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RULE 7 - COMMITTEES

7.11 - 1. (2007) MEASURES WITH NO FISCAL IMPACT

Rule – Section 7.11, subsection (a) of the House Rules states in part, “all bills and resolutions whose adoption will have a fiscal impact, including the affecting of revenues, expenditures or fiscal liability shall not be scheduled for floor consideration unless accompanied by a fiscal analysis.”

History – During floor consideration of Senate Bill 633, Representative Morrissette raised a point of inquiry regarding whether or not the bill under consideration was required to be accompanied by a “fiscal impact statement.” The Presiding Officer ruled that if no fiscal impact was identified by the House fiscal staff and the measure’s author represented to the House that there was not a fiscal impact associated with the measure, the Chair would rely upon the author’s representation.

H. Jour., 1146, 51st Leg., 1st Reg. Sess. (April 9, 2007); Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:11, 2:16-4:32 (April 9, 2007).

Ruling – It shall be the decision of the Chair that Section 7.11, subsection (a) of the House Rules shall be interpreted to mean that if no fiscal impact is identified by the House fiscal staff and the measure’s author represents to the House that there is not a fiscal impact associated with the measure, the Chair will rely upon the author’s representation.

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RULE 8 - ORDER OF BUSINESS AND LEGISLATIVE PROCESS

8.6 - 1. (2007) RECOMMENDATION OF RULES COMMITTEE AND MOTION TO STRIKE TITLE

Rule – Section 8.6, subsection (f) of the House Rules states in part, “...amendments to strike the Title or the Enacting or Resolving Clause of a bill or joint resolution shall be in order only when offered by the principal author of such bill or resolution and upon receiving prior approval from the House Rules Committee....”

History – During consideration of House Bill 1507, Representative Bill Nations, in his capacity as Vice Chair of the Rules Committee, reported to the full House that the Rules Committee recommended that the title be stricken from House Bill 1507. After announcing the recommendation of the Rules Committee, Representative Nations moved to amend the bill by striking the title.

While the author of the bill, Representative Dennis Adkins, did not personally offer the motion to “strike title,” he did not object to Representative Nations offering the motion on his behalf in conjunction with Representative Nations’ announcement of the recommendation of the Rules Committee.

Again, during consideration of House Bill 2108, Representative Bill Nations, in his capacity as Vice Chair of the Rules Committee, reported to the full House that the Rules Committee recommended that the title be stricken from House Bill 2108. After announcing the recommendation of the Rules Committee, Representative

Nations moved to amend the bill by striking the title.

While the author of the bill, Speaker Lance Cargill, did not personally offer the motion to “strike title,” he did not object to Representative Nations offering the motion on his behalf in conjunction with Representative Nations’ announcement of the recommendation of the Rules Committee.

H. Jour., 877, 897 51st Leg., 1st Reg. Sess. (March 14, 2007); Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:04, 6:04-7:19; Track 10:41, 1:11-1:27 (March 14, 2007).

Precedent – It is the precedent of the Oklahoma House of Representatives under the terms of Section 8.6, subsection (f) of the House Rules, that it is permissible for the Vice Chair of the Rules Committee to announce the recommendation of the Rules Committee with regard to allowing an amendment to strike the title from a measure and for the Vice Chair to then offer the actual motion, on behalf of the measure’s author, to strike the title.

8.7 - 1. (2007) ORDER OF PRESENTATION OF FLOOR AMENDMENTS

Rule – Section 8.7, subsection (a) of the House Rules states, “the House shall not consider more than one amendment at a time and amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption.”

History – During consideration of Senate Bill 507, Representative Morrissette raised a point of order questioning the order by which proposed floor amendments came before the House for consideration. The Presiding Officer ruled that pursuant to Section 8.7, subsection (a) of the House

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Rules, the Chair has the prerogative and authority to determine the order of consideration of floor amendments.

Additionally, the Presiding Officer ruled that there is no requirement within Rule 8.7 that the Chair announce a reason for the order of presentation that he chooses to follow when recognizing authors for presentation of their proposed floor amendments during floor sessions.

H. Jour., 1223, 51st Leg., 1st Reg. Sess. (April 17, 2007); Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:22, 21:26-27:20 (April 17, 2007).

Ruling – It shall be the decision of the Chair that Section 8.7, subsection (a) of the House Rules shall be interpreted to mean that the Chair has the prerogative and authority to determine the order of consideration of floor amendments and that the Chair is not required to announce a reason for the order of presentation that he chooses to follow when recognizing the authors for presentation.

8.11 - 1. (2007) GERMANENESS OF COMMITTEE AMENDMENTS

Rule – Section 8.11, subsection (a) of the House Rules states in part, “the House shall not consider any proposed amendment not germane to the subject of the original bill or resolution...”

History – Upon beginning consideration of Senate Bill 507, a point of order was raised by Representative Morrissette requesting a ruling of the Chair as to whether a committee substitute adopted in committee for Senate Bill 507 met the requirements of the germaneness rule named in Section 8.11 of the House Rules.

The Presiding Officer ruled that while a bill is in committee, it is the committee

chair that rules on the germaneness of a committee substitute or other amendments offered in committee. Once the bill comes to the House floor for consideration, the bill is considered germane and any subsequent questions regarding the germaneness of floor amendments are decided by the Presiding Officer.

Subsequent to the Presiding Officer’s ruling, Representative Morrissette appealed the ruling of the Presiding Officer. Upon consideration by the House, the decision of the Presiding Officer was upheld by the House.

H. Jour., 1219, 51st Leg., 1st Reg. Sess. (March 17, 2007); Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:22, 00:10-01:22 (March 17, 2007).

Ruling – It shall be the ruling of the Chair that Section 8.11 of the House Rules shall be interpreted to mean that while a bill is under consideration in committee, it is the committee chairperson that rules upon the germaneness of amendments offered in that committee and that upon presentation of the bill to the full House, the bill, as reported from committee, is considered germane.

8.11 - 2. (2007) GERMANENESS OF MOTION TO REJECT SENATE AMENDMENTS

Rule – Section 8.11, subsection (a) of the House Rules states, “the House shall not consider any proposed amendment not germane to the subject of the original bill or resolution...it shall be the duty of the Presiding Officer to enforce this Rule, regardless of whether or not a point of order is raised by a Member.

History – Representative Scott Martin, upon obtaining recognition by the Presiding Officer, offered a motion to reject Senate amendments to House Bill 1819. Prior to

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the Presiding Officer putting the Martin motion to a vote, Representative Wright requested that the Chair rule on the germaneness of the Senate amendments named in the motion to reject.

The Presiding Officer ruled that the question of germaneness was not relevant to consideration of a motion to reject Senate amendments to a House bill. Additionally, the Presiding Officer informed Representative Wright that only upon the presentation of a motion to adopt Senate amendments to a House bill, would the question of germaneness become relevant.

H. Jour., 1450, 51st Leg., 1st Reg. Sess. (May 2, 2007); Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:29, 2:32-4:13 (May 2, 2007).

Ruling – It shall be the decision of the Chair that Section 8.11, subsection (a) of the House Rules shall be interpreted to mean that the question of germaneness is not relevant to consideration of a motion to reject Senate amendments to a House bill and that only upon the presentation of a motion to adopt Senate amendments to a House bill, would the question of germaneness become relevant.

8.12 - 1. (2007) IMPROPER FLOOR AMENDMENTS

Rule – Section 8.12 of the House Rules states in part, “an amendment is out of order if it is the principal substance of a bill...that...has not been reported favorably by the committee of reference in either session of the current Legislature and may not be offered to a bill...on the Floor Calendar and under consideration by the House.”

History – During consideration of House Bill 1765, Representative Reynolds

offered a timely filed main floor amendment. A point of order was raised by Representative Worthen regarding whether or not the Reynolds amendment was out of order under the terms of Section 8.12 of the House Rules.

The Presiding Officer ruled that the Worthen point of order was ‘well taken’ and that under the provisions of Section 8.12 of the House Rules, a floor amendment is out of order if the principal substance of the bill that has received an unfavorable committee report, has been withdrawn by the author or has not been reported favorably from the committee of reference.

After reviewing the bills authored by Representative Reynolds still residing in the standing committees of the House, the Presiding Officer ruled that in the case of the Reynolds amendment, the amendment contained identical language to House Bill 1013 which had not been favorably reported from the Rules Committee. As such, the Reynolds amendment could not be entertained by the House and was out of order.

Subsequent to the Presiding Officer’s ruling, Representative Reynolds indicated a desire to appeal the ruling of the Presiding Officer. Upon consideration by the full House, the decision of the Presiding Officer was upheld by the House.

H. Jour., 812, 51st Leg., 1st Reg. Sess. (March 12, 2007); Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 11:30, 22:57-33:11 (March 12, 2007).

Ruling – It shall be the decision of the Chair that Section 8.12 of the House Rules shall be interpreted to mean that bills not reported out of a House committee cannot be introduced as floor amendments to another bill during either session of the current Legislature.

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8.17 - 1. (2007) RECOGNITION FOR DEBATE AFTER THIRD READING

Rule – Section 8.17 of the House Rules states in part, “...before the vote is ordered, such question shall be subject to debate. Debate shall be limited to one (1) hour, equally divided between the proponents and opponents of the question...”

History – After Third Reading and preceding final passage of House Bill 1432, Representative Reynolds requested recognition to debate in favor of final passage of the bill. No member requested recognition to present debate in opposition to final passage of House Bill 1432.

The Presiding Officer ruled that in the absence of a request to debate in opposition to final passage of House Bill 1432, debate offered only in favor of final passage was waived. Representative Reynolds raised a point of order regarding the Presiding Officer ruling.

Upon the Presiding Officer ruling Representative Reynolds’ ‘point not well taken,’ Representative Reynolds indicated a desire to appeal the ruling of the Presiding Officer but did not obtain the required seconding of fifteen other House members. The Presiding Officer declared that an appeal was not in order due to the lack of fifteen additional members to second the appeal of the ruling lodged by Representative Reynolds.

H. Jour., 585, 51st Leg., 1st Reg. Sess. (Feb. 27, 2007); *Daily H. Sess. Dig. Rec.*, 51st Leg., 1st Reg. Sess. Track 10:09, 3:22-4:30 (Feb. 27, 2007).

Ruling – It shall be the decision of the Chair that Section 8.17 of the House Rules shall be interpreted to mean that in the absence of House members requesting

recognition to debate in opposition to final passage of a bill, any debate offered only in favor of final passage is waived.

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RULE 9 - CHAMBER PROTOCOL

9.6 - 1. (2007) CORRECTION OF VOTE MISTAKENLY CAST ON BEHALF OF MEMBER

Rule – Section 9.6, subsection (e) of the House Rules states, “The Presiding Officer shall then lock the machine and instruct the Clerk to record the vote. The Clerk shall immediately activate the recording equipment and when the vote is completely recorded, shall advise the Presiding Officer of the result, and the Presiding Officer shall announce the result to the House. No vote may be changed after it has been recorded.”

History – On March 8, 2007, House Bill 2019 upon final passage failed adoption. At that time Representative Shelton lodged a motion to reconsider the vote whereby House Bill 2019 failed. On March 13, 2007, Representative Shelton moved to reconsider the final vote on House Bill 2019. The motion to reconsider prevailed. As such, House Bill 2019 underwent a second vote on final passage.

During the second vote on final passage, a member who was excused was mistakenly recorded as casting an ‘Aye’ vote. After realizing that an excused member had been mistakenly recorded as casting a vote, the House did not change the vote after the vote was closed and recorded.

Instead, the House voted to suspend Section 9.10, subsection (a) of the House Rules. Section 9.10, subsection (a) permits only one motion to reconsider the final vote on a bill. Once House Rules were suspended for the purpose of allowing a second motion to reconsider, Representative Shelton offered a second

motion to reconsider the final vote on House Bill 2019 which was adopted. On final passage, House Bill 2019 was passed without the excused member’s vote.

H. Jour., 766, 861-864, 867-869, 51st Leg., 1st Reg. Sess. (March 8, 2007; March 13, 2007); *Daily H. Sess. Dig. Rec.*, 51st Leg., 1st Reg. Sess. Track 10:49; Track 10:50 (March 13, 2007).

9.10 - 1. (2007) - ELECTRONIC AVAILABILITY UPON MOTION TO RECONSIDER

Rule – Section 9.10, subsections (a) through (f) of the House Rules provide the guidelines governing the motion to reconsider the final vote on bills, emergencies and resolutions.

History – Subsequent to a motion to reconsider the vote whereby House Bill 2019 failed adoption, Representative Sullivan raised a point of order regarding whether or not reconsideration of House Bill 2019 was in order under House Rules due to the fact that the bill under reconsideration was not electronically available on the House Floor Calendar.

The Presiding Officer ruled the Sullivan point of order ‘not well taken’ on the basis that the bill under reconsideration was available to the members of the House on the Legislature’s electronic bill tracking system, *BTOline*. As such, the members had access to the bill even if the bill no longer was available on the House Floor Calendar.

Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:44, 9:12-11:43 (March 13, 2007).

Ruling – It shall be the decision of the Chair that Section 9.10 of the House Rules shall be interpreted to mean that a bill may

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be taken up on the House floor for reconsideration whether or not it is available on the House Floor Calendar if it is available from some other source such as *BTOline*.

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RULE 10 - MOTIONS

10 - 1. (2007) REJECTION OF MULTIPLE SENATE AMENDMENTS

Rule – Rule 10 of the House Rules is the main House rule governing the use of motions by the House of Representatives during the legislative session.

History – Upon obtaining recognition by the Presiding Officer, Representative Chris Benge offered a motion to reject Senate amendments to multiple House bills titled as appropriation measures. In the course of offering the motion, Representative Benge informed the House that the appropriation bills relevant to his motion had been published on a physical list and had been previously distributed to each member of the House.

Upon the offering of the Benge motion, Representative John Wright raised a question of the Chair as to whether or not this was a proper motion for the House to consider. The Presiding Officer informed Representative Wright that the Benge motion was an appropriate motion due to the fact that it has been the historic practice of the House to reject Senate amendments to House appropriations bills as a group.

H. Jour., 1349-1350, 51st Leg., 1st Reg. Sess. (April 23, 2007); Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:63, 1:19-4:06 (April 23, 2007).

Ruling – It shall be the decision of the Chair that Rule 10 of the House Rules shall be interpreted to mean that a motion that purports to reject Senate amendments to multiple House appropriations measures shall be considered a proper motion.

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RULE 14 - PARLIAMENTARY AUTHORITIES

14.2 - 1. (2007) CONSTITUTIONAL RULINGS

Rule – Section 14.2 of the House Rules states in part, “any parliamentary questions not provided for by the Oklahoma Constitution or these Rules shall be governed by the ruling of the Speaker...”

History – In the course of considering House Bill 1360 on General Order, Representative Lamons requested that the Presiding Officer rule on the constitutionality of House Bill 1360. The Presiding Officer stated that the Chair would not rule on the constitutionality of a bill under consideration by the House.

H. Jour., 682, 51st Leg., 1st Reg. Sess. (March 6, 2007); *Daily H. Sess. Dig. Rec.*, 51st Leg., 1st Reg. Sess. Track 10:08, 0:38-2:07 (March 6, 2007).

Ruling – It shall be the decision of the Chair as allowed under the provisions of Section 14.2 of the House Rules that the Presiding Officer will not rule on the constitutionality of a bill under consideration by the House of Representatives.