

RULE 6 - BILLS AND RESOLUTIONS

6.7 - 1. FORM OF AMENDMENTS

House Rule 6.7(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 HR 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.¹

Ruling - It shall be the decision of the Chair that 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, “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

¹ *Okla. H. Jour.*, 1244, 50th Leg., 1st Reg. Sess. (April 14, 2005); *Daily H. Sess. Dig. Rec.*, 50th Leg., 1st Reg. Sess. Track 7:38-9:50 (April 14, 2005).

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 Rule 6.7(c) to impose the same requirement on amendments proposed to simple resolutions. However, more important than the persuasive authority provided in 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.² The precedents of the U.S. House explicitly hold that amendments should be submitted in writing.³ Furthermore, *Mason’s Manual of Legislative Procedure* states that amendments to bills and resolutions must be submitted in writing.⁴

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 necessary for the clerk to have a copy of the proposed amendment so that the Presiding

² U.S. House Rule XVI, Par. 1 (109th Cong.).

³ 8 Cannon Sec. 2826; Deschler Ch 27 § 1.2

⁴ MASON’S MANUAL OF LEGISLATIVE PROCEDURE 273 § 400(3) (National Conference of State Legislatures 2000).

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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(a) states 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 HB 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.⁵

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 does “final action” under House Rule 6.8 truly mean. 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 the question of finality within the House rules and second 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 majority under House Rule 14.1(c), there are certain actions that cannot be undone and are not therefore susceptible to suspension. Rule 6.8 is an example of one such provision.

Once final action occurs, the bill in question no longer exists. It is dead, final means final.

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.*⁶

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

⁵ *Okla. H. Jour.*, 1020, 50th Leg., 1st Reg. Sess. (March 17, 2005); *Daily H. Sess. Dig. Rec.*, 50th Leg., 1st Reg. Sess. Track 10:13, 0:00-9:55 (March 17, 2005); affirmed at *Okla. H. Jour.*, 1542, 1543, 52nd Leg., 1st Reg. Sess. (April 27, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:14, 3:13-9:42 (April 27, 2009).

⁶ THOMAS JEFFERSON, A MANUAL OF PARLIAMENTARY PRACTICE 2 § 1 (WASHINGTON CITY: S. H. SMITH, 1801).

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provided in Rule 6.8, not only 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 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 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.⁷

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.

⁷ *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); affirmed at *Okla. H. Jour.*, 1593, 52nd Leg., 1st Reg. Sess. (May 4, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:27, 1:29-3:09 (May 4, 2009).