

Oklahoma Intercollegiate Legislature



A LEGISLATIVE WRITING GUIDE FOR THE OKLAHOMA INTERCOLLEGIATE LEGISLATURE

This packet has been prepared to help you, the participant of O.I.L., understand the bill writing process and what necessary components make up the outline for a piece of legislation. Before anyone writes a piece of legislation, you should consult this document to insure that every bill and resolution that is introduced at session be uniform in appearance and contain every necessary part in the correct order to make the bill or resolution legal according to the state law that O.I.L. seeks to imitate and educate you about. If you have any questions, please feel free to contact any of the officers of the legislative branch and we will be more than happy to help you with your legislative endeavors.

Also, remember to look at the State O.I.L.'s website: www.okoil.org and OU OIL's website: www.ou.edu/oil. Bookmark them today!

I. THE FIRST STEPS...

A. Where do I find a good idea?

The first step to writing a good piece of legislation is finding an idea that is both fresh and creative. It is beneficial to avoid legislation on topics where arguments have become repetitious and over debated. If you have any doubts, simply ask other members of your delegation to help brainstorm new ideas. In order to find fresh ideas it is good to refer to current media. Keep in mind that OIL is a simulation of Oklahoma State government and therefore topics discussed should primarily concern issues at the state level. The only exceptions would be resolutions calling on the federal government to enact certain changes in policy. Some media sources that might help in researching a topic include local and national television news, radio (NPR and other talk stations), local and national newspapers, magazines, and Internet sites. Ask friends, family members or employers about changes they think would be beneficial to society.

B. How do I develop my idea?

Once you have your idea it is important to research the idea using current sources. Always remember that state laws are ever changing. It is key to refer to the newest materials available. By researching your idea you will develop a thorough knowledge of the issue which will assist you during session when discussing your legislation before committees and the legislative bodies. Supporting information enables the author of a piece of legislation to educate other members on the idea they are presenting, which helps lead to heightened and informative debate. Some examples of supporting information would be quotes, facts, figures, and posters with diagrams or photos. The legislative idea worksheet (pg 3) will assist in the development of your topic.

C. Where does my topic fit into state law?

Once you have a general idea of what you would like to accomplish with your legislation it is time to refer to the list of Oklahoma Statute Titles (pg 8). Printed versions of the Oklahoma State Statutes, which include all of the laws of Oklahoma, will be available in most university or law libraries and on a number of state government internet sites (pg 5). You are able to search either a printed index or an Internet search of the all statutes. Titles are divided into sections of law grouped by subject, such as *Schools* or *Criminal Procedure*. After you have found the correct Title you may then search for the specific section that would be most relevant to your change. This depends on whether you are creating new law or amending or repealing a current law.

D. How do I write my legislation?

The last, and by far the easiest, step is writing each individual piece of legislation. The rest of this packet will explain in detail each part of a bill and resolution. Just keep in mind that if all else fails simply imitate the appearance of the sample legislation (pgs 10-14). Don't be intimidated of writing legislation. Anyone who has written a piece of legislation can tell you it is simple. Bringing legislation to session is also the best way to become and stay involved.

II. LEGISLATIVE IDEA WORKSHEET

A. Describe the problem you are wishing to correct:

B. How would you correct this problem?

C. How can the problem best be corrected at the state level?

D. What state governmental agency, branch, or group, would be responsible for implementation or oversight of your plan?

E. Are there specific standards you think should be implemented? Licensing? Testing? Training? Accountability?

F. How would you enforce your plan? Fines? Penalties?

III. READING AND UNDERSTANDING A BILL

A. Components of a Bill

Heading: Each bill will indicate the Legislature, session and year in which the measure was introduced. The line following will include “House/Senate Bill/Resolution/Concurrent Resolution/Joint Resolution No. ####” and then on the right side “Last Name(s) (School). * The number of the legislation will be added by the chair of each delegation as explained in the registration materials.

Oklahoma Intercollegiate Legislature 1st Session of the 33rd Legislature (2001)	
HOUSE BILL NO. 19510	Smith (OKU) Wesson (OKU)

*—Co-authors can be added or removed during committees or regular session through the house’s proper procedure.

Title: Every measure MUST have a title. The title’s purpose is to be a table of contents for the legislation. Each act may embrace only one subject. 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.

The first clause of the title states the general summary of what the measure is to achieve. The title next gives a description of the contents of the bill. This section is not written to be a summary of the bill, but lists the various sections of the bill in order. In OIL, any text of the bill must be germane, or contained in, to the title. For example, a clause in a title could read: “requiring the notification of victims in certain circumstances.” This title does not tell the reader what circumstances notification is required, but explains that notification is required. The title also provides vital information such as sections being repealed, amended, or created and whether an effective date or emergency clause is added. (The example following includes examples of creating new law, repealing existing law, and amending existing law—it’s usually best to do one of these types of things, not all three.)

<u>AS INTRODUCED</u>
An Act relating to the State Capitol Building; providing short title; limiting future renovations; repealing 73 O.S. 1991, Sections 11, 12, and 13, relating to repairs; amending 73 O.S. 1991, Section 10, relating to renovations; providing codification; and providing an effective date.

Enacting Clause: The Oklahoma state Constitution requires the phrase: “BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:” at the beginning of all bills. This phrase always follows the title. The only exception to this is internal legislation (that which affects O.I.L. Constitution or Statutes). In that instance, “BE IT ENACTED BY THE PEOPLE OF THE OKLAHOMA INTERCOLLEGIATE LEGISLATURE:” is used.

Body of the Bill: (see Section IV for further specific sections/language) The body contains the substance of the act and is divided into sections. Each section that affects a statute is labeled in capital letters by its function, i.e., AMENDATORY, NEW LAW, or REPEALER and again gives the citation for the statute affected. Not all sections may affect a statute.

Oklahoma legislative measures amending sections of Oklahoma law include the entire text of the section. 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.

Line Numbers: Note that each line 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. For example, a member referring the body to page 1, lines 17-18 would direct all parties quickly to the same part of a bill. If a bill or resolution is over a page in length, line numbers are started over on each page, and page numbers are required.

B. Oklahoma Statutes

The Oklahoma Statutes 1991 and amendments contained in the supplements thereto are the statutory law of the state. A list of the 90 titles by which the statutes are arranged is included. Titles are organized alphabetically. With enactment of legislation on an annual basis, a yearly supplement is published consisting of cumulative changes, additions, and deletions to the law. The statutes and supplements are subject-indexed for easier use.

Some websites that will be helpful in researching current Oklahoma statutes are:

<http://www.oscn.net/> (*Statutes Citationized*)

<http://oklegal.onenet.net/> (*Attorney General's site*)

<http://www2.lsb.state.ok.us/> (*Legislature's Site*)

C. Additional Important Notes

When writing numbers, figures, or dollar amounts into law, you must always spell out the amount and then put the numeral figure next to the spelled out amount in parentheses. The purpose of this is to prevent mistakes in copying the law into statutes after passed and approved. The following is an example:

- A. The Board shall consist of five (5) members, and
- B. They shall be paid one hundred dollars (\$100) annually for their services.

To help O.I.L. save on costs there are a few things to remember when composing your legislation. The typical font to use would be Times New Roman or a comparable font. The best font size for readability is 12 pt. but in some cases it is better to use a smaller font, especially if your legislation is exceptionally long (three pages or more). Notice that the last example of this packet is in a smaller font in order to fit the entire piece of legislation on one page. This practice should be used to eliminate a few stray lines on the second or last page of your legislation. The remaining part of your page is empty space that could be used for another entire piece of legislation.

IV. PROPER LANGUAGE FOR SPECIFIC SECTIONS OF LEGISLATION

A. Effective Date or Emergency Clause

All bills passed by the legislature must have an effective date. The standard is ninety (90) days following passage and approval by the Governor. If the author chooses a time greater than ninety (90) days, then the same language is used, replacing “ninety (90) days” with the chosen amount of time. If a bill is required to be enacted in less time, an emergency clause is required. This requires a vote of a two-third’s (2/3) majority for the emergency clause. If the emergency clause fails, but the bill still passes, the standard ninety (90) days is used. You may use only one or the other. The following wording should make up the final section of your bill (these are not, for the most part, used in resolutions):

Section #: This act shall become effective (90) days after passage and approval.

OR

Section #: It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

B. Short Title

There is a significant difference in the **Title** and the **Short Title**. The title is spelled out in the header of the legislation and is required in a bill or a resolution. It serves as a table of contents for a piece of legislation. The short title is generally the first section of a bill that will give a nickname to a piece of legislation, and should be easily stated and remembered. **The short title is optional.**

Section 1: This act shall be known as the “Truth in Sentencing Act of 2001 .”

C. Whereas Clauses, Resolve Clauses, and Sections

Bills do not contain “WHEREAS” clauses. The only type of legislation that contains “WHEREAS” clauses is a resolution. Bills contain sections as opposed to a “WHEREAS” clause. The *only* type of resolution that contains sections is a joint resolution that provides for a constitutional amendment.

WHEREAS, the world is round and spins on its axis to give us the glory of night and day; and

WHEREAS, we have to choose between one or the other.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 33RD OKLAHOMA INTERCOLLEGIATE LEGISLATURE:

THAT, we humble college students hereby express our gratitude for the nighttime, which is the right time, to watch Monday Night Football.

D. Severability Clause and Repealer

Do **NOT** include these within your legislation. Both of these clauses were required sections within acts of the state legislature, but Oklahoma State statutory changes have eliminated the need for these clauses within bills.

E. Codification

Though there is not a separate section in the body of the bill for codification, it should be included in the Title of any bill that creates new law and is a phrase that shall be worded “providing codification.” It comes immediately preceding “and providing an effective date” or “and declaring an emergency” in the title. The codification is actually included in the sections of NEW LAW to read:

Section #. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section #### of Title ##, unless there is created a duplication in numbering, reads as follows:
--

This wording is repeated before each new section of law in a bill.

F. Ballot Titles for Constitutional Amendments

Ballot titles for Constitutional amendments are written in Joint Resolutions. This is the only time that sections are used in resolutions. Please see example included for format (pg 14).

G. Title for a Resolution

After summing up the purpose of the resolution (i.e. “A Concurrent Resolution calling for more people to Karaoke;”), there should be a title portion for each “THEREFORE” clause (i.e. “providing a favorite O.I.L. Karaoke bar; and setting which day of the week O.I.L.ers should attend.”) Piecing that together would look like the following:

A concurrent resolution calling for more people to Karaoke; providing a favorite O.I.L. Karaoke bar; and setting which day of the week O.I.L.ers should attend.

H. Definitions

Some legislators deal with matters that require definitions specific to their legislation. In such instances, a section can be included for definitions. This is a section in itself, and should be included in the title of a bill as “providing definitions;”. This section is also included within the statutes, so a provision must be made in the codification of a bill. The section itself should look like:

Section ##: The following terms are to be defined as follows for the purposes of this act:
--

A. Intelligent: Having an above the average score on the Intelligence Quotient examination.

B. Stupid: Not being able to walk and chew gum at the same time.
--

V. List of Titles of the Oklahoma Statutes 2006

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

VI. TYPES OF LEGISLATION

A. Bills (*Examples HB1501, SB2001, HB3501*)

- a. have the force and effect of law
- b. must be passed by both chambers
- c. must be signed by the Governor
- d. generally propose new statutes or amendments to existing statutes
- e. are used when the measure needs long term applicability

B. Joint Resolutions (*Example SJR5101*)

- a. have the force and effect of law
- b. must be passed by both chambers
- c. must be signed by the Governor (except when the measure submits a question to the vote of the people)
- d. usually will not become part of the state statutes
- e. are used when the measure has short term applicability

C. Concurrent Resolutions* (*Example HCR4601*)

- a. do not have the force and effect of law
- b. must be passed by both chambers
- c. are not signed by the Governor
- d. will not become part of the state statutes
- e. are used to express the will or opinion of both chambers (This includes amendments to the Joint Rules of the Legislature)

D. Simple Resolutions* (*See Note on HCR4601*)

- a. do not have the force and effect of law
- b. must pass only the chamber which introduced the measure
- c. are not signed by the Governor
- d. will not become part of the state statutes
- e. are used to express the will or opinion of one chamber (This includes amendments to House Rules or Senate Rules)

* Since O.I.L. is based on the Oklahoma state government, any issue that involves changing Federal or International Law must be written as an opinion of the House of Representatives and/or the Senate, through the use of a concurrent or simple resolution.

1 **EXAMPLE OF AMENDING A LAW**

2
3 Oklahoma Intercollegiate Legislature
4 1st Session of the 33rd Legislature (2001)

5
6
7 SENATE BILL NO. 2001

Smith (OU)

8
9 **AS INTRODUCED**

10
11 An Act relating to voluntary prayer in public schools; providing short title; amending
12 Title 70 O.S. 1991, Section 11-101; and providing an effective date.

13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15
16 Section 1. This Act shall be known as the “Generation X Act of 2001.”

17
18 Section 2. AMENDATORY 70 O.S. 1991, Section 11-101.1, is amended to read as
19 follows:

20
21 Section 11-101.1. The board of education of each school district shall ~~permit those~~ require
22 students and teachers ~~who wish to do so~~ to participate in ~~voluntary~~ prayer.

23
24 Section 3. This act shall become effective ninety (90) days after passage and approval.

25
26
27
28 **[NOTE:** When amending current statutes, be certain to include all present language and add your
29 changes. Strike through any language you wish to delete and underline any language you wish to
30 insert.]
31

1 **EXAMPLE OF REPEALING A LAW**

2
3 Oklahoma Intercollegiate Legislature
4 1st Session of the 33rd Legislature (2001)

5
6 HOUSE BILL NO. 3501

7 Smith (OU)
8 of the House
9 Jones (OU)
10 of the Senate

11
12 **AS INTRODUCED**

13
14 An Act relating to statutory marriage; repealing 43 O.S. Section 3.1; and providing an
15 effective date.

16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18
19 Section 1. REPEALER 43 O.S. 1981, Section 3.1, is hereby repealed.

20
21 ~~Section 3.1. Recognition of marriage between persons of the same gender prohibited.~~

22
23 ~~A marriage between two persons of the same gender performed in another state shall not be~~
24 ~~recognized as valid and binding in this state as of the date of the marriage.~~

25
26 Section 2. This act shall become effective ninety (90) days after passage and approval.

27
28
29
30 **[NOTE: Though in real legislation, the language of the section(s) to be repealed is not included,**
31 **the members of O.I.L. do include it so that everyone will know what is being repealed.]**

1 **EXAMPLE OF A CONCURRENT RESOLUTION**

2
3 Oklahoma Intercollegiate Legislature
4 1st Session of the 33rd Legislature (2001)

5
6 HOUSE CONCURRENT RESOLUTION NO. 4601

7 Smith (OU)
8 of the House
9 Jones (OU)
10 of the Senate

11 **AS INTRODUCED**

12
13 A Concurrent Resolution declaring that John Wayne is a real man; providing a
14 holiday is declared; and setting a time for holiday.

15
16 WHEREAS, John Wayne was one of the legends of the American cinema; and

17
18 WHEREAS, John Wayne inspired many youths to follow the principles and ideals that he
19 established; and

20
21 WHEREAS, John Wayne created a sense of patriotism and the fighting American spirit that
22 we all wish to instill in the children of Oklahoma.

23
24 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
25 OF THE 1ST SESSION OF THE 33RD OKLAHOMA INTERCOLLEGIATE LEGISLATURE,
26 THE SENATE CONCURRING THEREIN:

27
28 THAT John Wayne is recognized as the greatest actor in the history of cinema by the State
29 of Oklahoma.

30
31 THAT the third (3rd) Friday in September be recognized as “John Wayne Day” in the State
32 of Oklahoma.

33
34
35
36 **[NOTE:** In simple resolutions, the “THEREFORE” clause would only include whichever
37 chamber is considering the legislation, i.e. “NOW, THEREFORE, BE IT RESOLVED BY THE
38 HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 33RD OKLAHOMA
39 INTERCOLLEGIATE LEGISLATURE:” **or** “NOW, THEREFORE, BE IT RESOLVED BY
40 THE SENATE OF THE 1ST SESSION OF THE 33RD OKLAHOMA INTERCOLLEGIATE
41 LEGISLATURE:”. Please note further that there are **NO** section numbers, only “WHEREAS”
42 and “THEREFORE” clauses.]

