

OVERVIEW OF THE OKLAHOMA LEGISLATURE

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The Oklahoma Constitution intentionally restricts the executive branch, making the Oklahoma Governor a weak participant in the policymaking process. Collectively the members of the Oklahoma Legislature hold most of the policymaking authority in the state. When the legislature is controlled by strong leadership, these leaders become very powerful figures in Oklahoma politics. The legislature is perhaps the most important branch of Oklahoma government.

The 1997-98 legislature is the 46th Oklahoma Legislature. Sessions in odd numbered years are referred to as the First Session and those in even numbered years are described as the Second Session. The Constitution limits regular legislative sessions to 90 working days which must occur between the first Monday in February and the last Friday in May. The governor has the power to call special sessions if necessary.

Members of the House serve two year terms and are elected in November of even numbered years. Members of the Senate serve four year terms. These terms are staggered such that one half of the Senate is elected in each statewide general election. Current senators in even numbered districts were elected in 1994, and those in odd numbered districts were elected in 1996.

Leadership

The two parties organize the leadership of both chambers. The majority leaders are nominated in the party caucuses and elected by their respective house memberships. The Senate is led by the President Pro Tempore and the House is led by the Speaker of the House. The Oklahoma Constitution makes the Lieutenant Governor the President of the Senate, but by tradition she only serves in that capacity on ceremonial occasions or to break tie votes. Rules of the House and Senate Democratic Caucuses limit the Speaker of the House to two terms.

Historically, the Democratic Party has dominated the Oklahoma Legislature. Only in 1921-22 did Republicans muster a majority, in the House. In the 46th Legislature there are 65 Democrats and 36 Republicans in the House, and 33 Democrats and 15 Republicans in the Senate.

Currently, the majority House leadership includes 16 members, and the minority House leadership includes 9 members. The Senate majority leadership includes 6 members, while the minority leadership includes 4. Unlike some states, Oklahoma does not have a normal line of succession to majority leader.

The party leader has considerable influence in the elections of the other leadership positions by the party caucus, and the Speaker appoints the leadership positions below Majority Floor Leader in the House. There are three distinct leadership groups in each chamber: the floor leadership, the committee leadership, and the leadership team. The formal leadership positions for the majority include the floor leader and his lieutenants. The committee leadership includes the committee chairs, vice-chairs, subcommittee chairs, and subcommittee vice-chairs. The leadership team is an informal brain trust that the majority leader selects. They are his inner-circle or kitchen cabinet advisors. Membership in the leadership team is fluid.

Both chambers operate extensive committee systems. Committee chairs are selected by the Speaker and the President Pro Tempore. The House has 26 standing committees; the Senate has 19. This proliferation of committees affords numerous opportunities for legislators to serve in a leadership capacity. Of the 149 members, either as a chairman or vice-chairman, 104 serve as a committee leader.

“Supermajority” Requirements

Even though the Democratic Party controls large majorities in both houses, super-majority requirements keep the partisan makeup important to the functioning of the legislature. [A super-majority is any majority that requires more than 50 percent + one of the vote to ratify a decision]. For example, “emergency” legislation requires a two-thirds vote to pass; a majority of the bills passing through the Oklahoma Legislature are declared emergencies, and become law immediately after they are signed by the governor, or after a successful override of a gubernatorial veto. If the governor vetoes an emergency clause, three-fourths of both houses are required to override the veto. By comparison, ordinary bills become law 90 days after the legislature adjourns.

For six of the past ten years, Oklahomans have experienced divided government. Republicans have controlled the governorship, while Democrats have maintained large majorities in both houses. This has led to a record number of vetoes. A two-thirds vote in each house is required to override the governor’s veto of a non-emergency bill. Further, due to a successful 1992 initiative, a vote of three-fourths of both houses is now required for the Oklahoma Legislature to pass a tax increase. Without this super-majority, the tax increase must be submitted to a referendum.

These super-majority requirements enhance the relevance of the partisan makeup of the legislature. Even though the Democrats hold large majorities in both chambers, the GOP is in the position to sustain gubernatorial vetoes and block tax measures in both chambers, and to block emergency legislation in one. House Republicans currently have one more vote than needed to sustain a gubernatorial veto or block an emergency. In the Senate, Republicans have just one vote over the necessary one-fourth votes to prevent tax increases or emergency clause veto overrides.

The Legislative Calendar and the Legislative Process

A survey of members indicated that they believe the biggest problem in the legislature is a lack of time for doing their work. In 1989, the public required that the legislature complete its 90 days of business between the first Monday in February and the last Friday in May. This restriction has led to a great deal of frustration among legislators.

The 90 day requirement was not new. However, the May deadline forces members to compress the session. Prior to the passage of State Question 620, limiting the session, the legislature would only meet a few days per week. This allowed time between sessions for committee meetings, discussion, and deliberation. But the public did not understand why the legislature took from January to July to complete 90 days of work. The final days of a session usually involve intense conflict, which added to the negative public perception. Voter imposed calendar restrictions were the result.

To deal with these new requirements, the legislative leadership imposed strict deadlines for moving legislation from one stage to another. A bill that does not clear a deadline is considered dead, unless the rules are suspended by two-thirds of both houses to resurrect it. In 1996, deadlines for drafting and introducing legislation expired before the opening of the legislative session, and the deadline for reporting bills out of committee was just three weeks after the session began.

Due to the legislative deadlines, a member who wishes to reserve the right to initiate legislation on a topic must introduce a bill before the first day of the session, even if the bill has no language in it. These bills, that contain only a title and a number, are described as shell bills. The number of legislators engaging in the practice of introducing numerous shell bills has contributed to an increased number of bills being introduced each session. Faced with more bills to process in less time, most legislators see the session as a mad dash with little time to fine tune legislative proposals, resulting in a shoddy product that often needs to be revisited in the next legislative session.

In 1992, another initiative, State Question 640, required that all tax increases be approved by 75 percent of each house of the legislature or be subjected to referendum. The impact of this reform was not immediately felt. Oklahoma has enjoyed increasing revenues from its current tax system since that time. However, in 1997, the governor proposed a tax reduction. Opponents of the tax reduction argued that once reduced, taxes could not be easily reinstated.

Both of these constraints directly affected the way the legislature functioned. A less direct constraint was imposed in 1991. Yet, its affect on the legislature likely will be just as consequential. State Question 632 imposed 12 year lifetime limits on a member's service in the Oklahoma Legislature.

Term Limits and Turnover

Term limits will not directly affect legislative reelections until 2004. (See the essay by Rausch and Farmer in this volume for more elaboration on term limits in Oklahoma.)

The law allowed those members who were serving on January 1, 1991 to finish that term before their 12 years began to accumulate toward the limit. Since legislative terms start in November, fifteen days after the election, those elected in 1990 were allowed to finish that entire term before they were affected. For House members continually elected from November 1990, their 12 year limited career will span from November 1992 until November 2004. For Senators continually elected from November 1990 their 12 year limited career will span from November 1994 until November 2006.

If the 12 year limit were imposed at the end of this Legislature, 20 percent of current legislators would be prevented from seeking reelection because they have completed 12 years of service. Fifty percent of the current legislators have 6 or less years of experience. Members of the Senate tend to have more legislative experience than Members of the House. Forty percent of current Senators are former House members.

Concluding Thoughts

The Oklahoma Legislature has undergone a variety of reforms in the past decade. Thomas Paine once observed that “when the legislature is in session no man’s property is safe.” The Oklahoma public and the Oklahoma legislature reflect this view, as a variety of reforms passed in the last decade have curtailed the ability to enact legislative change. Reforms have constrained the time-period for conducting legislative business, imposed strict limits on legislative careerism, and increased the need for large majorities to pass legislation and alter tax laws.