

Parliamentary Authority

As parliamentary bodies, the 50 state legislatures have procedures and rules that provide the basic blueprints for operating. The rules embody the attributes of order, fairness and tradition. The rules are interpreted and applied by the parliamentarian in instances of judgment or ambiguity. Both the maintenance of legislative rules and the responsibility of parliamentary interpretations are fundamentally related to the actions and duties of the clerk or secretary.

Who acts as parliamentarian? The clerk or secretary acts as the parliamentarian in 56 legislatures (see table 99-9.19). In 17 chambers, the president of the Senate or speaker of the House makes the parliamentary rulings. An official parliamentarian is used in 16 legislative bodies.

A few states have another individual who performs this duty. Often, that person is the counsel to the presiding officer, chamber or legislature. This is true in the Georgia Senate, Hawaii House, Illinois House, South Carolina House, Washington House, West Virginia Senate, and District of Columbia Council. The legal services office assists with parliamentary rulings in the Alaska House, and the chief revisor does so in the Kansas Senate.

Parliamentary manuals. When making parliamentary interpretations, legislatures have several sources of information—for example, their state constitutions, chamber rules and statutes. The following chambers reported that they look to the joint rules for help in governing their procedure.

Alabama Senate and House	Minnesota Senate
Arkansas House	Mississippi Senate
Colorado House	Nevada Senate and Assembly
California Senate and House	New Jersey Senate and General Assembly
Connecticut Senate and House	New Mexico House and Senate
Florida Senate and House	Ohio Senate and House
Georgia Senate	Oklahoma Senate and House
Idaho Senate and House	Utah Senate
Indiana Senate	Vermont Senate
Iowa Senate and House	Washington House
Kansas Senate and House	West Virginia Senate and House
Maine House	Wisconsin Senate and Assembly
Massachusetts Senate and House	Wyoming Senate and House
Michigan Senate and House	American Samoa Senate

In addition, many legislatures choose another parliamentary authority to cover issues not addressed by these documents. *Mason's Manual of Legislative Procedure* is used by 70 chambers as the "back-up" parliamentary authority. Fourteen legislative bodies use *Jefferson's Manual*. Table 99-9.20 illustrates the parliamentary manuals used by state legislatures.

Precedence, custom and usage also may shape parliamentary process. The Michigan Senate, Oklahoma House, Pennsylvania House, and South Carolina House look to these, as well.

Table 99-9.19 Who Acts as the Chamber Parliamentarian?

State (1)	The clerk or secretary	President of the Senate	President pro tem	Speaker of the House or Senate	Majority leader	Chair of the rules committee	Official parliamentarian	Other
Alabama	B							
Alaska	B							2
Arizona							S	3
Arkansas						S	H	
California	B							
Colorado	S			H				
Connecticut		S		H				
Delaware	H							
Florida	S							
Georgia	B	S						4
Hawaii								5
Idaho	B	S						
Illinois							S	6
Indiana							B	
Iowa	B							
Kansas	S					B		7
Kentucky		S					H	
Louisiana	B							
Maine	B							
Maryland	S							
Massachusetts	B							
Michigan	B							
Minnesota	B							
Mississippi	B							
Missouri	H		S					8
Montana		S		H				

Table 99-9.19 Who Acts as the Chamber Parliamentarian?, cont'd.

State (1)	The clerk or secretary	President of the Senate	President pro tem of the Senate	Speaker of the House	Majority leader	Chair of the rules committee	Official parliamentarian	Other
Nebraska	S							
Nevada	B							
New Hampshire	H							
New Jersey							B	
New Mexico		S				S	H	
New York							H	
North Carolina	H							
North Dakota								9
Ohio	B							
Oklahoma	B							
Oregon	B							
Pennsylvania	S						H	
Rhode Island							B	
South Carolina	S			H				10
South Dakota	B							
Tennessee	B			B				
Texas							B	
Utah	B						H	
Vermont	B							
Virginia	H	S		H				
Washington		S						11
West Virginia	H							12
Wisconsin	S			H				
Wyoming	B							
American Samoa			S					
District of Columbia								13
Puerto Rico		S			S			

Table 99-9.19 Who Acts as the Chamber Parliamentarian?, cont'd.

Key:

S=Senate

H=House or Assembly

B=Both chambers

Notes:

1. The following chambers did not return a survey: Delaware Senate, Hawaii Senate, Maryland House, New Hampshire Senate, New York Senate, American Samoa House, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico House and Virgin Islands Senate.
2. Alaska: The legal services office also serves as parliamentarian for both chambers.
3. Arizona: Currently, the House does not have a designated parliamentarian. The chief clerk of the House is acting as the unofficial parliamentarian.
4. Georgia: In the Senate, the secretary and legislative counsel also share this duty.
5. Hawaii: The House chief majority attorney serves as the parliamentarian.
6. Illinois: In the House, the speaker's legal counsel serves as the parliamentarian.
7. Kansas: In the Senate, the chief revisor also assists.
8. Missouri: In the Senate, the Parliamentary Committee—made up of the president pro tem, the minority floor leader and the Judiciary Committee chair—also provide parliamentary guidance. The House also has a parliamentary committee.
9. North Dakota: There is no official parliamentarian; any procedural question is decided by a vote of the chamber.
10. South Carolina: In the House, the counsel to the speaker assists the speaker with points of order.
11. Washington: In the House, the speaker's counsel serves as parliamentarian.
12. West Virginia: In the Senate, the counsel to the president and the assistant clerk act as parliamentarians.
13. District of Columbia: The general counsel serves as the parliamentarian.

Table 99-9.20 Parliamentary Manuals or Authorities

State (1)	Mason's Manual of Legislative Procedure	Robert's Rules of Order	Jefferson's Manual	Reed's Parliamentary Rules	Cushing's Manual	U.S. Senate Rules	U.S. House Rules
Alabama	H						
Alaska	B						
Arizona	B		H				H
Arkansas	B						
California	B						
Colorado	S						
Connecticut	B						
Delaware	H						
Florida	B						
Georgia	S						
Hawaii	H						
Idaho	B						
Illinois		B					
Indiana	S		H				
Iowa	B						
Kansas	H	S					
Kentucky	B						
Louisiana	B						
Maine	H			H			
Maryland	S						
Massachusetts	B		S		S		
Michigan	B						
Minnesota	B						
Mississippi							B
Missouri			B			S	H
Montana	B						

Table 99-9.20 Parliamentary Manuals or Authorities, cont'd.

State (1)	Mason's Manual of Legislative Procedure	Robert's Rules of Order	Jefferson's Manual	Reed's Parliamentary Rules	Cushing's Manual	U.S. Senate Rules	U.S. House Rules
Nebraska	S						
Nevada	B						
New Hampshire	H						
New Jersey	B						
New Mexico	B						
New York							
North Carolina	H		S				S
North Dakota	B						
Ohio	B						
Oklahoma	H						
Oregon	H						
Pennsylvania	B		H				
Rhode Island	H	S					
South Carolina	H		S				
South Dakota	B						
Tennessee	B						
Texas	B					H	H
Utah	B						
Vermont	B						
Virginia			B			S	
Washington				B			
West Virginia			B				H
Wisconsin	B		H				
Wyoming	B						
American Samoa							
District of Columbia		S					
Puerto Rico			S				

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