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# PRECEDENTS

OF THE

## Oklahoma House of Representatives

HOUSE PRECEDENTS OF THE FIFTY-FIRST  
OKLAHOMA LEGISLATURE, INCLUDING  
ANNOTATED HOUSE RULES

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Oklahoma City, OK 73105

January 22, 2009

The Honorable Joel G. Kintsel  
Clerk of the House  
Oklahoma House of Representatives  
Room 109  
State Capitol Building

Dear Mr. Kintsel:

Pursuant to House Rule 3.3 and House Rule 14.2, I am directing you to compile and publish for the 51<sup>st</sup> Oklahoma Legislature the following House precedents:

6.8 - 2.(2008) *Veto By Governor Not Final Action*; 7.4 - 1.(2008) *Cognizance Of Committee Procedures By Presiding Officer*; 7.11 - 2.(2007) *Measures With No Fiscal Impact*; 7.11 - 3.(2008) *Availability Of Fiscal Analysis In Second Session Of Legislature*; 8.6 - 1.(2007) *Recommendation Of Rules Committee And Motion To Strike Title*; 8.6 - 2.(2008) *Title Of Floor Substitute Stricken*; 8.6 - 3.(2008) *Title Stricken Prior To Floor Consideration*; 8.6 - 4.(2008) *Amendment Lacking Substantive Change Out Of Order*; 8.7 - 2.(2007) *Order Of Presentation Of Floor Amendments*; 8.10 - 1.(2008) *Availability Of Fiscal Analysis For Floor Amendment*; 8.11 - 1.(2007) *Germaneness Of Committee Amendments*; 8.11 - 2.(2007) *Germaneness Of Motion To Reject Senate Amendments*; 8.11 - 3.(2008) *Germaneness Of Floor Amendment Offered To Proposed Constitutional Amendment*; 8.11 - 4.(2008) *Germaneness Of Legislation Itself*; 8.12 - 1.(2007) *Improper Floor Amendments*; 8.17 - 1.(2007) *Recognition For Debate After Third Reading*; 9.6 - 2.(2007) *Correction Of Vote Mistakenly Cast On Behalf Of Member*; 9.6 - 3.(2008) *Division Of The Question*; 9.10 - 1.(2007) *Electronic Availability Upon Motion to Reconsider*; 9.10 - 2.(2008) *Consideration Of Other Business Prior To Reconsideration Notice*; 10 - 1.(2007) *Rejection of Multiple Senate Amendments*; 14.2 - 1.(2007) *Constitutional Rulings*

Upon receipt of the printed volumes, please distribute one copy to each member of the House of Representatives and to the Oklahoma Department of Libraries as required by law.

Sincerely,

Chris Bengé  
Speaker

# Preface

Throughout the history of the Oklahoma House of Representatives, the Presiding Officers simply relied upon “institutional memory” when making rulings on questions of parliamentary procedure arising from a point of order or a parliamentary inquiry. Specifically, it was the unwritten customs and precedents of the House that the Presiding Officer looked to for guidance. As time passed, the number of “rulings” to be recalled increased significantly, making it difficult for the Presiding Officer to successfully remember and accurately apply the “precedents” of the Oklahoma House of Representatives.

As a result, Representative Fred Morgan of Oklahoma City offered a motion in the course of the Forty-Eighth Oklahoma Legislature which, as adopted, required the Chief Clerk to record all rulings of the Chair based on “House precedent.” For the first time, the Oklahoma House of Representatives began to formally note the parliamentary rulings made on such a basis. During the Forty-Ninth Oklahoma Legislature, the Chief Clerk’s office compiled a collection of “points of order” and “rulings by the Chair.” The procedural rules adopted by the House at the beginning of the Fiftieth Oklahoma Legislature explicitly called for a “book of precedents” providing that “the Speaker may publish...substantive rulings in a volume of precedents.”

To understand why precedent is important to the Oklahoma House of Representatives, one must look to the historical origins of the British Parliament and the common law system developed in Great Britain and later imported by British colonists to the American colonies prior to the American Revolution. After only a cursory examination, two historic realities become apparent. First, the common law system is a system based upon precedent. Second, parliamentary procedure as employed by the U.S. Congress and the state legislatures is also based largely upon precedent. In fact, parliamentary procedure itself is the product of a very special branch of the common law developed in the English Parliament centuries before the American Revolution.

So, what exactly is “common law” and why does precedent matter? Most historians agree that the idea of a “common law” has its origins in Anglo-Saxon history. In this context, the pre-Conquest definition of “common law” could be stated as the unwritten, local customs observed by different communities throughout England rather than law that was “common” to the whole realm of England.

Not long after the Norman Conquest in 1066 A.D., the king’s caseload increased such that he had to appoint itinerant judges to travel about the countryside to hold court. Due to the fact that there was not a well-developed body of statutory law covering routine matters of law and procedure, judges throughout England had to resolve legal questions in an ad hoc fashion and without meaningful statutory guidance.

In making such decisions, early jurists tended to follow precedents established in similar previous cases, giving rise to the principle of “stare decisis” meaning “stand by decisions and do not move that which is quiet.” Over time, judges compiled their decisions into a body of written judgments or “common law” which was more national in scope. Like the royal administrators preceding them, these early judges followed precedent for reasons of efficiency and to avoid deciding each case de novo (or anew) each time a similar dispute arose. Besides facilitating efficient disposition of individual cases, decisions based upon precedent provided order and stability within the English legal system which, in turn, promoted greater stability within English society.

As the common law system developed throughout England, elemental aspects of modern representative democracy began to slowly move together. In the year 1215 A.D., King John accepted the Magna Carta, or Great Charter, which among other things, required the king to “obtain general consent of the realm” before he assessed an “aid” meaning that the king could not tax the nobility without their consent.

After 1215 A.D., English kings began to summon the nobility for “parley.” At these “parleys” the king would attempt to convince the nobility of his need for financial support, and in turn the assembled nobles had a forum in which to air their individual and collective grievances against the crown. In theory, each participant could “parle ment” or “speak his mind.” Besides considering matters of taxation, these assemblies also served as a judicial body assisting the king in questions of particular gravity or difficulty.

Over the centuries, Parliament as we have come to know it, evolved from these gatherings of nobles called together by the king. The House of Lords developed first. Later, in the fourteenth century the House of Commons, the direct ancestor of the U.S. House of Representatives and ultimately the Oklahoma House of Representatives, began to appear as well. It was during this time frame and in this atmosphere that parliamentary procedure, a unique yet still precedent-based branch of the common law, began to appear.

Like in any judicial or deliberative body, Parliament needed an orderly process by which to conduct business. Parliament’s origins as a court of law strongly suggest that early “parliamentary procedure” was merely modified judicial procedure and, as such, naturally depended upon precedent. As Parliament evolved into a predominantly legislative body, continued reliance upon precedent supplied the same order, efficiency and predictability enjoyed in the contemporary common law courts of England.

As centuries passed, the customs followed in Parliament, although not necessarily written down in the beginning, began to be thought of as a set of firm rules or “parliamentary law.” As circumstances and needs changed, Parliament set new precedents which, as followed over time, established new customs and procedures. These procedures were brought to the New World thus providing the rich procedural tradition known within the British colonies in America and passed down to each American legislative body in existence today, including the Oklahoma House of Representatives. It is this dynamic process of establishing new precedents and customs that propels the ongoing development of legislative procedure.

In the Oklahoma House, a precedent may arise in at least one of three ways: (1) the rulings or decisions of the Speaker arising from a point of order or a point of inquiry; (2) the decisions or conclusions made by the House itself on a question; and (3) precedents *sub silentio*. Sub silentio is defined in *Black's Law Dictionary, 6<sup>th</sup> Edition* as “under silence” or “without notice being taken.” Precedents of this type could arise in the case of some practice or procedure being followed by the House as a matter of course and without objection. From the point of view of the members and the public, the most visible precedents are those which result from an interpretation of the House rules by the presiding officer arising from a point of order.

The format for the heading of each precedent is as follows: House precedents begin with a heading that indicates which House Rule the precedent is interpreting; the heading will include a number which shows how many precedents have been issued by the Speaker pertaining to that specific House Rule; if needed, the heading will also include a letter indicating whether the precedent is interpreting another earlier precedent published by the House; and finally, the heading will include a descriptive phrase indicating the subject matter of the precedent.

The body of the precedent will consist of the following: the first paragraph will contain either the full House rule or a sufficient portion of the House rule to allow the reader to easily ascertain what language in the rule is being interpreted; following the “rule” paragraph, the next paragraph will contain the history of the ruling; following the “history” paragraph, the next paragraph will provide the actual ruling or precedent; and finally, if appropriate, the reasoning behind the ruling will be provided with sufficient detail to guide a future presiding officer faced with the same or similar circumstances. If available, a House precedent will include a citation to the House Journal for the day the precedent was established as well as a citation to the digital recordings created by the House on a daily basis.

By having a written “book of precedents,” the Oklahoma House of Representatives continues to define its own traditions and customs, thus establishing a more open and transparent legislative process for the people of Oklahoma.

## Acknowledgements

I would like to gratefully acknowledge those persons at the Oklahoma House of Representatives who assisted me in the preparation of this volume. I would like to first express appreciation to Assistant Chief Clerk/Journal Clerk and Assistant Parliamentarian Susan Hill who assisted with the House precedents arising during the 50th Oklahoma Legislature and the 1st Regular Session of the 51st Oklahoma Legislature. Prior to the beginning of the 2nd Regular Session of the 51st Oklahoma Legislature, Jan Harrison became the Assistant Chief Clerk/Journal Clerk and Assistant Parliamentarian. When the need arose, Ms. Harrison willingly agreed to serve, in addition to her normal duties, as the Acting Chief Clerk for the 2nd Session of the 51st Oklahoma Legislature. During this time, Assistant Chief Counsel, Mark Harter, assisted Ms. Harrison by attending the floor sessions and serving as Acting Parliamentarian. I would like to express my deepest gratitude to Mr. Harter and to Ms. Harrison for the diligent execution of their duties as Parliamentarian and Assistant Parliamentarian. Because of their efforts, the House enjoyed excellent counsel and guidance on all parliamentary questions arising throughout the course of Session. Many of the precedents published in this volume reflect their hard work and expertise. With regard to the countless details attendant to preparation for publishing, I would like to thank Sherri Tate in House Information Services and Support Staff Supervisor, Nancy Lutes, for their assistance in formatting the camera-ready product; Bill Status Clerk, Emily Giles; and Engrossing and Enrolling Clerk, Renee Decker, for their efforts in proofing the text for errors. Finally, I would like to thank my Executive Assistant, Collette Houchen, for her dedication in proofing the precedents, annotated rules and index. Without her direct assistance and encouragement, publication of this volume would not have been possible.

Joel G. Kintsel, Parliamentarian  
Oklahoma City, Oklahoma

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\* Interpreted Rule 7.12, 50th Leg., this rule was renumbered as Rule 7.11 in House Rules adopted for 51st Leg.

\*\* Interpreted Rule 7.16, 50th Leg., this rule was renumbered as Rule 7.15 in House Rules adopted for 51st Leg.

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## RULE 6 - BILLS AND RESOLUTIONS

### 6.7 - 1. FORM OF AMENDMENTS

**Rule** – House Rule 6.7, paragraph (c) states in part that, “A motion to adopt a simple or concurrent resolution shall be subject to amendment and debate. A motion to amend shall be in order immediately.”

**History** - Representative Kiesel moved to amend House Resolution 1025 by inserting the language of HR 1015, which motion was ruled out of order because the amendment was not presented in written form.

The Presiding Officer ruled that it is necessary to have an amendment before the Clerk prepared [in order] to amend a resolution.

*Okla. H. Jour.*, 1244, 50th Leg., 1st Reg. Sess. (2005); *Daily H. Sess. Dig. Rec.*, 50th Leg., 1st Reg. Sess. Track 10:25, 7:35-9:50 (April 14, 2005).

**Ruling** - It shall be the decision of the Chair that House Rule 6.7(c) shall be interpreted to mean that all proposed amendments to simple resolutions, noting the page and the line, shall be submitted to the Clerk on a separate piece of paper before being taken up for consideration by the House.

**Reasoning** - House Rule 8.6(b) states that, “The body of a bill or joint resolution shall not be defaced or interlined, but all proposed amendments, noting the page and line, shall be submitted on a separate piece of paper to the House staff for preparation and shall be filed with the Office of the Chief Clerk.” While this rule is not binding authority because it pertains only to bills and joint resolutions on General Order, it should be viewed as strong persuasive authority. If it is desirable to require that

amendments to bills and joint resolutions be presented in written form, it is logical and reasonable to impose the same requirement on proposed amendments to simple resolutions.

Also, House Rule 10.3 lends support in that it allows the Presiding Officer to require proposed motions be submitted in writing. If it is reasonable for the Presiding Officer to require that motions be presented in written form, it is not unreasonable for the Presiding Officer to interpret House Rule 6.7(c) to impose the same requirement on amendments proposed to simple resolutions. However, more important than the persuasive authority provided in House Rules 8.6(b) and 10.3, the custom of the House is to require that amendments be submitted to the clerk in written form.

Under other parliamentary authorities, there clearly exists support for the requirement that amendments be submitted in writing. Specifically, in Rule XVI, *Motions and Amendments*, Paragraph 1, the United States House of Representatives requires that all motions be submitted in writing upon the demand of a Member, Delegate or Resident Commissioner.<sup>1</sup> The precedents of the U.S. House explicitly hold that amendments should be submitted in writing.<sup>2</sup> Furthermore, *Mason’s Manual of Legislative Procedure* states that amendments to bills and resolutions must be submitted in writing.<sup>3</sup>

In addition to such other persuasive authorities as may be marshaled both from within House Rules and without from other sources, a healthy dose of common sense must also be applied. Specifically, in order for Members to have some idea of what an amendment may contain, it is clearly

<sup>1</sup> U.S. House Rule XVI, Par. 1 (109th Cong.).

<sup>2</sup> 8 Cannon Sec. 2826; Deschler Ch 27 § 1.2

<sup>3</sup> MASON’S MANUAL OF LEGISLATIVE PROCEDURE 273 § 400(3) (National Conference of State Legislatures 2000).

necessary for the clerk to have a copy of the proposed amendment so that the Presiding Officer may direct that it be read prior to its consideration.

### **6.8 - 1. BILL UNAVAILABLE FOR FURTHER CONSIDERATION AFTER FINAL ACTION OCCURS**

**Rule** – House Rule 6.8, paragraph (a) states in part that, “The following action shall constitute final action on any bill or resolution: committee recommendation of ‘Do Not Pass.’”

**History** - Representative Hamilton moved to suspend House Rules 7.11 and 7.13 to withdraw House Bill 1699 from the Business and Economic Development Committee and send it directly to the calendar.

The Presiding Officer ruled the motion out of order pursuant to House Rule 6.8 since HB 1699 was reported “Do Not Pass” from the Business and Economic Development Committee which constitutes final action.

*Okla. H. Jour.*, 1020, 50th Leg., 1st Reg. Sess. (2005); *Daily H. Sess. Dig. Rec.*, 50th Leg., 1st Reg. Sess. Track 10:13, 0:00-10:04 (March 17, 2005).

**Ruling** - It shall be the decision of the Chair that House Rule 6.8 shall be interpreted to mean that “final action” on any bill or resolution arising from a committee recommendation of “Do Not Pass” shall result in that bill being unavailable for retrieval out of committee by any method including a suspension of House rules.

**Reasoning** - In the above ruling, the underlying question is what “final action” truly means under House Rule 6.8. Based on the record, it seems the appealing party interpreted the language of Rule 6.8(a)(1) to mean that by suspending the rule, the bill

in question could merely be withdrawn from committee and then proceed through the legislative process. Immediately, two difficult and serious questions present themselves; first is the question of finality within the House rules and second is the question of orderliness within the legislative process.

When considering the issue of finality one must remember that while it is true that most requirements or directives within House rules may be suspended by the requisite two-thirds (2/3) majority under House Rule 14.1(c), there are certain actions that cannot be undone and are not therefore susceptible to suspension. House Rule 6.8 is an example of one such provision. Once final action occurs, the bill in question no longer exists.

Besides the question of finality within House rules, the present ruling also implicates a more general, yet longstanding principle of orderliness within the legislative process. When compiling his *Manual of Parliamentary Practice*, Thomas Jefferson stated:

*It is more material that there should be a rule to go by, than what that rule is; that there may be an uniformity of proceeding in business, not subject to the caprice of the Speaker, or captiousness of the members...it is very material that order, decency and regularity be preserved in a dignified public body.<sup>4</sup>*

Clearly, order is the seminal principle to be observed in all things pertaining to the legislative process.

The idea of suspending the rules in order to resurrect a bill that met its end for reasons provided in House Rule 6.8, not only

<sup>4</sup> THOMAS JEFFERSON, A MANUAL OF PARLIAMENTARY PRACTICE 2 § 1 (WASHINGTON CITY: S. H. SMITH, 1801).

violates the supreme principle of order, but in fact, would create disorder in the immediate case in a very practical way. Specifically, where would the newly revived bill appear within the legislative process? While the appearance of HB 1699 on the House calendar by suspension of House Rule 6.8 seems innocuous enough, the unavoidable implication of such an action would be that any bill even after receiving final action could be resurrected anywhere within the legislative cycle. Such a result would create unnecessary chaos in an already complex legislative process.

While many requirements in the House rules may be suspended, it is paramount that certain constraints remain firmly in place so that order and predictability might prevail over chaos and confusion. The ruling of the Chair regarding the “final action” provision of House Rule 6.8 achieves just that.

### **6.8 - 2. VETO BY GOVERNOR NOT FINAL ACTION**

**Rule** – House Rule 6.8, paragraph (a) states:

*The following action shall constitute final action on any bill or resolution:*

- 1. committee recommendation of “Do Not Pass”,*
- 2. if a motion to reconsider the vote on Third Reading or Fourth Reading fails to prevail,*
- 3. if a motion to table the motion to reconsider prevails, or*
- 4. if a vote is taken on Third Reading or Fourth Reading and no notice is served to reconsider the vote.*

**History** - Representative Gilbert requested a ruling of the Chair as to whether or not,

under the terms of House Rule 6.8, consideration of House Bill 2547 by the House was in order. According to Representative Gilbert, the measure contained the same subject matter as a measure vetoed by the Governor in the course of the previous legislative session.

The Presiding Officer ruled the point not well taken pursuant to House Rule 6.8 because the Rule only applies when the action taken was to defeat a measure within the legislative process of the House of Representatives and was not applicable in the case of a gubernatorial veto. As such, the Presiding Officer ruled consideration of HB 2547 in order. Representative Gilbert appealed the ruling of the Chair and the decision of the Presiding Officer was upheld by the House upon roll call.

*Okla. H. Jour.*, 678, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:16, 6:33-13:10 (March 6, 2008).

**Ruling** - It shall be the decision of the Chair that veto of a measure by the Chief Executive does not constitute final action under the terms of House Rule 6.8.

## RULE 7 - COMMITTEES

### 7.4 - 1.(2008) COGNIZANCE OF COMMITTEE PROCEDURES BY PRESIDING OFFICER

**Rule** – House Rule 7.4, paragraph (b) states in part that, “Except as otherwise provided in these Rules, the Chair has all authority necessary to ensure the efficient operation of the committee or subcommittees, including, but not limited to, presiding over the committee or subcommittees, establishing the agenda for the committee or subcommittees, recognition of members or presenters, deciding all questions of order in committee or subcommittees and determining the order in which matters are considered in committee or subcommittees...”

**History** – Representative Covey raised a point of order pursuant to House Rules 7.2(a) and (b) concerning lack of notice for a committee meeting conducted on the previous day. Specifically, his point of order included a question of the Chair as to whether or not a meeting notice should include attached language for legislation to be considered at the committee meeting announced in the published notice.

The Presiding Officer, Representative Don Armes, held that it was not within the jurisdiction of the Presiding Officer on the House Floor to address a member’s concerns regarding a possible violation of committee procedures and that such complaints or concerns should be taken up with the relevant committee chairperson. Representative Covey appealed the ruling of the Chair and the House upheld the ruling upon roll call.

*Okla. H. Jour.*, 587, 588, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:20, 10:45-15:25 (March 4, 2008).

**Precedent** – It shall be the decision of the Chair that the Presiding Officer will not take cognizance of or attempt to exercise jurisdiction over alleged violations of committee procedure while presiding on the House Floor.

**Reasoning** – In practical terms, the Presiding Officer is not in a position to effectively handle complaints pertaining to committee procedure. There are, however, other appropriate ways for a member to raise concerns regarding committee procedure within the House.

Under the rules and traditions of the Oklahoma House of Representatives, the concerned member has several options available to them if they believe a committee chairperson is violating House rules pertaining to committee operations. First, the member may approach the offending chairperson directly. If this does not end in a positive result, the member may approach the Speaker directly and raise his or her concerns.

If this does not satisfy the member, House rules provide an outlet that is public and specifically designed for airing of complaints about procedures and processes within the House.<sup>5</sup> This is known colloquially as a “question of privilege of the House.” To be recognized for this purpose, the member should notify the Majority Floor Leader of his or her intention to seek recognition for a question of privilege of the House.<sup>6</sup> At the appropriate time within the course of the day’s legislative business, unless a more privileged motion is lodged, the Majority Floor Leader must seek recognition on behalf of the requesting member. Upon receiving recognition, the member would

<sup>5</sup> *Okla. H. Rules*, § 9.5 (51st Leg.)

<sup>6</sup> *Prec. Okla. H. of Rep.*, § 9.2(1.), 50th Leg., 1st Reg. Sess. (April 7, 2005).

approach the well of the House and notify the full House of his or her concerns regarding appropriate notice of committee meetings.

**Affirmed:**

*Okla. H. Jour.*, 1077, 51st Leg. 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:19, 00:00-00:54 (April 2, 2008).

**7.11 - 1. FISCAL IMPACT STATEMENTS\***

**Rule** – House Rule \*7.12, paragraph (a) states in part that “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** - Representative Wright raised a point of order pursuant to House Rule \*7.12(a) that a fiscal impact statement is required for consideration of House Bill 1230.

The Speaker Pro Tempore Susan Winchester ruled the point well taken and pursuant to House Rule \*7.12(a), HB 1230 would be laid over until a fiscal impact statement was distributed.

*Okla. H. Jour.*, 425, 50th Leg., 1st Reg. Sess. (2005); *Daily H. Sess. Dig. Rec.*, 50th Leg., 1st Reg. Sess. Track 12:30, 8:27-11:48 (Feb. 24, 2005).

**Ruling** - It shall be the decision of the Chair that the phrase “accompanied by a fiscal analysis” contained in House Rule \*7.12(a) shall be interpreted to mean that the fiscal analysis prepared for a particular

bill or resolution must be distributed on the House Floor before that bill or resolution may be heard.

**7.11 - 2. MEASURES WITH NO FISCAL IMPACT**

**Rule** – House Rule 7.11, paragraph (a) states in part that, “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 Morrisette 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.

*Okla. H. Jour.*, 1146, 51st Leg., 1st Reg. Sess. (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 House Rule 7.11(a) 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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\* Interpreted Rule 7.12, 50th Leg., this rule was renumbered as Rule 7.11 in House Rules adopted for 51st Leg.

### 7.11 - 3. AVAILABILITY OF FISCAL ANALYSIS IN SECOND SESSION OF LEGISLATURE

**Rule** - House Rule 7.11, paragraph (c) states in part that, “If any bill...is scheduled for floor consideration without a fiscal...analysis having been prepared, it shall be the right of any Member to raise a point of order on the Floor...”

**History** - Representative Covey raised a question of the Chair pursuant to House Rule 7.11 as to whether or not it was proper for House Bill 1897 to be considered without the availability of a fiscal impact statement.

HB 1897 was introduced in the First Session of the 51st Oklahoma Legislature. It received a favorable committee recommendation but was not scheduled for consideration by the full House. In the Second Session of the 51st Oklahoma Legislature, HB 1897 was scheduled for consideration and was taken up by the full House.

Although a proper fiscal analysis of the measure was drafted in anticipation of consideration by the full House in the First Session of the Legislature, the fiscal analysis had not been published on the House Floor Calendar at the time the measure was actually taken up in the Second Session of the Legislature.

*Okla. H. Jour.*, 414, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:02, 2:18-4:55 (Feb. 19, 2008).

**Precedent** - In response to the question of the Chair, Speaker Pro Tempore Gus Blackwell directed that HB 1897 be laid over until a fiscal impact statement was provided or the measure’s author provided additional information describing the parameters of the measure’s fiscal impact.

### 7.15 - 1. LAYOVER REQUIREMENT FOR SENATE CONFERENCE COMMITTEE REPORTS\*

**Rule** – House Rule \*7.16, paragraph (c) states that, “Prior to consideration, a conference committee report shall lie over thirty-six (36) hours after it is filed. No conference committee report shall be considered for adoption or rejection if Members of the House have not been provided a printed or electronically transmitted copy of the report twenty-four (24) hours before the consideration of the report. The report must be accompanied by a separate summary of the changes made to the bill or resolution sent to conference. This subsection shall not apply on the last two (2) days of any legislative session once the date of the sine die adjournment has been set.”

**History** - Representative Gilbert raised a point of order citing House Rule \*7.16(c) that the conference committee report on Senate Bill 556 had not lain over for thirty-six (36) hours prior to consideration.

The Presiding Officer ruled the point not well taken and House Rule \*7.16(c) applies to the filing of conference committee reports.

*Okla. H. Jour.*, 1687, 50th Leg., 1st Reg. Sess. (2005); *Daily H. Sess. Dig. Rec.*, 50th Leg., 1st Reg. Sess. Track 10:07, 0:23-2:39 (May 18, 2005).

**Ruling** - It shall be the decision of the Chair that the timing requirements delineated in House Rule \*7.16(c) shall be interpreted as to not apply to conference committee reports associated with Senate bills.

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\* Interpreted Rule 7.16, 50th Leg., this rule was renumbered as Rule 7.15 in House Rules adopted for 51st Leg.

**Reasoning** - When any House rule is considered only in the sterile and isolated context of the House rules themselves, there exists the danger that the rule may be interpreted too narrowly. It is therefore incumbent upon the Speaker when exercising his expansive authority to interpret House rules that he not do so on a whim but employ a broadly encompassing view not only of the letter of the rules, but upon the publicly announced policies of the Speaker, the customs and precedents of the House and parliamentary law.

While House Rule \*7.16(c) does not explicitly state that the rule only applies to House conference committee reports, it does strongly imply such a holding. In the first sentence of Rule \*7.16(c) it states, "Prior to consideration, a conference committee report shall lie over thirty-six (36) hours after it is filed." The operative term for the question at hand is the word "filed" as it is used in Rule \*7.16(c). On the basis of the broad authority given under House Rule 3.1 to the Chief Clerk to oversee the legislative process in the House along with due consideration of the customs of the House, this means filed in the Chief Clerk's office within the House of Representatives.

The logical progression is as follows, if the generally understood meaning of the term "filed" as expressed in House Rule \*7.16(c) means filed in the Chief Clerk's office, then it is impossible for Senate conference committee reports to fall under the time requirements of Rule \*7.16(c) because they are never "filed" in the Chief Clerk's office. They are only filed in the Senate by whatever method the Senate prescribes.

From a practical perspective a conference committee report pertaining to a Senate bill may be filed, considered and accepted on the Senate side and not be transmitted to the House for several days. Furthermore, upon arrival in the House, there is no readily ascertainable event on which to base the

timing requirements imposed by House Rule \*7.16(c). At what point would a Senate conference committee report be considered "filed"? Would it be when the message arrives from the Senate notifying the House of the conference committee report's transmission to the House? Might it be when the message of submission is distributed to other House clerks for processing and inclusion in the bill tracking system, or perhaps would it be when the Senate measure was distributed on the House Floor? Which event could reasonably be considered "filing" for the purposes of timing under Rule \*7.16(c)? Put succinctly, there is no practical method of pinpointing when a Senate conference committee report is "filed" for the purposes of observing and calculating the timing requirements imposed by Rule \*7.16(c).

Therefore, on the basis of practical considerations and the custom of the House, the time constraints imposed by House Rule \*7.16(c) cannot and do not apply to Senate conference committee reports.

## RULE 8 - ORDER OF BUSINESS AND LEGISLATIVE PROCESS

### 8.6 - 1. RECOMMENDATION OF RULES COMMITTEE AND MOTION TO STRIKE TITLE

**Rule** – House Rule 8.6, paragraph (f) states in part that, “...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 HB 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 HB 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.

*Okla. H. Jour.*, 877, 897, 51st Leg., 1st Reg. Sess. (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 House Rule 8.6(f), 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.

### 8.6 - 2. TITLE OF FLOOR SUBSTITUTE STRICKEN

**Rule** – House Rule 8.6, paragraph (f) states in part that, “Beginning on the Monday falling two (2) weeks prior to a Third Reading deadline, 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** – Representative Banz, author of House Bill 1441, offered a floor substitute to HB 1441 which included language purporting to strike the title of the bill reported from the Appropriations and Budget Committee.

Representative Wright raised a point of order pursuant to House Rule 8.6(f) that the floor substitute for HB 1441 was out of

order because the floor substitute's title was stricken. The Presiding Officer ruled the point not well taken because the measure itself had been reported out of the Appropriations and Budget Committee.

*Okla. H. Jour.*, 794, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:12, 15:53-18:13 (March 12, 2008).

**Precedent** – It shall be the ruling of the Chair that House Rule 8.6(f) shall be interpreted to mean that a bill reported to the full House without a title may be amended by a floor amendment which includes language purporting to strike the title of the bill.

**Reasoning** – Although the amendment's author, in offering an amendment to strike the title of the bill, did not meet the technical requirements of House Rule 8.6(f), the version of the bill reported from committee did not itself contain a title. As such, no title existed within the bill to be stricken by a floor amendment, thus rendering the language to strike the bill's title meaningless.

From a practical perspective, no bill reported from the Appropriations and Budget Committee without a title would have been reported as such without the full knowledge and consent of the committee's chairman. Furthermore, under House Rule 8.6(g), this same chairman has the authority to offer floor amendments to strike the title of measures affecting revenue or appropriations.

Finally, if the chairman saw fit to report the bill out of committee without title, it cannot be said that a floor amendment offered by another member which includes language striking the title of the bill violates the underlying principles represented by the rule. While the Banz floor substitute may appear to have violated the letter of the rule,

it did not violate the spirit of House Rule 8.6(f).

### **8.6 - 3. TITLE STRICKEN PRIOR TO FLOOR CONSIDERATION**

**Rule** – House Rule 8.6, paragraphs (e), (f) and (g) states that:

*(e) No amendment purporting to strike the Title or the Enacting or Resolving Clause of any bill or joint resolution shall be in order except as provided in subsections (f) and (g) of this section.*

*(f) Beginning on the Monday falling two (2) weeks prior to a Third Reading deadline, 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. Amendments offered under this subsection shall not be subject to the time constraints mandated by subsections (b) and (c) of this section.*

*(g) The Chairperson of the Revenue and Taxation Committee and the Chairperson of the Appropriations and Budget Committee shall be permitted to offer amendments to strike the Title or the Enacting or Resolving Clause of measures affecting revenue or appropriations. Amendments offered under this subsection shall not be subject to the time constraints mandated by subsections (b) and (c) of this section.*

**History** – During the author's presentation of House Bill 3121, Representative Covey requested a ruling of the Chair as to whether or not it was in order for the House to consider HB 3121 with a stricken title under the terms of House Rule 8.6(e), (f) and (g). The Presiding Officer ruled the point not well taken noting that House Rule 8.6 applies solely to floor amendments and

not to the measure itself and as such, consideration of HB 3121 was in order.

*Okla. H. Jour.*, 821, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:40, 06:10-06:30 (March 12, 2008).

**Ruling** – It shall be the ruling of the Chair that House Rule 8.6(e), (f) and (g) are not applicable to a measure itself but apply only to amendments offered to the measure on the House Floor.

#### **8.6 - 4. AMENDMENT LACKING SUBSTANTIVE CHANGE OUT OF ORDER**

**Rule** – House Rule 8.6, paragraph (a) states that, “All House and Senate bills and joint resolutions when initially published on the Floor Calendar shall be subject to amendment beginning at the time of such publishing.”

**History** – During consideration of Senate Bill 163, Representative Terrill presented a comprehensive amendment, or “floor substitute,” to SB 163 followed by another floor substitute, an amendment to the first main floor amendment offered by Representative Terrill. The amendment to the main amendment contained the same substantive language as the main amendment but included a “preamble” explaining the legislative intent of the constitutional amendment proposed in SB 163.

Although the preambular language, once adopted, would be included in the Oklahoma Session Laws, it would not be included in the substantive language of the Oklahoma Constitution upon adoption of the proposed constitutional amendment by a vote of the people.

Representative Brown raised a point of order as to whether the Terrill amendment

to the first floor substitute was in order on the basis of there being no substantive change in the language between the amendment to the floor substitute and the floor substitute itself.

The Presiding Officer did not rule on Representative Brown’s point of order. He referred to and quoted section 401, paragraph 5 of *Mason’s Manual*<sup>7</sup> which says:

*The presiding officer should never rule an amendment out of order unless certain that it is. In case of doubt the presiding officer should entertain the amendment, subject to the right of a member to raise a point of order, or the presiding officer should submit to the house the question of whether the amendment is in order [emphasis added].*

The Presiding Officer exercised the prerogative of the Chair and put the following question to the House for a decision: “Shall the amendment to the amendment be considered a proper amendment?” The House ruled the Terrill amendment to the floor substitute improper upon roll call.

*Okla. H. Jour.*, 1368, 1369, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:21, 5:27-51:33 (April 23, 2008).

**Ruling** – It shall be the ruling of the House that an amendment to the main floor amendment containing the same substantive language as the main floor amendment shall be out of order.

<sup>7</sup> MASON’S MANUAL OF LEGISLATIVE PROCEDURE 274 § 401(5) (National Conference of State Legislatures 2000).

### **8.7 - 1. ADOPTION OF FLOOR SUBSTITUTE PRECLUDES FURTHER AMENDMENT OF A BILL \***

**Rule** – House Rule \*8.8 states the following:

- (a) *No amendment to any bill or joint resolution on General Order may be scheduled for floor consideration until at least the fourth legislative day after the bill is placed on General Order.*
- (b) *Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption.*
- (c) *A timely filed amendment to a pending main floor amendment may be received, but until it is disposed of no other motion to amend will be in order except an amendment to that amendment. Amendments to main floor amendments are voted on before the main floor amendments are taken up. Only one amendment to the amendment is in order at a time.*
- (d) *The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order.*
- (e) *For the purpose of this Rule, an amendment shall be deemed pending only after its author has been recognized by the Speaker and has moved its adoption.*

**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

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\* Interpreted Rule 8.8, 50th Leg., this rule was renumbered as Rule 8.7 in House Rules adopted for 51st Leg.

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.

*Okla. H. Jour.*, 721, 50th Leg., 2nd Reg. Sess. (2006); *Daily H. Sess. Dig. Rec.*, 50th Leg., 2nd Reg. Sess. Track 10:50, 44:20-50:29 (March 13, 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 HB 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 HB 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 HB 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 HB 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 House 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..."<sup>8</sup> Earlier parliamentary authorities such as *Cushing's Legislative*

\* Rule 8.8, 50th Leg., was renumbered as Rule 8.7 in House Rules adopted for 51st Leg.

<sup>8</sup> MASON'S MANUAL OF LEGISLATIVE PROCEDURE 272 § 398(1) (National Conference of State Legislatures 2000).

*Assemblies*<sup>9</sup> and *Reed's Parliamentary Rules*<sup>10</sup> 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"<sup>11</sup> the rules of the House. Secondly, the Presiding Officer must "maintain order and decorum"<sup>12</sup> during the daily sessions. Finally, the Speaker must rule on parliamentary questions not provided for in the House rules.<sup>13</sup> If parliamentary law is to be given any credence and if order is the "seminal principle,"<sup>14</sup> 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.

## 8.7 - 2. ORDER OF PRESENTATION OF FLOOR AMENDMENTS

**Rule** – House Rule 8.7, paragraph (a) states that, "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

<sup>9</sup> 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).

<sup>10</sup> REED, THOMAS B., A MANUAL OF GENERAL PARLIAMENTARY LAW 106, 107 § 147 (Rand, McNally & Co., 1898).

<sup>11</sup> *Okla. H. Rules*, § 9.1 (50th Leg.).

<sup>12</sup> *Okla. H. Rules*, § 9.2 (50th Leg.).

<sup>13</sup> *Okla. H. Rules*, § 14.2 (50th Leg.).

<sup>14</sup> *Prec. H. of Rep.*, §6.8(1.), 50th Leg., 1st Reg. Sess., (March 17, 2005)

before the House for consideration. The Presiding Officer ruled that pursuant to House Rule 8.7(a), 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 House 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.

*Okla. H. Jour.*, 1223, 51st Leg., 1st Reg. Sess. (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 House Rule 8.7(a) 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.

### **8.10 - 1. AVAILABILITY OF FISCAL ANALYSIS FOR FLOOR AMENDMENT**

**Rule** - House Rule 8.10, paragraph (a) states in part that, “All amendments to bills or joint resolutions whose adoption will have a fiscal impact, including the affecting of revenues, expenditures or fiscal liability, shall be accompanied by a written fiscal analysis upon being filed with the Chief Clerk’s Office...”

**History** - Representative Covey raised a question of the Chair pursuant to House Rule 8.10 as to whether or not it was proper for “Floor Amendment Number One (1),” a floor substitute for House Bill 2749, offered by Representative Winchester, author of HB 2749, to be considered without the

availability of a fiscal impact statement created specifically for the floor substitute.

According to Representative Winchester, the floor substitute to HB 2749 contained only one substantive change from the version of the bill reported from committee. She stated that the change involved changing the composition of a “taskforce” proposed within the legislation. Although a proper fiscal analysis was created for the introduced version of the bill, Representative Winchester did not file an updated fiscal analysis specific to the floor substitute when she filed the floor substitute with the Office of the Chief Clerk.

When asked directly by the Presiding Officer whether or not the change contained in the floor substitute resulted in a different fiscal impact for the bill, Representative Winchester stated that it did not.

**Precedent** - Relying upon earlier precedent,<sup>15</sup> the Presiding Officer ruled that the floor substitute was in order for consideration because of the author’s explanation and representation that there was no change in the overall fiscal impact of the proposed legislation as amended by the proposed floor substitute.

*Okla. H. Jour.*, 586, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:20, 2:13-5:37 (March 4, 2008).

### **8.11 - 1. GERMANENESS OF COMMITTEE AMENDMENTS**

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

<sup>15</sup> *Prec. Okla. H. of Rep.*, § 7.11(2), 51st Leg., 2nd Reg. Sess. (Feb. 19, 2008).

**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 SB 507 met the requirements of the germaneness rule named in House Rule 8.11.

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.

*Okla. H. Jour.*, 1219, 51st Leg., 1st Reg. Sess. (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 House Rule 8.11 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.

**Affirmed:**

*Okla. H. Jour.*, 1156, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:07, 00:00-20:34 (April 10, 2008).

**Affirmed:**

*Okla. H. Jour.*, 1212, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:31, 00:48-3:00

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

**Rule** – House Rule 8.11, paragraph (a) states that, “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 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.

*Okla. H. Jour.*, 1450, 51st Leg., 1st Reg. Sess. (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 House Rule 8.11(a) 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.

### **8.11 - 3. GERMANENESS OF FLOOR AMENDMENT OFFERED TO PROPOSED CONSTITUTIONAL AMENDMENT**

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

**History** – Senate Bill 1987 contained a proposal directing the Secretary of State to refer for a vote of the people a proposal to amend the Oklahoma Constitution to impose term limits on certain executive branch officials elected statewide.

During consideration of SB 1987 on the House Floor, Representative Kiesel offered an amendment which proposed changes to certain election laws contained in Title 26 of the Oklahoma Statutes. The amendment contained language which, after passage by the legislature, would have been required to be presented to the Governor for his approval or disapproval under the requirements of Article VI, Section 11 of the Oklahoma Constitution.

Representative Terrill requested a ruling of the Chair as to whether the Kiesel floor amendment was in order pursuant to House Rule 8.12. The Presiding Officer ruled that Rule 8.12 was not applicable to the question but held that the germaneness rule of House Rule 8.11 did apply. The Presiding Officer ruled that the amendment was not germane because the subject of SB 1987 was a proposed constitutional amendment and the subject of the floor amendment was multiple statutory changes.

Representative Kiesel appealed the ruling of the Chair. Upon consideration by the full House, the decision of the Presiding Officer was upheld by the House.

*Okla. H. Jour.*, 1264, 1265, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:52, 3:39-17:00 (April 16, 2008).

**Ruling** – It shall be the ruling of the Chair that House Rule 8.11 shall be interpreted to mean that a floor amendment containing statutory changes is not germane to the subject of a bill that contains proposed amendments to the Oklahoma Constitution.

### **8.11 - 4. (2008) GERMANENESS OF LEGISLATION ITSELF**

**Rule** – House Rule 8.11, paragraph (a) states in relevant part that, “The House shall not consider any proposed amendment not germane to the subject of the original bill or resolution...”

**History** – During consideration of Senate Bill 1943 on the House Floor, Representative Morrisette requested a ruling of the Presiding Officer as to whether SB 1943 itself was germane pursuant to House Rules 8.11 and 8.12. The Presiding Officer ruled that Rule 8.12 did not apply and that since there was no floor amendment under consideration, the point was not well taken under the terms of Rule 8.11.

Representative Morrisette appealed the ruling of the Chair. Upon consideration by the full House, the decision of the Presiding Officer was upheld by the House.

*Okla. H. Jour.*, 1348, 1349, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:49, 13:51-24:54 (April 22, 2008).

**Ruling** – It shall be the ruling of the Chair that House Rule 8.11 is applicable only to floor amendments under consideration on the House Floor.

### **8.12 - 1. IMPROPER FLOOR AMENDMENTS**

**Rule** – House Rule 8.12 states in part that, “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 House Rule 8.12.

The Presiding Officer ruled that the Worthen point of order was “well taken” and that under the provisions of House Rule 8.12, 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.

*Okla. H. Jour.*, 812, 51st Leg., 1st Reg. Sess. (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 House Rule 8.12 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.

### **8.17 - 1. RECOGNITION FOR DEBATE AFTER THIRD READING**

**Rule** – House Rule 8.17 states in part that, “...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 HB 1432.

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

Upon the Presiding Officer’s 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 (15) other House members. The Presiding Officer declared that an appeal was not in order due to the lack of fifteen (15) additional members to second the appeal of the ruling lodged by Representative Reynolds.

*Okla. H. Jour.*, 585, 51st Leg., 1st Reg. Sess. (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 House Rule 8.17 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.

## RULE 9 - CHAMBER PROTOCOL

### 9.2 - 1. MANNER BY WHICH BUSINESS IS CONDUCTED ON HOUSE FLOOR

**Rule** – House Rule 9.2, paragraph (a) states in part that, “While in the [House] Chamber, the Presiding Officer shall preserve order and decorum...”

**History** - Representative Toure objected to the decision of the Presiding Officer that motions had to be scheduled through the Floor Leader.

The Presiding Officer ruled that the Floor Leader is charged by the Speaker with setting the agenda for the business of the House for every legislative day. Any motion that puts new business before the House must go through the Floor Leader or it is out of order. The agenda for the Floor and introducing new business is within the exclusive authority of the Floor Leader.

*Okla. H. Jour.*, 1175, 1176, 50th Leg., 1st Reg. Sess. (2005); *Daily H. Sess. Dig. Rec.*, 50th Leg., 1st Reg. Sess. Track 10:06, 6:10-11:04 (April 7, 2005).

**Ruling** - It shall be the decision of the Chair that the phrase “the Presiding Officer shall preserve order and decorum” contained in House Rule 9.2(a) shall be interpreted to mean that all motions affecting order and business of the day must first be presented to the Majority Floor Leader before the member desiring to make the motion will be recognized by the Presiding Officer.

**Reasoning** - In general terms, every legislative body must have some expression of procedural rules in order that business pending before the body may receive proper contemplation and consideration. Without clearly defined rules, the will of

the majority cannot be determined and presented in a coherent manner,<sup>16</sup> the rights of the minority are not protected and the majority is not protected from obstructive tactics on the part of the minority.<sup>17</sup>

In Oklahoma, the power to regulate and order the deliberative process is left to the discretion of the respective houses of the legislature under Article V, Section 30 of the Oklahoma Constitution. Specifically, Article V, Section 30 permits each house to determine its own rules. On this basis, the Oklahoma House of Representatives passed its own set of procedural rules on February 7, 2005.<sup>18</sup>

Before examining the relevant rules, it must be noted that while the Speaker may honor the House custom of delegating the scheduling of floor action to the Majority Floor Leader, the authority of the Speaker is not absolute. In this situation, the Speaker’s specific decision to require that all motions affecting order and introduction of new business be scheduled through the Floor Leader is subject to House Rule 9.2(e) which provides a means of appeal of the Chair’s ruling.

For the purposes of this case, the question of order is addressed several ways under House Rules. Rules 1.2(a), and 9.2(a) charge the Speaker or the Speaker’s designee in the Chair with the task of actively maintaining order and decorum. Additionally, Rule 8.1(a), implies the general framework for the daily order of business. Rules 10.1 and 10.2 govern the order of presentation of motions.

Under House Rules 1.2(a) and 9.2(a), the Presiding Officer is tasked with preserving

<sup>16</sup> MASON’S MANUAL OF LEGISLATIVE PROCEDURE 9 § 1(1) (National Conference of State Legislatures 2000).

<sup>17</sup> MASON’S MANUAL OF LEGISLATIVE PROCEDURE 10 § 1(3) (National Conference of State Legislatures 2000).

<sup>18</sup> *H. Jour.*, 57, 50th Leg, 1st Reg. Sess. (2005).

“order and decorum” in the House. When Rules 1.2(a) and 9.2(a) are read in conjunction with Rule 9.1 which empowers the Speaker to interpret the House Rules in all deliberations, it becomes clear that it is entirely appropriate for the Speaker to interpret the mandate of Rule 9.2(a) to mean that all motions affecting order and business of the day must go through the Majority Floor Leader.

The responsibility of the presiding officer to maintain order and decorum has existed throughout Oklahoma’s history, first as a territory and later as a state. Such authority can be found in House Rules of the First Session of 1890 Territorial Legislature.<sup>19</sup> Specifically, Rule 2 of the House of Representatives, First Oklahoma Territorial Legislature, contains the following language, “He [the Speaker] shall preserve order and decorum, and speak to ‘points of order’ in preference to other members...he shall decide questions of order subject to an appeal to the House...”<sup>20</sup> This authority continued in House Rules throughout the remainder of Oklahoma’s territorial years, continued after statehood and has remained until the present time.

The authority of the Speaker to maintain order is not unique to Oklahoma, but is well established in the principles of general parliamentary procedure. The parliamentary authority, Luther S. Cushing, in his venerable work *Elements of the Law and Practice of Legislative Assemblies of the United States of America* includes among the duties of the presiding officer such provisions as, “To enforce the observance of order and decorum among members, to inform the assembly...in a point of order or practice, to decide in first instance, and subject to the revision of the house, all questions of order, that may arise,

<sup>19</sup> Okla. Terr. H. *House Rules*, 1st Leg. 2 (1890).

<sup>20</sup> *Id.*

or be submitted for his decision.”<sup>21</sup> More recently, *Mason’s Manual of Legislative Procedure* states that the presiding officer shall, “...preserve order and decorum,” and shall “...guide and direct the proceedings of the body...”<sup>22</sup> All told, general parliamentary authorities, the historical rules of the Oklahoma House of Representatives and current House Rules indicate that the Speaker can and should take the initiative to preserve order in the House by any reasonable means.

House Rule 10.1 establishes which motions receive precedence and can be offered even if unrelated to the business under consideration. House Rule 10.2 provides that motions incidental to the business under consideration may be permitted at the time of consideration of that business. Again, even though it is a fundamental right both under House Rules and general parliamentary law for a member to present any proper proposal for consideration by the body, appropriate timing must be observed.<sup>23</sup>

Finally, in this case where the ruling of the Chair was sustained by the body of the House, the Speaker’s decision that all motions affecting order and business of the day must go through the Majority Floor Leader became ratified as the will of the House.

<sup>21</sup> CUSHING, LUTHER STEARNS, *ELEMENTS OF THE LAW AND PRACTICE OF LEGISLATIVE ASSEMBLIES OF THE UNITED STATES OF AMERICA* 113 § 291 (Little, Brown and Co. 1856).

<sup>22</sup> MASON’S MANUAL OF LEGISLATIVE PROCEDURE 416 § 575 (e), (k) (National Conference of State Legislatures 2000).

<sup>23</sup> MASON’S MANUAL OF LEGISLATIVE PROCEDURE 118 § 155 (1) (National Conference of State Legislatures 2000).

**9.6 - 1. MEMBERS PRESENT IN CHAMBER BUT NOT VOTING MAY BE NAMED UPON CLOSING OF VOTE**

**Rule** – House Rule 9.6, paragraph (a) states in part that, “Every Member shall vote providing the Member is in the Chamber at the time the vote is in progress.”

**History** - Representative Askins raised a point of order that House Rule 9.6(a) does not contain enforcement authority against Members who were in the Chamber but not voting.

The Presiding Officer ruled that a Member may raise a point of order pursuant to House Rule 9.6(a) against a Member, by name, who was in the Chamber but not voting which motion may be subject to a vote of the body.

*Okla. H. Jour.*, 1599, 1600, 50th Leg., 2nd Reg. Sess. (2006); *Daily H. Sess. Dig. Rec.*, 50th Leg., 2nd Reg. Sess. Track 10:05, 5:25-13:09 (May 19, 2006).

**Ruling** - It shall be the decision of the Chair that a Member may raise a point of order naming specific Member(s) who were present in the House Chamber upon the closing of a vote, but did not cast their vote. In addition, it is in order for the House to consider a motion offered by a Member requesting that such information be included in the House Journal. Finally, in contrast, the Chair will not hear a motion that does not name offending Members by name due to the fact that such a “blanket” motion might implicate Members who could have been excused for the day or might be outside the House Chamber conducting other business.

**Reasoning** - The historical roots of House Rule 9.6(a) invite some examination before the parliamentary reasons for the present ruling are discussed. Throughout most of

Oklahoma’s history, the rules of the House contained a provision requiring Members present to vote and included a punitive provision for Members who were present in the Chamber but did not vote. Beginning in the 1931 House rules, a Member who refused to vote was recorded as voting “no.”<sup>24</sup> Specifically, Section 59 of the 1931 House Rules states in part the following:

*Every member shall vote when his name is called...when a member refuses to vote, he shall be recorded as voting “No”.*

From the Thirteenth Oklahoma Legislature in 1931 through the beginning of the Forty-Seventh Oklahoma Legislature in 1999, each successive set of House rules contained language requiring that Members present in the Chamber should vote and upon failing to do would be recorded as voting “no.” Near the end of the first regular session of the Forty-Seventh Legislature, the House passed House Resolution 1007 which upon adoption, included an amendment removing the punitive requirement that a Member present in the House Chamber but not voting would be recorded as voting “no.”<sup>25</sup> What remained was a provision identical to the present House Rule 9.6(a) holding that:

*Every Member shall vote providing the Member is in the Chamber at the time the vote is in progress.*<sup>26</sup>

While it is correct that House rules since April 29, 1999, have not included the punitive requirement that Members present but not voting should automatically be

<sup>24</sup> *Journal of the House of Representatives*, 13th Leg., 1st Reg. Sess., Jan. 29, 1931, p. 453; *Okla. H. Rules*, § 59 (13th Leg.).

<sup>25</sup> *Journal of the House of Representatives*, 47th Leg., 1st Reg. Sess., April 29, 1999, p. 1380; 1999 Okla. Sess. Laws 2242.

<sup>26</sup> *Journal of the House of Representatives*, 47th Leg., 1st Reg. Sess., April 29, 1999, p. 1406; *Okla. H. Rules*, § 14(1)(a) (47th Leg.).

recorded as voting “no,” there is nothing under the current House rules or general parliamentary law to prevent a Member from raising a point of order for the purpose of pointing out those Members who, being present, did not vote in violation of House Rule 9.6(a). Furthermore, a duly recognized Member after the fact could properly offer a motion requesting that the House Journal name the offending House Members.

Although the current House rules are silent on the question of a motion requesting inclusion of names in the Journal, such a motion is similar to other motions permitted by the Oklahoma House of Representatives. Additionally, under general parliamentary principles, a motion not specifically named by House rules could still pass muster as a proper motion. By definition, a motion is merely a formal statement of a proposal submitted to a legislative body that certain actions be taken or a determination made.<sup>27</sup> There are literally hundreds of motions not listed in the House rules that short of violating other provisions of the House rules, Oklahoma Statutes, the Oklahoma Constitution, federal law or the federal Constitution, would be appropriate for the House to consider.

On a more practical note, a motion to include in the House Journal the names of Members present in the Chamber but not voting upon the close of the vote is a motion subject to motions of higher rank and, as such, would be subject to debate. Importantly, it should be noted that it would not be appropriate for a Member to attempt to specifically name other Members not yet having voted before the close of the vote. The question of how to vote on a matter frequently results in a Member sitting at his

or her desk contemplating how to proceed until the moment right before the vote is closed. While there is no apparent harm in requesting that the Presiding Officer generally remind Members of their duty to cast a vote, it could be a serious disruption to point out a specific Member who might be quietly deliberating on how he or she should vote immediately before the close of the vote. In conclusion, a motion to list Members by name in the House Journal on the basis of their failure to vote when present should be entertained only immediately after the close of the vote and before the House takes up another order of business.

#### **9.6 - 2. CORRECTION OF VOTE MISTAKENLY CAST ON BEHALF OF MEMBER**

**Rule** – House Rule 9.6, paragraph (e) states that, “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 HB 2019 failed. On March 13, 2007, Representative Shelton moved to reconsider the final vote on HB 2019. The motion to reconsider prevailed. As such, HB 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.

<sup>27</sup> MASON’S MANUAL OF LEGISLATIVE PROCEDURE 111 § 144(1) (National Conference of State Legislatures 2000); STURGIS STANDARD CODE OF PARLIAMENTARY PROCEDURE, 2nd Ed., 11 Chap. 3 (McGraw-Hill 1966).

Instead, the House voted to suspend House Rule 9.10(a). House Rule 9.10(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 HB 2019 which was adopted. On final passage, HB 2019 was passed without the excused member's vote.

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

### 9.6 - 3. DIVISION OF THE QUESTION

**Rule** – House Rule 9.6, paragraph (g) states that, “When a division is requested and ordered, those in the affirmative or the negative, as the case may be, shall cast their votes accordingly...”

**History** – Representative Morrissette moved to amend House Bill 2242 by striking the title. Prior to consideration of the amendment, Representative Ingmire offered a motion to table the amendment.

Prior to the vote, the Presiding Officer restated the motion to the full House and then proceeded with a viva voce or voice vote. Upon hearing the “yeas” and the “nays,” the Presiding Officer declared the tabling motion to be adopted. After the voice vote was taken and the result declared by the Presiding Officer, Representative Morrissette requested a division of the House. The Presiding Officer declined to order a division.

Representative Morrissette raised a point of order stating that he had requested a division on the tabling motion and as provided in House Rule 9.6(g), the

Presiding Officer should have ordered a division of the question.

The Presiding Officer ruled the point not well taken on the basis of House Rule 9.6(g). Rule 9.6(g) states that a division must be both requested and ordered. In this instance, even though requested, the Presiding Officer had not ordered a division. Representative Morrissette appealed the ruling of the Chair which was upheld by the House upon roll call.

**Ruling**– It shall be the decision of the Chair that under House Rule 9.6(g), it is within the sole discretion of the Presiding Officer whether or not to order a division on a question pending before the House.

*Okla. H. Jour.*, 565, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:07, 11:15-20:17 (March 3, 2008).

**Reasoning** – The usual way to vote is by viva voce. This method is employed by the Presiding Officer because it is the fastest way to settle questions pending before the House. Many questions considered by the House are routine and easily attract large majorities.<sup>28</sup>

The general rule as stated by *Mason's Manual of Legislative Procedure* and other parliamentary authorities is that a timely request for a division should be granted by the Presiding Officer.<sup>29</sup> However, as

<sup>28</sup> MASON'S MANUAL OF LEGISLATIVE PROCEDURE 374 § 532(1) (National Conference of State Legislatures 2000).

<sup>29</sup> MASON'S MANUAL OF LEGISLATIVE PROCEDURE 376 § 532 (7) (National Conference of State Legislatures 2000); STURGIS STANDARD CODE OF PARLIAMENTARY PROCEDURE, 2nd Ed., 141 Chap. 17 (McGraw-Hill 1966); CUSHING, LUTHER STEARNS, ELEMENTS OF THE LAW AND PRACTICE OF LEGISLATIVE ASSEMBLIES OF THE UNITED STATES OF AMERICA 698 § 1798 (Little, Brown and Co. 1856). THOMAS

permitted by the Oklahoma Constitution,<sup>30</sup> the Oklahoma House of Representatives has adopted a rule which grants greater discretion to the Presiding Officer.<sup>31</sup>

The discretionary authority of the Presiding Officer to decide whether or not to order a division is a long-standing rule which the Oklahoma House first adopted in 1975 for the Thirty-Fifth Oklahoma Legislature.<sup>32</sup> While no legislative history or record of debate exists relevant to the original adoption of this provision, the rule on its face is designed to prevent one or two members from wasting the body's time with a request for a division when it is apparent to the Presiding Officer that the motion under consideration clearly passed in the affirmative or in the negative. As always, the Presiding Officer should exercise great care when judging the "ayes" and the "nays" and if in doubt, should order a division whether requested or not.<sup>33</sup>

### **9.10 - 1. ELECTRONIC AVAILABILITY UPON MOTION TO RECONSIDER**

**Rule** – House Rule 9.10, paragraphs (a) through (f) 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 HB 2019 was in order under House Rules due to the fact that the bill under reconsideration was

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JEFFERSON, A MANUAL OF PARLIAMENTARY PRACTICE 99 § 41 (Washington City: S.H. Smith, 1801); PETYT, GEORGE, LEX PARLIAMENTARIA, 162 Chap. 15 (London: Tim Goodwin, 1690).

<sup>30</sup> Okla. Const. art. V. § 30

<sup>31</sup> Okla. H. Rules § 9.6 (g) (51st Leg.).

<sup>32</sup> Okla. H. Rules § 13 1(g) (35th Leg.).

<sup>33</sup> MASON'S MANUAL OF LEGISLATIVE PROCEDURE 375 § 532(4) (National Conference of State Legislatures 2000).

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, *BTOOnline*. 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 House Rule 9.10 shall be interpreted to mean that a bill may 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 *BTOOnline*.

### **9.10 - 2. CONSIDERATION OF OTHER BUSINESS PRIOR TO RECONSIDERATION NOTICE**

**Rule** – House Rule 9.10, paragraph (a) states in part that, "The final vote on Third Reading...on any bill or joint resolution, or on the Emergency Section thereof...may be reconsidered only if a Member serves notice immediately after such final vote is taken, prior to the consideration of any other business..."

**History** – Representative Covey attempted to serve notice, or "lodge a motion," that on some future legislative date he might desire to offer a motion to reconsider the vote by which House Bill 2561 passed the full House.

Referring to House Rule 9.10(a), the Presiding Officer ruled the attempted notice not timely and out of order because Representative Covey had not served notice

immediately after the vote on “Third Reading” and final passage. Subsequent business had transpired. Specifically, three other House bills, HB 2729, HB 2640 and HB 2764, had been considered and passed by the full House prior to the attempt to serve notice to reconsider HB 2561.

*Okla. H. Jour.*, 716-719, 51st Leg., 2nd Reg. Sess. (2008); *Daily H. Sess. Dig. Rec.*, 51st Leg., 2nd Reg. Sess. Track 10:26, 00:00-06:00 (March 10, 2008).

**Ruling** – It shall be the decision of the Chair that House Rule 9.10(a) shall be interpreted to mean that “other business” includes consideration of other bills and as such, the Chair will not recognize an attempt to serve notice of reconsideration once other bills have been taken up by the House.

## RULE 10 - MOTIONS

### 10 - 1. REJECTION OF MULTIPLE SENATE AMENDMENTS

**Rule** – House Rule 10 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 appropriation bills as a group.

*Okla. H. Jour.*, 1349-1350, 51st Leg., 1st Reg. Sess. (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 House Rule 10 shall be interpreted to mean that a motion that purports to reject Senate amendments to multiple House appropriation measures shall be considered a proper motion.

## **RULE 14 - PARLIAMENTARY AUTHORITIES**

### **14.2 - 1. CONSTITUTIONAL RULINGS**

**Rule** – House Rule 14.2 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 HB 1360. The Presiding Officer stated that the Chair would not rule on the constitutionality of a bill under consideration by the House.

*Okla. H. Jour.*, 682, 51st Leg., 1st Reg. Sess. (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 House Rule 14.2 that the Presiding Officer will not rule on the constitutionality of a bill under consideration by the House of Representatives.

**RULES OF  
THE HOUSE  
OF REPRESENTATIVES**

51ST OKLAHOMA LEGISLATURE

**STATEMENT OF  
AUTHORIZATION**

Pursuant to and under the authority of Article V, Section 30 of the Oklahoma Constitution, the Oklahoma House of Representatives adopts the following rules to govern its operations and procedures. The provisions of these rules shall be deemed the only requirements binding upon the House of Representatives under Article V, Section 30 of the Oklahoma Constitution, notwithstanding any other requirements expressed in statute.

**RULE ONE**

**DUTIES AND RIGHTS OF THE  
SPEAKER**

**CHAPTER A. DUTIES AS PRESIDING  
OFFICER**

**1.1 - Convening**

The Speaker of the House, as Presiding Officer, shall take the Chair each day at the hour to which the House has adjourned, call the House to order and, except in the absence of a quorum, proceed under the Order of Business set forth in these Rules; provided, however, the Speaker may designate any other member of the House as Presiding Officer, but such designation shall not last beyond that day's adjournment.

**1.2 - Preservation of Order and Decorum**

(a) The Speaker shall preserve order and decorum. In case of any disturbance or

disorderly conduct in the House Chamber, halls or rooms belonging to the House, the Speaker shall have the power to order the same to be cleared or direct any other action necessary to preserve order and decorum.

(b) Appearances or presentations by school or other groups shall not be permitted on the floor of the House during the four (4) legislative days immediately preceding sine die adjournment as the Speaker may designate.

**1.3 - Referral of Proposed Legislation to Committee**

(a) All proposed legislation, as governed by subsection (b) of Section 8.4, of these Rules, if not referred directly to General Order, shall be referred by the Speaker to an appropriate standing or special committee. A bill or resolution may not be referred simultaneously to more than one committee.

(b) Prior to the time a bill or resolution is taken up for consideration by a committee or subcommittee, the Speaker may reassign such bill or resolution.

**1.4 - Speaker to Sign Bills, Resolutions and Papers**

(a) The Speaker, or a Member designated by the Speaker, shall sign all bills and joint resolutions passed by the Legislature. Such certifications shall be made while the House is in session and shall be made a matter of record in the House Journal.

(b) The Speaker shall sign all subpoenas, warrants, writs, vouchers for expenditures chargeable to the House, contracts binding upon the House or other papers issued by the House. The Speaker may delegate the authority to sign papers authorizing payments and other papers of an administrative nature.

### **1.5 - Speaker May Authorize Counsel in Lawsuits Affecting the House**

The Speaker may authorize counsel to initiate, defend, intervene in, or otherwise participate in any lawsuit on behalf of the House, a committee of the House, a Member or former Member of the House in his or her legal capacity as a member, or an officer, employee or agent of the House in their official capacity when the Speaker determines that such lawsuit is of significant interest to the House and that the interest of the House would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the Speaker.

### **1.6 - Appointment of Liaisons; Authorization of Communications**

(a) The Speaker may at any time designate a Member or Members to serve as liaison on behalf of the Speaker.

(b) The Speaker may communicate with the Senate or the Governor on all such subjects the Speaker deems necessary or expedient.

### **1.7 - Voting Rights of the Presiding Officer**

The Speaker shall have the same right as other members to vote. On all questions on which ayes and nays are taken, the Speaker shall vote under the title "Speaker".

## **CHAPTER B. ADMINISTRATIVE DUTIES**

### **1.8 - Control of the House**

(a) The Speaker shall have general control of the Chamber of the House and that part of the Capitol Building assigned to the House.

(b) The Speaker shall assign committee rooms to the various standing and special committees.

(c) The Speaker may reserve a portion of the gallery for former Members of the House, former members of the Senate and the families of Members of the House and their guests.

### **1.9 - Committees**

(a) The Speaker shall create, abolish, and establish the jurisdiction of all committees and subcommittees, in accordance with applicable law. The Speaker shall appoint all committees, subcommittees, chairs, vice-chairs and members of the various committees to report on the subjects named and such other matters as may be referred to them. All chairs, vice-chairs, and members of committees and subcommittees serve at the pleasure of the Speaker.

(b) The Speaker shall appoint all special committees and conference committees as the Speaker determines to be necessary.

(c) The Speaker shall be an ex officio voting member of all standing and special committees.

### **1.10 - House Employees**

All House employees work for and serve at the pleasure of the Speaker. The Speaker shall determine their qualifications, hours of work and compensation, including benefits. The Speaker has the right at any time to transfer employees to another department or discharge any employee of the House without cause.

## **RULE TWO**

### **DUTIES OF THE SPEAKER PRO TEMPORE**

#### **2.1 - Convening**

In the absence of the Speaker, the Speaker Pro Tempore, as Presiding Officer, shall take the Chair each day at the hour to which the House has adjourned, call the House to order and, except in the absence of a quorum, proceed under the Order of Business set forth in these Rules; provided, however, the Speaker Pro Tempore may, in the absence of the Speaker, designate any other Member of the House as Presiding Officer, but such designation shall not last beyond that day's adjournment.

#### **2.2 - Duties**

(a) The Speaker Pro Tempore shall perform the duties of Speaker in the absence of the Speaker.

(b) If at any time the office of Speaker becomes vacant because of removal from office, death, resignation or other disability of the person holding that office, then the Speaker Pro Tempore shall become acting Speaker until the disability is removed or a new Speaker is elected.

(c) The Speaker Pro Tempore shall not be considered the Speaker within the meaning of Article VI, Section 15 of the Oklahoma Constitution providing for succession to the Governorship.

(d) The Speaker Pro Tempore shall be an ex officio voting member of all standing and special committees.

## **RULE THREE**

### **DUTIES OF OTHER HOUSE OFFICERS AND EMPLOYEES**

#### **3.1 - Chief Clerk**

(a) The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the legislative procedure of the House. Under the direction of the Speaker, the Chief Clerk shall be responsible for the official acts of the House staff in indexing the subject matter of bills and resolutions; preparation and publication of a daily Journal; preparation and publication of a daily and interim study Calendar; printing of bills and resolutions; and preparation, indexing and publication of a permanent Journal.

(b) The Chief Clerk shall have custody of and be responsible for the safekeeping of all bills and resolutions pending in the House at the final adjournment of the First Regular Session of the Legislature.

(c) All official papers, records, reports, testimony presented and other materials belonging to the House shall be entrusted to the care and custody of the Chief Clerk.

(d) Official copies of all bills and resolutions and other materials as designated by the Speaker shall not be removed from the office of the Chief Clerk for any purpose except upon order of the Speaker.

(e) Communications shall be prepared and signed by the Chief Clerk of the House under the direction of and in the name of the Speaker.

#### **3.2 - Chief Sergeant At Arms**

(a) It shall be the duty of the Chief Sergeant at Arms to attend the House during each day's session, to maintain order under the direction of the Presiding Officer, and to execute commands of the House.

(b) The Chief Sergeant at Arms shall have charge of the Chamber during the sessions, and see that the same is kept in order and at all times ready for use by the House.

(c) The Chief Sergeant at Arms shall, fifteen (15) minutes before the House is to convene, clear the Chamber, lounge, foyer and reception room of all unauthorized persons, as defined in Rule 5, and shall see that no unauthorized persons enter said areas while the House is in session.

#### **3.3 – Parliamentarian**

The Parliamentarian shall assist the Speaker in the making of parliamentary rulings. The Parliamentarian shall, at the direction of the Speaker, assist the Speaker in publishing a volume of substantive parliamentary rulings.

#### **3.4 - Chaplain**

A Chaplain shall attend the commencement of each day's session of the House, open the same with prayer and may be allotted five (5) minutes during the Thursday session for the purpose of delivering remarks to the House.

#### **3.5 - Chief of Staff**

(a) The Chief of Staff, under the direction of the Speaker, shall employ and manage qualified personnel to staff the House.

(b) The Chief of Staff shall issue or cause to be issued, under the direction of the Speaker, all warrants and vouchers and shall keep an accurate account of all House expenditures.

(c) The Chief of Staff shall promulgate a personnel handbook which shall govern the management of all staff divisions and personnel within the House.

### **3.6 - Pages**

The Speaker, or his or her designee, shall promulgate rules and guidelines for the Page program.

## RULE FOUR

### MEMBERS

#### 4.1 – Member Defined

“Member”, as used in these Rules, means a member of the House of Representatives.

#### 4.2 - Disclosure of Personal or Private Interest

A Member who has a personal or private interest in any bill or resolution, proposed or pending before the House, shall disclose that fact to the House, and shall not vote on that bill or resolution, as required by Article V, Section 24 of the Oklahoma Constitution.

#### 4.3 – Absence of Members

No Member shall be absent from the session of the House without leave.

#### 4.4 - Decorum

(a) No Member rising to debate, to give notice, to make a motion, or to present a paper of any kind shall proceed until the Member has addressed the Presiding Officer and has been recognized by the Presiding Officer as entitled to the floor.

(b) While a Member is speaking, no other Member shall enter into any private conversation or pass between the speaking Member and the Presiding Officer. The Presiding Officer may enforce the provisions of this subsection by naming the disruptive or disorderly Member after requesting order in the Chamber (3) three times.

(c) Profane, obscene or indecent language is prohibited in the House and in all standing or special committees and subcommittees of the House.

(d) When the House is in session all Members shall, while in the Chamber, be appropriately dressed, with men in jackets and ties and women in dresses or skirts or pants worn with a jacket or sweater and shall conduct themselves in a manner becoming a Member of the House of Representatives.

(e) Any Member who, while under the influence of intoxicating liquor or drugs, appears in the Chamber or in any part of the Capitol Building assigned to the House, shall be in contempt of the House and subject to reprimand, suspension or expulsion.

(f) 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.

(g) Use of tobacco products, including smoking, dipping or sniffing snuff, shall not be permitted at any time in the Chamber, as governed by Section 11.6 of these Rules.

(h) No food, including canned or bottled beverages, shall be allowed at any time in the Chamber. Food may be consumed in the lounge and foyer at the west end of the Chamber.

## **RULE FIVE**

### **PRIVILEGES OF THE FLOOR AND ANTEROOMS**

#### **5.1 - Floor Privileges**

No persons shall be entitled to privileges of the floor when the House is in session, except Members of the House, Members of the Senate, former Members of the House except as otherwise provided in this rule, the Governor, employees of the House and Senate designated by the Speaker and messengers from the Governor's office, except upon formal invitation by the House. Children or grandchildren of Members who are too young to qualify as pages shall be admitted to the Chamber only for the purpose of introduction from the Member's desk.

#### **5.2 - Anterooms of the House Chamber**

While the House is in session, no persons other than those entitled to privileges of the floor, members of the immediate families of House Members and House employees authorized by the Speaker shall be admitted to the lounge and foyer at the west end of the Chamber or into the reception room at the east end of the Chamber, except at the express invitation of a Member.

#### **5.3 - Former Members**

Except as authorized by the Speaker, no former Member of the House who is an officer or employee in the executive branch of state government or who is registered or required to be registered as a lobbyist under the Ethics Commission Act shall be entitled to privileges of the floor when the House is in session.

## RULE SIX

### BILLS AND RESOLUTIONS

#### 6.1 – Definition of the Term “Bill”

The term “bill”, as used in these Rules, shall mean proposed legislation which in order to become law must pass through the Legislature according to the procedures established by the Oklahoma Constitution, including consideration by the Governor. The term shall include proposed laws of a general nature and proposed special or local laws. The procedures of these Rules applicable to the introduction and passage of bills shall also apply to the introduction and passage of joint resolutions.

#### 6.2 - Filing Deadlines

The filing deadlines for introduction of bills and joint resolutions shall be established in consultation between the House and Senate.

#### 6.3 - Numbering

(a) Bills and joint resolutions introduced in the Second Regular Session of a Legislature shall be numbered consecutively with the last bill and joint resolution, respectively, introduced in the First Regular Session of the same Legislature.

(b) Simple and concurrent resolutions introduced in the Second Regular Session of a Legislature shall be numbered consecutively with the last simple and concurrent resolution, respectively, introduced in the First Regular Session of the same Legislature.

#### 6.4 – Introduction

(a) All bills and resolutions shall be accompanied by the name or names of the

Member or Members introducing the bill or resolution, shall have a title stating the subject matter contained therein and shall include the request number assigned to the bill or resolution by the staff of the House.

(b) Except as provided in subsection (c) of this section, no Member of the House of Representatives shall be the principal author of more than eight (8) bills or joint resolutions during a session of the Legislature.

(c) The provisions of subsection (b) of this section shall not apply to:

1. bills containing appropriation matters of which the principal author is the Chair of the Appropriations and Budget Committee of the House,

2. reapportionment bills,

3. bills introduced for the purpose specified in Section 23.1 of Title 75 of the Oklahoma Statutes,

4. bills introduced for the purpose of disapproving or approving agency rules pursuant to the Administrative Procedures Act,

5. bills introduced for the purpose of implementing the Oklahoma Sunset Law,

6. bills that only repeal or delete, without substantive replacement, provisions of the Oklahoma Statutes,

7. bills initially introduced by the principal author in the Senate and for which the House Member is serving as principal author only at the request of the principal author in the Senate,

8. simple or concurrent resolutions, and

9. any other measure authorized by the Speaker.

### 6.5 – Co-authors

Co-authors of bills and resolutions added after introduction shall be indicated on a separate page to be attached to the bill or resolution.

### 6.6 - Principal Senate Author of a House Bill or Resolution

While a House bill, joint resolution or concurrent resolution is within the physical control of the House, the principal author of the bill or resolution shall have full and complete discretion in determining who the principal Senate author of the bill or resolution shall be. No bill or resolution lacking a principal Senate author shall be scheduled for floor consideration, except that the withdrawal of the principal Senate author, after the bill or resolution is scheduled for floor consideration, shall not preclude the House from considering the bill or resolution.

### 6.7 – Procedures Governing Simple and Concurrent Resolutions

(a) The following classes of simple and concurrent resolutions shall lie over one (1) legislative day after introduction, after which they may be called up for consideration:

1. resolutions requesting information from any of the executive or judicial departments, from county and municipal officers or from corporate entities or persons,
2. resolutions giving rise to debate.

(b) The following classes of simple and concurrent resolutions may be taken up the same day they are introduced:

1. resolutions relating to business immediately before the House,

2. resolutions relating to business of the day on which they may be offered, or

3. resolutions relating to adjournment or recess.

(c) A motion to adopt a simple or concurrent resolution shall be subject to amendment and debate. A motion to amend shall be in order immediately. Debate shall be limited to thirty (30) minutes, equally divided between the proponents and opponents of the resolution, provided that no Member speak for more than ten (10) minutes. Five (5) minutes of the time allocated to the proponents of the resolution shall be reserved to the principal author, and the principal author shall have the right to close the debate.

**It shall be the decision of the Chair that House Rule 6.7(c) shall be interpreted to mean that all proposed amendments to simple resolutions, noting the page and the line, shall be submitted to the Clerk on a separate piece of paper before being taken up for consideration by the House.**

*Prec. Okla. H. of Rep., §6.7(1.), 50th Leg., 1st Reg. Sess. (April 14, 2005).*

(d) Co-authors of simple or concurrent resolutions added after introduction shall be indicated on a separate page to be attached to the simple or concurrent resolution.

(e) Any simple or concurrent resolution may be referred by the Speaker to an appropriate committee.

### 6.8 - Final Action

(a) The following action shall constitute final action on any bill or resolution:

1. committee recommendation of "Do Not Pass",

2. if a motion to reconsider the vote on Third Reading or Fourth Reading fails to prevail,

3. if a motion to table the motion to reconsider prevails, or

4. if a vote is taken on Third Reading or Fourth Reading and no notice is served to reconsider the vote.

**It shall be the decision of the Chair that House Rule 6.8 shall be interpreted to mean that “final action” on any bill or resolution arising from a committee recommendation of “Do Not Pass” shall result in that bill being unavailable for retrieval out of committee by any method including a suspension of House rules.**

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

**It shall be the decision of the Chair that veto of a measure by the Chief Executive does not constitute final action under the terms of House Rule 6.8.**

*Prec. Okla. H. Of Rep.*, §6.8(2.), 51st Leg., 2nd Reg. Sess. (March 6, 2008).

(b) If final action is such as to defeat a bill or resolution, no other bill or resolution having the same effect and covering the same specific subject matter shall be considered by the House during either session of the current Legislature.

## **6.9 - Carry-over Bills and Joint Resolutions**

Any bill or joint resolution pending in the House at the sine die adjournment of the First Regular Session of a Legislature shall carry over to the Second Regular Session with the same status as if there had been no adjournment; provided, however, that this Rule shall not apply to bills and joint resolutions pending in a conference

committee at the time of sine die adjournment.

## **RULE SEVEN**

### **COMMITTEES**

#### **7.1 - Open Meetings**

All meetings of all committees and subcommittees shall be open to the public, subject to the authority of the Chair to maintain order and decorum. A Chair, with the approval of the Speaker, may close a committee or subcommittee meeting or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the committee or subcommittee, if necessary to preserve physical security, including the protection of a witness.

#### **7.2 - Notice of Meetings**

(a) All committees and subcommittees shall provide, in a manner reasonably calculated to give actual notice to interested persons, at least forty-eight (48) hours notice of a meeting. At a minimum, notice of the meeting shall be posted both outside the House chamber and at any other suitable place, including the House web site. In case of emergency, with the approval of the Speaker, a meeting may be held with notice appropriate to the circumstances. The Speaker shall announce and describe the emergency.

(b) A notice shall state the date, time and place of a meeting and shall include a listing and sufficient title for identification of any and all bills to be considered by the committee or subcommittee holding the meeting. The bill author and the members of the committee or subcommittee shall be provided separate notice.

(c) If a committee or subcommittee is scheduled for a regular meeting, but does not plan to meet, a notice stating that no meeting is to be held shall be posted.

#### **7.3 - Timing of Committee and Subcommittee Meetings**

(a) Committees and subcommittees shall meet at the call of the committee Chair within the dates, times and locations designated by the Speaker.

(b) No committee or subcommittee shall sit during a floor session of the House without special leave from the Speaker.

#### **7.4 - Authority of the Chair**

(a) The committee or subcommittee Chair shall sign all vouchers or reports required or permitted by these Rules. The committee Chair shall sign all subpoenas as provided in Section 7.13.

(b) Except as otherwise provided in these Rules, the Chair has all authority necessary to ensure the efficient operation of the committee or subcommittees, including, but not limited to, presiding over the committee or subcommittees, establishing the agenda for the committee or subcommittees, recognition of members or presenters, deciding all questions of order in committee or subcommittees and determining the order in which matters are considered in committee or subcommittees. All standing and special committees and subcommittees shall be governed by the House Rules applicable to committee proceedings.

(c) The Chair shall exercise all authority necessary to maintain order and decorum, including the authority to require all persons attending a committee or subcommittee meeting to silence all telephones, audible beepers and other audible electronic equipment and to request the Sergeant at Arms to clear the committee room of a person or persons causing disruption.

(d) In case of a Chair's absence, the Vice-Chair shall assume all duties of the

Chair until the Chair's return or replacement.

**It shall be the decision of the Chair that the Presiding Officer will not take cognizance of or attempt to exercise jurisdiction over alleged violations of committee procedure while presiding on the House Floor.**

*Prec. Okla. H of Rep.*, §7.4(1.), 51st Leg., 2nd Reg. Sess. (March 4, 2008)

## 7.5 - Procedure

(a) When considering legislation or conducting other business, committees and subcommittees shall observe the following procedures:

1. The Chair shall arrange for the taking of recorded minutes, including the recording of which members were in attendance.
2. No person shall address the committee or subcommittee unless first recognized by the Chair for that purpose.
3. All motions offered in a committee or a subcommittee meeting shall require a second to receive further consideration.
4. A committee or subcommittee may only take up bills or resolutions for consideration if a quorum of the committee or subcommittee is present. A quorum is a majority of the members of the committee or subcommittee, excluding the ex officio members of the committee or subcommittee, but the ex officio members may count toward the presence of a quorum in a committee or its subcommittees.
5. If and when a bill or resolution is taken up for consideration, the House author shall be recognized for explanation of the bill or resolution if he or she so desires.

6. The House author shall be given the opportunity to answer questions put by members of the committee or other persons recognized by the Chair.

7. The Chair shall provide opportunity for presentation of amendments to the bill or resolution by the House author, any member of the committee, or any other Member of the House, as governed by Section 7.6 of this Rule.

8. Amendments shall be considered in the order they appear in the bill or resolution, or in the order they are presented to the committee. The Chair shall resolve any conflict resulting from claimed priority of presentation.

9. The author of an amendment shall explain the amendment and be afforded the opportunity to answer questions about the amendment put by members of the committee, the author of the bill or resolution or other persons recognized by the Chair.

10. The Chair may recognize any person for comment on the proposed legislation or amendments thereto. The Chair may limit the amount of time for any such comment.

(b) Prior to the deadlines delineated in subsection (c) of this section, the Chair may refer to a subcommittee or reassign from a subcommittee any legislation, proposal or inquiry; provided, however, no subcommittee shall be permitted to report directly to the House, but rather shall report to the parent committee.

(c) Subsequent to the final legislative day of the third week of Regular Session when considering House bills and joint resolutions and subsequent to the final legislative day of the ninth week of Regular Session when considering Senate bills and joint resolutions, no bills or joint resolutions shall be returned from a

subcommittee or reassigned from a subcommittee and shall not be considered further by the subcommittee or the parent committee and shall remain the property of the subcommittee unless the following options are exercised:

1. as provided in Section 7.9, a written request for a public hearing is properly submitted,
2. as provided in Section 7.10, a written request for a hearing is properly submitted,
3. the bill or resolution is placed directly on the Calendar by the Speaker, or
4. as provided in Section 7.12, a discharge petition is properly submitted.

(d) Except for legislation affecting appropriations or resulting in a fiscal impact, all legislation originating in the House which is recommended by a committee to the full House shall contain a complete Title and an Enacting or Resolving Clause.

### **7.6 - Amendments**

(a) Committees and subcommittees may only consider amendments presented in final written form prior to adoption.

(b) Any Member of the House may offer an amendment to any bill or resolution being considered by any committee or subcommittee and shall be recognized to introduce the amendment. If not a member of the committee or subcommittee, a Member who offers an amendment must comply with the amendment filing deadline of this Rule and be present at the meeting at which the amendment is considered. If the Member is not present, the amendment may only be considered if taken up and offered by a member of the committee or subcommittee.

(c) Any Member offering an amendment, including a member of the committee or subcommittee, must submit the proposed amendment in writing to the Chair by 3:00 p.m. the legislative day before the meeting of the committee or subcommittee. This rule may be suspended for amendments submitted by Members who are not members of the committee or subcommittee by a vote of two-thirds (2/3) of a quorum of the committee or subcommittee. The Chair may, at his or her discretion, waive or set a later deadline than contained in this rule for amendments submitted by members of the committee or subcommittee.

(d) Amendments to any bill or resolution under consideration by a committee or subcommittee shall be germane to the subject of the original bill or resolution and as approved by any committee shall be incorporated into the printed bill or resolution the same as if included in the original bill or resolution.

### **7.7 - Voting**

(a) All votes in committees or subcommittees shall be conducted in open public meetings of that committee, except that two-thirds (2/3) of the members of any standing or special committee, including ex officio members, may report a bill or resolution out of committee by signing a written report. If a written report is prepared by a member other than the Chair of the committee, a written notice that a report is being prepared shall be given to the Chair prior to the circulation of the report for signatures.

(b) The vote on a recommendation for final passage out of committee to the House of Representatives concerning a bill or resolution shall be by a recorded vote and shall require a majority vote of a quorum of the members of the committee. As used in this section, "recommendation for final passage out of committee" means a

"Do Pass", "Do Pass as Amended" or a "Do Not Pass" motion. A "Do Pass" motion takes precedence over any other motions for final passage.

(c) Only those committee members present may vote on any matter. Absent members may include in the recorded minutes how they would have voted if present during a recorded vote, but this shall not be counted in a roll call vote.

### **7.8 - Committee Recommendations**

(a) "Do Pass". When any committee returns a bill or resolution with the recommendation of "Do Pass", the same shall be printed and placed on the Calendar in numerical order by bill or resolution number under the heading "Bills on General Order", "Joint Resolutions on General Order", "Bills on Consent Calendar" or "Joint Resolutions on Consent Calendar", as the case may be.

(b) "Do Not Pass". When any committee returns a bill or resolution with the recommendation of "Do Not Pass", this shall constitute final action.

(c) 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 the bill or resolution is placed directly on the Calendar by the Speaker or is discharged pursuant to Section 7.12.

### **7.9 - Public Hearing**

(a) After assignment to a standing or special committee, a bill or resolution shall be considered in a public hearing followed by a recommendation vote under the following procedures:

1. submission of a written request that is signed by a majority of the members of the committee or subcommittee if the

principal author is a member of the committee or subcommittee, or

2. submission of a written request that is signed by a majority of the members of the committee or subcommittee plus the principal author if the principle author is not a member of the committee or subcommittee to which the measure in question was assigned.

(b) Ex officio members of a committee or subcommittee may sign such written requests and shall count towards the necessary signatures as required by this section.

(c) The written request for a hearing and recommendation vote shall be submitted to the Chief Clerk of the House. The Chief Clerk shall determine if the written request contains the necessary signatures as required by this section. If the written request contains the necessary signatures, the Chief Clerk shall forward the written request to the appropriate committee or subcommittee Chair who shall set the date and time of the hearing.

(d) The notice of the date and time of such hearing shall be publicly announced by the Chair. Such time and date shall not be less than three (3) legislative days from the date such request was received by the Chair, unless such time and date would prohibit consideration of the bill or resolution in accordance with Section 7.5 or 7.10 of this Rule.

### **7.10 - Consideration of House Bills and Joint Resolutions**

(a) After assignment to a standing or special committee, the principal author of a bill or resolution introduced on or prior to the filing deadline of the First Regular Session and the principal author of a bill or resolution introduced after the filing deadline of the First Regular Session and on or prior to the filing deadline of the

Second Regular Session shall be entitled to have such bill or joint resolution considered by a vote of the committee at least four (4) legislative days prior to the final date for Third Reading in the First Regular Session or for Third Reading in the Second Regular Session respectively under the following procedures:

1. submission of a written request that is signed by a majority of the members of the committee if the principal author is a member of the committee or one of the subcommittees of the committee, or

2. submission of a written request that is signed by a majority of the members of the committee plus the principal author if the principal author is not a member of the committee or subcommittee to which the measure in question was assigned.

(b) Ex officio members of a committee may sign such written requests and shall count towards the necessary signatures as required by this section.

(c) The written requests provided for by this section shall be submitted to the Chief Clerk of the House. The Chief Clerk shall determine if the written request contains the necessary signatures. If the written request contains the necessary signatures, the Chief Clerk shall forward the written request to the appropriate committee chair.

### **7.11 - Fiscal and Actuarial Analysis**

(a) 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. Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implications of the bill. The fiscal analysis shall not express comment or

opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects.

**\*It shall be the decision of the Chair that the phrase “accompanied by a fiscal analysis” contained in House Rule 7.12(a) shall be interpreted to mean that the fiscal analysis prepared for a particular bill or resolution must be distributed on the House floor before that bill or resolution may be heard.**

*Prec. Okla. H. of Rep.*, §7.12(1.), 50th Leg., 1st Reg. Sess. (Feb. 24, 2005).

**It shall be the decision of the Chair that House Rule 7.11(a) 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.**

*Prec. Okla. H. of Rep.*, §7.11(2.), 51st Leg., 1st Reg. Sess. (April 9, 2007).

**In response to the question of the Chair, Speaker Pro Tempore Gus Blackwell directed that HB 1897 be laid over until a fiscal impact statement was provided or the measure’s author provided additional information describing the parameters of the measure’s fiscal impact.**

*Prec. Okla. H. of Rep.*, §7.11(3.), 51st Leg., 2nd Reg. Sess. (Feb. 19, 2008).

(b) All bills affecting any retirement system authorized by law shall be accompanied by an estimate of the cost and actuarial analysis of the measure upon being reported favorably by any standing committee unless the actuarial analysis for the bill is governed by the Oklahoma Pension Legislation Actuarial Analysis Act. The estimate and actuarial analysis shall be prepared by the actuary of the Legislative Service Bureau.

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\*The rule interpreted by this precedent has been renumbered from 7.12 to 7.11 in House Rules, 51st Oklahoma Legislature.

(c) If any bill of the type delineated in subsections (a) and (b) of this section is scheduled for floor consideration without a fiscal or any required actuarial analysis having been prepared, it shall be the right of any Member to raise a point of order on the Floor and the Speaker may, in the Speaker's discretion, order return of the bill to the appropriate committee. The accuracy of a fiscal or actuarial analysis shall not be a basis for a point of order under these Rules.

### **7.12 – Discharge from Committee**

(a) Any bill or resolution may be discharged from any standing committee of the House upon a written request signed by two-thirds (2/3) of the Members of the House.

(b) The written request for discharge of a bill or resolution shall be submitted to the Chief Clerk of the House. The Chief Clerk shall determine if the written request contains the necessary signatures as required by this section. If the written request contains the necessary signatures, the Chief Clerk shall forward the written request to the Speaker who shall place the bill or resolution on the appropriate Calendar. The Chief Clerk shall publish the signatures on the House web site.

### **7.13 - Oversight Powers and Responsibilities of Committees and Subcommittees**

(a) Committees and subcommittees are authorized:

1. to maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area,

2. to invite public officials, public employees and private individuals to appear

before the committees or subcommittees to submit information,

3. to request reports from departments and agencies performing functions reasonably related to the committees' jurisdictions,

4. to complete the interim projects assigned by the Speaker, and

5. to conduct such other business as directed by the Speaker.

(b) Each committee or subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation and physical plant of any public agency in this state.

(c) In order to carry out the duties of the committee and its subcommittees, the Chair of each committee with approval of the Speaker may issue subpoenas duces tecum and other necessary process to compel the attendance of witnesses either before the committee or subcommittee or at deposition and the production of any books, letters or other documentary evidence required by such committee. The Chair, Vice-Chair, or a member designated by the Chair or Vice-Chair may administer all oaths and affirmations to witnesses who appear before such committees to testify in any matter requiring evidence.

### **7.14 - Conference Committees**

(a) The House Chairs, Vice-Chairs and members of a conference committee shall be appointed by the Speaker. Once appointed, the Chair of the committee shall determine its procedures, subject to the provisions of this section.

(b) Signatures on conference committee reports may only be solicited by and given to members of the committee, the

author or co-author of the bill or resolution, or House staff members.

### 7.15 - Conference Committee Reports

(a) A conference committee report shall be considered by the House only when a majority of both the House and Senate members of the committee have signed the report. The House shall consider the report only if it is limited to matters germane to the bill or resolution.

(b) Motions to adopt or reject a conference committee report shall be set on a separate conference committee calendar. A motion to adopt or reject a conference committee report shall be subject to debate. Such debate shall be limited to one (1) hour, equally divided between the proponents and the opponents of the motion, provided that no Member may speak for more than ten (10) minutes.

(c) Prior to consideration, a House conference committee report shall lie over twenty-four (24) hours after it is filed. No House conference committee report shall be considered for adoption if Members of the House have not been provided a printed or electronically transmitted copy of the report twenty-four (24) hours before the consideration of the report. The report must be accompanied by a separate summary of the changes made to the bill or resolution sent to conference. This subsection shall not apply on the last two (2) days of any legislative session once the date of sine die adjournment has been set.

**\*It shall be the decision of the Chair that the timing requirements delineated in House Rule 7.16(c) shall be interpreted as to not apply to conference committee reports associated with Senate bills.**

*Prec. Okla. H. of Rep.*, §7.16(1), 50th Leg., 1st Reg. Sess. (May 18, 2005).

### 7.16 – Publication of Records

All records required by the provisions of this Rule shall be made available on the House web site at least for the duration of the Session.

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\*The rule interpreted by this precedent has been renumbered from 7.16 to 7.15 in House Rules, 51st Oklahoma Legislature.

## **RULE EIGHT**

### **ORDER OF BUSINESS AND LEGISLATIVE PROCESS**

#### **CHAPTER A. ORDER OF BUSINESS**

##### **8.1 - Daily Order of Business**

(a) The following Order of Business shall be followed each day:

1. Roll Call.
2. Prayer.
3. Correction of the Previous Day's Journal. (The Journal shall be printed and any error appearing therein shall be corrected.)
4. Petitions and Memorials.
5. Executive Messages or Communications.
6. Reports of Special Committees.
7. Reports of Standing Committees.
8. Reports of Conference Committees.
9. Reports of Engrossed and Enrolled Bills.
10. Introduction of Bills and Joint Resolutions.
11. Senate Bills and Joint Resolutions on First Reading.
12. House and Senate Bills and Joint Resolutions on Second Reading.
13. Consideration of Simple and Concurrent Resolutions.

14. Messages from the Senate and Senate Amendments to House Bills.

15. House and Senate Bills and Joint Resolutions on General Order.

16. House and Senate Bills and Joint Resolutions on Third Reading.

17. Consideration of Conference Committee Reports.

18. House and Senate Bills and Joint Resolutions on Fourth Reading.

19. Motions and Notices.

20. Unfinished business.

(b) On each Monday, the Roll Call shall be followed by the Pledge of Allegiance. The Order of Business shall then proceed as defined by subsection (a) of Section 8.1.

##### **8.2 - "Reading" Defined**

"Reading" means the stage of consideration of a bill or joint resolution after reading or publishing of a portion of the title sufficient for identification, as determined by the Speaker.

##### **8.3 - Reading of Bills and Joint Resolutions**

Each bill and each joint resolution shall receive three (3) readings on three (3) separate days. The publication of a bill or joint resolution by its title and bill number in the House Journal shall satisfy the requirements of First Reading.

##### **8.4 - First and Second Reading**

(a) After the First Reading of a bill or joint resolution, the bill or joint resolution shall be placed on the Calendar under "Bills on Second Reading" or "Joint

Resolutions on Second Reading”, as the case may be.

(b) On the Second Reading of a bill, the bill shall be read by Title only, unless otherwise ordered by the House, and shall be referred by the Speaker to an appropriate committee or directly to the Calendar under the heading “Bills on General Order”, “Joint Resolutions on General Order”, “Bills on Consent Calendar”, or “Joint Resolutions on Consent Calendar”, as the case may be.

(c) No bill or joint resolution on First or Second Reading shall be subject to amendment or debate.

## CHAPTER B. BILLS AND JOINT RESOLUTIONS ON GENERAL ORDER

### 8.5 – Reading and Explanation

(a) A bill or joint resolution on General Order shall first be read by title, or read and considered by sections, unless otherwise ordered.

(b) The Member presenting a bill or joint resolution shall be allowed a reasonable length of time in which to explain same, but said explanations shall not include a discussion of the merits of the proposition.

(c) No bill or joint resolution on General Order shall be considered until all opportunities provided by this Rule for filing proposed amendments shall be afforded the House.

(d) In such case where no main floor amendment shall be timely filed as defined in subsection (b) of Section 8.6 or where no main floor amendments shall be offered except those amendments permitted under subsections (f) and (g) of Section 8.6, such measure shall become eligible for floor consideration upon the expiration of the

deadline set forth in subsection (b) of Section 8.6.

### 8.6 – Amendments

(a) All House and Senate bills and joint resolutions when initially published on the Floor Calendar shall be subject to amendment beginning at the time of such publishing.

**It shall be the ruling of the House that an amendment to the main floor amendment containing the same substantive language as the main floor amendment shall be out of order.**

*Prec. Okla. H. of Rep., §8.6(4.), 51st Leg., 2nd Reg. Sess. (April 23, 2008).*

(b) A main floor amendment must be filed no later than twenty-four (24) hours after a bill or joint resolution is initially published on the Floor Calendar.

(c) An amendment to a main floor amendment must be filed no later than forty-eight (48) hours after a bill or joint resolution is initially published on the Floor Calendar.

(d) Calendar days not concurrently designated as legislative days shall not be considered when calculating the beginning and ending dates and times for bills initially published on the Floor Calendar and passing through the amendment cycle.

(e) No amendment purporting to strike the Title or the Enacting or Resolving Clause of any bill or joint resolution shall be in order except as provided in subsections (f) and (g) of this section.

(f) Beginning on the Monday falling two (2) weeks prior to a Third Reading deadline, 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. Amendments offered under this subsection shall not be subject to the time constraints mandated by subsections (b) and (c) of this section.

**It is the precedent of the Oklahoma House of Representatives under the terms of House Rule 8.6(f), 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.**

*Prec. Okla. H. of Rep.*, §8.6(1.), 51st Leg., 1st Reg. Sess. (March 14, 2007).

**It shall be the ruling of the Chair that House Rule 8.6(f) shall be interpreted to mean that a bill reported to the full House without a title may be amended by a floor amendment which includes language purporting to strike the title of the bill.**

*Prec. Okla. H. of Rep.*, § 8.6(2.), 51st Leg., 2nd Reg. Sess. (March 12, 2008).

**It shall be the ruling of the Chair that House Rule 8.6(e), (f) and (g) are not applicable to a measure itself but apply only to amendments offered to the measure on the House Floor.**

*Prec. Okla. H. of Rep.*, §8.6(3.), 51st Leg., 2nd Reg. Sess. (March 12, 2008).

(g) The Chairperson of the Revenue and Taxation Committee and the Chairperson of the Appropriations and Budget Committee shall be permitted to offer amendments to strike the Title or the Enacting or Resolving Clause of measures affecting revenue or appropriations. Amendments offered under this subsection shall not be subject to the time constraints mandated by subsections (b) and (c) of this section.

(h) The body of a bill or joint resolution shall not be defaced or interlined,

but all proposed amendments shall be separately submitted, noting the page and line, and shall be considered timely filed only if the principal author of the amendment has electronically submitted such amendment in completed form to the Chief Clerk's office within the time constraints provided under subsections (b) and (c) of this section.

## 8.7 – Consideration And Presentation

(a) 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.

**It shall be the decision of the Chair that House Rule 8.7(a) 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.**

*Prec. Okla. H. of Rep.*, §8.7(1.), 51st Leg., 1st Reg. Sess. (April 17, 2007).

(b) The adoption of an amendment to a section shall not preclude further amendment of that section so long as subsequent amendments do not purport to amend the same language previously amended. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order.

**\*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.**

*Prec. Okla. H. of Rep.*, §8.8(1.), 50th Leg., 2nd Reg. Sess. (March 13, 2006).

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\* The rule interpreted by this precedent has been renumbered from 8.8 to 8.7 in House Rules, 51st Oklahoma Legislature.

(c) For the purpose of this Rule, an amendment shall be deemed pending only after its author has been recognized by the Speaker and has moved its adoption.

### **8.8 - Bills Subject to Special Rule**

(a) The Committee on Rules, with the approval of the Speaker, may by majority vote recommend that any bill be subject to a Special Rule created by the Committee. The Committee shall submit the recommendation to the House for its approval.

(b) A Special Rule may limit or prohibit the offering of amendments, may prescribe the time and conditions of debate, may govern floor consideration on Third or Fourth Reading of the bill, or may contain any other provisions deemed appropriate.

### **8.9 - Amendment of General Appropriations Bill**

Whenever an amendment is offered to a General Appropriations Bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall decrease a line item or items within the same bill in an amount or amounts equivalent to or greater than the increase required by the amendment.

### **8.10 - Fiscal and Actuarial Analysis of Amendments**

(a) All amendments to bills or joint resolutions whose adoption will have a fiscal impact, including the affecting of revenues, expenditures or fiscal liability, shall be accompanied by a written fiscal analysis upon being filed with the Chief Clerk's Office. Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implications of passage of the amended bill. The fiscal analysis shall

not express comment or opinion relative to the merits of the amendment proposed, but should point out technical or mechanical defects.

**Relying upon earlier precedent,<sup>34</sup> the Presiding Officer ruled that the floor substitute was in order for consideration because of the author's explanation and representation that there was no change in the overall fiscal impact of the proposed legislation as amended by the proposed floor substitute.**

*Prec. Okla. H. of Rep.*, § 8.10 (1.), 51st Leg., 2nd Reg. Sess. (March 4, 2008).

(b) Except as may be otherwise required by the Oklahoma Pension Legislation Actuarial Analysis Act, all amendments to bills or joint resolutions affecting any retirement system authorized by law shall be accompanied by an estimate and actuarial analysis of the present and future fiscal implications of passage of the amended bill. The estimate and actuarial analysis shall be prepared by the actuary of the Legislative Service Bureau.

### **8.11 - Germaneness of House or Senate Amendments**

(a) 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.

**It shall be the ruling of the Chair that House Rule 8.11 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.**

<sup>34</sup> *Prec. Okla. H. of Rep.*, § 7.11(2), 51st Leg., 2nd Reg. Sess. (Feb. 19, 2008).

*Prec. Okla. H. of Rep.*, §8.11(1.), 51st Leg., 1st Reg. Sess. (March 17, 2007).

**It shall be the decision of the Chair that House Rule 8.11(a) 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.**

*Prec. Okla. H. of Rep.*, §8.11(2.), 51st Leg., 1st Reg. Sess. (May 2, 2007).

**It shall be the ruling of the Chair that House Rule 8.11 shall be interpreted to mean that a floor amendment containing statutory changes is not germane to the subject of a bill that contains proposed amendments to the Oklahoma Constitution.**

*Prec. Okla. H. of Rep.*, §8.11(3.), 51st Leg., 2nd Reg. Sess. (April 16, 2008).

**It shall be the ruling of the Chair that House Rule 8.11 is applicable only to floor amendments under consideration on the House Floor.**

*Prec. Okla. H. of Rep.*, §8.11(4.), 51st Leg., 2nd Reg. Sess. (April 22, 2008).

(b) An amendment of an amendment must be germane to both the main amendment and the measure which it purports to amend.

### **8.12 - Amendments Out of Order**

An amendment is out of order if it is the principal substance of a bill or resolution that has received an unfavorable committee report, has been withdrawn from further consideration by the principal author or 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 or resolution on the Floor Calendar and under consideration by the House. Any amendment that is

substantially the same, and identical as to specific intent and purpose, as the bill or resolution residing in the committee of reference is covered by this Rule, unless the bill or resolution under amendment is substantially the same as the bill or resolution residing in the committee of reference.

**It shall be the decision of the Chair that House Rule 8.12 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.**

*Prec. Okla. H. of Rep.*, §8.12(1.), 51st Leg., 1st Reg. Sess. (March 12, 2007).

### **8.13 - Reconsideration**

A motion to reconsider any vote on the adoption or rejection of an amendment, or the adoption or rejection of a section of any bill or joint resolution, may be made by any Member prior to the advancement of such measure from General Order, which motion shall be subject to debate. The motion to reconsider may be laid on the table without affecting the question in reference to which the motion is made thereby resulting in a final disposition of the motion.

### **8.14 - Motion to Commit**

A motion may be made during the reading or consideration of any bill or joint resolution on General Order to commit the bill to a standing or special committee, with or without instructions.

### **8.15 - Motion to Advance from General Order**

A motion to advance a bill or joint resolution from General Order shall not be in order until all opportunities provided by this Rule for filing proposed amendments shall be afforded the House. Once a motion to advance from General Order has been

adopted, the bill or resolution shall be considered engrossed and on Third Reading.

### **8.16 - Engrossment**

(a) The Office of Engrossing and Enrolling is authorized to correct misspelled words, citations, doublets or repeated words when engrossing House bills or joint resolutions, or House amendments to engrossed Senate bills or joint resolutions.

(b) When engrossing or enrolling House bills or joint resolutions, or House amendments to engrossed Senate bills or joint resolutions and when preparing committee reports and floor versions of House bills or joint resolutions, the House staff is authorized to remove sections from a bill or joint resolution labeled as amendatory but which consist entirely of existing law and contain no amendments to the existing law.

(c) When engrossing or enrolling House bills or joint resolutions, or House amendments to engrossed Senate bills or joint resolutions and when preparing committee reports and floor versions of House bills or joint resolutions, the House staff is authorized to incorporate amendments to sections of law in the bill or joint resolution which are contained in legislation enacted previously during the same legislative session and amending the same sections of law and repeal such previous versions of the section at issue, if in the opinion of the House legal staff, the incorporation of such amendments and repeal of the previous version would clearly not conflict with the amendments contained in the legislation at issue.

## **CHAPTER C. BILLS AND JOINT RESOLUTIONS ON THIRD READING OR FOURTH READING**

### **8.17 - Consideration and Debate**

On Third Reading or Fourth Reading of a bill or joint resolution the question shall be put in the following manner: "The Question Before the House is, shall the Bill or Joint Resolution Pass?" Such question shall be decided by recorded vote after the announcement of the question by the Presiding Officer. 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, provided that no Member may speak for more than ten (10) minutes. Five (5) minutes of the time allocated to the proponents of the bill or joint resolution shall be reserved to the principal author, and the principal author shall have the right to close the debate.

**It shall be the decision of the Chair that House Rule 8.17 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.**

*Prec. Okla. H. of Rep.*, §8.17(1.), 51st Leg., 1st Reg. Sess. (Feb. 27, 2007).

### **8.18 - Amendments**

No bill or joint resolution on Third or Fourth Reading shall be subject to amendment.

### **8.19 - Consideration of Emergency Section**

When any bill or joint resolution is being considered on Third Reading or

Fourth Reading, and such a bill or joint resolution contains an emergency section, the Emergency Section shall constitute a separate question, and shall be subject to debate.

### **8.20 - Consent Calendar**

(a) There shall be a Consent Calendar on which shall be entered such bills and resolutions as the committees shall designate on the committee report or which the Speaker shall place on a Consent Calendar. Measures placed on the Consent Calendar shall not be considered by the House of Representatives for four (4) legislative days, including the day that the measure is placed on the Consent Calendar. The measure shall then be scheduled for final consideration on the fifth legislative day.

(b) Upon the request of any member in open session during the four (4) legislative days, a bill or resolution shall be removed from the Consent Calendar and placed on General Order. Such request shall be recorded in the House Journal.

(c) All bills and resolutions from the Consent Calendar shall be considered for final action as provided by House Rules, except that there shall be no debate or amendments offered.

## RULE NINE

### CHAMBER PROTOCOL

#### 9.1 - Enforcement of Rules

The Presiding Officer shall enforce, apply and interpret the Rules of the House in all deliberations.

#### 9.2 - Questions of Order and Decorum

(a) While in the Chamber, the Presiding Officer shall preserve order and decorum, shall prevent personal reflections or the impugning of the motive of any Member, and shall confine Members in debate to the question under discussion.

**It shall be the decision of the Chair that the phrase “the Presiding Officer shall preserve order and decorum” contained in House Rule 9.2(a) shall be interpreted to mean that all motions affecting order and business of the day must first be presented to the Majority Floor Leader before the member desiring to make the motion will be recognized by the Presiding Officer.**

*Prec. Okla. H. of Rep. §9.2(1.), 50th Leg., 1st Reg. Sess. (April 7, 2005).*

(b) When two (2) or more Members seek recognition at the same time, the Presiding Officer shall name the one entitled to the floor. The Presiding Officer shall not recognize any Member who has risen or remains standing while another Member is speaking. No Member shall be entitled to be recognized to speak unless the member seeks recognition from the Member's own desk.

(c) On all questions relative to the transgression of these Rules, the Presiding Officer shall call the Members to order. In such case the Member so called to order shall sit down and shall not rise except to explain said Member's actions or to proceed in order.

(d) Any Member may rise to a point of order against any other Member when, in the Member's opinion, such Member is proceeding out of order. Such point of order shall be decided by the Presiding Officer without debate.

(e) Any decision by the Speaker on a point of order is subject to an appeal to the House made in a timely manner by any Member should the Member or the House be aggrieved by such decision. Such appeal must be seconded by a minimum of fifteen (15) members. Members desiring to second an appeal shall so signify by rising.

(f) The question of an appeal shall be put in the following form: "The question is, shall the decision of the Presiding Officer be the decision of the House? All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

(g) All appeals shall be decided by a recorded vote and without debate, except that the Member taking said appeal shall have five (5) minutes within which to state the reasons for the Member's appeal and the Chair may state the reasons for the Chair's decision.

(h) When a point of order is called, no Member shall approach the Presiding Officer or the Parliamentarian until after the Presiding Officer has ruled. If requested by the Presiding Officer, the Majority Floor Leader may confer with the Presiding Officer regarding matters not pertaining to the point of order.

#### 9.3 - Procedure

(a) When the ayes and nays are ordered, the Presiding Officer shall put the question in the following form: "All those in favor signify by voting 'Aye'; those opposed 'Nay'. The vote is now in progress."

(b) The House shall not consider in either session of the current Legislature any bill or resolution, whether the same shall have originated in the House or in the Senate, if said bill or resolution has been amended by the insertion of matter not germane to the purpose 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.

#### 9.4 - Debate

(a) Except as otherwise specifically provided in these Rules, when a debatable question is before the House, such debate shall be limited to fifteen (15) minutes, equally divided between the proponents and opponents of the question. Under no circumstances shall a Member debate twice on the same question, nor shall any Member speak longer than ten (10) minutes on the same question.

(b) When a debatable question is before the House, any Member may move that the time for debate on such question be extended. For adoption, such motion need only receive a majority of those voting, a quorum being present.

(c) No Member debating any question shall be interrupted by questions until said Member has finished the Member's remarks, and all time taken in asking and answering questions shall be deducted from the time allotted to said Member.

#### 9.5 - Privileges

(a) Questions and motions of privilege shall be: First, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings; Second, the right, reputation and conduct of its Members individually in their representative capacity only, and shall have

precedence over all other questions, except motions to adjourn.

(b) No Member who obtains the floor on a question of personal privilege, or on a question of privileges of the House, shall debate any question, matter, or measure then pending in the House, or in any standing or special committee of the House, nor shall the Member be allowed to yield the floor for questions from other members.

#### 9.6 - Voting and Division

(a) The electronic voting machine shall be used to record the vote whenever the ayes and nays are required or ordered. The machine shall also be used to determine the presence of a quorum, or to determine the numerical count where a division is requested. In the event the machine is not operating properly, all votes and determinations of quorums may be taken by calling the roll. If a Member's voting device is out of order, the Member shall rise and so announce to the Presiding Officer and cast said Member's vote orally prior to the declaration of the result of the vote. Every Member shall vote providing the Member is in the Chamber at the time the vote is in progress.

**It shall be the decision of the Chair that a Member may raise a point of order naming specific Member(s) who were present in the House Chamber upon the closing of a vote, but did not cast their vote. In addition, it is in order for the House to consider a motion offered by a Member requesting that such information be included in the House Journal. Finally, in contrast, the Chair will not hear a motion that does not name offending Members by name due to the fact that such a "blanket" motion might implicate Members who could have been excused for the day or might be outside the**

**House chamber conducting other business.**

*Prec. Okla. H. of Rep.*, §9.6(1.), 50th Leg., 2nd Reg. Sess. (May 19, 2006).

(b) The electronic voting machine shall be under the control of the Presiding Officer and shall be operated by such Clerk as the Presiding Officer so designates. At a reasonable time prior to any vote being taken, the Presiding Officer shall announce that a vote is about to be taken. When any Member other than the Speaker is presiding, the Member shall direct another Member to activate the roll call switch at said Member's desk in the manner requested by that Member. When the Speaker is not presiding, the Speaker may direct another Member to activate the Speaker's roll call switch in the manner requested by the Speaker. Any Member who is present in the Chamber or is within the view of the Presiding Officer while a vote is in progress may direct another Member to activate said Member's roll call switch in the manner requested by that Member.

(c) Each recorded vote for final passage will be held open for at least two (2) minutes or a shorter time if the Presiding Officer determines that all Members recorded as being present have voted.

(d) When sufficient time has elapsed for each member to vote, the Presiding Officer shall ask if any Members present desire to vote or change their vote. Following such inquiry and before the electronic voting machine is locked, any Member may be excused from voting, pursuant to the provisions of Article V, Section 24, of the Oklahoma Constitution.

(e) 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.

**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 House Rule 9.10(a).**

*Prec. Okla. H. of Rep.*, §9.6(2.), 51st Leg., 1st Reg. Sess. (March 13, 2007).

(f) No Member may vote for another member, nor may any person cast a vote for a Member, except as otherwise provided in this rule. A Member who votes for another Member, except as herein provided, may be punished in a manner the House determines. A person voting for a Member, when not authorized by this Rule, shall be barred from the Chamber and may be further punished as the House considers proper.

(g) When a division is requested and ordered, those in the affirmative or the negative, as the case may be, shall cast their votes accordingly and the Clerk shall activate the electronic voting machine so as to reflect the individual ayes and nays and the numerical count, but no permanent record thereof shall be made. When the vote is completed, the Clerk shall advise the Presiding Officer of the result, and the Presiding Officer shall announce the result to the House. In the event the machine is not operating properly, those in the affirmative shall arise from their seats and stand until they are counted aloud by the Clerk, then those voting in the negative shall arise and stand until they are counted, and the Presiding Officer shall announce the result.

**It shall be the decision of the Chair that under House Rule 9.6(g), it is within the sole discretion of the Presiding Officer whether or not to order a division on a question pending before the House.**

*Prec. Okla. H. of Rep.*, §9.6(3.), 51st Leg., 2nd Reg. Sess. (March 4, 2008).

(h) All votes on final passage of bills and resolutions, or the Emergency Section thereof, shall be by recorded votes. Two 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 upon the Presiding Officer's own initiative. All such recorded votes shall be printed in the House Journal.

(i) After the question has been put, but before the vote commences, any Member may call for a statement of the question.

### **9.7 - Conduct During Voting**

(a) While a vote is in progress and until the completion of a vote, and the announcement of the result, no Member shall be recognized and no other business shall be transacted.

(b) No explanation of any vote shall be permitted while a vote is in progress or after a vote has been cast, except pursuant to Article V, Section 24, of the Oklahoma Constitution.

(c) No Member, House employee or other person shall visit or remain by the Reading Clerk or his or her assistant while a vote is in progress.

### **9.8 - Previous Question**

When a debatable question is before the House, any Member may move the Previous Question. It shall be put in the following form: "The Previous Question has been moved. The Question is, shall the

main Question now be put?" If the motion for the Previous Question passes, the main question shall be put immediately and no Member shall be heard to debate it further or seek to amend it.

### **9.9 – Motion to Advance Question**

When a debatable question is before the House, any Member may move to Advance the Question. If the motion to Advance the Question passes, no further amendments to the matter considered shall be allowed and debate shall be limited to fifteen (15) minutes, equally divided between the proponents and opponents of the question, provided that no Member may speak for more than five (5) minutes. After debate is concluded, the question shall be put immediately.

### **9.10 - Reconsideration**

(a) The final vote on Third Reading or Fourth Reading on any bill or joint resolution, or on the Emergency Section thereof, or the final vote on adoption of a simple or concurrent resolution, may be reconsidered only if a Member serves notice immediately after such final vote is taken, prior to the consideration of any other business, of said Member's intention to present a motion to reconsider such action, and the Presiding Officer shall afford any Member such opportunity prior to proceeding to consideration of any other business. The motion to reconsider a final vote shall not be presented or considered on the same day that such final vote was taken, except by suspension of this section, or as provided in subsection (d) or (e) of this section. Only one (1) reconsideration of the final vote on a bill, resolution or Emergency Section shall be allowed.

**It shall be the decision of the Chair that House Rule 9.10(a) shall be interpreted to mean that "other business" includes consideration of other bills and as such, the Chair will not recognize an attempt to serve**

**notice of reconsideration once other bills have been taken up by the House.**

*Prec. Okla. H. of Rep.*, §9.10(2.), 51st Leg., 2nd Reg. Sess. (March 10, 2008).

(b) For adoption, a motion to reconsider the final vote on a bill, resolution, or Emergency Section must receive a majority of those elected to and constituting the House; provided, however, if such motion to reconsider is not presented and considered within three (3) legislative days after the day on which notice is served, the motion to reconsider shall be considered as having failed of adoption.

(c) Except for the last day of the reconsideration period, the motion to reconsider may be presented only by the Member who served notice, or by another Member with said Member's consent. On the last day of the reconsideration period, any Member may present such motion for consideration.

(d) During the last three (3) days of consideration of bills or joint resolutions pursuant to the time period specified for Third Reading and final passage for House and Senate measures, all motions to reconsider a vote on a bill or joint resolution shall be disposed of before the close of business on the last day of the time period specified for Third Reading and final passage for House and Senate measures.

(e) During the two (2) days prior to the last day of a session, all motions to reconsider a vote on a bill, resolution, or emergency section shall be disposed of before the close of business on the same day that notice was served. On the last day of each session no notice of intention to move to reconsider the final vote on a bill, resolution, or Emergency Section shall be recognized, but any Member may, immediately after a final vote is taken and prior to the consideration of any other business, move to reconsider such final

vote, in which event, the motion shall be considered immediately.

(f) Except as otherwise specifically provided in these Rules, no question shall be subject to reconsideration in the House.

**It shall be the decision of the Chair that House Rule 9.10 shall be interpreted to mean that a bill may 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 *BTO*Online.**

*Prec. Okla. H. of Rep.*, §9.10(1.), 51st Leg., 1st Reg. Sess. (March 13, 2007).

**9.11 – Reconsideration of Measures Returned by Executive Veto**

(a) When a bill or joint resolution is returned to the House because of a veto by the Governor, a motion to vote to override the veto shall be in order at any time.

(b) A motion to vote to override a veto by the Governor is debatable. Such debate shall be limited to thirty (30) minutes, equally divided between the proponents and opponents of the question, provided that no Member may speak for more than ten (10) minutes.

**9.12 - Quorum**

(a) If, at any time during the daily sessions of the House, a Member recognized by the Presiding Officer raises a question as to the presence of a quorum, the Presiding Officer shall, without debate, forthwith direct that the electronic voting machine be activated to determine the presence or absence of a quorum, and shall announce the result.

(b) Whenever it shall be ascertained that a quorum is not present, the Members present may, by motion adopted by a majority of those voting, direct the Chief

Sergeant at Arms to request and, if necessary, to compel the presence of absent Members, which motion shall be considered without debate. Pending its execution and until a quorum shall be present, no motion or debate, except to adjourn to a day and time certain, shall be in order.

## RULE TEN

### MOTIONS

#### 10.1 - Precedence of Motions

When a question shall be under consideration, no motion shall be received except as hereinafter specified, which motion shall have precedence in the order stated, and shall be amendable or not amendable, debatable or not debatable, as set forth below:

To adjourn to a time certain  
(amendable - not debatable)

To adjourn (not amendable - not debatable)

To recess (amendable - not debatable)

Call of the House (not amendable - not debatable)

To table (not amendable - not debatable)

To order the Previous Question put  
(not amendable - not debatable)

To Advance the Question (not amendable - not debatable)

To advance from General Order (not amendable - not debatable)

To postpone to a time certain  
(amendable - debatable)

To adopt a conference committee report (not amendable - debatable)

To commit with instructions  
(amendable - debatable)

To commit without instructions (not amendable - not debatable)

To amend (amendable - debatable)

#### 10.2 - Incidental Motions

The following motions are incidental in nature and may be made at any time as an incident to the consideration of the subject before the House. Such motions shall be amendable or not amendable, debatable or not debatable, as set forth below:

Appeals (not amendable - not debatable, except as governed by Section 9.2)

Method of consideration (amendable - not debatable)

Points of order (not amendable - not debatable)

Question of priority (not amendable - not debatable)

Question of Quorum (not amendable - not debatable)

Reading of papers (not amendable - debatable)

Suspension of the Rules (not amendable - not debatable)

Withdrawal of motion (not amendable - not debatable).

#### 10.3 - Motions in Writing

Every motion shall be in writing if the Presiding Officer so desires it, and it shall be read by the Clerk before debate or vote. Oral motions shall be put by the Presiding Officer before debate or vote.

#### **10.4 - Vote Required for Adoption of Motions**

Except as otherwise specifically required by these Rules, or required by the Oklahoma Constitution, any motion, for adoption, need only receive a majority of those voting, a quorum being present.

#### **10.5 - Withdrawal of Motions**

Prior to commencement of debate thereon, or prior to action being taken thereon if there be no debate, any motion may be withdrawn by the Member making same. Otherwise, such motion may be withdrawn only upon adoption of a motion to withdraw same.

**It shall be the decision of the Chair that House Rule 10 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.**

*Prec. Okla. H. of Rep., §10(1.), 51st Leg., 1st Reg. Sess. (April 23, 2007).*

## **RULE ELEVEN**

### **GENERAL PROVISIONS**

#### **11.1 - Nominations**

(a) Nominations which require House confirmation shall be referred by the Speaker to a standing or special committee for consideration.

(b) Committee reports on nominations shall be combined for consideration by the House. To be approved by the House, the combined report shall be adopted by a majority of the Members of the House. At the request of any Member, a nominee shall be separated from the combined report and considered individually by the House. The Majority Floor Leader shall be responsible for preparation and submission of the combined report.

#### **11.2 – Impeachments**

No investigating committee formed for the purpose of considering articles of impeachment shall be formed unless first authorized by a resolution of the House or by the Speaker. The resolution shall define the duties and time period during which the committee shall function. Any Member or Members requesting the investigation shall not serve as chair of the committee.

#### **11.3 – Call of the House**

Call of the House may be moved at any time by any Member, but must be seconded by fifteen (15) Members. If such motion prevails, the business pending shall be suspended, the roll shall be taken, and the names of the absentees ascertained. The Chief Sergeant at Arms shall then be directed by the Presiding Officer to compel the attendance of the absent Members. After one (1) hour has expired, the roll shall again be taken and absent Members noted

in the Journal, and the business suspended upon the roll call shall proceed. If, however, before the expiration of the hour, all absent Members, not otherwise excused, shall appear, the business pending shall then proceed. If a Call of the House be ordered, a motion to "work under the Call of the House" shall be in order, and if adopted, the House shall proceed with any other business at hand except that interrupted by a Call of the House. The Speaker, seconded by five (5) Members, may move a Call of the House and send for absent members, provided there be not a quorum present. In all cases where an absent Member shall be sent for and fails to attend in obedience to the summons, the report of the Chief Sergeant at Arms shall be entered in the Journal.

#### **11.4 - Honorary Appointments**

No honorary appointments shall be recorded in the House Journal.

#### **11.5 – Lobbying**

(a) All lobbying activities directed at the House shall be governed by Sections 4249-4255 of Title 74 of the Oklahoma Statutes and such other applicable rules lawfully promulgated by the Oklahoma Ethics Commission.

(b) No monetary contributions shall be accepted by any Member or his or her staff on Capitol property at any time.

#### **11.6 - Designated Smoking Areas**

No person shall smoke within those parts of the Capitol Building assigned to the House. Members, employees or visitors wishing to smoke shall use designated smoking areas inside or outside the Capitol Building.

**11.7 - Members of the Press**

No persons shall be admitted to the House press gallery except Members and staff of the House, members of the press bearing permits signed by the Speaker and the Chairs of the Capitol Press organizations, and guests with the written permission of the Speaker and the Chairs of the Capitol Press organizations.

**11.8 - Legislative Records**

(a) Records that are required to be created by these Rules or that are of vital, permanent or archival value shall be maintained in the Office of the Chief Clerk. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained shall be archived with the Oklahoma Department of Libraries.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal or fiscal significance to warrant their retention shall be disposed of systematically.

(c) A digital recording shall be made of each day's session by the Office of the Chief Clerk which shall be compiled and stored on a digital device suitable for archival purposes.

(d) The committee staff assigned to each existing committee shall ensure compliance with this Rule for all records created or received by the committee or for a former committee whose jurisdiction has been assigned to the committee.

(e) The Speaker and all House officers, under the direction of the Speaker, shall ensure compliance with this Rule for all records created or received by their respective offices and their predecessors in office.

**11.9 - Convening Restriction**

No legislative day shall begin between the hours of 12:00 midnight and 8:00 a.m. on any calendar day.

## **RULE TWELVE**

### **ADJOURNMENT OR RECESS**

#### **12.1 - Motion to Adjourn or Recess**

(a) When a motion to adjourn or recess is adopted, no Member or officer shall leave said Member's or officer's place until the adjournment or recess shall be declared by the Presiding Officer.

(b) When the House adjourns, it shall be to 1:30 p.m. of the succeeding legislative day unless another day and/or hour be specifically named, which day and/or hour shall be entered in the Journal.

(c) A motion to adjourn or recess shall always be in order when the floor can be obtained for that purpose, and shall be decided without debate; provided, the Previous Question has not been ordered. When a vote is being taken, a motion to adjourn or recess shall not be in order. When it is apparent to the Presiding Officer that the motion to adjourn or recess is being made for the purpose of delay and such motion has been voted in the negative, within the next preceding ten (10) minutes, the Presiding Officer, in the discretion of the Presiding Officer, may rule the motion out of order as being dilatory.

(d) A legislative day shall be adjourned no later than 12:00 midnight of the calendar day that it began.

#### **12.2 - Absence of a Quorum**

In the absence of a quorum, the Speaker with three (3) Members shall be a sufficient number to adjourn.

#### **12.3 - Sine Die Adjournment**

The date and time of sine die adjournment of each Regular Session of the Legislature shall be fixed by motion or

resolution. Once the date and time so fixed has arrived, no further business shall be conducted by the House and the Presiding Officer shall declare the House adjourned sine die.

## **RULE THIRTEEN**

### **INTERIM STUDIES**

#### **13.1 - Interim Studies**

(a) When the Legislature is not in session, the Speaker shall have the authority to direct committees to make interim studies for such purposes as the Speaker may designate.

(b) The Speaker shall provide to the Chief Clerk a copy of interim charges made to a standing or select committee.

(c) The committees shall meet as often as necessary to transact effectively the business assigned to them and may continue to exercise the oversight and investigatory powers granted in Section 7.13 of these Rules.

#### **13.2 - Requests for Interim Study**

No resolution requesting or authorizing an interim study of any matter or proposition by the House, or a committee thereof, shall be introduced in or considered by the House. All such requests for interim study shall be submitted on request forms available to any member in the Office of the Chief Clerk of the House.

#### **13.3 - Quorum**

During a legislative interim, no committee shall take any final action unless a quorum of the membership of the committee is present.

#### **13.4 - Meeting Notice**

During a legislative interim, notice in writing of any interim committee meeting shall be given by mailing notice thereof at least ten (10) days prior to the meeting. The staff of the House shall prepare and mail the meeting notices required by this

section. The ten-day notice requirement of this section shall not apply to a committee or subcommittee meeting with a Senate committee or subcommittee on an interim study assigned for joint study.

## RULE FOURTEEN

### RULES

#### 14.1 - Suspension or Amendment of Rules

(a) These Rules may be amended by a two-thirds (2/3) vote of those elected to and constituting the House; provided any amendment to the Rules recommended by the Committee on Rules shall be effective if approved by a majority of the Members elected to and constituting the House.

(b) If the Committee on Rules shall recommend revisions or amendments to the Rules, the House shall be given one (1) day's prior notice before consideration of the recommended changes may commence.

(c) Two-thirds (2/3) of the Members elected to and constituting the House may suspend the Rules, or a portion thereof, but a motion for that purpose shall be decided without debate.

#### 14.2 - Parliamentary Authorities

Any parliamentary questions not provided for by the Oklahoma Constitution or these Rules shall be governed by the ruling of the Speaker. The Speaker may publish these substantive rulings in a volume of precedents. In making his or her ruling, the Speaker may rely upon, but is not bound by, these published rulings or other parliamentary authorities, including, but not limited to, the latest edition of *Mason's Manual of Legislative Procedure*.

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

*Prec. Okla. H. of Rep.*, §14.2(1.), 51st Leg., 1st Reg. Sess. (March 6, 2007).

#### 14.3 - Rules Effective

(a) These Rules shall be in full force and effect for the duration of the 51st Oklahoma Legislature, unless amended, as provided herein.

(b) Upon convening for a Special or Extraordinary Session, the time constraints contained in Section 8.6 of these Rules for filing main floor amendments and amendments to main floor amendments shall not be applicable.



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\* Interpreted Rule 7.12, 50th Leg., this rule was renumbered as Rule 7.11 in House Rules adopted for 51st Leg.

\*\* Interpreted Rule 8.8, 50th Leg., this rule was renumbered as Rule 8.7 in House Rules adopted for 51st Leg.



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\* Interpreted Rule 7.16, 50th Leg., this rule was renumbered as Rule 7.15 in House Rules adopted for 51st Leg.

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