

Oklahoma House of Representatives

LEGISLATIVE MANUAL

Speaker Chris Benge

Twelfth Revised Edition
November 2008

PRESENTED TO THE
FIFTY-SECOND OKLAHOMA LEGISLATURE

Prepared by:

Oklahoma House of Representatives
Office of Committee Staff

*Our appreciation to the photography
staff of the Legislative Services Bureau
for the cover photograph.*

This publication is printed by the House Duplicating Shop of the Oklahoma House of Representatives. Five hundred (500) copies have been prepared and distributed at a cost of \$5.10 each to the taxpayers of Oklahoma. Reference copies have been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries.

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Preface

The purpose of this document is to provide new members of the Oklahoma House of Representatives with basic information about the Oklahoma Legislature, the House of Representatives, and the policy-making process. This edition serves as a useful supplement to the pre-session conference for new members of the House of Representatives. Over the years, the Oklahoma Legislative Manual has become a valuable public document as well.

Originally written by Dr. George Humphreys, former Research Director of the Oklahoma House of Representatives, the Oklahoma Legislative Manual has been revised and updated for the Fifty-second Legislature to incorporate needed changes since the last revision in 2005.

The premise of this manual is that being a legislator is not unlike any other job. The successful performance of this job will depend on the member's skill in acquiring and utilizing the written and unwritten rules of governing. It will not be possible to cover all the topics and circumstances about which any new legislator might have questions. As a rule of thumb, new members should seek out experienced members, staff, and other persons familiar with the legislative process or issues confronting the Legislature for answers to their questions and never hesitate to draw on those resources. The willingness of new members to learn and profit from the available resources and to apply that knowledge will be a critical factor in the performance of their duties of office.

Throughout this document, the term "house" is used interchangeably with "chamber(s)" and refers in a nonspecific way to one or both legislative bodies. The House of Representatives will be specifically referred to as the "House."

Several documents were prepared for the restoration of the House Chamber in January 2000 that readers might want to consult. Mike W. Ray wrote *Restoring Our Heritage: Celebrating the Restoration of the Chamber of the Oklahoma House of Representatives*. This publication has beautiful color photographs documenting the restoration project. George G. Humphreys wrote *A Century to Remember: A Historical Perspective on the Oklahoma House of Representatives* focusing on the rich history of the Oklahoma House of Representatives. Copies of these documents can be obtained from the House Committee Staff office located in room 109 of the Capitol.

This manual was edited by Andrew Spruiell of the Research Staff, under the direction of Dr. Rick Farmer, Director of Committee Staff. Special thanks goes to Nancy Lutes for her careful attention in making revisions and assembling the final text, the House Engrossing and Enrolling Office for its review of the manual, and the Legislative Services Bureau photography staff for the cover photograph.

Chapter One

The Legislative Powers and Functions

The Oklahoma Constitution is patterned after the federal and most state constitutions in that it establishes the framework for three separate and distinct branches of state government: the legislative, executive, and judicial branches. Article IV of the Oklahoma Constitution provides that “the Legislative, Executive and Judicial Departments of government shall be separate and distinct, and neither shall exercise the powers properly belonging to either of the others” (a provision that does not always resemble reality at the state or federal levels). Other than Nebraska, which is a unicameral body consisting of a Senate only, Oklahoma is similar to the other states in that it has a bicameral Legislature with two houses or chambers. In Oklahoma, the two houses are called the State Senate and the House of Representatives. The two years between general elections constitute a “Legislature.” Therefore, the Legislature elected in November 2008 is the state’s Fifty-second Legislature.

The United States Constitution guarantees to each state that it shall be governed by a republican form of state government much like the federal government with its three branches. For Oklahoma, there are some very important differences from the federal system that have had a significant influence on the operations of the Oklahoma Legislature, two of the most notable being:

“The legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislature and also reserve power at their own option to approve or reject at the polls any act of the Legislature.”

[Article V, Section 1, Oklahoma Constitution]

- ! The federal government has a stronger reliance on “representative democracy” than Oklahoma. Although the First Amendment to the U.S. Constitution guarantees American citizens the right to petition members of Congress on legislation, the Oklahoma Constitution went one step beyond to provide the opportunity for popular input into major policy decisions through the initiative and referendum processes which give the people the ultimate legislative authority.

- ! The President’s powers over the federal executive branch are much greater than the Oklahoma governor’s powers over state agencies, which are frequently administered by other elected officials or by appointed boards and commissions.

The above quotation from the Oklahoma Constitution is worth emphasizing for several reasons. First, the writers of the Oklahoma Constitution assigned the main responsibility for making laws to the legislative branch, which is comprised of citizen legislators. Second, the same writers placed limits on the Legislature by reserving to the people the power to propose their own laws and constitutional amendments and to reject those passed by the Legislature. This very important power, which is frequently called “direct democracy,” is based on the initiative and referendum procedures that will be discussed later.

With the passage of State Question 640 on March 11, 1992, voters once again expanded the scope of issues they will have an opportunity to consider. Pursuant to this question, voters must approve any revenue-raising measures passed by the Legislature unless the Legislature can obtain a three-fourths majority in both houses to approve such measures. Even if the super-majority can be achieved, voters will have an opportunity to contest such measures by petitioning for a referendum vote before they become law.

Oklahoma is one of 24 states that provide for the Initiative and one of 24 states that provide for the Popular Referendum.

18 states permit Recall of state officials – Oklahoma does not.

Many of the legal parameters that the Legislature must adhere to are found in Article V of the Oklahoma Constitution. Others, such as the impeachment powers of the Legislature, are in other articles of the Constitution or in the statutes. Some of the Legislature's most important powers may not be directly located in statutes or the Constitution but have evolved from the duties of the Legislature.

Major Functions of the Legislature

1. **Enactment of Laws.** The primary role of the Legislature is to pass laws. Through legislation, the Legislature exercises its authority to tax, spend, and regulate. Legislative appropriations provide funding to state agencies which further provide a myriad of services available throughout Oklahoma. In addition to state services, funding is provided for local purposes. The Legislature uses regulatory authority to set standards and boundaries which foster the wellbeing of both individuals and businesses. Chapter five describes some of the parameters which affect the law-making function.
2. **Fact-finding.** The fact-finding or oversight activity of the Legislature, either by legislative committees or by individual legislators, is a very important function. During the interim, the Legislature prepares issues for the next session based on fact-finding through various interim studies. During session, legislators exercise the oversight function as they act on the budget, consider major legislation, or decide whether or not to sunset state programs. The statutes providing the Legislature and its committees with the power to issue subpoenas to compel the attendance of witnesses and the production of evidence stems from the Legislature's independent need to ascertain facts before enacting laws (74 O.S. 2001, Sections 772-775).

A number of joint committees of the Legislature are created specifically for oversight, including the Joint Committee on Accountability in Government, the Joint Committee on State Budget Performance, the Joint Committee on International Development, and the Joint Committee on State-Tribal Relations. It is not at all uncommon for a legislator or a legislative committee to have a significant influence over policy, without having to pass legislation, through the exercise of the oversight function.

3. **Budget-writing.** Through the Legislature's powers to tax and appropriate, members of the Legislature play a major role in establishing spending priorities for the state. Indeed, it is difficult to separate policy decisions and fiscal policy since

budget resources are critical to the ability of state officials to implement programs. The House has the sole authority to initiate revenue-raising measures.

4. **Appointments to State Boards and Commissions.** The Legislature is a very active participant in the appointment of persons to serve on the many boards and commissions in Oklahoma state government. These public bodies affect the operations of many programs and professions in Oklahoma. For example, the Legislature has numerous gubernatorial appointments to confirm or deny. These may include agency directors, but the largest number is members of state boards or commissions that oversee state agencies or advisory bodies. Almost without exception, the Senate traditionally exercises control over the confirmation process. This can be a very important power, particularly when the Legislature refuses to confirm an appointment based on some grievance or policy issue. It is possible that the confirmation of a particular candidate to a board can result in a shift in the balance of power within a board.

Many of these public boards and commissions, through their powers to write administrative rules, play an important role in shaping public policy and enforcing state laws. In other cases, the House of Representatives or the Senate (largely through their presiding officers) will make their own appointments. This power has been the subject of several legal contests, including a 2002 State Supreme Court ruling that declared the Legislative Bond Oversight Commission to be unconstitutional and developed a series of criteria for determining whether or not other entities with legislative appointments are constitutional.

A very important role that the Legislature plays in the appointment process comes from its lawmaking function. The Legislature can set the qualifications of agency directors or board appointees, place citizen members on professional boards, and change the composition of a commission to alter the balance of power between competing factions.

5. **Consideration of Administrative Rules.** Through agency rulemaking, state boards, commissions, and officials with rulemaking authority may adopt permanent and emergency rules to implement, interpret, or prescribe policies or law affecting the rights of the public. The Legislature, through the Oklahoma Administrative Procedures Act (APA), plays an important oversight role in the rulemaking process. In the 1994 session, the House of Representatives added a standing committee on Administrative Rule Review (variously titled, in subsequent legislatures) to enhance the House's review of agency rulemaking for compliance with legislative intent. Through the APA, the Legislature can disapprove agency rules, in whole or in part, by a joint resolution or a concurrent resolution.
6. **Participating in Amending the State Constitution.** The Oklahoma Legislature may play the leading role in the amending of the Constitution. The Legislature uses the referendum process and asks the people to vote on questions that the Legislature has prepared in the same way that it passes other measures, except that such bills may not be presented to the Governor for consideration. Constitutional

amendments are not subject to gubernatorial review, and statutory questions may not be. For the 2008 election cycle, the Legislature initiated four state questions that appeared on the November general election ballot proposing amendments to the Constitution and/or statutes.

7. **State Constitutional Convention.** The Oklahoma Constitution requires voters to have the opportunity every 20 years to call a state constitutional convention, but it does not address who is charged with the responsibility for putting the question to the voters. Voters have rejected the calling of such a convention three times, the last time in 1970. Conversely, Oklahoma voters rejected a state question to remove this requirement in 1994.
8. **Amending the United States Constitution or Petitioning to Amend Federal Law.** The Legislature can also act on proposed amendments to the U.S. Constitution. Article V of the U.S. Constitution gives the state legislatures a critical role in amending the U.S. Constitution. First, upon a two-thirds vote of both houses of the Congress, the U.S. Constitution can be amended if approved by the legislatures of three-fourths of the states.

Second, a national constitutional convention will be called upon the request of legislatures of two-thirds of the states. Any changes proposed by a convention must be approved by three-fourths of the states' legislatures. Occasionally, the Oklahoma Legislature will, by resolution, petition the Congress in support of a constitutional amendment or a change in federal statutes or administrative rules. These petitions are only expressions of legislative sentiment on a particular matter.

9. **Redistricting.** After each decennial census, the Legislature must be redistricted. Article V, Section 11A of the Oklahoma Constitution directs that the Legislature shall reapportion itself within 90 legislative days of the convening of the first regular session following the decennial census. If the Legislature fails to do so within the time allowed, the task devolves to the Apportionment Commission, whose members are the Attorney General, the State Superintendent of Public Instruction, and the State Treasurer.

The Legislature also draws the congressional districts in the state of Oklahoma (although for the current congressional plan, the task fell to a state district court judge because the 2002 session concluded without the passage of a legislative plan) and judicial districts in Oklahoma and Tulsa Counties. There are no deadlines for drawing these plans, and the Apportionment Commission has no role in their formulation. The number of congressional seats is determined by formula and presented to the President on December 31 in the first year of each decade (December 31, 2000, for this decade).

The Oklahoma Constitution provides for a 48-member Senate and “approximately 100 state representatives.” The Oklahoma constitutional provision for apportionment (Section 10A of Article V), which gave great weight to representation of the rural part of the state, was found to violate the federal constitution in part in 1964 on the principle of one man/one vote and has never

been revised. By law, the Legislature in 2001 provided for an apportionment of the state into 101 districts for the 2003-2012 legislative sessions. All redistricting bills are subject to the Governor's veto.

10. **Exercise of Quasi-Judicial Powers/Impeachment.** The Legislature can exercise several important quasi-judicial powers. Article VIII of the state Constitution provides for the Legislature's impeachment powers. The Governor, other elected state officials, and certain other state officials, such as the members of the Ethics Commission, may be removed by the impeachment process for willful neglect of duty, corruption in office, habitual drunkenness, incompetence, or offenses involving moral turpitude committed while in office.

The House of Representatives presents all charges of impeachment. After impeachment charges are approved by the House of Representatives, the Senate sits as a Court of Impeachment with the Chief Justice of the Supreme Court presiding, unless a member of the Supreme Court is the subject, in which case the Senate elects one of its members as the presiding officer. Members of the House serve as the prosecutors in an impeachment trial. It takes a two-thirds concurrence of senators present to convict, and the conviction causes removal from office. In its history, Oklahoma has removed two governors from office through the impeachment process (John C. "Jack" Walton in 1923 and Henry S. Johnston in 1929). Most recently, on September 9, 2004, the House impeached State Insurance Commissioner Carroll Fisher, who resigned prior to the trial in the Senate.

In addition to impeachment, Article V, Section 30 of the Oklahoma Constitution enables each chamber to punish its own members for disorderly conduct and to expel a disorderly member upon a two-thirds vote. The same section also makes each chamber of the Legislature the judge of elections and qualifications of its own members.

11. **District and Constituent Service.** Legislators devote considerable time at the Capitol and in their districts to constituent service and issues of interest to their district. Legislators are expected to be knowledgeable about the needs and concerns of their districts and be willing to help constituents with their problems. To constituents, the work that their elected officials perform on behalf of the people back home may be the most important task of the lawmaker. At times, legislators come to view themselves as district ombudsmen or ambassadors as they work to persuade the state bureaucracy to be more responsive to the needs of the taxpayers. Legislators will continue to engage in efforts to work with state officials in order that the officials might look with favor on awarding grants and other assistance to their districts.
12. **State Ambassadors.** Members of the Oklahoma Legislature, in addition to representing their local districts, are state officials. Very often members are called upon to view issues, not just from the perspective of their local constituents, but from a state perspective as well. Members of the Legislature also meet with federal, other state, tribal, and private-sector officials on numerous matters, such as

location of an industry in the state or, most importantly, the lawmaker's district. At such meetings, legislators endeavor to gain a favorable response from such officials that will benefit all or some portion of the state. Recent Oklahoma legislators have also become increasingly engaged in expanding the state's economy through negotiations with international public and private officials in order to promote the state's imports and exports. Legislators may meet with international dignitaries in Oklahoma or in their countries during trade missions. To promote this function, the Legislature has an active Joint Special Committee on International Development.

13. **Education of the Public.** Passage of important legislation will often be preceded by considerable efforts by individual legislators or groups of legislators through the media and public hearings of committees with the goal of educating the public on the issue that the legislation addresses.
14. **Conflict Resolution.** The arts of compromise and persuasion are essential to successful legislators in almost every part of their job. Frequently, passage of legislation requires legislators to engage in extensive consensus-building efforts or difficult negotiations. For example, state legislators have become increasingly proficient in negotiating with the various Indian tribes in Oklahoma on concerns affecting one or both of the parties. To resolve issues confronting the state and the many tribal governments in Oklahoma, a Joint Committee on State-Tribal Relations has been created to consider and approve or disapprove compacts negotiated by the Governor between the state and tribes. Legislators also find themselves involved in vigorous disputes between various occupational groups over the scope of their professions.

Chapter Two

Legislative Sessions and Interims

Regular and Organizational Sessions

Article V, Section 25 of the Oklahoma Constitution requires the Oklahoma Legislature to meet in annual regular sessions. Until passage of a legislative referendum in 1966, the Legislature met in regular session only in odd-numbered years. From 1967 through 1989, regular sessions convened on the first Tuesday after the first Monday in January at noon, after which the Constitution limited the Legislature to 90 legislative days (a legislative day is a day when the Legislature actually meets in open session). With greater control over the legislative schedule, past Legislatures could, and sometimes did, extend the session into June and July. With the passage of a popular initiative in 1989, annual sessions are now limited by actual date in terms of when they start and when they must adjourn.

The Legislature may pass a concurrent resolution indicating a date for sine die adjournment that falls before the constitutional deadline. It is not uncommon for the House and Senate to vary on the number of legislative days used; however, the Constitution prohibits either house from recessing for more than three days without the consent of the other.

The Fifty-second Oklahoma Legislature will meet in an organizational session January 6, 2009. The Legislature will reconvene on Monday, February 2, 2009, and may work through Friday, May 29, 2009. The organizational session permits the House of Representatives and Senate to formally elect their officers and take care of other important business, including the appointment of committees. The deadlines for bills will normally have been set by a concurrent resolution at the end of the last regular session of the previous Legislature so that legislative business of the following session can begin in earnest. SCR 97 (2008) set some of the deadlines for the Fifty-second Oklahoma Legislature, which are shown on page 10 with adjustments made to include House internal deadlines. The House of Representatives and the Senate may set internal deadlines that vary, such as the deadline for bills to be reported from committee.

Special or Extraordinary Sessions

In addition to the regular session, the Governor is empowered to call either the Legislature or the Senate alone into special or extraordinary session. When the Governor calls a special session, it is restricted to only those matters the Governor specifies in calling the special session. The Governor may amend the call during the special session. Calling the Senate alone into a special session is rare, though the provision exists, presumably for the possible emergency confirmation of a gubernatorial appointment or to sit as a court of impeachment.

**Oklahoma Constitution, Article V,
Section 26**

Every Year

Regular Session:

Commence (in odd-numbered years, resume) at Noon First Monday in February

End at 5 p.m. Last Friday in May

Odd-Numbered Year

Organizational Session:

Commence at Noon First Tuesday after First Monday in January and end at 5 p.m. same day

State Question 540, adopted by the people on November 4, 1980, amended the Oklahoma Constitution to allow the Legislature to call itself into special session. The call for the special session must be signed by two-thirds of the members of each house, and the specific purpose must be set out in the call. The first such legislatively called special session was called at the end of the 1994 regular session in the event that the Legislature wanted to override bills pocket-vetoed by the Governor at the end of the regular session.

Unlike annual sessions, the Constitution does not provide any limits on the length of special sessions. However, a special session called during one Legislature cannot extend past the swearing in of the next Legislature. It is possible for both a regular and special session to occur simultaneously, usually for the purpose of saving the cost of convening a separate session all or part of the five-day minimum the state Constitution requires for introduction, consideration, and passage of legislation. This has occurred:

- ! In 1990, when the special session called in 1989 for educational reform was not concluded until well into the 1990 regular session, resulting in the passage of HB1017 (education reform) and four state questions;
- ! In the Forty-eighth Legislature, when the Governor called a special session on May 21, 2001. That session convened several times in 2001 and once after the 2002 general election when it adjourned sine die November 18, 2002 - one day before the Forty-eighth Legislature itself ended;
- ! In 2004, when the Governor called a special session on May 19, 2004, to investigate the activities of the State Insurance Commissioner. The House subsequently impeached the official on September 9, 2004, and he resigned his office prior to trial in the Senate; and
- ! In 2005 a special session was called during the regular session to address workers' compensation.
- ! Most recently, in 2006 a special session was used to finalize the budget.

Recesses and Adjournments

The Legislature determines the date of its session adjournment, provided that it is not later than the last Friday in May for annual sessions. There are several other types of adjournments in a regular session. One is frequently referred to as a “recess.” A recess in the Legislature occurs when it fails to meet on any calendar day within the period between the beginning and end of a session. There have been occasions when one or both houses will adjourn subject to a call of the presiding officer, particularly during special sessions. Typically, both houses have recessed the session from Friday through Sunday, with Friday sessions being held during the last weeks of the session or as needed to meet deadlines.

Sine die or final adjournment occurs at the end of a regular or special session. If the two houses cannot agree on a date of sine die adjournment, the Constitution provides that the Governor may adjourn the session based on the facts certified to the Governor by the presiding officer of the

chamber first moving adjournment. This latter provision has rarely been invoked. The 1989 constitutional amendment prohibits regular sessions from extending past 5:00 p.m. on the last Friday in May.

At the end of each legislative day, a motion to adjourn will be approved and a date and time established for the next legislative meeting.

Meetings, Working Hours, and Deadlines

After the opening day ceremony of the regular session, the Legislature settles into its routine of caucuses, meetings, hearings, and daily legislative sessions. Each house adopts its own rules. In the past, joint rules that govern the operations of the Legislature have been adopted by the House of Representatives and Senate; however, there are none currently.

Times can fluctuate depending on the workload of the session. A 1989 reform of House rules required daily sessions to end no later than midnight, to prevent all-night sessions, and precluded the House of Representatives from meeting between midnight and 8:00 a.m. With the shortened session provision, the Legislature has been more likely to meet on Fridays.

The House uses a “coordinated” committee meeting schedule to minimize schedule conflicts. Committees are assigned regular days, rooms, and times by the Speaker to avoid conflicts for members who are assigned to more than one committee meeting concurrently. However, committees and subcommittees will meet, if necessary, at other times to conduct their business. House rules prohibit such meetings when the House is meeting in open session, except when special permission is granted by the Speaker (H. R. 7.36 (2007)).

The Legislature has adopted a system of bill deadlines governing the flow of bills from the requesting of legislation through each stage of the legislative process. If a bill fails to meet these deadlines, it cannot be considered during that session unless rules are suspended (requiring a two-thirds majority) or there is an exemption for such legislation. Bills dealing with disapproving or approving agency rules, Ethics Commission constitutional rules, retirement system bills, special laws, and duplicate sections have been exempt from deadlines (SCR 97, 2008). Either house may set internal deadlines that vary from those set by the 2008 session in SCR 97 which established basic deadlines. These deadlines are very important in determining the work schedule of the Legislature. One important internal deadline set by the Speaker of the House establishes five weeks for initial committee consideration of bills, whereas the basic deadline is three weeks. This increased committee consideration time emphasizes the importance of initial committee work. The deadlines for conference committee actions near the end of session avoid logjams. These innovations make the regular sessions more orderly. The House of Representative deadlines for the 2009 and 2010 regular sessions are shown in the table on page 10.

Traditionally, as the committee deadlines approach, the floor sessions tend to be short so that the committees can consider their bills. Conversely, committees may not meet often or long when clogged calendars force long sessions on the floor. During the last weeks of the session when conference committees complete their work, lawmakers’ daily schedules can begin early in the morning and extend into the evening. During such periods, committee meetings and the

mechanics of drafting and bill reproduction can become very important considerations in the proceedings that signal the end of the regular session.

House of Representatives		
Legislative Deadlines - 2009-10 Regular Sessions		
Deadline	2009 Session	2010 Session
Final Date for Requesting Drafting of Measures	Friday, December 12, 2008	Friday, December 11, 2009
Substantive Language	Tuesday, December 30, 2008	Wednesday, December 30, 2009
Organizational Session	Tuesday, January 6, 2009	Not Applicable
Final Date for Introduction of Measures	Thursday, January 15, 2009	Thursday, January 14, 2010
Session Convenes/Reconvenes	Monday, February 2, 2009	Monday, February 1, 2010
Final Legislative Day for Third Reading and Final Passage of a Measure in House of Origin	Thursday, March 12, 2009	Thursday, March 11, 2010
Final Legislative Day for Third Reading and Final Passage of a Measure in Opposite House of Origin	Thursday, April 23, 2009	Thursday, April 22, 2010
Adjournment, no later than 5:00 p.m.	Friday, May 29, 2009	Friday, May 28, 2010

* *House of Representatives internal deadlines.*

During the session, party caucuses are held to take up important business issues, including the nomination of House leadership and election of caucus officers, or discussion of major issues. In the House, both parties have caucuses. The House may also caucus as a whole. Caucus meetings are designed to discuss policy, discipline caucus members, inform the caucus members on significant matters, and develop consensus. The party caucuses operate under their own adopted caucus rules. Many of these caucus meetings are closed to the public.

Interim Meetings

Interim meetings and hearings may be held by standing and special committees authorized to meet during the period between regular sessions. These committees have the ability to exercise their powers when provided for by law, concurrent, joint, or simple resolution, or by appointment by the presiding officers of the houses acting jointly or singularly. Between sessions of a Legislature, standing committees have the ability to act on measures in their committees at the end of the odd-numbered session, although this option has rarely been exercised.

Other interim special committees will have a specific charge guiding their activities that will result in recommendations to the Legislature for action. House rules stipulate that interim study requests should be made upon forms provided by the House Chief Clerk, rather than by a bill or resolution. These interim meetings are staffed most commonly by the permanent staff of the House or of both houses in the case of joint committees. If necessary, outside consultants can be authorized. The Speaker is responsible for assigning interim studies. The authors of interim studies are generally considered voting members of committees to which the study is assigned, along with any other members the Speaker assigns for the study, but only for the purpose of the specific study proposal. Not all interim requests may be approved for study. Interim study proposals are the subject of the committee, so the chair and the committee can exercise considerable influence over how the study is conducted.

The interim ends when the Legislature reconvenes in regular session. All committees, therefore, created to conduct 2009 interim studies will cease to function by February 1, 2010, although many will have a December 31, 2009, deadline.

The importance of the interim committee work in the legislative environment cannot be minimized. Interim committees may be provided with subpoena powers through the language in the measures that authorize them or by approval of the Speaker in the case of House committees. To the public, a lawmaker is only acting as a legislator when the Legislature is actually in session. However, it is not uncommon for the House of Representatives to hold in excess of 100 interim meetings during which the oversight or fact-finding role of the Legislature comes into play.

These interim committees, whether designated as a task force or a select or special committee, are primarily advisory in nature. Some will be joint committees on which state representatives and senators will meet together. Many interim committees will also include state agency officials and/or citizens with an interest in the subject being studied.

Members appointed to committees and authors of interim study proposals are compensated for attending interim meetings. By custom, the Speaker limits the number of times House committees or subcommittees can meet during the interim but has the ability to grant exceptions. Joint meetings do not count against this limit. By statute, House members are limited to 20 days of paid per diem for attending approved committee or subcommittee meetings. Members may be reimbursed for attending additional meetings if prior written approval is obtained from the Speaker.

Chapter Three

Legislative Body and Members

It is not uncommon for people, in describing the two legislative bodies in any state or the federal government, to refer to the Senate and the House of Representatives or Assembly as the upper and lower houses or chambers, respectively. However, this distinction is not recognized by the Oklahoma Constitution. While there are many characteristics shared by members of the two legislative bodies in any state, there are equally important differences which help define and explain the politics of a state. In fact, it is often the case that political conflict and debate on a legislative issue will turn not on political party or urban versus rural splits but on differences between the two chambers as they compete to win passage of their legislative agendas.

“Each House shall be the judge of the elections, returns, and qualifications of its own members”

[Article V, Section 30, Oklahoma Constitution]

Following are several of the issues that help define the differences between the House of Representatives and Senate in the Oklahoma Legislature. In addition, this chapter will discuss the salary and compensation of Oklahoma legislators.

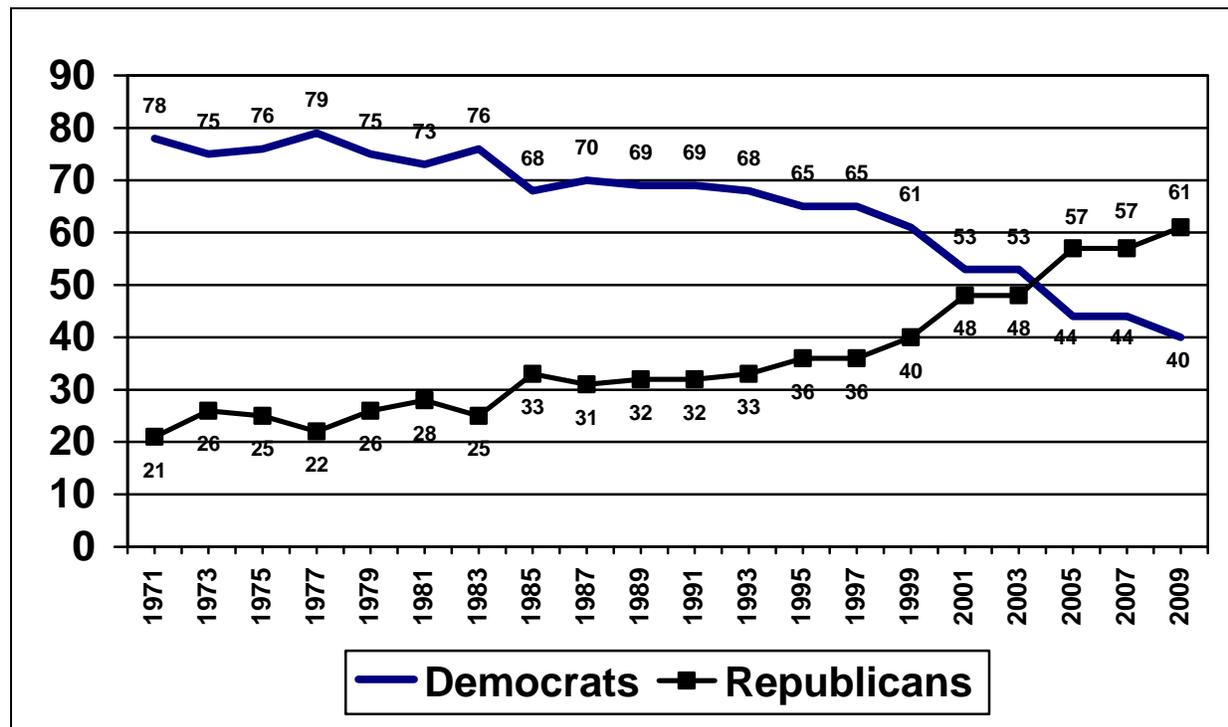
Size and Apportionment

The Oklahoma Constitution (Article V, Section 9A) apportions the number of senators at 48. While Article V, Section 10A calls for the state to be apportioned into approximately 100 House districts, the methodology for apportionment was held unconstitutional in a case following the U.S. Supreme Court decision Baker v. Carr that set the standard of one man - one vote. Reading together the federal district court ruling in Reynolds v. State Election Board (1964) and a 1971 opinion of the Oklahoma Attorney General, the House has been divided into 101 districts in the last four decennial redistricting plans.

The current redistricting plan of the House of Representatives is set forth in the State House of Representatives Redistricting Act of 2001 which provided for the districts that the members of the Forty-ninth through Fifty-third Oklahoma Legislatures (2003-2012 regular sessions) are elected to serve. The Constitution provides that the Legislature must redistrict itself within 90 legislative days following each census (this provision has not been changed since the mandatory adjournment date of the last Friday in May was imposed in 1989). If the Legislature fails to do so, then the redistricting will be carried out by the Apportionment Commission, composed of the Attorney General, the Superintendent of Public Instruction, and the State Treasurer. This has never happened.

The redistricting bills are acted upon the same as all other bills and are subject to gubernatorial approval. The Legislature also is responsible for congressional redistricting, which is not subject to the 90-day deadline. The exact number of congressional seats is determined by a formula and decided by the federal Census Bureau and presented to the President on December 31 of the first year of the new decade (i.e. December 31, 2000). After the 2000 census, Oklahoma lost one of its six seats. The Legislature was unable to reach agreement on a new congressional plan before

the 2002 regular session was completed. The task of drawing the new congressional plan fell to a state judge in Oklahoma County whose decision was upheld by the State Supreme Court.



For the House of Representatives, the State House of Representatives Redistricting Act of 2001 (14 O.S.2001, Section 127 et. seq.) provides that the total population of the state determined by the decennial census is divided by 101 to determine the “ideal district” representation, which is 34,165. In this bill, only slight variations were allowed and are listed in the act for each district. As the decade until the next census progresses, some districts will differ significantly from the ideal district size used in the 2001 redistricting process due to population shifts within the district, but the districts’ boundaries will not be adjusted. In contrast to the district sizes of the House of Representatives, the Senate ideal district population is 71,889 – a difference in terms of numbers of persons represented, geographical size, and complexity of the constituencies included that cannot be overlooked. The next redistricting of the Legislature and congressional districts will occur in 2011. As that time approaches, the Legislature will prepare carefully for a most arduous, but important, task. Legislators’ careers can hinge on how their new districts are drawn. Equally important, shifts in power within the Legislature can result from redistricting.

For the current House of Representatives, based on the 2000 census, the ideal district population is 34,165, in contrast to 31,144 from the 1990 census.

Membership Qualifications

Article V, Section 17 of the Oklahoma Constitution requires that members of the House of Representatives be at least 21 years of age and that members of the Senate be at least 25 at the time of their election. Statutes require that a person filing for a state legislative seat live in the

district and be a qualified elector at the time they file for office. Legislators must reside in their districts during their term of office.

Membership Disqualifications/Term Limits

Similar to most states, the Oklahoma Constitution does not allow legislators to hold any other state, local, or federal office (a practice known as dual office-holding) for compensation while serving in the Legislature, nor may any person convicted of a felony serve in the Legislature. A member who is expelled for corruption will not be eligible for membership in either house. While these are the legal barriers to membership, each house is the judge of the elections, returns, and qualifications of its members and may refuse to seat any member by a simple majority vote. Using this power, however, would be extraordinary.

State voters adopted the nation’s first term limitation provision on state legislators in 1990. Article V, Section 17A of the Oklahoma Constitution limits state legislators to 12 cumulative years of service in the Legislature for any terms that result from elections after January 1, 1991. The years served need not be consecutive, and years in both the House and Senate are added together. Attorney General Opinion 03-51 highlighted the two exceptions and addressed several specific applications. The two exceptions are:

15 states employ legislative term limits.

- 1) Years of service in a term to which a member was elected or appointed on or before January 1, 1991, are not included in the determination of total years, and
- 2) Years served in a partial term to which a member was elected or appointed “to serve less than a full legislative term” do not count toward the 12-year term limit because a partial term to fill a vacancy is not included in determining whether a member has completed 12 years of service.

In clarification of some specific applications, the opinion also provided that:

A member of the House who served five two-year terms of office and is then elected to a full four-year term in the Senate is ineligible to complete the full four-year Senate term.

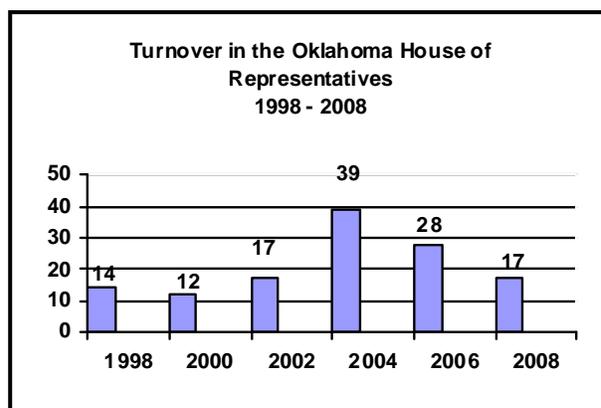
- ! Years of service in a full term to which a member is elected are included in the 12-year limit even when the member voluntarily resigns and does not complete the term, because the provision for a partial term exception only applies to years “elected or appointed to serve less than a full legislative term to fill a vacancy.”
- ! The legislative body in which the term-limited legislator is serving must determine any issues that arise regarding the member’s eligibility to continue to serve with regard to the term limit provision.

Under these provisions, a member who served five terms in the House and is then elected to a full Senate term can only serve the first two years of that term. Likewise, a member serving one term in the House is limited to ten years, or two and one-half terms in the Senate.

Appendix G shows the term limit year for each member of the Fifty-second Legislature.

Elections

Members of the House of Representatives serve two-year terms and must stand for reelection at each general election. Members of the Senate serve four years, with half of them standing for reelection each two years. The longer term permits Senate members who would not otherwise face reelection to run for other political positions without fear of losing their legislative seat. House members rarely encounter this situation unless they are running in a special election for a vacated post sometime during the course of their term in the House. Senate turnover is limited by the fact that only 50 percent of its members stand for election at each general election, a major factor that distinguishes the House from the Senate.



Term limits have had a significant impact on House member turnover. In the 1980s, prior to term limits the number of new members entering the House each election cycle was between 25 and 30. Those numbers dropped in the 1990s to around 15. Term limits first blocked members from returning in 2004. The 2004 turnover was 39 seats. Most of the increase can be attributed to the fact that the House began the 2004 elections with 36 open seats.

The 12-year limits will force an average turnover of at least 17 percent. Of course, there will be peaks and valleys from year to year. When early retirements and other factors are included, the average turnover is likely to return to the norms of the 1980s.

Vacancies

Whenever a vacancy occurs in the Legislature before March 1 of even-numbered years, due to death or resignation of a member, the Governor must call a special election to fill the vacancy. Unlike some states, no appointment may be made to fill the unexpired portion of the term. Title 26, Section 12-106 provides that the Governor must call a special election within 30 days after the vacancy occurs, unless it occurs after March 1 of even-numbered years and the term of office expires the same year. The House ended the Forty-ninth Legislature with only 98 members, three members having resigned office after March 1, 2004. All three resignations were to assume other offices. If comparable vacancies occurred in the Senate for a term that would not expire in 2004, a special election would be called to fill the vacancies. Persons elected to fill vacant seats serve the remainder of the term of office. Those years will not count against the 12-year term limitation provision in the Oklahoma Constitution for state legislators.

Legislation enacted in 2002 allows legislators, members of Congress, and statewide elected officers to tender a non-negotiable letter of resignation. By doing so, the official enables the special election process to start to eliminate or minimize vacancies in various offices.

Compensation and Benefits

Compensation of legislators is reserved exclusively to the Board on Legislative Compensation. Benefits, such as retirement and health and other insurance, are not set by the Board on Legislative Compensation. Other benefits can be provided by the Legislature. The other “benefits” discussed in this section, such as travel expenses, per diem, postage and staff assistance, are provided for a member’s official use. The staff and other resources provided to members for their official duties may not be used for a member’s private benefit, including campaigns.

Salaries

Legislative salaries are set by the constitutionally created Board on Legislative Compensation which was approved by the people in 1968. The board is a nine-member board, comprised of five appointments by the Governor and two each by the Speaker of the House of Representatives and President Pro Tempore of the Senate. The Governor appoints the chair. Additionally, the Chair of the Oklahoma Tax Commission and the Director of State Finance are ex officio, nonvoting members of the board. No member of the Legislature can be appointed to the board.

Until 1989, the board met before the November general election. The 1990 Legislature changed the law so that the board meets in November of odd-numbered years. Any changes it makes would apply to the next Legislature, because the Constitution prohibits any increase in salary for elected officials during their current terms. Changes in compensation approved by the board do not require any further action by the Legislature and take effect on the fifteenth day following the general election when members are sworn into office.

At its 1997 meeting, the Board on Legislative Compensation gave legislators their first general compensation increase in ten years other than increases in the flexible benefit allowance consistent with increases for state employees. The approved general increase, effective November 18, 1998, added \$6,400 or 20 percent to the base legislative salary effective for the start of the Forty-seventh Legislature. The previous annual salary increase was made by the Board on Legislative Compensation in November 1988, when the annual salary was raised from \$20,000 to \$32,000. The

Board on Legislative Compensation met in early 2002 to discuss legislative compensation. In a nonbinding motion, the board took the position that legislative salary increases should not be considered for the next ten years.

Fifty-second Legislature Annual Base Salary	
\$38,400	
Additional Compensation	
Speaker of the House Senate President Pro Tempore \$17,932	House Speaker Pro Tempore Minority Floor Leaders Appropriations Chairs \$12,364

Deferred Compensation

Legislators are eligible and encouraged to participate in the SoonerSave program. This program has two plans: a regular 457 deferred compensation plan and an incentive 401 plan to which the

state contributes \$25 each month (at no cost to members) when the participant places at least \$25 with the 457 plan.

Insurance

For 2009, each month the state pays a benefit allowance for members to purchase “core benefits.” The allowance is the same as that received by other state employees and varies by the number of insured dependents. Members who do not include any dependents will receive \$554.48 each month in benefit allowance. The benefits include a \$20,000 life insurance policy, health insurance (including options for participation in health maintenance organizations approved in the state insurance program), dental insurance, and a disability insurance plan through the Oklahoma State and Education Employees Group Insurance Board. Any money left over after those benefits are selected is considered compensation and can be received as income or used for other benefits, including dependent coverage. Health and dental insurance coverage begins December 1 for new members elected in November. Other insurance benefits such as medical and dental coverage for dependents can be obtained. The member must pay the full cost of any dependent medical or dental coverage.

For more information on these fringe benefits, the House’s designated agent is in the House Human Resources Manager’s office in Room 109 of the Capitol.

Retirement

Oklahoma state legislators can elect to participate in the Oklahoma Public Employees Retirement System under the elected officer’s option. Once made, the decision is irrevocable. Under this plan:

- ! It takes six years to vest for elected officials;
- ! All contributions paid by members can be withdrawn before the member vests;
- ! The level of benefits paid is based on a formula according to the participant’s contribution, time of service, and salary;
- ! Participating members, as employees, contribute between 4½ and 10 percent of salary. Members’ contribution rates affect the retirement calculation;
- ! The House of Representatives, as the employer, will pay a 14 1/2 percent contribution in FY-2009; it will gradually increase to 15 1/2 in 2010 and 16 1/2 in 2011. The amount contributed by the House does not affect the members’ contribution rates nor the retirement calculations;
- ! Members can also receive military service and allowable public service credits to raise their length of service;

- ! Normal retirement age is 60 years of age or when age and credited service equals 80 (Rule of 80);
- ! After a minimum of ten years of participating service, members may take an early retirement at a reduced benefit level, as the chart indicates.

Age	% of Normal Retirement Benefits
60	100%
59	94%
58	88%
57	82%
56	76%
55	70%

Session Travel

By statute, members are reimbursed for travel in the amount of the Internal Revenue Service allowable rate for deductibility of travel expenses while away from home without additional documentation which is currently set at 58.5 cents per mile (as of 9/1/08) for one round trip per week from their district to the Capitol, and \$130 per diem for days the Legislature meets. The round-trip mileage is determined for each member of the House on the opening day of the session and published in the House Journal. Three members of the House of Representatives decided not to be reimbursed for round-trip mileage in 2008.

Other Travel

By statute, members also receive \$25 per diem and round-trip mileage when attending interim meetings of committees. All other travel in the performance of a member’s duties, such as out-of-state travel to various meetings for which reimbursement is requested, must be approved, in advance, by the Speaker and is paid in accordance with the State Travel Reimbursement Act. Members purchasing airline tickets are subject to this act. Members should be careful to avoid purchase of first-class seats when other cheaper fares are available because they may not be compensated for the difference between tourist class and first-class fares. Should a member purchase a nonrefundable fare and have to cancel, the member may not be reimbursed unless the cancellation was unavoidable. Hotel receipts and agendas for meetings held at a designated hotel should be retained to allow maximum reimbursement.

It is very important that members take the responsibility for the timely filing of travel claims. During the interim, the committee staff will make sure that claims are signed and filed for members authorized to attend meetings. The filing of travel claims is coordinated through the Comptroller’s office so that the proper forms can be submitted to the Office of State Finance.

Taxes

Finally, state legislators may be eligible for federal tax breaks. The most notable of these is the provision in the federal tax code for a “legislators’ tax home break” which pertains to your home being a primary business address. Under the federal tax code, Section 162(h), certain state legislators who reside outside Oklahoma City can qualify to deduct certain living expenses incurred while living at the capital during sessions. For information on this, legislators should

talk to their accountants or may request background information from the Washington, D.C., office of the National Conference of State Legislatures (202-624-5400).

All questions about compensation and travel reimbursement should be directed to the staff of the Comptroller.

Office and Parking

All members have an office located on the third, fourth, or fifth floor of the Capitol. By statute, the House controls the west wings of these floors. Office assignments are made by the Speaker of the House.

Each member receives an assigned parking place in one of the lots adjacent to the Capitol during the session. During the interim, the East Oval is reserved for House member parking. The House has the lot east of the Capitol, and staff spaces are available on the east and south sides. Parking is coordinated by the Chief Clerk's office. The lots are patrolled during business hours by the House sergeants-at-arms. A sergeant-at-arms is on duty during session Monday through Thursday from 6 a.m. to approximately 10 p.m. and on Fridays from 6 a.m. to 8 p.m.

Security concerns tightened access to the State Capitol in 2002. Operating hours for the Capitol building during weekdays are from 6 a.m. to 7 p.m. or one hour after the Legislature adjourns, whichever is later, and from 9 a.m. to 4 p.m. on Saturdays, Sundays, and state holidays. Access during other times will be limited to those with prior authorization through the west entrance only. Legislators are authorized access, but they may be asked to present a photo ID and sign in. Metal detectors and x-ray screening are set up at the east and south first floor entrances and at the east and west basement tunnel entrances to the Capitol. During heightened levels of alert, all persons and baggage entering the building are subject to search, and display of House identification may be required of members. Access is no longer allowed at the north entrance.

Staff, Pages, and Other Personnel

Members are assigned a legislative assistant, with some assistants being shared. Many legislative assistants are session-only employees who are selected in coordination with the House Human Resources office.

Legislators have an opportunity to sponsor students from their districts to serve as pages for the Oklahoma House of Representatives. During the legislative session, members are allowed two "full pay" or four "split pay" compensated pages. "Full pay" pages are paid \$100 per service week and "split pay" pages are paid \$50 per service week. All House pages must be between 14 and 18 years of age at the time of their service.

Lodging, during the page service week, is provided by the House for those pages who live outside the Oklahoma City metro area, as well as transportation to and from the Capitol and hotel. In the case of younger pages, who do not drive, or when parents may feel unsure about allowing their child to drive during the busy hours of commuter traffic (from Norman, as an example), an exception may be allowed for lodging. Pages are well chaperoned.

Scheduling of page assignments is handled by a House member, selected by the Speaker, and the House Page Program Secretary. House pages are appointed by the House to serve for one week (Monday through Thursday, except for the last two weeks of session which extends through Friday, or any week during session, designated by the Speaker, with a Friday session date).

House members may also sponsor honorary pages. These are young persons who are relatives of the member, between 14 and 18 years of age, without a limit on the total number. The honorary pages are provided lodging by the House, if they live outside the Oklahoma City metro area; however, they do not receive any other compensation.

Page positions are highly sought after by constituents. The experience of working at the Capitol and gaining first hand exposure to democracy at work is an invaluable opportunity. This, along with the supplemental educational aspects of the House page program, greatly enhanced in recent years, affords House pages a well-rounded experience. House pages work out of the House page area, located between the House Chamber and the House Lounge. They are supervised at all times by the House Page Supervisor and other assigned staff for their safety and protection.

Office aides (formerly called personal pages) are usually young people who wish to serve in some capacity, but who do not meet the age requirements of the House page program. They do not take part in the House page program, but work exclusively out of their sponsoring representative's office. Office aides will be allowed access to the House floor by the sergeant-at-arms for brief errands to their representative only. If office aides wish to observe session, they must do so from the gallery area or from their sponsoring member's chamber desk, prior to their introduction to the House. An office aide is the sole responsibility of the sponsoring representative and will not be supervised at any time by House page personnel.

Members may secure an appointment of one of their constituents to serve as House chaplain for the week. The chaplain is paid \$60 per day and travel and lodging, if necessary. The Oklahoma medical and nurses associations make separate arrangements for the doctor- and nurse-of-the-day program.

Communications

Legislators also receive limited postage allocations for official business, an allowance for office supplies, and long distance telephone privileges to assist them in carrying out their legislative duties. The House, by resolution adopted at the start of each session, authorizes members to purchase stationary and supplies at the beginning of the session. In the 2008 session, \$350 for supplies was approved for the regular session. The House maintains a supply room in Room 7B of the basement for members and staff.

Members can use the House Post Office to send official mail. Up to 500 pieces per week are allowed. In addition, in non-election years members can send one pre-session mailing to 6000 addresses and one post-session mailing to the same number. Historically, during the interim members are given 500 stamps for official use in their district office.

Many members and their legislative assistants have easy access to extensive computerized facilities. The Legislature has developed the Oklahoma Legislative Information System (OLIS)

providing members with on-line bill status and the full text of bills and statutes with key-word search capabilities. Word processing software for handling constituent letters is also provided. This system uses a “Windows” platform to make its use more flexible and to permit access to bill status and full text on bills through the Internet.

One of the most important tools provided House members at their Capitol office is their telephone. The House uses an Avaya Definity ECS system. This system has a number of very sophisticated features, including conference calling, speed dialing, automatic redialing, the ability to handle numerous calls at the same time, and an “audix” system. The audix system enables members to send voice-mail messages within the House, allows members to use personalized messages for callers who call when members are not available, allows the caller to leave a message, and allows the member to call audix from outside the Capitol to retrieve messages. Within the House of Representatives, members can call staff or other members directly by dialing a three-digit number. Local offsite numbers are reached by dialing “9” and then the number. Calls from constituents can be transferred easily to staff or agencies for assistance. There are instruction manuals available in room 109, and the staff at Ext. 688 can answer more detailed questions about the telephone system.

In compliance with the federal Americans with Disabilities Act (ADA), the House of Representatives is equipped to receive from and send messages to persons who have hearing disabilities by means of Terminal Data Display (TDD) lines. The toll-free TDD number is (877) 299-3468. Should members need to make outgoing TDD calls, they should call the House operators (Ext. 0). For more information on this and other matters related to the ADA, see page 87.

The House of Representatives maintains its own switchboard, staffed by House personnel located in Room B-26a. They answer all outside calls from persons dialing the House’s 521-2711 main number or the toll free, in-state number 1-800-522-8502. The operators then transfer the calls to the appropriate office. Members have “straight-line” numbers for their offices which can be reached by dialing 557-7 plus the three-digit extension number. Members can use House telephones for official calls. Long distance charges are authorized for official state business for members. Telephone calling cards are issued for members’ official business outside the Capitol.

Motor Vehicle Tag

Finally, House members are permitted to use special motor vehicle tags for their cars pursuant to 47 O.S., Section 1136. These tags are easily identified by the designation “H” and the member’s district, e.g. “H-1.” Requests for such tags are made to the supply room staff of the House of Representatives in Room 7B of the State Capitol. The cost for each tag is \$8, which is in addition to their regular plate and fees, and must be accompanied by proof of registration for the vehicle for which the tag is requested.

Privileges and Immunities

The Oklahoma Constitution states that members cannot be arrested while attending sessions or going to or returning from sessions except for treason, felony, or breach of the peace. Immunity from arrest may not be as broad as it may seem, since almost any unlawful conduct could be

construed as breach of the peace. In fact, the Oklahoma Supreme Court held in April, 1977 (Howard et al v. Webb) that “the Legislative privilege from arrest in civil matters does not exempt members from arrest for any violation of criminal laws no matter how minor.” This provision, common to many state constitutions, was originally designed to protect legislators from executive harassment.

Members may not be held legally accountable elsewhere for remarks made on the floor of the House. The protection of freedom of speech is designed to encourage free debate by protecting members from libel or slander suits. Members take personal privilege with a speech not related to debate at hand but of a personal nature. Members wishing to take “personal privilege” or “privileges of the house” notify the Speaker in advance of their wish to do so. When a member takes personal privilege, no debate on the question is allowed, and the member cannot yield for any questions. Personal privilege and privileges of the house are taken when a member feels the collective integrity of the body or that of an individual member has been affected adversely. By House rule, members are prohibited from talking about pending legislation before the House when they take personal privilege. Should a member violate the restrictions regarding personal privilege, a point of order can be raised, and the Speaker can terminate the member’s personal privilege.

Chapter Four

Organization of the House

On the first Monday in February of each year, the Legislature convenes in regular session at noon. By that time, much of the preliminary organization that is required to hold the regular session is in place. New members will have been sworn in and oriented, staff hired, caucuses held, and bills prefiled. Beginning with the 1991-92 Legislature, the Legislature began meeting on the first Tuesday after the first Monday in January in odd-numbered years for a half-day “organizational session” to elect legislative officers, adopt rules, and take care of other matters to prepare for the regular session. The organizational session is the first legislative day of the regular session. The Legislature, like any large body, organizes itself in the form of a hierarchy with leaders elected and appointed and a division of labor (the committee system, specialized interests of members, and staff) established.

“The Legislature shall meet in regular session at the seat of government at twelve o’clock noon on the first Monday in February of each year and the regular session shall be finally adjourned sine die not later than five o’clock p.m. on the last Friday in May of each year.”

[Article V, Section 26, Oklahoma Constitution]

Legislative Officers

Selection

The majority and minority party caucuses in each house normally select their leadership prior to the convening of the Legislature. The Oklahoma Constitution does not formally recognize such caucuses, but Article V, Sections 28 and 29 state that the Senate and the House shall elect at the beginning of each Legislature a President Pro Tempore and Speaker, respectively. (The Lieutenant Governor, constitutionally, is the presiding officer in the Senate where he or she can cast tie-breaking votes and preside over joint sessions; in reality, the Senate has rarely permitted the Lieutenant Governor anything more than a ceremonial role.) The caucuses play a very important role in the organization of the Legislature.

Before 1960, the Democrat Party controlled both the Governor’s office and both houses of the Legislature (with one notable exception). As such, the Governor, as head of the Democrat Party, was typically a key player in picking the legislative leaders and committee chairs. Since then, the Legislature has organized itself, independent of the Governor regardless of the party of the Governor. The caucuses of the two houses have their own rules, and the elections of their leaders are conducted in accordance with caucus rules and tradition. These decisions are then customarily adopted in the organizational session. Even when caucus votes have been close, the members of each caucus have bound themselves to vote for their caucus’ choice.

In the House of Representatives, each party caucus chooses its slate of elected and appointed officers. In most instances, the majority party’s slate for the offices of Speaker and Speaker Pro Tempore historically prevails at the actual election during the organizational session. These are the only elected offices in the House of Representatives. The House Republican Caucus, which

represented a majority in the Fifty-first Legislature, elected Chris Benge as its Speaker and Gus Blackwell as Speaker Pro Tempore. All other majority and minority caucus positions are selected by their respective caucuses. The House Democrat Caucus selected Danny Morgan as Minority Floor Leader.

Speaker of the House

The Speaker, as presiding officer of the House, has a powerful role in Oklahoma government. Article V, Section 29 authorizes the Speaker of the House of Representatives as its only constitutional officer. The Speaker:

- ! Represents the House at meetings with the Senate leadership and the Governor;
- ! Serves on the three-member Contingency Review Board which can approve changes in the state budget during the interim;
- ! Holds press conferences to discuss issues pending before the Legislature;
- ! Presides over the floor and recognizes members from the floor who want to speak;
- ! Decides all questions of order;
- ! Appoints all standing, conference, and special committees;
- ! Controls the staff and budget;
- ! Certifies all bills and resolutions passed by the House;
- ! Controls and preserves order in the House chamber and galleries;
- ! Ensures proper decorum during floor sessions;
- ! Assigns offices and seats in the chamber; and
- ! Approves claims against the House budget.

Also, the Speaker is an ex officio voting member of all House special and standing committees, assigns bills to committees, and coordinates with the Rules Committee to approve all requests for investigations and subpoena power for House committees. The Speaker makes numerous appointments to boards, commissions, advisory committees, and other statutory entities. The Speaker has authority to permit House members to file additional bills and joint resolutions beyond the House rule limiting introductions to eight House bills and joint resolutions per session (H. R. 1 (2007)).

Speaker Pro Tempore of the House

The Speaker Pro Tempore acts as presiding officer in the Speaker's absence and also is an ex officio voting member of all standing and special committees. The Speaker Pro Tempore can designate someone else to act as the presiding officer.

Although the duties of the floor leaders of both the majority and minority parties have not been stated in the statutes or the rules, they have considerable influence in the House. The Majority Floor Leader works closely with the Speaker on seating, committee, and bill assignments. The Majority Floor Leader also maintains close contact with other members of the majority party caucus to aid communication through the ranks. All motions on the floor to recognize members go through the Majority Floor Leader.

The Minority Floor Leader has assumed the spokesperson's role for the minority party caucus in stating its position on important matters. Very often the Speaker and Minority Floor Leader confer on issues. The assistant floor leaders and whips of both parties are responsible for mobilizing support for their parties' positions on the floor and reporting members' concerns back to their leadership.

Swearing In and Preession Orientation

Fifteen days after the November general election, all members of the House of Representatives take their oaths of office to become members of the Legislature, pending the formal acceptance of the election at the January organizational session. The swearing-in ceremony is a special moment for legislators, their families, and supporters. The Supreme Court Chief Justice or one of the other justices administers the oath that reads as follows:

“I,, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma, and that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law; I further swear (or affirm) that I will faithfully discharge my duties as [state representative] to the best of my ability.”

Those who are unable to attend the ceremony can make other arrangements to be sworn into office with the House Chief Clerk. Shortly after, new members receive several days of orientation designed to assist them in performing their duties. Recent preession orientations have focused less on substantive policy issues in favor of orienting the new members to the duties and responsibilities of a state representative and how to best conduct themselves in their new office. These sessions are extremely valuable in preparing new members to be effective legislators. Considerable planning enters into preparation for the preession orientation.

Seating of Members, Election of Officers, and Commencement of Session

There is a great deal of pomp and ceremony that accompanies the beginning of each regular session of the Legislature. Members, their families, the media, cabinet and agency officials, and other dignitaries gather for the ceremonies surrounding the beginning of each annual legislative session that include, most notably, the Governor's State of the State message and the traditional Speaker's Ball.

Following is how a typical organizational session, which occurs only in odd-numbered years, will unfold.

The organizational session begins at noon on the first Tuesday after the first Monday in January (January 6, 2009, for the Fifty-second Legislature). At the organizational meeting the general procedure is:

1. Call to order.
2. House members certified.
3. Oath of office to those not previously taking the oath (none in 2005).
4. Election and oath of office for House Speaker and Speaker Pro Tempore and remarks by both.
5. Motion to notify the Senate that the House of Representatives is organized and ready to convene in Joint Session. Lieutenant Governor presides over the joint session. Official list of those elected to the House and the Senate for this legislative session is presented.
6. Joint Session dissolves and House reconvenes.
7. Speaker announces House officers and leadership, standing committees, and membership.
8. Housekeeping business such as the amount of office supplies and postage and mileage report.
9. Adoption of House Rules.

The first legislative day in February, particularly in even years, is important for several reasons. According to the Oklahoma Constitution, the Legislature convenes at noon on the first Monday in February. For the odd-numbered year, that will be the second legislative day (the January organizational session is the first legislative day). As usual, the roll is called and a prayer is delivered to start the day.

The most important agenda item on this day is the joint session at which the Governor will deliver the State of the State address. This address provides governors an opportunity to present their budget for the ensuing fiscal year and to highlight their programs for the legislative session. Normally, the proposed budget will be made public following the speech and provided to legislators and staff.

Other important House business usually includes the First Reading of prefiled bills in the House, adoption of resolutions providing for session employees for the House, and setting travel allowances for authorized out-of-state travel by members.

House Officers and Employees

The House and Senate have staff who serve as officers of the respective houses but who are not elected by the public or the House. They do, however, serve at the pleasure of the Speaker or the Senate President Pro Tempore. A very brief description of House staff responsibilities follows; however, there is more detail given in chapter twelve.

Chief of Staff

The position of the Chief of Staff is a new position created after the general election in November, 2004. The Chief of Staff is given the responsibility of employing and managing qualified personnel to staff the House. The organization of this staff is not defined as it was in previous sessions' House Rules. Currently, all staff positions except those in the Office of the Speaker are the responsibility of the Chief of Staff. All House staff serves at the pleasure of the Speaker.

Office of Committee Staff

The committee staff includes analysts and attorneys of the Fiscal, Research, and Legal divisions. They provide legislators with a multitude of services on proposed legislation ranging from legal and policy research to drafting legislation and fiscal impacts.

Chief Clerk

The duties of the Chief Clerk of the Oklahoma House of Representatives are clearly outlined in House Rules. The major responsibilities of the Chief Clerk revolve around maintaining records of House legislative activities.

Chief Sergeant-at-Arms

Primarily, the Chief Sergeant-at-Arms is responsible for maintaining order and safety. The Chief Sergeant-at-Arms is also responsible for the scheduling of House committee rooms, which is central to keeping the legislative process moving smoothly.

Parliamentarian

The Parliamentarian has a crucial role during the daily sessions. The Parliamentarian assists the Speaker in making parliamentary rulings. The Parliamentarian, at the direction of the Speaker, assists the Speaker in publishing a volume of substantive parliamentary rulings.

Committees and Subcommittees

Essentially, the Oklahoma Legislature has the following kinds of committees: (1) standing committees, (2) subcommittees, (3) interim committees, (4) special committees, and (5) conference committees. Committees are important to the Legislature and the legislative process.

Standing Committees

The standing committees of the Legislature are the workhorses for initiating inquiry, ascertaining the facts regarding legislation, and performing many of the oversight tasks that the Legislature is required to undertake. Most standing committees have a continuing jurisdictional responsibility for a policy area, such as education, agriculture, or revenue and taxation. In standing committees, bills are reviewed, amendments offered, policies explored, citizens, lobbyists and agencies heard, disagreements debated, and solutions offered. For example, from the House Committee on Revenue and Taxation comes vital tax legislation. The task of preparing the state budget falls to the Committee on Appropriations and Budget and its subcommittees. Other standing committees develop expertise in various policy areas of state government.

Standing committees in the Oklahoma House of Representatives are created by House rules. The total number of standing committees and their subcommittees, has hovered in the mid-thirties. In 2001 there were 38 committees and subcommittees, in 2003 there were 36, in 2005 there were 32. Traditionally the Appropriations and Budget Committee had seven subcommittees. Rarely did other committees have official subcommittees.

In 2007 the Speaker decided to restructure the standing committee system. Ten full committees were created. Eight of those ten committees had three subcommittees each. Two of the ten had one subcommittee. As a result there were 36 total full committees and subcommittees in the Fifty-first Legislature.

By rule, the Speaker and Speaker Pro Tempore are ex officio and voting members of all standing committees.

One of the principal functions of the standing committees is that they allow members to specialize in a particular area of interest to them or their district. The Speaker makes all committee appointments in the House. The Speaker selects the chairs and vice chairs and also has discretion over creation of subcommittees to the standing committees and appointments to all subcommittees. Official action on legislation from a committee to the full House must come from the full standing committee, even if the real work took place in subcommittee.

Membership in most committees will reflect, for the most part, the proportional representation of the two parties in the House. This means that the majority party generally has a majority of the members on all committees. The House leadership commonly will consider members' interests in making committee assignments; however, other factors such as seniority or needed subject expertise may override members' preferences. Not all members who request assignment may serve on the Appropriations and Budget Committee or the Rules Committee, for example. During the interim, the author of an interim study proposal is also considered a member of the committee to which the study was assigned for purposes of the study.

The Oklahoma Senate's standing committee organization for the Fifty-first Legislature was quite different from that of the House in that the Senate had 16 standing committees. Those were as follows: Agriculture and Rural Development; Appropriations; Business and Labor; Criminal Jurisprudence; Education; Energy and Environment; Finance; General Government; Health and Human Resources; Judiciary; Public Safety and Homeland Security; Retirement and Insurance; Rules; Tourism and Wildlife; Transportation; and Veterans and Military Affairs.

The standing committees become a very important point of reference for members both in terms of successfully carrying legislation and deciding on the policy areas in which they wish to gain expertise and influence during their tenure. The interests and outlooks of the committee members, particularly the chairs, are very important for members who work on the committee or who have measures assigned to the committee. In the latter case, it is a good rule of thumb for the authors to discuss their bills with the chairs and other key members of the committee before the bill is heard in committee. Some chairs will not schedule a measure for a committee meeting unless the author requests in writing that it be heard. On controversial bills, careful strategies involving lobbying groups and constituents of committee members offering their opposition to or support for a measure can be instrumental in the measure’s success or failure in a committee. Indeed, the committee assignment itself can be critical to the fate of a bill.

Following is a list of the standing committees of the Oklahoma House of Representatives during the Fifty-first Legislature, the chair of the committee, number of members assigned, number of measures referred to each committee during the 2007-2008 regular sessions, the number of measures reported by each committee to the House floor, and the percent of total measures reported from committee.

House Standing Committees for the Fifty-first Legislature, 2007

Committee	Chair During the 2007 Session	Number of Members	Number of Measures Referred	Number of Measures Reported from Committee	% of Total Measures Reported from Committee
Appropriations and Budget	Ken Miller	9	401	163	41%
Economic Development and Financial Services	Ron Peterson	17	296	124	42%
Education	Tad Jones	17	238	125	53%
Energy and Technology	Dennis Adkins	18	95	46	48%
General Government and Transportation	Guy Liebmann	15	286	165	58%
Human Services	Ron Peters	17	106	72	68%
Judiciary and Public Safety	Rex Duncan	17	488	275	56%
Natural Resources	Dale DeWitt	9	172	95	55%
Public Health	Doug Cox	16	140	95	68%
Rules	Shane Jett	9	726	59	8%
TOTAL		144	2,948	1,219	54%

Committee Procedures

Current committee rules are designed to be make committee meetings visible, open, and accountable to both the House members and other interested parties. Greater emphasis is placed on the importance of the committee process than in the past. To provide adequate time for committee actions, the meeting schedule was lengthened to five weeks in 2005. To add to the openness, all committees and subcommittees must provide a meeting notice at least 48 hours prior to the meeting, except in the case of an emergency designated by the Speaker (House Rule 7.2a (2007)). Also, minutes of all meetings, including which members were in attendance and

the vote on each measure considered, are recorded and posted on the House website (House Rule 7.5(a)1 (2007)).

All meetings of committees and subcommittees are open to the public with the exception of closing all or part of a meeting if necessary to preserve physical security, including protection of a witness (House Rule 7.1 (2007)).

Any member of the House may offer an amendment to any bill or resolution being considered by any committee or subcommittee. Proposed amendments must be submitted to the Chair by 3:00 p.m. the legislative day before the scheduled meeting unless this rule is suspended by a two-thirds vote of a quorum of the committee or subcommittee (House Rule 7.6c (2007)). The Chair has the discretion to waive or set a later deadline for amendments submitted by members of the committee or subcommittee.

House rules provide procedures by which members can request a committee to consider a bill or resolution assigned to a committee. The principal author and a majority of the committee may request, in writing to the House Chief Clerk, a public hearing on a measure. This request must be granted, and the chair must schedule a hearing no less than three legislative days after the committee chair receives the written request (House Rule 7.9 (2007)). The date and time of the public hearing must be publicly announced by the chair. Final action on the measure need not occur during the hearing.

Measures also can be withdrawn from any standing committee of the House of Representatives by written request of two-thirds of the members (House Rule 7.12 (2007)). The written request for discharge of a bill or resolution is submitted to the Chief Clerk who determines that the request has the required number of signatures. The written request is forwarded to the Speaker who places the bill or resolution on the appropriate calendar. Signatures are posted on the House website.

Committee chairs set the agenda and call the meetings of their committees (House Rule 7.4b (2007)). They are responsible for the recordkeeping of their committees. The House uses a coordinated meeting schedule. The schedule provides each committee a room assignment, day, and time for meetings. Other meetings should be coordinated with the committee members and the Chief Sergeant-at-Arms. House rules prohibit committees and subcommittees from meeting during the daily session without the permission of the presiding officer (House Rule 7.3b (2007)).

Standing committees are assigned a member of the House Committee Staff to assist members by explaining technical points, helping to draft amendments, and preparing bill summaries and analyses. Agency personnel, lobbyists, and other interested parties can also provide technical assistance on issues within their competency.

In considering a legislative measure, a standing committee can take one of several actions:

- ! A “do pass” motion will cause the measure being reported to go to the floor calendar and the bill to be printed with the amendments from committee incorporated for the floor (House Rule 7.8a (2007)).

- ! A “do not pass” motion, very rarely used, is also considered final committee action (House Rule 7.8b (2007)).
- ! If a committee does not return a bill or resolution with the recommendation of either “Do Pass” or “Do Not Pass,” the bill or resolution remains the property of the committee, unless placed on the calendar directly by the Speaker or discharged by the committee (House Rule 7.8c (2007)).

The House of Representatives employs a rarely used “consent calendar” that prohibits bills placed on it from being amended or debated on the floor. A committee or the Speaker can place a measure on the consent calendar that is included in the House calendar. Measures on the consent calendar must remain on the calendar for four legislative days, after which they are considered for final action on the fifth day. A measure can be removed from the consent calendar during the four-day period upon the request of any member in open session. If removed from the consent calendar, the measure is placed on general order. Bills having a fiscal impact are generally not good candidates for the consent calendar (House Rule 8.20 (2007)).

House rules require that all House measures passed by House committees, except those assigned to the House Committee on Appropriations and Budget, must contain complete titles and enacting or resolving clauses. This encourages committees to make all changes that they feel should be made to a measure and conveys to the members of the committee that they are considering a measure that is in a form that can be signed into law (a live round). However, it is common for an author to reach an agreement with the committee to have a measure’s title “stricken” or “crippled” during floor action to ensure the House the opportunity to review the bill further. This is a fairly common action on major legislation, particularly if its enactment would have a significant fiscal impact or cause great controversy. On Senate measures, the House author may need to strike the enacting clause if the title has already been removed in order to prevent it from being sent to the Governor in an incomplete form. This may be done by either committee amendment or floor amendment (House Rule 7.5d (2007)).

A committee report with amendments and the committee’s final action is filed with the House Chief Clerk. House rules require committees to keep records on their activity through at least the sine die adjournment of the session in which the action occurred. Committee reports and minutes are available on the House website. Minutes of meetings record roll call votes on final action in committee.

Special Committees and Interim Studies

Special committees are appointed frequently to study and consider matters referred to them. Under current statutes and rules, standing committees of each house can also meet during the interim. Moreover, the House Speaker can create special committees of the House, and joint special committees may be created by the Speaker and Senate President Pro Tempore acting together. Appointments to special committees are made by the appropriate presiding officers, unless some other provisions are made. This can be done by legislation creating a special committee that could give the power to appoint members to some other official.

These joint entities are usually staffed by existing permanent staff of the House and Senate and will make reports to the appointing authority for legislative or other actions on the subject that

the committee studies. Often, lay members and gubernatorial appointments serve on joint entities. For example, the Citizens Advisory Task Force on Property Taxation, created by SJR 21 in 1995 and including legislators and a variety of private and public officials, conducted an extensive study of the Oklahoma property tax system during the 1995 interim that resulted in three state questions on the 1996 general election ballot based on the committee's report and deliberations.

The special committees and other interim study activities are of vital importance to the work of the Legislature. Complex reforms frequently require extensive study during the interim which is difficult to do during the session when time pressures inhibit the thorough research and search for alternative solutions. In fact, many bills result from interim studies by the Legislature and other groups working on issues between the sessions.

Oversight

It is common for state agencies to implement reforms of their operations in response to a legislative inquiry and without having to pass legislation.

All requests for interim studies, by House rule, must be made by members on interim study request forms. These forms are available on line and are filed electronically. Members wishing to make an interim study request also can contact the House Committee Staff for assistance in drafting the request. The House Speaker is responsible for approving and assigning interim study requests to committees. If the requestor intends to seek approval for a joint committee or joint study with the Senate, the request should so indicate, and the requestor should identify a Senator to author an identical interim study request in the Senate.

Conference Committees

Conference committees are used to reconcile differences between the House and Senate on specific bills. They play a very important role in the session work of the Legislature because conference committee reports cannot be amended on the House floor but must be voted either up or down. All conferees from the House, as well as the bills assigned to a conference committee, are determined by the House Speaker.

In terms of procedure, the originating house will always have the opportunity to review and accept or reject any amendments made in the opposite house. In the event that the originating house rejects amendments from the other house, a conference committee may be appointed by the Speaker and the President Pro Tempore of the Senate with members from each house to meet and attempt to reach a compromise on the measure.

If a House member, usually the principal author, desires a conference committee, the member requests that Senate amendments be rejected and calls for a conference committee. Usually that request will be approved in both bodies, but it can be denied in either house, thereby delaying further action on the measure. Regardless of the size of a conference committee, a majority of the conferees from each body is required to sign a measure out of a conference committee to the Legislature. It is not uncommon for a bill to go through several conference committees and conference committee reports in a session.

The Oklahoma Legislature uses the General Conference Committee on Appropriations (GCCA) to shape the final legislative budget bills. Most bills with an appropriation and many that have major fiscal impacts will be assigned to GCCA for final work.

Some criticism of conference committees has been expressed in recent years. There are complaints about new provisions being added to bills never before considered. New rules, added during the Fiftieth Legislature require a summary be produced describing the changes made to the bill or resolution while in conference. The requirements also state that prior to consideration a conference committee report must lay over 24 hours after it is filed and that a copy of the report be provided to members 24 hours before consideration. However, these requirements do not apply during the last two days of session, to prevent logjams at the end of sessions (House Rule 7.5c (2007)).

Task Forces

Special committees will frequently include nonlegislative members with a significant interest in the matters under study or with special expertise required for a study. This public involvement has proved to be very helpful in the work of the Legislature and broadens the affected public's understanding and appreciation of the complexity of the legislative solutions produced. Nonlegislators frequently provide interim committees with vital perspectives that will profoundly impact the committee's work. In some cases, the participation of certain groups in a study will be critical in determining whether or not reforms can be passed in the Legislature. These committees cannot act officially on legislation, but they can make recommendations for legislation or prepare draft bills for the Legislature to consider.

House members may be appointed by the Speaker to "task force committees." These task force committees are normally small in size and meet in conjunction with various state boards and commissions during interims. Through such meetings, members gain greater insight into the problems and operations of the executive branch agencies. The meetings can help in the identification of legislative issues. There are also a number of statutory oversight entities, much like these task force committees, which provide a mechanism for the Legislature to communicate with various state entities about their work. Occasionally, members attend executive sessions of boards or commissions that they oversee.

Chapter Five

Enactment of Laws

The mechanics of the Legislature in any state are vital to the operations of that body. All bills that their authors hope to see enacted into law must undergo close scrutiny at a number of checkpoints. Throughout members' tenure in the Legislature, they will frequently hear the term "the legislative process" used to describe in one cryptic term all the rules and procedures that members will encounter in accomplishing their lawmaking duties. The term, however, is overly simplistic and masks the complexity of the system.

"It took me at least three months to become comfortable with the mechanics involved in bill proposing and consideration. It's something that has to be learned, and I'm not sure there are any short cuts."

[Connecticut legislator quoted in Alan Rosenthal, Legislative Life: People, Process and Performance in the States (New York: Harper & Row, 1981)]

Some aspects of the legislative process can be found in the Oklahoma Constitution or Statutes while others may be found in legislative rules. Still others are in *Mason's Manual of Legislative Procedure* or have found legitimacy from prior rulings or custom in the Legislature (precedence). Mastery of the legislative process for new members requires careful attention to the details, a thorough knowledge of the process, the cultivation of a network of mentors and informational sources able to advise them on legislative matters, and experience.

Legislative Powers and Limitations

The powers and duties of the Legislature as the lawmaking body for the state of Oklahoma for the most part can be found in Article V of the state Constitution. Section 36 states that:

The authority of the Legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this Constitution, upon any subject whatsoever, shall not work a restriction, limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever.

In reality, the Oklahoma Legislature is limited in numerous ways by the Oklahoma and U.S. Constitutions, by court rulings, and by congressional acts. For example, Section 32 of Article V of the Oklahoma Constitution limits the Oklahoma Legislature from considering special or local laws "until notice of the intended introduction of such bill or bills shall have been published for four consecutive weeks in some weekly newspaper published or of general circulation in the city or county affected." Section 46 of Article V defines more specifically the meaning of "local and special laws." This restriction on local and special laws greatly reduces the number of bills that the Oklahoma Legislature will consider each session. There are states which are forced to act on hundreds of such special or local bills.

There are other restrictions on introduction of bills. For example, the House of Representatives rules permit members to introduce no more than eight House bills or joint resolutions in a session, unless authorized by the Speaker. Excluded from this eight bill limit are redistricting, approval or disapproval of agency rules, duplicate section bills, appropriation bills, sunset bills,

and simple or concurrent resolutions (House Rule 6.4c (2007)). The Speaker routinely approves the introduction of more than eight bills. However, members are required to designate eight bills for committee consideration. All bills over the eight designated are assigned to the Rules Committee and do not receive consideration.

The Oklahoma Constitution provides certain other general procedural limitations on the legislative process as well:

- ! Article V, Section 57 states that all bills must be concerned with one subject, clearly expressed in the title; the only exceptions are general appropriation bills, general revenue bills, or those which adopt a code, digest, or revision of existing statutes.

- ! Article V, Section 56 defines a general appropriation bill as one which is confined to the expense of the legislative, executive, or judicial departments, or for interest on state debts; all other appropriation bills must separately state the amount and object to which they are applied. Enactment of a general appropriation bill has been used in recent years. One of its major features is that it requires only a majority vote rather than two-thirds majority vote to take effect immediately.

An Oklahoma Supreme Court decision arising from several measures passed during the 1991 legislative session (along with several subsequent cases addressing the same concern) has had a significant effect on how legislation is drafted. In this case, the Governor chose to treat several bills that he believed had more than one subject in them as several bills. He then vetoed the provisions in those bills to which he had objections. Ultimately, the Supreme Court ruled in favor of the Legislature that the Governor did not have that power. The court, however, also instructed governors that it would be their duty to veto any legislation that they find in violation of the one-subject provision.

The two-thirds approval from each body of the Legislature needed to attach the emergency clause to a measure is an important facet of the Oklahoma legislative process that encourages compromise. Without an emergency, for example, appropriations measures, except for the general appropriation bill, will not take effect until 90 days after a regular session ends — well after the start of the new state fiscal year that begins on July 1.

Enactment of legislation normally involves bicameralism (approval of both chambers of the Legislature) and presentment (action by the Governor). Major exceptions to the norm are simple or concurrent resolutions adopted by one or both chamber(s) and bills or joint resolutions proposing state statutory or constitutional changes which may not require action from the Governor.

Restrictions on Taxation and Fiscal Responsibility

The Legislature is also restricted in the area of taxation:

- ! The Legislature cannot exempt property from taxation except as specifically provided in the Constitution.

- ! The Oklahoma Constitution specifically exempts the Legislature from taxing property used for libraries, colleges, museums, cemeteries, charitable and religious purposes, and property exempted as homesteads.
- ! The Legislature cannot levy an ad valorem tax for state purposes.
- ! The power to tax may never be suspended, surrendered, or contracted away.
- ! The Legislature may not impose taxes for the purpose of any county, city, town, or other local government. (This does not preclude the Legislature from referring state questions amending the Oklahoma Constitution that will result in local tax changes).
- ! Taxes must be uniformly applied to the same class of subjects or property.
- ! Each tax levied must specify distinctly the purpose for which the revenue is to be used, and revenue derived from it must be used for no other purpose.

In addition, the Constitution imposes certain procedural limitations on the taxing power:

- ! All revenue-raising measures (meaning a measure with the primary purpose of raising revenues) must originate in the House of Representatives, and they may not be passed during the last five days of the session. This prevents the Governor from “pocket vetoing” the revenue bills and the disrupting effect that could accompany the veto of a tax bill.
- ! A most significant restriction on the legislative power to tax was added in March 1992 by voter approval of an initiative petition that removed the ability of the Legislature to attach the emergency clause to revenue-raising measures. Now such bills passed by the Legislature are required to be put on the November general election ballot, unless they receive a three-fourths “super-majority” in both houses. If the measure obtains the super-majority, the bill still cannot take effect until at least 90 days after the session adjourns, during which a petition could be circulated to force a referendum election on the measure. This is regarded as one of the nation’s most difficult limitations on a state legislature’s power to enact revenue measures.

A more comprehensive discussion of the state’s tax system is contained in a publication of the House entitled *Legislator’s Guide to Oklahoma Taxes*.

As for budgetary matters, the Oklahoma Legislature operates under a number of constitutional provisions which the voters have adopted since statehood to ensure fiscal responsibility. Like the majority of the states, Oklahoma has a balanced budget provision in its state Constitution. Appropriations for operations cannot exceed certified revenues plus available cash. If for any reason total revenue is not sufficient to meet the appropriated amounts, all appropriations are reduced proportionately.

The process for certifying the amount of revenues available for appropriation by the Legislature is conservative. A primary feature is that only 95 percent of anticipated revenues for the next fiscal year may be certified by the State Board of Equalization as available for appropriation. General Revenue Fund receipts greater than 100 percent of the certified estimate of funds go to a “rainy day” account, the Constitutional Reserve Fund. This fund may be appropriated in the event of a current-year revenue shortfall, a declared emergency, or for the next year’s appropriations when the certified estimate is less than for the current year. Also, there is a ceiling on how much the Constitutional Reserve Fund may contain. The ceiling is 10 percent of the General Revenue Fund certification for the preceding fiscal year.

There is also an expenditure limit in the Constitution prohibiting more than a 12 percent growth in the state budget from one fiscal year to the next after adjustment for inflation. Members interested in a more detailed discussion of the legislative budget process should obtain a report prepared by the Office of Budget and Performance Review entitled *The Budget Process of Oklahoma State Government*.

In addition, the Legislature cannot borrow on state credit except in time of war or for controlling invasions or insurrections. The state’s full faith and credit can be pledged only by a vote of the people for general obligation state bonds for specific purposes. The last general obligation bond issue was passed by the Legislature in 1992 and approved by the voters during the general election that year. The money was then appropriated by the Legislature in the 1993 regular session.

Certain state agencies, such as the Oklahoma Transportation Authority, Oklahoma Development Finance Authority and a variety of state-beneficiary public trusts, the state institutions of higher education, and the Grand River Dam Authority, may issue bonds to be retired using revenues of the agency. Other agencies may receive specific authority to issue revenue bonds. These “special obligation” bond issues differ from those approved by the people in that they are not backed by the full credit of the state. However, any failure to pay these bonds could have a negative effect on the state in the financial world when future bond issuances are rated. These special obligation bonds must also be reviewed by the five-member Council of Bond Oversight.

Chapter Six

Daily Legislative Routine

For its daily operations, the House of Representatives follows its own rules as well as constitutional and statutory provisions. In general, procedures in the House are guided, in order, by the Oklahoma Constitution, the Oklahoma Statutes, House Rules, *Mason's Manual of Parliamentary Procedure*, and precedence.

For the typical legislative day, the House Speaker, Speaker Pro Tempore, or another designated member acting as the presiding officer calls the House to order, after having established that there is a quorum present by calling the roll, and proceeds with the order of business. The House will be called into session at various times of the day depending on its workload. Sessions on Thursdays will almost always start early in the morning to allow members to return to their districts for Friday and the weekend. The Legislature can, if it wishes, also meet on Fridays or weekends. Floor sessions are longer during weeks when bills must be reported out of each house and at the end of the session. However, House rules prohibit meeting after midnight or starting a session between midnight and 8:00 a.m.

Per House Rules (8.1 (2007)), the order of business is the following:

1. Roll call;
2. Prayer;
3. Correction of previous day's Journal;
4. Petitions and memorials;
5. Executive messages or communications;
6. Reports of special committees;
7. Reports of standing committees;
8. Reports of conference committees;
9. Reports of engrossed and enrolled bills;
10. Introduction of bills and joint resolutions;
11. Senate bills and joint resolutions on first reading;
12. House and Senate bills and joint resolutions on second reading;
13. Consideration of simple and concurrent resolutions;

14. Messages from the Senate and Senate amendments to House bills;
15. House and Senate bills and joint resolutions on general order;
16. House and Senate bills and joint resolutions on third reading;
17. Consideration of conference committee reports;
18. House and Senate bills and joint resolutions on fourth reading;
19. Motions and notices; and
20. Unfinished business.

On any legislative day, many of the items on the order of the day are dispensed with fairly quickly and are procedural in nature. The major focus of the floor work is the consideration of the legislation itself. In consultation with the Speaker, the Majority Floor Leader prepares the daily agenda of bills to be heard that day. Authors usually are consulted in advance before their bills are placed on the agenda to determine if they are prepared. In many cases, the authors have requested that their bills be heard on a particular day. The agenda is then circulated to members, so that they can prepare for the day's work, and also placed on the House website.

Traditionally, the floor is strictly controlled, in accordance with House rules, by the House Speaker or the member designated in the House Speaker's absence to act as presiding officer. That frequently means the Speaker Pro Tempore, but he or she can also designate another member to preside. The presiding officer is directed to:

- ! Enforce, apply, and interpret the House Rules in all deliberations;
- ! Preserve order;
- ! Prevent personal reflections or the impugning of the motives of any member during debate;
- ! Confine members during debate to the question under discussion;
- ! Recognize members seeking to speak;
- ! Render decisions on points of order;
- ! Rule on germaneness;
- ! Maintain the decorum of the House;
- ! Close the vote; and
- ! Decide on the order in which legislation will be brought up.

The above list of duties should provide some sense of the power that the presiding officer can hold in the daily proceedings in the House of Representatives.

Chapter Seven

The Course of Bills in Becoming Law

State constitutions and legislative rules provide for a lengthy and complex process to provide ample opportunity for consideration of pending measures and afford time to achieve consensus. This is certainly the case with the Oklahoma legislative process. The principal stages that a House Bill or Joint Resolution typically pass through before they can be enacted are described below (also in the “How an Idea Becomes a Law” chart at the end of this chapter):

1. Research and study of an issue.
2. Request for bill drafting to legislative staff by the author.
3. Filing and introduction of the measure by the author. (Measures may be preassigned by the Speaker to standing committees prior to First Reading where they may be studied and amendments prepared. Official action on the measures must await official committee assignment of the bill by the Speaker after Second Reading.
4. First Reading. The First Reading is by title only.
5. Second Reading. As in the First Reading, Second Reading is only by title unless otherwise ordered by the House (normally only the bill number is read before it is assigned). At the time the bill is read for the second time, the Speaker usually assigns it to committee(s). Occasionally, the bill will be assigned directly to the calendar where it could be considered the next legislative day.
6. Committee consideration.
7. Report from committee, with recommendations.
8. Printing of the bill and placing on the general order or consent calendar.
9. Floor explanation, questions and answers.
10. Floor amendments.
11. Third reading of the bill.
12. Floor debate.

“Every bill shall be read on three different days in each House, and no bill shall become a law unless, on its final passage, it be read at length, and no law shall be passed unless upon a vote of a majority of all the members elected to each house in favor of such law; and the question, upon final passage, shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.”

[Article V, Section 34, Oklahoma Constitution]

13. Floor vote.
14. Engrossing of the bill.
15. Transmittal of the bill to the second house where the bill goes through steps 4-13 again.

At this stage, it is entirely possible that a bill could be ready for enrollment by the house of origin if, and only if, the second house made no amendments to the bill that was transmitted as the “engrossed bill” from the original house. That is not usually the case, but if it were, the bill is enrolled and presented to the Governor for action. If not, the following steps may occur:

16. Consideration by the first house of all “engrossed amendments” added by the second house.

The motion in order at this point is whether to accept or reject those engrossed amendments. If they are accepted, a vote takes place on Fourth Reading, the bill is enrolled and presented to the Governor.

If the engrossed amendments are rejected:

17. Conference is requested by the house of origin and conference committee members are appointed by the presiding officer of the house of origin.
18. Conference may be granted and conference committee members appointed by the presiding officer of the opposite house.
19. Conference committee report is filed in the chamber where the measure originated.
20. Conference committee report is adopted or rejected first in the original house. If adopted the conference committee report is submitted to the other chamber. If rejected by either house, the measure may return to the conference committee for further work. The same conferees (or new ones) can be appointed.

Otherwise:

21. Fourth Reading in both houses.
22. Enrollment in the house of origin and signatures of presiding officers in both houses.
23. Presentment of the bill to the Governor; or
24. Filing of the bill containing a state question with the Secretary of State.

25. Publication and printing of the bill/resolution after a bill or joint resolution is signed or a veto overridden or a concurrent or simple resolution is filed with the Secretary of State.

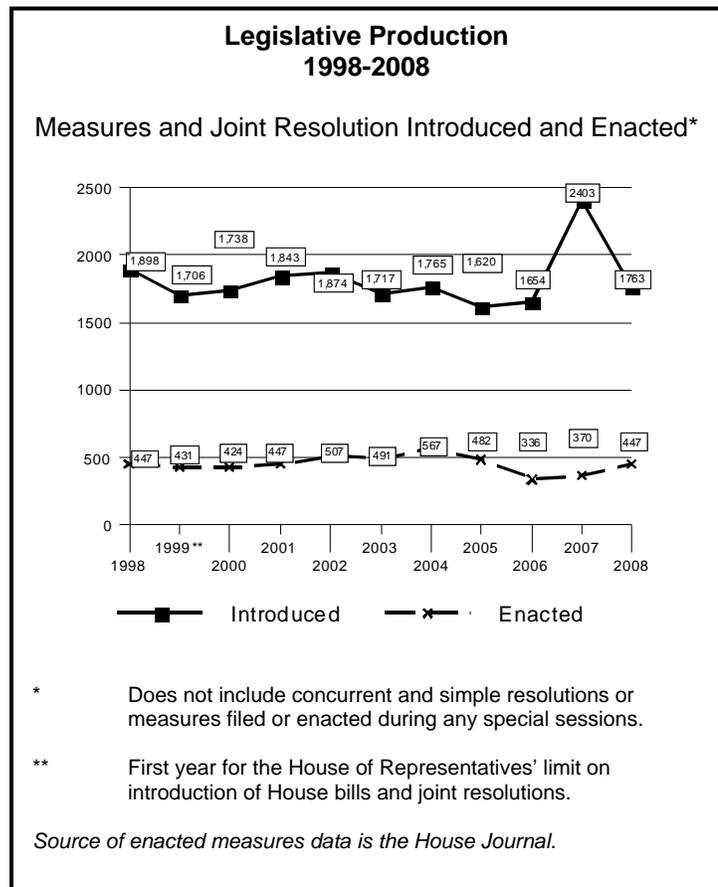
Note that some measures must be approved by the people before actually becoming law. This is the case for legislative referenda and revenue-raising measures which fail to receive the necessary super-majority approval from both houses. In addition, a popular referendum can require a statewide vote to occur on a measure that fails to contain an emergency clause.

Preparing a Bill

For the most part, state legislatures operate on what might be called “the author system” for the making of law. Only members of the Oklahoma Legislature can introduce legislation. Not even the Governor can introduce legislation in the Oklahoma Legislature; the Governor may have budgets and major program initiatives drafted into bill form for introduction, but the bills must have legislative sponsors before they can be introduced. The decision on authorship, particularly if an outside group is requesting a measure, is crucial to the success of a bill.

Although members are engaged in many other activities, most involvement during the legislative process revolves around the process of promulgating new law. In the 2007 Oklahoma legislative session, 1,254 measures were introduced. Prior year comparisons to other states show great variations between states with over 16,000 in the New York and 6,000 in the Hawaii, Illinois, and Texas legislatures, respectively. According to *The Book of the States, 2008*, there were 34 states that had more introduced bills (excludes all forms of resolutions) in their legislatures for the 2007 regular session than Oklahoma. Nonetheless, the consideration of such a large number of measures is a time-consuming matter. The chart provides historical data for recent sessions on bills introduced and enacted.

So, how does a lawmaker go about introducing a bill? Most charts on the legislative process will identify the filing of a bill as the initial step in the course of a bill in the Legislature. A few will start with the bill drafting. Ideally, the introduction of legislation should follow a thorough examination of the subject that the bill will cover. There will be a number of outside parties interested in a member’s introduction of legislation. These include administrative officials, constituents, lobbyists, and various



interest groups. In many cases, they will have bills in draft form already prepared to present to members to see if they will introduce the legislation. These measures are sometimes referred to as request bills.

All House Bills are prepared for submission by the House legal staff. Once the Representative is satisfied with the draft, then the member introduces the draft as a bill. The process begins with a bill request. Requests are assigned a number by the Committee Staff. When the bill is introduced into the House, it is given a separate bill number.

Bills can come from a member's committee work, staff research, or programs in other states. Many bills are in response to federal legislation or federal agency rules. Perhaps a majority of substantive bills are request bills from state agencies, various public or private interest groups, and constituents. In all cases, a legislator is wise to learn as much as possible about the subject before a bill is introduced. Prior planning, research, and discussion enhance the likelihood of the bill's passage through clearer issue identification or compromise efforts before the proposed measure is even introduced. In some cases, preliminary research could persuade members that there is no need for the legislation or could encourage them to avoid filing a bill that could later hurt a member with their colleagues or in their district. Not infrequently, the member's ultimate goals can be achieved as a result of the bill research and bill drafting process itself and without the introduction of the bill.

Planning ahead:

Some possible questions that a member might ask before requesting a bill be drafted or filing the bill after drafting are:

1. What problem is it that my legislation will solve?
2. Are there any other problems that my legislation will create?
3. What agencies, groups, or other parties need this legislation and will support it?
4. How can I enlist the support of such outside groups? Which legislators will support my legislation? How will the chair and members of the standing committee react to my legislation? Should I ask for their input?
5. Who will oppose my legislation? Are there any opportunities to compromise with them in order to negate or neutralize their opposition? If so, should the compromises be incorporated in the introduced bill or used as concessions to opposing parties?
6. Are there any constitutional problems associated with my legislation?
7. Can I clearly estimate the fiscal impact of the bill to the state and affected parties, if there are any? Who will be expected to bear any associated costs or receive benefits? Can I identify a funding source to pay the associated costs? Are there associated benefits that might outweigh the costs?

8. Are the enforcement provisions of the bill clear? If passed, will the parties responsible for the administration or enforcement of the law be likely and able to do so?
9. Are there any potential unintended consequences of the bill that may be overlooked?
10. Is the language clear and are the parts of the bill logical?
11. Am I willing to expend the time and energy to see this bill through the legislative process? (Given the time constraints placed on members, some serious thought should be directed to the time that certain bills will require to pass before a member agrees to sponsor them.)
12. Are there other states that have attempted to act on the same issue? What alternative approaches have they used? What reasons are there for or against these alternatives?
13. Should I consider dividing the legislation into several bills? Or would it be advisable to pass the legislation over several years?
14. How will the other chamber respond to the legislation? Who would I want to be the principal author in the Senate? Should I involve the potential author in the process of developing the bill?
15. Is the Governor likely to sign or veto the legislation?

A concern for House members is whether or not the member is sufficiently interested in a proposed bill to allocate, on this particular bill, one of the eight bill introductions each House member is allowed per session. If not, other alternatives might be considered such as looking for another House author or trying to cooperate with another member who is authoring comparable legislation.

These questions are not exhaustive, but they do point out the importance of careful research before a bill is drafted or introduced. The staff of the House is always available to assist members in discussing these questions.

Bill drafting:

Once the member has decided that a bill should be drafted, a bill request must be presented to an attorney of the House Committee Staff where a bill request number is assigned and the bill request is put into a bill form. A measure filed in the House must have a bill request number. These requests are treated as confidential in nature, unless otherwise directed by the requestor. Legislators should provide staff with all pertinent information, such as research or letters, in order that the staff drafting the bill can address the issues in the manner that the legislator desires.

Depending on the complexity of the bill, research and/or fiscal staff may be involved in the preparation of legislation by either the author or the bill drafter. It is not uncommon for an agency or an outside lobbying interest to provide a legislator with draft language. Very often, legislation could be so technical in nature that such outside efforts are required. In some cases, the draft language may be so well written that little or no rewriting will be required by House bill drafters.

Members requesting a bill will receive copies of bill drafts in order for them to make any changes. No bill will be introduced until the member is satisfied with its content. The exception is for bill requests in which the information required for drafting is received by the staff too late to permit the author an opportunity to make changes or to have bill drafts ready at the bill introduction deadline and the bill must be filed to avoid being filed late.

The staff is trained to draft members' ideas into proper legal terminology, form, and style. Bills must be coherent, concise, and free from ambiguity. The legal staff will examine the measure's content for possible constitutional problems and any other legal difficulties. At that point, the legal staff will authorize it to be prepared for filing. Staff from the House Office of Bill Processing will bring copies of the bill for filing to the author's office. The author then files the bill with the House Chief Clerk's office where the measure is assigned a bill number and prepared for First Reading. After filing, the text of the legislation, including the introduced and all succeeding versions, is available to the public through the House and Senate websites.

It should go without saying that bill requests (including requests for the redrafting of bills) should be made as soon as possible so bill drafters will have adequate time to draft bills before deadlines and to allow for refinement. Normally, there are deadlines for requesting and introduction of bills. The chart for the 2009-10 session deadlines is found on page 10. There are also provisions for pre-filing legislation (starting 15 days after the general election of even-numbered years) that allow bills to be filed and given a number before the beginning of each session.

Introduction

House Bill Processing prepares the official bill for introduction and makes enough copies of the bill for filing. In the House, a bill is submitted to the Bill Clerk in the Chief Clerk's office who numbers it and assigns it to the Reading Clerk for introduction. Bills are assigned numbers according to the order in which they were filed. House measures are numbered beginning with 1001, and the number stays with the bill through the end of that Legislature. Thus, the first bill introduced in the House will be House Bill No. 1001. The numbering system holds true for simple, concurrent, and joint resolutions introduced in the House. Senate measures, however, start with the number "1."

The Oklahoma House of Representatives imposes a rule upon itself limiting the number of House bills and joint resolutions that can be introduced by members. Members are limited to eight House bills or joint resolutions introduced as principal author in any session (including special sessions). Exceptions are made for measures containing appropriation matters filed by the chair of the House Appropriations and Budget Committee, reapportionment bills, duplicate section bills, sunset measures, repealer measures, reapportionment bills, and measures authorized

by the Speaker. This rule requires House members to more closely manage their bill requests so they can introduce the most important measures that they have requested.

Each bill contains the names of its legislative sponsors and a title explaining its provisions. The title always begins with the phrase “An Act relating to” Article V, Section 57 of the Oklahoma Constitution requires that every act, with certain exceptions such as general appropriation bills, shall embrace one subject. It is very important that the title is complete since the courts may invalidate provisions not included in the title when it becomes law. The staff is trained to write complete titles.

The deadline agreed to by the House of Representatives and the State Senate for introduction of legislation ensures that, when the two houses convene for business in February, the bills have already been filed for introduction and are ready for first reading.

The early introduction of bills enables the House of Representatives to make good use of the practice of preassigning some of the bills. The committees can then hold hearings and prepare to act on legislation in advance of the actual referral of legislation that occurs when the Legislature convenes in February. No formal action can occur until after the legislation has been referred to a committee following Second Reading.

Because of passage of the Oklahoma Pension Legislation Actuarial Analysis Act, there are restrictions on authoring and passing bills that affect the state’s retirement systems. The act is intended to ensure that the state retirement systems are responsibly operated and that any benefit increases are funded at the same time they are granted. Before any retirement bill can be introduced, the bill’s author must have the Legislative Actuary analyze the bill. The Legislative Actuary will determine if the bill has a fiscal impact. The Legislative Actuary will then send a certified letter to the author which contains his findings. No retirement bill can be accepted for introduction by the Secretary of the Senate or the Clerk of the House of Representatives if it does not have an accompanying letter from the actuary. The act also excludes any bills or amendments which affect a state retirement system from being considered by any House or Senate committee or by either chamber unless they have an actuarial statement. If the retirement bill has a fiscal impact, it can only be introduced during odd-numbered years during the regular session. This same bill can only be passed during even-numbered years during the regular session.

First Reading

First reading is a perfunctory step, required by the Oklahoma Constitution, and is largely informational. The bill will be “read” by title only during the first floor session, excluding the organizational session at the beginning of each new Legislature, after the measure is filed and published in the House Journal. The bill is not actually read, but it is listed in the House Journal for the public to learn of its existence. The public, particularly the administration and lobbyists, closely reviews the bills after First Reading so that they can track those that interest them.

Second Reading

Second Reading is also brief, usually involving only the bill number, unless otherwise ordered by the House. By Constitution, Second Reading cannot occur on the same legislative day as the First Reading. After Second Reading, the Speaker or presiding officer assigns the measure to a committee. The presiding officer announces the assignment immediately after the reading clerk performs the Second Reading. In rare cases, the measure can be advanced to the calendar for Third Reading on the next legislative day and thereby be excluded entirely from the committee process in that house. Third Reading cannot occur on the third legislative day.

Committee Assignment and Consideration

Committee assignment and committee consideration are the first major checkpoints that a bill must pass before it becomes law. This step can be bypassed in rare situations by the Speaker assigning the bill direct to the calendar for floor consideration. The committee assignments by the Speaker may indeed be vital. A committee hostile to the subject of a measure may block the bill's passage or alter it in some manner to weaken its impact or reduce its chance of passage on the floor.

The committee system is designed to also screen out legislation that is, in the committee's judgment, unnecessary, duplicative, or not ready for passage. The effective screening of such legislation enables the Legislature to focus its attention on legislation felt to have greater merit or urgency. Frequently, a bill will have great merit but would so radically change the law that further study is required by the committee during an interim. Many major reforms can take several years to pass.

Committees are the heart of the legislative process, and members are advised to thoroughly familiarize themselves with the House rules on the committee process. In all cases, standing committees will bring their expertise and policy perspectives to bear on bills before they are passed.

Most committees are created to examine issues on a given subject matter. Members of these committees specialize within that subject matter which provides the opportunity for a bill to be strengthened by committee action. Frequently, a bill will gain support from committee members, some of whom will decide to act as coauthors to demonstrate their support to the floor and the opposite house. It is at the committee stage that many bills are weeded out and allowed to die.

The committees schedule meetings and agendas to receive public testimony on bills in their committees, make amendments, and vote on the measures. Committee hearings may provide the public its only opportunity to formally provide its opinion on legislation.

Although legislative meetings are not subject to the provisions of the Open Meetings Act, the rules of the House and Senate support the holding of open meetings. All votes in standing or special committees on bills or resolutions, or amendments thereto, shall be conducted in open public meetings, except that the chair and two-thirds of the other members of any standing or special committee, including ex officio members (Speaker and Speaker Pro Tempore), may

report a bill or resolution out of committee by signing a written report. Recommendation for final passage out of committee shall be a recorded vote.

A committee may only take up bills or resolutions for consideration if a quorum is present. A quorum is a majority of the members of the committee, excluding the ex officio members, but the ex officio members may count toward the presence of a quorum. Finally, it is possible that a committee could lose its quorum during a meeting. If that occurs and a member of the committee challenges the presence of a quorum (one-half of the members plus one), then the committee cannot take any further final action votes until the quorum is satisfied.

Customarily, the House principal author of the bill will be at the meeting to explain and defend the bill. The author may also have amendments or a proposed committee substitute. Committee substitutes have been common in the Oklahoma Legislature. They are proposed substitutes for the measure referred to the committee until adopted as a “working draft” by the committee and passed, with amendments to the proposed committee substitute incorporated. Amendments can be adopted by unanimous consent or, if controversial, by vote of the committee. Committee members will often offer their own amendments to the measure that the author may either endorse or oppose. Amendments must be prepared on proper House amendment forms (see amendment sample on the following page).

It is important to understand that at this stage, the measure is the property of the committee, not the author; therefore, it is the committee’s intentions that will prevail.

The bill may be debated thoroughly in committee if there is discussion about its passage. If a committee decides to report a bill favorably out of committee, it will do so on a “do pass,” “do pass as amended,” or “do pass on the committee substitute” motion. A “do not pass” motion will constitute final action on the bill, and it is rarely used.

House rules require House measures to have a complete title and enacting or resolving clause when passed by committees (Senate measures can pass without a title or enacting clause), except for the Appropriations and Budget Committee. Should the measure have been amended, the committee will frequently direct the staff to prepare a committee substitute incorporating the amendments.

If the committee or the Speaker wishes, the measure can be placed on the consent calendar which will prevent floor debate or amendment on the measure. A bill placed on the consent calendar cannot be heard on the floor until four legislative days have passed. Upon the request of any member in open session during those four legislative days, a bill or resolution shall be removed from the consent calendar and placed on general order. Such request shall be recorded in the House Journal. For that reason, the consent calendar is rarely used.

Following the committee meeting, if the bill passes, a committee report will be prepared and filed by the committee staff for the committee chair. The report will include any committee amendments or be accompanied by a committee substitute into which the amendments have been incorporated. That report is filed in the Chief Clerk’s office and contains all committee amendments. These amendments are also incorporated into the floor version of the bill.

<p>AMENDMENT</p> <p>HOUSE OF REPRESENTATIVES</p> <p>State Of Oklahoma</p>
<p>SPEAKER:</p>
MR.
CHAIRMAN:
I move to amend <u>Committee Substitute for House</u> (BILL) (RESOLUTION) No. <u>1271</u> of the printed Bill
Page <u>3</u> Section <u>3</u> Line <u>27 and 28</u> of the Engrossed Bill
by striking all language after the word "Director" on line 27 through the word "member" on line 28 and by inserting in lieu thereof the words "of State Finance or a designee"
AMEND TITLE TO CONFORM TO AMENDMENTS
Amendment submitted by: <u>Jane Doe</u>
Adopted: <u>Reading Clerk</u>

Floor Consideration and Third Reading

After the committee makes its report to the House, all amendments are incorporated to create the floor version of the bill. This floor version is advanced to general order. Measures on the consent calendar are scheduled on the fifth legislative day and may not be amended.

Bills are placed on the House floor calendar by the Majority Floor Leader. That action triggers a two-day amendment cycle. Any member wishing to file an amendment to the bill must file it electronically within 24 hours of it being placed on the floor calendar (House Rule 8.6b (2007)). If no amendments are filed, the bill is then available to be heard by the full House at a time of the Floor Leader's choosing. If an amendment is filed, then a second 24-hour amendment cycle is triggered. Any member wishing to file an amendment to the amendment must do so within 48 hours of the time bill was placed on the floor calendar (House Rule 8.6c (2007)). After the 48 hours expires, the bill is available to be heard at the Floor Leader's discretion.

Very often, bill summaries or other supplementary materials for floor consideration are coordinated by the authors. Members can have materials passed out on the floor, but the materials must indicate the member responsible for distribution. The public cannot circulate information to be placed on the floor. It can distribute information to the members' post office boxes, however, when approved by the Speaker Pro Tempore's office.

Many states require fiscal notes to accompany legislation. The House requires that all bills and resolutions be accompanied by a fiscal analysis if their adoption will have a fiscal impact. Fiscal impact is defined as affecting revenues, expenditures, or fiscal liability. This fiscal analysis does not express comment or opinion relative to the merits of the proposed legislation but should point out technical or mechanical defects.

When the presiding officer decides that a measure is ready to be discussed, the principal author will be recognized for the explanation of the bill. By rule, the explanation cannot include a discussion of the merits of the bill. For appropriation bills, the chair or another member of the Appropriations and Budget Committee subcommittee that handled the bill will often offer the explanation.

Before debate begins on the bill itself, the presiding officer will advance the bill to Third Reading. House rules indicate that engrossment occurs before Third Reading, but in practice, the presiding officer will indicate that the measure is considered engrossed; once a measure is passed on Third Reading, it will be actually engrossed. This eliminates the delay that would be caused while waiting for floor amendments to be incorporated.

The reading of bills on final consideration (Third or Fourth Reading) has become controversial in recent years. While the Oklahoma Constitution says that these readings must be “at length,” an Attorney General’s opinion in 1999 stated that this could be satisfied by: (1) a front to back reading, (2) providing members with copies, or (3) providing electronic access.

Debate on a measure may precede the final vote on the measure. By House rules, debate, is limited to one hour divided equally between the proponents and opponents. No member may speak for more than ten minutes. Five minutes of the proponents’ time is allocated to the principal author who will close the debate. Filibusters on a measure are not permissible in the House.

The presiding officer will request all those wishing to debate to indicate their intent to do so. The presiding officer will list those in support and in opposition to the measure. Members can then yield their time to another member who shares the same position on the measure. Members may yield to other members for questions if they wish, but that time expended for the question and answer will count against their allotted time. By the same token, a member can refuse to yield for questions. In all cases, the supporters of the measure, normally represented by the author, speak last.

Once the debate is closed, the presiding officer calls for a vote. The vote is recorded on the electronic roll call board, and members can change their vote until the presiding officer closes the vote. House rules require each vote on final passage to be held open for at least two minutes or a shorter period if the presiding officer determines all members recorded as present have voted. Fifty-one votes (a majority of the members elected to the House) in the House of Representatives are required for a bill to pass.

If the bill contains an emergency clause (or a special election provision for a legislative referendum) that would make the bill effective upon signature of the Governor, there must be a separate recorded vote. That vote requires the approval of 68 members. Frequently on noncontroversial bills, the vote on Third Reading, if the bill passes with the two-thirds majority,

will be considered the vote on the emergency. If the emergency should fail, the bill will advance, but without the emergency clause. Bills without emergencies cannot take effect until after 90 days following sine die adjournment of the Legislature and may be subject to a popular referendum to reject all or part of the bill.

Revenue-raising bills are not subject to the emergency. Unless they receive a three-fourths majority in both houses, they must be approved by a popular vote at the next general election. Note that the vote requirements are not dependent on the number of members present or currently elected, but on the number of members who constitute the respective chamber.

Voting Totals

	Majority	2/3	3/4
House	51	68	76
Senate	25	32	36

At this stage, there are several parliamentary motions that can occur. A rare tool is *the call of the house* which is simply a roll call to determine which members are absent. The Chief Sergeant-at-Arms is then directed to compel the attendance of the absent members. On critical bills where the number of votes needed on a measure or the emergency cannot be obtained from the members present, any member, seconded by fifteen members, may initiate a call of the house. If a quorum is not present, the Speaker, seconded by five members, may move a call of the house and send for the absent members.

A more frequent parliamentary move involves the serving of notice to *reconsider the vote* on the measure or the emergency clause. An author or another member will serve notice that they intend to ask for reconsideration of the vote. This notice must be served prior to any other business being taken up. This parliamentary action holds the measure for three legislative days. The actual motion to reconsider requires 51 votes to pass. This tactic allows the party wanting reconsideration time to change the outcome of the vote in question. The serving of notice action is not “in order” during the two days prior to the last day of a session, but a motion to reconsider a final vote is “in order,” if done before any further action is considered. For more on this matter, the member should read carefully the language in the House rules on the subject (House Rule 8.13 (2007)) or confer with the House Chief Clerk.

House Rule 9 is very specific about procedures regarding floor voting. Significant safeguards are taken in the rules to guarantee the integrity of the House in its voting methods. The vote on final passage will be announced to give members the opportunity to vote. The roll is held open at least two minutes unless the presiding officer determines all members present have voted. When a vote is announced, a loud ring sounds throughout the House and pages are dispatched to announce the vote so that members have an opportunity to vote. Once the voting device is activated to close the vote, no vote may be changed.

During periods when the floor agenda has a large number of bills, members will be expected to remain in the chamber. This allows votes to take place quickly. Votes become a matter of record and are published in the House Journal and available on the House’s website. This is very

important because members' votes will be utilized in a variety of ways to judge their performance. Votes cast by a member, no matter how justifiable, can affect a member in campaigning for future office. Missing recorded votes may also be used against members.

Engrossment

If the measure does pass, the measure and all amendments are delivered to the House Office of Engrossing and Enrolling for engrossment. All amendments are incorporated into the engrossed bill which will be forwarded to the presiding officer for signature in open session. The House Office of Engrossing and Enrolling has been empowered by House rules to correct certain "scrivener's" errors such as misspelled or repeated words.

Consideration by the Second House

After the bill passes the House of Representatives and is in proper order, it will go through a similar process in the Senate. It is extremely important that the author of the bill has obtained an author in the other house prior to this point. House rules require that House measures have Senate authors before the bill may be scheduled for floor consideration in the House (House Rule 6.6 (2007)).

Communication and cooperation with the author and leaders in the opposite house and outside interested parties as the bill goes through the opposite house are critical. In some cases, the original author can advise lawmakers in the opposite house how proposed changes will affect the chances of a measure passing. If the bill is amended in any way by the opposite house, the amendments will be engrossed and returned to the house of origin along with the engrossed bill for consideration. The principal author will be recognized to make recommendations as to whether or not the house of origin should concur in the amendments or reject them and request conference.

It has been common practice for the title of the measure to be struck (crippled) in Senate committees, the House Committee on Appropriations and Budget, or on the floor of the house of origin so that the house of origin will maintain control or the measure will be guaranteed to go to conference. In other words, the opposite house will receive a "crippled bill" that cannot become law unless the title is restored. Restoration of the title is an amendment which will restore the original house's control over the measure. In effect, this practice multiplies the work of the Legislature as it nears adjournment.

Of course, there are a number of measures from the House that will fail to complete all the steps required in the Senate. This will cause the measure to die there, except in the case of measures introduced in the first session which are treated as carryover bills in the second session.

After Passage by the Senate or Conference Committees

After a House measure is passed by the Senate and is returned to the House of Representatives, a number of actions can occur:

- ! If there were no amendments and the bill is ready to be sent to the Governor for consideration, the measure is simply signed by the presiding officer, enrolled by the House’s Engrossing and Enrolling Office, and sent to the Governor.
- ! If there were any Senate amendments, they will be submitted to the House as engrossed amendments along with the engrossed House measure. The House author may decide that the amendments are acceptable and that the bill has a proper title; then the author may move to have the House accept Senate amendments. A vote then would occur on Fourth Reading with the same requirements as Third Reading. If there are sufficient votes, the measure will be enrolled and prepared to send to the Governor.
- ! If the House of Representatives refuses to concur with the engrossed amendments of the Senate, conference may be requested. The request for conference and the members that the house of origin wishes to appoint to conference are communicated to the opposite house in the form of a message. The granting of conference is not automatic. In some cases, conference will be denied or delayed until both houses approve the request. Conference committees are designed to resolve differences on a measure between the two houses.

The House Speaker and the Senate President Pro Tempore appoint the members of conference committees from their respective bodies. The principal authors of the bill frequently are included on the conference committee. However, the appointment of the members to a conference committee is crucial to the fate of the bill. Generally, the first-named conferee of the house of origin serves as the conference committee chair and schedules the meetings of the committee. Conference committees are staffed by House and Senate staff.

The appointment of persons with different ideas than the principal authors on the measure can result in the bill being held in conference or substantially revised in order for the bill to be reported out of conference. In some cases, opposition from conferees of one or both chambers can be so strong that the bill will not be reported out favorably. House rules provide that the conference committee may only consider matters germane to the measure (House Rule 7.15a (2007)). If other issues are added to the measure, such matters can be questioned as to their germaneness in the conference committee or on the floor of either house where the presiding officer can determine if the rules have been violated. Should that be the case, the bill may be returned to conference.

Each house has an equal voice on reporting a bill out of conference committee even though there may be an unequal number of conferees from each house. *The conference committee report must be signed by a majority of the conferees of each house before the measure can be reported from conference.* The report is prepared by the House Research Staff and submitted to the clerk’s office of the house of origin. If the conference committee makes significant changes to the bill, they may decide to have all of the amendments incorporated into a new version of the bill called a conference committee substitute. This document is prepared by the House Legal Staff if the bill is a House bill and by the Senate staff if the bill is a Senate bill.

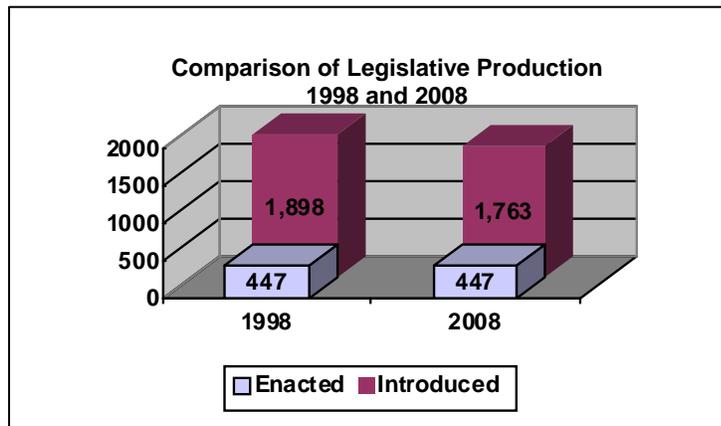
Prior to consideration in the House, a conference committee report shall lie over 24 hours after it is filed. House members must be provided a printed or electronically transmitted copy of the

report 24 hours before the consideration of the report. The report must be accompanied by a separate summary of changes made to the bill or resolution since last voted on in the House. None of these requirements shall apply on the last two days of any legislative session once the date of sine die adjournment has been set (House Rule 7.15c (2007)).

A conference committee report cannot be amended or altered in any way by either house once it has been signed by the conferees. The report first goes to the house of origin where it may be accepted or rejected. Adoption of the report only requires a majority of members voting. If the report is rejected, another conference may be requested. Occasionally, new conferees may be appointed. If the report is approved in the house of origin, a vote on the final passage of the bill occurs once again. Debate on the bill is allowed at this stage (Fourth Reading), but no amendments are allowed. Debate rules are the same as on Third Reading. Just as on Third Reading, the vote will be on the bill and another vote, if necessary, on the emergency. It is possible that the measure can pass, but not the emergency (if one has been put on the bill), thereby forcing the opposite house to decide whether or not to approve the measure without the emergency or to reject the report and send the bill for further conference. The opposite house will have the opportunity to adopt or reject the report unless the house of origin rejects the report or the measure itself.

If additional conference is required as described above, the next product of the conference process will be reflected as a second conference report. It is not unusual for a measure to be considered several times by conference committees and for several conference reports and conference substitutes to be prepared.

In the case that no agreement is reached on a bill, the measure will “die” in that conference committee after sine die adjournment of the session unless a report is filed indicating that conferees were unable to reach agreement. Section 9 of Rule 6 of House rules states that bills still in conference at the end of a session of the Legislature cannot be carried over from the first to the second session of the Legislature. Thus, it is very important that any such measures in the first regular session of a Legislature be reported out of conference, indicating that no agreement has been reached.



The Legislature utilizes conference committees each session. For appropriation bills, the Oklahoma Legislature uses the General Conference Committee on Appropriations (GCCA), divided into subcommittees, to bring into final form and balance the state’s budget. The conference committee size has varied from just a few members in some sessions to all House members serving on the GCCA in others. Other

conference committees may be created to review measures on a particular subject in order to combine those bills or to hammer out a consistent program on the subject.

The Legislature usually strives to pass the budget bills at least five days before sine die adjournment to ensure that the Governor will be unable to use the pocket veto and that the Legislature will have an opportunity to override any vetoes of those budget bills.

Enrollment

Enrollment of a bill or resolution means the process by which the bill that has been passed by both houses is proofed and corrected. It is then printed with signature lines for the presiding officers of each house to certify as to its correct content and having been duly passed. It is then presented to the Governor (or Secretary of State for simple and concurrent resolutions or state questions) including all alterations. Enrollment is performed by the Office of Engrossing and Enrolling of the house in which the measure originated.

Transmittal to the Governor

Once the House bill is enrolled, it is then signed by the Speaker and also sent back to the Senate where it is signed by the Senate's presiding officer. It is then returned to the House and, upon order of the Speaker, is transmitted to the Governor.

Timing for this stage is important as it affects the time the Governor has to consider the bill and whether it is subject to a pocket veto. In some past regular sessions, the Legislature worked to have appropriation bills and other controversial bills finished and submitted by the next to last Friday in May. This permitted a veto override opportunity.

Consideration by the Governor

As with the federal and most state constitutions, the Oklahoma Constitution provides for the presentment of all bills (including joint resolutions) to the Governor (except those which are sent to a vote of the people) before they become law. In simple terms, the Governor has the opportunity to review all such measures after they have been enrolled. The presentment clause only applies to bills and joint resolutions that will not result in legislative referenda. Legislative referenda are filed with the Secretary of State. Simple and concurrent resolutions, which do not have the full force and effect of law but express the opinion of one or both houses respectively, are also not subject to the presentment provision. Instead, they are forwarded to the Secretary of State with directions for distribution (which is the responsibility of the principal author in the house of origin).

At this stage, one of several options is available to the Governor. Those are:

Prior to Sine Die

1. Sign the bill within a period of five days (not counting Sundays);
2. While the Legislature is in session, allow the bill to become law without the Governor's signature by holding it beyond the five-day period;

3. Veto the entire bill (package veto) within the five-day period (not counting Sundays) and return the bill to the house of origin with a message giving the reasons for the veto; or
4. Sign the bill with line-item vetoes in the case of appropriation bills.

After Sine Die

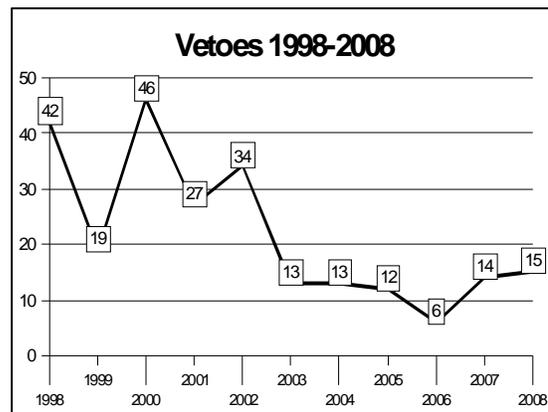
5. In the case where the Legislature adjourns sine die before the five-day period expires, the Governor can take up to 15 days following adjournment (including Sundays) to either sign the measure, exercise the “pocket veto” provision allowed in the Constitution, or veto the measure and return it to the House of origin. This power to “pocket veto” bills at the end of the session enables those measures that the Governor objects to becoming law to be vetoed by simply refusing to sign them. No reasons for the pocket veto are required, and no override is possible. Note that Governor Keating chose to issue veto messages for measures that were subject to a pocket veto.

Article VI, Section 12 of the Constitution also makes provision for the Governor’s line-item veto powers on appropriation measures. All bills passed by the Legislature “making appropriations of money embracing distinct items” are subject to the line-item veto powers of the Governor. Unlike nonappropriation measures in which the veto is on the entire measure, governors can be selective in what items to veto in an appropriations bill. The remainder of the measure becomes law. However, if the Governor line-item vetoes any substantive language in an appropriation bill, all substantive language is vetoed. Measures that are line-item vetoed are counted as vetoes. A 1991 Oklahoma Supreme Court decision directs the Governor to veto measures that violate the constitutional one-subject provision.

Revenue-raising measures that pass the Legislature but fail to achieve the three-fourths majority approval from both houses of the Legislature must be presented to the Governor for signature and must be approved by voters before they become law. Such revenue-raising measures, pursuant to Article V, Section 33 of the Oklahoma Constitution, can only be considered at the next general election. Note that a revenue-raising measure is not any bill that raises revenues. For example, bills that raise fees or have major purposes other than raising taxes may not be considered revenue-raising measures.

Consideration of a Veto

The Governor’s package or line-item veto messages are received by the house of origin and entered in the journal of that house. The Legislature can then proceed to reconsider the vetoed bill, or the item or items vetoed. The override effort will begin in the house of origin. If the override fails there, the measure will die at the end of that Legislature. For measures that do not have emergency provisions, the override requires the approval of two-thirds of



both houses (68 votes in the House, 32 in the Senate). For measures or items with an emergency clause, the override requirement increases to three-fourths of both houses (76 in the House and 36 in the Senate).

There are no time limits in the Constitution for the Legislature to override a gubernatorial veto during the Legislature in which the veto message is received. A motion to override a veto can be made at any time and as often during that Legislature as desired. In any case, the authors of measures who may be concerned about a veto should consider in their strategy the possibility of a veto and passing such measures sufficiently in advance of the end of the session that, if the measure is vetoed, the authors and those in favor of the measure can work for an override.

Veto overrides are rare in Oklahoma. In 2008 the Oklahoma Legislature issued its first veto override since 1993.

Referendum Petitions

If there is no emergency, a bill also may be overturned by the people through the referendum process. Revenue-raising bills, even if they obtain the three-fourths super majority, cannot have emergencies. The referendum petition may be against all or part of an act. Such petitions require the signatures of 8 percent of the votes cast in the last general election for the state office receiving the highest number of votes. The petition must be submitted to the Secretary of State not more than 90 days after the sine die adjournment of the Legislature that passed the measure. Should the petition include sufficient legal signatures, a popular vote on the affected bill or portions thereof will have to take place before it can become law.

Publication as Law

Once enacted, the measure is sent to the Secretary of State who makes it available to the public as an act. Copies of the act can be requested from that office, viewed on House and Senate websites on the Internet, or can be obtained from Bill Distribution, Room 310 at the State Capitol (521-5514). Members can have copies of a bill sent to constituents at no charge; however, it is more expedient for constituents to directly access bills through the web.

In addition, the House is responsible for the publication and distribution of the Oklahoma Session Laws and the cumulative supplements to the Oklahoma Statutes, which are published by West Group. The statutes are published as a set every ten years. The last compilation was in 2001. Cumulative supplements are prepared each year. The session laws (containing all the acts passed that session) and supplements are not available until the end of the interim. Periodic pamphlets containing chapters of the session laws are published earlier by West Group and made available to the public, members, and staff of the Legislature. The acts are arranged in the session laws in the order that the bills are signed into law and are published with a suitable index devised by the publisher by subject and tables showing the sections of the Oklahoma Statutes affected by the new laws.

Carryover Bills

Oklahoma Statutes and past House rules permit bills to carry over between regular sessions of any Legislature. In other words, bills introduced in the odd-numbered years can be considered in the following session with some exceptions. However, all bills not passed in that second session die.

It is possible for a standing committee to consider and act on carryover measures in its possession during the interim between the first and second regular sessions. Although this is rarely done, such bills can then be reported to the appropriate house for general order in the second regular session. Rules require at least ten days' notice for meetings and a quorum for the committee to act on the bills.

Administrative Rules, Attorney General Opinions, and Court Rulings

Once a legislative bill is passed, signed, and becomes effective, there are numerous legal procedures which can dramatically affect the measure and how it is implemented. These procedures can, in many cases, result in additional legislation to correct mistakes or resolve additional problems. Among the many quasi-legislative and judicial procedures that can affect implementation of legislation, the following are the most common:

1. **Administrative Law**. The executive branch of state government, under the state's Administrative Procedures Act, can promulgate "administrative rules" that can affect substantially the implementation of state legislation. Most of these rules will ultimately be reviewed by the Legislature. The Speaker of the House of Representatives and the President Pro Tempore of the Senate may each establish a rule review committee or designate standing committees of each house to review administrative rules. There are literally hundreds of rulemaking authorities in Oklahoma state government, which are usually a board or commission. The Legislature may delegate rulemaking authority to these agencies to facilitate administration of legislative policy. If an agency finds that an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule, an agency may promulgate, at any time, any such rule. When properly promulgated, the emergency and permanent rules have the force of law. Emergency rules are subject to approval by the Governor. Permanent rules are subject to action by both the Governor and Legislature. If the Legislature determines such rule to be an imminent harm to health, safety, or welfare of the public or the state, or that a rule is not consistent with legislative intent, a rule can be disapproved. The Secretary of State publishes "The Oklahoma Register" on a monthly basis for the publication of new rules, any amendment, revision or revocation of an existing rule, emergency rules, any notices of such rulemaking process and Executive Orders. Rules promulgated by agencies subject to the Administrative Procedures Act are codified, compiled, and indexed in a publication known as the "Oklahoma Administrative Code" (OAC.) Copies of the Oklahoma Administrative Code and many titles of the code are available on the Secretary of State's website or can be obtained from the Office of Administrative Rules in the office of the Secretary of

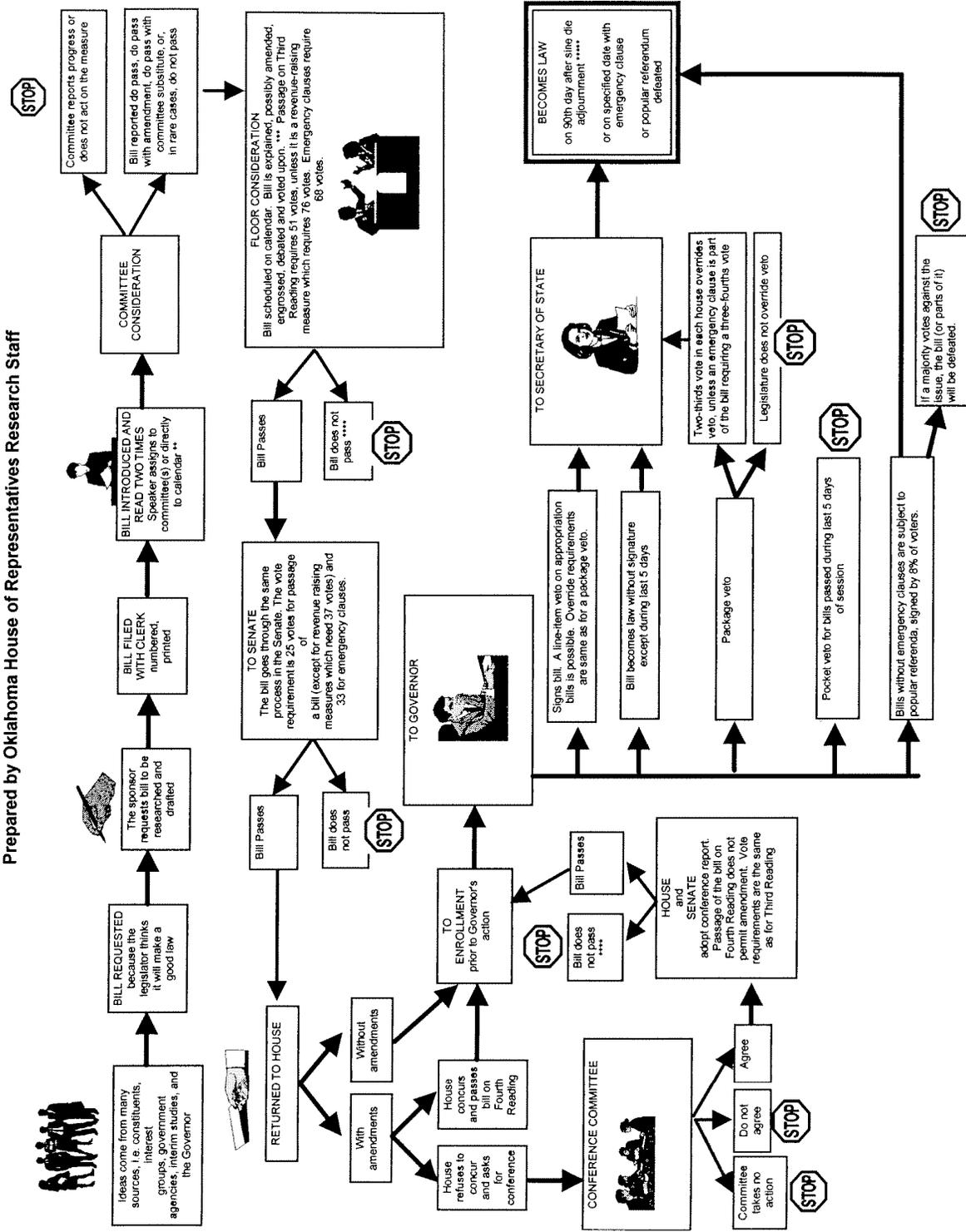
State (521-4911). The law library in the State Capitol has copies of the OAC. Any permanent rule not published in the “Code” shall be void and have no effect.

The Oklahoma Constitution gives the Ethics Commission the authority to promulgate rules governing state campaigns and the ethical behavior of state officers, including legislators, and state employees. These rules may have civil penalties and are published in the Oklahoma Statutes.

2. **Executive Orders.** The Governor may issue directives to state agencies on various matters subject to the Governor’s executive responsibilities. These are available on the Secretary of State’s website or by calling 522-4564.
3. **Attorney General Opinions.** The Attorney General, upon request, can issue formal and informal opinions on state laws which agencies must take into account in the implementation of legislation. The State Auditor and Inspector, upon any opinion of the Attorney General, mails a copy together with any applicable instructions to the governing boards or officers on their request or if they may be affected by such opinion. The State Auditor may publish and distribute any official opinions of the Attorney General. In addition, it shall be the duty of the Attorney General after each session of the Legislature, upon request of the State Auditor and Inspector or a member of the Legislature, to give an official opinion on any legislation passed that would affect the authority and duties of a state entity. These are available in published book form, on the Attorney General’s website, or by calling 521-4274.
4. **Judicial Case Law.** During the legislative process, the Legislature generates many working papers. These include original as well as amended versions of a bill, committee papers, and transcripts of floor proceedings. These documents are published, and they are used extensively by lawyers and judges. The state and federal courts will often rule on various legal matters involving state statutes. If a statute is unclear or its policy ambiguous, the courts may analyze public legislative documents to ascertain the legislative intent behind the statutory language. Confidential work papers remain confidential unless they are released by the legislator. The courts can rule state statutes unconstitutional.
5. **Common Law.** According to *Black’s Law Dictionary*, as distinguished from statutory law created by the enactment of legislatures, the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. In general, it is a body of law which develops and derives through judicial decisions and is distinguished from legislative enactments. The Oklahoma Statutes (12 O.S., Section 2 passed in 1910) officially recognize the common law’s applicability in Oklahoma.

How an Idea Becomes a Law*

Prepared by Oklahoma House of Representatives Research Staff



* Chart does not reflect legislative initiatives referred directly to voters which are not subject to action by the Governor. Legislative initiatives follow the process but are enacted by voters. The House has used, by rule, a system permitting the Speaker to designate measures to committees so that they can consider, but not act officially on them, before the Legislature meets in February. The House of Representatives also uses a consent calendar. A committee or the Speaker can put a measure on the consent calendar whereby no amendments or debate are allowed. House rule provides that for bills which are defeated on final passage in House, bills on that subject may not be considered during the remainder of that Legislature. Frequently, measures will have later effective date provisions such as November 1 or January 1.

[billaw.wk4]

Chapter Eight

Enactment or Adoption and Promulgation of Legislative Measures

In the previous chapter on the passage of legislation, the legislative measure that was used as the most typical legislative product was a bill. However, there are other products of the Oklahoma Legislature that members will encounter. Resolutions take three forms: joint, concurrent, and simple resolutions. The following discussion will attempt to make distinctions among the various measures. The importance of the degree of legal authority and the requirements for final approval are central to distinguishing among the various legal documents.

Bills

Generally, bills will propose new statutes or amendments to existing ones. Often, a bill will propose the repeal of statutes. Bills must be passed by both houses and be presented to the Governor. Once a bill passes through the process outlined in the previous chapter, it is considered to have been enacted or promulgated so that it has the force and effect of law, with the major exceptions of revenue-raising measures that are subject to a popular vote pursuant to Article V Section 33 of the Oklahoma Constitution, legislative referenda that

voters must approve before they can become law either as amendments to the Oklahoma Constitution or state statutes, or popular referenda on a bill or a part of a bill without an emergency clause as a result of a petition signed by 8 percent of the voters forcing a statewide vote on the subject involved before the law can take effect.

Joint Resolutions

Joint resolutions look like and proceed through the legislative process much like bills and are subject to the five-day amendment rule just as bills are. Frequently, joint resolutions will not amend statute, but will have the full force and effect of law if approved by the Governor or by voters in the case of joint resolutions containing state questions. Joint resolutions require the

Special and Local Laws

The calendars of other state legislatures can be burdened by a class of legislation which Oklahoma's legislators only rarely see. This class is called "special and local legislation." Article V, Section 46 of the Oklahoma Constitution lists the types of laws that are considered special and local laws.

Examples are:

- Granting of divorces;
- Authorizing the adoption or legitimation of children;
- Changing the names of persons or places;
- Summoning or impaneling grand juries; and
- Changing the venue of civil or criminal cases.

Oklahoma's Constitution discourages consideration of special and local legislation in several ways. Article V, Section 59 provides that "where a general law can be made applicable, no special law shall be enacted." Finally, Article V, Section 32 adds significant procedural requirements for local and special legislation not applicable to general measures. Before special and local measures can be considered, they must be preceded by four consecutive weeks published notice in a weekly newspaper of general circulation in the affected city or county of the intended introduction of such measures.

approval of both houses. In the past, the Legislature, for example, mandated state employee salary increases in joint resolutions or created joint studies. Joint resolutions also are frequently introduced to disapprove administrative rules.

In other cases, the joint resolution will provide for a legislative referendum to the voters in order to start the process of placing a state question on the ballot. The legislative referendum can propose the enactment of a state law or an amendment to the Oklahoma Constitution. In this way, the Legislature can play a role in amending the Oklahoma Constitution or seeking the people's decision on an issue. Legislative referenda will be placed on the general election ballot, unless a "special election" clause is attached to the resolution by a two-thirds majority in both houses. In the 2003-2004 general election, there were nine state questions, all of which were referred by the Legislature (more than 100 proposed state questions were introduced in the Forty-ninth Oklahoma Legislature, many duplicative; only nine made it to the ballot). Six of these questions were proposed amendments to the Oklahoma Constitution and three proposed statutory changes.

Pursuant to state law, the Legislature also uses joint resolutions for ratification of amendments to the United States Constitution, even though the U.S. Constitution only requires state legislatures to ratify constitutional amendments.

Concurrent Resolutions

Concurrent resolutions require the approval of both houses, but concurrent resolutions do not have the full force and effect of law. They are usually expressions of the intent or will of the Legislature on a specific issue. Concurrent resolutions can memorialize the President, Congress, or state and federal agencies on an issue. Some concurrent resolutions will highlight a noteworthy state event or honor individuals or organizations. These resolutions may be assigned to a committee and follow the legislative process, except that they are not subject to deadlines, do not have to go through the various readings, and rarely go to a conference committee. Sometimes they are sent directly to the general order calendar for consideration. By House rule, they must lay over for at least one day after introduction. A 1991 amendment to the Administrative Procedures Act permits the Legislature to disapprove a proposed agency rule by concurrent resolution, but this provision has never been tested in a court of competent jurisdiction for its constitutionality. Concurrent resolutions are never sent to the Governor for a signature but are adopted by the Legislature and filed with the Secretary of State with directions for distribution (which is the responsibility of the principal author in the house of origin).

Simple Resolutions

Simple resolutions are the same as concurrent resolutions, except that they represent the intent or will of only one house. As with concurrent resolutions, simple resolutions are filed only with the Secretary of State. Simple resolutions are considered in the same method that concurrent resolutions are considered.

Chapter Nine

Reading and Understanding a Bill

It is vitally important for legislators to read and understand the bills that they are called to vote on in committees and on the floor. This is no easy task given the length and number of bills each session. This chapter will briefly discuss the form and format of bills, how to read bills, and how to use statutes.

Components of a Bill

The components that make up a bill are discussed below. A sample bill on page 71 is provided as an illustration to follow.

Heading. Each introduced bill will indicate the Legislature, session, and year in which the measure was introduced. Thus, bills introduced during the 2009 regular session are part of the first regular session of the Fifty-second Oklahoma Legislature (2009-10). The heading will change to indicate different versions and changes in authors/coauthors.

Each bill will be numbered in order of introduction as either a Senate or House bill, depending upon its house of origin. This numbering system ends with closure of the biennium and begins all over with a new Legislature. If the bill has been engrossed (passed one house) or enrolled (ready for the Governor's signature), or is a committee substitute, this information will precede the number. House bills are numbered beginning with "1001" and Senate bills with "1."

In the House and Senate, the bill's principal author is listed first; all others are coauthors. Joint authorship is only allowed at bill introduction and is rare.

It is very important to use the correct version of a bill. Versions other than the introduced version may be the subcommittee recommendation, committee substitute, the floor version, the engrossed bill, the engrossed bill with engrossed amendment(s), the conference committee substitute, the enrolled bill, or the act. If the bill is in any version other than the "as introduced" version, it will be noted above and left of the title. The "as introduced" version will simply be noted as a House or Senate bill. Other versions will be labeled, for example, "Engrossed House Bill" or "Committee Substitute for House Bill."

Title. Constitutionally, every measure must have a title. Legislative measures are described in the title according to the general subject addressed. The state Constitution requires that, with the exception of general appropriation bills, general revenue bills and bills adopting a code, digest, or revision of statutes, every act must embrace only one subject. Examples are: "An Act

"Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred shall be re-enacted and published at length: Provided, that if any subject be embraced in any act contrary to the provisions of this section, such act shall be void only as to so much of the laws as may not be expressed in the title thereof." [Article V, Section 57, Oklahoma Constitution]

Relating to Criminal Procedure” or “An Act Relating to Public Health and Safety.” The language at the front of the title is deliberately general, but must include all matters in a measure. Frequently, but not always, subjects are determined by the statutory title into which the bill’s provisions would fall. As the sample bill on page 71 indicates, House Bill 2952 relates to criminal procedure and proposes amending statute related to evidence in aggravation or mitigation of punishment. In actuality, this introduced bill appears to have been a “shell bill” that simply cleaned up statutory references. The bill was never passed by the House committee to which it had been assigned, but if it had, it could have been used to make substantive changes to criminal procedures.

The title gives citations for all statutes amended, repealed, or created in the bill. The example given tells the reader that the section of law being amended was a statute that was part of the 2001 decennial Oklahoma statutes. It had not been amended since 2001, but if it had been, the title would have stated the session, the session law chapter, and the section of that chapter where the amendment could be found. For sections added since 2001, the title would reflect the session law chapter and section and supplement statute cite of the section being amended.

The title next gives a description of the contents of the bill, but the title is not written to be a summary of the bill. The title also provides specific information such as sections being repealed and whether an effective date and emergency clause are added. Drafters write titles with very general language, e.g. “clarifying statutory references.” The title does not tell the reader what circumstances are addressed. The legislative bill drafter must make every effort to include all changes in the title; failure to do so can have an adverse effect on the constitutionality of a measure.

Since the Constitution requires a title on all bills enacted, it is common in the legislative process to “strike” or “cripple” the title of a bill by amendment in committee or on the floor to ensure that the bill will go to a conference committee for further work. This strategy gives the chamber which crippled the bill a final opportunity to amend the bill in conference before restoring the title to the bill for Fourth Reading.

Enacting Clause. The state Constitution requires the phrase at the beginning of all bills: “Be It Enacted By the People of the State of Oklahoma.” This clause precedes the first section of a bill. Resolutions contain “resolving clauses” rather than enacting clauses. Very often, these clauses will be deleted in the opposite chamber if the house of origin struck the title and no other amendments were made in the second chamber. This will prevent a bill from going to the Governor if the second chamber passes it, but instead will make it a candidate for conference.

Body of the Bill. The body contains the substance of the act and is divided into sections. The entire section of existing law is provided with proposed changes. Each section that affects a statute is labeled in capital letters by its function; e.g., AMENDATORY, NEW LAW, or REPEALER and again gives the citation for the statute affected. Not all sections may affect a statute. An example might be a section in a state agency’s annual appropriation bill which gives directions to the agency on the expenditure of some funds for that year or a noncodified section in a bill related to a time-limited issue. In such cases, no statutory reference is present.

Unlike some state legislatures and the Congress, Oklahoma legislative measures amending sections of Oklahoma law include the entire text of the section. Some legislative bodies will

provide only the portion of a section that is being amended, thereby leaving out significant provisions that legislators may require to more clearly understand the full impact of the changes being proposed.

By legislative rule, all bills and resolutions calling for legislative action to amend any provisions of existing law must indicate the nature of the amendment by underlining new material and striking through provisions to be eliminated. For sections labeled “NEW LAW,” there is no underlining or strikeout, because those entire sections are new law. There is a uniform system for amendatory language used throughout the legislative process, with an exception for bolding of committee amendments in the printed bill used for floor consideration.

Section 2 of the example bill provides an effective date for the bill. In the example, this bill would not be effective until November 1, 2002. With an emergency clause, a measure is law when the Governor signs it (except for those governed by Section 33 of Article V of the State Constitution), but a later effective date, such as July 1 of that year, delays it from being enforceable until then. Without an emergency, a measure becomes law 90 days after the session’s sine die adjournment or later if there is a later effective date, i.e., November 1 or January 1 of the following year.

At the bottom of the bill, the bill request number assigned by House staff, the House staff person’s initials, intraoffice information, and the request number are provided. This can be helpful to a member in seeking further staff assistance.

Line-Spacing. Note that each line of text is printed on a numbered line. The purpose of the lines is to make it easy for members to identify the location of language under discussion and to locate amendments. Thus, “page 1, lines 17-18” would direct all parties quickly to the same part of a bill.

Oklahoma Statutes

The *Oklahoma Statutes 2001* and amendments are the statutory laws of the state. The *Oklahoma Statutes* and other legislative documents are published by West Group of St. Paul, Minnesota. A list of the 85 titles by which the statutes are arranged is given on page 72. Titles are organized alphabetically. With enactment of legislation on an annual basis, a yearly supplement to the statutes is published consisting of cumulative changes, additions, and deletions to the law. The statutes and supplements are subject-indexed for easier use. The *2005 Supplement* and previous years’ supplements are available from the Chief Clerk’s Office. The entire body of statutes is reprinted decennially and will next be issued after the 2011 session and distributed to each House member.

At the beginning of each decennial *Oklahoma Statutes* are the:

- ! Magna Charta;
- ! Declaration of Independence;
- ! U.S. Constitution;
- ! 1890 Oklahoma Organic Act setting up the Oklahoma and Indian Territories;

- ! 1906 Enabling Act setting out provisions for the Oklahoma and Indian Territories' admission to the Union as the State of Oklahoma;
- ! Statehood Proclamation admitting the State of Oklahoma to the Union; and
- ! Oklahoma Constitution.

Oklahoma Session Laws

Following adjournment of the Legislature each year, the enacted bills are gathered and published as chapters in pamphlet form and then compiled into a one- or two-volume hardbound publication in order of enactment. This is the most accessible source of appropriation bills, concurrent resolutions, and other measures which do not change the statutes. The most recent publication is the *Oklahoma Session Laws 2008*.

Annotated Statutes

The *Oklahoma Statutes Annotated* is particularly helpful in legal research. Following each section of statute are library references, cross references, law review commentary references, historical notes and notes of case law, federal rule decisions, and state Attorney General opinions. As a result, the annotated statutes are currently over 85 volumes. The volumes are updated annually with pocket parts. The annotated statutes can be found in the House staff area in Room 109 and the Capitol Library in the basement (Room B8).

ELEMENTS OF A BILL

EXAMPLE OF AN INTRODUCED BILL

HEADING

- A. Bill Number
- B. Author



1 STATE OF OKLAHOMA
 2 2nd Session of the 48th Legislature (2002)
 3 HOUSE BILL NO. 2952 By: Edwards
 4 **A.** **B.**

TITLE

- A. Subject of bill
- B. Amendatory language with general description of section being amended
- C. General description of amendment
- D. Miscellaneous provisions

5
 6 AS INTRODUCED
 7 **A.** An Act relating to criminal procedure; amending 22 O.S. 2001, Section **B.**
 8 975, which relates to evidence in aggravation or mitigation of
 9 punishment; clarifying statutory references; and providing an effective
 date. **C.** **D.**

ENACTING CLAUSE



10
 11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF
 OKLAHOMA:

LEAD LINE



12 SECTION 1. AMENDATORY 22 O.S. 2001, Section
 13 975, is amended to read as follows:
 14

BODY OF THE BILL



15 Section 975. No affidavit or testimony, or representation of
 16 any kind, verbal or written, can be offered to or received by the court
 17 or member thereof in aggravation or mitigation of the punishment,
 18 except as provided in ~~the last two sections~~ Sections 973 and 974 of
this title.
 19 SECTION 2. This act shall become effective November 1, 2002.
 20

INTRAOFFICE INFORMATION



21 48-2-8468 SD 1/12/02
 22

REQUEST NUMBER AND PAGE NUMBER



23
 24 Req. No. 8468 Page 1
 25
 26

LIST OF TITLES
OKLAHOMA STATUTES

1.	Abstracting <i>See 74, State Government</i>	29.	Game and Fish	56.	Poor Persons
2.	Agriculture	30.	Guardian and Ward	57.	Prisons and Reformatories
3.	Aircraft and Airports	31.	Homestead and Exemptions	58.	Probate Procedure
3A.	Amusements and Sports	32.	Husband and Wife <i>See 43, Marriage and Family</i>	59.	Professions and Occupations
4.	Animals	33.	Inebriates <i>See 63, Public Health and Safety</i>	60.	Property
5.	Attorneys and State Bar	34.	Initiative and Referendum	61.	Public Buildings and Public Works
6.	Banks and Trust Companies	35.	Insane and Feeble Minded Persons <i>See 43A, Mental Health</i>	62.	Public Finance
7.	Blind Persons	36.	Insurance	63.	Public Health and Safety
8.	Cemeteries	37.	Intoxicating Liquors	64.	Public Lands
9.	Census <i>See 14, Congressional and Legislative Districts</i>	38.	Jurors	65.	Public Libraries
10.	Children	39.	Justices and Constables <i>See 12, Civil Procedure and 22, Criminal Procedure</i>	66.	Railroads
11.	Cities and Towns	40.	Labor	67.	Records
12.	Civil Procedure	41.	Landlord and Tenant	68.	Revenue and Taxation
12A.	Commercial Code	42.	Liens	69.	Roads, Bridges and Ferries
13.	Common Carriers	43.	Marriage and Family	70.	Schools
14.	Congressional and Legislative Districts	43A.	Mental Health	71.	Securities
14A.	Consumer Credit Code	44.	Militia	72.	Soldiers and Sailors
15.	Contracts	45.	Mines and Mining	73.	State Capital and Capitol Building
16.	Conveyances	46.	Mortgages	74.	State Government
17.	Corporation Commission	47.	Motor Vehicles	75.	Statutes and Reports
18.	Corporations	48.	Negotiable Instruments <i>See 12A, Commercial Code</i>	76.	Torts
19.	Counties and County Officers	49.	Notaries Public	77.	Townships and Township Officers <i>See 11, Cities and Towns and 19, Counties and County Officers</i>
20.	Courts	50.	Nuisances	78.	Trade Marks and Labels
21.	Crimes and Punishments	51.	Officers	79.	Trusts and Pools
22.	Criminal Procedure	52.	Oil and Gas	80.	United States
23.	Damages	53.	Oklahoma Historical Societies and Associations	81.	Warehouses <i>See 12A, Commercial Code</i>
24.	Debtor and Creditor	54.	Partnership	82.	Waters and Water Rights
25.	Definitions and General Provisions	55.	Pledges <i>See 12A, Commercial Code</i>	83.	Weights and Measures
26.	Elections			84.	Wills and Succession
27.	Eminent Domain			85.	Workers=Compensation
27A.	Environment and Natural Resources				
28.	Fees				

Chapter Ten

Voting

As a member of the Legislature, each representative will be called upon to vote hundreds of times each session. In fact, there were 2,817 recorded floor votes cast in the 2007 and 2008 regular sessions. In committees, members of the committee vote on amendments and passage of bills. In the past, many of those committee votes were not recorded votes; voice votes or a show of hands were common. Changes to House rules in the 2005 session requiring committee roll call and recorded votes on committee final action have increased the total number of recorded votes dramatically.

On the floor of the House, the majority of votes will be recorded and included in the daily House Journal. It is in this more structured environment that an understanding of the procedures and the rules is imperative. House Rule 9 is directed to the issue of floor votes and it is described below as applied.

The Oklahoma Legislature, like most other modern legislative bodies, employs an electronic roll call and voting machine. This electronic machine is required to be used to record votes whenever the “ayes” and “nays” are required or ordered, for determination of the presence of a quorum, or when a division is requested. The machine is under the control of the presiding officer and is operated by the clerk designated by the presiding officer. For the House of Representatives, a large board is located behind where the Speaker sits in the chamber. The board lists each member’s name, except for the Speaker. When a vote is in progress, the public can clearly see how individual members are voting and the vote tally at any given time during the course of the vote.

“. . . and no law shall be passed unless upon a vote of a majority of all the members elected to each House in favor of such law; and the question, upon final passage, shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.”

[Article V, Section 34, Oklahoma Constitution]

Rules call for the presiding officer to announce, prior to the vote being taken, that a vote is about to be taken. When this occurs, a loud ring sounds throughout the offices of the House, and Sergeant at Arms are dispatched throughout the halls to announce the “House roll call.” This provides time for members to return to the floor and cast their votes. The roll call machine displays the number of the bill and the nature of the vote (e.g. amendments, Third or Fourth Reading, conference report, or emergency).

In 1998, a controversy arose over claims that members voted for each other on the House floor in violation of House rules. The result was adoption of an amendment to House rules permitting members present in the chamber or in view of the presiding officer to direct another member to activate the roll call switch as requested. This rule is strictly enforced, and any member who votes improperly for another member can be barred from the chamber and further punished by the House.

The presiding officer must hold the roll call open for at least two minutes unless all members registered present have voted. All members present in the chamber must vote. When sufficient time has been given for all members to have voted, the presiding officer will announce “all members desiring to vote or change their vote” to indicate the vote is in progress. Then the presiding officer will gavel the vote to a close. Until then, members can change their vote or excuse themselves from voting based on the constitutional or Ethics Commission rule provisions regarding members’ conflict of interest. When the vote is declared, a key is turned, locking the machine, and the reading clerk will read the final vote, followed by the presiding officer’s declaration as to whether the motion, amendment, measure, or emergency passed or failed. No vote may be changed after it has been recorded.

While a vote is in progress, House rules prescribe a strict level of decorum. The presiding officer must see that no other business is being discussed, that no member is recognized, that members are not visiting in the area near the clerk, and that no explanation or debate on the measure is offered during the vote. On occasion, members who miss a vote will ask that the Journal reflect how they would have voted if they had been present. This action has no bearing on the vote, its outcome or the member’s voting record.

If the electronic voting machine is out of order, votes and quorum determinations can be conducted by a rising vote. If members’ voting devices are out of order, they can rise and announce that the machine is out of order prior to the declaration of the result of the vote and announce their vote orally.

The results of the votes are included in the daily Journal and compiled in the annual House Journal which is bound and published at the end of each session. The votes are also posted on the House’s Internet home page. These votes become an important component of the public record for the House and each individual member. In fact, the press and legislators’ opponents often use the information on attendance, missed votes, and votes on various measures or amendments for campaign or other purposes.

Two of the members present, a quorum being present, may demand a recorded vote on any proposition, or the presiding officer may order a recorded vote on the presiding officer’s own initiative. All such votes are recorded in the House Journal.

The number of votes required for a particular action varies upon the nature of the vote. Many procedural votes will require only a majority of those voting. Oklahoma’s Constitution, however, requires a majority of those elected to and constituting the House or Senate to pass a measure. In other words, it takes 51 votes in the House and 25 in the Senate to pass a measure, even if there are fewer than 101 representatives or 48 senators present or serving in the Legislature at the time of a vote. By the same token, an emergency clause requires approval by 68 members of the House and 36 state senators. The voting requirements are not reduced for Third or Fourth Reading if members are absent or seats vacant. A table on page 81 provides the requirements for various votes in the Constitution, as well as those that exist in House rules.

The issue of when a vote raises a conflict-of-interest concern will be encountered by legislators. This is virtually unavoidable in a part-time legislature where members have economic interests outside of their legislative work. For a discussion of this, see Chapter Thirteen “Legislative Ethics and Conduct.”

How Should I Vote?

A major challenge for lawmakers is to decide how to vote on the numerous roll call votes that they will face over the two sessions of a legislative term. Alan Rosenthal in his book, *Legislative Life*, talks about “cue sources” that influence members. Rosenthal says “When neither acquiescence nor orientations help in determining legislator’s decisions on a bill they must look elsewhere for assistance in making up their minds.” These influences, he concludes, can come from special interest groups, lobbyists, constituents, the Governor, and party leaders.

The Concept of Representation by Hanna Pitkin describes the classic model of legislators as trustees, delegates, and politicians and how adhering to this model influences their voting. Trustees see themselves as better informed than their constituents on the issues, so they vote the way they think best or their consciences dictate and trust that they will be successful in justifying their voting record to constituents. On the other extreme, delegates believe it is their role to vote according to the wishes of their constituents. Politicians fall in between the other two, sometimes voting the way they perceive their district wanting the member to vote on issues where public opinion is particularly strong, while using other cue sources for other votes. In actuality, it may be difficult for a member to always portray one of the above roles. For those who tend to see themselves as delegates, public opinion may not always be clear on many issues. Trustees, on the other hand, may encounter some issues where public opinion or other cue sources may be too strong to ignore.

Chapter Eleven

Parliamentary Procedure

One of the key skills that an effective legislator must develop is familiarity with the parliamentary procedure that governs the Legislature. That is no easy task. The Legislature is governed by a mixture of its own rules contained in its published rules, precedence, and the parliamentary procedure included in *Mason's Manual of Legislative Procedure* for the House of Representatives.

"It is necessary that every deliberative body be governed by rules of procedure in order that the will of a majority of its members may be determined and revealed in an orderly manner."

[*Mason's Manual of Legislative Procedure*]

New members should quickly familiarize themselves with House rules and the appropriate parliamentary procedures used and observe closely the actions of experienced members in committee and on the floor. In addition, members should keep a copy of the House rule book with them at all times in the chamber for quick reference. The published rule book can be obtained from the House Chief Clerk's office to aid a member in understanding legislative rules.

This chapter cannot begin to provide a complete guide to all the potential situations that a member will encounter on parliamentary procedure. Appendix D will provide a list of some of the most important motions that are used on the floor of the House of Representatives and suggested wording for such motions. It may help by providing a brief overview. Members should be discouraged from approaching parliamentary procedure with an overly zealous emphasis on technical issues. As the introduction to *Mason's Manual* suggests, "Any rule serves best when it is applied with judgment and fairness. Arbitrary, inflexible rules, vigorously applied to differing situations, often produce injustice."

Parliamentary Decisions, Appeals, and Precedent

What is a Precedent?

"When in a deliberative body a certain mode of procedure has been adopted in any case, it becomes a precedent for its government in every case thereafter of a similar character. Thus, in time, a succession of precedents is accumulated, forming together a regular system of procedure known as a parliamentary law that once established, is binding on the body."

[*Mason's Manual of Legislative Procedure*]

The presiding officer (normally the Speaker) decides on motions and questions raised before the House. Such decisions may be appealed by any member. A member wishing to appeal a ruling from the Chair can do so with a minimum of 15 members seconding the motion. Successful appeals have been very unusual in recent years.

In addition to House rules and *Mason's Manual*, there is another class of procedures that govern the operations of the House of Representatives called "precedents." These are the past rulings of the presiding officers and established practices of the House. In the past, these precedents were not compiled. During the 2002 session, a motion was adopted requiring the House to maintain a written record of all future precedents derived from rulings of the chair.

Obtaining the Floor

To obtain the floor, members should turn on the recognition light on their desk and wait to be recognized by the presiding officer. Members must be at their desk when recognized. Members cannot proceed to address the House until they have been recognized by the presiding officer. As a rule, it is the presiding officer who determines when a member shall be recognized when the House is in session, and that recognition is usually obtained through the Majority Floor Leader. Once members have been given the floor, they always should begin by addressing the presiding officer as “Mr. Speaker” or “Madam Speaker” (even if the House Speaker is not presiding, the person presiding is referred to as “Mr. Speaker” or “Madam Speaker”). Then members may proceed with their remarks, question, or motion. Other members may rise for a point of order at any point if they feel the member holding the floor is proceeding out of order. The presiding officer decides on points of order without debate or subject to the appeals provisions in the House rules.

Once a member has the floor, other members may seek to ask a question. The presiding officer will ask the member holding the floor if he or she wishes to “yield” the floor. Yielding the floor is optional. Sometimes, members requesting recognition may be “friendly” to the measure, and the questions can be helpful to the position of the person explaining or debating the issue. In any case, the time lost during debate due to yielding to other members is at the expense of the member who yields.

Question of Personal Privilege, Incidental Motions, and Precedence of Motions

There are a number of motions in the House rules that are allowable at any time. Appeals resulting from the rulings of the Chair and “questions and motions of privilege” or personal privilege are one such class of motions. As noted above, members who feel that they or the House has been aggrieved by a ruling of the Chair can appeal the ruling.

“Personal privilege” is designed to air grievances when the safety, dignity, or integrity of the House collectively or the right, reputation, and conduct of members individually in their representative capacity have been affected. The personal privilege motion takes precedence over all other motions, except to adjourn. When members take personal privilege, they cannot debate any matter pending in the House. No questions from the floor are allowed.

House rules also list a number of “incidental motions” which are procedural in nature or incidental to the subject being considered (House Rule 10.2 (2007)). These may be made at any time. The list of incidental motions is included in the following table.

House Incidental Motions: The following are incidental motions and may be made at any time. (There is no order of precedence to these.)		
Motion	Amendable	Debatable
1. Appeals*	no	no**
2. Method of consideration	yes	no
3. Points of order	no	no
4. Question of priority	no	no
5. Question of quorum	no	no
6. Reading of papers	no	yes
7. Suspension of the rules	no	no
8. Withdrawal of motion	no	no
*Must be seconded by at least 15 members. **Only the presiding officer and the member making the motion may speak. The appealing member has five minutes to state the reasons for the appeal. The presiding officer states the reasons for the decision of the presiding officer.		

There are a number of parliamentary motions that will be offered at given times that are included in House rules (House Rule 10.1 (2007)). Unlike incidental motions, these motions may not be appropriate at particular times. Some motions take precedence over others as indicated by the following table:

House Motions By Precedence: When a question is under consideration, only the following motions are in order and are listed in order of precedence.		
Motion	Amendable	Debatable
1. To adjourn to a time certain	yes*	no
2. To adjourn	no*	no
3. To recess	yes	no
4. Call of the House	no	no
5. To table	no	no
6. To order the previous question put	no	no
7. To advance the question	no	no
8. To advance from general order	no	no
9. To postpone to a time certain	yes	yes
10. To adopt a conference committee report	no	yes
11. To commit with instructions	yes	yes
12. To commit without instructions	no	no
13. To amend	yes	yes
*May be ruled out of order by the Presiding Officer if the motion is made in order to delay and if such motion was voted in the negative during the previous ten minutes.		

For more information on these motions, the table on page 81 or the summary at the end of the House Rule Book regarding debate time and vote requirements should be consulted.

Adoption and Withdrawal of Motions

Unless otherwise noted in the rules or the Constitution, adoption of motions only requires a majority of those voting if a quorum is present. In other words, a motion can pass with less than 51 votes, if not all members vote. There are two ways a motion can be withdrawn: prior to commencement of debate or prior to action being taken, either the member who makes the motion can withdraw it, or another member may offer a motion to withdraw the previous motion (commonly referred to as a “tabling motion”) and the motion to withdraw is adopted.

Restrictions on Debate

In addition to the procedural matters described above, the House imposes limits on the amount of time which may be spent in debate, as well as setting certain minimum numbers required for certain votes. In general, debatable questions are limited to 15 minutes, equally divided between the two sides. No member may speak twice or more than ten minutes on the same question. Third and fourth readings and final passage are exceptions to this general rule.

The exception to the debate limit is for veto overrides. A 1999 amendment to House rules extended the time for debating overrides to 30 minutes, equally divided between proponents and opponents. Also, no member may speak for more than ten minutes.

Rules permit members to request the time to be extended; however, that is subject to a vote. Some of these limits on voting, such as the override of vetoes or final passage, are constitutional; others are provided by House rules. The following table provides an abbreviated summary of some of the more important restrictions.

House Debate Time and Vote Requirements

	<u>Motion</u>	<u>Time</u>	<u>Vote</u>
1	Adjournment of daily session (amendable as to time)	Not debatable	Speaker and 3 members may adjourn
2	Adoption of conference committee report (nonamendable)	30 minutes per side	Majority of those present and voting with a quorum present
3	Amendments to bills or resolutions on general order (amendable)	7-1/2 minutes per side	Majority of those voting
4	Appeals of chair decisions (nondebatable) 15 seconds required	5 minutes for appealing member to state reasons	Majority of those voting
5	Bills and joint resolutions on final passage (nonamendable)	30 minutes per side; 5 minutes reserved for principal author	Majority of House membership (51 votes)
6	Call of House (nonamendable)	Not debatable	5 members if quorum not present or majority of those present with quorum
7	Commit to committee without instructions (nonamendable)	Not debatable	Majority of those voting, a quorum being present
8	Commit to committee with instructions (nonamendable)	7-1/2 minutes per side	Majority of those voting
9	Demand recorded vote	Not debatable	Two members, if quorum present
10	Do Pass motion on General Order	30 minutes per side, 5 minutes reserved to author	Majority of those voting
11	Emergency section	7-1/2 minutes per side	2/3 membership (68 votes)
12	Extension of time for debate on General Order	7-1/2 minutes per side, unless extended, with no member speaking more than 10 minutes	Majority of those voting, a quorum being present
13	Previous question (nonamendable)	Not debatable	Majority voting, a quorum being present
14	Reconsideration of amendments	7-1/2 minutes per side	Majority voting, a quorum being present
15	Reconsideration of emergency section	7-1/2 minutes per side	Majority of House membership (51 votes) to reconsider, followed by a vote of 2/3 membership (68 votes) on the emergency
16	Reconsideration on final passage	7-1/2 minutes per side	Majority of membership (51 votes)
17	Resolutions on final consideration	7-1/2 minutes per side	Majority voting, a quorum being present
18	Amendment to rules (amendable)	7-1/2 minutes per side	Majority if recommended by Rules Committee, otherwise 2/3 of membership (68 votes)
19	Suspension of rules (nonamendable)	Not debatable	2/3 membership (68 votes)
20	Veto override (nonamendable)	15 minutes per side	2/3 membership (68 votes); 3/4 membership if emergency (76 votes)
21	Withdrawal of bill from committee – Discharge petition (nonamendable)	Not debatable	Written request of 2/3 membership (68 votes)

Source: Rules – Summary pp. 111-116

Chapter Twelve

Legislative Staff and Other Legislative Service Organizations

The duties and responsibilities of the Legislature and the sheer volume of work necessitates a well-developed system for organizing and staffing state legislatures. Much of the staff work is fairly invisible to the public and members, but it nonetheless provides vital services to the proper functioning of the Legislature. This chapter will endeavor to identify some of the services, aids, and publications that are provided for the House of Representatives. Several services are shared with the Senate, and others are directly under the control of the House or the Senate. In addition, there are other services provided by the executive branch and still others by national and state organizations.

Any discussion of legislative staffing should recognize that the development of staff has been an important ingredient in what has been called the professionalization of the legislative process. Increasing emphasis on legislative staff resources occurs due to technological change, the increased complexity and importance of state policy, and the recognition of the independence and need of the Legislature to perform its function in the political system based on checks and balances among the three equal branches of state government.

“State Legislatures today have greater capacity than ever before, and the most important ingredient of this greater capacity is legislative staff. As much as anything else, it is the tremendous expansion of legislative staffing in recent decades that has transformed the nation’s Legislature.”

[Alan Rosenthal, Legislative Life, p. 206]

The Oklahoma legislative staff has not only increased in size over the past 30 years, but there have been significant improvements in terms of the specialization, the educational levels, and the career paths of the staff that have paralleled the other changes within the Legislature, such as improved compensation of members and annual sessions. Oklahoma was one of the first states to form a “legislative council” when the Legislature created the Oklahoma Legislative Council in 1939. The formation of the Legislative Council provided the Legislature the opportunity to hold joint meetings between biennial sessions. The Legislative Council prepared bills and conducted research for the committees of the Council and both houses when staffs for the House and Senate were very small. Under the Legislative Council, the staff belonged to a separate agency within the legislative branch under the control of an Executive Committee which included the leadership from both chambers. The Legislative Council included all members of the Legislature. The Legislative Council was subsequently abolished in 1981 in favor of more tailored separate house staffing, with some shared functions remaining, such as maintenance of a legislative computer and databases.

Nationally, the Oklahoma Legislature’s staff ranks among the small to medium-size staffs. Other states’ staffing sizes range between New York and California with more than 750 professional legislative staffers and Delaware, North Dakota, Vermont, and Wyoming with less than 25 staffers. Generally, this count has included staff for committees, staff in the two clerk’s offices, leadership staff, information systems, sergeants, porters, and the other clerical and technical staff for the Legislature, but not the session-only staff. In a few large states, each party

has its own staff. This has not been the case in the Oklahoma House of Representatives (or Senate) where the staff in the clerk’s offices and committee staff are nonpartisan.

Legislators as Personnel Managers

One of the most important tasks that members of the Legislature confront is personnel management. At a minimum, members will need to supervise their legislative assistants, some of whom are full-time employees. In addition, members will coordinate with the staff of the House Office of Committee Staff in conducting research and drafting bills. Finally, committee chairs and legislative leaders will be responsible for more direct supervision of professional and support staff. In all cases, the clear and effective management of the personnel resources will require the legislator to exercise significant leadership and personnel management skills.

The importance of working through staff – from communicating to legislative assistants how to handle calls from the home districts and organization of office files to directing committee staff on committee agendas and information to be provided to committee members – cannot be underestimated as one of the skills that members should acquire.

That point was underlined by a House Speaker in another state at a Legislative Leaders Seminar in 1979. He explained that:

“Becoming a legislative leader is a sign that you’ve survived the legislative battlefield and been recognized by your fellow members. This is no little accomplishment in most state Legislatures, but that isn’t enough to make you automatically become a successful legislative leader. I know when I became Speaker I felt I was not really prepared to manage all that is the responsibility of a Speaker in my state. Sure I knew the legislative process and how it worked. I knew what I wanted to do and who I wanted to help me. But I had some adjusting to do. I really didn’t know how to manage people and the legislative process in an effective way so that I could make the Legislature work as it should.”

[National Conference of State Legislatures, Achieving Effective Staff Utilization: A Legislator’s Guide to Personnel Management (1979)]

The following are a few simple suggestions for members to effectively work with the staff:

1. As quickly as possible, become familiar with the staff resources that the House and other offices provide the members. Most of those are listed in this chapter. Take time to talk to staff directors, other members, and committee staff about the kinds of assistance they can provide.
2. When a member asks assistance from the staff, be as clear and concise as possible about the nature of the assistance that you need and provide as much lead time as possible. The professional staff normally works with more than one committee and usually has multiple requests in the process of completing. Therefore, if the member’s staff product is not needed for several weeks or if it is essential to have it

by the end of the day, indicate the time frame clearly. Staff are used to meeting rush assignments, but they will be able to provide a better product if some lead time is allowed for information to be gathered.

3. Explain as completely as possible the circumstances behind the request. Knowing the context of the request will help the staff better answer it appropriately. Be frank as to whether or not the request is confidential. If the request is to handle a constituent-related problem and time is the most important factor, say so. When staff request information from an agency, the knowledge of who the requestor is may help illuminate the kind of information really needed. If members desire not to have their names associated with the request, tell the staff of this wish. Staff members are trained to handle requests confidentially, but in many cases a request can be expedited if the member's name can be used.
4. Review all staff work as quickly and thoroughly as possible. If it does not meet the needs, explain to the staff what other information is required. If further clarification or further action is needed, make the request known.
5. Provide the staff with feedback. Very often, staff goes to great lengths in answering requests and would appreciate a kind or constructive word.

House of Representatives Staff

There is considerable diversity among the staff in the House, including members' legislative assistants, porters, legislative clerks, engrossing and enrolling staff, bill processing staff, sergeants-at-arms, committee staff, media relations staff, information systems staff, supply clerks, post office employees, and telephone operators. It takes this entire staff to make the House operate smoothly.

For the purpose of this publication, the responsibilities of the staffs in the House Chief of Staff, the Chief Clerk's office, and the Office of Committee Staff are emphasized. These staff members are the most closely linked to the development and processing of legislation. They are located in room 109 of the Capitol Building.

Office of the Chief of Staff. A new Chief of Staff position was implemented at the beginning of the Fiftieth Legislature. The Chief of Staff works under the direction of the Speaker. The Chief of Staff employs and manages qualified personnel to staff the House. Also, the Chief of Staff is responsible for issuing all warrants and vouchers and keeping an accurate account of all House expenditures.

Chief Clerk's Office. During floor proceedings, the Chief Clerk and several of the clerks from that office are conspicuously located around the Speaker to assist the Speaker in presiding and to perform various tasks associated with the day's events.

Among the responsibilities of this office are the preparation of the House calendars and journals, updating the status of legislation on the Legislature's Oklahoma Legislative Information System (OLIS), updating of bill status, and engrossing and enrolling of legislation. In addition, the Chief

Clerk is responsible for the distribution of the Oklahoma Statutes, Session Laws, and Supplements. The staff members in the Chief Clerk’s office are for the most part full-time employees. They perform their duties in a nonpartisan manner.

The House Parliamentarian is a crucial staff member. The Parliamentarian assists the Speaker in the making of parliamentary rulings and attends all daily session meetings.

Office of Committee Staff. The three components of the committee staff division are primarily responsible for researching and preparing legislation and staffing House committees. They are located principally in Room 109, on the first floor and basement of the Capitol. The main number for this staff is 521-3201 or Ext. 490 for calls inside the House.

Committee staff members are appointed by their directors to serve House committees. A “lead” staff person is assigned to coordinate staff services. These staff members work with the chair and all members of the committee as required. The same staff members frequently work with authors of legislation related to the staff’s committee assignments. They also will work on amendments for the floor, prepare bill summaries and notes on changes made by conference committees, and assist members in conference committees. The staff members also develop a list of legislative issues and may be able to respond to questions members have about a particular topic.

As in the case of the House clerks, research, legal, and fiscal staff are nonpartisan and primarily full-time staff. Following are brief descriptions about the services that members can expect from the committee staff.

Research Division. The research staff is utilized by House members for assignments ranging from information and policy analysis requests from individual members to staff support for House committees during session and interim periods. Each researcher has expertise in one or more legislative policy areas (e.g. education, transportation, health), as well as a solid background in Oklahoma government. The research staff is also involved in general review and oversight of Oklahoma’s executive agencies and their operations. At the request of an individual member or committee, this oversight can involve more specific concentration on a particular program or function of a state agency.

Individual House members request staff researchers to do both spot research and longer, more involved research assignments. Each legislative request is handled individually and confidentially by the research staff. As part of the work performed for House committees, researchers may provide summaries and analyses of legislation for committees. At the end of each regular session, the Office of Research prepares a useful “Session Overview,” as well as a more in-depth “Session in Review” of the session covering major legislation by subject area. The Office of Research also produces this manual, a summary of the state questions and other useful documents.

Legal Division. The primary duty of the legal staff is the drafting of bills, amendments, and resolutions for legislators. Each legislative request for a bill is handled individually and confidentially by one of the staff attorneys. The staff performs legal research for legislators and committees, ranging from simple spot answers, through short memos and questions on the constitutionality of pending legislation, to longer legal memoranda involving detailed legal

research and analysis. Staff attorneys also attend committee meetings where they are available for on-the-spot legal questions, the drafting of amendments and committee substitutes, and assisting the conduct of committee investigations.

Fiscal Division. The fiscal division's primary responsibility is to provide budgetary analysis and data to the House Appropriations and Budget Committee. As time permits, fiscal analysts also perform fiscal research and analysis for all other House committees and individual House members. As with the research staff and the legal staff, all requests are handled individually and confidentially. Fiscal analysts staff all appropriations subcommittees and serve as liaisons between the House and staff of the Governor, Senate, and state agencies on all budgetary issues. Fiscal staff work includes: budgetary analysis, revenue tracking, fiscal research and policy analysis, preparation of fiscal notes on substantive legislation, and drafting of appropriations and budget legislation. The fiscal division prepares an in-depth publication on the appropriations made each session.

Americans with Disabilities Act Compliance

The Oklahoma House of Representatives, pursuant to the federal Americans with Disabilities Act (ADA), has taken a number of steps to make its operations accessible to persons with disabilities. Among them is the appointment of one staff person as the House's ADA coordinator. For those with access to the Internet, there is information on the House's web page specifically for "visitors with disabilities."

Among the features of the House's ADA compliance efforts are provisions for enhanced communications with persons who have hearing impairments and the designation of committee rooms in the House as alternative meeting locations for persons with disabilities. The House ADA coordinator will arrange for an interpreter for committee meetings or floor proceedings as needed. Arrangements for an interpreter should be made 48 hours in advance.

In addition, the House has been equipped with Terminal Data Display (TDD) telecommunications capability for the sending and receiving of communications from persons with hearing impairments. The TDD equipment permits the two parties to communicate using keyboards and display screens. Incoming TDD calls can be received by dialing (405) 557-7447 or (877) 299-3468 which reaches the House switchboard where operators can promptly contact the appropriate party. Outgoing calls requiring use of the TDD system can be made by contacting House operators, Ext. "0."

Senate Services

Like the House, the Senate has a nonpartisan staff to assist its members and committees. Most of them are housed on the east side of the third floor. They can be reached through the Senate's main number, 524-0126. Most Senate staff offices are located in Room 309 of the Capitol.

The Senate cooperates with the House by providing, free to the public, copies of bills upon request. To have a bill mailed to a constituent, members may call Bill Distribution, Room 310 (521-5514). Bills are also available through the Legislative website which is becoming the preferred method.

Legislative Service Bureau

The Legislative Service Bureau (521-4144) assists the Legislature in a number of joint projects and provides necessary support for a variety of legislative joint efforts. In addition, staffing for the Oklahoma Advisory Committee on Intergovernmental Relations (ACIR) and the Oklahoma Legislative Information System (OLIS) is provided through the Legislative Services Bureau. Other legislative studies, particularly those involving both houses, are supported by staff and outside consultants provided by the Legislative Service Bureau. The photographer for the Legislature is also assigned to the Legislative Service Bureau. Members should schedule their photo sessions directly with the photographer who can be reached through the House switchboard.

Over the past several years, the Legislature has embarked on a major effort to upgrade its computer operations. A legislative mainframe computer was acquired for bill processing through OLIS. Since the 1991 session, the clerks' offices of the two houses have maintained bill status electronically through a database that the two houses share. These systems can be accessed by legislators and staff for their work. OLIS permits legislators and staff to conduct significant searches of state statutes and legislation and to produce a series of on-line reports to enhance the productivity of the Legislature. A major revamping of OLIS involved adopting a "windows" platform making OLIS accessible on the Internet for bill status and providing full text of bills.

Oklahoma Department of Libraries

The Oklahoma Department of Libraries provides several services of interest to the Legislature and its staff. Some of these services are located at the Jan Eric Cartwright Memorial Branch and others at the Main Branch in the Capitol Complex.

The Jan Eric Cartwright Memorial Branch (commonly referred to as the Capitol Branch or Law Library) of the Oklahoma Department of Libraries is located in Room B-8 of the State Capitol (522-3213). The Law Reference section of the library's comprehensive law collection includes Federal and State Reporters, Federal and State Codes and Session Laws, statute and case law for all of the states, federal legislation, law reviews, periodicals, and loose-leaf services. The Capitol branch of the library has access to holdings of the Department of Libraries, including U.S. Government documents, state archives and records, films, and the general collection. Among the many resources of the Capitol Branch is the On-Line Computer Library Center (OCLC), an international bibliographic data base. Materials not owned by the department may be obtained through interlibrary loan.

The library staff has expanded its services to provide more computer training. The training is very useful in teaching skills necessary to improve proficiency in using the Internet for research.

Also maintained in the Capitol Branch are vertical files containing material of legislative interest, copies of appointments and executive orders from the Office of the Governor, and Attorney General opinions.

Publications of the Oklahoma Department of Libraries available upon request include: the annual *Oklahoma State Agencies, Boards, and Commissions* (also known as the ABC Book) and the *Who Is Who in the Oklahoma Legislature* published biennially. A very useful publication prepared by the Department of Libraries is the biennial *Oklahoma Almanac* (sometimes published as the *Directory of Oklahoma*). This is a compendium of very useful historical and current data on state and local government in Oklahoma. The Department of Libraries must charge for many of these publications. These publications can be ordered through the Libraries' website.

The main branch of the Oklahoma Department of Libraries, as mentioned above, is also a repository for useful information such as federal government documents. Finally, the Department of Libraries is the agency that is responsible for archiving of state records. Those records may be useful for specific members' research requests.

National Organizations

There are numerous national organizations which focus on state legislative matters. For Oklahoma legislators, the most important of these organizations are as follows:

National Conference of State Legislatures. The National Conference of State Legislatures (NCSL) is the major national organization that represents all the state legislatures. Oklahoma State Senator Angela Monson was the first NCSL president from Oklahoma (2002-03). NCSL is a bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues. NCSL is an effective and respected advocate for the interests of state governments before Congress and federal agencies. NCSL has a staff of approximately 100 in offices in Denver, CO, and Washington, D.C., dedicated to responding to the requests of the legislatures and representing the states before the federal government.

To accomplish its stated mission, NCSL is divided into 15 standing committees that consider both federal and state issues and develop lobbying positions for NCSL. The Speaker makes appointments of members to these committees. NCSL conducts a Fall Forum and Spring Forum each year in addition to the summer annual meeting. Several thousand legislators, staff, and lobbyists from across the nation attend the annual meetings. The 1989 annual meeting was hosted by Oklahoma in Tulsa. The 2008 annual meeting was in New Orleans (July 22-26), and the 2009 meeting will be in Philadelphia (July 20-24).

In addition to hosting meetings, NCSL provides the states with current information regarding state and federal issues, offers training and professional development seminars for members and staff, and represents the states' legislatures to Congress. Upon request, NCSL may provide legislative committees with expert testimony on selected topics, a service Oklahoma has used frequently.

Publications of NCSL include: the *State Legislatures* magazine published monthly, the *Capitol to Capitol* newsletter, and significant specialized legislators' guides and briefs on various issues. Most of these publications are available free to legislators by contacting the Denver office or

through the website. NCSL also has an extensive computerized database, Legisnet, which contains hundreds of reports on dozens of topics of interest to the states' legislatures.

NCSL can be contacted at one of its two major office locations. For state legislative issues, the best contact is NCSL Center Headquarters, 7700 East First Place, Denver, Colorado 80230, (303-364-7700). For state and federal issues, contact NCSL's Office of State-Federal Relations, Hall of the States, 444 North Capitol Street, Northwest, Suite 515, Washington, D.C. 20001, (202-624-5400). The Internet site for the NCSL is www.ncsl.org. Diane Chaffin from Pawhuska, Oklahoma, is Oklahoma's contact with NCSL and can be reached at the Denver office.

Council of State Governments. The Council of State Governments (CSG) is one of the oldest and largest national organizations focusing on state matters. Unlike the National Conference of State Legislatures, CSG also supports executive branch officials and associations. Oklahoma legislators are actively involved in the Southern Legislative Conference of CSG which has regional staff at the Atlanta office. The Southern Legislative Conference (SLC) and CSG host numerous meetings on general and specific issues and prepare numerous reports on timely issues. The 1995 annual meeting of the SLC was held in Tulsa. Oklahoma City hosted the 2007 CSG meeting and the 2008 SLC meeting. The 2009 SLC annual meeting will be August 15-19 in Winston-Salem, NC. The 2009 CSG annual meeting will be November 12-15 in Palm Springs, CA.

Among the many publications produced by CSG, the following are the most useful for legislators: *Spectrum: The Journal of State Government*, the monthly *State Government News*, the annual *Suggested State Legislation*, and the biennial *The Book of the States*. Most of these reports are found in the Capitol Library, and members can receive free copies of the journals by contacting the Lexington, Kentucky, office. Also useful are the state issues detailed daily on-line at www.stateline.org.

The address for CSG is: Council of State Governments, 2760 Research Park Drive, Box 11910, Lexington, KY 40578-1910. The telephone number is 859-244-8000. The telephone number of the Southern Legislative Conference is 404-633-1866. The Internet site for CSG is www.csg.org; the Southern Legislative Conference's home page can be accessed from the CSG home page.

American Legislative Exchange Council. The American Legislative Exchange Council (ALEC) is the largest individual member legislative organization in the United States. ALEC is a bipartisan organization, which is somewhat different from NCSL in that its legislators are dues-paying members and ALEC accepts no government funding. Membership also includes over 200 corporate and 18 foundation members. Its purpose is to "promote the principles of free enterprise, limited government, tax limitation, and effective educational and judicial institutions." ALEC hosts eight task forces of state legislators and private sector members by policy area including civil justice, criminal justice, education, health and human services, natural resources, tax, information technology and commerce. The task forces convene at each of ALEC's three major meetings each year: Spring Task Force Summit, Annual Meeting and the States and Nation Policy Summit. Task forces serve as forums for state-to-state exchange of trends and information and establish policy solutions in the form of model legislation.

In addition, ALEC hosts issue-specific conferences throughout the year called academies. ALEC staff also provides research, expert testimony upon request and coordinates communication among coalitions. ALEC publications include *Report Card on American Education; Energy, Environment and Economics; State Legislators' Guide to Health Insurance Solutions; and Disorder in the Court* among others. Many of these are published annually and are designed to be practical resources for state legislators. ALEC's *Rich States Poor States* recently ranked Oklahoma 13th of all 50 states for its economic outlook based on the ALEC-Laffer State Economic Competitiveness Index. ALEC also publishes a monthly magazine entitled *Inside ALEC* which includes updates on ALEC activities, articles on the latest policy developments and other member news.

Many of the ALEC meetings provide members with information regarding state and federal issues, training and professional development sessions for members and meeting attendees. ALEC also provides responsible innovative solutions to assist states in maintaining necessary levels of autonomy when addressing state and federal issues.

ALEC has a permanent staff located in Washington, D.C. The address is 1101 Vermont Ave., NW, 11th floor, Washington, D.C. 20005. Its telephone number is 202-466-3800. ALEC's Internet site is www.alec.org. The annual ALEC meeting was held July 30 – August 2, 2008 in Chicago, IL. The 2009 annual ALEC meeting will be held July 15 – July 18, 2009 in Atlanta, GA.

Lobbyists, Governmental Specialists, and Agency Liaisons

Lobbyists, governmental specialists working in the private sector, and liaison officials for state and other governmental agencies are vital informational sources for legislative issues. Many such officials are obviously engaged in influencing legislation to the benefit of their constituencies or employing agencies. Lobbyists and state agency officials who routinely follow legislative affairs for their agencies (who are not legally considered lobbyists) are also the repository of key information and research. The recognition of this role is implicitly embodied in the state statutes on lobbying where there are statutory penalties for such persons knowingly providing false information to legislators. Listings of Oklahoma lobbyists, prepared by the Ethics Commission, can be obtained from the Chief Clerk's office. In addition, there are literally thousands of associations in Oklahoma and elsewhere that can assist legislators with their work.

Private Legislative Information Vendors. There are several private companies which publish daily newsletters and provide on-line services to their subscribers who are interested in legislative developments and Oklahoma state government. These are *The Journal Record Legislative Report*, published by The Journal Record Publishing Co., and the *eCapitol*, published by Oklahoma Publishing Today. The number for subscribing to *The Journal Record Legislative Report* is 278-2808. The telephone number for the *eCapitol* is 524-2833 and its Internet address is www.ecapitol.net. On-line access to these services is restricted to their subscribers. Both of these services have reporters located in the press areas of the fourth floor of the Capitol Building.

Electronic Databases. The House's home page at www.okhouse.gov offers the public access to a wealth of information. The website details information on legislation, voting, organization, publications, meetings, members, staff, and maps. The legislative session can be accessed by

audio broadcast. Needless to say, the electronic developments have revolutionized the ability for legislators to connect with their constituents, and vice versa.

Oklahoma's web portal offers access to numerous areas of interest ranging from on-line government services, such as state agency information, to renewing of professional licenses or searching for unclaimed property. OK.gov provides one-stop access to state and local government: a centralized electronic portal where citizens and businesses can easily access government information and services from multiple agencies. OK.gov is a collaborative effort between the Oklahoma Office of State Finance and NIC Oklahoma to create an Internet gateway facilitating interaction with Oklahoma government electronically.

Chapter Thirteen

Legislative Ethics and Conduct

The ethical conduct of legislators today is governed by a complex network of legal standards and expectations of the public, including the media. A number of legal constraints are found in the Oklahoma Constitution and date back to statehood. Others are found in the Oklahoma statutes and in rules of the State Ethics Commission. Additionally, federal restraints applicable to state legislators and other elected officers exist.

Every member should become familiar with the various legal standards governing campaign and ethics law, including those related to financial disclosure and conflicts of interest, since they affect so many activities in which legislators engage. If there is any question about any facet of the ethics law or its applicability to a particular situation, a member may wish to seek clarification from the House General Counsel, the Ethics Commission staff or request a formal ethics interpretation from the Ethics Commission.

“Never before have American politicians and political institutions been held in as much contempt by the publics they serve. Skepticism, even cynicism, is not a completely new phenomenon in the nation and the states; nor is free-floating distrust of the political system. But the negativism of the American people appears to have reached new heights lately. If it persists, it can do grave damage to a political system that, for all its imperfections, still serves the nation well.”

Alan Rosenthal, Drawing the Line: Legislative Ethics in the States (1996).

Constitutional Provisions

There are several sections of the Oklahoma Constitution which address the issue of legislators and ethics:

- ! Article V, Section 18 states that officers of the federal or state government, or persons receiving compensation as such, cannot serve as members of the Legislature and that persons adjudged guilty of a felony are not eligible to serve in the Legislature.
- ! Article V, Section 19 provides that members expelled from the Legislature for corruption are not eligible thereafter for membership in either House.

Matters of conflicts of interest are addressed in Article V, Sections 21, 23 and 24:

- ! Section 21 enables the Legislature to enact laws to prohibit legislators from engaging in activities in which conflicts of interest would interfere with the discharge of their duties as legislators.
- ! Section 23 prohibits members from being elected or appointed to a state office which was created during his or her term of office, or for which the compensation was increased during his or her term of office. For a two-year period following a member’s departure from office (regardless of reason for departure, *i.e.* “terming out,” failure to be re-elected, resignation, etc.), Section 23 likewise prevents a

member from having a direct or indirect interest in a contract with either the state or a political subdivision of the state, if the contract was authorized by a law passed during a term for which the legislator was elected.

- ! Section 24 requires a legislator who has a personal or private interest in a measure pending before the Legislature to disclose the fact at the time that such measure is voted on and to refrain from voting.

Discipline for ethical lapses is governed by Article V, Section 30 of the Oklahoma Constitution. That section allows each House to punish members for disorderly behavior and to expel them with the concurrence of two-thirds of the body.

Statutory Provisions and Ethics Rules

Statutory provisions and ethics rules support the constitutional provisions. Many of the provisions affecting elected officials at all levels of government are found in Title 51 of the Oklahoma Statutes. Title 51 topics range from the date an elected official takes office to a statement that: “As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people.” (Title 51, Section 24A.2)

History

Since 1907, the legal framework that state legislators and other state officers must adhere to in the discharge of their duties has undergone a number of changes. Since then, there have been major changes in the statutes related to ethics. The 1986 passage of HB 2054 resulted in the creation of an independent Oklahoma Ethics Commission. That 1986 act was substantially rewritten in 1988, and the name of the enforcement agency was changed to the Oklahoma Council on Campaign Compliance and Ethical Standards. In September 1990, a five-member Ethics Commission was created as a constitutional body by initiative petition. This prompted a revision of the statutes in 1991 to transfer duties and responsibilities of the Oklahoma Council on Campaign Compliance and Ethical Standards to the Ethics Commission. However, the 1991 act was overturned by the State Supreme Court, and a new set of constitutional civil ethics rules were then prepared by the Ethics Commission and took effect in time for the 1994 campaigns.

Ethics Commission

With respect to the Ethics Commission, the Speaker of the House of Representatives, Senate President Pro Tempore, Governor, Attorney General, and Supreme Court Chief Justice each have an appointment to the Commission. No more than three of the five members can be from the same political party. No more than one member can be from the same congressional district. The appointees serve a five-year term and can be removed only by impeachment.

Under Article XXIX of the Oklahoma Constitution, the Ethics Commission is empowered to promulgate rules of ethical conduct, including civil penalties for rule violations, in three areas:

1. Ethical conduct of campaigns for elected state office;

2. Ethical conduct of campaigns for initiative and referenda; and
3. Ethical conduct for state officers and state employees.

While the Commission may promulgate rules in these three areas, the rules promulgated by the Commission do not automatically become law. Under the Constitution, the Commission must present its rules to the Legislature and the Governor. The Legislature, by joint resolution and subject to the Governor’s veto, may disapprove all or some of the rules presented. If the rules are not disapproved during the same legislative session, they become effective. Effective rules of the Commission may be repealed or modified by the Legislature by a bill or joint resolution or by the Ethics Commission through the process described above.

Ethics Rules

Legislative campaigns and state legislators are subject to rules of the State Ethics Commission. By the time new members take office, they are already familiar with the rules affecting campaigns and those for disclosure of financial interests. Among some of the other more significant ethics requirements contained in effective rules of the Ethics Commission are:

- ! A prohibition against a legislator introducing or causing to have introduced, requesting the introduction of, promoting, or voting on legislation (applicable to all stages in the legislative process) if the legislation results in a pecuniary interest or reasonably foreseeable benefit for the legislator, the legislator’s immediate family, or a business with which the legislator or legislator’s immediate family is associated. This prohibition does not apply if the benefit would accrue to a legislator as part of a larger class and the benefit is not significantly greater than that accruing to other members of the class; e.g., profession or occupation;
- ! A prohibition against a legislator or an immediate family member of a legislator receiving or accepting anything of value in a calendar year exceeding \$100, in the aggregate, from a lobbyist or lobbyist principal (subject to some exceptions), a person seeking to do or doing business with the Legislature, or a person who has a substantial financial interest in a matter before or affecting the Legislature;
- ! The reporting by lobbyists of anything of value received in a calendar year valued from \$10 to \$100, in the aggregate, for the private benefit of the legislator or a member of the legislator’s immediate family, from a lobbyist or lobbyist principal (subject to some exceptions), a person seeking to do or doing business with the Legislature, or a person who has a substantial economic interest in a matter before or affecting the Legislature. Certain activities, such as food and beverage at meetings to which legislators are invited guests or civic, charitable, or community events in their districts, are excluded, as well as events to which all members of the Legislature are invited;
- ! A prohibition against a state officer or state employee entering into a contract in which a legislator, a person who was a legislator within the previous two years, or a member of such person’s immediate family, has a “substantial financial interest,” with limited exceptions; and

- ! A prohibition against holding a fundraiser in Oklahoma County from the first Monday in February through the end of the regular session unless the member’s district includes a portion of that county, the member is running for an office that includes part of the county, or the member is running for a statewide or federal office.

The State Ethics Commission may initiate an investigation of an alleged violation of its rules by a majority vote on the basis of written, verified information or by a unanimous vote on the basis of other information. Records and materials obtained or work products prepared by the Commission or others relating to an investigation are confidential. Upon completion of an investigation, the Ethics Commission may refer the investigatory record to the appropriate prosecuting authorities or, upon approval of a majority of the Commission, initiate a complaint in district court. A settlement agreement may be entered into at any time and is a matter of public record.

Members would be well-advised to obtain and read a copy of the ethics statutes and rules published by the Ethics Commission. Ethics questions may be asked of the Commission’s staff at 521-3451. The office is in B-5 of the Capitol. The website is: <http://www.ethics.state.ok.us>.

Lobbying

For decades, Oklahoma statutes have addressed the issue of lobbying in state government. The statutory definition of “lobbying” is “... *any oral or written communication with a member of the Legislature or with the Governor or with a member of the judiciary or with an employee of the Legislature or the Governor or the judiciary on behalf of a lobbyist principal with regard to the passage, defeat, formulation, modification, interpretation, amendment, adoption, approval or veto of any legislation, rules, regulation, executive order or any other program, policy or position of the state government...*” The regulation of lobbying activities incorporates both lobbyists and “lobbyist principals” who employ lobbyists. Lobbying is, of course, an acceptable and common practice for various groups in the legislative process. Professional organizations and consumer groups frequently employ professional lobbyists to promote the interests of such groups.

Oklahoma statutes require most persons lobbying for associations, labor unions, and businesses to register as lobbyists with the Ethics Commission. Legislation in 2004 imposed an annual registration fee of \$100 for the purpose of funding the Ethics Commission responsibilities. The Ethics Commission publishes reports listing registered lobbyists and who they represent. These are valuable reference tools, but statutes prohibit their being used for campaign fund-raising.

Under statute, a lobbyist must report single expenditures exceeding \$10 in the aggregate in a six-month period starting either January 1 or July 1, unless otherwise provided. The reports are matters of public record. With a few exceptions, spending by lobbyists on state officers, employers and their immediate family members is capped at \$100 per employee per year. The prohibition is on the lobbyist.

Lobbyists may not divide the cost of the thing of value by the number of participating lobbyist principals, nor divide the cost of a thing of value with other lobbyists for any single expenditure.

Exceptions to reporting include: (1) things of value given by a lobbyist or lobbyist principal as a result of or arising out of employment of, or the lobbyist or lobbyist principal doing business with a state officer or state employee or the recipient; and (2) things of value given by any director, stockholder, partner, agent, affiliate, member, employee, or officer of a lobbyist principal as a result of a personal or casual relationship with the recipient.

Prohibited Acts of Legislators in Statutes with Criminal Penalties

In 1995, the Legislature repealed numerous ethics provisions in the Oklahoma statutes that tended to duplicate, to a large extent, constitutional rules of the Ethics Commission. The legislation, however, retained several ethics statutes for which the penalty for violation carries a criminal penalty. These include violations related to lobbying practices, conflicts of interest, and prohibitions against exceeding campaign contribution limits. The latter crime carries a felony or misdemeanor penalty, depending on the culpability of the contributor, with substantial financial penalties or fines and imprisonment periods.

Moreover, In Chapter 7 of Title 21 of the Oklahoma Statutes, there are numerous statutes covering “crimes against the legislative power.” The text of these statutes can be found in Appendix E.

Legislative Ethics that Violate Public Standards, but Not Legal Prohibitions

Some “ethical” lapses of public officers may not be covered by law but can cause considerable harm to a legislator, the legislator’s family, and the Legislature as an institution. Since this category of “unethical” practices is not found in the statutes, they are acts that may be judged unethical against an “appearance standard.” For example, a member could receive a campaign contribution or gift from a person who would be positively or negatively impacted by a bill before the member votes on the bill. No quid pro quo agreement may be involved, but a legislator’s independence could be questioned by a third party who believes the contribution has impaired the lawmaker’s independence. In such cases, the consequences for the legislator can be nearly as damaging to the member’s future political career as a legal action involving an actual ethics violation.

The discussion of the appearance standard is frequently debated along with the admonition that members should not do anything that they would not like to read about on the front page of the newspaper. This clearly raises the fact that legislators function in a fish bowl environment where their actions are always subject to media scrutiny.

Decorum

Below the level of ethical violations are actions that violate decorum or orderliness in the House. Conversations between members while other members are presenting legislation or debating can certainly qualify as a violation of decorum in the House. Major points of decorum on the House floor are:

1. When rising to debate, give notice, make a motion or present a paper of any kind, do not proceed until addressing the Presiding Officer and being recognized;

2. When someone else is speaking, do not enter into private conversation or pass between the Speaker and the member speaking;
3. Profane, obscene or indecent language is prohibited;
4. All members shall, while in the chamber, be appropriately attired, with men in jackets and ties, and women in dresses, skirts, or pants worn with a jacket or sweater;
5. Any member who, while under the influence of intoxicating liquor or drugs, appears in the Chamber of any part of the Capitol building assigned to the House shall be in contempt of the House and subject to reprimand, suspension, or expulsion;
6. Possession of intoxicating liquor shall not be permitted at any time in the Chamber or in any part of the Capitol building assigned to the House;
7. No person shall smoke within those parts of the Capitol Building assigned to the House. Those wishing to smoke shall use designated smoking areas inside or outside of the Capitol building. (The Smoking in Public Places Act prohibits smoking anywhere in the Capitol building, with the exception of a designated smoking area with special ventilation located in the basement. In addition, smoking is prohibited within 25 feet of Capitol entrances.);
8. Having food, including canned or bottled beverages, in the chamber is prohibited. Food may be consumed in the lounge and foyer at the west end of the chamber; and
9. The Presiding Officer shall enforce, apply, and interpret the Rules of the House in all deliberations including questions of order and decorum.

Although House rules do not address the use of pagers and cell phones on the House floor, members need to be aware that they can disrupt proceedings. For that reason, these devices should either be turned off or placed in the vibrate mode, and telephone calls should be taken outside the chamber. In committee meetings, the Chair shall exercise all authority necessary to maintain order and decorum, including the authority to require all persons attending a committee or subcommittee meeting to silence all telephones, audible beepers, and other audible electronic equipment and to request the sergeant-at-arms to clear the committee room of a person or persons causing disruption.

One of the benefits of maintaining order in the House is that it maintains the public's confidence in its legislators. Throughout the session, visitors from members' districts will come to the Capitol and watch the proceedings from the gallery. Thousands of others will see the Legislature in action on various news and public affairs programs on television or in pictures in newspapers.

Federal Restraints

Federal authorities, particularly through the federal district attorneys, have been increasingly vigilant in enforcing various criminal statutes affecting state legislators and other state and local elected officers. Federal prosecutors can use numerous federal criminal statutes such as the

Hobbes Act and the RICO statutes (designed to curb racketeering) or a variety of tax laws to crack down on state officials. As a rule of thumb, any public officer, including legislators, should be sensitive to the limits of office. As a member of the Legislature and its various committees, and as the representative of a district, a member will be expected to meet with many agencies and associations in an official capacity. Sometimes, the purpose of these activities will be informational or fact-finding in nature. Other times, meetings will be to resolve problems. However, members should be sensitive that attempts to use their office or influence for personal advantage could have serious legal, even criminal, consequences if carried too far. Common sense in such circumstances is always warranted and advisable.

Chapter Fourteen

Legislators and the Media

Dissemination of information through the news media is an important aspect of policymaking. Even the best ideas can fail if they are misunderstood by the voters, and the news media are the most important tool for conveying ideas to the general public.

The House of Representatives has a permanent staff to help members with news releases, news conferences, speeches, etc. Here are some pointers for dealing with the media:

- ! Reporters from Oklahoma City and Tulsa news outlets comprise the Capitol press corps in Oklahoma City. Most of these journalists can be found in their Capitol quarters each weekday.

The print media are housed in Room 430, just north of the snack bar on the fourth floor. Permanent newspaper staff include journalists from *The Daily Oklahoman*, *The Tulsa World*, *The Oklahoma City Journal Record*, *Associated Press*, the Oklahoma Press Association's *Capitol News Bureau*, and reporters for the newsletter covering state government (*eCapitol*).

The electronic media are housed across the hall, in Room 432-B. Few broadcast journalists from radio/television stations are assigned to the Capitol beat full-time; usually they come to the Capitol to cover a specific event or major news story. Exceptions are KTOK/ONN radio and OETA (the Oklahoma Educational Television Authority); both of those news outlets have reporters stationed full-time at the Capitol.

- ! Remember that while serving in the Legislature, members will be literally under the spotlight. The Capitol press corps is perched in a glass booth above and behind members while the House is in session. As public servants, members' behavior as well as their legislation and their votes will be scrutinized.
- ! Be honest with a reporter. If a member is not, and gets caught (which is very likely), the member's credibility is lost forever. Journalists are long on memory and short on forgiveness.
- ! Declaring "no comment" is not a perfect response. Among the news media, a "no comment" response is almost universally perceived as a tacit admission that the question posed by the reporter is accurate. Nevertheless, "no comment" is a safer reply than an outright lie. Perhaps the best way to reply to a question that you do not yet have an answer to is to simply say so, but then promise to get back to them with an answer, and then do so.
- ! If members do not want to see their viewpoints published in news columns or hear them broadcast over the airwaves, comments should be kept to oneself. Telling a reporter that comments are "off the record" may not save a member from potential

embarrassment. Generally, “off the record” means the information or comment provided can and will be published/broadcast, perhaps verbatim, but the reporter will not attribute the information or comment to the member. However, sometimes that information or remark can be traced, with little effort, back to its source.

Purpose of the House Media Services Division

The House Media Services Division, under the direction of Ray Carter and located in Room B-25, exists to help House members keep their constituents informed about their legislative activities as well as provide other services as directed. The Media Services Division, however, is prohibited from taking part in partisan campaign activities.

Services

News Releases. The division produces news releases on legislative-related activities for any member on a nonpartisan, first-come, first-served basis. To request a news release, call any of the media offices at extension 421, 422, or 623, or go by Room B-25 with the information.

After the division gets the information, a draft is written and submitted to the member for approval or for any changes. Since each release is stored electronically, revisions take just seconds.

The division aims for a turn-around time for first drafts of about 24 hours on most news releases.

After the finished product is drafted, the requester may do with it as desired. The Media Division will provide a mailing list of the media outlets in a member’s district where the member’s legislative assistant can mail the release. The division has media outlets broken down by House districts. The office also has the ability to transmit releases to most media outlets via e-mail and/or a facsimile machine.

Radio. The Media Division has the capability to produce audio clips for radio news. The audio links are posted on the House Media web site along with the print release.

The “Weekly Wrap up”. The “Weekly Wrapup” summarizes the major activities in the House during session. It is distributed to members’ offices on Thursday, prior to adjournment.

Some members use the Wrapup as the basis for their weekly legislative columns in their local newspapers. Others refer to it while making appearances back in the district or taping local radio interviews.

Speeches. Given the heavy demands on lawmakers’ time, they may find it difficult to write every speech they may be called upon to give. With that in mind, the Media Division also prepares talking points on a variety of subjects.

Inasmuch as 15- or 20-minute speeches are generally far more in-depth, require more research and take more time to write, the division asks that members give as much lead time as possible. Two weeks before the speech is the ideal, minimum lead time.

News Conference Tips

Members should:

- ! Time their news conference so it does not conflict with other newsworthy events; check the bulletin boards outside the press rooms on the fourth floor for scheduled events.

Also, remember that reporters' hours are not the same as bankers' hours. Deadlines for newspaper reporters range from about 3 to 5 p.m., while deadlines for television reporters are nearer to noon or 1 p.m.

A news conference at 9:30 a.m. or 10 a.m. will be covered much better than one at 3:30 p.m. or 4 p.m.

- ! Provide notice of a news conference well ahead of time and notify the right people. The House Media Division can provide the appropriate contact information.

If members desire assistance, the House Media Division can schedule news conferences and provide the requisite news release. Don't hesitate to call; it's among the services provided to House members.

What is News?

News is information that is of interest to constituents. A partial list of legislative events that would lend themselves to print or radio news releases to media outlets in a member's district are:

- Authorship or coauthor ship of a bill;
- Committee assignments;
- House or Senate committee action on the member's bill or a bill of interest to the district;
- Action by the full House or Senate on such a bill;
- The Governor's action on such a bill;
- How the member voted, or is going to vote, on a controversial or news-making bill;
- An explanation of how pending legislation may affect the district; and
- Awards or honors the member may receive.

Chances of Material Getting Used

No one can guarantee every media outlet will use all of a member's press releases or radio stories. Editors weigh many factors when deciding what material to use.

On a busy news day, the big story might fill limited newspaper space or broadcast time. Some small outlets may not have enough staff. On the other hand, many of the smaller operations are very happy to run items from local lawmakers. The Oklahoma City and Tulsa media are usually interested only in news of major statewide interest.

Sometimes a newspaper will run only part of a release. Other times, it will run it word for word. Occasionally the newspaper may not run it at all. There are a lot of factors involved, and it really just depends on the given situation. The House Media Division office will do everything possible to help generate positive news coverage for the individual and the body of the House.

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Appendix A

Tips for Being an Effective Legislator*

1. Honor the institution in order to protect and preserve the Legislature as a coequal branch of state government in Oklahoma.
2. Take the high road so that you conduct yourself in a way that you would not be embarrassed to see your actions reported in the newspaper.
3. Master the rules of the Legislature.
4. Know where to get help from staff, state agencies, lobbyists, and other members.
5. Manage your time effectively and meet legislative deadlines.
6. Develop a legislative specialty and seek out committee assignments that are in your areas of interest.
7. Vote your conscience and be prepared to defend your vote to constituents.
8. Don't burn your bridges with other legislators who you will need to work with in the future.
9. Keep your word.
10. Be careful about cosponsorship of bills that could result in minor rewards and major headaches.
11. Don't hog the mike and be prepared when speaking on the floor.
12. Stay in touch with constituents.
13. Be a problem solver in handling your issues.
14. Work with the media.
15. Stop and smell the roses by taking care of yourself and maintaining a normal private life.

* Adapted from the National Conference of State Legislatures (1995) [Congratulations! You won! 15 Tips for Being an Effective Legislator: A How To Handbook for State Lawmakers](#)

Appendix B

Oklahoma House of Representatives History

The Oklahoma House of Representatives has a rich history. This appendix of the *Legislative Manual* has been added after the publication January 2000 of *A Century to Remember: A Historical Perspective on the Oklahoma House of Representatives*. The intent here is not to condense this history into a few pages of text. Copies of *A Century to Remember* are still available from the House Committee Staff Division office and online at www.okhouse.gov (see House Publications). Instead, this appendix will provide answers to a number of posed questions that a new (or incumbent) member might find interesting.

At how many locations has the House of Representatives met?

The House of Representatives has met in five different buildings in its history. At statehood, Guthrie was the state capital. The First Oklahoma Legislature met at the City Hall Building in 1907-8. The people of Guthrie then built the Convention Hall (now part of the Masonic Temple) where the House of Representatives met in 1909. After the state capital moved in 1910 to Oklahoma City, the Oklahoma House of Representatives met at the Levy Building (later known at the Mercantile Building) at the corner of Harvey and West Main for the 1910 special session and 1911 regular session. The House then used the India Temple (now part of the Kerr-McGee complex in downtown Oklahoma City) until the current State Capitol Building was made ready for the 1917 session.

Has the Oklahoma House of Representatives always had 101 members?

No. The size of the Oklahoma House of Representatives has never been set in the Oklahoma Constitution as is the Senate. At statehood, the House of Representatives had 110 members. Until the principle of “one person, one vote” was imposed on state legislatures in the mid-1960s, the number of seats in the House of Representatives was determined by a mixture of county and popular representation. However, no county was allowed more than seven seats. This created a situation by the mid-1960s whereby the urban areas of the state were very much underrepresented. This ended in 1964 when the courts imposed one person, one vote. Oklahoma County and Tulsa County’s delegation increased from 7 each to 15 and 19 respectively out of 99 seats. Twenty House members ran against each other, and there were 48 new members when the House met in 1965. Beginning with the Thirtieth Legislature (1964-6), the number of House districts was reduced to “approximately one hundred.” Since 1973, the House has had 101 seats.

To what extent has the Oklahoma House of Representative been controlled by Democrats or Republicans?

Historically, the Oklahoma House of Representatives has been controlled by Democrats, with two notable exceptions prior to the 2004 elections when the Republicans gained control. The Legislature in Oklahoma Territory (the western part of the state) was controlled by the Republican Party. However, Oklahoma became a state in the heyday of the populist movement. Democrats were elected in 93 of the 110 House districts in the First Legislature and continued to control the Legislature through the First World War. Republicans in Oklahoma were able to take

advantage of a strong nationwide postwar rejection of Democratic President Woodrow Wilson's policies by winning a 55-37 advantage for the Eighth Legislature (1920-2). Speaker George B. Schwabe from Nowata became the first Republican Speaker of the House of Representatives for the 1921 regular and special sessions. Democrats regained control of House in the next legislature by a 93-14 margin.

The Democrats also lost control of the House of Representatives in the Twelfth Legislature (1928-30). In the 1928 elections, Oklahoma voters rejected the Democratic presidential campaign of New York Governor Al Smith, a Catholic and anti-prohibitionist, and the leadership of Oklahoma Governor Henry S. Johnston. Democrats continued to hold a slim majority of seats (56-47) in the House. However, the House was clearly split over impeachment of Governor Johnston. In fact, the House had already impeached him in a controversial 1927 special session known as the Ewe Lamb Rebellion. In the new legislature, the Democratic Caucus picked Allan Street as its Speaker-elect. He was subsequently elected Speaker, but failed to last the first day of the session as it became clear that a group of anti-Johnston Democrats had formed a coalition with the Republican Caucus for the purpose of impeaching Johnston. The House then elected Democrat James C. Nance from Walters as Speaker for the regular and special sessions. Even though Democrats had a 56 to 47 majority, this Twelfth Legislature was controlled by a coalition of Republicans and Democrats.

The Fiftieth Legislature (2005-2006) witnessed a major change in control of the House with the Republicans becoming the majority party for the first time in seventy-five years. While the number of Democrat members had been gradually decreasing in the recent past, the imposition of term limits hastened the trend. Term limits mandated that a member could not hold office for more than twelve years after a constitutional amendment became effective in 1991; however, those elected prior to January, 1991 were entitled to complete the current term and eligible to serve an additional twelve years. The 2004 election resulted in a 39 percent turnover in the House compared to an average of 17 percent from 1994-2002.

Is it true that Governors organized the Oklahoma House of Representatives before the election of Speaker J.D. McCarty in the 29th Legislature (1960-2)?

Yes, with notable exceptions. From the previous question, one could guess that Democratic Governor Robertson would not have had much of a role in the election of Republican Speaker Schwabe in the 1921 session, nor would Governor Johnston have had a hand in picking Speaker Nance in the 1929 session. There would always be challenges to this rule and a few exceptions which meant trouble for Governors who were unable to pick their Speakers. For example, the House elected W.D. McBee from Duncan as Speaker for the 1924 special session as the candidate for the faction wanting to impeach Governor John C. (Jack) Walton (he was the first of two governors impeached by the Oklahoma House of Representatives).

Even when a Governor picked a Speaker and organized the House (as they also did the Senate), it did not mean that the Governor controlled the House of Representatives. The independence of the House of Representatives was illustrated during the speakerships of J.H. Maxey from Muskogee in 1913 when the House investigated nearly every executive department, impeached several state officers, and nearly impeached Governor Lee Cruce; Murray F. Gibbons from Purcell, who was said to be able to deliver less than ten votes for Governor Walton's agenda in 1923; Leon C. (Red) Phillips from Okemah, who so vigorously fought the Oklahoma New Deal

agenda of Governor E. W. Marland in 1935 that Marland campaigned (unsuccessfully) against Phillips in the 1936 election.

J.D. McCarty from Oklahoma City broke the Governor's control when House Democrats refused to give Governor J. Howard Edmondson a voice in the 1960 Speaker's race after Edmondson had lost control of the state Democratic party during his first two years in office. When Republican Henry Bellmon followed Edmondson as Governor, the House's independence of the Governor was firmly established.

Have Speakers in the Oklahoma House of Representatives generally served long terms?

In recent history, yes. Prior to the 1950s, Speakers would typically serve one term or, in some cases, for one regular or special session. James C. Nance was the first two-term Speaker, but his terms were 24 years apart (1929 and 1953). B.E. Bill Harkey was perhaps the first two-term Speaker to serve consecutive terms when he was picked as Governor Raymond Gary's choice for Speaker for the 1955 and 1957 regular sessions. J.D. McCarty became the first of six Speakers elected for more than two terms when he led the House from 1961-96 (with the exception of Steve Lewis who served the portion of Jim Barker's last term when he, Jim Barker, was removed as Speaker near the end of the 1989 session). J.D. McCarty had been elected for a fourth term by the Democratic Caucus, but he was defeated in the general election before he could serve any of the fourth term. Jim Barker (1983-89) was the only Speaker who served in that post during four Legislatures, although he completed Daniel Draper's third term in the Thirty-ninth Legislature and served most of the first regular session in the Forty-Second Legislature. The impact of term limits in 2004 may mean the end of multiple-term Speakers in the Oklahoma House of Representatives.

Have there ever been any third-party members in the Oklahoma House of Representatives?

Yes. In the Fifth Legislature (1914-6), there were five Socialist members elected to the Oklahoma House of Representatives.

When was the first African-American elected to the Oklahoma House of Representatives?

A.C. Hamlin, a Republican from Guthrie, was elected to the Second Legislature (1908-10). This was a very difficult period for race relations in Oklahoma. During his term in office, voters approved a "grandfather clause" that imposed a literacy test to determine eligibility for voting that disenfranchised many African-American voters in Oklahoma and played a role in his subsequent defeat under unusual circumstances in his 1910 reelection campaign. There were no other African-American House members until the 1964 reapportionment which resulted in the election of three African-American state representatives in the Thirtieth Legislature.

When was the first woman elected to the Oklahoma House of Representatives?

Republican Bessie McGolgin from Rankin, in Roger Mills County, was elected in 1920 after her father filed for her without her knowledge. She served only one term. There were three women elected to serve in the next term, but there were no women House members between the 1930 and 1940 elections. Historically, female membership in the Oklahoma Legislature has been well below the national average.

What has been the House’s history in terms of Native American representation?

It is difficult to respond precisely to this question. Native American participation at statehood was considerable as Oklahoma statehood involved the merger of Oklahoma and Indian Territories. The first Speaker, William H. (Alfalfa Bill) Murray, was a member of the Chickasaw nation by marriage. When W.A. Durant was elected Speaker for the 1911 regular session, the House elected a prominent Choctaw leader who was also Speaker of the Choctaw legislature. At that time, there were at least eight Native American House members. Other prominent Native Americans in the history of the Oklahoma House of Representatives include Bill Willis (member of the Kiowa tribe and a three-term Speaker from 1973-77), Larry E. Adair (member of the Cherokee tribe and Speaker from 2001-2004) and the current Speaker, Chris Bengé, who is Cherokee.

When did Oklahoma change from biennial to annual sessions?

Voters surprised legislative leaders by approving State Question 435 on May 24, 1966. That question amended the Oklahoma Constitution to require annual sessions. Previous biennial sessions had been marked by their extraordinary length. The 1961 and 1965 regular sessions had 117 legislative days. The new annual sessions were limited to 90 legislative days. Starting with the 1989 session, the annual sessions were limited to the first Monday in February through the last Friday in May (with a half-day organizational session in January of each odd-year on the first Tuesday after the first Monday). In the 1990s, the House met no more than 71 legislative days in a regular session.

How many Oklahoma Governors served in the Oklahoma House of Representatives?

Six: William H. Murray, Leon C. Phillips, Henry Bellmon, David Boren, George Nigh, and Frank Keating. Phillips and Boren were the only two elected while serving in the House of Representatives. Murray and Phillips are the only two former House Speakers elected Governor, although they were not Speaker when elected.

Appendix C

Glossary of Legislative Terms

Following is a glossary of specialized terms frequently encountered in the Oklahoma Legislature. Like most other organizations, a grasp of the jargon is required to understand the proceedings on the floor or in committee. This list is, by no means, comprehensive.

ACT: A measure that was passed by both houses of the Legislature and approved by the Governor, became effective without the Governor's signature, passed over the Governor's veto by an override, or was approved by voters by virtue of a legislative initiative, thus becoming law.

ADJOURNMENT: Termination of a daily session, occurring at the close of each legislative day, with the hour and day of the next meeting being set prior to adjournment.

ADJOURNMENT SINE DIE: Final termination of a regular or special (extraordinary) session.

ADOPTION: Approval or acceptance. Usually applied to amendments, committee reports, and resolutions.

ADMINISTRATIVE RULE: A state executive branch agency policy affecting the public, normally promulgated through the Administrative Procedures Act, having force and effect of law once promulgated. Such rules can either be promulgated as permanent, emergency, or preemptive rules.

ADVANCING A BILL: To terminate consideration of amendments or debate by moving to the vote which is a prior motion.

ADVISE AND CONSENT: The process whereby the State Senate is required to approve executive nominations to offices by the Governor.

AGENDA: Schedule of business for a legislative day or a committee meeting.

AMEND: To alter formally by modification, deletion, or addition.

AMENDMENT: Any alteration made or proposed to be made in a bill, motion, or clause thereof by adding, changing, substituting, or omitting.

APPEAL: When the presiding officer rules on a point of order, any member may appeal the ruling which must be seconded by at least fifteen members for the appeal to receive a vote.

APPORTIONMENT: The process of assigning the number of members of Congress that each state may elect following each federal decennial census. The Oklahoma Constitution uses the term "apportionment" in mandating the decennial redrawing of political districts. While used interchangeably in historical documents with the terms "redistricting" and "reapportionment," the redrawing of political districts is more accurately called redistricting under the "one person, one vote" principle.

APPROPRIATION: A legislative authorization for the expenditure of funds for a specific purpose.

AUTHOR: The member sponsoring a measure introduced in either house (sometimes called “principal author”; see COAUTHOR).

BALANCED BUDGET REQUIREMENT: The prohibition against appropriating funds in excess of the amount certified for appropriation plus available cash.

BIENNIUM: A two-year period of legislative activity, starting with the swearing in of the members of a new Legislature 15 days after a general election.

BILL: Proposed legislation which in order to become law must pass through the Legislature according to the procedures established by the Oklahoma Constitution. (see MEASURE).

BILL HISTORY: A record of all action on any legislative measure.

BILL LIMIT: A limit imposed by a House rule limiting the number of House bills and joint resolutions members may introduce in a regular or special session.

BIPARTISAN: Usually associated with an issue in which members from both parties set aside political differences to support the issue.

BLOC: A group of legislators with common interests who may vote together on matters affecting that interest.

BUDGET: An annual plan for appropriation of available funds to state agencies. Also, an estimate of the receipts and expenditures needed to carry out programs for a fiscal year period.

CALENDAR: Printed list of measures or other matters, arranged according to the Order of Business, scheduled for consideration on a legislative day (printed daily in pamphlet form by the clerk’s office of the House of Representatives and Senate).

CALL OF THE HOUSE: Procedure used to compel attendance of members and to compel those in attendance to remain in the chamber.

CALL TO ORDER: The action of the presiding officer that brings the Legislature officially into session. It may also be used to call a disorderly member(s) to order.

CAPITAL EXPENDITURES: Expenditures for durable items such as computers, roads, buildings, and infrastructure.

CARRYOVER LEGISLATION: Legislation held over from the first regular session of the Legislature to the second regular session (from odd-numbered years to even-numbered years).

CAUCUS: A common term for the informal organization of each party in each house or other grouping of members with a common interest or characteristic interests. Can also be used as a verb meaning “to meet.”

CENTRAL PURCHASING: State purchases subject to a competitive bid procedure administered by the Department of Central Services.

CERTIFICATION PROCESS: The process by which the Board of Equalization determines, according to a constitutional formula, how much money the Legislature has available to appropriate for the ensuing fiscal year. The “certification” is one of the keys to the state’s “balanced-budget” provisions. Certification of funds takes place in December, is revised in February, and revised again if there are subsequent law changes affecting revenue.

CHAIR: Presiding officer of a committee or the chamber.

CHAMBER: Official place where a legislative body meets.

CHRISTMAS TREE BILL: Informal nomenclature for a bill containing a wide variety of amendments providing benefits for members, interest groups, or members’ districts.

CLASSIFIED EMPLOYEE: An employee of the executive branch subject to merit protection provisions of the Oklahoma Personnel Act and the Merit System of Personnel Administration. Synonymous to “merit employee.”

COAUTHOR: Member of either house who joins the principal author in the sponsorship of a measure. (see AUTHOR).

CODIFICATION: The process by which newly enacted law is systematically numbered within the Oklahoma Statutes.

COMMIT: To send or return to a committee. Synonymous to “refer” or “recommit.”

COMMITTEE: A group of members of a legislative body to which is assigned a special task.

- Standing Committee – A permanent committee set up to handle legislation in a certain field.
- Special or Select Committee – A temporary committee set up to deal with a specific issue.
- Joint Committee – A committee representing both houses.
- Conference Committee – A joint Committee whose function is to arrive at a single version of a bill which has passed the two legislative houses in somewhat different form. (See also “General Conference Committee on Appropriations”.)

COMMITTEE AMENDMENT: An amendment which is attached to a measure by a committee and made part of the committee’s report.

COMMITTEE REPORT: The official release of the members of the standing, special, or conference committee on any measure, which is transmitted to one chamber of the Legislature or the full Legislature in the case of a conference committee report.

COMMITTEE SUBSTITUTE: A bill offered by a committee in lieu of a bill it has considered. This “committee substitute” replaces the original bill that was referred to a committee, including conference committees.

COMPANION BILLS: Related legislation introduced in one or both houses.

CONCURRENCE: Action by which one chamber agrees to a proposal or action of the opposite house.

CONCURRENT RESOLUTION: See RESOLUTION.

CONFEREES: Legislators appointed to serve on a conference committee.

CONFERENCE COMMITTEE: An ad hoc or temporary committee, with members from each house, appointed to reconcile differences in a measure that has passed both houses.

CONFERENCE COMMITTEE REPORT: A document submitted to both houses containing the agreements of a conference committee resolving the differences of the two chambers or indicating that conferees could not reach agreement.

CONFIRMATION: The process by which the Senate considers a nomination submitted by the Governor.

CONSENT CALENDAR: Schedule of legislation on which, by unanimous consent, there can be neither debate nor amendment. Bills placed on this calendar are normally noncontroversial.

CONSIDER: To take up a measure, motion, or matter for the purpose of action.

CONSTITUTIONAL AMENDMENT: A change in the state constitution, proposed either by legislative joint resolution or initiative petition, which requires an affirmative vote of the electorate to become effective.

CONSTITUTIONAL RESERVE FUND: The state’s “rainy-day fund.” General Revenue Fund monies collected over 100 percent of the certified estimate are placed here. The fund is capped at 110 percent of the preceding fiscal year’s certified amount of the General Revenue Fund.

CONSTITUENT: A citizen residing within the district of a legislator.

CONTINGENCY REVIEW BOARD (CRB): A board consisting of the Governor, the Speaker of the House, and the President Pro Tempore of the Senate. It has the power to make limited changes in agencies’ appropriations and expenditure limits when the Legislature is not in session, in order to respond to emergencies or unforeseen circumstances.

CONTINUING APPROPRIATIONS: A term sometimes used to refer to agency revolving funds. Since such funds have statutorily established revenue sources and uses, there is no need for them to be appropriated annually.

CONVENE: The assembling of the Legislature or either house thereof.

DEBATE: Discussion of a matter according to parliamentary rules.

DECORUM: The conventions of a legislative body that must be adhered to for maintaining order.

DESK: The desk at the front of the chamber where much of the clerical work of a legislative body is conducted.

DESK IS CLEAR: Statement by the presiding officer prior to a motion to adjourn meaning there is no further business to be conducted.

DIED IN COMMITTEE: Defeat of or no action on a bill by a committee by the appropriate committee deadline.

DIRECT DEMOCRACY: Means by which the people can act as a legislative body. The most well-known of these methods in Oklahoma are the initiative and the referendum processes.

DIVISION: A method of voting or a motion requesting a show of hands or other action when the outcome of a voice vote is unclear or in dispute.

EARMARK: Dedication of funds to a specific fund for a specific program or agency.

EFFECTIVE DATE: Provisions of a bill that specify when the entire act or portions thereof become effective as law.

EMERGENCY CLAUSE: A section in a bill which allows the measure to become effective immediately upon the signature of the Governor or at a specified date. This provision requires two-thirds affirmative vote by members of both houses. A bill without the emergency clause becomes effective 90 days after sine die adjournment, unless a later date is specified therein.

ENACTING CLAUSE: The opening language of a bill beginning “Be It Enacted by the People of the State of Oklahoma.”

ENACTMENT: Process by which a measure becomes law.

ENGROSSMENT: The act of preparing an official copy of a bill or resolution as passed by one house, with all changes and amendments included. Engrossment of a measure in the originating house results in the “engrossed” measure. The opposite house’s amendments to an engrossed measure will also undergo engrossment.

ENROLLMENT: The preparation of an exact, accurate and official copy of a measure in its final form, signed by the presiding officers of both houses, and then sent to the Governor for action or to the Secretary of State.

EX OFFICIO: Holding another office by virtue of or because of the holding of the first office.

EXECUTIVE ORDER: A document issued by the Governor regarding the operations of state government.

EXECUTIVE SESSION: A closed meeting of any body for the purpose of confirming executive nominations, considering personnel matters, or conducting other business. Synonymous to “closed session.”

EXTRAORDINARY SESSION: A session, other than a regular legislative session, called for a certain date and for specific reasons. Synonymous to “special session.”

FEE: An amount allowed by law for an agency to charge for a service or activity which is frequently deposited in a revolving fund for the agency’s operational use.

FILIBUSTER: Prolonged debate for the purpose of delaying or preventing action by the Legislature (not allowed by House rules).

FINAL ACTION: Most frequently means Third or Fourth Readings, but it can also refer to the situation provided for by House rules that defeats a measure and prohibits consideration of a similar measure during the remainder of the Legislature.

FISCAL IMPACT: The additional or reduced costs or revenues of a measure to the state or other parties.

FISCAL YEAR (FY): The Oklahoma fiscal year is the 12-month period established for State budgeting purposes. It begins on July 1 and ends on June 30. It is labeled according to the calendar year in which it ends. FY-06 refers to the period from July 1, 2005, through June 30, 2006. Thus, the 2005 legislative session will make appropriations for FY-2006. The federal fiscal year (FFY), however, starts October 1 and ends September 30.

FLOOR: That portion of the chamber reserved for members and others granted floor privileges. Also, when a member has been recognized to speak by the presiding officer, the member is said to “have the floor.”

FLOOR AMENDMENT: An amendment offered to a measure or another floor amendment, presented by a legislator while the measure is being considered on the floor of that chamber.

FLOOR LEADERS: Legislators designated by the majority (Majority Floor Leader) and minority (Minority Floor Leader) caucuses to manage and schedule the business of the House.

FLOOR SUBSTITUTE: A floor amendment proposing a substitute to the entire printed bill.

F.T.E. (FULL-TIME-EQUIVALENT EMPLOYEES): This is an accounting measure, not a person. One F.T.E. is the equal of one person working full-time. Two people, each working

half-time, equal one F.T.E. Since many employees are part-time, this measure gives a more exact count of the employment level of State government than a head count of employees would.

G.C.C.A. (General Conference Committee on Appropriations): This conference committee is made up of members from both the House and the Senate who essentially write the final budget for the Legislature. It convenes late in the session after both houses have passed appropriations bills, in order to resolve any differences between the two houses and to submit, if necessary, compromise versions of the bills. GCCA's work is done with subcommittees on groups of agencies, just as the two appropriations committees' work is. It is staffed by the House fiscal division.

GENERAL APPROPRIATION (G.A.) BILL: The bill appropriating for the expenses of the executive, legislative, and judicial departments of the State, and for interest on the public debt. Unlike most measures, the G.A. bill does not need an emergency clause for it to become effective immediately.

GENERAL ORDER: An order of legislative business in which the House considers bills and joint resolutions which have been reported by standing committees.

GERMANE: Amendments that are relative to a measure. Determination as to whether or not the subject of an amendment to a measure is related to the original subject in the version of a measure filed with the House or related to the matters in a measure referred to a conference committee. Matters that do not fit the definition are "nongermane."

GERRYMANDER: To divide into election districts to give one political party or group an electoral advantage.

GRANDFATHER CLAUSE: Provisions in a bill to make new requirements not applicable either temporarily or on a permanent basis to a class of individuals.

HEARING: Scheduled committee meetings to receive testimony on proposed legislation or other legislative matters.

HOLD-HARMLESS CLAUSE: A provision to ensure recipients are not adversely affected by a legislative change.

IMPEACHMENT PROCESS: The bringing of charges against an elected official of the judicial or executive branch or other officers subject to impeachment. In Oklahoma, impeachment is reserved to the House of Representatives. The officer who is the subject of an impeachment effort is not actually impeached until one or more charges are approved by the House of Representatives. The Senate is charged with the responsibility for trying and judging impeached officials.

INITIATIVE PROCESS: The means by which the electorate can propose a law or constitutional amendment. If properly drafted and with sufficient signatures, the petition will result in a state question that is placed on the ballot for the vote of the people. (See STATE QUESTION.)

INSTRUCTIONS: Directions to a standing or conference committee regarding what is to be included in a measure that binds the conferees from the legislative body from which instructions are issued.

INTERIM: The period from adjournment sine die of one regular legislative session to the commencement of the next regular legislative session.

INTERIM COMMITTEE: A committee created to study legislative proposals or other legislative matters during the time the Legislature is not in session and to make recommendations to the next regular session of the Legislature.

INVESTIGATIVE POWER: Authority of a legislative committee to pursue investigations.

JOINT COMMITTEE: A committee composed of members from each house.

JOINT RESOLUTION: See RESOLUTION.

JOINT RULES: Rules adopted by both houses governing the procedure of the Legislature in matters requiring their concurrent action.

JOINT SESSION: A combined meeting of both houses in one chamber.

JOURNAL: The official record of proceedings of each house of the Legislature detailing actions on motions and votes taken. A corrected, indexed, and bound permanent House Journal is produced at the close of each annual session.

KILLER AMENDMENT: An amendment that might lead to the defeat of a measure somewhere in the legislative process or when it is considered by the Governor.

LAI D OVER: The postponement of a matter before the legislative body.

LAME DUCK: Jargon for an elected official who has not been reelected or did not seek reelection and who is serving out the balance of the term.

LAPSE DATE: A date listed in some legislation after which some provisions are no longer in effect. Lapse dates are used most frequently in appropriation bills.

LAY ON THE TABLE: A postponement of the matter before the house which may be brought up later for consideration by a motion to “take from the table.” Synonymous to “tabling.”

LEADERSHIP: A group of members recognized by other members to negotiate or devise policy and strategy on behalf of the larger membership.

LEGISLATIVE DAY: A day on which the Legislature convenes and actually engages in business.

LEGISLATIVE HISTORY: Information on the background of legislation that may be used to determine “intent.” In Oklahoma, legislative history is chronological.

LEGISLATIVE IMMUNITY: Members’ constitutional protections from lawsuits and arrests associated with their legislative duties.

LEGISLATIVE INTENT: Purpose for which a measure was considered.

LEGISLATIVE VETO: A procedure permitting the Legislature, by joint or concurrent resolution, to disapprove an administrative rule.

LEGISLATURE: Two houses or assemblies which, when considered as a whole, constitutes a body with the task of promulgation of law (Nebraska’s unicameral Senate is the exception); or the two-year term that such bodies may meet (i.e., the Fiftieth Oklahoma Legislature will meet during the 2005 and 2006 regular sessions).

LINE ITEM: An amount in an appropriation bill, either referring to a separate appropriation or separate amounts within an appropriation.

LINE-ITEM VETO: The disapproval of a line item by the Governor.

LOBBYING: The process of getting or trying to get legislators or other officials to vote for or against a measure or to take or not take an official action.

LOBBYIST: A person who, voluntarily or for a fee, represents one’s self or others in opposing or promoting legislation or other official acts.

LOBBYIST PRINCIPAL: The employer of a lobbyist.

LOGROLLING: Jargon for a legislative tactic in which members build support for their legislation by promising to support the issues of other members or by adding related or unrelated provisions to a measure.

MAJORITY LEADER: A legislator from the majority party who is a leader of the party in that house.

MANDATE: A requirement from a higher to a lower level of government forcing certain actions, often without any provision for funding of the activity, making it an “unfunded mandate.” Also, popular sentiment for or against some issue.

MEASURE: Bill, joint resolution, concurrent resolution or simple resolution.

MESSAGE: Communication from one house to the other, or to or from the Governor concerning legislative or gubernatorial action on bills or resolutions.

MINORITY LEADER: A legislator from the minority party who is its leader in that house.

MOTION: A formal proposal offered by a member for a procedural action, such as to consider, to amend, to lay on the table, to reconsider, to recess, or to adjourn.

NONAPPROPRIATED FUNDS: A term sometimes used to refer to agency revolving or continuing funds. Since such funds have statutorily established revenue sources and uses and continuing authority for appropriation, there is no need for them to be appropriated annually.

NONCODIFIED: Sections of law which do not require permanent inclusion in State statutes such as appropriations sections or matters of a limited-time nature.

NONDEBATABLE MOTIONS: Motions that must be put to an immediate vote without discussion.

OKLAHOMA ADMINISTRATIVE CODE: The compilation of executive-branch agency rules promulgated pursuant to the Administrative Procedures Act.

ORDER OF BUSINESS: The sequence of events during a legislative day.

ORDERED REPORTED: A committee’s formal action of agreeing to report a measure to its house for floor consideration.

ORGANIZATIONAL SESSION: A one-day legislative session at the beginning of each new Legislature designed to allow for election of legislative officers and other matters in preparation for the first regular session.

OUT OF ORDER: Conduct or activity not in accord with appropriate parliamentary rules and procedures.

OVERRIDE: To pass a bill after the Governor has vetoed it (two-thirds vote of each house; three-fourths vote on emergency measures).

OVERSIGHT: Legislative review of state agency operations.

PACKAGE VETO: The veto of an entire measure prior to the last five days of a session.

PARLIAMENTARIAN: Advisor to the presiding officer on the interpretation of the House’s rules and procedures.

PER DIEM: Daily expense allowance for legislators.

PERSONAL PRIVILEGE: An act by which a member delivers comments before a legislative body defending that body collectively or members individually which do not subject the member to libel or slander charges.

POCKET VETO: Failure of the Governor to sign a measure passed during the last five days of a regular or a special session. (see VETO).

POINT OF ORDER: An objection raised by a legislator in which it is charged that the rules of procedure are being violated and a demand that the rules be enforced.

POPULAR TITLE: An unofficial name for a bill or act such as the “Make My Day” act.

PORK OR PORK BARREL: Uncomplimentary term for funds which benefit a legislator’s district.

PRECEDENT: A previous ruling on a parliamentary matter or a long-standing practice or custom of a house.

PREFILED BILLS: A bill filed with the appropriate chamber by a member prior to the official convening of a session. **NOTE:** Statutes permit members in the new Legislature to file legislation fifteen days following the general election.

PRESENTMENT: A requirement that a bill or joint resolution be sent to the Governor for action prior to the bill being enacted.

PRESIDING OFFICER: The individual in a formal meeting authorized to maintain order and decorum, recognize members to speak or offer motions, and apply and interpret the house’s rules, precedents, and practices.

PREVIOUS QUESTION: A nondebatable motion which, if approved, cuts off further debate, additional amendments, and brings the pending matter to an immediate vote.

PRINTED BILL: The version of a measure prepared for floor action of a house.

PRIOR MOTION: A motion with a greater precedence over another motion.

PUBLIC HEARING: House rules enable one-half of the members of a committee with the principal author to force a bill to be considered.

QUESTION: Any matter on which there is a vote, such as passage of a bill or amendment.

QUORUM: The required number of members present to transact business.

RAINY DAY FUND: See CONSTITUTIONAL RESERVE FUND.

READINGS: Presentation of a measure before one of the houses. “Every bill shall be read on three different days in each house...” (Constitution, Art. V, Sect. 34)

REAPPORTIONMENT: The allocation of seats in a legislative body (such as Congress) among established districts (such as states), where the district boundaries do not change but the number of members per district does. (See REDISTRICTING.)

REAPPROPRIATION: Legislative action permitting the remainder of an appropriation to remain available for expenditure for the same or different purposes.

RECALL: To retrieve by concurrent resolution a measure which has been presented to the governor.

RECEDE: Withdraw from an amendment or position on a matter.

RECESS: An interruption in a legislative day or session that does not end it.

RECOMMIT: To send back to committee.

RECONSIDER: To consider again a vote on any action previously taken by the Legislature.

RECORDED VOTE: A vote in which the ayes and nays are kept by name.

RECOGNIZE: The presiding officer recognizing a member to speak. At that point, the member “has the floor.”

REDISTRICTING: The drawing of new political district boundaries.

REFERENDUM: The method by which a measure passed by the Legislature must be submitted to a popular vote to be approved or rejected in whole or in part. (See STATE QUESTION.)

REFERRAL: The assignment of a measure to committee(s).

REPEAL: To delete from the statutes an existing section of law. Legislative measures will provide only statutory citations for laws being repealed in the “repealer clause” found near the end of the measure.

REPORT: To approve by committee.

REQUEST BILL: Legislation introduced by a legislator at the request of an interested party.

RESCIND: Annulment of a previous action.

RESOLUTION:

Joint Resolution: Passed by both houses and has the force and effect of law. It may be used when a law of a temporary character is proposed. Joint Resolutions are also used to propose amendments to the Oklahoma Constitution or to ratify amendments to the US Constitution.

Concurrent Resolution: Expresses the intent or will of both houses and is adopted by both houses. It does not have the force of law. Also, this form is used to memorialize Congress on particular matters, to request action of State officials and departments, and for similar purposes.

House Resolution: Expresses the intent or will of the House and does not have the force of law.

REVENUE-RAISING MEASURE: A measure whose principal object is to raise revenue or levy taxes.

REVOLVING FUND: Sometimes called special, continuing, or earmarked fund. It is a statutorily created fund to which monies that are deposited can be spent on a continuing basis without a specific annual appropriation by a specific agency and for a specific purpose.

ROLL CALL: A call of the roll to determine the presence of a quorum.

ROLL CALL VOTE: A vote in which each member votes so that their vote is recorded.

RULES: Methods of procedures of a house or the Legislature.

SENATORIAL COURTESY: The Senate’s practice of declining to confirm a nomination for an office unless the nominee’s senator approves.

SESSION: The period during which the Legislature meets.

Regular Session: The annual session.

Daily Session: Each day’s meeting.

Joint Session: The meeting of the two houses together. The Lieutenant Governor presides at joint sessions.

Extraordinary or Special Session: Legislative session other than regular session. The Governor can call the Legislature into special session and only such subjects as the Governor designates can be acted upon, with the exception of impeachment. Also, the Legislature can be called into special session by a two-thirds vote of the members of each house.

SESSION LAWS: A bound volume containing all laws enacted by one year of the Legislature (see STATUTES).

SHELL BILL: A measure introduced with amendments having little or no substantial effect which may later be used as a vehicle for more substantive legal changes.

SHORT TITLE: The official name of some portion of the Oklahoma Statutes such as Administrative Procedures Act or Open Meetings Act.

SHOW OF HANDS: When a voice vote is called into question by the chair or a member, the member presiding may ask for members, either for or against a question, to raise their hands in order to conduct a count.

SHUCKED BILL: A measure which has been so greatly changed from its original subject that the current language bears no relation to the original. For determination of whether there is a violation of the House’s rule against shucked bills, the measure filed in the House is the reference document.

SIMPLE MAJORITY: One member more than half of those voting on a matter.

SINE DIE ADJOURNMENT: Adjournment “without day” being set for reconvening. Final adjournment of a session of the Legislature.

SPEAKER: A representative elected by other members to preside over the House, with powers and duties prescribed by law and House rules. The individual presiding over the House of Representatives while in session is addressed as Mr. or Madam Speaker, even if the person is not the elected Speaker.

SPEAKER PRO TEMPORE: A representative elected by the members to preside in the absence of the Speaker.

SPECIAL COMMITTEE: A committee created for a limited purpose or time.

SPECIAL AND LOCAL LAWS: Section 46, Article V of the Oklahoma Constitution defining classes of legislation (ranging from granting of divorces to fixing the rate of interest) that can only be considered after notice of the intended introduction has been advertised for four consecutive weeks in the city or county that would be affected.

STANDING COMMITTEE: A committee established in a house for consideration of legislation.

STATE OF THE STATE MESSAGE: At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to a joint session of the two Houses, upon the condition of the State and shall recommend such matters to the Legislature as he shall judge expedient. The Governor customarily delivers a message on the budget and legislative priorities at the beginning of a regular session. He shall also transmit a copy, to each house, of the full report of each State officer and State commission (Constitution Article VI, Section 9).

STATE QUESTION: A proposed referendum or initiative containing changes in law or the Oklahoma Constitution which, if properly prepared, will be submitted to a vote of the people.

STATUS: The location of a measure in the legislative process.

STATUTES: Compilation of all State laws presently in effect, prepared in volumes by West Publishing Company. These include the seven-volume 2001 Oklahoma Statutes and the supplement containing the revisions since 2001 (see SESSION LAWS).

STRICKEN TITLE: Often a member of one of the houses will “strike the title” as an amendment. This “cripples” the bill so that the house of origin will be able to consider the legislation again before it is acted upon in its final form.

SUBSTANTIVE BILL: A measure not containing fiscal matters.

SUBSTITUTE: An amendment proposing the replacement of the entire text of a measure or amendment.

SUNSET DATE: Termination of an entity unless otherwise extended by the Legislature.

SUNSET REVIEW: Sunset Review refers to the automatic termination of the existence of numerous boards, commissions and agencies, already provided for by statute, unless the Legislature decides to continue their existence. A joint committee of five members from each house examines each agency scheduled for review and recommends action to the Legislature.

SUPPLEMENTAL APPROPRIATIONS: A mid-year appropriation; an appropriation for the current fiscal year.

TABLE: To lay aside a motion, usually with the intention of postponing or shelving the matter indefinitely.

TASK FORCE COMMITTEES: Small number of legislators appointed to meet during the interim to learn about the activities and problems of State agencies.

TITLE: A concise statement accurately expressing the contents of a bill, prepared as a preface to the bill as required by the constitution.

UNANIMOUS CONSENT: A motion when there appears to be no opposition to the action before the body, thereby not requiring a formal vote.

UNFUNDED MANDATE: The imposition of legal requirements from a higher level of government without funding for their costs.

USER FEE: A fee charged to users of goods or services.

VETO: The action provided by the Oklahoma Constitution whereby the Governor refuses to approve a bill or joint resolution and prevents its enactment.

VOICE VOTE: Oral expression of the members when a question is submitted for their determination. Response is given by “ayes” or “nays,” and the vote is announced according to the chair or presiding officer’s judgment.

VOTING RECORD: A member’s voting history on one or more issues.

YIELD: Relinquishing of the floor by one member to another member to speak or ask a question.

Appendix D

Floor Motions

This appendix has been added to the Legislative Manual to assist new members in making proper motions at the appropriate time while the House of Representatives is in session. This section is adapted from Parliamentarily Speaking, a publication of the Oklahoma House of Representatives prepared by a previous chief clerk and parliamentarian, Larry Warden.

The purpose of Parliamentarily Speaking is to provide members having a limited knowledge of the rules of the House of Representatives with information so that when they wish to make themselves heard on the floor of the House of Representatives they will “know when to say it, what to say, and how to say it.” To accomplish these objectives, the “exact wording of acceptable motions” is provided in order that members can either memorize them or read them at an appropriate time.

In all cases, to be recognized during a formal session of the House of Representatives, members must turn on their recognition light and wait to be recognized by the presiding officer. Members are expected to convey to the Majority Floor Leader their purpose in requesting recognition. All remarks are addressed to the presiding officer. (Note that the term “Speaker” is used in all motions, regardless of who is presiding over floor action at the time the motion is made.) A member is expected to rise and say “Mr./Madam Speaker” and remain standing until the member is recognized. Once recognized, the member has the right to make a motion, to raise a point of order, or speak on personal privilege. On the other hand, the member may not make any comments or motions or discuss any matter without being recognized by the Chair. A member cannot interrupt other members during their allotted speaking time, except if the member is attacking another member’s personal integrity. A member may raise a point of order, by even then, the member must be recognized by the Chair to state the point. To address another House member through the Chair, the proper motion is: “Mr./Madam Speaker, will Representative _____ yield to a question?”

Following is a partial list of specific motions that members may make during the course of a legislative session:

Chaplain. Various members will have their chaplain serve as the chaplain for the House of Representatives during a day or a week that the Legislature is in session. The sponsoring member will say as follows at the beginning of the first session that week: “Mr./Madam Speaker, I move that the Reverend _____ be confirmed as the House of Representatives Chaplain for this legislative week.”

Reports of Select Committees. A member may wish for the House of Representatives to adopt a report of one of its special committees. A copy of the report should be provided to the members and the appropriate motion is: “Mr./Madam Speaker, I move the adoption of the Special Committee report on _____.”

Amending a Measure. Once a measure is on General Order, it can be amended. To amend a measure, the motion is: “Mr./Madam Speaker, I have an amendment on the desk.” The Speaker

will then order a clerk to read the amendment, after which the member will be recognized to explain it.

Division and Division on the Question. Frequently, votes will be accomplished by a voice vote. If there is some doubt on the outcome of a voice vote, a division can be requested by saying: “Mr./Madam Speaker, I request a division.” Any member is entitled to a division, which shall be granted without debate, using the electronic voting machine. Such votes, however, are not made part of the permanent record, pursuant to House Rule 9, Section 6(g) (2007).

Recorded Votes. Two members, provided that there is a quorum, may demand a recorded vote on any proposition that will be printed in the House Journal. All votes on final passage of bills and resolutions, or the emergency clause, and suspensions of House Rules shall be recorded votes; so there is no need for a motion for recorded vote in these instances. The motion would be: “Mr./Madam Speaker, I request a recorded vote.” Before the vote, any member may call for a clarification of the question by saying, “Mr./Madam Speaker, please state the question that is before the House.”

Third Reading and Final Passage. A motion to advance a measure from General Order can be made at any time, regardless if there are amendments on the desk not yet considered. This motion is, however, debatable. The wording of the motion is: “Mr./Madam Speaker, I move that [measure], as amended [if applicable], be advanced, considered engrossed, and placed on Third Reading and Final Passage.”

At this point, the debate or vote will follow. If the measure passes and it has an emergency clause, the motion to have it approved is: “Mr./Madam Speaker, I move the adoption of the emergency section on [measure].”

Motion to Reconsider. The final vote on any measure or emergency is subject to reconsideration, and the motion is made immediately following such vote. The member should say, “Mr./Madam Speaker, I would like to serve notice that on some future legislative day I will move to reconsider the vote whereby [measure/emergency] passed/failed.” This must come before any new business is taken up.

Messages from the Senate. Once a message is received from the Senate on a member’s House measure, the member may act on the message in one of several ways.

To have the measure considered, a member must schedule the bill with the floor leader and ask to have the bill placed on the floor calendar. When the floor leader calls the bill up for consideration the member may move: “Mr./Madam Speaker, I move that the Senate amendments to [Engrossed House measure] be considered at this time.” The member should be prepared to give the House Journal page number of the vote on the measure for other members’ information. At this point, the member may: (1) move that the House concur in Senate amendments by saying, “Mr./Madam Speaker, I move that the House concur in the Senate amendments to [House measure];” or (2) move that the House reject Senate amendments by saying, “Mr./Madam Speaker, I move that the House reject the Senate amendments to [House measure] and request a conference thereon.”

If the member wishes the House to concur in the Senate amendments, the House can do so by a voice or roll call vote. Once the House concurs, the member will say: “Mr./Madam Speaker, I move the final passage of [House measure].”

Conference Committee Reports. There are a series of appropriate motions that a member can make on conference reports. Once a conference report is received in the House of Representatives, either directly from the conference committee on House measures or, in the case of Senate measures, after the Senate has adopted the report and passed the measure(s), the House acts first on the report itself. Only after the report is adopted can the House act on final passage of the measure and an emergency clause (if attached). In no case may the House amend the measure, but failure to obtain the required two-thirds majority on the emergency clause will result in its deletion from the measure when enrolled.

When members are ready to take up a conference report and are recognized by the Chair to do so, they say, “Mr./Madam Speaker, I move the Conference Committee report on [measure] be considered at this time.” The House then can be asked to: (1) adopt the conference committee report by saying, “Mr./Madam Speaker, I move the Conference Committee Report on [measure] be adopted” or (2) reject the report by saying, “Mr./Madam Speaker, I move that the House reject the Conference Committee Report on [measure] and request further conference.”

If the report is adopted, the House can act on final adoption and the emergency by a motion as follows: “Mr./Madam Speaker, I move final passage of [measure].” A similar motion for the emergency clause would then follow if the motion on final passage prevails.

In the event that a conference report is rejected, particularly by a member other than the author, a motion to reject and request further conference may be accompanied by “instructions” that will bind the conferees of the house that issues the instructions. In such cases, the motion would state, “Mr./Madam Speaker, I move to reject the Conference Committee Report on [measure] and to request further conference and instruct conferees.” The member shall provide written instructions to the clerk which will be read at the time of the motion.

Personal Privilege or Privileges of the House. House Rule 9, Section 5 (2007) provides conditions under which members can take personal privilege or privileges of the House. These involve either the rights of the House as a body, its “safety, dignity, and integrity of its proceedings” or “right, reputation, and conduct of its members individually in their representative capacity only.” In exercising these privileges, members cannot discuss matters pending before the House. The member, in exercising this privilege, begins when recognized by the Chair saying: “Mr./Madam Speaker, I rise to a point of personal privilege.” The Chair will ask the point of the member who will be limited to five minutes for remarks.

Appeal from a Decision of the Chair. House Rule 9, Section 2(e) (2007) gives any member the right to appeal a decision of the Chair should a member be aggrieved by such decision. The appeal requires a minimum of 15 members to second the appeal. The seconds are to rise to signify that they are seconding the appeal. The Chair and the aggrieved member are allotted five minutes each to state their reasons before a recorded vote occurs. The motion for appeal is: “Mr./Madam Speaker, I move to appeal from the decision of the Chair.”

Override of a Veto. The motion to override a veto of the Governor is as follows: “Mr./Madam Speaker, I move that [measure] become law notwithstanding the objections of the Governor.” A veto override effort must be initiated in the house of origin. Therefore, the veto of a Senate measure cannot occur in the House of Representatives until the Senate has overridden the veto.

Introductions. Members are not permitted to interrupt consideration of a measure to introduce visitors. Members must be recognized by the Chair for an introduction, pursuant to scheduling with the Majority Floor Leader. No introductions are permitted during the four legislative days prior to sine die adjournment.

Appendix E
Oklahoma Statutes
Crimes Against the Legislative Power
21 O.S. 2001

§301. Preventing meetings of Legislature

Any person who willfully and by force or fraud prevents the State Legislature or either of the houses composing it, or any of the members thereof, from meeting or organizing shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00), or both.

§302. Disturbing legislative proceedings - Penalty

Any person who alone or in concert with others willfully disturbs, disrupts or interferes with any session, meeting or proceeding of either house of the State Legislature or any committee of either house of the State Legislature, whether within or outside the presence of either house of the State Legislature or any committee, by:

1. Engaging in violent, tumultuous or threatening behavior;
2. Using abusive or obscene language or making an obscene gesture;
3. Making unreasonable noise; or
4. Congregating with other persons and refusing to comply with a lawful order of the police or security officer to disperse;

shall be guilty of a misdemeanor.

§302.1. Refusal to leave legislative chambers, galleries and offices - Penalty

Any person who alone or in concert with others, and without proper authorization, refuses to leave any part of the chambers, galleries or offices of either house of the State Legislature or building in which such chambers, galleries or any such office is located, or within any room or building or upon the property of a building in which a legislative hearing or meeting is being conducted upon a lawful order of the police or a security officer to disperse, leave, or move to a designated area, shall be guilty of a misdemeanor.

§303. Compelling adjournment of Legislature

Every person who willfully and by force or fraud compels or attempts to compel the State Legislature, or either of the houses composing it, to adjourn or disperse shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), or both.

§304. Preventing legislative member or personnel from performing official duties – Penalty

Any person who alone or in concert with others willfully either by force, physical interference, fraud, intimidation, or by means of any independently unlawful act, prevents or attempts to prevent any member, officer or employee of either house of the State Legislature or any committee of either house of the State Legislature from performing any official act, function, power or duty shall be guilty of a misdemeanor.

§305. Compelling Legislature to perform or omit act

Any person who willfully compels or attempts to compel either of the houses composing the Legislature to pass, amend or reject any bill or resolution, or to grant or refuse any petition, or to perform or omit to perform any other official act, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00), or both.

§306. Altering draft bill

Any person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house, shall be guilty of a felony.

§307. Altering engrossed copy of bill

Any person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the Legislature, with intent to procure it to be approved by the Governor or certified by the Secretary of State, or printed or published by the printer of the statutes in language different from that in which it was passed by the Legislature, shall be guilty of a felony.

§308. Offer of Bribe to a Legislator

Any person who gives or offers to give a bribe to any member of the Legislature, or attempts directly or indirectly, by menace, deceit, suppression of truth or any other corrupt means, to influence a member in giving or withholding his vote, or in not attending the house of which he is a member, or any committee thereof, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or both.

§309. Legislator Asking For or Receiving a Bribe

Any member of either of the houses composing the Legislature, who asks, receives or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives, or offers or promises to give any official vote in consideration that another member of the

Legislature shall give any such vote, either upon the same or another question, is guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or both.

§310. Witness refusing to attend legislature or committee

Every person who, being duly summoned to attend as a witness before either house of the Legislature or any committee thereof authorized to summon witnesses, refuses or neglects without lawful excuse to attend pursuant to such summons, is guilty of a misdemeanor.

§311. Witness refusing to testify before legislature or committee

Every person who, being present before either house of the Legislature or any committee thereof authorized to summon witnesses, willfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce upon reasonable notice any material and proper books, papers, or documents in his possession or under his control, is guilty of a misdemeanor.

§312. Forfeiture of office - Disqualification to hold office

The conviction of a member of the Legislature of any of the crimes defined in this article, involves as a consequence, in addition to the punishment prescribed by this code, a forfeiture of his office, and disqualifies him from ever afterwards holding any office under this State.

§318. Gift to Influence a Legislator – Acceptance by a Legislator

No person, firm, or member of a firm, corporation, or association shall give or offer any money, position or thing of value to any member of the State Legislature to influence him to work or to vote for any proposition, nor shall any member of the State Legislature accept any money, position, promise, or reward or thing of value for his work or vote upon any bill, resolution or measure before either house of the Legislature.

§320. Penalty for violating Section 318

Any person or member of any firm, corporation or association violating the provisions of Section 318 of this title shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years nor more than five (5) years, and by a fine in the sum of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

§321. Member of legislature - Soliciting or securing employment with State department or institution

It shall be unlawful for any member of the Legislature of Oklahoma to solicit, receive or accept any money or thing of value either directly or through another person for soliciting or securing employment of or for another person from any department or institution of the State, where the said department or institution is supported in whole or in part from revenues levied pursuant to law or appropriations made by the Legislature.

§322. Penalty for violating Section 321

Any member of the Legislature who shall violate the provisions of Section 321 of this title shall be guilty of a felony, and upon conviction shall be fined in any sum not less than One Hundred Dollars (\$100.00) nor to exceed One Thousand Dollars (\$1,000.00), and be sentenced to the State Penitentiary for a term not less than one (1) year nor to exceed five (5) years and, in addition thereto, the member shall forfeit office.

Appendix F

Lists of House and Senate Membership

House of Representatives Membership, Fifty-second Legislature

Dist			Dist		
1	Dennis Bailey	D	51	Corey Holland	R
2	Glen Bud Smithson	D	52	Charles Ortega	R
3	Neil Brannon	D	53	Randy Terrill	R
4	Mike Brown	D	54	Paul Wesselhoft	R
5	Doug Cox	R	55	Ryan McMullen	D
6	Chuck Hoskin	D	56	Phil Richardson	R
7	Larry Glenn	D	57	Harold Wright	R
8	Ben Sherrer	D	58	Jeff Hickman	R
9	Tad Jones	R	59	Mike Sanders	R
10	Steve Martin	R	60	Purcy Walker	D
11	Earl Sears	R	61	Gus Blackwell	R
12	Wade Rousselot	D	62	T. W. Shannon	R
13	Jerry McPeak	D	63	Don Armes	R
14	George E. Faught	R	64	Ann Coody	R
15	Ed Cannaday	D	65	Joe Dorman	D
16	Jerry Shoemake	D	66	Lucky Lamons	D
17	Brian Renegar	D	67	Pam Peterson	R
18	Terry Harrison	D	68	Chris Benge	R
19	R. C. Pruett	D	69	Fred Jordan	R
20	Paul Roan	D	70	Ron Peters	R
21	John Carey	D	71	Daniel Sullivan	R
22	Wesley Hilliard	D	72	Seneca Scott	D
23	Sue Tibbs	R	73	Jabar Shumate	D
24	Steve Kouplen	D	74	David Derby	R
25	Todd Thomsen	R	75	Dan Kirby	R
26	Kris Steele	R	76	John Wright	R
27	Shane Jett	R	77	Eric Proctor	D
28	Ryan Kiesel	D	78	Jeannie McDaniel	D
29	Skye McNiel	R	79	Weldon Watson	R
30	Mark McCullough	R	80	Mike Ritze	R
31	Jason W. Murphey	R	81	Ken Miller	R
32	Danny Morgan	D	82	Guy Liebmann	R
33	Lee Denney	R	83	Randy McDaniel	R
34	Cory Williams	D	84	Sally Kern	R
35	Rex Duncan	R	85	David Dank	R
36	Eddie Fields	R	86	John Auffet	D
37	Ken Luttrell	D	87	Jason Nelson	R
38	Dale DeWitt	R	88	Al McAffrey	D
39	Marian Cooksey	R	89	Rebecca Hamilton	D
40	Mike Jackson	R	90	Charles Key	R
41	John Enns	R	91	Mike Reynolds	R
42	Lisa Billy	R	92	Richard Morrisette	D
43	Colby Schwartz	R	93	Mike Christian	R
44	Bill Nations	D	94	Scott Inman	D
45	Wallace Collins	D	95	Charlie Joyner	R
46	Scott Martin	R	96	Lewis Moore	R
47	Leslie Osborn	R	97	Mike Shelton	D
48	Pat Ownbey	R	98	John Trebilcock	R
49	Samson Buck	D	99	Anastasia Pittman	D
50	Dennis Johnson	R	100	Mike Thompson	R
			101	Gary Banz	R

Senate Membership, Fifty-second Legislature

Dist			Dist		
1	Charles Wyrick	D	25	Mike Mazzei	R
2	Sean Burrage	D	26	Tom Ivester	D
3	Jim Wilson	D	27	Bryce Marlatt	R
4	Kenneth Corn	D	28	Harry Coates	R
5	Jerry Ellis	D	29	John Ford	R
6	Jay Paul Gumm	D	30	Glenn Coffee	R
7	Richard Lerblance	D	31	Don Barrington	R
8	Roger Ballenger	D	32	Randy Bass	D
9	Earl Garrison	D	33	Tom Adelson	D
10	Joe Sweeden	D	34	Randy Brogdon	R
11	Judy Eason McIntyre	D	35	Gary Stanislawski	R
12	Brian Bingman	R	36	Bill Brown	R
13	Susan Paddack	D	37	Dan Newberry	R
14	Johnnie Crutchfield	D	38	Mike Schulz	R
15	Jonathan Nichols	R	39	Brian A. Crain	R
16	John Sparks	D	40	Cliff Branan	R
17	Charles Laster	D	41	Clark Jolley	R
18	Mary Easley	D	42	Cliff Aldridge	R
19	Patrick Anderson	R	43	Jim Reynolds	R
20	David Myers	R	44	Debbe Leftwich	D
21	Jim Halligan	R	45	Steve Russell	R
22	Mike Johnson	R	46	Andrew Rice	D
23	Ron Justice	R	47	Todd Lamb	R
24	Anthony Sykes	R	48	Constance Johnson	D

Appendix G

Term Limits of House and Senate Members

HOUSE MEMBERS

DISTRICT NUMBER	LAST NAME	FIRST NAME	PARTY AFFILIATION	YEAR TERMED OUT
68	BENGE	CHRIS	R	2010
9	JONES	TAD	R	2010
44	NATIONS	BILL	D	2010
76	WRIGHT	JOHN	R	2010
90	KEY	CHARLES	R	2012
70	PETERS	RON	R	2012
20	ROAN	PAUL	D	2012
26	STEELE	KRIS	R	2012
23	TIBBS	SUE	R	2012
60	WALKER	PURCY	D	2012
63	ARMES	DON	R	2014
61	BLACKWELL	GUS	R	2014
3	BRANNON	NEIL	D	2014
21	CAREY	JOHN	D	2014
45	COLLINS	WALLACE	D	2014
38	DeWITT	DALE	R	2014
65	DORMAN	JOE	D	2014
89	HAMILTON	REBECCA	D	2014
18	HARRISON	TERRY	D	2014
66	LAMONS	LUCKY	D	2014
32	MORGAN	DANNY	D	2014
91	REYNOLDS	MIKE	R	2014
2	SMITHSON	GLEN BUD	D	2014
98	TREBILCOCK	JOHN	R	2014
86	AUFFET	JOHN	D	2016
101	BANZ	GARY	R	2016
42	BILLY	LISA	R	2016
4	BROWN	MIKE	D	2016
64	COODY	ANN	R	2016
39	COOKSEY	MARIAN	R	2016
5	COX	DOUG	R	2016
33	DENNEY	LEE	R	2016
35	DUNCAN	REX	R	2016
7	GLENN	LARRY	D	2016
58	HICKMAN	JEFF	R	2016
22	HILLIARD	WES	D	2016
40	JACKSON	MIKE	R	2016
27	JETT	SHANE	R	2016
84	KERN	SALLY	R	2016
28	KIESEL	RYAN	D	2016
82	LIEBMANN	GUY	R	2016
10	MARTIN	STEVE	R	2016
78	McDANIEL	JEANNIE	D	2016
55	McMULLEN	RYAN	D	2016

Appendix G – Term Limits of House and Senate Members

13	McPEAK	JERRY	D	2016
81	MILLER	KEN	R	2016
92	MORRISSETTE	RICHARD	D	2016
67	PETERSON	PAM	R	2016
19	PRUETT	R.C.	D	2016
56	RICHARDSON	PHIL	R	2016
12	ROUSSELOT	WADE	D	2016
97	SHELTON	MIKE	D	2016
8	SHERRER	BEN	D	2016
16	SHOEMAKE	JERRY	D	2016
73	SHUMATE	JABAR	D	2016
71	SULLIVAN	DANIEL	R	2016
53	TERRILL	RANDY	R	2016
100	THOMPSON	MIKE	R	2016
54	WESSELHOFT	PAUL	R	2016
15	CANNADAY	ED	D	2018
85	DANK	DAVID	R	2018
74	DERBY	DAVID	R	2018
41	ENNS	JOHN T.	R	2018
14	FAUGHT	GEORGE E.	R	2018
6	HOSKIN	CHUCK	D	2018
94	INMAN	SCOTT	D	2018
50	JOHNSON	DENNIS	R	2018
69	JORDAN	FRED	R	2018
95	JOYNER	CHARLIE	R	2018
37	LUTTRELL	KEN	D	2018
46	MARTIN	SCOTT	R	2018
88	MCAFFREY	AL	D	2018
30	MCCULLOUGH	MARK	R	2018
83	McDANIEL	RANDY	R	2018
29	MCNIEL	SKYE	R	2018
31	MURPHEY	JASON	R	2018
99	PITTMAN	ANASTASIA	D	2018
77	PROCTOR	ERIC	D	2018
17	RENEGAR	BRIAN	D	2018
43	SCHWARTZ	COLBY	R	2018
11	SEARS	EARL	R	2018
62	SHANNON	TW	R	2018
25	THOMSEN	TODD	R	2018
79	WATSON	WELDON	R	2018
1	BAILEY	DENNIS	D	2020
49	BUCK	SAMSON	D	2020
93	CHRISTIAN	MIKE	R	2020
36	FIELDS	EDDIE	R	2020
51	HOLLAND	COREY	R	2020
75	KIRBY	DAN	R	2020
24	KOUPLEN	STEVE	D	2020
96	MOORE	LEWIS	R	2020
87	NELSON	JASON	R	2020
52	ORTEGA	CHARLES	R	2020
47	OSBORN	LESLIE	R	2020
48	OWNBEY	PAT	R	2020

Appendix G – Term Limits of House and Senate Members

80	RITZE	MIKE	R	2020
59	SANDERS	MIKE	R	2020
72	SCOTT	SENECA	D	2020
34	WILLIAMS	CORY	D	2020
57	WRIGHT	HAROLD	R	2020

SENATE MEMBERS

DISTRICT NUMBER	LAST NAME	FIRST NAME	PARTY AFFILIATION	YEAR TERMED OUT
30	COFFEE	GLENN	R	2010
4	CORN	KENNETH	D	2010
14	CRUTCHFIELD	JOHNNIE	D	2010
22	JOHNSON	MIKE	R	2010
10	SWEEDEN	JOE	D	2010
18	EASLEY	MARY	D	2011
15	NICHOLS	JONATHON	R	2012
43	REYNOLDS	JIM	R	2012
3	WILSON	JIM	D	2012
42	ALDRIDGE	CLIFF	R	2014
40	BRANAN	CLIFF	R	2014
34	BROGDON	RANDY	R	2014
28	COATES	HARRY	R	2014
5	ELLIS	JERRY	D	2014
6	GUMM	JAY PAUL	D	2014
20	MYERS	DAVID	R	2014
33	ADELSON	TOM	D	2016
19	ANDERSON	PATRICK	R	2016
31	BARRINGTON	DON	R	2016
32	BASS	RANDY	D	2016
12	BINGMAN	BRIAN	R	2016
39	CRAIN	BRIAN A.	R	2016
29	FORD	JOHN W.	R	2016
9	GARRISON	EARL	D	2016
41	JOLLEY	CLARK	R	2016
23	JUSTICE	RON	R	2016
47	LAMB	TODD	R	2016
17	LASTER	CHARLIE	D	2016
7	LERBLANCE	RICHARD	D	2016
25	MAZZEI	MIKE	R	2016
11	MCINTYRE	JUDY EASON	D	2016
13	PADDACK	SUSAN	D	2016
1	WYRICK	CHARLES	D	2016
8	BALLENGER	ROGER	D	2018
36	BROWN	BILL	R	2018
2	BURRAGE	SEAN	D	2018
26	IVESTER	TOM	D	2018
48	JOHNSON	CONSTANCE	D	2018
44	LEFTWICH	DEBBE	D	2018
46	RICE	ANDREW	D	2018
38	SCHULZ	MIKE	R	2018
16	SPARKS	JOHN	D	2018
24	SYKES	ANTHONY	R	2018
21	HALLIGAN	JIM	R	2020
27	MARLATT	BRYCE	R	2020
37	NEWBERRY	DAN	R	2020
45	RUSSELL	STEVE	R	2020
35	STANISLAWSKI	GARY	R	2020

Appendix H

Maps of Oklahoma House Districts

Statewide Map of Districts

Canadian County

Cleveland County

Comanche County

Garfield County

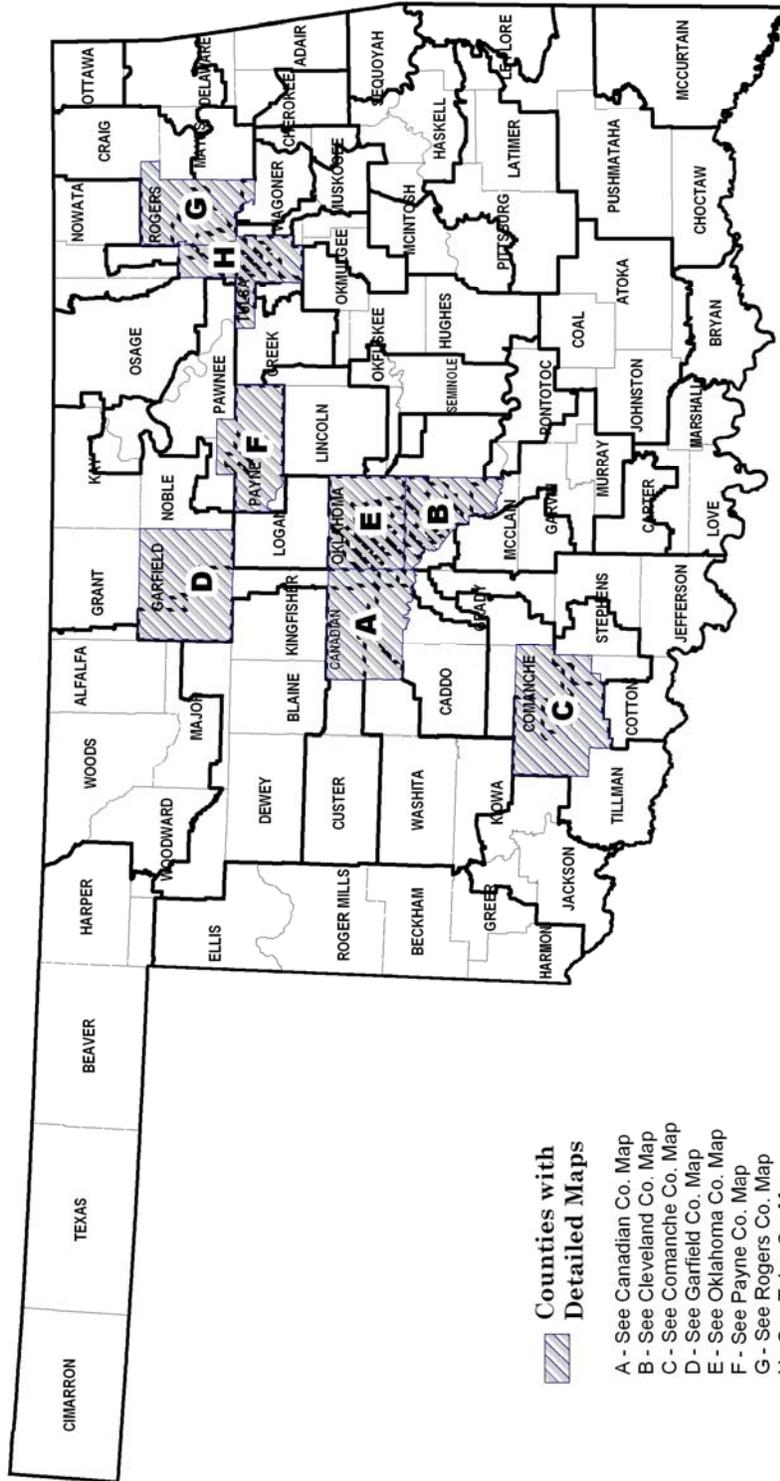
Oklahoma County

Payne County

Rogers County

Tulsa County

OKLAHOMA HOUSE DISTRICTS 2002 - 2010 ELECTIONS

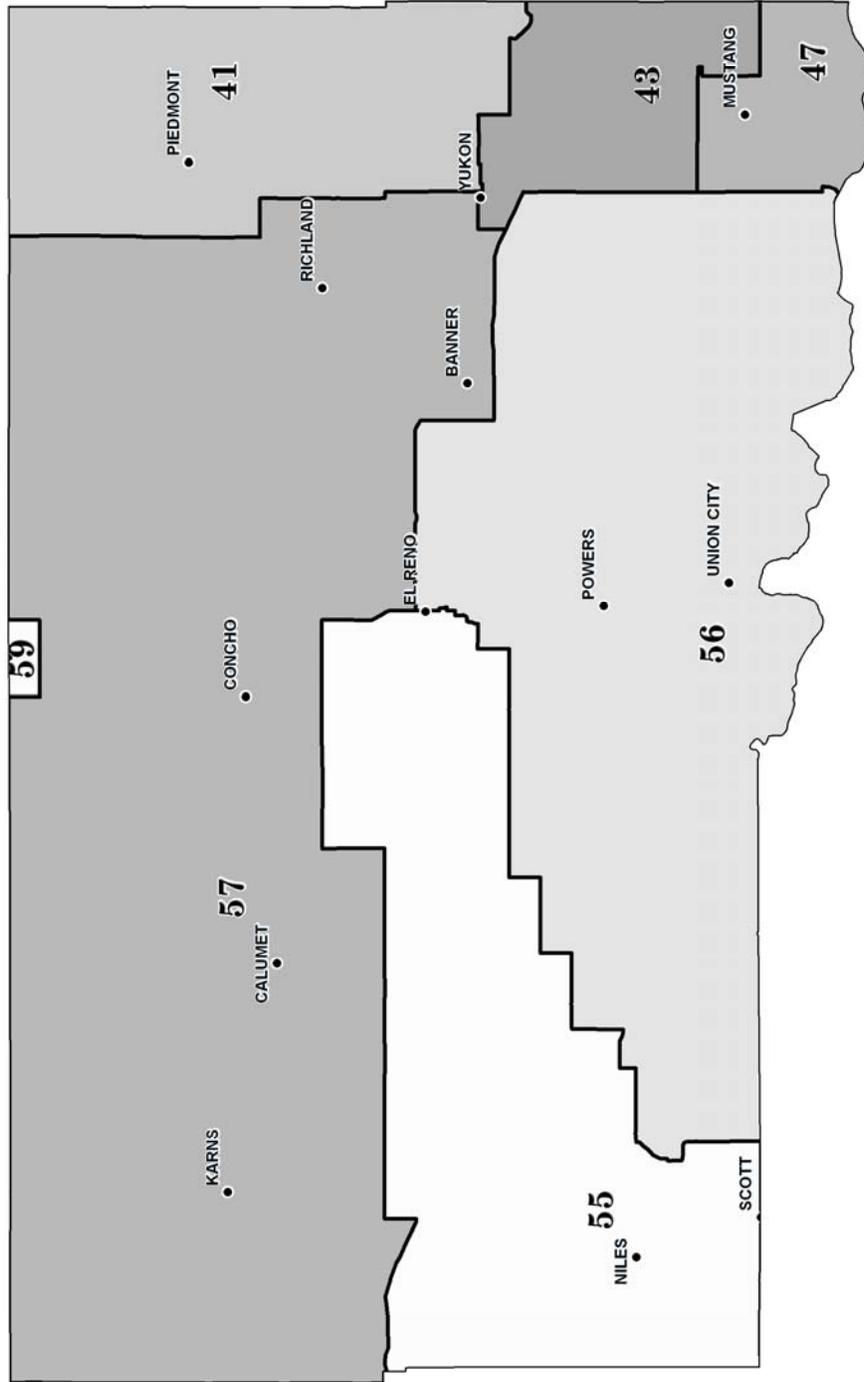


**Counties with
Detailed Maps**

- A - See Canadian Co. Map
- B - See Cleveland Co. Map
- C - See Comanche Co. Map
- D - See Garfield Co. Map
- E - See Oklahoma Co. Map
- F - See Payne Co. Map
- G - See Rogers Co. Map
- H - See Tulsa Co. Map

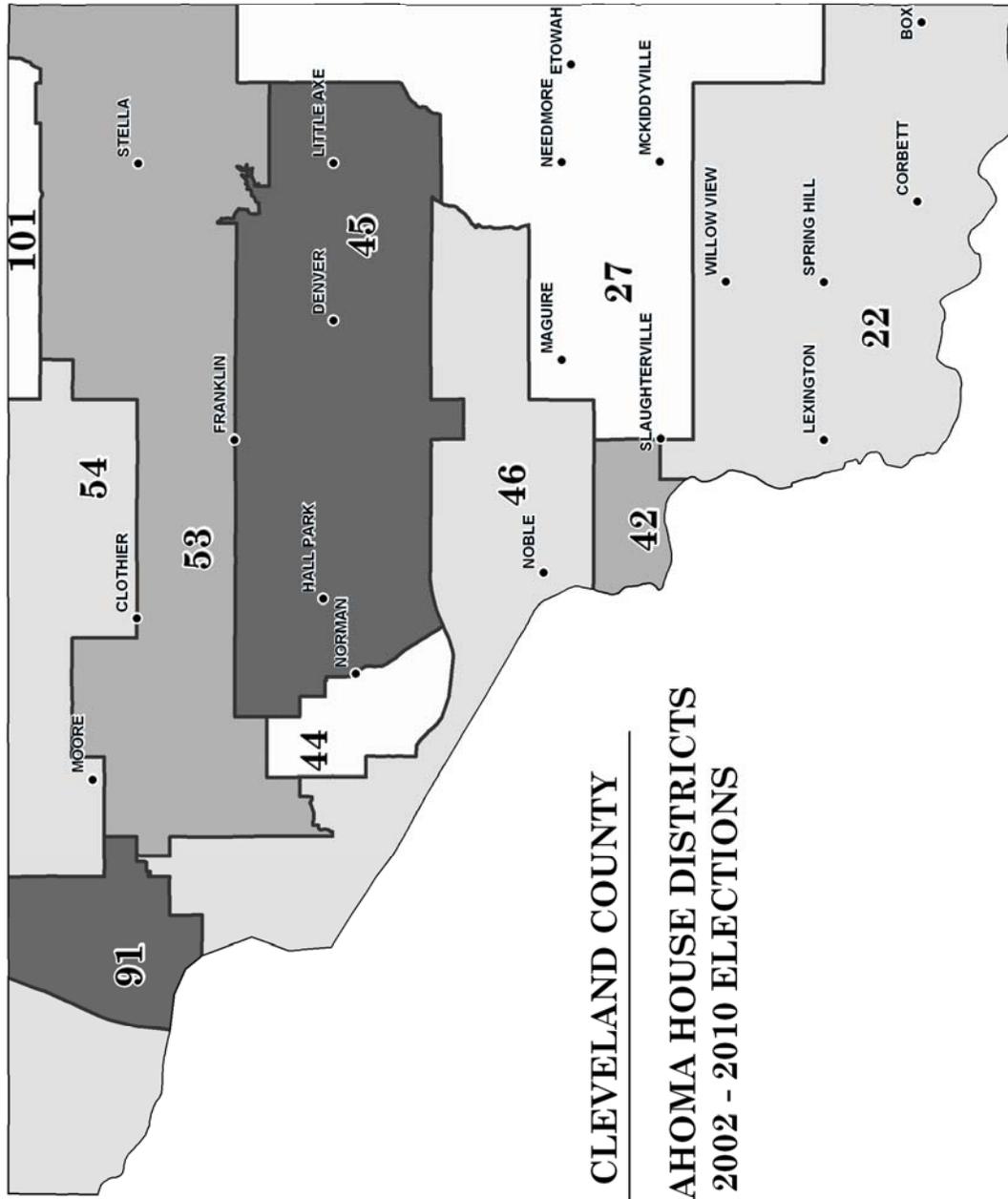
REQ# 387

CANADIAN COUNTY



**OKLAHOMA HOUSE DISTRICTS
2002 - 2010 ELECTIONS**

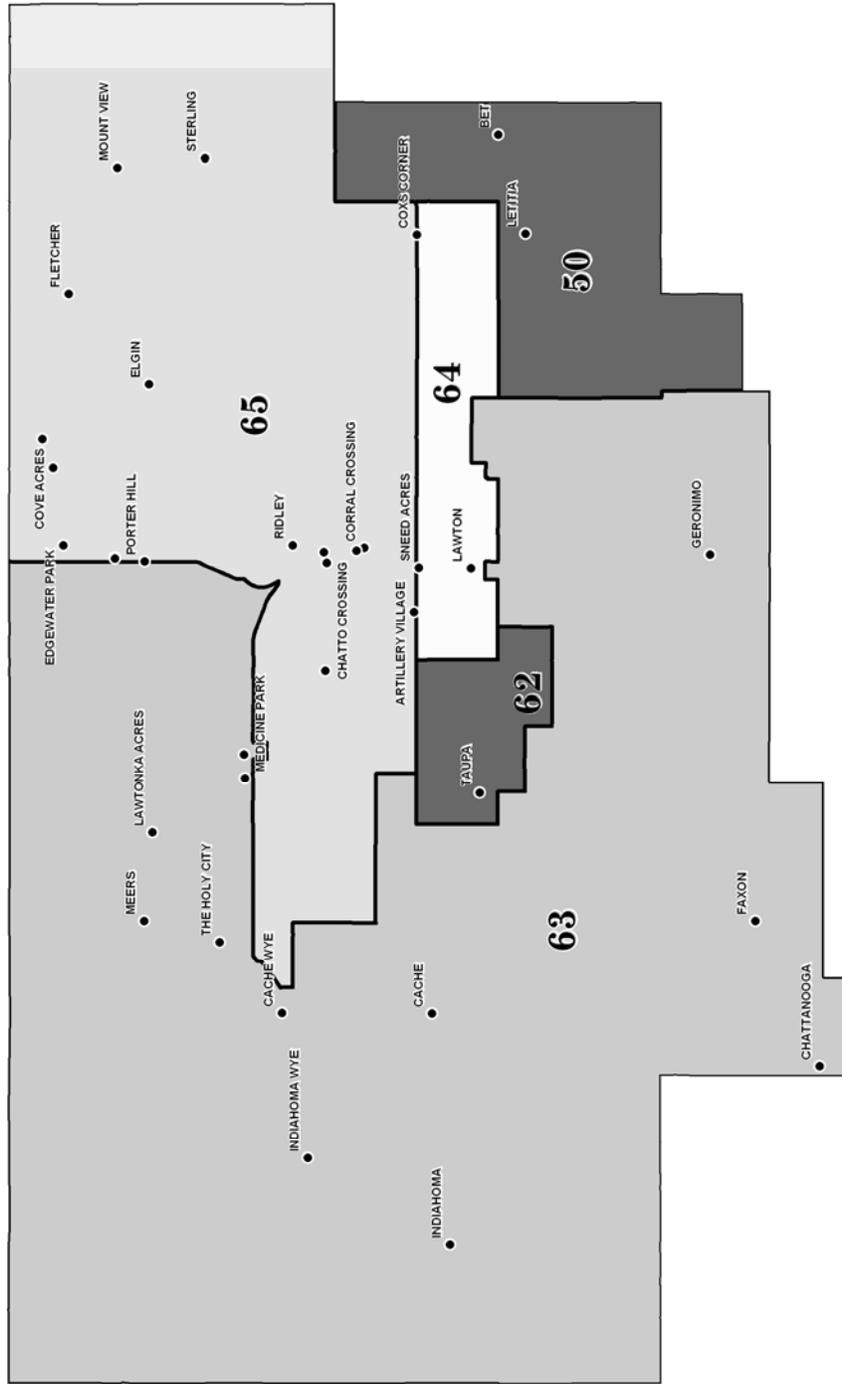
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CLEVELAND COUNTY
OKLAHOMA HOUSE DISTRICTS
2002 - 2010 ELECTIONS

REQ# 387

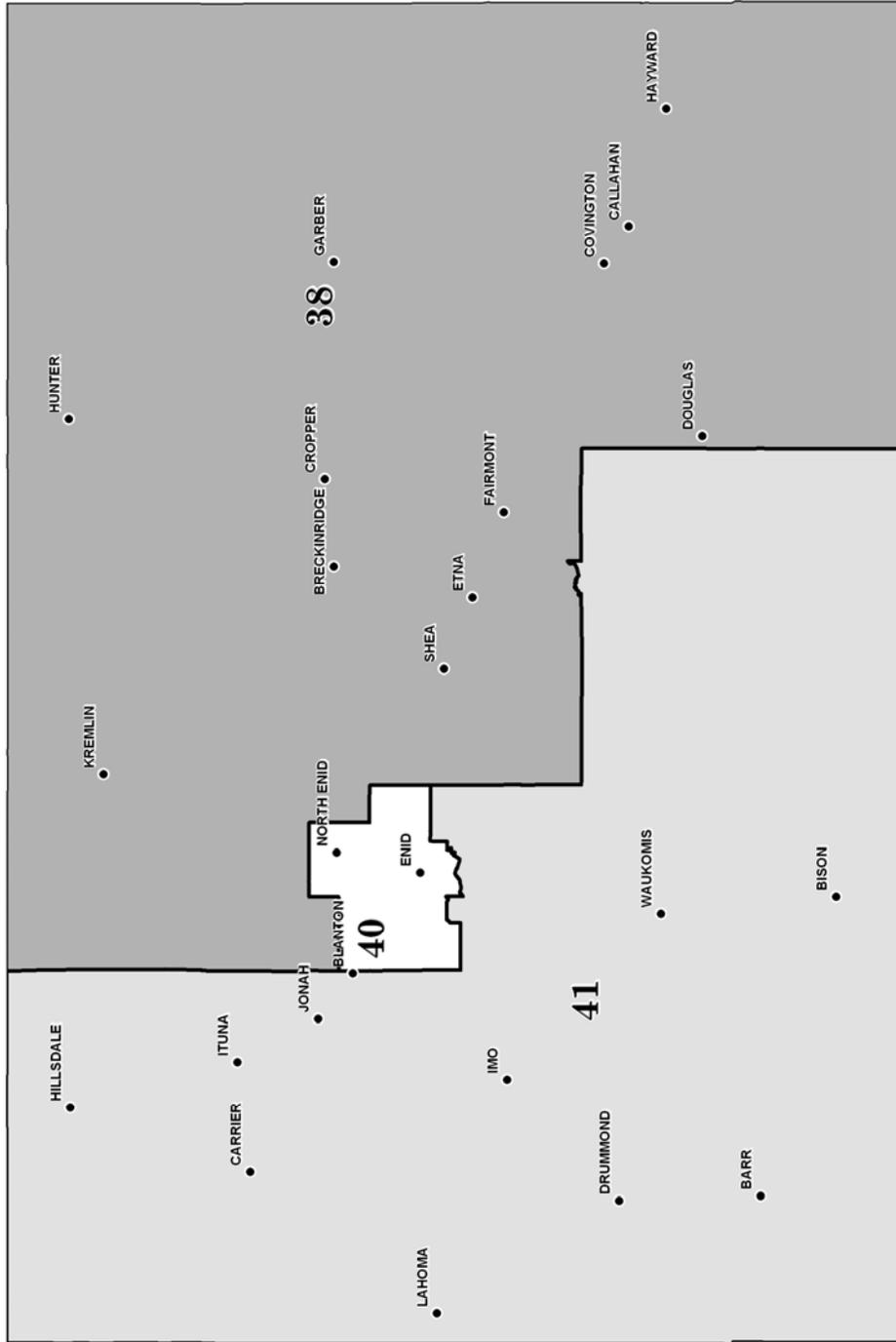
COMANCHE COUNTY



**OKLAHOMA HOUSE DISTRICTS
2002 - 2010 ELECTIONS**

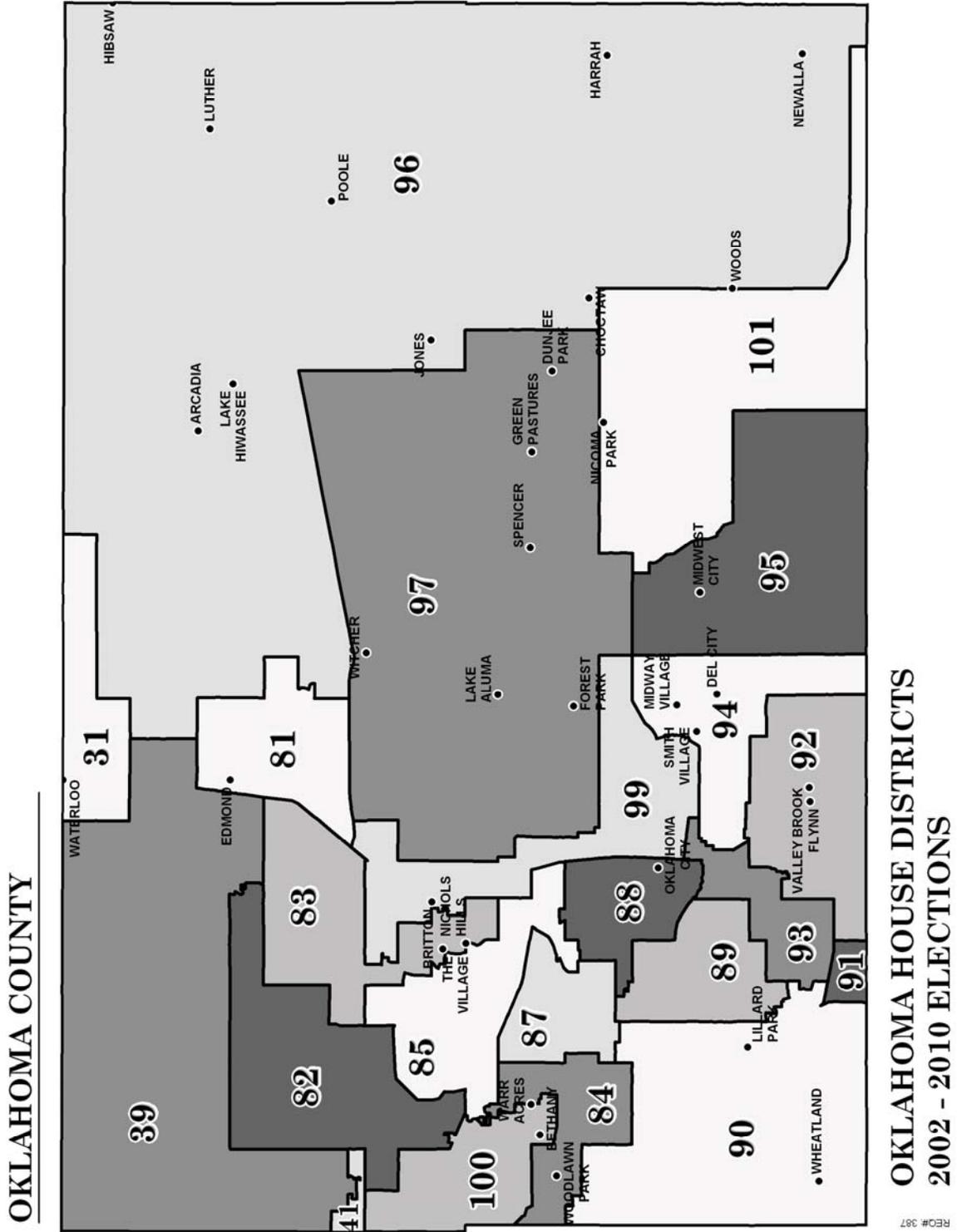
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GARFIELD COUNTY

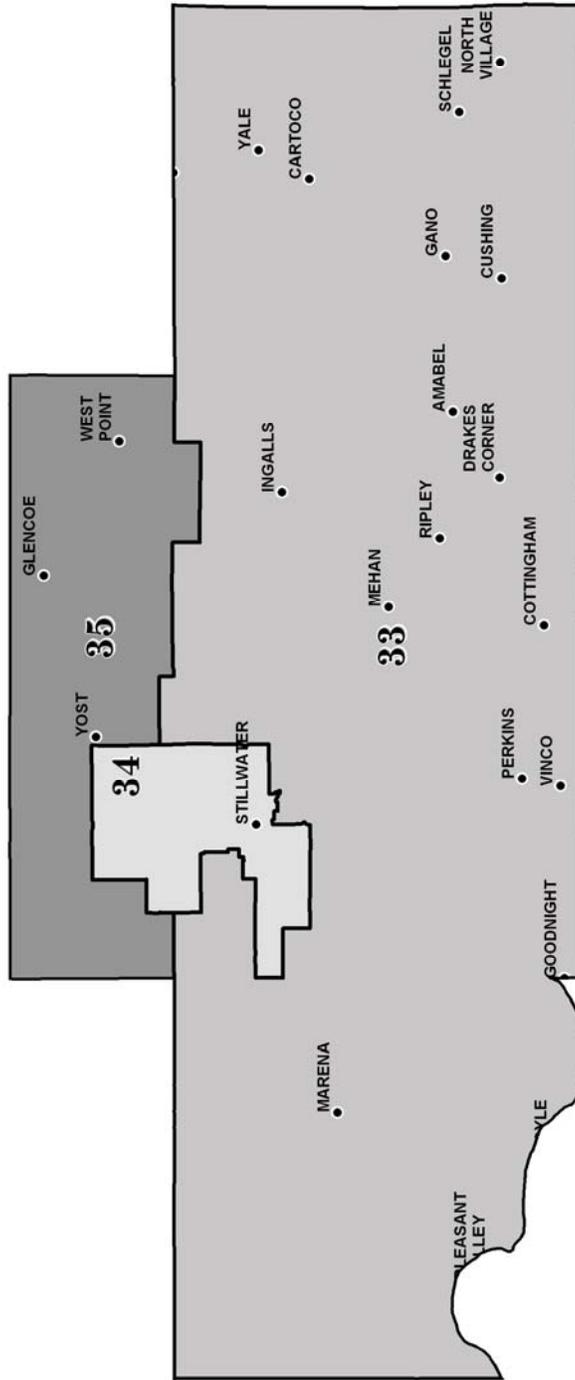


**OKLAHOMA HOUSE DISTRICTS
2002 - 2010 ELECTIONS**

REQ# 387



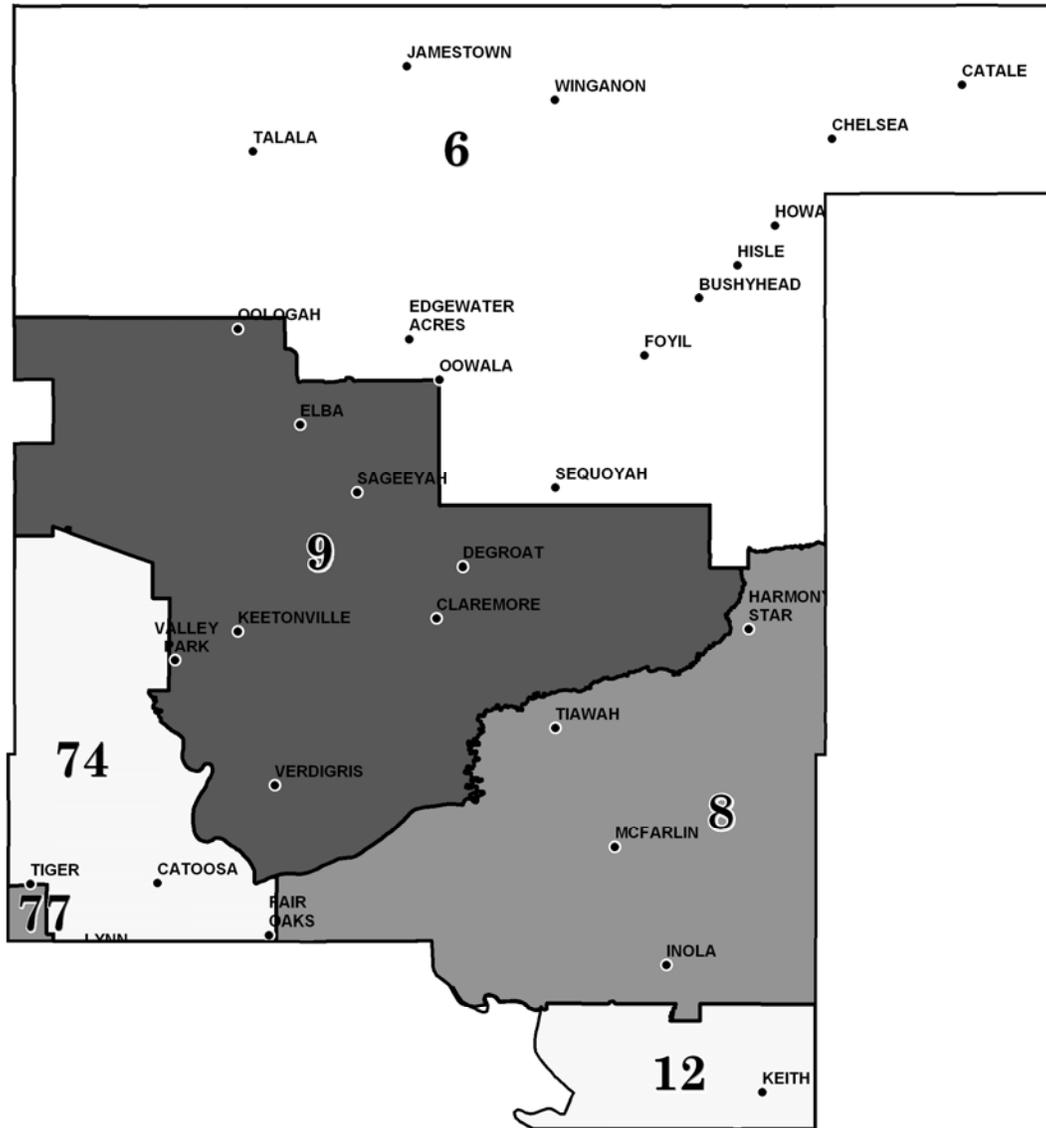
PAYNE COUNTY



**OKLAHOMA HOUSE DISTRICTS
2002 - 2010 ELECTIONS**

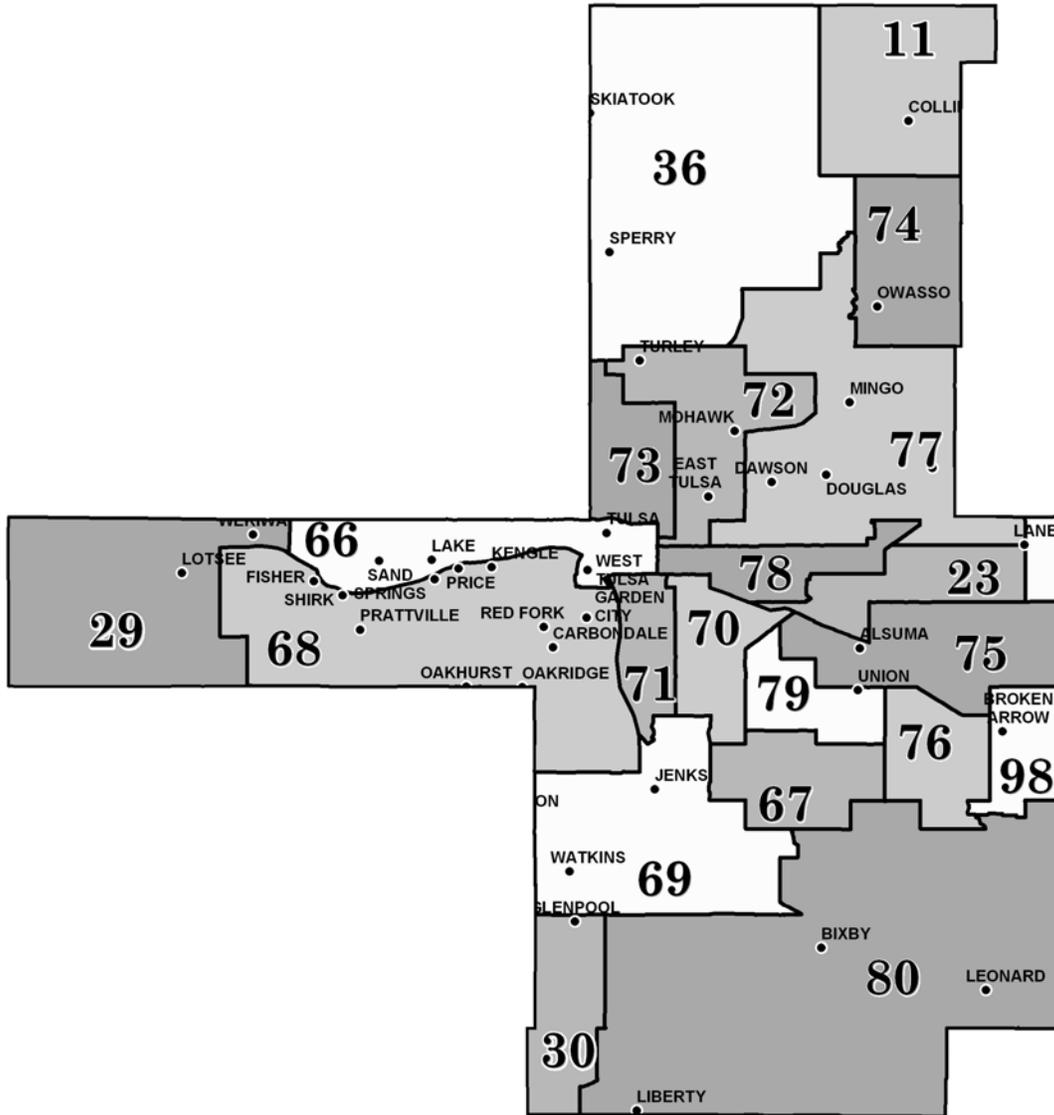
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ROGERS COUNTY



REC# 387
**OKLAHOMA HOUSE DISTRICTS
2002 - 2010 ELECTIONS**

TULSA COUNTY



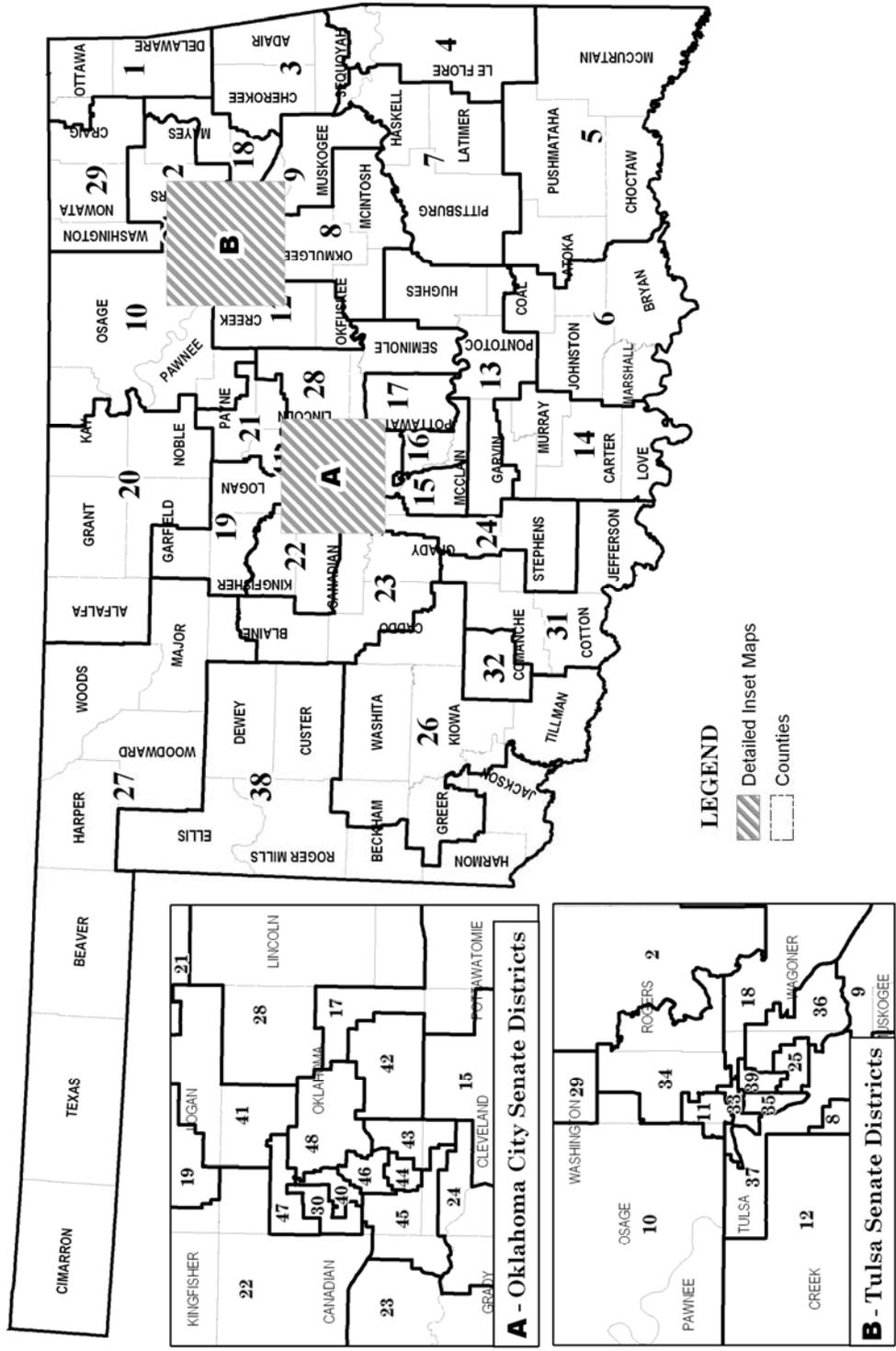
OKLAHOMA HOUSE DISTRICTS 2002 - 2010 ELECTIONS

RECD# 387

Appendix I

State Map of Senate Districts

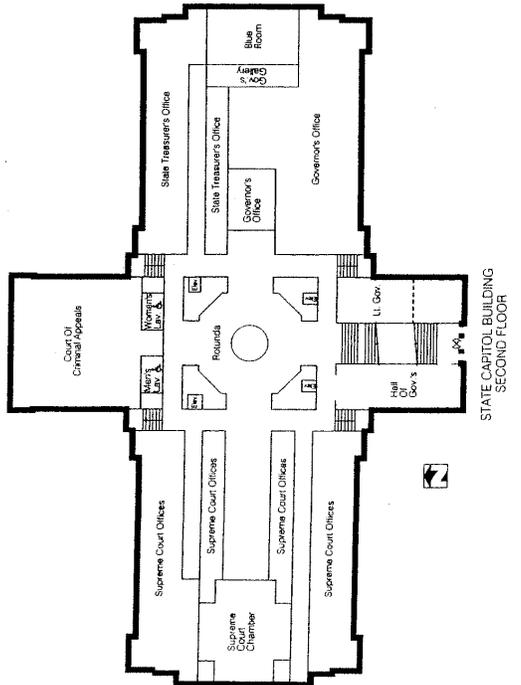
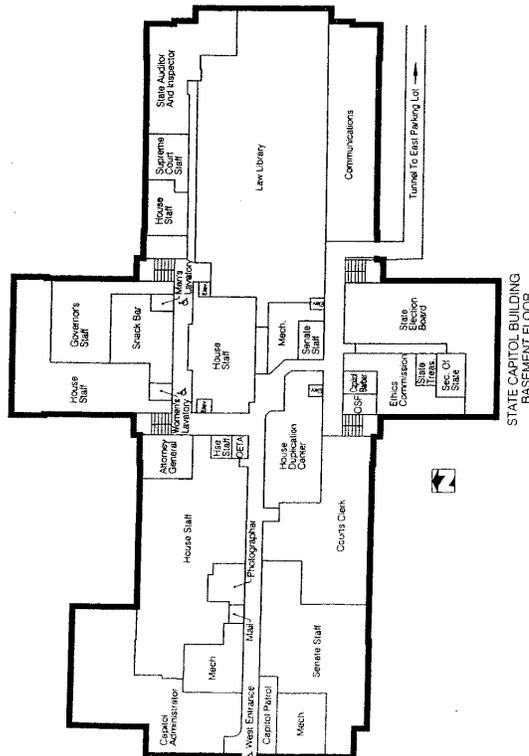
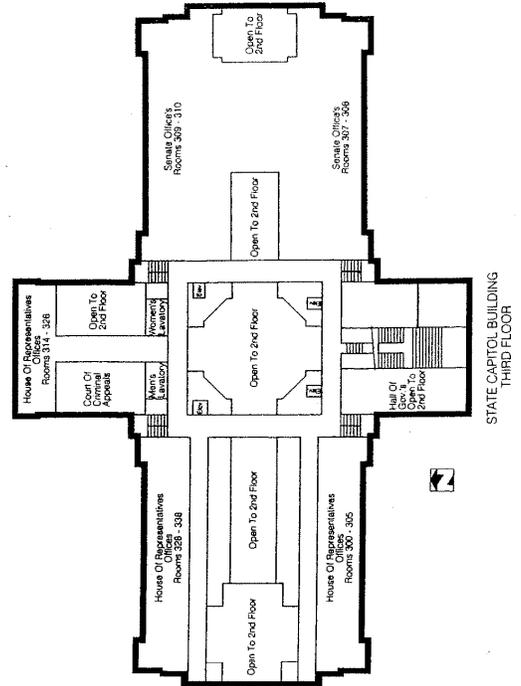
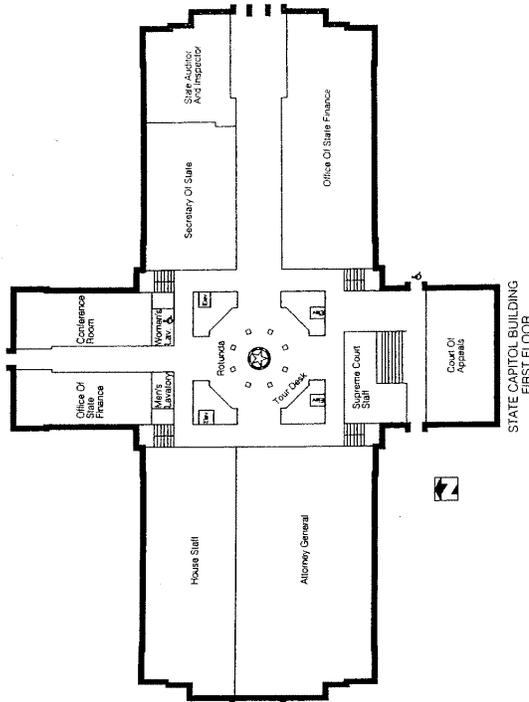
OKLAHOMA SENATE DISTRICTS 2002 - 2010 ELECTIONS



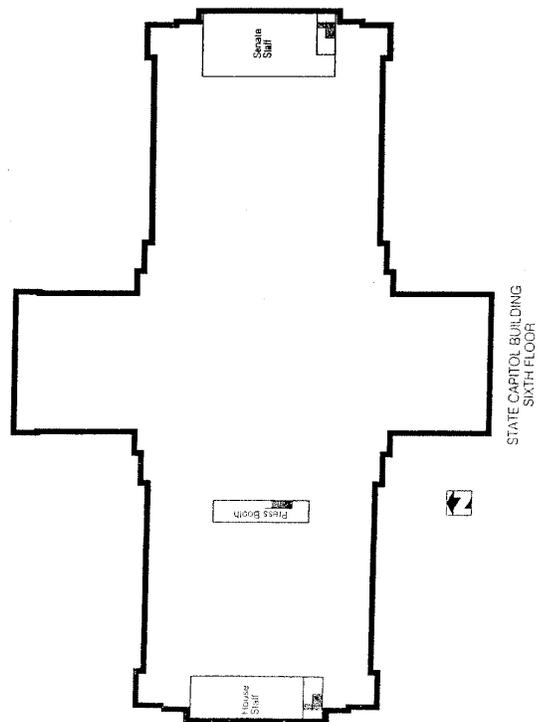
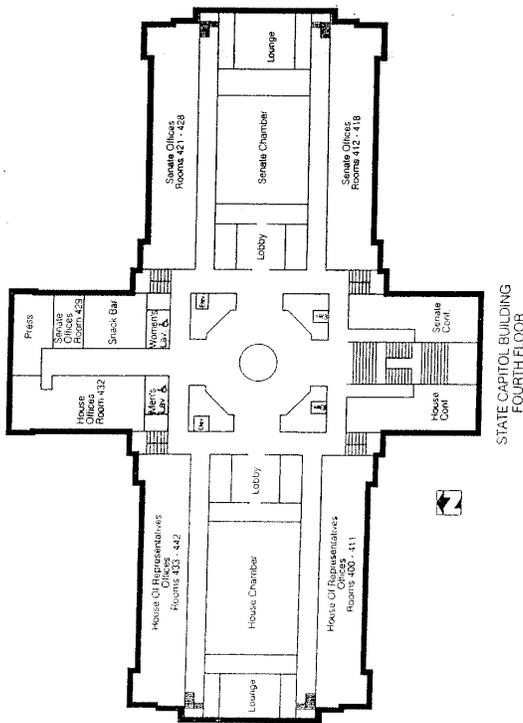
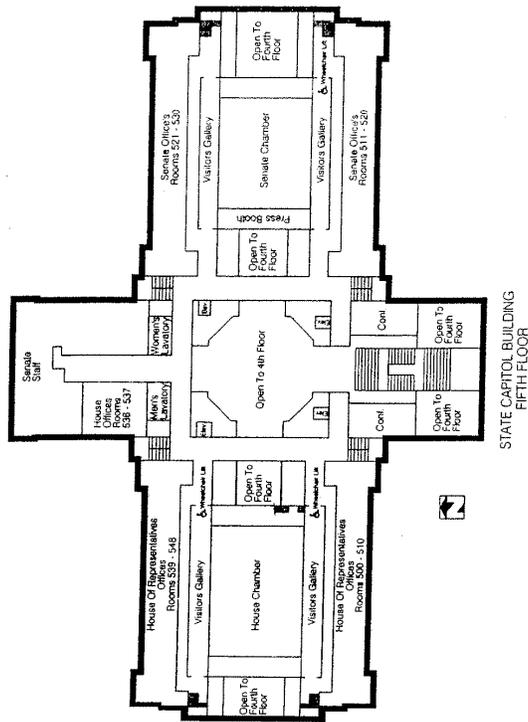
REQ# 387

Appendix K

Maps of the Capitol Building



Appendix K – Maps of the Capitol Building



Appendix L

Map of the Capitol Complex

