

HOUSE PRECEDENTS

6.1 - 1. (2009) FORM OF TITLE DURING STAGES OF LEGISLATION

Rule – House Rule 6.1 states in part:

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...

History – While House Bill 1958 was under consideration, Speaker Bengé moved to amend House Bill 1958 by adopting a floor substitute in lieu of the bill. Representative Morrissette raised a point of order as to whether it was in order to consider the floor substitute because if adopted, the bill as amended would not meet the definition of a bill as established in House Rule 6.1. Specifically, if adopted, the floor substitute would not have a complete title rendering it constitutionally defective and out of order for the House to consider.

The presiding officer ruled the point not well taken and stated that the floor substitute did conform to the definition of a bill as provided in House Rule 6.1 and that it would be appropriate for the House to consider whether to adopt the amendment.¹

Ruling – It is the ruling of the Chair that a substitute amendment lacking a complete title does not violate House Rule 6.1 and may be considered by the House.

Reasoning – In defining the term “bill” in House Rule 6.1, the rule alludes to the fact that there are constitutional procedures

¹ *Okla. H. Jour.*, 721, 722, 52nd Leg., 1st Reg. Sess. (March 3, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:29, 1:12-7:41 (March 3, 2009).

that must be followed in order for proposed legislation to become law. Implied in the phrase “procedures established by the Oklahoma Constitution” is the idea that to be constitutionally sound a bill must have a full title.²

Article V, Section 57 says in relevant part:

Every act of the Legislature shall embrace but one subject, which shall clearly be expressed in its title...

When Section 57 uses the term “act”, it is speaking of proposed legislation that has proceeded through the required stages of legislation and upon the Governor’s approval, would become law.

As long as proposed legislation passed by the Legislature meets the requirement that “every act shall embrace...one subject...clearly...expressed in its title”, there is no Constitutional mandate that a proposed measure have a specific form of title or any title at all as it passes through the legislative process. The measure must only possess a full title when the measure has completely passed through the required stages of legislation and arrives at the Governor’s desk for consideration.³

On the question of what form the title must have as a measure passes through the stages of legislation, the applicable constitutional provision is Article V, Section 30. Section 30 says in relevant part, “Each House may determine the rules of its proceedings...” Although other adopted House rules do address the question of what form a title must have as a measure undergoes consideration in the House of Representatives,⁴ House Rule

² OK CONST Art. V § 57.

³ *Id.*; OK CONST Art. VI § 11.

⁴ For requirements at time of “introduction” see *Okla. H. Rules*, § 6.4 (52nd Leg.); when reported

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6.1 expresses no requirements as to the form a measure's title must possess as it passes through the stages of legislation, meaning that no violation of the rule occurred when the House took up consideration of a substitute amendment thought to be lacking a full title.

Finally, it is not appropriate for the presiding officer neither to make a determination regarding the constitutionality of a proposed amendment nor to determine the constitutional sufficiency of the amendment's title.⁵

6.8 - 3. (2009) BILL RECEIVING FINAL ACTION MAY NOT BE OFFERED AS INSTRUCTIONS TO CONFERENCE COMMITTEE

Rule – House Rule 6.8, paragraph (a), subparagraph (1.) and paragraph (b) state:

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

1. committee recommendation of "Do Not Pass",

(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.

History – During consideration of the Conference Committee Report on Senate Bill 135, Representative Brown moved to

from House committees see *Okla. H. Rules*, § 7.5 (52nd Leg.); for amendments of title during General Order see *Okla. H. Rules*, § 8.6 (52nd Leg.).

⁵ MASON'S MANUAL OF LEGISLATIVE PROCEDURE 518, 519 § 729(3), (4) (National Conference of State Legislatures 2000).

reject the conference committee report with the following instructions:

1. Replace the existing content of the entire measure with the content of the introduced version of HB 1312 of the First Session of the Fifty-second Oklahoma Legislature;

2. Amend the dollar figure in subsection G of Section 1 of HB 1312 from Fifty Thousand Dollars (\$50,000.00) to Thirty-six Thousand Dollars (\$36,000.00).

Representative Sullivan raised a point of order stating that House Bill 1312 had been reported out of the Economic Development and Financial Services Committee with a "Do Not Pass" report and as such, Representative Brown's motion to reject the conference committee report on Senate Bill 135 with attached instructions was out of order. The presiding officer ruled the point of order well taken and the motion to reject with attached instructions out of order pursuant to House Rule 6.8, paragraph (b).⁶

Ruling – It is the ruling of the Chair that a bill that previously received final action may not be offered as attached instructions to a conference committee.

⁶ *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).