

RULE 8 - ORDER OF BUSINESS AND LEGISLATIVE BUSINESS

8.8 - 1. ADOPTION OF FLOOR SUBSTITUTE PRECLUDES FURTHER AMENDMENT OF A BILL

History - Representative Toure raised a point of order stating that suspension of House Rule 8.7 allowed amendment from the floor when the measure had not been advanced from General Order to Third Reading and that a motion to reconsider is not required.

The Presiding Officer ruled the point not well taken and the motion to suspend House Rule 8.7 and the motion to reconsider adoption of the floor substitute, out of order.

H. Jour., 721, 50th Leg., 2nd Reg. Sess. (2006).

Ruling - It shall be the decision of the Chair that adoption of a floor substitute, a comprehensive amendment, shall upon adoption, preclude further amending of the bill under consideration.

Reasoning - The House adopted a floor substitute amending House Bill 2842. Subsequent to the adoption of the floor substitute, a House member attempted to lodge a motion to suspend House rules to further amend House Bill 2842. This attempt resulted in guidance from the Chair that such an amendment was out of order but that a motion to reconsider passage of the floor substitute was in order and upon passage of such a motion, a suspension of House rules for further amendment would be in order at that time. The motion to reconsider passage of the floor substitute was made and failed rendering further attempts to amend House Bill 2842 out of order.

After the failed motion to reconsider, a second attempt to suspend House rules for

the purpose of offering further amendments to House Bill 2842 followed and was again ruled out of order by the Chair. Subsequent to this second attempt, a point of order was raised appealing the ruling of the Chair on the questions of repetitive amendment of the same language in bill or amendment as well as the renewal of a motion to reconsider.

Generally, once language in a bill or main floor amendment has been amended, that same language may not undergo further amendment unless the body assents to a motion to reconsider effectively rescinding the vote by which the amendment was adopted. In other words, the vote by which the amendment was passed is effectively erased, thus allowing a Member to propose further amendments aimed at changing language previously amended in a bill or main floor amendment. In this situation, due to the fact that the amendment was a comprehensive floor substitute, the House effectively amended every aspect of House Bill 2842 rendering it not susceptible to further amendment except upon reconsideration of the adoption of the floor substitute. Once the motion to reconsider failed of adoption, further amendment of the floor substitute or effectively the bill, was not in order.

While House Rule 8.8(d) allows multiple amendments to a section of a bill, House rules do not specifically address the issue of amending the same language over and over. As a result, such a question fell to the Presiding Officer who, as required in Rule 14.2, determined that such a practice should not be permitted. Besides being proper under House rules, the Chair's ruling clearly is supported by general American parliamentary law. For example, *Mason's Manual* states, "an amendment, once adopted, may not be further amended..."¹ Earlier parliamentary authorities such as

¹ MASON'S MANUAL OF LEGISLATIVE PROCEDURE 272 § 398(1) (National Conference of State Legislatures 2000).

*Cushing's Legislative Assemblies*² and *Reed's Parliamentary Rules*³ also articulate this same principle.

In addition to being well grounded in general parliamentary procedure, such a ruling rests squarely on principles that provide the tangible underpinnings of an orderly legislative process. First, when presiding, the Presiding Officer is charged with “enforcing, applying and interpreting”⁴ the rules of the House. Secondly, the Presiding Officer must “maintain order and decorum”⁵ during the daily sessions. Finally, the Speaker must rule on parliamentary questions not provided for in the House rules.⁶ If parliamentary law is to be given any credence and if order is the “seminal principle,”⁷ then the Speaker was correct in ruling that once an amendment is adopted, it cannot undergo further amending unless revisited via a successful motion to reconsider.

² CUSHING, LUTHER STEARNS, *ELEMENTS OF THE LAW AND PRACTICE OF LEGISLATIVE ASSEMBLIES OF THE UNITED STATES OF AMERICA* 518 § 1307 (Little, Brown and Co. 1856).

³ REED, THOMAS B., *A MANUAL OF GENERAL PARLIAMENTARY LAW* 106, 107 § 147 (Rand, McNally & Co., 1898).

⁴ *Okla. H. Rules*, § 9.1 (50th Leg.).

⁵ *Okla. H. Rules*, § 9.2 (50th Leg.).

⁶ *Okla. H. Rules*, § 14.2 (50th Leg.).

⁷ *Prec. H. of Rep.*, §6.8(1.), 50th Leg., 1st Reg. Sess., (March 17, 2005)