislative deadlines to bring greater rationality to the legislative process. At the time, legislative deadlines were advocated as reform to improve legislative performance and to avoid the “physical and mental exhaustion” and “chaos” at the end of sessions. The authors spoke from experience since the joint resolution was passed near the end of a session that tied for the most legislative days since the First Legislature. This first attempt at establishing deadlines was conservative by today’s schedule. The deadline for introducing bills was the fiftieth legislative day. Of course, the deadlines have changed a great deal, particularly regarding bill introductions. For the 2000 session, the deadline for requesting bills is in mid-December and bill introduction in mid-January.

While deadlines may have helped to rid the legislative process of some of the problems House members complained of, the dramatic increase in the number of bills introduced has been a continuing source of complaints. In the 1990's, the number of bills and joint resolutions introduced ranged from a low of 1,238 in 1992 to a high of 2,032 in 1997. The House responded to the concern over too many bills in the 1998 session by adding an eight-bill per-session limit (with exceptions for certain measures such as appropriations bills). As a result, there was a reduction in House measures introduced from over 1,200 in 1997 and 1998 to just over 800 in 1999. In addition, recent rule changes have enabled members to have more time to read legislation. Computers give members almost instantaneous access to various versions of bills as they change through session.

Special sessions have become somewhat more frequent in the 1990's, partly because of the new restrictions on legislative sessions. The House has had thirty-one special sessions since statehood. Six of those were called in this decade.

### Committees

From statehood, standing committees in the Oklahoma House of Representatives have played a vital role in its history. In the First Legislature, there were fifty-three House standing committees. Many of those were designed to work on specific legislation needed to implement portions of the Oklahoma Constitution, such as the Committee on Prohibition Enforcement. Others focused more directly on the legislative process of the House’s operations such as the Committee on Engrossment, Committee on Miles and Mileage, the Joint Standing Committee on Legislative Printing (later sessions would use a House committee to handle the House’s printing contract) and a Committee on House Expenses and Accounts. The rural and agricultural nature of the young state was reflected in the creation of separate standing committees on agricultural education; general agriculture; cotton warehouses and grain elevators; and levees, drains and ditches and irrigation. Members were also focused on intergovernmental relations, so the House had a Committee on Federal Relations, a Committee on Interstate Relations, and a Committee on Relations of the Five

Civilized and Other Oklahoma Tribes. As a portent of things to come, there was also a committee on Investigation of Judicial and Executive Departments. Finally, there were the powerful Committees on General Appropriations, Revenue and Taxation, and Rules and Procedures.

In addition to the standing committees, the House's initial rules created the committee of the whole. Until it was abolished in 1979, the committee of the whole played an extremely crucial role in the House's consideration of legislation. This committee included the entire membership of the House and was used as an intermediate step between the reporting of bills from standing committees and the actual floor vote on third reading. As a matter of course, the House would go into the committee of the whole to amend, debate, and vote on legislation, none of which appeared in the daily House Journals. In effect, the committee of the whole made third reading mostly a pro forma matter. Those who supported the abolishment of the committee of the whole believed that it would increase House members' accountability for their votes.

Certainly, one of the characteristics of the House's history was the large number of standing committees in its early years. In 1929, the number of standing committees had been reduced to twenty-nine, but gradually the number increased. In 1961, there were thirty-nine committees. Since then, efforts have been made to reduce the number of standing committees. In 1968, the number had been reduced to thirty-five, then to thirty-one in 1979, and twenty-eight in 1999. The anomaly was in the 1969-70 sessions when Speaker Privett used only fifteen committees, but he reverted back to thirty-two in the next Legislature (1971-2).

Not all committee assignments were equally attractive. In the 1947 session, for example, the committees were divided into three groups, A-C. In the "A" class were major substantive committees (education, appropriations, agriculture, natural resources, revenue and taxation, and transportation. In the "C" group were three committees dealing with House matters, such as employment, plus the Committee on Rules and Procedures. The "B" group contained the other sixteen standing committees. Members could serve on one of the "A" committees and three "B" committees. There was no limit to the number of "C" committees to which a member could be appointed so that House leaders served on several of those.

University of Oklahoma political scientist Samuel A. Kirkpatrick's *The Legislative Process in Oklahoma* (1978) noted that a 1972 survey of House members reported that House committees were less important than the House's leadership in the legislative process. The reverse was true of the same survey of Senate members. This reflected the power of the House leadership and the Rules Committee which was controlled by the leadership. For many years, the Rules Committee established the order in which bills would be taken up on the floor.

Today's House committee structure has changed considerably since that of early statehood in order to adjust to changes in the state's economy. There is now a single Committee on Agriculture. Legislative interest in economic development has been accompanied by the creation of a standing Committee on Economic Development in the mid-1980's and the 1997 creation of a standing Committee on Small Business.

## Voting History

The way that the House votes on measures has changed considerably over the years. For many years, House rules called for a rising vote on amendments whereby the presiding officer would simply ask members to stand up first if they were for an amendment and then if they were against it (of course, the votes on amendments and the bill in the committee of the whole were not recorded in the House Journal). A voice roll call, at least in theory, was used on final action. However, it was a long-time practice to use the "attendance roll call" whereby those who were in attendance at the day's session would be marked in favor of a bill, unless they indicated otherwise. This practice appeared to have ended some time before 1950.

### *Durham's Manual*

*Most senior members and staff would never pass this trivia question: what manual of parliamentary procedure supplemented the House rules for the longest length of time? The answer is Durham's Manual, written by W.F. Durham of Shawnee (a House member in the first two Legislatures). It was used by the House from sometime in the 1920's through the late 1960's. Durham had worked for the House, at least in the 1931 session, when Governor William H. Murray arranged for him to assist Chief Clerk W.A. Durant and Speaker Carlton Weaver on parliamentary matters that session.*

*Prior to Durham's Manual, the House had also used Jefferson's Manual and Roberts Rules of Order. More recently, the House has used Mason's Manual.*

The major changes in voting practices came in the 1970's. First, electronic voting began in 1973, so that members were able to cast their votes by operating the voting device from their desks.

The second major change was the elimination of the committee of the whole. With this change, the number of recorded votes was greatly expanded and more accountability achieved in the voting process

### The Gunfight

*In preparing this history, I have noted the interest taken in fights and riots in the House of Representatives. The one that tops all others has to be the May 7, 1947, shooting of former Speaker and then Senator Tom Anglin on the Senate floor by Representative Jimie Scott, both of Holdenville. The incident occurred about 2 p.m., just before the Senate session started, and appeared to be related to the representative's divorce case. Anglin's law firm was representing Scott's wife.*

*Anglin, a Speaker during Governor William H. Murray's administration and one of only two men to hold both that office and the office of Senate President Pro Tempore, was at first joking with Scott. He then drew his revolver and shot Anglin in the area of his left hip. Anglin then pulled his gun, but reports of the day are unclear as to whether he got a shot off before Scott ran into the fourth floor men's room. There he was apprehended by Senate sergeants-at-arms and Senate President Pro Tempore James C. Nance (the other man who had been elected to both that office and that of Speaker) ordered them to take Scott to the Oklahoma County jail. The jailed Scott missed all the action the next day as the House finished its work. First-term legislator Scott was replaced in the next Legislature by the man he shot.*

### Decorum

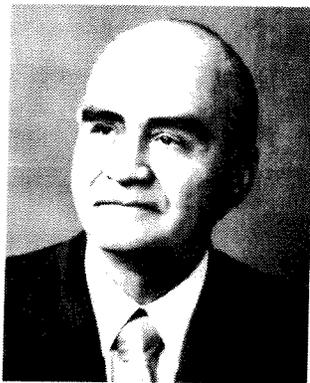
Decorum encompasses a variety of matters, some relatively simple as how a member is recognized to speak on the House floor, to much more serious matters such as the disruption of the House due to unruly behavior. Certainly, during the first five decades of statehood, the House could be counted on, at least once in most sessions, to erupt in

violence. On more than one occasion, this publication has noted that the members rioted on the floor. With a rare exception, those days had passed by the mid-1960's. The political writers, who delighted in writing stories about brawling House members, clearly noted the changes. By the 1950's, the press would complain that the House was becoming "boring."

During recent decades, improvement in the House's decorum has been an important concern of House leaders and members. In fact, decorum provisions have been expanded and given prominence with an entire section of House rules devoted to this subject. Early provisions against the use of obscenities or indecent language (adopted by 1949) are found there, along with rules in place (but not, one suspects, always strictly enforced) against members use of intoxicating beverages. The rules have been expanded to include drugs, a dress code that was imposed in the 1979 session, a recent rule banning canned or bottled food or beverages on the floor, and, in the last decade, rules limiting the use of tobacco products have been added. Smoking on the House floor, which had been banned briefly in 1923, was again banned in the 1990's and extended to staff offices, the House lounge, and areas frequented by pages. Gone also are the cuspidors used for "spit tobacco" which various members found offensive in those legislative sessions when "spittoons" were common. In addition, the House acted to public criticisms of long sessions by adopting rules that prohibit sessions of the House or convening earlier than 8 a.m. or lasting past midnight.

### **Diversity in the House of Representatives**

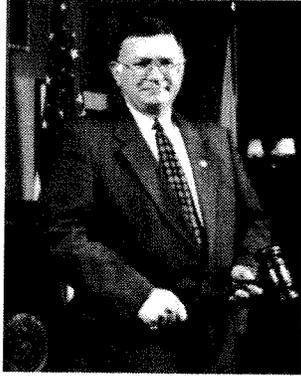
Until 1920, the Oklahoma House of Representatives was an entirely male institution. Women had been denied the vote in state elections by the Oklahoma Constitution. However, women were given the vote in 1919 when the Nineteenth Amendment to the U. S. Constitution was ratified. The first woman was elected to the House in the next general election, but the number of women remained small for the next fifty years (there were no women in the House for the entire decade of the 1930's).



*Bill Willis, Speaker, 1973-78*

While it is almost inconceivable for there not to be any women in the House as the state enters the twenty-first century, the women's caucus in the Oklahoma House of Representatives remains relatively small compared to most states. The nine women at the start of the 1999 session includes five Democrats and four Republicans. In a recent study of women in state legislatures, University of Oklahoma political scientist Cindy Simon Rosenthal concluded that the small number of women legislators in Oklahoma (only Alabama has a lower percentage) has prevented them from having a major impact on the decision making of the House of Representatives.

African-Americans and Native Americans made their debuts in the House of Representatives before women. Native Americans had a significant representation in the early years. One of the most important figures in the first five Houses was W. A. Durant, Speaker during the 1911 regular session, who was also a leader in the Choctaw nation. According to *Harlow's Weekly* that year, the House had at least eight Native American members—three Cherokees, four Choctaws, and one Creek.



*Larry E. Adair, Speaker Designee  
of the Democratic Caucus*

It is also worth noting that the first Speaker elected in the twentieth and twenty-first centuries (assuming Larry E. Adair of Stilwell, Speaker-designee of the Democratic caucus for the Forty-eighth Session, is elected Speaker as expected) will be Native Americans. William H. Murray, the first House Speaker, was a member of the Chickasaw nation by virtue of his marriage to the daughter of the niece of Chickasaw Governor Johnston. Adair, a member of the Cherokee Tribe of Oklahoma, is the product of a Native American family which settled in Oklahoma during the 1830's. Adair would become at least the fourth Native American Speaker in Oklahoma history, joining Murray, Durant and Bill Willis from Tahlequah, a member of the Kiowa Tribe, who was Speaker from 1973-8.

African-Americans also made an early appearance in the House with A. C. Hamlin's one-term in the Second Legislature (1908-10). Since reapportionment in 1965, African-Americans have held at least two seats in the House, with three seats since the 1981 reapportionment (two in Oklahoma City and one in Tulsa). African-Americans, like women, have had few of the top posts. In the 1999 session, however, each of the three had important committee chairs or a chair of a subcommittee of the Appropriations and Budget Committee and hold considerable power in the House.

### **There Oughta Be a Law**

The fourth item in the House of Representatives' daily order of business is "petitions and memorials." Today, it is rare, if ever, that there is anything on that item, but this was not always true.

At statehood, local petitions were commonly filed with the House. For example, on January 6, 1908, there were petitions from: the Anti-Horse Thief Association of Cushing asking for legislation to make the stealing of domestic fowl a crime; Ottawa County asking for increases in constable and justice of the peace fees; Cimarron County asking the Legislature to enact laws regarding the classification and sale of school lands; the town of Pomm in Muskogee County asking to be made a court town; and the Farmer's Union of Comanche regarding legislation to grade cotton and make trading in futures a felony.

### **The Era of Two-Party Competitiveness**

Ten years ago, political scientists classified Oklahoma politics as a one-party dominant system. In other words, the Democratic Party controlled state politics. However, it appears that as Oklahoma prepares to enter the twenty-first century and nears its centennial, Oklahoma politics are now characterized as a competitive two-party system based on 1995-8 elections, despite the fact that Republicans in the state Legislature (with the exception of the House of Representatives in 1921), have not been in the majority in the state's history.

On the other hand, voters have elected Republican Governors in three of the last four elections. The current Governor, Frank Keating, is also the first Republican elected to two

consecutive terms. For the only time in the state's history, all the members of the Oklahoma congressional delegation are Republicans. Republicans are also competitive in terms of winning secondary statewide elected offices.

The Oklahoma House of Representatives has been strongly impacted by the increased strength of the Republican Party. This has been the case in terms of the size of the House Republican caucus and the vigor of the minority members in pursuing their agenda and supporting Governor Keating's legislative program. Since 1995, the House Republican caucus has been sufficiently large that it alone can block the passage of emergency clauses and prevent the override of gubernatorial vetoes (none of Keating's vetoes have been overridden, despite the fact that he has vetoed far more legislation than any previous Oklahoma governor).

For House Republicans, the 1990's has been a period of rising expectations. The strong national showing of the GOP during the presidential off-election year of 1994 increased the number of Republican seats in the House by three. This gave them their largest number of seats (thirty-six) in the House since 1929, when they held forty-seven of one hundred thirteen total seats. In the most harshly fought set of House campaigns in recent memory, Republicans in 1996 talked of winning enough seats to take control of the House. Final election results showed no gain in 1996, but the minority caucus made another strong showing in the 1998 campaign by reducing the Democrat's control of the House to 61-40. Republican hopes for ultimate future control of the House now reside in the 2001 redistricting of the House and the impact of term limits in 2004 when many veteran Democratic House members will be forced to retire due to the twelve-year limit on legislative service.

### **Bill Drafting**

The bill drafting process has changed dramatically since 1907 both in terms of technology and individuals responsible for the handling of the bill-drafting process. Bill drafting in the Oklahoma Territorial Legislature had been the primary responsibility of the Attorney General's office. The practice continued into statehood. In a report to the Governor and the Oklahoma Legislature in 1929, the Attorney General said it had statutory authority "to draft, formulate and prepare. . . bills for the various members of both branches of the Legislature upon request." By 1937, the demands of providing research and legal services to the Legislature had grown to the point that it was formalized with the creation of the Legislative Reference Service in the Attorney General's office.

The legislative reference function was shifted in 1949 to the Oklahoma State Library. The enabling language for the Legislative Reference Division gave the Division responsibility for maintaining legislative reference materials, offering research to all three branches of state government and the public, and drafting of legislation. In carrying out its duties, the Legislative Reference Division was prohibited from making suggestions or recommendations to anyone regarding legislation.

In 1939, the Legislature made its first step towards developing its own bill-drafting capacity by creating the Oklahoma Legislative Council. However, the Council developed slowly.

The initial legislation authorized the Speaker to appoint fifteen House members and the Senate President Pro Tempore to appoint ten Senators to the Executive Committee of the Council. However, only \$7,500 was appropriated to the Council, so its operations did not truly impact the work of the Legislature until 1947, when the position of a full-time director of the Legislative Council was created and meaningful appropriations enabled the Council to employ staff for the various interim Legislative Council Committees.

The Legislative Council, under the capable administration of Jack Rhodes for most of the Council's history until his death in the late 1970's, would ultimately supplant the Attorney General's and Legislative Reference Division's roles in bill drafting. At first, Council staff were restricted to the formulation of bills arising from the work of the Legislative Council. However, from the beginning, the Council's staff desired to take over bill drafting for the Legislature.

In the Council's first biennial report issued in December 1948, the Council's Committee on Legislative Methods, Practices and Procedures drew heavily on the Council's research staff study of other states' bill drafting practices for the committee's recommendation to create a legislative bill drafting agency. The study also noted that Oklahoma's Attorney General reported that his office was burdened by legislative bill drafting requests and that he supported the transfer of these duties to the Legislature.

In 1965 and 1969, the Legislature clarified the role of the Legislative Council staff to include legislative research and bill drafting service on a permanent basis. The 1969 changes created separate divisions for research and legal services. By the 1970's, all bills were drafted by Legislative Council staff (with the notable exception of appropriation bills which were prepared by the State Budget Office).

Before the 1981 session, the House added its own legal and research divisions to replace the recently abolished Legislative Council. Before the 1982 session, a fiscal division was added so that all bills, including budget bills once they were introduced (and in some cases before), were prepared by the House's staff. This bill drafting arrangement has remained in place since 1982.

Over the years, the way bills were drafted has also dramatically changed. In the early years of the Legislature, there was little consistency to the drafting of bills. A survey of old bill files finds that:

amendments, corrections or changes were made directly onto the 'original' bill either written above the sentence, on the side of the page or as an additional page. Scribbled out lines and cut pages, deleting entire sections were common. . . . Bills were both handwritten and typed. The handwritten bills, though few, often included smears and fingerprints from messy fountain pens. Typewritten bills were in blue or black ink and typed on then onion-skinned paper. Carbon copies, if made, were often in blue carbon ink, blurred and overall difficult to read.

By the 1920's, the art of bill drafting had improved somewhat. The first bill drafting manual for the state was developed by the Oklahoma Legislative Council in 1948. The *Oklahoma Bill Drafting Manual* was prepared for legislators and staff, as well as those outside the Legislature who prepared drafts of legislation.

Once a bill was ready to be produced, House members took their drafts to a House typing pool, which was an office of twenty or more secretaries. The typists, who also prepared members' correspondence, typed an original and eight copies of each bill, all for introduction. Only the original was prepared on lined paper.

The introduction of computers and sophisticated word processing revolutionized the bill drafting and amendment process in the Oklahoma Legislature. At first, the technology was cumbersome and required sophisticated, trained encoders to ready bills for introduction. As late as the early 1980's, the Legislature used the Department of Human Services as the site for its on-line bill drafting. Legislative Council, and later House staff literally would use a "cut and paste" drafting process which would then be encoded by the Council's bill processing staff (later Joint Bill Processing Office).

Today, the much more user-friendly personal computers permit bill drafters to prepare drafts of legislation and to electronically transfer drafts to the House bill processing office. Staff and House members can also electronically access statutes and bills in order to more easily prepare amendments.

Computer technology also had a tremendous impact on several other critical areas of the legislative process. The engrossing and enrolling clerks of the House since statehood have been responsible for: 1) incorporating House amendments into a House measure before the engrossed measure is forwarded to the Senate, 2) organizing house amendments to a Senate measure for Senate consideration, and 3) the preparing the final version of the bill.

As early as the First Legislature, when Speaker William H. Murray voiced concerns about potential irregularities which could result in the engrossing and enrolling process, legislators were told to be on their guard against clerks adding or deleting important matters from legislation. On many important bills, the Speaker would assign a group of members to oversee the preparation and even take it to the Governor to guard against improprieties. Until 1980, legislative committees oversaw the engrossing and enrolling process by requiring that each page of the engrossed or enrolled bill in the House be signed. Stratton Taylor, the current Senate president Pro Tempore from Claremore, was the last chair of that committee in 1980.

***Legislature Criticized in Report  
for Governor E. W. Marland***

*"The output of the legislature is, normally, the final test of legislative effectiveness. Effectiveness is assuredly lacking when desirable bills, for one reason or another, are not passed; when laws conflict; when obsolete provisions remain; workable system of law. When such rests are applied, the law of Oklahoma becomes subject system to serious criticism. Legislative ineffectiveness in turn spreads waste throughout the entire administrative organization. In particular, it clogs the courts with needless litigation and thus creates unnecessary expense for individuals and the state."*

***Source:*** *Institute for Government Research of the Brookings Institute, Report on a Survey of Organization and Administration of Oklahoma (Oklahoma City, 1935)*

All this might sound excessive by today's perspective when computers allow for the easy handling of amendments, but it was not so in the context of the early years of the Legislature. Before 1929 when the engrossing of amendments became more formalized, amendments were attached loosely by paperclips or other means. The opportunity for amendments to be lost (or suspicions that they were deliberately discarded by legislative enrolling and engrossing staff) are obvious. This issue, in fact, erupted during the 1915 session in the case of a House bill proposing to raise some county officers' salaries in Muskogee. For some now inexplicable reason, a Senate-passed amendment was not enrolled when the House accepted Senate amendments. The omission so enraged the Senate that it created a special committee to investigate the matter, and the committee subpoenaed House employees in search of the responsible culprit. Tension between the two chambers reached an extreme as the House which believed its integrity was being questioned blocked the investigation by adopting a resolution prohibiting its employees to appear. *Harlow's* reported:

As they [bills] go flying about from one clerk to another with the amendments, often of the most serious import, merely attached to the bill by a slender clip, it is the easiest matter in the world for them to be lost or for anyone interested to remove one or ten or all the amendments. This permits the bill to be engrossed [or] enrolled in such form as the clerk sees fit, and then be signed and made into law.

### **Special and Local Legislation**

The authors of the Oklahoma Constitution clearly did not want the Oklahoma Legislature to be burdened, as many state legislatures have been and are, with special or local laws. Article V, Section 59 of the Constitution says, "laws of a general nature shall have a uniform operator throughout the State, and where a general law can be made applicable, no special law shall be enacted." Yet, there is a cumbersome process for passing special or local laws also set out in the Constitution involving the publishing for four consecutive weeks a nature of intent in newspapers of general circulation in the area impacted.

In fact, for approximately fifty years, the requirement, with the notable exception of the 1925 regular session when Dave Stovall of Hugo chaired the House Legal Advisory Committee and attempted to stop the practice of considering local and special legislation (called by Harlow's Weekly "the most condemned one in the history of Oklahoma legislatures"), was hardly ever observed. Stovall proved unable to stop the practice, but for that one session at least the publication requirement was met.

Chapter 65 of the 1931 Oklahoma Statutes contained a long list of special and local acts. Many of them dealt with municipal incorporations. Others are much more specific. For example, the 1917 Legislature enacted this special law:

That the town of Custer City, Oklahoma, is hereby authorized to expend the sum of \$10,000 voted for water works extension on March 4th, 1915, for the purpose of erecting and equipping an ice plant for the manufacture and sale of ice by said municipality.

Other such acts give no clue today as to what locality was to be effected, but they clearly were drawn with a narrow impact. For example, a 1913 law stated:

That all towns in this state, having a population of not less than 475, and not more than 500 according to the Federal census of 1910, or any Federal census thereafter taken, and who voted the sum of nineteen thousand dollars (\$19,000.00) for waterworks construction on July 1st, 1912, may and they are hereby authorized to expend the same for the purpose of erecting and equipping an electric plant for the convenience and benefit of said municipalities.

As a result of an Attorney General opinion, the consideration of local and special acts is no longer common. In the rare instance that such legislation is requested, the requesters are advised they need to advertise them.

### **Journal Preparation**

Until 1941, House members were paid for the preparation of the permanent House Journal following the sine die adjournment of the Legislature. The Speaker, who was frequently involved in the preparation, would authorize certain members to participate in the indexing and other aspects of the project. Those members, pursuant to the legislative resolution, would receive six dollars for each day spent on the project.

From time to time, objections would arise over the practice. Governor Cruce, angry at Speaker Maxey and the House for directing so much energy during the 1913 session in investigations of the executive branch, tried to block their payments. However, the Attorney General found them to be legal.

In 1941, Speaker Blumhagen finally ended the practice of involving House members in the preparation of the Journal. He decided it would be preferable for the House staff to be completely responsible for the Journal.

### **Printing Contracts**

In the early history of the House of Representatives, decisions regarding who would receive its printing contracts were important. On several occasions, it appeared that the recommendation that House Committee in printing to the house was made on the basis of political favoritism. This was most notable in the excitement caused when the committee in 1923 recommended that the contract be given to the Oklahoma News, a Socialist paper favored by Governor Walton and the Oklahoma Farmer-Labor Reconstruction League. The recommendation was defeated, one of the early signs that Walton and Speaker Murray F. Gibbons would be unable to control the House. Today, the issuance of the printing contract is an administrative matter and not a political one.

## Staff

The evolution of the House of Representatives has been accompanied by the expansion of its staff and the emphasis on its professionalism. In contrast to the staff who served in the House during early statehood, today's staff is nonpartisan and employed on the basis of merit rather than patronage.

The staff well into the 1920's was relatively small, ranging from under fifty for the 1907-8 session to more than one hundred in the 1920's. Among the positions filled in that first session was that of Chief Clerk, Chief Sergeant-at-Arms, House Chaplain, doorkeepers, janitors (including the first African-American in the House staff, Jim Noble), pages, private secretary to the Speaker, Chief Committee Clerk, committee clerks, official reporters, stenographers, mail carrier and clerk messenger, engrossing and assistant engrossing clerks, night watchmen, cloak room attendants, bill clerks, House Auditor, stenographer to the Speaker, record and information clerks, reading and assistant reading clerk, enrolling and assistant enrolling clerks, assistant sergeant-at-arms, House ushers, and postmaster.

Over time, the House's staff would grow primarily by expanding the number of the above positions. The first nonclerical committee staff was C. W. King, an attorney who had considerable experience in tax law from his eleven years of service in the Attorney General's office, who was hired in 1927 to advise House committees on finance matters. That experiment did not bear fruit, so legal staff assistance was obtained primarily when the House embarked on an impeachment effort.

Despite the salaries offered (six dollars per day for the first Chief Clerk), staff appointments were highly sought, and they were made on a patronage basis the first several decades after statehood. Chief Clerks rotated each biennium until the 1950's. Of course, most positions went to the majority caucus (including 1921 when Republicans were in the majority), but through at least the early 1920's the minority party was given several positions. This practice stopped at some point and was not revived until Speaker J. D. McCarty agreed to give new Minority Leader James W. Connor of Tulsa a full-time assistant starting in the 1967 session (McCarty, of course, was defeated in the 1966 elections, but Speaker Rex Privett honored the commitment).

By the late 1940's, the House staff made major progress in terms of taking on a more professional outlook. Employment practices were no longer based on political patronage, but on merit (not to be confused with the merit system created in 1959). Key positions in the Chief Clerk's office became full-time, allowing for continuity and expertise to develop. Beginning with Louise Stockton in 1949, the House has had tremendous continuity in the Chief Clerk's office. Besides Stockton (1959-75), Richard Huddleston (1975-83), and Larry Warden (1983-present, except for Irene McConathy during the second 1983 special session) have had long tenures as House Chief Clerk.

Committee staff for House committees became common in the 1950's, as research and legal staff of the Oklahoma Legislative Council gradually began providing staff assistance to legislative committees after 1947. Finally, the splitting of the Oklahoma Legislative Council before the 1981 session resulted in the creation of nonpartisan research, legal, and fiscal divisions in the House of Representatives. At first these divisions reported to the Chief Clerk (and for a brief time to the Speaker), until Speaker Barker created an Executive Director for the three divisions.

### ***Why Can't I Be a Page?***

*The Oklahoma House of Representatives' page program has greatly changed over the decades. For many years, male pages were hired for the entire session. This gave way eventually to the current system of weekly pages, but for years it was limited to boys fourteen years or older. This changed in 1973, when a resolution whose principal author was T. W. Bill Holaday from Oklahoma City removed the gender restriction to allow girls to serve as pages.*

Electronic technology has greatly shaped the staff services in the House over the past fifteen years. Computers and other electronic information systems are not only used for bill drafting and word processing, the House staff provides members and the citizens of Oklahoma with a rich variety of information systems. An expanded media function, and a new information services division, demonstrates the House's commitment to making access to information much easier.

A website on the Internet provides a wealth of information about the House and makes it easy for browsers to send electronics mail messages to House members. More importantly, for the first time outside users were given for the 1999 session access electronically to the Legislature's bill tracking system, full text of bills, and floor votes.

### **Physical and Fiscal Operations of the House of Representatives**

The Oklahoma House of Representatives until the 1960's fit the characterization of a "sometimes government" coined by study at that time of state legislatures by the Conference of State Legislatures. Meeting only for a brief period at the beginning of each biennium, the House of Representatives would nearly cease to exist after sine die adjournment. Most of the staff would leave, and committees could not meet. The major interim activity was the preparation of the permanent House Journal.

The space that the House of Representatives now occupies on the west side of the third, fourth, fifth, and sixth floors was occupied by a variety of state agencies. The Insurance Department and Labor Department operated year round in offices on the fifth floor. Other agencies would be briefly displaced during the session. During session, House members and staff were crammed into offices. Many new members were not even given offices, so they worked at their desks in the chamber and used the phones in the lounge (until they were moved into the west foyer). Typists would bring their correspondence to them on the floor.

By the 1970's, matters had improved. New state office buildings permitted agencies to locate outside the capitol building. Most members still shared offices and secretaries, but usually with one other member. However, for the 2000 session, the long-term goal of providing members with their own private offices and secretaries during the session (members share in the interim) will be achieved.

The same early pattern noted regarding the physical operations of the House of Representatives applied to its budget. At statehood, Democratic leaders of the House were sensitive to Republican claims that their control of the Legislature would be marked by free spending. The opposite was the case. *Harlow's* examined the payroll costs of the House in its first five years. The total staff payroll for the 1913 regular session was budgeted at only \$24,750 (\$263.50 per day). The practice of appointing a Committee on House Accounts and Expenses and an accountant to monitor expenditures had been the custom since the First Session.

Nevertheless, the budget of the House expanded as did the size of its session staff. In 1945, \$245,000 was appropriated to the House of Representatives for the preparation of the 1945 session permanent journal and for the members and staff salaries in the 1947 session.

Annual sessions and the two compensation increases voters approved for members increased the House's budget to \$1.3 million in 1968, part of which was to cover a shortfall at the beginning of the 1968 session. The House ran out of funds at the beginning of that session due to the Legislative Compensation Board's salary increase for legislators and could not meet its January payroll for House members and staff. Aides had to rouse an ailing Governor Bartlett on January 10 to sign the bill. This demonstrated that the House continued to operate on a session-to-session basis as it had during biennial sessions.

Of course, that is no longer the case. The House today operates year round and maintains a permanent staff (as well as a session-only staff), with a sufficient budget to handle unanticipated events, such as special sessions. The "sometimes government" of the House has long ago passed.

### **Lobbyists and the House of Representatives**

The Oklahoma House of Representatives initially inherited from the Oklahoma Constitutional Convention a cool attitude to the function of "legislative counsels" and "legislative agents" of special interests. This was quite natural given the prevailing public suspicion of railroads and "robber barons" decried by journalists voicing the concerns of the progressive and populist movements. Moreover, at the House's helm for the first session was the President of the Convention, the populist William H. Murray. Murray throughout his public career exhibited a distrust of the influence of lobbyists.

Therefore, the House rules during early statehood days contained very restrictive provisions against the practice of lobbying. The House rule on lobbyists stated that it was:

against the best interests of the people, for any person employed for a pecuniary consideration to act as legislative counsel or legislative agent for any person, corporation or association to attempt personally and directly to influence any member of the House to vote for or against any measure therein pending, otherwise than by public addresses, or by written or printed statements, arguments or briefs, delivered to each member of the House.

Lobbyists were also required to deliver copies of the written communication with the Chief Clerk before they were given to House members. Lobbyists, naturally, were prohibited from going on the floor except by invitation. Violators of these provisions could be punished for contempt of the House and be banned from appearing in the House or communicating with any House member. Violators had their names posted on a list, and further violations could result in the offender being brought before the bar of the House in open session for contempt of the dignity of the House.

Lobbyists and representatives of business interests chafed under these rules. Many felt they were put at a disadvantage to other persons seeking to influence actions of the House. It is likely that this distrust of lobbyists contributed to the anti-business reputation of the Legislature.

Over time, the House of Representatives relaxed both its rules (but not until 1951) and relationships with lobbyists, perhaps to some too much so. One of those concerned with the too easy access of lobbyists to legislators was Governor William H. Murray who made his position abundantly clear in his first speech to the Legislature in 1931. Murray's biographer, Keith L. Bryant, noted that the new Governor had always been concerned about the activities of lobbyists and thought they made "use of women, particularly those of careless and loose character." His solution to the lobbyist problem was to keep the legislators out of the hotels where they might be tempted. To Murray, the hotels were "filled with lobbyists, who used poker games, liquor and women and even money for bribery." In 1931, he asked for an appropriation to build a dormitory for legislators near the capitol. There they could work on bills, hold committee meetings, and do their work without interruption. Needless to say, the members did not appreciate the statewide media attention directed to this portion of the Murray legislative program. The Governor's comments caused great concerns at home where their wives (there were no women in the House in 1931) and constituents questioned members about their conduct. Although the dormitory idea was dropped by members during that session, a House special committee was created to look into the role of lobbyists. Little was accomplished, except that lobbyists tended to shun the House and concentrate their efforts in the Senate. This caused one of the most demonstrative rebellions against the Senate in the history of the House later that session.

The incident arose over consideration of Murray's proposal to create a corporate income tax. When it passed the House, it contained a graduated tax of 2-10% on incomes over \$10,000, with relatively few exempt industries (the most notable exemption being the oil industry). The Senate amendments lowered the upper tax rate to 5% and loaded the bill with additional exemptions. When Representative Scott Glenn of Shawnee moved to accept Senate amendments, one of the biggest tirades against the Senate in the House's history erupted. According to *Harlow's*, which usually characterizes discussions of the acts of one house of the Legislature by another, was disregarded as House members "vented their feelings, and shot their shafts of criticism at the Senate and the activities of the 'vicious lobby.'" Speaker Carlton had difficulty maintaining control, but he later commented about the Senate's amendments that "had I known, this would represent the endeavors of the Thirteenth Legislature, I never would have been a candidate for the House." Other members urged that the bill be prepared with Senate amendments in italics so that it could be used to campaign against incumbent Senators. In the end, the bill went to a conference committee where it died, as did much of Murray's 1931 tax program.

The original restrictions in House rules did not change substantially until 1951 when the provisions that were so hostile against the corrupting influence of paid lobbyists were removed. Lobbyists then were simply to make application with the Chief Clerk for a permit to lobby. The permit would be approved by the vote of a majority of the members present and voting. Lobbyists still were barred from the House floor, and violations of the lobbying provisions made the offender subject to contempt of the House and reprimand before the bar of the House. This process was altered in 1965 when Speaker McCarty grew concerned that lobbyists in some cases were intimidating members and staff. To remedy this, the rules were altered so that the Committee on Rules and Procedures took control of reviewing lobbyist applications. This gave the committee an

opportunity to look into the concerns that caused the rule change before the permit was referred to the House for its approval.

This practice was replaced in 1978 by legislation that transferred the regulation of lobbyists first to a Joint Legislative Ethics Committee (abolished in 1980), and then the State Election Board, and today the Ethics Commission. The 1978 legislation also tightened up lobbyist practices.

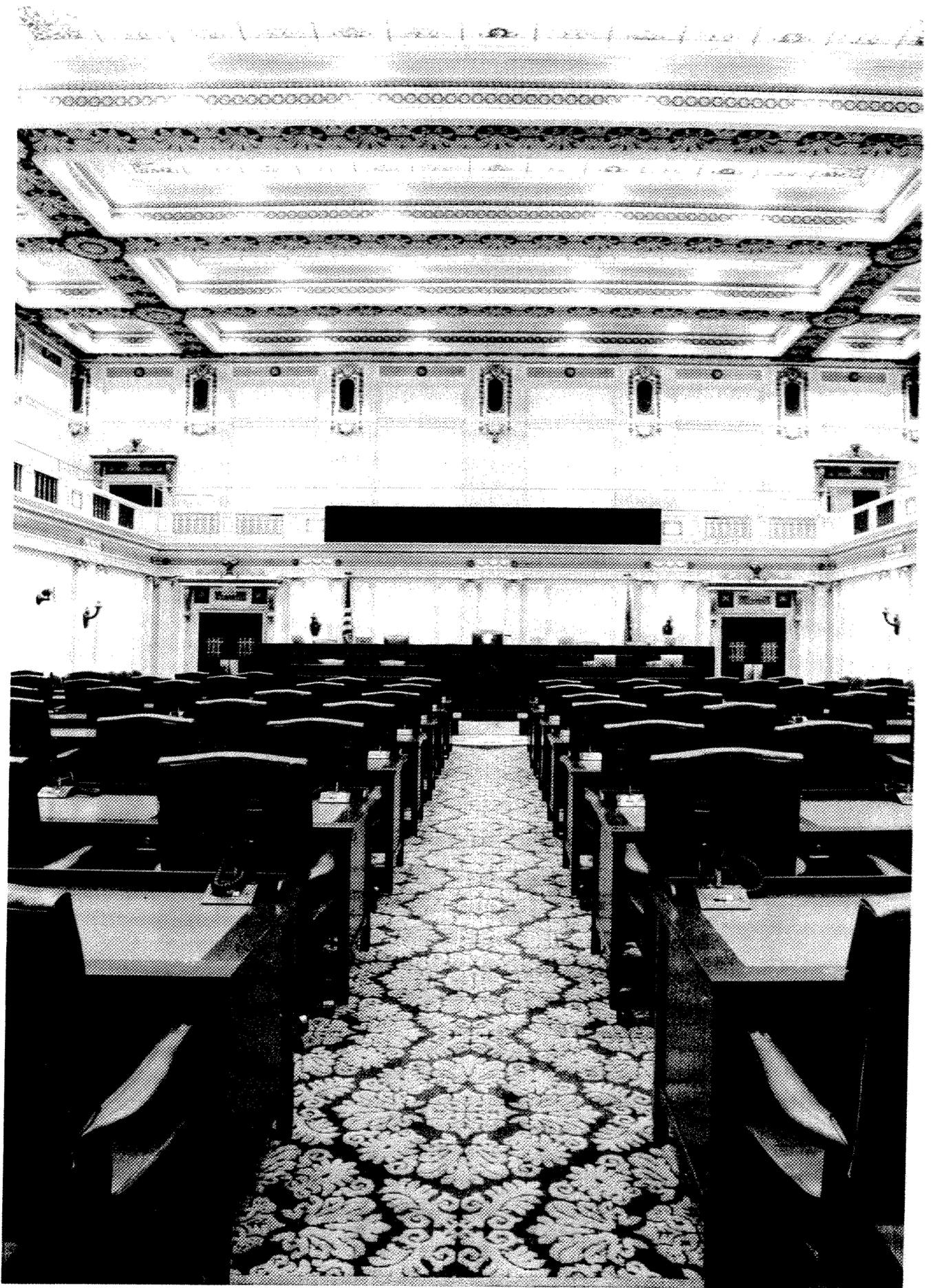
Corporate lobbyists were not the only powerful lobbying influence with which House members had to contend. Once the Legislature authorized the creation of state institutions, there an “institutional bloc” became a powerful force in the legislative process seeking funding for those institutions. Once the Legislature began funding public schools, the institutional bloc was joined with the “education bloc” that also lobbied for appropriations and legislation affecting common education. Many governors, particularly before the 1941 adoption of the balanced budget amendment, saw their budget plans undermined by the strength of these two influential forces in the Legislature.

### **Whose a Big Mouth?**

Not all that takes place at the House of Representatives is without humor. The House has its traditions, such as the Speaker’s Ball, that provide opportunities for members to enjoy the camaraderie of House members. One of the traditions since 1975 has been the awarding of the annual Carl Twidwell Mouth of the Year Award. The award started by Carl Twidwell from Midwest City (who was the 1981 recipient) was first awarded in 1975.

Those selected for this award are generally relatively junior members who have distinguished themselves by taking an active part in the activities of the House. House members who were past recipients make the award at the end of each session. Other winners are:

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|-----------------------|-----------------------|-----------------------|
| 1975 - Guy Davis      | 1984 - Kenny Harris   | 1993 - Laura Boyd     |
| 1976 - Glen Floyd     | 1985 - Dale Patrick   | 1994 - Opio Toure     |
| 1977 - Mike Lawter    | 1986 - Frank Shurden  | Fred Perry            |
| 1978 - Jerry Steward  | Ken McKenna           | 1995 - Clay Pope      |
| Cleta Deatherage      | 1987 - Vickie White   | 1996 - Chris Hastings |
| 1979 - Don McCorkell  | 1988 - Russ Roach     | Mark Seikel           |
| 1980 - Helen Arnold   | 1989 - Danny Williams | 1997 - Ron Kirby      |
| 1982 - Frank Harbin   | 1990 - Kevin Easley   | 1998 - Ray McCarter   |
| Walter Hill           | 1991 - Ernest Istook  | 1999 - Phil Ostrander |
| 1983 - Bill Lancaster | 1992 - Don Weese      |                       |



Restored Oklahoma House of Representatives' Chamber, January 1, 2000



Front Entrance to House Of Representatives Chamber, March, 2000. Top is "We Belong To The Land" mural by Jeff Dodd added in 1999.