

## Appendix C

### SYNOPSIS OF HOUSE PRECEDENTS

THROUGH SEPTEMBER 9, 2013

#### § 1.2 Preservation of Order and Decorum

*1.2 - 1. (2010) Distribution of Literature on House Floor*

Ruling: It is the decision of the Chair that all materials distributed on the House Floor must display the distributing member's name.

#### § 4.4 Decorum

*4.4 - 1. (2011) Discipline Determined by House of Representatives*

Ruling: It is the ruling of the Chair that the question of whether or not to discipline a member for conduct or speech is to be determined by the House of Representatives.

#### § 6.1 Definitions of the Term "Bill"

*6.1 - 1. (2009) Form of Title During Stages of Legislation*

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.

## *Appendix C - Synopsis of Precedents*

### **§ 6.4 Introduction**

#### *6.4 - 1. (2010) Appropriation Shell Bills Exempted from Eight-Bill Limit*

Ruling: It is the decision of the Chair that a shell bill styled as an appropriation bill falls within the exception enumerated in House Rule 6.4, paragraph (c) excepting appropriation bills authored by the Appropriations and Budget chairperson from the eight (8) bill limitation.

### **§ 6.6 Principal Senate Author of a House Bill or Resolution**

#### *6.6 - 1. (2010) Consideration of Measures with Pending Principal Senate Author*

Ruling: It is the ruling of the Chair that a measure may be taken up for consideration on the House Floor when the measure's principal Senate author has been designated and is pending in the House's electronic coauthor software.

### **§ 6.7 Procedures Governing Simple and Concurrent Resolutions**

#### *6.7 - 1. (2005) Form of Amendments*

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.

## *Appendix C - Synopsis of Precedents*

### **§ 6.8 Final Action**

#### *6.8 - 1. (2005) Bill Unavailable for Further Consideration after Final Action Occurs*

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.

#### *6.8 - 2. (2008) Veto by Governor not Final Action*

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.

#### *6.8 - 3. (2009) Bill Receiving Final Action May Not Be Offered as Instructions to Conference Committee*

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.

#### *6.8 - 4. (2010) Motion to Rescind May Not Be Used to Avoid Final Action*

Ruling: It is the ruling of the Chair that a motion to rescind cannot be used to negate an action which would otherwise constitute final action.

## *Appendix C - Synopsis of Precedents*

### *6.8 - 5. (2010) Failure of Motion to Adopt Conference Committee Report not Final Action*

Ruling: It is the ruling of the Chair that failure of a motion to adopt a conference committee report does not constitute “final action.”

### *6.8 - 6. (2013) Failed ‘Do Pass’ Motion in Committee Not Final Action*

Ruling: It is the ruling of the Chair that failure of a ‘Do Pass’ motion in a House committee does not constitute “final action.”

## **§ 7.4 Authority of the Chair**

### *7.4 - 1. (2008) Cognizance of Committee Procedures by Presiding Officer*

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.

## **§ 7.11 Bill Summary**

### *7.11 - 1. (2005) Fiscal Impact Statements*

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. (2007) Measures with No Fiscal Impact*

## *Appendix C - Synopsis of Precedents*

[*Okla. H. Jour.*, 1146, 51st Leg., 1st Reg. Sess. (April 9, 2007);  
*Daily H. Sess. Dig. Rec.*, 51st Leg., 1st Reg. Sess. Track 10:11,  
2:16-4:32 (April 9, 2007).]

**Overruled:** *Prec. Okla. H. of Rep.*, § 7.11(6), 53rd  
Leg., 2nd Reg. Sess. (Feb. 13, 2012).

### *7.11 - 3. (2008) Availability of Fiscal Analysis in Second Session of Legislature*

Precedent: In response to the question of the Chair, Speaker Pro Tempore Blackwell directed that House Bill 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.

### *7.11 - 4. (2009) No Requirement for Bill Summary for Appropriation Measures*

Ruling: It is the ruling of the Chair that appropriation measures are not required to be accompanied by a published fiscal analysis because the fiscal impact of the measure is plain on its face.

### *7.11 - 5. (2009) Summary for Adopted Floor Substitute Becomes Bill Summary for Bill*

Ruling: It is the ruling of the Chair that upon adoption of a floor substitute, the fiscal summary prepared for the floor substitute becomes the fiscal summary for the bill itself.

### *7.11 - 6. (2012) Determination of Need for Fiscal Summary to Accompany Measure*

## *Appendix C - Synopsis of Precedents*

Ruling: It shall be the decision of the Chair that questions arising under House Rule 7.11, paragraph (a) pertaining to necessity of an accompanying fiscal summary shall be determined on the basis of the informed opinion of the chairperson of the House Appropriations and Budget Committee.

### *7.11 - 7. (2012) Formatting of Bill Summary Irrelevant if Fiscal Analysis Present*

Ruling: It is the ruling of the Chair that a deviation in the format of a bill summary is irrelevant if the fiscal analysis is present in the bill summary.

## **§ 7.15 Conference Committee Reports**

### *7.15 - 1. (2005) Layover Requirement for Senate Conference Committee Reports*

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.

### *7.15 - 2. (2009) Germaneness of Conference Committee Report Not Open to Question Once Debate in Progress*

Ruling: It is the ruling of the Chair that once debate on adoption or rejection of a conference committee report is in progress, no point of order shall be recognized questioning the germaneness of the report.

### *7.15 - 3. (2010) No Restriction on New Language in Conference Committee Reports*

## *Appendix C - Synopsis of Precedents*

Ruling: It is the decision of the Chair that any limitations governing what language may be included in a conference committee report are contained within House Rules 7.15 and 9.3.

### *7.15 - 4. (2010) Conference Committee Report Considered Electronically Available at Time It Becomes Available in BTOOnline*

Ruling: It is the decision of the Chair that once a conference committee report becomes available through BTOonline, it is considered electronically available to the members.

### *7.15 - 5. (2010) Germaneness Requirement Applicable Only to House Conference Committee Reports*

Ruling: It is the ruling of the Chair that the germaneness requirement for conference committee reports contained in House Rule 7.15 applies only to conference committee reports filed for House measures.

## **§ 7.19 Consideration of Conference Committee Reports**

### *7.19 - 1. (2013) Germaneness of CCR Determined on Basis of Subject Matter, Not Title of Law*

Ruling: It is the ruling of the Chair that subject matter and not location in the same title of law is the determining factor when deciding whether a conference committee report is germane to the subject of an engrossed House measure.

## *Appendix C - Synopsis of Precedents*

### **§ 7.20 Consideration of Conference Committee Reports**

#### *7.20 - 1. (2011) No Requirement to Republish Senate Amendments (SAs) Prior to Unanticipated Motion to Reject*

Ruling: It is the ruling of the Chair that a motion to reject Senate Amendments (SAs) initially scheduled as a motion to accept SAs in another area of the House Floor Agenda does not need to be republished when the author chooses to offer a motion to reject the SAs.

### **§ 7.21 Transparency in Conference**

#### *7.21- 1. (2011) Determination of Need for Fiscal Summary to Accompany Conference Committee Report (CCR)*

Ruling: It shall be the decision of the Chair that questions arising under House Rule 7.21, paragraph (b) pertaining to necessity of an accompanying fiscal summary for conference committee reports shall be determined on the basis of the informed opinion of the chairperson of the House Appropriations and Budget Committee.

#### *7.21 - 2. (2012) Bill Summaries Not Required for Senate Conference Committee Reports*

Ruling: It is the ruling of the Chair that bill summaries are not required for Senate Conference Committee Reports.

### **§ 7.23 Duties**

## *Appendix C - Synopsis of Precedents*

### *7.23 - 1. (2013) Scheduling Motions with Majority Floor Leader for New Business*

Ruling: It is the ruling of the Chair that while the Majority Floor Leader may determine when new business is placed before the House, the Majority Floor Leader is required to schedule a motion placing new business before the House sometime during the same legislative day that the request is made by a member.

### *7.23 - 2. (2013) Majority Floor Leader Determines Order of Consideration of Motions of Equal Rank*

Ruling: It is the ruling of the Chair that it is up to the discretion of the Majority Floor Leader to determine the order of consideration of motions proposing new business.

## **§ 7.24 Notice of Meetings**

### *7.24 - 1. (2013) Type of Notice Required for Meetings of Calendar Committee*

Ruling: It is the ruling of the Chair that proper notice was provided for the Calendar Committee meeting held on Tuesday, April 30, 2013, at 8:30 a.m.

## **§ 7.26 Assignment of Floor Rules**

Precedents, 8.8 - 1. (2010) and 8.8 - 2. (2010), interpret former Section 8.8 of House Rules, which dealt with the subject of “special rules”. With significant modifications, the same subject matter was relocated to Section 7.26 of House Rules for the 54th

## *Appendix C - Synopsis of Precedents*

Oklahoma Legislature (2013-2014). Despite relocation and modification of the underlying language, the principles expressed in both precedents still remain valid under current House Rules. No requirement exists beyond a simple majority of those voting, a quorum being present, to adopt a special rule. In addition, the Calendar Committee may recommend a special rule that has applicability to more than one measure.

### **§ 8.5 Reading and Explanation**

#### *8.5 - 1. (2009) Referencing Discussion in Committee During Floor Consideration*

Ruling: It is the ruling of the Chair that discussions which occurred in committee may properly be referenced during discussion of the measure on General Order.

### **§ 8.6 Amendments**

#### *8.6 - 1. (2007) Recommendation of Rules Committee and Motion to Strike Title*

Precedent: It is the precedent of the Oklahoma House of Representatives under the terms of House Rule 8.6, paragraph (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 that actual motion, on behalf of the measure's author, to strike the title.

## *Appendix C - Synopsis of Precedents*

### *8.6 - 2. (2008) Title of Floor Substitute Stricken*

[*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).*]

**Discarded:** effectively discarded upon adoption of House Rules for 53rd and 54th Oklahoma Legislatures. See Section 8.6, paragraphs (f) and (g) of House Rules for 53rd and 54th Oklahoma Legislatures (2011-2012; 2013-2014).

### *8.6 - 3. (2008) Title Stricken Prior to Floor Consideration*

Ruling: It shall be the ruling of the Chair that House Rule 8.6, paragraphs (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. (2008) Amendment Lacking Substantive Change Out of Order*

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.

### *8.6 - 5. (2009) Amendments Offered to Untimely Filed Main Floor Amendments*

Ruling: It shall be the decision of the Chair that upon suspension of House Rules for purposes of considering an untimely filed main floor amendment, an amendment to the main floor amendment then under consideration may be offered without a second vote to suspend House Rules.

## *Appendix C - Synopsis of Precedents*

### *8.6 - 5A. (2009) Additional Untimely Main Floor Amendments Offered After First Rule Suspension*

Ruling: It shall be the decision of the Chair that upon suspension of House Rules for purposes of considering an untimely filed main floor amendment, additional main floor amendments may not be offered without a second vote to suspend House Rules.

### *8.6 - 6. (2009) Verbalization of Motion to Strike Title by Appropriations Chair*

Ruling: It shall be the ruling of the Chair that in keeping with the practice of the House, the presiding officer may seek unanimous consent to strike the title on behalf of the Appropriations and Budget chairperson for measures affecting revenue or appropriations.

### *8.6 - 7. (2010) Authority to Strike Title on Retirement Measures Affecting Revenue*

Ruling: It shall be the decision of the Chair that retirement measures affecting revenue or appropriations fall within the authority of the Appropriations and Budget chairperson to offer amendments to strike the title as provided in House Rule 8.6, paragraph (g).

## *Appendix C - Synopsis of Precedents*

### **§ 8.7 Consideration and Presentation**

#### *8.7 - 1. (2006) Adoption of Floor Substitute Precludes Further Amendment of a Bill*

[*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).]

**Discarded:** effectively discarded upon adoption of House Rules for 53rd and 54th Oklahoma Legislatures. See Section 8.7, paragraph (e) of House Rules for the 53rd Oklahoma Legislature (2011-2012) and Section 8.8 of House Rules for the 54th Oklahoma Legislature (2013-2014).

#### *8.7 - 2. (2007) Order of Presentation of Floor Amendments*

Ruling: It shall be the decision of the Chair that House Rule 8.7, paragraph (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.

#### *8.7 - 3. (2011) Amendment of Language Previously Amended Prohibited*

Ruling: It is the decision of the Chair that language previously amended in a measure may not be amended again at that point in the legislative process.

## *Appendix C - Synopsis of Precedents*

### *8.7 - 4. (2011) Determination Whether Amendment is Floor Substitute*

Ruling: It is the ruling of the Chair that determination of the existence of a floor substitute will be made on the basis of how the amendment is styled and whether it has the procedural effect of preventing consideration of other main amendments.

### *8.7 - 5. (2011) Presentation of Floor Amendment by Member other than Author of Amendment*

Ruling: It is the decision of the Chair that the question of whether to allow an amendment to be presented by a member other than an amendment's author will be based on the intent of an amendment's author; furthermore, the Minority Leader may, as a matter of course, present an amendment on behalf of a member of the minority caucus who is excused.

## **§ 8.8 Floor Substitutes Prohibited\* □**

### *8.8 - 1. (2013) Proposed Amendment Not Floor Substitute if a Section of Measure in Question Remains after Adoption of Amendment*

Ruling: It is the ruling of the Chair that a proposed amendment shall not be considered a floor substitute, within the meaning of Section 8.8 of House Rules, when the amendment retains a section of the measure in question even though the retained section has been renumbered within the proposed amendment.

\* Previously, Section 8.8 of House Rules pertained to adoption of a "special rule". Language pertaining to

## *Appendix C - Synopsis of Precedents*

“special rules” was relocated to Section 7.26 of House Rules for the 54th Oklahoma Legislature (2013-2014).

The following precedents, 8.8 - 1. (2010) and 8.8 - 2. (2010), interpret a Rule section that has been significantly modified and relocated to Section 7.26 of House Rules for the 54th Oklahoma Legislature (2013-2014). Nevertheless, the principles expressed in both precedents remain valid under current House Rules namely, no requirement exists beyond a simple majority of those voting, a quorum being present, to adopt a special rule. In addition, the Calendar Committee may recommend a special rule that has applicability to more than one measure.

### *[8.8 - 1. (2010) No Requirement Beyond Simple Majority to Adopt Special Rule]*

Ruling: It is the decision of the Chair that a majority of those voting, a quorum being present, may adopt a Special Rule.

### *[8.8 - 2. (2010) Special Rule May Be Applied to More Than One Measure]*

Ruling: It is the decision of the Chair that under House Rule 8.8 a Special Rule may be applied to more than one measure.

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

### *8.9 - 1. (2010) Amendments Offered to a Proposed Main Amendment to a General Appropriation Bill*

## *Appendix C - Synopsis of Precedents*

Ruling: It is the ruling of the Chair that the requirements of House Rule 8.9 do not apply to proposed amendments offered in the second degree.

### **§ 8.10 Amendment Summary**

#### *8.10 - 1. (2008) Availability of Fiscal Analysis for Floor Amendment*

[*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).]

**Overruled:** Prec. Okla. H. of Rep., § 8.10(2), 52nd Leg., 1st Reg. Sess. (Feb. 19, 2009).

#### *8.10 - 2. (2009) Determination of Need for Fiscal Summary to Accompany Floor Amendment*

Precedent: It shall be the decision of the Chair that questions arising under House Rule 8.10, paragraph (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.

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

#### *8.11 - 1. (2007) Germaneness of Committee Amendments*

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

## *Appendix C - Synopsis of Precedents*

committee and that upon presentation of the bill to the full House, the bill, as reported from committee, is considered germane.

### *8.11 - 2. (2007) Germaneness of Motion to Reject Senate Amendments*

Ruling: It shall be the decision of the Chair that House Rule 8.11, paragraph (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. (2008) Germaneness of Floor Amendment Offered to Proposed Constitutional Amendment*

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*

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.

### *8.11 - 5. (2009) Controlling Factor of Germaneness is Subject Matter*

Ruling: It is the ruling of the Chair that subject matter and not location in the same title of law is the

## *Appendix C - Synopsis of Precedents*

determining factor when deciding whether an amendment is germane to a bill.

### *8.11 - 6. (2009) Method of Determining Germaneness of Floor Amendments*

Precedent: The question of germaneness is a question of fact to be determined by the Chair as the trier of fact and that when raised by a member, the burden of proof rests upon the member raising the point of order.

The inquiring member must explain why he or she believes the amendment is not germane after which, the presiding officer determines by the preponderance of the evidence whether the amendment is germane to the measure to be amended.

The only evidence that is considered in a germaneness inquiry is the amendment under consideration and the published bill or resolution to be amended. The Chair presumes that proposed floor amendments are, in fact, germane until proven otherwise.

### *8.11 - 7. (2013) Proposed Amendment Containing Only Emergency Clause Germane to Subject of Measure*

Ruling: It is the ruling of the Chair that a proposed amendment containing only an emergency clause is germane to the subject of the bill under consideration.

## **§ 8.12 Amendments Out of Order**

### *8.12 - 1. (2007) Improper Floor Amendments*

## *Appendix C - Synopsis of Precedents*

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.

### *8.12 - 2. (2009) Floor Amendments Mirroring House Bills in Possession of Senate*

Ruling: It is the ruling of the Chair that an amendment consisting of language also contained in a House measure in possession of the Senate is not prohibited by House Rule 8.12.

### *8.12 - 3. (2009) House Rule 8.12 Not Applicable to Conference Committee Substitutes*

Ruling: It is the decision of the Chair that the prohibitions applicable to floor amendments contained in House Rule 8.12 do not apply to conference committee substitutes.

## **§ 8.14 Motion to Commit**

### *8.14 - 1. (2009) Motion to Commit After Third Reading Deadline*

Ruling: It is the ruling of the Chair that a motion to recommit is in order after the expiration of third reading deadlines established in consultation between the House of Representatives and the Senate.

## **§ 8.16 Consideration and Debate**

### *8.16 - 1. (2007) Recognition for Debate After Third Reading*

## *Appendix C - Synopsis of Precedents*

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.

### *8.16 - 1A. (2009) Debate in Opposition Permitted Even if Debate in Favor Not Requested*

Ruling: It is the ruling of the Chair that debate in opposition to a measure will be entertained regardless of whether or not debate in favor of a measure has also been requested.

## **§ 8.18 Consideration of Emergency Section**

### *8.18 - 1. (2009) Request for Debate in Opposition to Emergency Clause Must Give Rise to Actual Debate*

Ruling: It is the ruling of the Chair that a request for debate in opposition to adoption of an emergency clause must in fact give rise to actual debate.

### *8.18 - 2. (2010) Questions Must Pertain to Adoption of Emergency*

Ruling: It is the decision of the Chair that questions posed during consideration of an emergency clause must pertain to the question of adoption of the emergency clause rather than to the previously passed measure itself.

### *8.18 - 3. (2012) Appropriateness of Emergency Section Determined by House Itself*

## *Appendix C - Synopsis of Precedents*

Ruling: It is the ruling of the Chair that it is up to the House itself to decide whether to adopt an emergency clause contained within a measure.

### *8.18 - 4. (2013) Consideration of Emergency Clause on Bill Erroneously Passed before Conclusion of Amendment Cycle*

Ruling: It is the ruling of the Chair that in the event a measure is passed by the House prior to the time, under House Rules, it was properly eligible for consideration and no point of order is raised prior to final passage, immediate consideration of the emergency clause is in order.

## **§ 9.2 Question of Order and Decorum**

### *9.2 - 1. (2005) Manner by Which Business is Conducted on House Floor*

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

**Modified:** effectively modified upon adoption of House Rules for the 54th Oklahoma Legislature. Sections 7.22 and 7.23 of House Rules for the 54th Oklahoma Legislature (2013-2014) charge the House Calendar Committee with “scheduling” legislation on the House Floor. Section 7.23, paragraph (d) empowers the chairperson of the Calendar Committee, the Majority Floor Leader in 2013-2014, to determine the order that scheduled legislation is taken up on the House Floor. Notably, as recorded in this Precedent, the custom and practice of permitting the Majority Floor Leader to determine when to schedule new

## *Appendix C - Synopsis of Precedents*

business that is not an item of legislation remains unchanged.

### *9.2 - 2. (2009) Impugning Other Members During Debate*

Ruling: It is the decision of the Chair that it is out of order to raise an objection simply on the basis of perceptions of particular statements made during debate and that differing perceptions of the question under consideration do not rise to the level of impugning.

### *9.2 - 3. (2009) Interruption of Debate Not Permitted for Motion to ‘Lay the Bill Over’*

Ruling: It is the ruling of the Chair that a motion to “lay the bill over” or to otherwise temporarily postpone consideration of a measure is not in order during debate on final passage.

### *9.2 - 4. (2009) Point of Order Pertaining to an Amendment must be Raised before Amendment is Adopted*

Ruling: It is the decision of the Chair that a point of order pertaining to an amendment must be raised in a timely manner, meaning that it must be raised before the amendment is adopted by the House.

### *9.2 - 5. (2009) Customary Duties of Majority Floor Leader*

[*Okl. H. Jour.*, 959-960, 52nd Leg., 1st Reg. Sess. (March 12, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:02, 0:08-0:59, 3:26-3:51 (March 12, 2009).]

## *Appendix C - Synopsis of Precedents*

**Modified:** effectively modified upon adoption of House Rules for the 54th Oklahoma Legislature. Sections 7.22 and 7.23 of House Rules for the 54th Oklahoma Legislature (2013-2014) charge the House Calendar Committee with “scheduling” legislation on the House Floor. Section 7.23, paragraph (d) empowers the chairperson of the Calendar Committee, the Majority Floor Leader in 2013-2014, to determine the order that scheduled legislation is taken up on the House Floor. Notably, as implied in this Precedent, the custom and practice of permitting the Majority Floor Leader to determine when to schedule new business that is not an item of legislation remains unchanged.

### *9.2 - 6. (2009) Regulation of Questions and Answers*

Ruling: It is the decision of the Chair that it is the prerogative of the presiding officer, under Rule 9.2, to determine how many individual questions to entertain while a pending question is under consideration.

### *9.2 - 7. (2009) Presiding Officer May Defer Ruling on Point of Order*

Ruling: It is the decision of the Chair that it is the prerogative of the presiding officer to defer ruling on a point of order.

### *9.2 - 8. (2010) Temporary Postponement for Review of Amendment Not Previously Distributed*

Precedent: It is the precedent of the House that the presiding officer may temporarily postpone consideration of a measure to allow review of an

## *Appendix C - Synopsis of Precedents*

amendment that was not previously distributed to the members of the House.

### *9.2 - 9. (2010) Impugning Nonmembers in Debate*

Ruling: It is the ruling of the Chair that House Rules only prohibit impugning members of the House of Representatives while the House is in session.

### *9.2 - 10. (2010) Point of Order Must Be Raised in Timely Manner*

Ruling: It is the decision of the Chair that a point of order pertaining to a possible procedural violation must be raised prior to disposition of the underlying question.

### *9.2 - 11. (2010) Request for Full Reading Up To Discretion of Presiding Officer*

Ruling: It is the decision of the Chair that it is up to the discretion of the presiding officer as to whether to grant a request to have the clerk read an amendment or measure in full.

### *9.2 - 12. (2010) Delay or Obstruction of Business*

Ruling: It is the ruling of the Chair that once satisfied that a member is using parliamentary tactics to obstruct business, subject to appeal in the first instance, the presiding officer will not continue to recognize that member.

### *9.2 - 13. (2011) Member Not Required to Explain Motion or Yield to Questions*

## *Appendix C - Synopsis of Precedents*

Ruling: It is the ruling of the Chair that it is at the discretion of the author as to whether he or she offers an explanation of a motion and it is at the discretion of the author as to whether he or she yields to questions.

### *9.2 - 14. (2012) Presiding Officer May Put Question of Order Directly to Vote of the House*

Ruling: It is the precedent of the House that the presiding officer may put a question of order directly to a vote of the House.

### *9.2 - 15. (2013) Proposed Action in Conflict with House Rule Treated as Dilatory Motion*

Precedent: It is the decision of the Chair that a proposed action in direct conflict with a House rule will not be recognized and will be treated as a dilatory motion.

### *9.2 - 16. (2013) Member Permitted to Explain Purpose for Motion to Suspend Rules*

Ruling: It is the ruling of the Chair that a short explanation of a motion to suspend House rules is in order prior to the vote on the motion.

### *9.2 - 17. (2013) Prerogative of Chair to Determine Order of Recognition*

Ruling: It is the ruling of the Chair that it is the prerogative of the Chair to determine the order in which members are recognized.

## **§ 9.4 Debate**

## *Appendix C - Synopsis of Precedents*

### *9.4 - 1. (2009) Debate May Be Extended but Not Limited*

Ruling: It is the decision of the Chair that under the terms of House Rule 9.4, paragraph (b), debate may be extended by motion but may not undergo additional time restrictions without suspension of the rule.

### *9.4 - 2. (2010) Debate Not in Progress Until First Member Recognized*

Ruling: It is the ruling of the Chair that debate has not commenced until the first member is recognized to begin their debate.

### *9.4 - 3. (2011) Motion to Extend Debate Immediately after Adoption of Motion to Limit Debate Not in Order*

Ruling: It is the ruling of the Chair that when the House votes to limit debate, a motion offered immediately afterward to extend debate is not in order.

### *9.4 - 4. (2012) Debate Must be Confined to Side of Question Requested by Debating Member*

Ruling: The presiding officer stated that if a member requests debate on a certain side of the question, the member should offer debate on the side indicated and that it would be appropriate to pose additional questions as long as the member frames the questions in the form of debate.

## **§ 9.6 Voting and Division**

## *Appendix C - Synopsis of Precedents*

### *9.6 - 1. (2006) Members Present in Chamber But Not Voting May Be Named Upon Closing of Vote*

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.

### *9.6 - 2. (2007) Correction of Vote Mistakenly Cast on Behalf of Member*

Ruling: 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.

### *9.6 - 3. (2008) Division of the Question*

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.

## **§ 9.7 Voting and Division**

### *9.7 - 1. (2009) Point of Order Must Pertain to Vote Itself Once Vote is Open*

## *Appendix C - Synopsis of Precedents*

Ruling: It is the ruling of the Chair that once a vote is open, no point of order shall be recognized during the vote unless it pertains directly to the conduct of the vote itself.

### *9.7 - 2. (2009) Motion to Table Not in Order Once Vote is Ordered*

Ruling: It is the ruling of the Chair that once a vote is ordered on a question by the presiding officer, a motion to table is not in order.

## **§ 9.8 Previous Question**

### *9.8 - 1. (2009) Previous Question Applicable Only to Immediately Pending Question*

Ruling: It is the decision of the Chair that the motion to put the previous question is only applicable to the question immediately pending before the House.

### *9.8 - 2. (2011) Recognition of Previous Question After Adoption of Motion to Advance Question*

Ruling: It is the ruling of the Chair that a motion to put the previous question is in order subsequent to adoption of a motion to advance the question.

## **§ 9.9 Motion to Advance Question**

### *9.9 - 1. (2010) Adoption of Motion to Advance Question Must Have a Procedural Effect*

Ruling: It is the decision of the Chair that a motion to advance the question is out of order when adoption of the motion would not have any meaningful procedural effect.

## *Appendix C - Synopsis of Precedents*

### **§ 9.10 Reconsideration**

#### *9.10 - 1. (2007) Electronic Availability Upon Motion to Reconsider*

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 BTOline.

#### *9.10 - 2. (2008) Consideration of Other Business Prior to Reconsideration Notice*

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.

#### *9.10 - 3. (2009) Notice to Reconsider Measure Itself May Not Be Lodged Once Emergency is Under Consideration*

Ruling: It is the ruling of the Chair that once the House has moved from consideration of a measure to consideration of the emergency clause, notice to reconsider the measure itself may not be lodged.

#### *9.10 - 4. (2009) Use and Distinction of Motion to Rescind*

Ruling: It is the decision of the Chair that once a vote is rescinded, it is as if the vote never occurred and the question may be once again considered by the House.

## *Appendix C - Synopsis of Precedents*

### *9.10 - 5. (2010) Motion to Reconsider Must Be Exhausted Prior to Use of Motion to Rescind*

Ruling: It is the decision of the Chair that if a motion to reconsider can properly be offered, the motion to reconsider must be exhausted before a motion to rescind will be entertained.

### *9.10 - 6. (2010) Principal Author Favored to Lodge Notice of Reconsideration*

Ruling: It is the decision of the Chair that, as is customary, the principal author of a measure will be recognized in preference to other members when seeking recognition to serve notice of possible intent to reconsider.

### *9.10 - 7. (2011) Main Question Open to Debate Upon Reconsideration*

Ruling: It is the ruling of the Chair that debate offered on a motion to reconsider could properly include discussion of the merits of the bill under reconsideration.

### *9.10 - 8. (2012) Final Action Stayed Until Conclusion of Reconsideration Period*

Ruling: It is the ruling of the Chair that final action has not occurred on a measure that previously failed on Third Reading while a possible reconsideration motion is pending on the same measure.

## *Appendix C - Synopsis of Precedents*

### *9.10 - 9. (2012) Motion to Reconsider Offered Immediately Not Item of New Business*

Ruling: It is the decision of the Chair that a motion to reconsider made while a measure is still before the House, offered by the member who served notice, either on the measure itself or on the emergency section, is not placing a new item of business before the House and may be recognized to proceed with the reconsideration motion.

### *9.10 - 10. (2013) No Requirement to Lodge Notice when Motion to Reconsider Offered Immediately after Final Passage*

Ruling: It is the ruling of the Chair that when a motion to reconsider is offered immediately after final passage, there is no requirement to first lodge notice of possible future intent to reconsider prior to offering the actual motion to reconsider.

## **§ 9.11 Measures Vetoed by the Governor**

### *9.11 - 1. (2012) Veto Override Motion Subject to Motion to Lay on Table*

Ruling: It is the decision of the Chair that a motion to override the Governor's veto is properly subject to a motion to lay on the table.

## **§ 9.12 Quorum**

### *9.12 - 1. (2010) Member Must Personally Answer Quorum Call*

Ruling: It is the decision of the Chair that when the House is under a quorum call, a member must

## *Appendix C - Synopsis of Precedents*

personally activate the button from their own desk and not request another member to answer the quorum call on their behalf.

### **Rule 10 Motions**

#### *§10 - 1. (2007) Rejection of Multiple Senate Amendments*

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.

#### *§10 - 2. (2010) No Requirement for Fiscal Impact Statement for Other Motions*

Ruling: It is the decision of the Chair that no motion shall be required to be accompanied by a fiscal impact statement except such motions as are specifically required by House rule to include a fiscal impact statement.

#### *§10 - 3. (2012) Renewal of Motion to Advance from General Order*

Ruling: It is the ruling of the Chair that upon a change in the parliamentary situation, a motion to advance a measure from General Order, previously rejected, may be renewed.

## *Appendix C - Synopsis of Precedents*

### *§10 - 4. (2012) Renewal of Motion to Suspend House Rules*

Ruling: It is the ruling of the Chair upon a change in the parliamentary situation, a motion to suspend House rules, previously rejected, may be renewed.

### *§10 - 5. (2012) Timing of Objection to Consideration of Question*

Ruling: It is the ruling of the Chair that objection to consideration must be made immediately after the presiding officer recognizes a member for presentation of a measure.

### *§10 - 6. (2012) Identical Amendment Offered to More Than One Measure*

Ruling: It is the ruling of the Chair that an identical amendment may be offered to more than one measure.

## **§ 10.1 Precedence of Motions**

### *10.1 - 1. (2009) Precedence of Main Motions Pertaining to Disposition of Conference Committee Reports*

[*Okla. H. Jour.*, 1865-1867, 52nd Leg., 1st Reg. Sess. (May 21, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:43, 0:00-3:23, 11:22-23:41 (May 21, 2009).]

**Discarded:** effectively discarded upon adoption of House Rules for 53rd and 54th Oklahoma Legislatures. See Section 10.1, paragraph (d) of House Rules for 53rd and 54th Oklahoma Legislatures (2011-2012; 2013-2014).

## *Appendix C - Synopsis of Precedents*

### *10.1 - 2. (2011) Precedence of Main Motions Pertaining to Disposition of Senate Amendments*

Ruling: It is the ruling of the Chair that motions to accept or reject Senate amendments will be taken up in the order they are offered.

### *10.1 - 3. (2011) Renewal of Motion to Adopt Senate Amendments on Subsequent Legislative Day*

Ruling: It is the ruling of the Chair that the House may properly entertain a renewed motion to adopt Senate Amendments to a House bill when such Senate Amendments failed of adoption on a previous legislative day.

### *10.1 - 4. (2012) Vote on Failed Motion to Adopt (JCR) May Be Rescinded*

Ruling: It is the precedent of the House that the vote on a failed motion to adopt a Joint Committee Report (JCR) may be rescinded.

## **§ 10.2 Motions in Writing<sup>1</sup>**

### *10.2 - 1. (2010) Appeal of the Chair May Be Tabled*

---

<sup>1</sup> For the 52nd Oklahoma Legislature (2009-2010), the heading of this section, Section 10.2, was “Incidental Motions”. The ranking of incidental motions, such as an “appeal”, was set forth in this section of House Rules resulting in the precedent being recorded with Section 10.2 in the precedent’s heading. In the 53rd Oklahoma Legislature (2011-2012), the heading of Section 10.2 was changed to “Motions in Writing”. This heading remains the same for the 54th Oklahoma Legislature (2013-2014).

## *Appendix C - Synopsis of Precedents*

Ruling: It is the decision of the Chair that a motion to table an appeal of the ruling of the Chair is a proper motion and, if adopted, has the effect of halting the appeal and sustaining the decision of the presiding officer.

### **§ 10.4 Withdrawal of Motions<sup>2</sup>**

#### *10.5 - 1. (2009) Withdrawal of Measure by Author<sup>3</sup>*

Ruling: It shall be the decision of the Chair that House Rule 10.5 shall be interpreted to mean that a bill may not be unilaterally withdrawn from consideration by its principal author if amendment or other substantive action has taken place on the bill or if debate on the bill has already commenced.

#### *10.4 - 2. (2011) Withdrawal of Amendment after Adoption of Motion to Reconsider Amendment*

Ruling: It is the ruling of the Chair that upon adoption of a motion to reconsider an amendment, the author of the amendment may request to withdraw the amendment.

#### *10.4 - 3. (2011) Withdrawal of Motion to Reconsider Prior to Action or Debate*

Ruling: It is the ruling of the Chair that unless action or debate occurs on a motion to reconsider, it may be withdrawn by the member offering the motion.

---

<sup>2</sup> This section was previously numbered as Section 10.5 but was renumbered as Section 10.4 in House Rules, 53rd Oklahoma Legislature (2011-2012).

<sup>3</sup> *Id.*

## *Appendix C - Synopsis of Precedents*

### *10.4 - 4. (2012) Withdrawal of Measure Itself During Consideration of an Amendment*

Ruling: It is the ruling of the Chair that the author may withdraw the bill from consideration at any point until the vote is ordered on final passage of the measure.

### *10.4 - 5. (2012) Ability to Withdraw Measure Upon Successful Reconsideration of Measure*

Ruling: It is the ruling of the Chair that upon successful reconsideration of a measure, the measure may be withdrawn from further consideration by the author or the member designated by the author to present the measure.

### *10.4 - 6. (2012) Author May Withdraw Measure During Author's Debate*

Ruling: It is the ruling of the Chair that the author of a bill may choose to withdraw the bill during his or her own debate or before the beginning or after the conclusion of debate of other members, but not during the debate of another member.

### *10.4 - 7. (2012) Withdrawal of Measure After Failed Motion to Adopt Joint Committee Report (JCR)*

Ruling: It is the ruling of the Chair that the author of a measure may, under House Rule 10.4, paragraph (b), withdraw a measure that would otherwise be before the House in order to prevent a motion to reject or to reject with instructions.

## *Appendix C - Synopsis of Precedents*

### *10.4 – 8. (2013) Withdrawal of Measure after Failed Motion to Adopt Conference Committee Report (CCR)*

Ruling: It is the ruling of the Chair that the author may withdraw the bill from consideration at any point until the vote is ordered on final passage of the measure.

### **§ 12.3 Sine Die Adjournment**

#### *12.3 - 1. (2011) Early Sine Die Adjournment Determined by House*

Precedent: It is the precedent of the House that the date of early sine die adjournment will be determined by the House and that applicable deadlines within House Rules will be calculated on the basis of an established date for sine die adjournment.

### **§ 14.1 Suspension or Amendment of Rules**

#### *14.1 - 1. (2010) Previous Rule Suspension Still Effective After Temporary Postponement of Question*

Ruling – It is the decision of the Chair that once a House rule is suspended, the same rule does not need to be suspended a second time when the question to which the suspension is incidental is taken up again after being temporarily postponed.

## *Appendix C - Synopsis of Precedents*

### *14.1 - 2. (2012) Applicability of Rule Suspension over Multiple Days*

Ruling: It is the ruling of the Chair that the House may adopt a rule suspension that remains in effect over multiple days.

### *14.1 - 3. (2013) Qualified Motion to Suspend Rules in Order*

Ruling: It is the ruling of the Chair that a qualified motion to suspend more than one requirement in House Rules at the same time is in order.

## **§ 14.2 Parliamentary Authorities**

### *14.2 - 1. (2007) Constitutional Rulings*

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.

### *14.2 - 1A. (2009) Constitutionality of Measure's Title*

Ruling: It is the decision of the Chair that in reliance upon Precedent 14.2-1 the presiding officer will not rule on the constitutionality of a bill's title.

### *14.2 - 2. (2009) Authority to Publish Rulings of the Chair*

[*Okla. H. Jour.*, 1386, 52nd Leg., 1st Reg. Sess. (April 20, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:23, 00:38-08:04 (April 20, 2009).]

## *Appendix C - Synopsis of Precedents*

**Modified:** Effectively modified upon adoption of House Rules for the 54th Oklahoma Legislature (2013-2014). Section 14.2 requires the Speaker to publish “substantive” rulings of the Chair and removes the previously allowed discretion to publish such rulings. Notably, as mentioned in the “reasoning” relied upon in this Precedent, it would still be out of order for the presiding officer to entertain a motion which would cause a ruling of the Chair to be placed in the “book of precedents” in a manner outside of the procedure established by Rule 14.2.

### *14.2 - 3. (2011) House Rules Prevail in Conflict with Parliamentary Authority*

Ruling – It is the decision of the Chair that when a conflict exists between a provision within House Rules and a provision in Mason’s Manual of Legislative Procedure, the House rule controls.

### *14.2 - 4. (2012) Authority and Effect of House Precedents*

Ruling: It is the decision of the Chair that House Precedents are simply a record of actions previously taken by the House.

## **General Precedents**

### *GP - 1. (2009) Adoption of House Rules*

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

## *Appendix C - Synopsis of Precedents*

### *GP - 2. (2011) Reliance on General Parliamentary Law Prior to Adoption of House Rules*

Ruling: It is the ruling of the Chair that a motion to table a motion to postpone to a definite time offered prior to adoption of House rules is out of order pursuant to Section 370 of Mason's Manual.

### *GP - 3. (2011) Motion to Extend Debate not in Order Immediately After Adoption of Motion to Limit Debate*

Ruling: It is the decision of the Chair that a motion to extend debate offered immediately after adoption of a motion to limit debate is out of order.

### *GP - 4. (2012) Measure Lacking Express Effective Date*

Ruling: It is the ruling of the Chair that a bill without an express effective date becomes effective ninety (90) days after sine die adjournment.

### *GP - 5. (2013) Constitutionality of Motion Authorizing Postage and Supplies on "Organizational Day"*

Ruling: It is the ruling of the Chair that it is not the precedent of the House for the presiding officer to make constitutional pronouncements.

### *GP - 6. (2013) Consideration of Proposed House Rules on Same Day as Introduction*

Precedent: It is the decision of the Chair that the custom of the House is to allow resolutions relating to business immediately before the House to be considered on the same day they are introduced and

## *Appendix C - Synopsis of Precedents*

as such a resolution containing proposed House rules may be considered on the same day it is formally introduced.

### *GP - 7. (2013) Electronic Publication of Amendments Prior to Adoption of House Rules*

Ruling: It is the decision of the Chair that prior to adoption of House rules, the author of an amendment offered to the proposed House rules is not required to provide a copy of the amendment to other members.

### *GP - 8. (2013) Possession by House Required before Final Vote on Bill may be Rescinded*

Ruling: It is the ruling of the Chair that a motion to rescind is not in order when the measure in question is not in possession of the House of Representatives.

### *GP - 9. (2013) Floor Amendments Presented to House Published in House Journal*

Ruling: It is the ruling of the Chair that floor amendments presented to the House will be published in the House Journal according to the customs of the House.

## **§ Joint Rule 3 Layover Requirements**

### *(Joint Rule) 3 - 1. (2013) Layover Requirement Applicable to Senate Amendments*

## *Appendix C - Synopsis of Precedents*

Ruling: It is the ruling of the Chair that the layover requirements of Joint Rule Three are applicable to Senate amendments.

### *(Joint Rule) 3 - 2. (2013) Layover Requirement Not Applicable to Motion to Reject with Instructions*

Ruling: It is the ruling of the Chair that the layover requirement of Joint Rule 3 is not applicable to a motion to reject a conference committee report with instructions.

## **§ Joint Rule 7.4 Notice of Meetings**

### *(Joint Rule) 7.4 - 1. (2011) Modification of Meeting Notice Requirement*

Ruling: It is the ruling of the Chair that in the event the meeting time of the Joint Committee on Appropriations and Budget is modified by agreement between the Speaker of the House and the President Pro Tempore of the Senate, the Chair will rely on the representations of the Speaker that such an agreement in fact exists.

## **§ Joint Rule 7.11 Recommendations**

### *(Joint Rule) 7.11 - 1. (2011) Cognizance of Jurisdictional Question by the Chair*

Ruling: It is the ruling of the Chair that the Chair will not take cognizance of a jurisdictional question pertaining to a main question until the main question itself is before the House for consideration.

## *Appendix C - Synopsis of Precedents*

### **§ Joint Rule 8.1 Procedures**

#### *(Joint Rule) 8.1 - 1. (2011) Rejection of Senate Amendments (SAs) not Permitted After Internal House Deadline*

[*Okla. H. Jour.*, 1257, 53rd Leg., 1st Reg. Sess. (May 10, 2011); *Daily H. Sess. Video Rec.*, 53rd Leg., 1st Reg. Sess., *SA HB 1223*, 00:10:18-00:48:27 (May 10, 2011).]

**Modified:** effectively modified upon adoption of House Rules for the 54th Oklahoma Legislature (2013-2014). Sections 7.22 and 7.23 charge the House Calendar Committee with “scheduling” legislation on the House Floor. In contrast to past practice, the House Calendar Committee rather than the Speaker now bears the responsibility of establishing a specific deadline for principal House authors to move to reject Senate Amendments and make their initial request for conference with the Senate.