

## HOUSE PRECEDENTS

### **14.2 - 1.A. (2009) CONSTITUTIONALITY OF MEASURE'S TITLE**

**Rule** – House Rule 14.2 states in part:

*Any parliamentary questions not provided for by the Oklahoma Constitution or these Rules shall be governed by the ruling of the Speaker...*

**History** – While House Bill 1755 was under consideration, Representative Morrissette raised a point of order as to whether the title of House Bill 1755 met constitutional requirements. The presiding officer ruled the point not well taken pursuant to House Precedent 14.2-1.<sup>1</sup> Representative Morrissette appealed the ruling of the presiding officer. The decision of the presiding officer was upheld upon a roll call vote.<sup>2</sup>

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

**Reasoning** – It is not proper for the presiding officer to determine whether a measure's title conforms to constitutional requirements. This question must be decided by the House itself.<sup>3</sup>

### **14.2 - 2. (2009) AUTHORITY TO PUBLISH RULINGS OF THE CHAIR**

**Rule** – House Rule 14.2 states in part:

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<sup>1</sup> *Prec. Okla. H. of Rep.*, § 14.2(1.), 51st Leg., 1st Reg. Sess. (March 6, 2007).

<sup>2</sup> *Okla. H. Jour.*, 693, 52nd Leg., 1st Reg. Sess. (March 2, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:29, 8:52-14:56 (March 2, 2009).

<sup>3</sup> MASON'S MANUAL OF LEGISLATIVE PROCEDURE 187 § 242(3) (National Conference of State Legislatures 2000).

*Any parliamentary questions not provided for by the Oklahoma Constitution or these Rules shall be governed by the ruling of the Speaker. The Speaker may publish these substantive rulings in a volume of precedents.*

**History** – During consideration of the Conference Committee Report on House Bill 1934, Representative Brown requested a ruling of the Chair as to whether the conference committee report was germane to the subject of House Bill 1934 as required by House Rule 7.15(a).

The presiding officer determined that the conference committee report was germane to the subject of House Bill 1934. Representative Brown appealed the ruling of the Chair and the decision of the presiding officer was upheld upon a roll call vote.

Subsequent to the ruling on the question of germaneness, Representative Brown moved that the ruling be included in the "book of precedents." The presiding officer ruled the motion out of order pursuant to House Rule 14.2 which grants the Speaker discretion to determine which rulings are published as written precedents of the House.<sup>4</sup>

**Ruling** – It is the ruling of the Chair that House Rules give exclusive authority to the Speaker to determine which rulings of

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<sup>4</sup> *Okla. H. Jour.*, 1386, 52nd Leg., 1st Reg. Sess. (April 20, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:23, 00:38-08:04 (April 20, 2009); affirmed at *Okla. H. Jour.*, 1442, 1443, 52nd Leg., 1st Reg. Sess. (April 22, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:26, 7:31-12:15 (April 22, 2009); *Daily H. Sess. Dig. Rec.*, 52nd Leg., 1st Reg. Sess. Track 10:07, 11:23-12:21 (April 30, 2009).

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the Chair are to be published in the “book of precedents”.

**Reasoning** – House Rule 14.2 grants authority to the Speaker to decide whether a ruling of the Chair is “substantive” and therefore should be published as a written precedent of the House. Because Rule 14.2 explicitly gives discretionary authority to the Speaker to make this determination, it would not be appropriate for the presiding officer to entertain a motion which would cause a ruling of the Chair to be placed in the “book of precedents” in a manner outside the procedure created by Rule 14.2.

A motion, such as the one offered in this instance, if adopted, would have had the effect of amending the House Rules without in fact following the requirements outlined in House Rule 14.1, paragraphs (a) and (b), for amending House Rules.