

HOUSE PRECEDENTS

8.10 - 2. (2009) DETERMINATION OF NEED FOR FISCAL SUMMARY TO ACCOMPANY FLOOR AMENDMENT

Rule - House Rule 8.10, paragraph (a) states in part that, "All proposed 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 summary which shall contain a fiscal analysis upon being filed with the Chief Clerk's Office..."

History - During consideration of House Bill 1928, Representative Terrill raised a point of order as to whether a fiscal summary had been published for a floor amendment offered by Representative Reynolds. The point of order was raised on the basis of House Rule 8.10.

The Presiding Officer determined that a fiscal summary had not been published and questioned Representative Reynolds as to whether adoption of the amendment would have a fiscal impact. Representative Reynolds stated that no fiscal summary was prepared by the fiscal division; therefore, he did not feel that the amendment would have a fiscal impact.

The Presiding Officer noted that an individual member must request preparation of a fiscal summary and that a summary is not automatically prepared by the fiscal division.

Representative Blackwell then offered a motion to table the Reynolds amendment. Prior to consideration of the motion to table, Representative Terrill pressed his point of order and informed the Presiding Officer that he believed the amendment, if adopted, would have a fiscal impact.

The Presiding Officer undertook consideration of the point of order prior to presentation of the motion to table and

ruled the point well taken. The Presiding Officer referred the question of whether the Reynolds amendment would have a fiscal impact to the chairperson of the House Appropriations and Budget Committee.

Upon recognition, the chairperson concurred that the Reynolds amendment would have a fiscal impact. The Presiding Officer then ruled the Reynolds amendment out of order on the basis of the opinion offered by the chairperson of the House Appropriations and Budget Committee.

Upon presentation of a second amendment offered by Representative Reynolds, Representative Terrill raised a second point of order questioning whether, under House Rule 8.10, the second Reynolds amendment should be accompanied by a fiscal summary.

As done previously, the Presiding Officer referred the question to the chairperson of the House Appropriations and Budget Committee. The Appropriations and Budget Chairperson stated that he concurred with the opinion of the chairperson of the House Appropriations and Budget Subcommittee on Public Safety and Judiciary who, as the relevant subcommittee chairperson, believed the Reynolds amendment would have a fiscal impact.

As such, the Presiding Officer ruled the second Reynolds amendment out of order on the basis of the opinion of the chairperson of the House Appropriations and Budget Committee.

Precedent - It shall be the decision of the Chair that questions arising under House Rule 8.10(a) pertaining to necessity of an accompanying fiscal summary for floor amendments shall be determined on the basis of the informed opinion of the chairperson of the House Appropriations and Budget Committee.

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Okla. H. Jour., 575, 52nd Leg., 1st Reg. Sess. (2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 2nd Reg. Sess. Track 10:13, 1:25-13:01; 17:02-23:31 (Feb. 19, 2009).