

GENERAL PRECEDENT - 1. (2009) ADOPTION OF HOUSE RULES

History – In the course of considering House Resolution 1005 which contained proposed House Rules for the 52nd Oklahoma Legislature, Representative Morrissette raised a point of order as to what authority, statutorily or constitutionally, under which the House was proceeding when considering adoption of House Rules.

Representative Morrissette inquired as to whether the House of Representatives should adopt temporary rules, as occurred previously in 2005, the 50th Oklahoma Legislature,¹ prior to adoption of permanent rules for the 52nd Oklahoma Legislature.

The presiding officer stated that the House of Representatives was operating under the customs of the House and that the custom and practice of the House has been to adopt its [permanent] rules on the first day of [regular] session. The presiding officer also ruled that based on the customs of the House, the House would proceed with the adoption of House Rules for the 52nd Oklahoma Legislature.²

Ruling – It is the ruling of the Chair that the customs and practices of the House will govern initial adoption of House Rules.

¹ An exhaustive search of all House Journals reveals adoption of only one set of temporary rules as a distinct set of rules in their own right. In all other cases, the House adopted “temporary” rules in the sense that it adopted the previous session’s rules for a short period prior to adoption of permanent rules for that two-year Legislature. Such an approach seems to indicate permanent rules were not prepared prior to the convening of the first session as is the current practice. See *Okla. H. Jour.*, 33, 50th Leg., 1st Reg. Sess. (Jan. 4, 2005); Daily H. Sess. Dig. Rec., 50th Leg., 1st Reg. Sess. Track 10:01, 0:00-44:48 (Jan. 4, 2005).

² *Okla. H. Jour.*, 268, 52nd Leg., 1st Reg. Sess. (Feb. 2, 2009); Daily H. Sess. Dig. Rec., 52nd Leg., 1st Reg. Sess. Track 10:16, 2:40-8:04 (Feb. 2, 2009).

Reasoning – In Oklahoma, under what authority may the House of Representatives adopt procedural rules and in doing so, what is the most appropriate procedure to follow? Analysis of this ruling requires consideration of interrelated matters such as historical influences, constitutional authority, judicial interpretation and generally agreed upon standards of parliamentary procedure.

To begin with, the idea that internal rulemaking should be left to the legislature is a notion deeply rooted in American constitutional theory and history. Whether created as a royal colony, proprietary colony or by parliamentary charter, each British colony in North America maintained some form of representative assembly.³ To one degree or another, each colonial assembly perceived itself to possess equivalent “privileges” as those claimed by the British Parliament.⁴ Among privileges claimed was the long-standing assertion that Parliament alone

³ Francis Newton Thorpe, *The Federal and State Constitutions, Charters and other Organic Laws of the States, Territories and Colonies Now or heretofore Forming the United States of America* [Connecticut] vol. I, 528, 531, [Delaware] vol. I, 559, [Georgia] vol. II, 768, [Maryland] vol. III, 1679, [Massachusetts] vol. III, 1853, 1854, 1864, 1878, 1886-1888, [New Hampshire] vol. IV, 2449, [New Jersey] vol. V, 2536-2538, 2565, 2566, 2574, 2575, [North Carolina] vol. V, 2758, 2781, [Pennsylvania] vol. V, 3037, 3047, 3048, [Rhode Island] vol. VI, 3214, [Virginia] vol. VII, 3810 (Government Printing Office 1909); for New York see Charles Lincoln, *The Constitutional History of New York* 429, 440 (The Lawyers Co-operative Publishing Company 1906); for South Carolina see Richard Middleton, *Colonial America, A History, 1565-1776*, at 184-187 (Blackwell Publishers Ltd. 2002).

⁴ Mary Patterson Clarke, *Parliamentary Privilege in the American Colonies* 12, 13 (Yale University Press 1943); Donald S. Lutz, “The Colonial and Early State Legislative Process” in *Inventing Congress: Origins and Establishment of the First Federal Congress* 54 (Kenneth R. Bowling & Donald R. Kennon eds., Ohio University Press 1999).

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would decide matters of internal procedure.⁵

After declaring independence, most American colonies codified this “privilege”, the notion that internal rulemaking should be conducted solely by the legislature, explicitly reserving it to the legislative branch in most of the early state constitutions.⁶ Likewise, in 1789 the states ratified the current United States Constitution which itself contains a similar provision reserving creation and adoption of procedural rules to Congress.⁷

Similar to other jurisdictions,⁸ Article V, Section 30 of the Oklahoma Constitution

⁵ *The Parliament Rolls of Medieval England, 1275-1504* vol. VII, 64, 99, 100, vol. VIII, 232 [The Earl of Northumberland’s Case], vol. XII, 56 [Earl of Arundel’s Case, 27 Henry VI], vol. XII, 106 [Impeachment of Duke of Suffolk], vol. XII, 254-255 [Baron Thorpe’s Case, 31 Henry VI] (The Boydell Press 2005); Sir Edward Coke, *The Fourth Part of the Institutes of the Laws of England* 14, 15 (E. and R. Brooke 1797); Sir William Blackstone, *Commentaries on the Laws of England* vol. I, 163 (A. Strahan 1800); John Hatsell, *Precedents of the Proceedings of the House of Commons* vol. IV, pref., vi-vii (Luke Hansard & Sons 1818)(modern reprint Irish University Press 1971); A. V. Dicey, *Introduction to the Study of the Law of the Constitution* 52-54 (MacMillan and Co., Ltd 1915).

⁶ Thorpe, *The Federal and State Constitutions, Charters and other Organic Laws of the States* [Connecticut] vol. I, 540, [Delaware] vol. I, 571, [Georgia] vol. II, 779, 781 [Maryland] vol. III, 1695, [Massachusetts] vol. III, 1897, 1899, [New Hampshire] vol. IV, 2460, 2462, [New Jersey] vol. V, 2602, [New York] vol. V, 2640, [Pennsylvania] vol. V, 3094, [Rhode Island] vol. VI, 3227, [South Carolina] vol. VI., 3260, [Virginia] vol. VII, 3816 (Government Printing Office 1909).

⁷ US CONST I, 5.

⁸ Ala. IV, 53; Alaska II, 12; Ariz. IV, II, 8; Ark. V, 12; Cal. IV, 7(a); Colo. V, 12; Conn. III, 13; Del. II, 9; Fla. III, 4(a); Ga. III, Sec. IV, 4; Haw III, 12; Idaho III, 9; Ill. IV, 6(d); Ind. IV, 10; Iowa III, 9; Kan. II, 8; Ky. 39; La. III, 7(a); Me IV, Part III, 4; Md. III, 19; Mass. Part II, Ch. 1, Sec. II, 7, Sec. III, 10; Mich. IV, 16; Minn. IV, 7; Miss. IV, 55; Mo. III, 18; Mont. V, 10(1); Neb. III, 10; Nev. IV, 6; N.H. II, 22, 37; N.J. IV, Sec IV, Par. 3; N.

contains a “textually demonstrable constitutional commitment of the issue”⁹ to the respective chambers of the legislature.

Paragraph two (2) says in relevant part:

Each House may determine the rules of its proceedings...

That the constitution is referring to the houses of the legislature is beyond dispute. By definition the words “may”, “determine” and “rule” connote discretionary authority¹⁰ to conclusively and authoritatively fix standards for orderly conduct of business.¹¹ From the plain, natural and ordinary meaning of the words, in the order of grammatical arrangement,¹² it is clear that the people of Oklahoma intended for the Legislature to decide its own rules of procedure.¹³

M. IV, 11; N.Y. III, 9; N.D. IV, 12; Ohio II, 7; Okla. V, 30; Or. IV, 11; Pa. II, 11; R.I. VI, 7; S.C. III, 12; S.D. III, 9; Tenn. II, 12; Tex. III, 11; Utah VI, 12; Vt. II, 19; Va. IV, 7; Wash. II, 9; W.Va. VI, 24; Wis. IV, 8; Wyo. III, 12; Unincorporated, organized United States territories: Guam, 48 USCA § 1423a; Northern Mariana Islands, NMI CONST II, 14; Commonwealth of Puerto Rico, PR CONST III, 9; U.S. Virgin Islands, 48 USCA § 1572g; unincorporated, unorganized United States territory: American Samoa, RCAS II, 11.

⁹ *In re INITIATIVE PETITION NO. 348*, 1991 OK 110, 820 P.2d 772, 780 (1991) footnote 21 contains discussion of the Guaranty Clause, US CONST IV, 4, and adopts the factor of “textual commitment” when determining whether a question is political as set forth by the United States Supreme Court in *Baker v. Carr*, 369 U.S. 186, 217 (1962).

¹⁰ *Shea v. Shea*, 537 P.2d 417, 418 (1975).

¹¹ WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY 616, 1396 (ed. 1993); BLACK’S LAW DICTIONARY, 1357 (8th ed. 2004).

¹² See *Shaw v. Grumbine*, 278 P. 311, 315 (1929); *Wimberly v. Deacon*, 144 P.2d 447, 450 (1943).

¹³ The will of the people is expressed in the various provisions of the state’s organic law. See *City of Sapulpa v. Land*, 101 Okla. 22, 223 P. 640, 644 (1924); *Dank v. Benson*, 5 P.3d 1088, 1090 (Okla. 2000).

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Even without “textual commitment” to the legislative branch, adoption of procedural rules is an inherently legislative function intrinsic to the powers of a legislative body¹⁴ and thus falls under the protections of the separation of powers requirement.¹⁵ This is so because the legislative branch could not function as a co-equal branch of state government if it lacked the authority to organize itself and manage its own internal processes.

While the Oklahoma Constitution clearly grants authority to the House to adopt rules, besides requiring a quorum be present to conduct business,¹⁶ there is little guidance on how exactly to adopt such rules. While there appears to be no Oklahoma case law directly on point, the Oklahoma Supreme Court has historically exercised restraint when asked to intervene in disputes arising over intracameral procedure or other activities of a recognizable legislative character.¹⁷

Likewise, case law from other jurisdictions does not appear to speak to the specific question of how procedural rules should be

initially or otherwise adopted. With great uniformity other jurisdictions hold that apart from violation of fundamental rights or other requirements within a jurisdiction’s organic law, the legislature is empowered to determine for itself its own rules of procedure.¹⁸

If Article V, Section 30 says the House may “determine the rules of its proceedings” and no case law provides additional, specific guidance, what is left to proceed under but the “customs and practices of the House”?¹⁹

¹⁸ With its rules Congress cannot ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. Within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. Within the limitations suggested, the power to make rules is absolute and beyond the challenge of any other body or tribunal, *U.S. v. Ballin*, 144 U.S. 1, 5 (1892). The courts accept as passed all bills authenticated in the manner provided by Congress, *Field v. Clark*, 143 U.S. 649, 672 (1892).

If the question of construction of Senate rules affects persons other than members of the Senate, the question presented may be decided by the courts, *U.S. v. Smith*, 286 U.S. 6, 33 (1932). Conviction for perjury held to be violation of fundamental rights because committee rules required presence of quorum; committee lacked quorum at time perjured testimony was offered falling short of a “duly constituted tribunal,” *Christoffel v. U.S.*, 338 U.S. 84, 90 (1949). Conviction for contempt of Congress based on refusal to answer questions at a subcommittee hearing reversed because committee failed to comply with its own rules, *Yellin v. U.S.*, 374 U.S. 109, 123, 124 (1963).

Cf. Brown v. Hansen, 973 F.2d 1118 (C.A.3, V.I. 1992); *Birmingham-Jefferson Civic Center Authority v. City of Birmingham*, 912 So.2d 204 (Ala. 2005); *Mission Hospital Regional Medical Center v. Shewry*, 168 Cal.App.4th 460 (C.A. 3, Cal. 2008); Att’y Gen op. 05-1, 2005 WL 1378063 (HI).

¹⁹ *MASON’S MANUAL OF LEGISLATIVE PROCEDURE* 36 § 39(6) (National Conference of State Legislatures 2000); *Cf. Hind’s Prec., H. of Rep.*, Ch. 141 §§ 6758-6759, 887 (G.P.O. 1907); *Cannon’s Prec., H. of Rep.*, Ch. 271 § 3386, 831

¹⁴ H. W. Dodds, *Procedure In State Legislatures* 12, 13 (The American Academy of Political and Social Science 1918);

¹⁵ OK CONST IV, 1.

¹⁶ OK CONST V, 30.

¹⁷ The Court is without authority to interject itself into the legislative process [assigned by the Constitution to the House] by directing how that body shall conduct its business, *Dank v. Benson*, 5 P.3d 1088, 1092 (Okla. 2000).

Legislature has power and right to determine for itself when moment of time has arrived for adjournment of a legislative day, subject to the rule of reason, *Davis v. Thompson*, 721 P.2d 789, 792, 793 (Okla. 1986), *Bellmon v. Barker*, 760 P.2d 813, 814 (Okla. 1988).

The Legislature decides fiscal policy and the Court may not direct legislative decision making, *Calvey v. Daxon*, 997 P.2d 164, 171, 172 (Okla. 2000), *Oklahoma Education Association v. State ex rel. State Legislature*, 158 P.3d 1058, 1065 (Okla. 2007). The Legislature’s policy-making power specifically includes determination of policies related to public education. *Id.* at 1065, 1066.

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This being the case, what is meant by the terms “customs and practices of the House”? In this context it is the historical practices of the House as they pertain to adoption of rules.

The historical practice for adopting rules is as follows: in the opening days of the first session, a member, usually the Majority Floor Leader has sought recognition to present a motion to adopt House Rules, typically in the form of a simple resolution. Upon obtaining recognition, the Floor Leader provides a detailed explanation of the proposed rules and then yields to questions from other members. As consideration of the main question continues, members are recognized to offer amendments, both friendly and unfriendly. Proposed amendments are considered on their merits or disposed of procedurally. Finally, debate takes place unless curtailed by an appropriate procedural motion, followed by a vote on the question of adoption.²⁰ The actions taken in adopting

(G.P.O. 1936); *Deschler's Prec., H. of Rep.*, Ch. 1 § 1, 6 (G.P.O. 1976); Josef Redlich, *The Procedure of the House of Commons* vol. II, 4-6 (Archibald Constable & Co. Ltd. 1908).

²⁰ Cf. *Okla. Terr. H. Jour.*, 49, 1st Sess. (1890); *Okla. Terr. H. Jour.*, 55, 1st Sess. (1893); *Okla. Terr. H. Jour.*, 294, 1st Sess. (1895); *Okla. Terr. H. Jour.*, 503, 1st Sess. (1897); *Okla. Terr. H. Jour.*, 18-19, 1st Sess. (1899); *Okla. Terr. H. Jour.*, 50, 1st Sess. (1901); *Okla. Terr. H. Jour.*, 85, 1st Sess. (1903); *Okla. Terr. H. Jour.*, 71, 1st Sess. (1905); *Okla. H. Jour.*, 47, 1st Leg., 1st Reg. Sess. (1907); *Okla. H. Jour.*, 58, 2nd Leg., 1st Reg. Sess. (1909); *Okla. H. Jour.*, 56, 3rd Leg., 1st Reg. Sess. (1911); *Okla. H. Jour.*, 339, 4th Leg., 1st Reg. Sess. (1913); *Okla. H. Jour.*, 203, 5th Leg., 1st Reg. Sess. (1915); *Okla. H. Jour.*, 18, 6th Leg., 1st Reg. Sess. (1917); *Okla. H. Jour.*, 91, 8th Leg., 1st Reg. Sess. (1921); *Okla. H. Jour.*, 135, 9th Leg., 1st Reg. Sess. (1923); *Okla. H. Jour.*, 300, 10th Leg., 1st Reg. Sess. (1925); *Okla. H. Jour.*, 454, 11th Leg., 1st Reg. Sess. (1927); *Okla. H. Jour.*, 158, 12th Leg., 1st Reg. Sess. (1929); *Okla. H. Jour.*, 480, 13th Leg., 1st Reg. Sess. (1931); *Okla. H. Jour.*, 338, 14th Leg., 1st Reg. Sess. (1933); *Okla. H. Jour.*, 204, 15th Leg., 1st Reg. Sess. (1935); *Okla. H. Jour.*, 602, 16th Leg., 1st Reg. Sess. (1937); *Okla. H. Jour.*, 233, 17th Leg., 1st Reg. Sess. (1939); *Okla. H. Jour.*,

House Rules for the 52nd Oklahoma Legislature complied not only with the requirements of the prior session's rules but with the requirements of any given set of procedural rules adopted by the House of Representatives since statehood.²¹

Moreover, the ruling of the Chair parallels guidance provided in *Mason's Manual of Legislative Procedure*²² both for initial

263, 18th Leg., 1st Reg. Sess. (1941); *Okla. H. Jour.*, 492, 19th Leg., 1st Reg. Sess. (1943); *Okla. H. Jour.*, 118, 20th Leg., 1st Reg. Sess. (1945); *Okla. H. Jour.*, 20, 22nd Leg., 1st Reg. Sess. (1949); *Okla. H. Jour.*, 118, 23rd Leg., 1st Reg. Sess. (1951); *Okla. H. Jour.*, 7, 24th Leg., 1st Reg. Sess. (1953); *Okla. H. Jour.*, 7, 25th Leg., 1st Reg. Sess. (1955); *Okla. H. Jour.*, 12, 26th Leg., 1st Reg. Sess. (1957); *Okla. H. Jour.*, 11, 27th Leg., 1st Reg. Sess. (1959); *Okla. H. Jour.*, 9, 28th Leg., 1st Reg. Sess. (1961); *Okla. H. Jour.*, 9, 29th Leg., 1st Reg. Sess. (1963); *Okla. H. Jour.*, 6, 30th Leg., 1st Reg. Sess. (1965); *Okla. H. Jour.*, 6, 31st Leg., 1st Reg. Sess. (1967); *Okla. H. Jour.*, 10, 32nd Leg., 1st Reg. Sess. (1969); *Okla. H. Jour.*, 7, 33rd Leg., 1st Reg. Sess. (1971); *Okla. H. Jour.*, 8, 34th Leg., 1st Reg. Sess. (1973); *Okla. H. Jour.*, 8, 35th Leg., 1st Reg. Sess. (1975); *Okla. H. Jour.*, 89, 36th Leg., 1st Reg. Sess. (1977); *Okla. H. Jour.*, 225, 37th Leg., 1st Reg. Sess. (1979); *Okla. H. Jour.*, 80, 38th Leg., 1st Reg. Sess. (1981); *Okla. H. Jour.*, 103, 39th Leg., 1st Reg. Sess. (1983); *Okla. H. Jour.*, 295, 40th Leg., 1st Reg. Sess. (1985); *Okla. H. Jour.*, 141, 41st Leg., 1st Reg. Sess. (1987); *Okla. H. Jour.*, 112, 42nd Leg., 1st Reg. Sess. (1989); *Okla. H. Jour.*, 316, 43rd Leg., 1st Reg. Sess. (1991); *Okla. H. Jour.*, 8, 44th Leg., 1st Reg. Sess. (1993); *Okla. H. Jour.*, 40, 45th Leg., 1st Reg. Sess. (1995); *Okla. H. Jour.*, 1383, 47th Leg., 1st Reg. Sess. (1999); *Okla. H. Jour.*, 24, 48th Leg., 1st Reg. Sess. (2001); *Okla. H. Jour.*, 23, 49th Leg., 1st Reg. Sess. (2003); *Okla. H. Jour.*, 54, 50th Leg., 1st Reg. Sess. (2005); *Okla. H. Jour.*, 256, 51st Leg., 1st Reg. Sess. (2007) .

²¹ Id.

²² *Mason's Manual of Legislative Procedure* in creation, approach and function is a guidebook to parliamentary practice in the state legislatures of the United States and is updated on a decennial basis by a commission comprised of members representing a broad cross-section of state legislatures and professional experience; see also *Okla. H. Rules*, § 9.2 (32nd Leg.); *Okla. H. Rules*, § 9.2 (33rd Leg.); *Okla. H. Rules*, § 9.2 (34th Leg.); *Okla. H. Rules*, § 11.2 (35th Leg.); *Okla. H. Rules*, § 11.2 (36th Leg.); *Okla. H. Rules*, §

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adoption of rules²³ and for group decision making.²⁴

For proper decision making, *Mason's Manual* says that the group attempting to make the decision must be legally constituted and must have the legal authority to exercise the powers it is attempting to exercise. Second, there must be a meeting of the group at which the decision is made.

Third, the group must be given proper notice of the meeting thus allowing opportunity to attend and participate. Fourth, a quorum must be present at the meeting. Fifth, there must be an explicit question for the group to decide. Sixth, when a question is under consideration, members of the group must be given the opportunity to debate the question under consideration. Seventh, in order to make a decision or take an action, the group must take a vote.

Eighth, to carry the proposed question, at least a majority of the group must vote in the affirmative. Ninth, there must not be fraud or deception with the decision-making process. Tenth, any decision made by the group must not be in violation of any laws, rules or decisions of higher authority.

25.3 (37th Leg.); *Okla. H. Rules*, § 25.3 (38th Leg.); *Okla. H. Rules*, § 25.3 (39th Leg.); *Okla. H. Rules*, § 25.3 (40th Leg.); *Okla. H. Rules*, § 25.3 (41st Leg.); *Okla. H. Rules*, § 25.3 (42nd Leg.); *Okla. H. Rules*, § 25.3 (43rd Leg.); *Okla. H. Rules*, § 25.3 (44th Leg.); *Okla. H. Rules*, § 25.3 (45th Leg.); *Okla. H. Rules*, § 25.3 (46th Leg.); *Okla. H. Rules*, § 25.3 (47th Leg.); *Okla. H. Rules*, § 25.3 (48th Leg.); *Okla. H. Rules*, § 25.3 (49th Leg.); *Okla. H. Rules*, § 14.2 (50th Leg.); *Okla. H. Rules*, § 14.2 (51st Leg.).

²³ *MASON'S MANUAL OF LEGISLATIVE PROCEDURE* 36 § 39(6) (National Conference of State Legislatures 2000); see also Cushing, Luther Stearns, *ELEMENTS OF THE LAW AND PRACTICE OF LEGISLATIVE ASSEMBLIES OF THE UNITED STATES OF AMERICA* 312 § 792, 793 (Little, Brown and Co. 1856); *U.S. H. Jour.*, 36, 27th Cong., 1st Sess. (June 3, 1841); *Cong. Globe*, 18, 27th Cong., 1st Sess. (June 3, 1841).

²⁴ *Mason's*, 37-40 §§ 42, 43.

Eleventh and finally, there must be a record of the decision made by the group.

In comparison, the Oklahoma House of Representatives was duly constituted²⁵ and was constitutionally authorized to adopt procedural rules.²⁶ Second, the House assembled and convened on the date and at the time constitutionally mandated.²⁷ Third, the constitutional provision establishing the day and time for convening the first day of regular session as well as the motion to adjourn until 12:00 noon, Monday, February 2, 2009 adopted by the House on "organizational day", the previous legislative day,²⁸ provided each member with explicit and proper notice of the date, time and location of the next daily session of the House.

Fourth, a quorum was established.²⁹ Fifth, a clear question came before the House to be decided when Representative Tad Jones, the Majority Floor Leader, moved adoption of House Resolution 1005 which contained proposed House Rules for the 52nd Oklahoma Legislature.³⁰ Sixth, upon consideration of House Resolution 1005, members of the House were afforded opportunity to offer debate on the merits of the proposed rules.³¹ Seventh, the question before the House, adoption of House Resolution 1005, House Rules, was brought to a vote.³²

²⁵ *Okla. H. Jour.*, 1-6, 52nd Leg., 1st Reg. Sess. (Jan. 6, 2009);

²⁶ OK CONST V, 30.

²⁷ *Okla. H. Jour.*, 35, 52nd Leg., 1st Reg. Sess. (Jan. 6, 2009); *Okla. H. Jour.*, 37, 52nd Leg., 1st Reg. Sess. (Feb. 2, 2009); OK CONST Art. V § 26.

²⁸ *Id.*; *Okla. H. Jour.*, 35, 52nd Leg., 1st Reg. Sess. (Jan. 6, 2009).

²⁹ *Okla. H. Jour.*, 37, 52nd Leg., 1st Reg. Sess. (Feb. 2, 2009).

³⁰ *Id.* at 270

³¹ Daily H. Sess. Dig. Rec., 52nd Leg., 1st Reg. Sess. Track 10:16, 32:18-55:29 (Feb. 2, 2009).

³² *Okla. H. Jour.*, 270, 52nd Leg., 1st Reg. Sess. (Feb. 2, 2009).

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Eighth, the question before the House passed with a majority of the House voting in the affirmative.³³ Ninth, nothing fraudulent or deceptive occurred in the decision-making process. Tenth, neither the action of adopting House Rules nor the process by which the rules were adopted violates the federal constitution or federal law nor did it violate the Oklahoma Constitution or any known case law interpreting the Oklahoma Constitution.

Finally, the actions taken by the House in adopting House Rules were recorded in the House Journal,³⁴ including a clear record of the motion to adopt House Resolution 1005, the proposed amendments offered to the main question and their disposition, the final roll call vote showing a majority of votes cast in the affirmative and a verbatim record of House Rules as adopted.³⁵

In conclusion, by ruling that the customs and practices of the House govern consideration and adoption of House Rules, the Chair abided by relevant constitutional requirements, the time-honored practices of the House and generally agreed upon standards of parliamentary procedure.

³³ Id.

³⁴ OK CONST V, 30.

³⁵ *Okla. H. Jour.*, 268-295, 52nd Leg., 1st Reg. Sess. (Feb. 2, 2009).