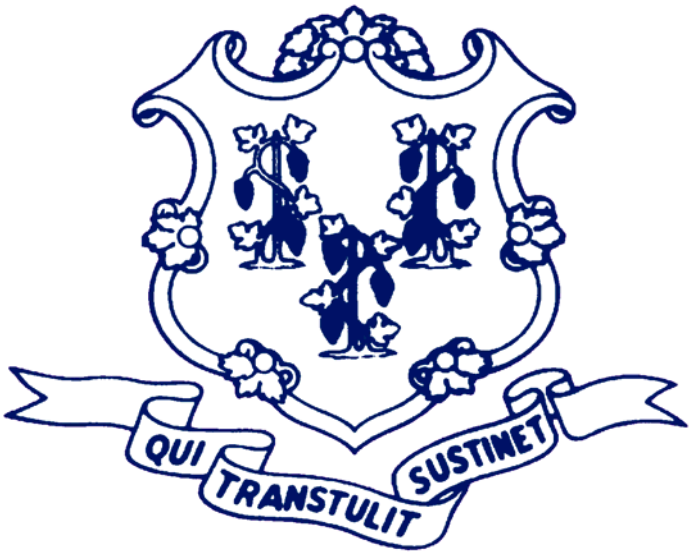

RULES AND PRECEDENTS

of the

GENERAL ASSEMBLY

of

CONNECTICUT

2005

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INTRODUCTION

Many questions are raised in debate that are not specifically covered by the established rules. The presiding officer must rule on such questions from knowledge of parliamentary practice gained from experience or based on precedents handed down from time to time by other presiding officers. This book is a compilation of the rulings of the General Assembly's presiding officers touching on matters that require immediate disposition so legislative business is conducted with as little friction as possible. It is intended for use as a guide by both the General Assembly's presiding officers and its members. The summaries of rulings offered here are meant to assist members and should not be interpreted as criticism of the procedure followed in any particular case.

The rulings summaries are divided into House and Senate sections. Within each section, they are listed in alphabetical order by subject and, under each subject heading, with the most recent rulings first. Precedents are numbered to facilitate cross-referencing within each section. Citations to the House, Senate, and Joint Rules and *Mason's Manual of Legislative Procedure* are incorporated where applicable.

A combined index to the House, Senate, and Joint Rules may be found at the end of the first section. The index should be used to find rules dealing with particular motions, procedures, or questions. Indexes to House and Senate rulings may be found at the end of the House and Senate precedent sections of this book.

The following abbreviations are used throughout:

- *"Mason"* denotes the 1989 edition of *The Manual of Legislative Procedure for Legislative and Other Governmental Bodies* by Paul Mason.
- "HR," "SR," and "JR" refer to the House, Senate, and Joint Rules of the Connecticut General Assembly respectively.
- "CGS" refers to the General Statutes of Connecticut.
- The Legislative Commissioners' Office is abbreviated "LCO."
- Senate and House precedents are cited as "SP" or "HP" with their numbers.

The name of the presiding officer who made the ruling and the date of the ruling appear at the end of each precedent.

Susan Price, Associate Attorney
Office of Legislative Research

JOINT RULES OF
THE SENATE AND HOUSE OF REPRESENTATIVES
STATE OF CONNECTICUT

RESOLUTION CONCERNING THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

Resolved by this Assembly:

That the following shall be the Joint Rules of the Senate and House of Representatives for the regular sessions of the General Assembly and for interim periods during the 2005-2006 legislative term.

MESSAGES BETWEEN HOUSES

1. Messages from one house to the other shall be delivered to the presiding officer.

JOINT CONVENTIONS

2. Joint conventions shall be held in the Hall of the House. Either house may request a convention stating the purposes thereof in its message. The President of the Senate shall preside. The President and the Speaker shall make reports to their respective houses of the proceedings of the convention which shall be printed in the respective journals.

JOINT COMMITTEES

3. (a) ***Designation of Committees***. There shall be eighteen joint standing committees, which shall consist of not more than nine senators and not more than thirty-five representatives, except that the joint standing committees on Appropriations and Finance, Revenue and Bonding shall consist of not more than eleven senators and not more than forty-five representatives; a joint committee on Legislative Management, a joint committee on Executive and Legislative Nominations and a joint committee on Program Review and Investigations, constituted in accordance with and subject to the provisions of subsection (c) of this rule; and four joint select committees constituted in accordance with and with the powers and duties provided in subsection (d) of this rule. Committees shall consider all matters referred to them and report as required by these rules.

(b) ***Standing Committees***. The joint standing committees shall be divided into Group A and Group B as follows:

GROUP A

(1) A committee on APPROPRIATIONS which shall have cognizance of all matters relating to appropriations and the operating budgets and all matters relating to state employees' salaries, benefits and retirement, teachers' retirement and veterans' pensions and collective bargaining agreements and arbitration awards for all state employees. In addition, any bills or resolutions carrying or requiring appropriations, or creating or enlarging a state mandate to local governments, defined in subsection (a)(2) of section 2-32b of the general statutes, and favorably reported by any other committee, except the payment of claims by the state, shall be referred to the committee, unless such reference is dispensed with by at least a two-thirds vote of each house, provided the committee's consideration shall be limited to their fiscal aspects and appropriation provisions of such bills or resolutions and shall not extend to their other substantive provisions or purpose, except to the extent that such other provisions or purpose relate to the fiscal aspects and appropriation provisions of such bills.

(2) A committee on EDUCATION which shall have cognizance of all matters relating to the Department of Education; local and regional boards of education and the substantive law of collective bargaining covering teachers and professional employees of such boards; vocational rehabilitation; the Commission on the Arts; and libraries, museums and historical and cultural associations.

(3) A committee on the ENVIRONMENT which shall have cognizance of all matters relating to the Department of Environmental Protection, including conservation, recreation, pollution control, fisheries and game, state parks and forests, water resources and flood and erosion control; and all matters relating to the Department of Agriculture, including farming, dairy products and domestic animals.

(4) A committee on FINANCE, REVENUE AND BONDING which shall have cognizance of all matters relating to finance, revenue, capital bonding and taxation, and all bills on such matters favorably reported by any other committee, including bills on employer contributions for unemployment compensation purposes, and all matters relating to the Department of Revenue Services and the revenue aspects of the Division of Special Revenue shall be referred to said committee. The committee's consideration shall be limited to the financial provisions of such bills, such as finance, revenue, bonding, taxation and fees, and shall not extend to their other substantive provisions or purposes, except to the extent that such other provisions or purposes relate to the financial provisions of such bills.

(5) A committee on GOVERNMENT ADMINISTRATION AND ELECTIONS which shall have cognizance of all matters relating to the Department of Administrative Services, including purchasing and central collections, but excluding personnel and labor relations; all matters relating to the Department of Public Works and the Department of Information Technology; all matters relating to state government organization and reorganization, structures and procedures; all matters relating to leasing, construction, maintenance, purchase and sale of state property and facilities and all bills authorizing the

conveyance of real property, or any interest therein, by the state shall be referred to said committee; the Freedom of Information Commission and the Ethics Commission; state and federal relations; interstate compacts; compacts between the state and Indian tribes; constitutional amendments, including any proposed constitutional amendments favorably reported by any other committee, which proposed amendments shall be referred to said committee; and all matters relating to elections and election laws.

(6) A committee on JUDICIARY which shall have cognizance of all matters relating to courts, judicial procedures, criminal law, probate courts, probation, parole, wills, estates, adoption, divorce, bankruptcy, escheat, law libraries, deeds, mortgages, conveyancing, preservation of land records and other public documents, the law of business organizations, uniform laws, validations, authorizations to sue and to appeal, claims against the state, all judicial nominations, all nominations of workers' compensation commissioners, and all matters relating to the Judicial Department, the Department of Correction and to the commission on Human Rights and Opportunities; all bills carrying civil penalties which exceed the sum of, or which may exceed in the aggregate, five thousand dollars; and all bills carrying criminal penalties, other than infractions, favorably reported by any other committee shall be referred to said committee, provided the committee's consideration shall be limited to the criminal penalties established in such bills and shall not extend to their substantive provisions or purpose.

(7) A committee on PLANNING AND DEVELOPMENT which shall have cognizance of all matters relating to local governments, housing, urban renewal, fire, sewer and metropolitan districts, home rule and planning and zoning; regional planning and development activities and the state plan of conservation
and development, and economic development programs impacting local governments.

(8) A committee on PUBLIC HEALTH which shall have cognizance of all programs and matters relating to the Department of Public Health, the Department of Mental Health and Addiction Services and the Department of Mental Retardation; the commission on Hospitals and Health Care; the office of Health Care Access; and all other matters relating to health, including emergency medical services, all licensing boards within the Department of Public Health, nursing homes, pure foods and drugs, and controlled substances, including the treatment of substance abuse.

(9) A committee on TRANSPORTATION which shall have cognizance of all matters relating to transportation, including highways and bridges, navigation, aeronautics, mass transit and railroads; and to the Department of Transportation, the State Traffic Commission and the Department of Motor Vehicles.

GROUP B

(10) A committee on BANKS which shall have cognizance of all matters relating to banks, savings banks, bank and trust companies, savings and loan associations, credit unions, the supervision of the sale of securities, fraternal benefit societies and all legislation dealing with secured and unsecured lending.

(11) A committee on ENERGY AND TECHNOLOGY which shall have cognizance of all matters relating to the Department of Public Utility Control, energy, telecommunications and information systems.

(12) A committee on GENERAL LAW which shall have cognizance of all matters relating to the Department of Consumer Protection, fair trade and sales practices, consumer protection, mobile homes and occupational licensing, except licensing by the Department of Public Health; and all matters dealing with alcoholic beverages.

(13) A committee on INSURANCE AND REAL ESTATE which shall have cognizance of all matters relating to insurance law and real estate law.

(14) A committee on LABOR AND PUBLIC EMPLOYEES which shall have cognizance of all matters relating to workers' compensation, unemployment compensation, conditions of employment, hours of labor, minimum wages, industrial safety, occupational health and safety, labor unions and labor disputes; all matters relating to the Department of Labor; and all matters relating to conditions of employment of state and municipal employees and the substantive law of state and municipal employees' collective bargaining.

(15) A committee on HUMAN SERVICES which shall have cognizance of all matters relating to the Department of Social Services and the Department of Children and Families, including institutions under their jurisdiction; the office of Protection and Advocacy for Persons with Disabilities; the commission on the Deaf and the Hearing Impaired; and the Board of Education and Services for the Blind.

(16) A committee on PUBLIC SAFETY AND SECURITY which shall have cognizance of all matters relating to homeland security, the Department of Public Safety, including state police, state organized task force on crime, municipal police training, fire marshals, the fire safety code and the state building code, civil preparedness and legalized gambling, and military and veterans' affairs, except veterans' pensions.

(17) A committee on COMMERCE which shall have cognizance of all matters relating to the Department of Economic and Community Development, the Connecticut Development Authority and Connecticut Innovations, Incorporated.

(18) A committee on HIGHER EDUCATION AND EMPLOYMENT ADVANCEMENT which shall have cognizance of all matters relating to public and independent colleges and universities, the Department of Higher Education including private occupational schools, the Board of Governors of Higher Education, post-secondary education and job training institutions and programs, apprenticeship training programs, adult job training programs offered to the public by any state agency or funded in whole or in part by the state, and the

Office of Workforce Competitiveness.

(c) ***Statutory Committees***. In addition, there shall be:

(1) A committee on LEGISLATIVE MANAGEMENT which shall conduct the business affairs of the General Assembly. Said committee shall consist of twenty members of the House who shall be the Speaker, the deputy speakers, the majority leader, three members appointed by the majority leader, four members appointed by the Speaker, the minority leader and two deputy minority leaders designated by the minority leader of the House and five members designated by the minority leader of the House, thirteen members of the Senate who shall be the President Pro Tempore, majority leader, a deputy majority leader designated by the majority leader, and five members of the Senate designated by the President Pro Tempore, the minority leader, an assistant minority leader designated by the minority leader and three members of the Senate designated by the minority leader. In matters of legislative operations, it shall include the legislative commissioners and the clerks of each house ex officio. The joint committee shall be chaired by the President Pro Tempore and the Speaker. A majority of the membership shall constitute a quorum and all actions shall require the affirmative vote of a majority. At any meeting, if a committee member present of either house requests, a vote of the majority of the members present of each house shall be required for approval of a question. It shall be responsible for the operation of the General Assembly, coordination and supervision of committee work, improvement of legislative operations and deciding on matters of organization, procedures, facilities and working conditions of the General Assembly and compensation of employees of the legislative branch. All bills and resolutions relating to such matters shall be referred to said committee. The committee shall also have cognizance of legislative task forces and studies and shall be responsible for the facilitation of positive relationships with the federal government and other state governments.

(2) A committee on EXECUTIVE AND LEGISLATIVE NOMINATIONS, the members of which shall be the majority leader of the Senate or such leader's designee, the minority leader of the Senate or such leader's designee, and four members of the Senate three of whom shall be appointed by the President Pro Tempore and one of whom shall be appointed by the minority leader, and the majority leader of the House or such leader's designee, the minority leader of the House or such leader's designee, and fifteen members of the House, nine of whom shall be appointed by the Speaker and six of whom shall be appointed by the minority leader. All executive and legislative nominations requiring action of either or both houses, except judicial nominations and nominations of workers' compensation commissioners, shall be referred to this committee.

(3) A committee on LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS, the members of which shall be appointed as provided in section 2-53e of the general statutes, except that any member may be appointed to the committee, which may originate and report any bill it deems necessary concerning a program, department or other matter under review or investigation by the committee, in the manner prescribed in these rules.

(d) ***Select Committees***. In addition, there shall be select committees as follows:

(1) A select committee on HOUSING the members of which shall be appointed by the Speaker of the House and the President Pro Tempore of the Senate. In addition, the chairpersons and ranking members of the committees on planning and development and finance, revenue and bonding shall be ex-officio members of the committee, but without the right to vote on this committee, and shall be given written notice of all meetings of the committee. Said committee may conduct public hearings, may issue reports of its findings and may originate and report any bill it deems necessary concerning housing. Any bills favorably reported by said committee shall be referred to the joint standing committee on planning and development.

(2) A select committee on CHILDREN the members of which shall be appointed by the Speaker of the House and the President Pro Tempore of the Senate. In addition, the chairpersons and ranking members of the committees on education, human services, public health and judiciary shall be ex-officio members of the committee, but without the right to vote on this committee, and shall be given written notice of all meetings of the committee. Said committee may conduct public hearings, may issue reports of its findings and may originate and report any bill it deems necessary concerning children. Any bill favorably reported by said committee shall be referred to the appropriate joint standing committee.

(3) A select committee on AGING the members of which shall be appointed by the Speaker of the House and the President Pro Tempore of the Senate. In addition, the chairpersons and ranking members of the committees on human services and public health shall be ex-officio members of the committee, but without the right to vote on this committee, and shall be given written notice of all meetings of the committee. Said committee may conduct public hearings, may issue reports of its findings and may originate and report any bill it deems necessary concerning senior citizens. Any bill favorably reported by said committee shall be referred to the appropriate joint standing committee.

(4) A select committee on VETERANS' AFFAIRS the members of which shall be appointed by the Speaker of the House and the President Pro Tempore of the Senate. In addition, the chairpersons and ranking members of the committee on public safety and security shall be ex-officio members of the committee, but without the right to vote on this committee, and shall be given written notice of all meetings of the committee. Said committee may conduct public hearings, may issue reports of its findings and may originate and report any bill it deems necessary concerning military and veterans' affairs, except veterans' pensions. Any bill favorably reported by said committee shall be referred to the appropriate joint standing committee.

(e) ***Committee Appointments***. Appointments of committee members, except to fill a vacancy caused by death or incapacity or by resignation from the General Assembly or a committee of the General Assembly, shall be made on or before the fifth regular session day of the first year of the term and, except as otherwise provided in the rules of each house, shall be for the entire term for which the members were elected. Committee appointments of a member elected after the fifth regular session day of the first year of the term shall be made within five calendar days after the member takes the oath of office, and may be made, at the discretion of the appointing authority, to any committee. Senate and House

Committees shall be appointed and organized in accordance with the rules of each house and members of the minority party shall be appointed on nomination of the minority leader of each house.

LEADERS ON COMMITTEES

4. The President Pro Tempore of the Senate, Speaker of the House, and majority and minority leaders of the Senate and the House shall be ex-officio members of all committees, with the right to be present at all meetings and to take part in deliberations but without the right to vote, except as to those committees to which they are appointed members.

COMMITTEE MEETINGS AND PROCEDURES

5. (a) ***Scheduling***. Except as hereinafter provided in this Rule and in Rule 15, chairpersons of committees shall jointly schedule meetings during periods when the General Assembly is in session as follows:

(1) Committees may meet on any day from January 5 through January 12, in 2005 and from February 9 through February 11 in 2006. The chairpersons of each committee shall jointly call a meeting during said period in 2005 for the purpose of organization and to consider such other business as is deemed necessary.

(2) Beginning on January 13, in 2005 and on February 14, in 2006, and ending on the committee's reporting out date in such year designated in the schedule shown in Rule 15, Group A committees shall meet on Mondays, Wednesdays and Fridays only and Group B committees and the joint select committees shall meet on Tuesdays and Thursdays only.

(3) Committees, except conference committees, may not meet during a session of either chamber without the consent of each chamber which is in session.

(b) ***Exceptions to Scheduling Requirements***.

(1) The committees on Appropriations and Finance, Revenue and Bonding may meet on any day. The committee on Judiciary may meet on any day after March 30 in 2005 and after March 13 in 2006.

(2) Any committee may meet at the Capitol or in the legislative office building on any day, provided certification of a significant need for the meeting is made in writing by the Speaker of the House and the President Pro Tempore of the Senate or their designees.

(3) If, in any week, the designated meeting day of a committee falls on a holiday or on a day when the state capitol or legislative office building is officially closed, the committee may meet on another day, not so designated, within seven calendar days before or after such day, provided certification of the need for the meeting is made, in writing, by one of the following: The President Pro Tempore of the Senate, the Speaker of the House, the majority leader of the Senate or the majority leader of the House and all reasonable efforts have been made to notify each member of the committee of the meeting.

(c) ***Conduct of Meetings***. A chairperson or a vice chairperson shall convene all meetings. If a meeting, other than a meeting on the day of the committee's deadline to report bills as provided in Rule 15, is not so convened within fifteen minutes following its scheduled starting time, the meeting shall be deemed cancelled. In all meetings of joint committees, and at all public hearings held by such committees, the Senate and House chairpersons shall mutually agree as to who shall preside and in the absence of agreement the Senate and House chairperson shall alternately preside. A chairperson shall recognize each member wishing to be heard prior to ordering the vote on the final question of a favorable or unfavorable report, a favorable change of reference or the boxing of a bill or resolution. All questions of order, hearings and other proceedings including the raising of bills or resolutions and questions relating to evidence shall be determined by a majority of votes, but if the majority of the committee members present of either house so request, the committee members of each house shall separately determine all questions. A vote of a committee may be reconsidered only at the next regular meeting of the committee, provided any vote on the day of the committee's deadline to report bills as provided in Rule 15 may be reconsidered at the same meeting not later than 5 p.m.

(d) ***Final Action***. Except as otherwise provided, at each legislative committee meeting, the vote on the final question of a favorable or unfavorable report, a favorable change of reference or the boxing of a bill or resolution shall be recorded to show the names of the members voting yea and the members voting nay. No motion to dispense with the recording of the names of the members voting yea and the members voting nay shall be entertained and no bill or resolution shall be reported to either body of the legislature unless the names of the members voting yea and the members voting nay have been recorded and a record of the names of the members voting yea and the members voting nay has been attached to the bill or resolution submitted to the Legislative Commissioners' Office as provided in Rule 13. A copy of the voting record shall be sent to the clerk of the appropriate house, by the Legislative Commissioners' Office, with the favorably or unfavorably reported bill or resolution and retained by the clerks.

(e) ***Proxies***. No member may vote by proxy and no joint committee shall record a vote cast by any member as a proxy for any other member.

(f) ***Notice Requirements***. Notice of the time and place of committee meetings during periods when the General Assembly is in session shall be given to the clerk of each house at least one day in advance of the meeting and, when practicable, to the Legislative Bulletin clerks for inclusion in the next Legislative Bulletin. The committee clerks shall post notice of the meetings in a conspicuous place in or near their respective committee offices.

(g) ***Exception to Notice Requirements***. A meeting may be held on less than one calendar day's notice, provided announcement of the meeting is made from the floor of the Senate or House during a session and both chairpersons have approved the time, place and agenda for the meeting. Such approval shall not be unreasonably withheld. If the announcement cannot be made in one or both houses because no regular session is being held on that day, an emergency meeting may still be held, provided certification of the need

for the meeting is made, in writing, by one of the following: The President Pro Tempore of the Senate, the Speaker of the House, the majority leader of the Senate or the majority leader of the House, and all reasonable efforts have been made to notify each member of the committee of the meeting.

(h) ***Agendas***. An agenda, approved by both chairpersons, shall be prepared for each meeting and made available at least one day before the meeting, except that for a meeting held under subsection (g) of this rule, the agenda shall be prepared and made available prior to the meeting. Items not on the agenda may be considered upon a majority vote of the committee members present.

PUBLIC HEARINGS

6. (a) ***Scheduling***.

(1) A committee may hold subject matter public hearings on any subject and on specified proposed bills, proposed drafts and proposed resolutions, and on committee and raised bills, during sessions, except that subject matter public hearings on proposed bills, drafts and resolutions shall be held not later than twenty-one calendar days in 2005 and fourteen calendar days in 2006 before the committee's reporting out date designated in the schedule shown in Rule 15.

(2) Public hearings shall be scheduled for the convenience of the public and in accordance with the schedule for Group A and Group B committee meetings as provided in Rule 5.

(3) In the event of inclement weather on the day on which a committee has scheduled a public hearing:

(A) If the State Capitol and Legislative Office Building have been officially closed due to inclement weather:

(i) If the hearing has been convened prior to the official closing, the committee may continue the hearing or may recess the hearing as provided in paragraph (c)(v) of this rule.

(ii) If the hearing has not been convened prior to the official closing, the hearing shall be deemed cancelled and shall be rescheduled pursuant to paragraph (a)(3)(D) of this rule.

(B) If the State Capitol and Legislative Office Building have not been officially closed:

(i) If the hearing has been convened, the committee may recess the hearing as provided in paragraph (c)(v) of this rule.

(ii) If the hearing has not yet been convened, the chairpersons of the committee may cancel the hearing if, in their opinion, the seriousness of the weather conditions is likely to reduce substantially the attendance at the hearing by members of the public or members of the committee.

(C) If the State Capitol and Legislative Office Building have not been officially closed, the committee clerk shall give notice of cancellation to the clerk of each house and shall post notice of the cancellation in a conspicuous place in or near the committee office, at the location of the scheduled hearing and on the Internet.

(D) The chairpersons shall reschedule a cancelled hearing on the earliest feasible date that is on a day specified for that committee in Rule 5(a) or 5(b) or on any other day with the approval of the President Pro Tempore of the Senate, the Speaker of the House, the majority leader of the Senate or the majority leader of the House. The committee clerk shall give notice of the rescheduled hearing to the clerk of each house and, when practicable, to the Legislative Bulletin clerk for inclusion in the next Legislative Bulletin and shall post notice of the rescheduled hearing in a conspicuous place in or near that committee office and on the Internet. The notice of the rescheduled hearing shall include the place, time and subject matter of the rescheduled hearing, together with a list of the numbers and titles of each bill and resolution to be considered, which subject matter and list shall be identical to the subject matter and list in the notice of the original hearing. The notice of the rescheduled hearing is not subject to paragraph (b) of this rule if the notice of the original hearing complied with said paragraph (b).

(4) Committees may group bills and resolutions by subject matter and schedule hearings so that similar bills and resolutions are heard at the same time.

(b) ***Notice Requirements***. During the periods when the General Assembly is in session, notice of the place, time and subject matter of each hearing, together with a list of the numbers and titles of each bill and resolution to be considered shall be published in the Legislative Bulletin at least five calendar days in advance of the hearing. In no event shall a bill or resolution be listed for a hearing unless copies of the bill or resolution have been made in accordance with section 2-23 of the general statutes, and the original bill or resolution has been returned from the printer and is in the possession of the committee.

For the purpose of meeting the hearing requirements under this rule, the day of publication in the Legislative Bulletin during the time the General Assembly is in session and the day of the hearing shall both be counted as full days.

(c) ***Conduct of Hearings***.

(i) ***Convening and Procedures***. A chairperson or a vice chairperson shall convene all hearings. If a hearing is not so convened within fifteen minutes following its scheduled starting time, any member of the committee may convene that hearing. The time of commencement of the public hearings shall be designated in the published notice. The order of testimony of the witnesses and the length of time that each witness may testify shall be determined by the presiding chairperson who shall give due regard for the convenience of the public. Members of the public who wish to testify at a public hearing may place their names on a list, which shall be made available at a time and place to be determined by the chairpersons. Members of the public shall either (1) place their own name on the list, if they wish to testify, or (2) place the name of one other person on the list who will testify.

Members of the public placing the name of another person on the list shall also place their own name on the list next to the name of the person who will testify. The placement of another person's name on the list by a person who receives a fee solely for that service shall be ineffective and the person so named shall not be permitted to testify.

(ii) ***Testimony by Public Officials***. A committee may permit legislators who are not members of the committee, representatives of state agencies, and municipal chief elected officials testifying in their official capacity to testify during but not beyond the first hour of a public hearing. The public portion of the hearing shall be uninterrupted by testimony from a state agency or a legislator. If any legislators or representatives of state agencies are unable to testify during the first hour, they may testify at the end of the hearing after all members of the public wishing to speak have been heard.

(iii) ***Written Testimony***. Legislators, representatives of state agencies and members of the public may submit to the committee written testimony on a bill or resolution or subject matter in person, by mail or facsimile transmission, or electronically at any time and the written testimony may be included by the committee in the transcript of the hearing. If the written testimony is not included in the transcript, it shall be attached to the transcript. Committee chairpersons should encourage a witness to submit a written statement and confine oral testimony to a summary of that statement, but the full written statement shall be included in or attached to the transcript of the hearing.

(iv) ***Notifying Other Committees***. Each bill or resolution referred by one committee to another with a favorable report shall be accompanied by a notation of the date or dates on which public hearings were held by the first committee. The chairpersons of any committee other than Appropriations or Finance, Revenue and Bonding to which any bill calling for an appropriation or a bond issue is referred shall notify the chairpersons of the committee on Appropriations or Finance, Revenue and Bonding of the time and place of the hearing thereon.

(v) ***Recessing***. The committee may recess any public hearing to a date, time and place specified at the time of the recess, which shall be on a day specified for that committee in Rule 5(a) or 5(b) or on any other day with the approval of the President Pro Tempore of the Senate, the Speaker of the House, the majority leader of the Senate or the majority leader of the House. The committee clerk shall give notice of any hearing recessed to another date to the clerk of each house and, when practicable, to the Legislative Bulletin clerk for inclusion in the next Legislative Bulletin, and shall post notice of the recessed hearing in a conspicuous place in or near that committee office.

FORM AND INTRODUCTION OF BILLS

7. (a) ***Proposed Bills and Resolutions -- Introduction by Members***. Members of the General Assembly may introduce proposed bills, proposed drafts of bills, proposed resolutions or proposed resolutions proposing amendments to the constitution and other substantive proposed resolutions for consideration by the joint standing and select committees for incorporation into a bill or resolution.

(b) ***Proposed Bills and Resolutions -- Form***. A proposed bill or resolution shall be stated in informal language setting forth the substance of the proposal and shall be followed by a statement of purpose in not more than 150 words. At the request of any member of the General Assembly, the Legislative Commissioners' Office shall draft a proposed bill or resolution in proper form. All proposed bills and resolutions shall be filed in triplicate with the clerk of the house of the proposer in the form required by these rules.

A proposed draft shall be stated in full statutory language, and must be submitted on proposed draft forms obtained from the Legislative Commissioners' Office. Proposed drafts shall be processed by the Legislative Commissioners' Office as submitted by the legislator without alteration and assigned an LCO number and entered by that office into the legislative database by introducer, title and statement of purpose only.

(c) ***Proposed Bills and Resolutions -- Sponsors***. (1) A proposed bill, proposed draft or resolution may be sponsored by more than one member of the General Assembly and its designation as to house of origin shall be made by the Legislative Commissioners' Office based on the house of the proposer. Any member of the General Assembly may co-sponsor a proposed bill, proposed draft or resolution, committee bill or raised bill by (A) requesting the Legislative Commissioners' Office, in writing, to add such member's name to the proposed bill in its possession or (B) making a request in writing after it has been filed, to the clerk of the house in which the bill has been filed to add such member's name as a co-sponsor of the proposed bill, proposed draft or resolution, committee bill, raised bill or resolution, but not later than the date of the signing of the bill, or the deadline for the signing of the bill, by the Governor, whichever is earlier, or the adoption of the resolution.

(2) A member may remove his or her name as an introducer or a co-sponsor of a bill or resolution by submitting a written notice to the clerk of the house in which the bill or resolution was filed to remove the member's name but not later than the time specified in Rule 7(c)(1)(B). The clerk shall notify the Legislative Commissioners' Office of such removal, and the member's name shall be removed from the legislative database for that bill or resolution.

(d) ***Form and introduction of Bills -- Numbering***. Senate bills shall be numbered from 1 to 5000, and House bills from 5001 to 9999 and resolutions shall be numbered starting with 1 in each house. The original number on a proposed bill, proposed draft or resolution shall be retained and shall be used in any reference to it.

(e) ***Proposed Bills and Resolutions -- Initial Reference to Committee***. The Legislative Commissioners' Office shall make a notation, based on subject matter, of the suggested committee reference on proposed bills and resolutions drafted by that office, proposed drafts processed by that office, and fully drafted bills drafted by that office and accompanying the Governor's budget or other message. The clerks shall, on introduction of each such bill, draft or resolution, make a tentative reference for the Speaker or the President Pro Tempore.

(f) ***Proposed Bills and Resolutions -- Copies***. Sufficient copies of proposed bills, proposed drafts and resolutions shall be reproduced for use of the General Assembly and the public and shall be available in the legislative bill room. The copies shall show the number of the proposed bill, proposed draft or resolution, session of introduction, name of the member or members introducing it and the committee to which it was referred.

(g) ***Form and Introduction of Bills -- Format***. Each proposed bill, proposed draft, committee or raised bill or resolution proposing an amendment to the constitution or other substantive resolution shall be printed without interlineation or erasure. At the conclusion of each bill there shall be a statement of its purpose in not more than one hundred fifty words, to be printed under the caption "STATEMENT OF PURPOSE"; but the statement of purpose shall not be a part of the bill for consideration and enactment into law. Each committee or raised bill or resolution shall be endorsed with the signature of both chairpersons. The duplicate copies of each bill or resolution shall be made on yellow-colored and blue-colored paper, respectively, of the same size and format as the original.

(h) ***Form and Introduction of Bills -- Clerks' Certified Copies***. The clerks shall certify and keep on file a duplicate copy of each resolution or proposed resolution proposing an amendment to the constitution or other proposed substantive resolution, each proposed bill, each proposed draft and each committee and raised bill. The certified duplicate copy shall remain at all times in the clerks' office. If the original cannot be located, a copy of the certified duplicate copy shall be made by the clerk and used in lieu of the original. The clerk shall make a notation on the original of the certified duplicate copy of all action taken on the original.

(i) ***Form and Introduction of Bills -- Alteration***. After introduction no bill or resolution shall be altered except by the legislative commissioners, as provided by Rule 13.

TIME LIMIT ON NEW BUSINESS REFERENCE AND TRANSMITTAL

8. (a) ***Proposed Bills and Resolutions -- Proposed Bill Deadline***. The time for receiving new business from members shall be limited and shall terminate on January 14, 2005 for the 2005 session and on February 10, 2006 for the 2006 session, in each session at 5 p.m. or at an hour the presiding officer of each house designates. Filing of a request for a proposed bill or resolution or proposed resolution proposing an amendment to the constitution or other substantive resolution with the Legislative Commissioners' Office, or submission of a proposed draft to the Legislative Commissioners' Office shall be deemed compliance with this time requirement. Unless the President Pro Tempore and the Speaker consent, in writing, to a request by a legislative commissioner for an extension of time, the Legislative Commissioners' Office shall prepare and return or file the proposed bill or resolution with the clerk of the appropriate house, not later than ten days after the receipt of the request.

(b) ***Proposed Bills and Resolutions -- Receipt by Clerk; Delivery to Committee***. Each proposed bill, proposed draft or resolution shall be received by the clerk of the Senate or House, who shall cause copies to be prepared in accordance with section 2-23 of the general statutes. After the making of copies, the bill or resolution shall receive its first

reading as set forth in Rule 16 and be referred to the appropriate joint committee by the President Pro Tempore of the Senate or the Speaker of the House and then sent to the other house for concurring reference. The original of the proposed bill, proposed draft or resolution shall be delivered forthwith to the clerk of such appropriate joint committee.

(c) ***Proposed Bills and Resolutions -- Change of Reference***. Subsequent to the initial reference as determined by the Speaker and the President Pro Tempore and prior to final action on the bill or resolution by either house, the chairpersons of a joint standing committee may request that a bill or resolution receive a change of reference to their committee, and if a controversy results, the matter shall be referred by the Speaker or the President Pro Tempore, as the case may be, to the ad hoc committee on reference for the purpose of final determination of the appropriate committee of cognizance. The ad hoc committee on reference shall consist of the President Pro Tempore of the Senate and the Speaker of the House, as cochairpersons, the Senate majority leader, the House majority leader, the Senate minority leader and the House minority leader.

(d) ***Proposed Bills and Resolutions -- Additional Information From Members***. Members may submit additional information or documentation on any proposed bill, proposed draft or proposed resolution to the committee to which the bill, draft or resolution has been referred at anytime prior to 12 o'clock noon on January 24 in 2005 and February 15 in 2006.

COMMITTEE BILLS, RAISED BILLS, BILLS

9. (a) ***Introduction***. Committee and raised bills may be introduced only by committees and shall be set forth in formal statutory language. Fully drafted bills accompanying the Governor's budget or other message may be introduced by the legislative leaders of the Governor's party in the House and the Senate provided one copy of each bill is supplied by the Governor to the legislative leaders of both parties.

(b) ***Definitions***. Bills which incorporate the principles expressed in proposed bills, proposed drafts or proposed resolutions or proposed resolutions proposing an amendment to the constitution or other substantive resolutions shall be identified as committee bills or resolutions. Raised bills or resolutions shall be original bills or resolutions in formal statutory language raised by committees without reference to proposed bills, or proposed drafts or resolutions and shall be identified as raised bills or resolutions. Bills certified by the Speaker and the President Pro Tempore to be of an emergency nature and bills accompanying the Governor's budget or other message shall be identified simply as bills.

(c) ***Format***. Each bill amending any statute or special act shall set forth in full the section or subsection of the statute or the special act to be amended. Matter to be omitted or repealed shall be surrounded by brackets or overstricken so that the omitted or repealed matter remains readable, and new matter shall be indicated by capitalization or underscoring of all words in the original bill and by capitalization, underscoring or italics in its printed form. In the case of a section or subsection not amending an existing section of the general

statutes but intended to be part of the general statutes, the section or subsection may be in upper and lower case letters preceded by the word (NEW). Each proposed bill and proposed resolution, and each other bill, resolution, and amendment shall be prepared by the Legislative Commissioners' Office.

(d) ***Preparation of Committee and Raised Bills and Resolutions***. A committee upon receiving the proposed bills, proposed drafts or resolutions or proposed resolutions proposing an amendment to the constitution or other proposed substantive resolutions referred to it, shall separate them into subject categories and may vote to have committee bills or resolutions on the subjects prepared by the Legislative Commissioners' Office. The Legislative Commissioners' Office at the request of any committee shall prepare all committee and raised bills, resolutions and amendments thereto. Each committee bill or resolution shall have the same number and house of origin as the proposed bill, proposed draft or proposed resolution on which it is based. When a committee bill is based on two or more proposed bills, proposed drafts or a resolution based on two or more proposed resolutions the members of the committee shall designate the proposed bill, proposed draft or proposed resolution number to be used on the committee bill or resolution. The numbers of any other proposed bills, or proposed drafts or resolutions on which the bill or resolution is based shall be listed at the end of the bill or resolution together with the names of the introducers.

The number of any committee bill or resolution based on proposed bills or proposed drafts or resolutions on which subject matter public hearings are held shall be determined by the committee in the same manner as provided in this subsection.

(e) ***Committee Bill Deadline***. The time limit for committees to submit to the Legislative Commissioners' Office requests for drafting committee bills and resolutions, except those based on proposed bills, proposed drafts and proposed resolutions on which subject matter hearings are held, shall be at 5 p.m. on the following dates in 2005.

February 1	Aging Banks Housing Children Veterans' Affairs
February 3	Energy and Technology Higher Education and Employment Advancement Insurance and Real Estate General Law Public Safety and Security
February 10	Labor and Public Employees Legislative Management Commerce Human Services

February 14	Education Environment Planning and Development Public Health Transportation
February 16	Government Administration & Elections Judiciary
February 18	Finance, Revenue and Bonding Appropriations

In 2006, the time limit shall be 5 p.m. on February 22 for the committees in Group A and on February 23 for the committees in Group B, the Legislative Management committee and the select committees.

(f) ***Committee Bill Deadline -- Exception***. Requests to the Legislative Commissioners' Office for committee bills or resolutions, based on proposed bills, drafts or resolutions on which subject matter public hearings are held shall be submitted not later than 5 p.m. on the seventeenth calendar day in 2005 and the tenth calendar day in 2006 prior to the committee's reporting out date designated in the schedule shown in Rule 15.

(g) ***Raised Bill Deadline***. In 2005, the time limit for committees to submit requests for raised bills to the Legislative Commissioners' Office shall be 5 p.m. on February 23 for the committees in Group A and the Program Review and Investigations Committee, and 5 p.m. on February 22 for the committees in Group B, the Legislative Management Committee, and the select committees. In 2006, the time limit for committees to submit requests for raised bills to the Legislative Commissioners' Office shall be 5 p.m. on February 24 for the committees in Group A and the Program Review and Investigations Committee; and 5 p.m. on February 23 for the committees in Group B, the Legislative Management Committee and the select committees.

(h) ***Raised Bill Deadline -- Exceptions***. Notwithstanding the time limits established in this rule, the following may be raised at any time: (1) Bills to provide for the current expenses of government, (2) bills the Speaker of the House and the President Pro Tempore of the Senate certify in writing to be, in their opinion, of an emergency nature, (3) bills which the Governor requests in a special message addressed to the General Assembly, which message sets forth the emergency or necessity requiring the legislation, and (4) the legislative commissioners' revisor's bill.

(i) ***Form and Introduction of Bills -- Types of Bills in 2006 Session***. In the 2006 session only bills and resolutions relating to budgetary, revenue and financial matters, committee bills and resolutions to correct technical defects in the statutes, bills and resolutions raised by committees of the General Assembly and bills and resolutions relating to matters certified in writing by the Speaker of the House and the President Pro Tempore of the Senate to be of an emergency nature may be introduced.

(j) ***Signing and Filing Bills with Clerks***. When a committee bill or resolution or a raised bill or resolution has been prepared by the Legislative Commissioners' Office, it shall be signed by the appropriate committee chairpersons, as provided in Rule 7. The clerk of the committee shall immediately give the bill or resolution to the clerk of the Senate or the House as designated.

SUBSTITUTE BILLS OR RESOLUTIONS

10. A bill or resolution redrafted with a favorable report by a committee shall be reported as a substitute bill or resolution.

Any substitute bill or resolution reported favorably shall be filed in triplicate with the clerk of the house where the bill originated. The yellow-colored copy shall be certified by the clerk and shall be kept at all times in the clerk's office. If the original bill cannot be located, a copy of the certified yellow-colored copy shall be made by the clerk and used in lieu of the original. The clerk shall make a notation on the yellow-colored copy of all action taken on the original.

PETITION FOR PREPARATION OF BILLS

11. Not later than 5 p.m. on the seventh calendar day after the deadline of a committee to request the drafting of a committee bill, set forth in Rule 9, any member of the General Assembly may present to the clerk of the member's house, who shall present the same to the Legislative Commissioners' Office, a written petition requesting preparation of a bill or resolution based on a proposed bill, proposed draft or resolution, introduced or co-sponsored by such member and previously referred to such committee, unless the proposed bill, draft or resolution has been scheduled for a subject matter public hearing to be held after the committee's deadline to request a committee bill, in which case the petition may be presented not later than 5 p.m. on the seventh calendar day before the committee's reporting out date designated in the schedule shown in Rule 15. The petition shall be signed in the original by at least fifty-one House members if a House petition and by at least twelve senators if a Senate petition.

The Legislative Commissioners' Office shall prepare the requested bill or resolution and forward it to the clerk of the house of origin for processing and referral to the appropriate committee which shall hold a public hearing on the bill or resolution, except that if the committee has already held a subject matter public hearing on the bill or resolution no further public hearing shall be required.

AMENDMENTS

12. All amendments shall be prepared by the Legislative Commissioners' Office and submitted in triplicate, the copies to be on yellow-colored and blue-colored paper of the same size and format as the original. The yellow-colored copy shall be certified by the clerk and shall be kept at all times in the clerk's office.

LEGISLATIVE COMMISSIONERS' PROCESS AFTER COMMITTEE ACTION

13. (a) ***Receipt***. When a committee reports a bill or resolution favorably it shall be submitted forthwith to the Legislative Commissioners' Office which shall immediately enter the receipt of the bill or resolution in the legislative database and notify the Office of Fiscal Analysis and the Office of Legislative Research of the bill or resolution number and the committee's action.

(b) ***Examination and Correction***. The legislative commissioners shall examine the bill or resolution and make any correction therein as may be necessary for the purpose of avoiding repetition and unconstitutional provisions, and of insuring accuracy in the text and references, clearness and conciseness in the phraseology and consistency with existing statutes. Whenever the legislative commissioners make any changes in a bill, other than corrections of spelling, grammar, punctuation or typographical errors the correction of which in no way alters the meaning, they shall prepare a statement which describes each change, where it was made, and explicitly why they made the change. This statement shall be entered into the legislative database and printed with the file copy of the bill and shall bear the same file number as the bill.

(c) ***Deadline***. Unless the President Pro Tempore and the Speaker consent, in writing, to a request by a legislative commissioner for an extension of time, the Legislative Commissioners' Office shall complete its examination of the bill or resolution within ten calendar days, excluding holidays, after its receipt. If the bill or resolution is approved by a commissioner, the commissioner shall notify the Office of Fiscal Analysis and the Office of Legislative Research of the approval and, if a substitute, furnish each office with a copy of the bill or resolution for preparation of a fiscal note and bill analysis. Unless the President Pro Tempore and the Speaker consent, in writing, to a request by the director of the Office of Fiscal Analysis or the director of the Office of Legislative Research for an extension of time, a legislative commissioner shall transmit the bill or resolution with his or her approval to the clerk of the house in which it originated within five calendar days, excluding holidays, after such notice.

(d) ***Bills Returned to Committee***. If the commissioner finds upon completion of the examination of a bill that the bill is unconstitutional or is already law, the commissioner shall return the bill to the committee and shall notify the Office of Fiscal Analysis and the Office of Legislative Research of its return. Whenever a bill has been so returned to the committee, it may nevertheless be reported favorably by the committee and be returned to the Legislative Commissioners'

Office for completion of the procedures prescribed above, notwithstanding the provisions of Rule 15. If a bill or resolution is returned after the committee's reporting out date designated in the schedule shown in Rule 15, the committee shall take such action before the start of the session on the third regular session day of the chamber making the referral after the bill is returned by the Legislative Commissioners' Office. The clerk shall enter it on the calendar under a heading "Favorable Report, Matter Not Approved by Legislative Commissioner" unless the committee reports a substitute bill or resolution which the legislative commissioners approve.

(e) ***Change of Reference***. Favorable changes of reference shall be treated as provided in this rule except that no fiscal note or bill analysis shall be required. When a committee votes a straight change of reference, the bill or resolution shall be submitted to the Legislative Commissioners' Office which shall prepare the change of reference jacket and deliver the bill or resolution to the clerk of the house of origin. Reading and referral of straight changes of reference shall be by printing in the House and Senate journals.

REPORTING OF BILLS

14. Except as provided in Rules 19 and 20, all bills and joint resolutions reported by any committee shall be first reported to the house of origin, but any bill or resolution favorably reported by only one house shall first be reported to that house regardless of the house of origin.

FINAL COMMITTEE ACTION

15. (a) ***Deadline for Favorable Reports***. The time limit for committees to vote to report favorably and submit bills and resolutions proposing amendments to the constitution and other substantive resolutions to the Legislative Commissioners' Office shall be not later than 5 p.m. on the dates designated in the following schedule:

Committee	2005	2006
Aging	March 15	March 9
Children	March 15	March 9
Housing	March 15	March 9
Veterans' Affairs	March 15	March 9
Banks	March 17	March 9
Public Safety and Security	March 17	March 9
Program Review and Investigations	March 21	March 10
Energy & Technology	March 22	March 14
General Law	March 22	March 14
Higher Education and Employment Advancement	March 22	March 14
Legislative Management	March 23	March 15
Commerce	March 24	March 16
Insurance & Real Estate	March 24	March 16
Transportation	March 28	March 13
Planning and Development	April 1	March 17
Human Services	March 31	March 21
Labor and Public Employees	March 29	March 21
Environment	April 1	March 20

Government Administration and Elections	April 11	March 24
Public Health	April 4	March 20
Education	April 8	March 24
Judiciary	April 15	March 27
Appropriations	April 21	April 4
Finance, Revenue and Bonding	April 22	April 6

(b) ***Hearing Requirement for Favorable Report***. Except as provided in Rule 32 (2)(A), no bill and no resolution proposing an amendment to the constitution or other substantive resolution shall be reported favorably by a committee unless a public hearing has been held as provided in Rule 6, but no further public hearing shall be required for a favorable report on a substitute for such bill or resolution, provided the substitute is based on or is germane to the subject matter of the original bill or resolution, or for a bill or resolution petitioned under Rule 11 on which a subject matter public hearing has been held.

(c) ***Fiscal Notes and Bill Analyses***. Any bill reported favorably by any committee which if passed, would affect state or municipal revenue, or would require the expenditure of state or municipal funds, shall have a fiscal note attached, as required by section 2-24 of the general statutes. The fiscal note and a bill analysis shall be printed with the bill and shall bear the same file number as the bill. Any fiscal note printed with or prepared for a bill and any analysis of a bill printed with or prepared for a bill, are solely for the purpose of information, summarization and explanation for members of the General Assembly and shall not be construed to represent the intent of the General Assembly or either house thereof for any purpose. Each such fiscal note and analysis shall bear the following disclaimer: "The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either house thereof for any purpose." When an amendment is offered to a bill in the House or the Senate, which, if adopted, would require the expenditure of state or municipal funds or affect state or municipal revenue, a fiscal note shall be available at the time the amendment is offered. Any fiscal note prepared for such an amendment shall be construed in accordance with the provisions of this rule and shall bear the disclaimer required under this rule.

All bills unfavorably reported by a committee shall be submitted to the Legislative Commissioners' Office not later than 5 p.m. on the final reporting out date for favorable reports for that committee, designated in the schedule shown in Rule 15.

The legislative commissioners shall prepare a list of the bills submitted to them which at the deadline time for each committee are not printed and in the files and the clerks shall print the same in the House and Senate journals.

(d) ***Bills Not Acted on by Committee; Bills Not Printed and in Files***. All bills not acted on by the committees within the time limits established by this section shall be deemed to have failed in committee, except that (a) a bill shall be reported to the house in which it originated if the Speaker of the House and the President Pro Tempore of the Senate certify,

in writing, the facts which in their opinion necessitate its being acted on by the General Assembly or (b) if a majority of the members of either house present to the clerk of such house a written petition as provided by Rule 19, requesting that a bill be reported, it shall be reported to the house in which the petition originated. Any bill not printed and in the files of the members of the General Assembly may be acted upon by the General Assembly if the Speaker of the House and the President Pro Tempore of the Senate certify, in writing, the facts which in their opinion necessitate an immediate vote on the bill, in which case a copy of the bill, accompanied by a fiscal note, shall nevertheless be upon the desks of the members, but not necessarily printed, before it is acted upon.

(e) ***Bills Authorizing Conveyance of Real Property by State***. Notwithstanding any provision of these rules to the contrary (1) no bill authorizing the conveyance of real property, or any interest therein, by the state of Connecticut to any person or entity shall be printed or placed on the calendar or in the files for action unless the bill has received a favorable or unfavorable report from the joint standing committee on government administration and elections, and (2) no bill which has been amended to authorize the conveyance of real property, or any interest therein, by the state of Connecticut to any person or entity shall be passed by either house unless such bill, as amended, has been referred to the joint standing committee on government administration and elections, and that committee has reported favorably or unfavorably on such amended bill to the house from which it was referred, within two regular session days of the date of referral.

(f) ***Referral of Bill by Chamber to Committee After Deadline***. Whenever a bill or resolution favorably or unfavorably reported by one committee is referred by the House or the Senate to another committee after its deadline, that committee, at any time thereafter but before the start of the session on the third regular session day of the chamber making the referral after the date that the motion to refer is adopted, but no later than (1) ten calendar days after such date of adoption if the referral is on or before the last deadline, designated in the schedule in Rule 15(a), for favorable reports or (2) seven calendar days after such date of adoption if the referral is after said deadline, shall meet to consider the bill or resolution and may report it favorably or unfavorably, box it or take no action. If the committee reports on the bill or resolution favorably or unfavorably, and the bill or resolution has not been amended in either house, the committee may report a substitute bill or resolution, in which case, there shall be a reprinting of the file. If the committee reports favorably or unfavorably, and the bill or resolution has been amended in either house, the committee shall include in its report its recommendation on the adoption or rejection of each amendment, and may submit additional amendments to be offered on the floor. In the latter case there shall be no reprinting of the file. The entry on the calendar in both houses in each case shall indicate the actions and recommendations of the committee.

BILLS AND RESOLUTIONS - READINGS

16. First reading of all bills and resolutions shall be (1) by the acceptance by each house of a printed list of bills and resolutions, prepared by the clerks of the House and Senate, setting forth numbers, sponsors, titles and committees to which referred or (2) by title, number and reference to a committee.

Second reading shall be the report of a committee.

Third reading shall be passage or rejection of a bill or resolution on the calendar. Each bill and each resolution for a constitutional amendment shall receive three readings in each house prior to passage, and no bill or resolution for a constitutional amendment shall be read twice on the same day.

FAVORABLE REPORTS

17. (a) ***Committee Clerk's Signature***. When the House and Senate members of any committee jointly vote to report a committee or raised bill or resolution favorably, the committee clerk shall sign the committee report form.

(b) ***Resolutions on Appointments and Nominations***. A favorable report by a joint standing committee of a resolution concerning a General Assembly appointment, a nomination requiring joint confirmation and favorable reports of any committee to which executive nominations are referred shall be tabled for the calendar and printed by number and title only. The report may be accepted and the resolution adopted after it has appeared on the calendar for two days.

(c) ***File Copies Distributed to Members***. All bills and all resolutions proposing amendments to the constitution and other substantive resolutions reported favorably by the committees to which they have been referred, or by a majority of the members of the Senate or House committee making the report, before third reading, shall be laid upon the table, and five hundred and fifty copies of each bill or resolution together with the number of committee members voting yea and the number voting nay shall be printed under the supervision of the Legislative Commissioners' Office for the use of the General Assembly.

(d) ***Timing of Action by Chambers***. Each bill and each joint resolution proposing an amendment to the constitution and each other substantive resolution so printed shall be in the files and on the calendar with a file number for two session days and shall be starred for action on the session day next succeeding, except that: (1) A bill or resolution certified in accordance with section 2-26 of the general statutes, if filed in the House, may be transmitted to and acted upon first by the Senate with the consent of the Speaker; and if filed in the Senate, may be transmitted to and acted upon first by the House with the consent of the President Pro Tempore, (2) any bill or resolution certified in accordance with section 2-26 of the general statutes may be acted upon immediately and may be transmitted immediately to the second house and may be acted upon immediately when received by the second house, (3) if one house rejects an amendment adopted by the other house, the bill or resolution after final action may be transmitted immediately to and may be placed on the calendar immediately in the second house, (4) during the last five calendar days of the session, if one house rejects an amendment adopted by the other house or adopts an amendment to a bill or resolution received from the other house, or takes any action on such bill or resolution requiring further action by the other house, the bill or resolution after final action may be transmitted immediately to the second house and placed immediately on the

calendar and may be acted upon immediately in the second house, or (5) during the last five calendar days of the session, any bill or resolution, after final action in one house, may be transmitted immediately to the second house and may be placed on the calendar immediately in the second house.

(e) ***Action on Calendar***. All bills and resolutions starred for action shall be acted upon only when reached and any bill or resolution not acted upon shall retain its place on the calendar, unless it is put at the foot of the calendar or unless its consideration is made the order of the day for some specified time.

(f) ***Other Provisions.*** When the House or Senate members only of a committee vote to report a bill or resolution favorably, the House or Senate chairperson of the committee, as the case may be, shall sign the bill or resolution. When the House members and Senate members of a committee vote to report separate versions of a bill or resolution and each house adopts its own version, both bills or resolutions may be referred by a joint resolution to a committee of conference, appointed as provided in Rule 22, with instructions to report a bill or resolution, as the case may be. If no bill or resolution is reported within three session days following the committee's appointment, the committee shall submit an interim report to both houses and shall continue to report every second session day thereafter until a final decision is reached. If a bill or resolution is agreed upon by the committee it shall be submitted to the Legislative Commissioners' Office as a favorable report for processing as provided in Rule 13. A legislative commissioner shall transmit the bill or resolution with his or her approval to the clerk of the house which initiated the joint resolution for a committee of conference and the bill or resolution shall thereupon be tabled for the calendar and printing. The report of the committee may be accepted or rejected, but the bill or resolution may not be amended.

No bill or resolution shall appear on the calendar of either house unless it has received a joint favorable or a favorable report of the members of the committee of that house, except as provided in this rule or in Rule 19 or 20.

(g) ***Roll Call Requirement***. Each bill and each resolution proposing an amendment to the constitution and each other substantive resolution appearing on the regular calendar shall be voted upon by a roll call vote.

REPRINTING AFTER AMENDMENT

18. Whenever a bill is substantively amended there shall be no action on passage of the bill until it has been re-examined by the legislative commissioners for the purposes set forth in Rule 13 and it has been reprinted as amended. The house in which the bill is pending shall not take final action thereon until the reprinted bill has been distributed to the members. This rule shall not apply to amendments offered solely for the purposes of correcting clerical defects or imperfections, such as but not limited to, grammatical or spelling errors or mistakes as to form or dates, or to make other changes which do not alter the substance of a bill. Reprinting of amended bills shall not be required for bills passed after June 4, 2005, for the 2005 session and April 29, 2006 for the 2006 session.

PETITION FOR COMMITTEE REPORT

19. Upon presentation to the clerk of either house of a petition signed in the original by not less than a majority of the members of either house requesting a joint standing committee to report a bill or resolution in its possession, the clerk shall immediately give notice to the committee of the filing of the petition. The petition may not be presented sooner than the day following the committee's deadline, designated in the schedule shown in Rule 15, to report the bill out of committee and not later than 5 p.m. on the seventh calendar day after that deadline. Within two regular session days thereafter the committee shall report the bill or resolution with or without its recommendations to the house from which the petition was received. If no recommendation is made, the bill or resolution shall be considered as having received an unfavorable report and the procedures in Rule 20 shall be followed. Each petition or page of the petition shall contain a statement of its purpose and may be circulated only by a member of the house whose clerk will receive the petition. If the committee members of one house vote to report a bill favorably, the petition so circulated and presented to the clerk may be signed only by the members of the other house. Any bill or resolution so petitioned, except those carrying or requiring appropriations, shall not be referred to any other committee without first having been voted upon by the House or Senate. Those carrying or requiring appropriations shall be referred first to the joint standing committee on Appropriations. The Appropriations committee shall, within two session days after such reference, report such bill or resolution back to the house in which the petition originated with either a favorable or unfavorable report thereon and the bill shall then be voted upon. In the event of a conflict between the report of the original committee and that of the Appropriations committee, the vote shall be on the report of the Appropriations committee.

UNFAVORABLE REPORTS

20. All bills and resolutions reported unfavorably shall first be printed under the supervision of the legislative commissioners, without correction and without their approval, and shall be in the files and on the calendar as if favorably reported but shall appear on the calendar under the heading "Unfavorable Reports." If the unfavorable report is rejected by the house of origin, the bill or resolution shall be returned to the legislative commissioners for their approval and reprinting in final form, except that in the case of an unfavorable report of the committee on executive and legislative nominations, or an unfavorable report of the committee on judiciary of a judicial nomination or of a nomination of a workers' compensation commissioner, the resolution shall not be returned to the legislative commissioners and may be acted upon immediately. If the bill or resolution is returned to the legislative commissioners after May 25, 2005 in the 2005 session or April 19, 2006 in the 2006 session, the legislative commissioners shall transmit the bill or resolution, with or without approval, to the clerk of the house from which it was received, not later than five calendar days after it is received. It shall then be in the files, with special marking on the calendar, as if favorably reported with a file number for two session days and starred for action on the session day next succeeding in the house of origin. If the unfavorable report is accepted by the house of origin, the bill or resolution shall be lost.
When an unfavorable report is rejected by the first house and the bill is passed or the resolution adopted by that house it shall then be in the files and on the calendar of the other house, but shall appear on the calendar under the heading "Unfavorable Reports".

RECALL FROM OTHER HOUSE FOR RECONSIDERATION

21. No resolution or motion to recall a bill, resolution or other matter from the other house shall be allowed for the purpose of reconsideration or amendment after the time has elapsed for the reconsideration of any vote thereon except when there has clearly been a mistake in such vote or an error in the language of the bill, resolution or other matter.

COMMITTEE OF CONFERENCE

22. (a) ***Appointment of Committee***. When one house rejects an amendment adopted by the other house, the bill or resolution shall be returned to the other house for further action. If that house readopts the rejected amendment, the readoption constitutes a matter for a committee of conference, and a committee of conference shall be appointed by the Speaker and the President Pro Tempore.

The committee of conference shall be comprised of three members from each house. If the vote has not been unanimous there shall be at least one member of the committee who was not on the prevailing side in such member's house, except that in all cases, at least one member in each house shall be a member of the minority party.

(b) ***Committee Reports***. The committee may propose any changes within the scope of the bill or resolution, but any action, including changes, taken by the committee shall be by a majority vote of the members of each house on the committee. The committee report shall be made to both houses at the same time. The committee report shall contain the following information: The bill or resolution number and title, the members of the committee, the action of the committee, indicating the adoption or rejection of each house or Senate amendment previously adopted, identified by schedule letter, which accompanied the bill or resolution, the adoption of a new amendment, if any, and the signature of the members of the committee accepting or rejecting the report. A member's refusal to sign shall be deemed a rejection. Any new amendment shall be prepared by the Legislative Commissioners' Office and shall be attached to and made a part of the report and shall be identified by a schedule letter of the house which created the disagreeing action.

(c) ***Action by Chambers***. Each house shall vote to accept or reject the report. A vote by either house to accept the report of the committee shall be final action by that house on the bill or resolution. If both houses vote to accept the report of the committee, the bill is passed or the resolution adopted as of the time the last house votes to accept the report. If either house rejects the report of the committee, the bill or resolution is defeated and the second house shall not be required to consider the committee report. The report of the committee may be accepted or rejected, but it may not be amended.

RETURN OF BILL FROM GOVERNOR OR LEGISLATIVE COMMISSIONERS

23. Whenever a bill has passed both houses of the assembly and has been transmitted to the Governor for approval, or to the legislative commissioners for engrossing, if either house desires its return for further consideration, it may, by resolution adopted by both houses, appoint a joint committee of one senator and two representatives to be sent to the Governor or the commissioners to request them to return the bill. In the case of a bill

transmitted to the Governor, if the Governor consents, and in the case of a bill transmitted to the legislative commissioners the bill shall be returned first to that house in which the motion for its return originated, and the bill may then be altered or totally rejected by a concurrent vote of the two houses; but, if not altered or rejected by concurrent vote, it shall be again transmitted to the Governor or the legislative commissioners, as the case may be, in the same form in which it was first presented to the Governor or commissioners.

EXAMINATION OF BILLS AND RESOLUTIONS

24. (a) ***Examination and Correction***. All bills, and all resolutions proposing amendments to the constitution, when finally passed, shall be examined immediately by the legislative commissioners. If the commissioners find that any correction should be made in the text, they shall report it to the committee on legislative management. If the committee believes that no correction should be made, it shall so inform the commissioners. If the committee believes a correction should be made, it shall so inform the legislative commissioners who shall report the bill to the house which last took action upon it, with the proposed correction in the form of an amendment, within five calendar days, Sundays and holidays excepted, after its passage.

(b) ***Consideration of Proposed Correction***. The report shall be placed at the head of the calendar, and shall take precedence of all other business on the calendar; and the only question on the report shall be, "Shall the proposed amendment be adopted?" If the proposed amendment is adopted by both houses, the bill or resolution shall stand as amended. If the proposed amendment is rejected by either house, the bill or resolution shall not be transmitted to the other house, but shall stand as originally passed. If, in the consequence of the adjournment of the General Assembly subject to reconvening for the consideration of vetoed bills or for any other reason, any bill or resolution which has been passed by both houses fails to be amended as recommended by the commissioners, the bill or resolution shall stand as originally passed.

ENGROSSING OF BILLS AND RESOLUTIONS

25. All bills, all resolutions proposing amendments to the constitution and all resolutions memorializing Congress when finally passed shall be engrossed under the direction of the legislative commissioners, and immediately thereafter shall be transmitted to the clerks. The legislative commissioners shall carefully compare all engrossed bills and resolutions with the bills and resolutions as finally passed, and a commissioner shall certify by his or her signature to the correctness of the engrossed copies. As soon as engrossed and certified, as herein provided, the bill or resolution and amendment shall be presented to the House and Senate clerks, who shall sign the engrossed and certified copies.

TRANSMITTAL TO GOVERNOR

26. (a) ***Transmittal of Copy***. On the passage of a bill by both houses, the clerk of the house last taking action thereon shall forthwith cause a copy to be sent to the Governor.

(b) ***Engrossed Bills***. Each bill and resolution, with the engrossed copy, shall be transmitted by the clerks of the House and Senate to the secretary as soon as it has been signed, as herein provided, and not later than the twelfth day after the expiration of the time allowed for reconsideration under the rules of the General Assembly, Sundays and legal holidays excepted; and the secretary shall forthwith present the engrossed copy of each bill to the Governor for approval.

(c) ***Records of Transmittal***. The secretary shall give the clerks a receipt for each bill, and shall notify them of the date and hour at which each bill was presented to the Governor. The secretary shall give the Governor a receipt showing the date and hour at which the Governor approved it or returned it to the secretary with a statement of his or her objections and shall notify the clerks of the dates and hours. The clerks shall record the dates and hours of presentation and approval or return in the journals of the House and Senate.

(d) ***Immediate Transmittal***. The house last taking action on a bill, before engrossing, may order immediate transmittal of the bill to the Governor, in which case the clerk of that house shall forthwith present the bill to the Governor, taking a duplicate receipt therefor showing the day and hour at which the bill was deposited in the executive office, one of which receipts the clerk shall deliver to the secretary. Except as provided in this subsection, a bill shall be transmitted to the Governor only after engrossing.

BILLS NOT REPORTED

27. The official copies of all bills and joint resolutions not reported by committees shall be delivered to the secretary of the state by the clerk of the committee.

DISTURBANCES

28. If there is any disturbance, disorderly conduct or other activity in or about the State Capitol or the grounds thereof which, in the opinion of the President Pro Tempore and the Speaker, may impede the orderly transaction of the business of the General Assembly or any of its committees, they may take whatever action they deem necessary to preserve and restore order.

AMENDMENT AND SUSPENSION OF RULES

29. These rules shall not be altered, amended or suspended except by the concurrent vote of at least two-thirds of the members present in each house.

Motions to suspend the rules shall be in order on any session day.

Suspension of the rules shall be for a specified purpose. Upon accomplishment of that purpose, any rule suspended shall be again in force.

RESTRICTIONS

30. (a) ***Smoking***. No person shall smoke in the capitol or legislative office building except in a separately designated room which is designated as a smoking area by the joint committee on Legislative Management.

(b) ***Non-Partisan Offices***. Lobbyists shall be prohibited from the Legislative Commissioners' Office, the Office of Fiscal Analysis and the Office of Legislative Research but not from the legislative library.

(c) ***Wireless Telephones.*** No person shall operate a wireless telephone or similar device in the senate chamber while the senate is meeting, in the house chamber while the house is meeting, or in any room while a committee is meeting or holding a public hearing in that room.

(d) ***E-Mail.*** The computer system of the Connecticut General Assembly shall suspend the delivery of electronic mail to members from outside the Connecticut General Assembly while in session in their respective chambers.

COLLECTIVE BARGAINING AGREEMENTS

31. When a collective bargaining agreement, negotiated under the provisions of chapter 68 of the general statutes, or a supplemental understanding reached between the parties to such agreement, or an arbitration award resulting from an arbitration proceeding under that chapter, is submitted to the General Assembly for approval as provided in section 5-278 of the general statutes, the following procedures shall apply:

(1) In the case of a collective bargaining agreement or supplemental understanding, the bargaining representative of the employer shall submit one executed copy and five copies of the agreement, or of the master agreement and individual working agreements or the supplemental understanding, to the clerk of the House, and one executed copy and five copies to the clerk of the Senate. In the case of an arbitration award, the bargaining representative of the employer shall submit five copies of the arbitration award, signed by the arbitrator, and a statement setting forth the amount of funds necessary to implement the award, to the clerk of the House and to the clerk of the Senate. The bargaining representative of the employer shall submit with such agreement, supplemental understanding or award: (A) A list of the sections of the general statutes or state agency regulations, if any, proposed to be superseded, (B) the effective date and expiration date of the agreement, supplemental understanding or award. An agreement shall be deemed executed only when it has been approved, in the case of an executive branch employer, including the division of criminal justice, by the Governor's designee, in the case of a judicial branch employer, by the chief administrative officer or such officer's designee, and in the case of a segment of the system of higher education, the chairperson of the appropriate board of trustees, and by the executive committee or officers of the respective bargaining unit or units and has been ratified by the membership of such bargaining unit or units.

(2) (A) During periods when the General Assembly is in session, the agreement or supplemental understanding or the award shall be stamped by the clerks with the date of receipt and, within two calendar days thereafter, the Speaker of the House and the President Pro Tempore of the Senate shall cause separate House and Senate resolutions to be prepared proposing approval of the agreement or supplemental understanding or, in the case of an award, separate House and Senate resolutions concerning the sufficiency of funds for implementation of the award. Each resolution shall be given a first reading in the appropriate house. Resolutions proposing approval of a collective bargaining agreement or a supplemental understanding, together with a copy of the agreement or supplemental understanding, and resolutions concerning the sufficiency of funds for implementation of an arbitration award, together with a copy of the award, shall be referred to the committee on Appropriations. With respect to each resolution referred to the committee on or before the deadline of the committee to report favorably on a bill or resolution as designated in the schedule shown in Rule 15, the committee shall hold a public hearing on each such resolution, and within fifteen days after the referral, shall report the appropriate resolutions approving or disapproving the agreement or supplemental understanding or concerning the sufficiency of funds for implementation of the award to the House and the Senate, notwithstanding the provisions of Rule 15. If the Appropriations committee fails to take action within the time period set forth in this rule, the agreement or supplemental understanding shall nevertheless be deemed approved or, in the case of an award, the sufficiency of funds affirmed and the resolutions shall be reported to the House and the Senate as favorable reports.

(B) If an agreement or supplemental understanding is reached or an arbitration award is made during the interim between sessions, the provisions of subsection

(b) of section 5-278 of the general statutes, as amended, shall apply.

(3) Each resolution, favorably or unfavorably reported, shall be read in, and tabled for the calendar and printing, in the appropriate house. Copies of the master agreement and individual working agreements, identified by the resolution numbers, copies of the salary schedules and appendices, and copies of the arbitration awards, identified by the resolution numbers, and the statements setting forth the amount of funds necessary to implement the awards, shall be made available in the clerks' offices.

(4) The Office of Fiscal Analysis shall prepare an analysis of each agreement, supplemental understanding and award and a fiscal note both of which shall be upon the desks of the members, but not necessarily printed in the files, before the resolution is acted upon.

(5) The respective resolutions shall be in the files and on the calendar with a file number for two session days and shall be starred for action on the session day next succeeding unless it has been certified in accordance with section 2-26 of the general statutes. The House and the Senate shall vote to approve or reject each resolution proposing approval of a collective

bargaining agreement or a supplemental understanding and each resolution concerning the sufficiency of funds for implementation of an arbitration award within thirty days after the date of the filing of the agreement, supplemental understanding or award with the clerks of the House and Senate.

(6) Notwithstanding the provisions of Rule 15, when a resolution proposing approval of a collective bargaining agreement or a supplemental understanding or a resolution concerning the sufficiency of funds for implementation of an arbitration award is referred to the committee on Appropriations after the deadline of the committee to report favorably on a bill or resolution as designated in the schedule shown in Rule 15, but was filed more than thirty days before the end of a regular session, the committee may act on such resolutions provided it reports such resolutions to the House and Senate not later than twelve days after such referral.

(7) If the General Assembly is in regular session when an award, agreement or supplemental understanding is filed with the clerks, it may vote to approve or reject such award, agreement or supplemental understanding within thirty days after the date of filing. If the General Assembly does not vote to approve or reject such award, agreement or supplemental understanding within such thirty days, the award, agreement or supplemental understanding shall be deemed approved. If the regular session adjourns prior to such thirtieth day and the award, agreement or supplemental understanding has not been acted upon, the award, agreement or supplemental understanding shall be deemed to be filed on the first day of the next regular session.

AGREEMENTS OR STIPULATIONS UNDER SECTION 3-125a

32. When an agreement or stipulation is submitted to the General Assembly as provided in section 3-125a of the general statutes, the following procedures shall apply:

(1) Six copies of the agreement or stipulation shall be submitted to the clerk of the House, and six copies to the clerk of the Senate.

(2) (A) During periods when the General Assembly is in session, the agreement or stipulation shall be stamped by the clerks with the date of receipt and, within two calendar days thereafter, the Speaker of the House and the President Pro Tempore of the Senate shall cause separate House and Senate resolutions to be prepared proposing approval of the agreement or stipulation. Each resolution shall be given a first reading in the appropriate house. The President Pro Tempore and the Speaker shall designate the committees of cognizance and the committees, if any, that will hold a public hearing on each agreement or stipulation. Each resolution, accompanied by the agreement or stipulation, shall be referred to the committees of cognizance, which shall report thereon.

(B) If an agreement or stipulation is submitted during the interim between regular sessions, it shall be deemed to be submitted on the first day of the next regular session.

(3) Each resolution, favorably or unfavorably reported, shall be read in, and tabled for the calendar and printing, in the appropriate house.

(4) The Office of Fiscal Analysis shall prepare an analysis of each agreement or stipulation and a fiscal note both of which shall be upon the desks of the members, but not necessarily printed in the files, before the resolution is acted upon.

(5) The resolution shall be in the files and on the calendar with a file number for two session days and shall be starred for action on the session day next succeeding unless it has been certified in accordance with section 2-26 of the general statutes. The House and the Senate may vote to approve or reject each resolution within thirty days of the date of submittal of the agreement or stipulation.

(6) Notwithstanding the provisions of Rule 15, when an agreement or stipulation is referred to a committee of cognizance after the deadline of the committee to report favorably on a bill or resolution as designated in the schedule shown in Rule 15, but not later than the time of submission specified in subdivision (7) of this rule, the committee may act on such resolution provided it reports such resolution not later than twelve days after such referral.

(7) Any agreement or stipulation submitted to the clerks within thirty days before the end of a regular session and not acted upon dispositively before the end of such session shall be deemed to be submitted on the first day of the next regular session.

SPECIAL SESSIONS

33. A majority of the total membership of each house shall be required for the calling of a special session by the General Assembly.

INTERIM

34. (a) ***Meetings***. During the interim between sessions, chairpersons of a committee may schedule meetings on any day. Notice of the time and place of committee meetings shall be given to the staff of the joint standing committee on Legislative Management.

(b) ***Public Hearings***. A committee may hold subject matter public hearings on any subject and on specified proposed bills and proposed resolutions, and on committee and raised bills. Notice of any public hearing shall be given, not later than ten calendar days before the hearing, to the office of the joint standing committee on Legislative Management for appropriate publication by that office at least five calendar days in advance of the hearing. The notice shall contain the place, time and the general subject matter of the hearing and the title of the bills or resolutions, if any, to be considered. In no event shall a bill or resolution be listed for a public hearing unless the committee holding the public hearing has copies available for the public. For the purpose of meeting the hearing requirements under this rule, the day of publication by the staff of the Legislative Management committee and the day of the hearing shall both be counted as full days.

(c) ***Raised Bills - Hearing During Session Required***. In the interim between the 2005 and 2006 sessions, a committee may, after October 1, 2005, raise bills and resolutions for public hearing and consideration in the interim but no such bill or resolution shall be reported by any committee unless a public hearing has been held during the 2006 session, notice of which has been given, as provided in subsection (b) of this rule, on or after February 8, 2006.

RULES TO REGULATE
THE PROCEEDINGS OF THE SENATE
OF THE
STATE OF CONNECTICUT

RESOLUTION CONCERNING THE RULES OF THE SENATE.

Resolved by the Senate:

That the following are the Senate Rules for the 2005 and 2006 sessions:

1. The President shall take the chair on each session day, at the hour to which the Senate stands adjourned. The President shall thereupon call the Senate to order and after prayer and recitation of the pledge of allegiance, if a quorum is present, proceed to business.

2. In the absence of a quorum, the President may adjourn the Senate to a subsequent time on that day or to the next session day. At all other times an adjournment shall be pronounced by the President on motion.

3. The President shall preserve order and decorum and shall decide all questions of order, upon which no debate shall be allowed except at the request of the President; but the decision shall be subject to an appeal to the Senate which must be seconded and on which no member shall speak more than once. No other business shall be in order until such appeal is disposed of.

4. The President shall rise to put a question or to address the Senate, but may read sitting.

5. If there is any disturbance, disorderly conduct or other activity in or about the Senate Chamber which, in the opinion of the presiding officer, may impede the orderly transaction of the business of the Senate, the presiding officer may take such action as is deemed necessary to preserve and restore order.

6. If the President while presiding, wishes to leave the chair, the president pro tempore shall preside, or, in the absence of the president pro tempore, the president pro tempore's designee shall preside for a period not exceeding one day.

7. Within one week after appointment, the President Pro Tempore shall nominate a chaplain and up to three deputy chaplains, and if such nominations are confirmed by the Senate by a majority vote, the candidates so nominated and confirmed shall serve for the 2005 and 2006 sessions.

8. The clerk shall keep a journal of the Senate, and shall enter therein a record of each day's proceedings and record any amendment that may be offered to any bill or resolution
.

9. (a) Upon acceptance of a Senate agenda, the clerk's office shall act upon the items listed as indicated and shall incorporate the items by reference in the Senate journal and Senate transcript. The clerk shall keep a Calendar on which he or she shall enter daily (1) all bills and joint resolutions received from the House for action except (a) bills and resolutions which do not have a favorable report of a joint committee which shall, upon being read by the clerk, be referred without further action to the appropriate committee, (b) all bills and joint resolutions received from the House for action by the Senate which have not been referred by the Senate to any committee, and (2) all bills and resolutions favorably reported to the Senate from any committee; and these shall be entered on the Calendar in the order in which they are received. Each joint resolution proposing an amendment to the constitution and each bill so entered shall be printed and in the files and on the Calendar, with a file number for two session days and shall be starred for action on the session day next succeeding, except that: (A) A resolution may be acted on in accordance with joint rule 17(b), (B) a bill or resolution certified in accordance with section 2-26 of the general statutes, if filed in the House, may be transmitted to and acted upon first by the Senate with the consent of the speaker; and if filed in the Senate, may be transmitted to and acted upon first by the House with the consent of the president pro tempore, (C) any bill or resolution certified in accordance with section 2-26 of the general statutes, may be acted upon immediately in the first house, may be transmitted immediately to the second house and may be acted upon immediately when received by the second house, (D) if the Senate rejects an amendment adopted by the House, the bill or resolution after final action by the Senate may be transmitted immediately to the House, or if the House rejects an amendment adopted by the Senate, the bill or resolution when received from the House may be placed immediately on the Calendar, (E) during the last five calendar days of the session, if the Senate rejects an amendment adopted by the House, or adopts a Senate amendment to a bill or resolution received from the House, or takes any action on the bill or resolution requiring further action by the House, the bill or resolution after final action in the Senate, may be transmitted immediately to the House, or if the House rejects an amendment adopted by the Senate or adopts a House amendment to a bill or resolution received from the Senate, or takes any action on the bill or resolution requiring further action by the Senate, the bill or resolution when received from the House may be placed immediately on the calendar and may be acted upon immediately, (F) during the last five calendar days of the session, any bill or resolution after final action by the senate may be transmitted immediately to the house, or (G) during the last five calendar days of the session, any bill or resolution received by the senate after final action by the house may be placed on the calendar immediately. All bills and resolutions starred for action shall be acted upon only when reached in their regular order, and any bill or resolution passed over when so reached shall retain its place on the Calendar unless it is passed temporarily, put on the foot of the Calendar or its consideration is made the order of the day for some specified time.

(b) On any day that is not scheduled as a session day, the President Pro Tempore and the Minority Leader, or their designees, may call the Senate into session for purposes of transacting business of a procedural nature by filing with the clerk or the clerk's designee a written instruction to conduct a pro forma Senate session with or without the presence of a senator. Said direction shall include a written motion to adopt the day's Senate agenda and act on all items as indicated and incorporate the items by reference into the Senate journal and Senate transcript. Said motion shall be read into the record and shall have the same force and effect as if the Senate were convened with a presiding officer and senator.

10. The clerk shall retain all bills, resolutions and other papers, in reference to which any member has a right to move a reconsideration, until the right of reconsideration has expired, and no longer.

11. The clerk shall also keep a record of all petitions, resolutions, and bills for all acts which are presented for the consideration of the Senate, and said record shall be so kept as to show by a single reference the action of the Senate on each of them to that date.

12. The assistant clerk shall have the same powers and perform the same duties as the clerk, subject to the direction of the clerk. The bill clerk and the journal clerk shall perform such duties as are assigned to them by the clerk.

13. The clerk shall cause the journals and calendars to be distributed on the desks of the members daily, before the opening of the session.

14. No member shall speak more than twice upon the same question without leave of the Senate, except to explain.

15. No member who is interested in the decision of any question in such manner that he or she cannot vote thereon may stay in the Senate when such question is discussed or decided.

16. If a member, in speaking or otherwise, transgresses the rules and order of the Senate, the president shall, or any member may, call such member to order; and if speaking, such member shall sit down, unless permitted to explain; and if a member is guilty of a breach of any of the rules and orders, such member may be required by the Senate, on motion, to make satisfaction therefor, and until satisfaction has been made shall not be allowed to vote or speak except by way of excuse.

17. If a candidate for the Senate notifies the clerk on or before the opening day of the session that such candidate contests the results of the election for his or her district, a committee of three shall be appointed by the President Pro Tempore within the first two days of the session. If a candidate for the Senate in a special election notifies the clerk no later than fourteen days following such election that such candidate contests the results of the election for his or her district, a committee of three shall be appointed by the president pro tempore no later than sixteen days following such election. The committee shall take into consideration such contested election and report the facts with its opinion thereon.

18. The majority leader, other leaders of the majority party in the Senate and the chairperson and vice chairpersons of each standing and select committee shall be appointed by the president pro tempore of the Senate. Chairpersons and vice chairpersons shall serve at the pleasure of the president pro tempore and the majority leader. The clerks of the standing and select committees and the chairpersons of the subcommittees thereof shall be appointed by the chairpersons of the respective committees with the approval of the president pro tempore of the Senate. The minority leader shall be elected by the members of the minority party in the Senate and the other leaders of the minority party in the Senate shall be appointed by the minority leader. The minority leader shall appoint ranking minority

members to each standing and select committee. Such ranking members shall serve at the pleasure of the minority leader. All standing and select committee members shall be appointed by the president pro tempore by the fifth regular session day of the first year of the term, except to fill a vacancy caused by death or incapacity or resignation from the Senate or from a committee; and except that the president pro tempore may appoint any member elected after the fifth regular session day of the first year of the term to any committee within five calendar days after the member takes the oath of office. Not more than nine senators shall be appointed to any standing committee, except that the joint standing committees on Appropriations and Finance, Revenue and Bonding shall consist of not more than eleven senators. The member first named shall be chairperson. The chairperson of each committee may appoint one of the members of the committee as clerk thereof. All Senate leaders, standing committee assignments, chairpersons, vice chairpersons and clerks and subcommittee chairpersons shall serve for both the 2005 and the 2006 sessions.

19. The order of business shall be as follows:.

1. Reception of petitions.

2. Reception of communications from the Governor, secretary of the state, annual and biennial reports, interim committee reports and reports

3. Introduction of bills and resolutions.

4. Reports of committees.

5. Reception of business from the House.

6. Business on the calendar.

7. Introduction of guests.

8. Miscellaneous business.

9. Resolutions removed from consent calendar.

20. Before any petition or resolution is received, a brief statement of its object shall be made by the introducer.

21. When a motion is made, it shall be stated to the Senate by the president before any debate is had thereon, and every motion shall be reduced to writing if the president so directs or any member desires it.

22. When a motion is stated by the president, or read by the clerk, it shall be deemed to be in the possession of the Senate. It may be withdrawn by the mover at any time before decision or amendment, but not after amendment, unless the Senate gives leave.

23. If the question under debate consists of two or more independent propositions any member may move to have the question divided. The president shall rule on the order of voting on the divisions of a question.

24. The yeas and nays shall be taken on the roll call machine on all final action on bills on the regular calendar and on all other questions at the desire of one-fifth of the members present, expressed at any time before a declaration of the vote.

25. Whenever the result of a vote as stated by the presiding officer is doubted, it shall be taken again by rising.

26. When a vote has been taken, it shall be in order for any senator on the prevailing side to move for a reconsideration thereof on the day of the vote or on the next succeeding session day, if the bill is still in the possession of the Senate; provided also that there shall be no reconsideration of the following motions: To adjourn, for the previous question or to reconsider, and no question shall be twice reconsidered.

27. Pairs may be made by senators whose votes if they were present would be cast on opposite sides of any question, by filing with the clerk of the Senate a memorandum, containing the names of the senators, and their votes, who are thus paired and the subject matter or matters to which such pairs apply. Senators making any such pairs shall be excused from voting upon the merits of the matters involved while the pair continues, but no pairs shall operate while both of the senators paired are present.

28. Persons, other than members of the General Assembly, shall not be permitted on the floor of the Senate while it is in session. Lobbyists shall be prohibited from the floor of the Senate on any day during which the Senate is in session except during a public hearing in the Senate chamber. This rule shall not apply to the staff of the General Assembly, to any state or municipal official or member of the media who has been given permission to be on the Senate floor by the president of the Senate, president pro tempore, majority leader or minority leader, or to persons invited to the Senate for purposes of recognition or ceremony. Other persons who desire to speak with a member of the Senate while it is in session shall communicate such desire through one of the messengers and shall not converse with such member in the chamber while the Senate is in session.

29. When a question is under debate, no motion shall be received except:.

1. To adjourn.

2. To recess.

3. For the previous question.

4. To close the debate at a specified time.

5. To pass temporarily.

6. To pass retain.

7. To postpone to a certain time.

8. To commit or recommit.

9. To divide the question.

10. To amend.

11. To refer to another committee.

12. To postpone indefinitely.

13. To place at foot of calendar.

These several motions shall have precedence in the order listed in this rule, and no motion to commit or recommit, to continue to the next General Assembly or to postpone indefinitely, having been once decided, shall be again allowed at the same session and at the same state of the bill or subject matter.

30. Amendments shall be filed with the clerk of the Senate before 12 noon on the day the bill is acted upon. Exceptions to this rule shall be allowed (1) upon approval of any two of the following: The president pro tempore, the majority leader of the Senate, the minority leader of the Senate or (2) in the case of bills or resolutions not starred for action or bills or resolutions reported in accordance with subparagraph (a) of paragraph (d) of Rule 15 of the joint rules for the Senate and the House of Representatives.

Any member who offers an amendment, originating in the Senate which, if adopted, would reduce state revenues or increase state expenditures by a specified amount or which would involve a significant fiscal impact, shall make available to the president, president pro tempore, the majority leader of the Senate and the minority leader of the Senate at the time the amendment is offered, in addition to a fiscal note, a signed and typewritten explanation, of the decrease in expenditures or the source of the increased revenues required to balance the state budget.

Whenever a bill or resolution is substantively amended, it may be referred to the legislative commissioners to be re-examined for the purposes set forth in Rule 13 and to be reprinted as amended. The legislative commissioners' office shall complete its examination of any such bill within three calendar days of its receipt. It shall then be printed in the files with a file number and marked on the calendar starred for action on the session day on which it appears.

31. There shall be a consent calendar on which shall be entered such bills and resolutions as the majority and minority leaders of the respective house shall designate. All bills and resolutions starred for action on the consent calendar shall be passed on motion without discussion unless, at any time before voting has commenced, a member requests removal of a bill or resolution from the consent calendar in which case such bill or resolution shall be so removed.

32. The rules of parliamentary practice comprised in the 2000 edition of Mason's Manual of Legislative Procedure shall govern the Senate whenever applicable and whenever they are not inconsistent with the standing rules and order of the Senate or the joint rules of the Senate and House of Representatives.

33. The rules of the Senate shall take precedence over the joint rules of the Senate and House of Representatives or Mason's Manual of Legislative Procedure in the event of conflict.

34. No person shall smoke in the Senate chamber or the gallery. No person shall operate a wireless telephone or similar device in the Senate chamber or gallery while the Senate is in session. The presiding officer shall enforce this rule.

35. These rules shall not be altered, amended or suspended except by vote of at least two-thirds of the members present.

Motions to suspend the rules shall be in order on any session day. Suspension of a rule shall be for a specified purpose; after the accomplishment of such purpose, the rule shall remain in force as before.

36. Every member present in the Senate Chamber when a question is put by the presiding officer shall vote, unless excused under Rule 15.

RULES TO REGULATE
THE PROCEEDINGS OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF CONNECTICUT

RESOLUTION CONCERNING THE RULES OF THE HOUSE.

Resolved by this House:

That the following shall be the rules to regulate the proceedings of the House of Representatives for the 2005 and 2006 sessions:

THE SPEAKER

1. The speaker shall take the chair every day at the hour to which the House has adjourned and shall immediately call the House to order and, after prayer and recitation of the pledge of allegiance, proceed to business if a quorum is present.

2. In the absence of a quorum, the speaker may adjourn the House to a later time or to the next session day. At all other times an adjournment shall be pronounced by the speaker on motion.

3. The speaker shall preserve order and decorum and shall decide all questions of order and discipline, upon which no debate shall be allowed except at the speaker's request, but the decision shall be subject to an appeal to the House, which must be seconded and on which no member shall speak more than once. No other business shall be in order until the disposition of such appeal.

4. The speaker shall rise to put a question or to address the House.

5. If there is any disturbance, disorderly conduct or other activity in or about the House chamber which, in the opinion of the speaker, may impede the orderly transaction of the business of the House of representatives, the speaker may take such action as the speaker deems necessary to preserve and restore order.

6. If the speaker wishes to leave the chair, a deputy speaker or a member may be designated by the speaker to perform the duties of the chair.

7. If the speaker or a deputy speaker or the member named by the speaker in accordance with the preceding rule, is absent at the hour to which the House has adjourned, the clerk shall call the House to order and first business shall be the election of an acting speaker, which shall be done immediately without debate, by ballot or otherwise, as the House shall determine, also without debate; and the person thus elected shall preside in the House and discharge all the duties of the speaker until the speaker's return. In the case of the death,

resignation or permanent disability of the speaker, a deputy speaker shall then call the House to order and the first business shall be the election of a speaker, which the House shall immediately proceed to do without debate. The person thus elected shall immediately assume the duties of speaker during the continuance of the General Assembly.

DEPUTY SPEAKERS

8. There shall be four deputy speakers appointed by the speaker of the House. The speaker shall designate a deputy speaker to assume the duties of the speaker in the speaker's absence.

THE CHAPLAIN

9. Within one week after the appointment of the speaker, the speaker shall nominate a chaplain, and if such nomination is confirmed by the House by a majority vote, the candidate so nominated and confirmed shall be chaplain for the regular sessions and any special sessions during the 2005-2006 legislative term.

CLERK

10. The clerk shall keep a journal of the House, and shall enter therein a record of each day's proceedings, record any amendment that may be offered to any bill or resolution and record the date of filing of an agreement, award or stipulation that is filed in accordance with Joint Rule 31 or 32.

11. The clerk shall keep a calendar and shall enter daily on such calendar (1) all bills and joint resolutions received from the senate except (a) bills and resolutions which do not have the favorable report of a joint committee which shall, upon being read by the clerk, be referred without further action to the appropriate committee and (b) all bills and joint resolutions received from the senate which have not been referred by the House to any committee; and (2) all bills and resolutions favorably reported to the House from any committee and these shall be entered on the calendar in the order in which they are received. Each joint resolution proposing an amendment to the constitution and each bill so entered shall be printed and in the files and on the calendar for two session days with a file number and shall be starred for action on the session day next succeeding, except that: (A) A bill or resolution certified in accordance with section 2-26 of the general statutes, if filed in the House, may be transmitted to and acted upon first by the senate with the consent of the speaker; and if filed in the senate, may be transmitted to and acted upon first by the House with the consent of the president pro tempore, (B) any bill or resolution certified in accordance with section 2-26 of the general statutes may be acted upon in the House on the next session day following the day it is placed on the desks of the members, or during the last five calendar days of the session may be acted upon immediately, and in either case may be transmitted immediately to the senate, (C) if the House rejects an amendment adopted by the senate, the bill or resolution after final action in the House, may be transmitted immediately to the senate, or if the senate rejects an amendment adopted by the House, the bill or resolution when received from the senate may be placed immediately on the calendar, (D) during the last five calendar days of the session, if the House rejects an amendment adopted by the senate, or adopts a House amendment to a bill or resolution received from

the senate, or takes any action on the bill or resolution requiring further action by the senate, the bill or resolution after final action in the House, may be transmitted immediately to the senate, or if the senate rejects an amendment adopted by the House or adopts a senate amendment to a bill or resolution received from the House, or takes any action on the bill or resolution requiring further action by the House, the bill or resolution when received from the senate may be placed immediately on the calendar and may be acted upon immediately, (E) during the last five calendar days of the session, any bill or resolution, after final action in the House, may be transmitted immediately to the Senate or (F) during the last five days of the session, any bill or resolution received by the House after final action by the senate may be placed on the calendar immediately. All bills and resolutions starred for action shall be acted upon only when called and any bill or resolution not acted upon shall retain its place on the calendar unless it is moved to the foot of the calendar or unless its consideration is made the order of the day for some specified time. When a bill or resolution is removed from the foot of the calendar, it shall not be acted upon before the next regular succeeding session day.

Prior to the convening of the House on each session day, the speaker shall make available on the floor of the House a list of bills and resolutions intended to be acted upon during that session day. Such list shall set forth the action intended to be taken on each bill or resolution so listed. The list shall be for informational purposes only.

12. The clerk shall retain all bills, resolutions and other papers, in reference to which any member has a right to move a reconsideration, until the right of reconsideration has expired, and no longer.

l3. The clerk shall keep a record of all petitions, resolutions, joint resolutions and bills for all acts presented for consideration of the House, and said record shall be so kept as to show by one and a single reference thereto the action of the House on any specified petition, resolution, joint resolution or bill up to the time of such reference.

l4. The clerk shall supervise all clerical work to be done for the House and shall supervise all employees subject to the direction of the speaker. The assistant clerk shall have the same powers and perform the same duties as the clerk, subject to the direction of the clerk. The bill clerk, the journal clerk and the calendar clerk shall perform such duties as are assigned to them by the clerk.

15. The clerk shall cause the journals and calendars to be distributed on the desks of the members daily, before the opening of the session.

MEMBERS

16. When any member is about to speak in debate or deliver any matter to the House, the member shall rise and address the chair as "Mr. Speaker" or "Madam Speaker," as the case may be.

If two or more rise at the same time, the speaker shall name the member entitled to the floor, preferring one who rises in place to one who does not.

17. No member shall speak on the same question more than twice without unanimous consent of the members of the House present.

18. The speaker shall, or any member may, call to order any member who in speaking or otherwise, transgresses the rules and orders of the House. If speaking, the member shall sit down, unless permitted to explain; and if a member is guilty of a breach of any of the rules and orders, the member may be required by the House, on motion, to make satisfaction therefor, and shall not be allowed to vote or speak except by way of excuse until such satisfaction is made.

COMMITTEES AND LEADERS

19. At the opening of each session a committee on contested elections, consisting of four members, at least two of whom shall be members of the minority party in the House, shall be appointed by the speaker to take into consideration all contested elections of the members of the House and to report the facts, with their opinion thereon in a manner that may be directed by House resolution.

20. (a) Majority Election and Appointments. The majority leader shall be elected by the members of the majority party in the House and the deputy majority leaders shall be appointed by the majority leader and shall serve at the pleasure of the majority leader. The assistant majority leaders and majority whips shall be appointed by the speaker in consultation with the majority leader, and shall serve at the pleasure of the speaker.

The chairpersons, and where appropriate, vice-chairpersons, of the standing and select committees shall be appointed by the speaker of the House and shall serve at the pleasure of the speaker, except when a chairperson is designated or appointed by the minority leader pursuant to the joint rules or the general statutes, in which case, the person so designated or appointed shall serve at the pleasure of the minority leader.

(b) Minority Election and Appointments. The minority leader shall be elected by the members of the minority party in the House and the deputy minority leaders, the assistant minority leaders, the minority whips and the ranking members of each joint standing committee and select committee shall be appointed by the minority leader and shall serve at the pleasure of the minority leader except when a ranking member is designated or appointed by the speaker pursuant to the joint rules or the general statutes, in which case, the person so designated or appointed shall serve at the pleasure of the speaker.

(c) Number of Leaders. The number of members appointed to the positions of deputy speaker, deputy majority leader, majority caucus chairperson, assistant majority leader and majority whip shall not exceed thirty per cent of the total membership of the majority party in the House. The number of members appointed to the positions of deputy minority leader, assistant minority leader and minority whip shall not exceed thirty per cent of the total membership of the minority party in the House. In addition, the chairpersons of the bonding subcommittees of the joint standing committee on finance, revenue and bonding may be an assistant majority leader and the ranking members of said subcommittees may be an assistant minority leader.

(d) Committees. The staff clerks of the standing and select committees shall be appointed by the chairperson of the respective standing and select committees with the approval of the speaker of the House. Chairpersons of sub-committees may be appointed by the chairpersons of the respective standing and select committees with the approval of the speaker of the House.

All standing and select committee members shall be appointed by the speaker on or before the fifth regular session day of the first year of the term, except to fill a vacancy caused by death or incapacity, or resignation or removal from the House or from a committee, and except that the speaker may appoint any member elected after the fifth regular session day of the first year of the term to any committee, within five calendar days after the member takes the oath of office. The member first named shall be chairperson. The chairperson of each committee may appoint one of the members of the committee as legislator clerk thereof. All members of standing and select committees and legislator clerks shall serve for both sessions of the term, except that: (i) The speaker may accept the resignation, for good cause, of a member of a standing or select committee prior to the expiration of the term, and (ii) the speaker may remove a member, provided the speaker's removal of a member of the minority party shall require the concurrence of the minority leader. Chairpersons, vice-chairpersons and sub-committee chairpersons shall serve for both sessions of the term unless removed by the speaker.

(e) Referrals to Committees. (1) The House may refer any matter to a committee either before or after the deadline of that committee (i) at any regular session of the House or (ii) at a technical session of the House provided the majority leader has notified the minority leader or the minority leader's designee in writing, not later than 5 p.m. the day before the technical session, of the majority leader's intent to move for the referral, and received the approval of the minority leader or the minority leader's designee for the referral, and provided further that no matter may be recommitted at a technical session.

(2) The House may but need not refer to a committee before or after its deadline a bill or resolution that was favorably or unfavorably reported by another committee, except that every bill and resolution shall be referred to (A) the committee on Legislative Management, Appropriations, Finance, Revenue and Bonding, Government Administration and Elections, or Judiciary if such referral is specifically required under Joint Rule 3 or subsection (e) of Joint Rule 15 and (B) any committee if the Speaker determines that there is a substantial nexus between the subject of such bill or resolution and the cognizance of such committee.

(f) Meetings in Representatives' Chamber. Committee meetings shall not be held in the representatives' chamber on session days.

REGULAR ORDER OF BUSINESS

21. The order of business shall be as follows:

1. Reception of petitions.

2. Reception of communications from the Governor, secretary of the state, annual and biennial reports, interim committee reports and special reports.

3. Introduction of bills and resolutions.

4. Reports of committees.

5. Reception of business from the senate.

6. Business on the calendar.

7. Miscellaneous.

RULES AND MOTIONS

22. The rules of parliamentary practice comprised in the 2000 edition of Mason's Manual of Legislative Procedure shall govern the House whenever applicable and whenever they are not inconsistent with the standing rules and orders of the House or the joint rules of the senate and the House of representatives.

23. The rules of the House shall take precedence over the joint rules of the House and senate or Mason's Manual of Legislative Procedure in the event of conflict.

24. When a motion is made, it shall be stated to the House by the speaker before any debate is had thereon.

25. When a motion is stated by the speaker, or read by the clerk, it shall be deemed to be in the possession of the House.

It may be withdrawn by the mover at any time before decision or amendment, but not after amendment, unless the House approves by a majority vote.

26. The question first moved shall be first put, except as modified in Rule 28.

27. If the question under debate consists of two or more independent propositions any member may move to have the question divided. If the House adopts the motion to divide, the speaker shall rule on the order of voting on the divisions of a question.

28. When a question is under debate, no motion shall be received except:

1. To adjourn, which is not debatable

2. To recess

3. To postpone temporarily retaining position on the calendar

4. To pass until next session day retaining position on calendar

5. To close the debate at a specified time

6. To postpone to a certain time

7. To refer or recommit to a committee

8. To amend

9. To place at foot of calendar.

These motions shall have precedence in the order listed in this rule, except that a point of order may be raised at any time.

29. When the consideration of a question regularly on the calendar is interrupted by adjournment, the question comes up in its proper place on the next session day's calendar.

30. A vote can be reconsidered only on the next regular succeeding session day, provided there shall be no reconsideration of the vote upon the following motions: To adjourn, or to reconsider, and no question shall be twice reconsidered.

AMENDMENTS

31. (a) Amendments shall be filed with the clerk of the House before 10 a.m. on the day on which the bill or resolution is to be acted upon, except that (1) the following may each sponsor or authorize amendments at any time: The presiding officer, the majority leader or, in the majority leader's absence, the majority leader's designated deputy majority leader, the minority leader or in the minority leader's absence, the minority leader's designated deputy minority leader; (2) the presiding officer may waive the filing requirement upon the request of the majority leader or the minority leader; (3) after any amendment or amendments have been adopted, any member may offer a further amendment only if it is directly related to the amendment or amendments adopted.

(b) Notwithstanding subsection (a) of this rule, if a bill or resolution has been scheduled for consideration on a date certain pursuant to a special order, all amendments relating to that bill or resolution must be filed with the clerk of the House before 5 p.m. on the last day the clerk's office is open preceding the day on which the bill or resolution has been scheduled for consideration. The only exceptions to this filing requirement shall be: (1) The persons named in subdivision (1) of subsection (a) of this rule may each sponsor an amendment at any time; (2) after any amendment or amendments have been adopted, any member may offer a further amendment only if it is directly related to the amendment or amendments adopted.

(c) Members may co-sponsor an amendment that is in the possession of the clerk of the House, or remove their names as co-sponsors, by submitting a written request to the clerk not later than 10 am on the day following adoption or rejection of the amendment, excluding weekends and holidays. Co-sponsorship of an amendment does not constitute co-sponsorship of the bill it would amend unless the member so specifies pursuant to Joint Rule 7(c).

(d) After a motion for passage of a bill or resolution has been made, a motion to amend the bill or resolution is in order.

A pending amendment may not be amended. No substitute amendment may be offered for a pending amendment.

(e) No independent new question may be introduced as an amendment.

(f) Whenever a bill is amended, the speaker may order that it be returned to the legislative commissioners for the purposes of re-examination pursuant to Joint Rule 13 and for reprinting as amended.

SEATS

32. Immediately after the adoption of these rules the speaker shall appoint a committee of four, who shall assign seats to all members of the House.

33. The seats assigned to members shall be their seats for their term of office.

REPRESENTATIVES' CHAMBER

34. Use of the representatives' chamber shall not be granted for non-legislative use during a General Assembly session except by a vote of the House, or by a vote of the legislative management committee or with the permission of the speaker. The speaker shall grant use of the chamber for legislative use and between General Assembly sessions.

PARLIAMENTARY PRACTICE

35. No debate shall be allowed after a question is put and while it remains undecided.

36. In all cases when a voice vote is taken without a division, the speaker shall determine whether it is or is not a vote; and in all doubtful cases the speaker shall state "The chair is in doubt." Whereupon, the speaker shall try the question again by a voice vote or roll call, as the speaker may so order.

After the speaker has declared a vote, it shall not be taken again unless by a regular motion for reconsideration, made by a member in the prevailing vote of the House.

37. If a division is called for, the House shall divide, those in the affirmative first rising from their seats and standing until counted, and afterwards those in the negative. For the purpose of more conveniently counting upon the division of the House, the floor thereof shall be divided by aisles into four divisions, to be numbered first, second, third and fourth sections, commencing on the right of the chair; for each of which divisions the speaker shall appoint a member whose seat is in said division to be a teller and to count and report to the chair.

38. In case of a tie vote or an equal division, the question shall not be passed.

39. The yeas and nays shall be taken on the roll call machine on all final action on all bills, resolutions proposing amendments to the constitution and all other substantive resolutions, except bills and resolutions on the consent calendar. On all other questions, a roll call vote shall be taken at the request of one-fifth of the members present, expressed at any time before a declaration of the vote. In the event the roll call machine is not functioning properly, the roll may be called by the clerk.

40. Every member present in the House chamber, when a question is put by the speaker, shall vote, unless excused by the speaker and no member shall absent herself or himself from the House chamber without leave, unless there is a quorum without such member's presence.

Whenever any vote is to be taken, the speaker may order the doors closed and thereupon no member shall leave the House unless by permission of the speaker, or the House, until the vote is declared, but members shall be admitted at any time.

When a vote has been taken, if any member raises a question of an excess of votes cast over the number of members present, a count of the House shall be had, and if it appears that such excess of votes exists, the speaker shall order the vote to be again taken.

41. No representative may vote or change his or her vote on a roll call after the speaker has requested that the clerk announce the tally.

42. While the House is in session, admission to the floor of the House shall be limited to members of the General Assembly, authorized members of the press, authorized staff of the General Assembly, and such other persons as may be authorized by the presiding officer. On any day during which the House is in session, lobbyists shall be prohibited from the floor of the House except during a public hearing on the floor of the House or as may be authorized by the presiding officer for purposes of recognition or ceremony.

Electronic media equipment and media personnel shall occupy only those areas designated by the presiding officer.

Proper facilities for transmitting messages to members of the House shall be provided by the clerk and administered by the messengers.

The sergeant at arms, doorkeepers and messengers shall enforce this rule and shall see that the aisles and the seats of the members are not occupied by persons other than members of the General Assembly, while the House is in session.

43. There shall be a consent calendar on which shall be entered such bills and resolutions as the majority leader and the minority leader or their designees shall agree, and shall be proposed to the House by the majority leader or the designee of the majority leader in the form of a motion to move to the consent calendar. The consent calendar may be acted upon on the day of such motion or on a subsequent day. At the request of a member made from the floor any bill or resolution shall be removed from those included in the motion. All bills

and resolutions starred for action on the consent calendar shall be passed on motion without discussion unless, at any time prior to the motion for passage, a member requests from the floor removal of a bill or resolution from the consent calendar in which case such bill or resolution shall be so removed and placed on the regular calendar. Any bill or resolution so removed shall be considered as having appeared on the regular calendar for a period of time equivalent to that during which it appeared on the consent calendar.

44. Upon motion made and adopted, the House may schedule consideration of any matter appearing on the calendar for a date certain by special order, but no sooner than the later of (i) the second day, excluding weekends and holidays, after the adoption of the special order or (ii) the day after the matter first appears on the calendar double starred.

RESTRICTIONS

45. No person shall smoke in the House chamber or the gallery. No person shall conduct a conversation on a wireless telephone or similar device in the House chamber while the House is meeting. No person shall take or possess a sign, banner, placard or other display material in the gallery. The presiding officer and the sergeant at arms shall enforce this rule.

SUSPENSION OF THE RULES

46. These rules shall not be altered, amended or suspended except by the concurrent vote of at least two-thirds of the members present.

47. Motions to suspend the rules shall be in order on any session day. Suspension of the rules shall be for a specified purpose. Upon accomplishment of that purpose, any rule suspended shall be again in force.

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RULINGS OF THE PRESIDING OFFICERS OF THE SENATE

1. ADJOURN, PRECEDENCE OF MOTION TO

A senator moved to reconsider a judicial nomination defeated on the previous day. During discussion of the motion, another senator moved to adjourn.

The president ruled the motion to adjourn took precedence.

Fauliso, April 29, 1986.

2. ADJOURN *SINE DIE*

On the last day of the regular session, the majority leader moved to suspend the rules to refer several bills to the consent calendar. A senator observed that it was after 12 midnight and moved that the Senate adjourn *sine die*.

The president ruled the motion was not debatable.

A senator asked to make another motion before the Senate adjourned. Another senator raised a point of order that the motion to adjourn *sine die* took precedence over any other motion.

The president ruled the point well taken and announced a roll call on the motion to adjourn.

On a roll call vote, the motion to adjourn *sine die* failed. After the result of the vote was announced, the majority leader immediately moved that the Senate adjourn *sine die*. Another senator raised a point of order that the motion was not subject to a vote since the constitution requires the Senate to adjourn by midnight. He asked if the vote was to stop the clock.

The president stated that the clock had not, and would not be, stopped but that it was proper to ask for a vote on the motion to adjourn *sine die*.

Without objection, the motion was adopted.

Rell, June 4, 1997.

3. ADJOURN *SINE DIE*

The governor issued two calls for a special session. The legislature met pursuant to the first call. After that session was adjourned, the Senate reconvened pursuant to the second call. The second call asked the legislature to distribute an additional $18.2 million in surplus revenues to cities and towns. After the clerk had read the call, the minority leader moved to recess to allow the majority time to reconsider its decision not to take up a bill to distribute money to towns as the governor requested. The majority leader objected to the motion to recess and instead moved to adjourn sine die.

The president ruled the motion to adjourn took precedence over the motion to recess.

The minority leader raised a point of order that, while a motion to adjourn is not debatable, it does not prevent a statement of business requiring attention before adjournment. Before putting the motion to adjourn the Senate, a presiding officer should make sure that no matters requiring attention have been overlooked [*Mason* 206].

The president asked if there was business on the clerk's desk. The clerk said there was none. The president ruled the point not well taken and put the motion to adjourn the Senate.

The motion carried and the Senate adjourned sine die.

Fauliso, July 25, 1985.

4. AMENDMENT GERMANE
REFERRAL TO LEGISLATIVE COMMISSIONERS' OFFICE NOT REQUIRED [SR 30]

The bill added confidentiality protections to the Attorney Assistance Program. Senate "A" provided confidentiality protections for egg donors when embryos or egg cells are transferred from fertility clinics to research facilities. A member raised a point of order that the amendment was not germane to the underlying bill.

The president ruled the point not well taken. The amendment is required only to be related to the same subject; in this case, both the amendment and underlying bill relate to confidentiality.

Senate "A" was adopted. A member raised a point of order that due to the substantive, non-technical nature of the amendment, it should be referred to the Legislative Commissioners' Office for reexamination.

The president ruled the point well taken. The rule on referring bills to the Legislative Commissioners' Office is permissive and is therefore left to the body to decide.

Rell, April 29, 2004.

5. AMENDMENT GERMANE

The bill established a neighborhood revitalization zone process to deal with abandoned buildings and inner-city blight. Senate amendment "A" required member towns of the Metropolitan District Commission (MDC) to approve the sale of excess MDC land by referendum. It also gave the towns the right of first refusal to purchase such land. A senator raised a point of order that Senate "A" was not germane to the bill.

The acting president ruled the point not well taken. Both the amendment and the bill dealt with municipal powers.

Fleming, June 7, 1995.

6. AMENDMENT GERMANE

The bill conveyed a piece of state land to a town. Senate amendment "A" established a nine-member task force to review the statutory authority of the State Properties Review Board. A senator raised a point of order that the amendment was not germane to the bill.

The acting president ruled the point not well taken. The bill required the State Properties Review Board to review the land conveyance and thus both it and the amendment related to the same subject [*Mason* 402].

Daniels, May 2, 1988.

7. AMENDMENT GERMANE

The bill required the Environment Committee to study the siting of regional bulky waste disposal facilities. Senate amendment "A" increased the number of members on the Connecticut Resources Recovery Authority. A senator raised a point of order that Senate "A" was not germane.

The president ruled that the bill and the amendment related to the same subject.

Fauliso, May 6, 1987.

8. AMENDMENT GERMANE

The bill established January 22nd of each year as Ukrainian-American Day. Senate amendment "A" changed the beginning of daylight saving time from the last Sunday in April to the first Sunday in April. A senator raised a point of order that the amendment was not germane.

The president ruled the point not well taken. The statute being amended listed several specially designated days, including the beginning of daylight saving time and the proposed Ukrainian-American Day. Thus, both the amendment and the bill dealt with days specially designated by the General Assembly.

Fauliso, March 25, 1987.

9. AMENDMENT GERMANE (OVERRULED)

The bill proposed to use the state budget surplus for various projects including a town improvement program, a municipal solid waste recycling program, revenue sharing grants to towns, and refinancing outstanding state debt. A senator proposed an amendment to adjust an existing program of property tax relief for the elderly. Another senator contended the amendment was not germane.

During discussion on the point of order, the amendment's proponent argued that both the amendment and the bill dealt with property tax relief, the bill in a general way and the amendment with a specific program. The senator who raised the point argued that the amendment was not "relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal" as required by *Mason* 402 (2).

The president ruled the amendment was germane.

A senator appealed the ruling and, on a roll call vote, it was overturned.

Fauliso, June 30, 1986.

10. AMENDMENT GERMANE (OVERRULED)

The bill established a program to preserve agricultural and open space land by assessing it according to its use value rather than according to the value of surrounding land used for development. The amendment reduced the real estate conveyance tax rate. A senator questioned whether the amendment was germane.

The president ruled the amendment was germane because both it and the bill dealt with conveyance taxes.

A senator challenged the ruling and, on a roll call vote, it was overturned.

Fauliso, April 30, 1986.

11. AMENDMENT GERMANE

The bill specified circumstances under which unallocated Boating Fund surpluses would be distributed to towns, and required that investment interest earned on boating funds be credited to the fund. The amendment prohibited the treasurer from investing any state funds in companies doing business in South Africa. A senator challenged the amendment's germaneness.

The president ruled the amendment and the bill related to the investment of state funds.

Fauliso, April 30, 1986.

12. AMENDMENT GERMANE

The bill required banks offering checking accounts to offer limited checking accounts with no minimum balance requirements and no service charges or fees. Senate amendment "A" deleted these provisions and instituted a voluntary study by banks of effective and cost-efficient ways to provide banking services to low-income customers. Later, a senator introduced Senate "D," which prohibited banks from requiring mortgage applicants to pay the bank's lawyers at real estate closings.

The bill's proponent raised a point of order that Senate "D" was not germane because the bill as amended by Senate "A" called for voluntary action by the banks and Senate "D" imposed a requirement on them.

The president pro tempore ruled that the bill and Senate "D" related to banking.

Robertson, May 24, 1985.

13. AMENDMENT GERMANE

The bill allowed the state or a private party to sue under the Unfair Trade Practices Act without having to prove a public interest or injury, made any violation of the Unfair Sales Practices Act a violation of the Unfair Trade Practices Act *per se*, prescribed penalties for violating the Unfair Sales Practices Act, and altered the legal requirements for class action suits under the act. The amendment prevented gas stations from giving discounts to cash customers. A senator raised a point of order that the amendment was not germane to the bill.

The president pro tempore ruled that both the bill and the amendment related to trade practices.

Murphy, April 26, 1984.

14. AMENDMENT GERMANE

The bill extended the time limit for unaffiliated voters to register with a political party. The amendment repealed a statute requiring that a member of a political party who

runs for office as the candidate of another party be removed from the rolls of his own party for two years or for the term of the office for which he was running. A senator raised a point of order that the amendment was not germane.

The president ruled the point not well taken.

Fauliso, April 19, 1984.

15. AMENDMENT GERMANE

The bill set up a task force to study the feasibility of establishing an industrial park on the site of Brainard Airport in Hartford. The amendment created an advisory board for the Metropolitan District Commission (MDC). A senator raised a point of order that the amendment was not germane.

The president pro tempore ruled the amendment was germane because the bill specified that the MDC could be represented on the Brainard Airport study task force.

Murphy, June 28, 1983.

16. AMENDMENT GERMANE—TRANSFER FAC MONEY

The bill authorized matching grants to towns to address problems of siltation and erosion in coastal coves and it appropriated $50,000 for the grants. The amendment transferred the $50,000 to various agencies to be used for other purposes including a transitional counselor program and bulletproof vests. A senator raised a point of order that the amendment was not germane.

The president pro tempore ruled the amendment germane because the appropriation in the bill came from the Finance Advisory Committee Act and it was in order to propose to use FAC money in other ways.

Murphy, June 28, 1983.

17. AMENDMENT GERMANE

The bill raised various probate fees. The amendment required probate courts to set up a system for filing wills and allowed them to collect a $10 fee for each such will. A senator raised a point of order that the amendment was not germane because the bill dealt only with fees for existing duties and the amendment gave the probate courts a whole new task. Citing *Mason* 402(3) and (4), proponents argued that both the bill and the amendment dealt with probate court fees.

The president ruled the amendment was germane.

Fauliso, April 12, 1983.

18. AMENDMENT GERMANE

The bill dealt with voter registration sessions and the minimum number of hours polls must be open for a special election. The amendment required that, in order to wage a primary for nomination for state senator or representative from a one-town district,

candidates must be endorsed by at least 20% of their party's town committee. A senator raised a point of order that the amendment was not germane.

The president ruled that both the bill and the amendment concerned elections.

Fauliso, April 27, 1982.

19. AMENDMENT GERMANE

The bill changed the state's bidding process for public works contracts. The amendment proposed to require the State Properties Review Board to approve all contracts with architects and engineers for planning and construction of state highways or bridges. A senator questioned whether the amendment was germane.

The president ruled that both dealt with the state contract award process.

Fauliso, May 4, 1982.

20. AMENDMENT GERMANE—GERMANENESS RULES SHOULD BE BROADLY INTERPRETED

The bill made substantive and technical changes in state regulation of certain health professions under the 1980 Sunset Act. The amendment prohibited expenditure of state funds for state programs whose federal funding is reduced or eliminated. A senator raised a point of order that the amendment was not germane.

The president pro tempore ruled that both related to the concept of Sunset and a broad interpretation of the rules on germaneness was the established pattern in the Senate.

Murphy, May 21, 1981.

21. AMENDMENT GERMANE

The bill allowed former governors up to $10,000 in the first year after leaving office for expenses related to having been governor. The amendment proposed to appropriate $5,000 from the Finance Advisory Committee account for an oil portrait of the chief justice of the Connecticut Supreme Court. A senator raised a point of order that the amendment was not germane because it called for an FAC appropriation and the bill did not.

The president ruled the amendment was germane.

Fauliso, May 14, 1981.

22. AMENDMENT GERMANE

The bill increased penalties for violating certain deer hunting laws. Senate "A" banned the use of steel-jawed, leg-hold traps. A senator raised a point of order that the amendment was not germane.

The president ruled that both the bill and the amendment related to trapping.

O'Neill, April 23, 1980.

23. AMENDMENT GERMANE

The bill required the Office of Policy and Management to develop a program to administer and coordinate all energy and utility assistance programs for poverty-level households. Senate "C" required each town to establish an energy conservation training and work program for employable General Assistance recipients as a condition of receiving state reimbursement for General Assistance programs. A senator raised the point of order that the amendment was germane neither to the bill nor the call of the special session, which limited business to energy matters.

The president ruled both points not well taken.

O'Neill, November 16, 1979.

24 AMENDMENT GERMANE

The bill denied state and local welfare payments for 15 days to employable people who refuse suitable employment. The amendment required towns to assign employable welfare recipients refusing suitable work to available town work and required the recipients to work. A senator raised a point of order that the amendment was not germane.

The president pro tempore ruled that the amendment was germane because, though different statutory sections were involved, both the bill and the amendment dealt with town support and whether employable people are eligible to receive it.

Murphy, May 30, 1979.

25. AMENDMENT GERMANE

The bill redefined certain classes of arson and increased the penalties for all arson including making murder by arson a capital felony. The amendment made murder of two or more people at the same time by any means, including arson, punishable by death. A senator raised a point of order that the amendment was not germane because the penalty for multiple murder was a separate issue from that of the penalty for first degree arson.

The president ruled that both related to capital offenses.

A senator introduced another amendment to make rape-murder, or murder with a firearm during an attempted rape, a capital felony. Another senator objected that the amendment was not germane in that it attempted to introduce the broad subject of capital punishment into what was really an arson bill.

The president repeated his ruling that both the amendment and the bill related to murder and capital punishment.

O'Neill, May 22, 1979.

26. AMENDMENT GERMANE

The bill exempted lifts and rail guards for people with disabilities from the sales tax. The amendment gave a sales tax exemption for coffins sold by funeral homes, gravestones, and burial monuments.

Killian, 1979.

27. AMENDMENT GERMANE

The bill dealt with state building contracts. The amendment required employers requesting assistance from the state on collection of student loans to provide information to aid in collecting the loan.

Killian, 1978.

28. AMENDMENT GERMANE

The bill established a guaranteed tax base program to finance public education and created a daily lottery game. The amendment required excess revenue from the daily lottery game to be used to repay the state pension fund.

Killian, 1976.

29. AMENDMENT GERMANE

The bill dealt with reapportionment of regional school boards. The amendment dealt with the procedure by which a town in a regional school district may remove itself from the district.

Killian, 1976.

30. AMENDMENT GERMANE

The bill dealt with reapportionment of House districts. The amendment dealt with Senate redistricting. The ruling was appealed and sustained.

Alfano, 1963.

31. AMENDMENT NOT GERMANE

The bill authorized consumer collection agencies to collect municipal taxes in limited circumstances. Senate "D" authorized personal care attendants to buy health insurance from the comptroller through the municipal employee health insurance plan. A member raised a point of order that the amendment was not germane to the underlying bill.

The president ruled the point well taken. The health insurance program is administered by the comptroller, not the towns.

Rell, June 2, 2003.

32. AMENDMENT NOT GERMANE

The bill established a committee to encourage the state to employ people with disabilities, required departments and agencies to provide entry-level training opportunities to people with disabilities, and required agencies' affirmative action plans to include specific annual goals and timetables for providing hiring accommodations and training. A senator called Senate amendment "A," which made certain medical equipment available to people eligible for Medicare and Medicaid in a timely fashion. Another senator raised a point of order that the amendment was not germane to the bill.

The president requested debate on the point.

The second senator argued that the amendment was not germane because it dealt with the purchase of medical equipment while the bill concerned employment opportunities. The majority leader argued that Senate precedent was to interpret germaneness very broadly so that even a thread of a relationship could make an amendment germane. He also cited *Mason* 402, which states that, to be germane, an amendment need only relate to the same subject as a bill.

The president ruled the point well taken. Senate amendment "A" appeared to be an entirely new proposal. According to *Mason*, such a proposal may be introduced as an amendment only if it relates to the same subject as the underlying bill. Senate "A" did not meet this standard and was thus out of order.

Rell, April 30, 1998.

33. AMENDMENT NOT GERMANE

The bill imposed a $150 maximum civil penalty against employers who violate the law governing employee meal breaks. A senator introduced Senate amendment "A," which made it a felony to defraud an elderly person. The majority leader raised a point of order that Senate "A" was not germane to the bill.

The president ruled the point well taken. The bill dealt with labor law and imposed a civil penalty. The amendment dealt with the elderly and imposed a criminal penalty. The amendment did not relate to the same subject as the bill (*Mason* 402).

Rell, April 30, 1996.

34. AMENDMENT NOT GERMANE

The joint resolution, as amended by Senate amendment "A," proposed to change the state constitution to guarantee crime victims specific rights. A senator introduced Senate amendment "B," which changed the state's constitutional spending cap. A senator raised a point of order that Senate "B" was not germane to the resolution.

The president ruled the point well taken. The amended resolution concerned victims' rights; Senate "B" dealt with state spending. They did not relate to the same subject and the fact that they would both amend the state constitution was not a sufficient connection.

Rell, April 18, 1996.

35. AMENDMENT NOT GERMANE

The bill, as amended by Senate amendment "A," clarified the law making proof of worker's compensation insurance coverage a condition of receiving a building permit and made technical corrections in the workers' compensation law. A senator offered Senate "B," which would allow collective bargaining on residency requirements for municipal employees and teachers. A senator raised a point of order that Senate "B" was not germane to the bill. The proponents argued that both the bill and the amendment related to employers and

employees and working conditions. They also argued that the Senate's practice was to interpret germaneness requirements broadly.

The president ruled the point well taken. The bill amended Title 31 while the amendment concerned Titles 7 and 10. The amendment appeared to be an entirely new proposal and was not in order as it did not relate to the same subject as the bill (*Mason* 402 (4)).

Rell, April 17, 1996.

36. AMENDMENT NOT GERMANE

The amended bill required housing authorities to submit annual housing stock reports and imposed a one-year moratorium on the transfer or destruction of housing projects. The amendment required a certificate from a town before rental property was converted to a condominium. A senator raised a point of order that the amendment was not germane because it related to private condominium conversions while the bill dealt with public housing authorities. The amendment's proponent argued that both dealt with housing.

The president pro tempore ruled the amendment not germane.

Larson, April 27, 1988.

37. AMENDMENT NOT GERMANE

The bill concerned the absentee ballot process. Senate "A" required that absentee ballot material be printed in the official language of the state and designated English as that official language. A senator raised a point of order that Senate "A" was not germane because the subject of English as an official language did not relate to the absentee ballot process.

The president ruled the amendment out of order.

The ruling was appealed and sustained.

Fauliso, June 2, 1987.

38. AMENDMENT NOT GERMANE

The bill relieved owners of liability for damages caused by leased and rented motor vehicles. The amendment abolished the automobile emissions inspection program. A senator challenged the germaneness of the amendment. The amendment's proponent maintained it was germane because both it and the bill concerned motor vehicles.

The president ruled the amendment not germane because the bill's subject was actually liability, not motor vehicles.

Fauliso, May 2, 1986.

39. AMENDMENT NOT GERMANE

The bill required the Government Administration and Elections Committee to study whether the Department of Administrative Services' functions should be transferred to a separate department of public works and the state's contract bidding procedures. Senate

amendment "A" required the Department of Environmental Protection to finance 100% of the cost of repairing the Lake Williams dam. A senator raised a point of order that Senate "A" was not germane to the bill because they concerned two different departments and issues. The proponent argued that the two departments worked together on dam repairs.

The president ruled the amendment was not germane.

Fauliso, June 4, 1985.

40. AMENDMENT NOT GERMANE

The bill amended the state constitution to establish a judicial selection commission. A senator proposed Senate amendment "F" to amend the constitution to place the state's chief prosecutor within the attorney general's office. The bill's proponent raised a point of order that Senate "F" was not germane because it dealt with a different constitutional article than the bill. The proponent of Senate "F" argued that both it and the bill would amend the constitution.

The president ruled that Senate "F" was not germane.

Fauliso, May 23, 1985.

41. AMENDMENT NOT GERMANE

The bill established a program of grants administered by the Connecticut Humanities Council to fund libraries and museums. The amendment changed the authority of the University of Connecticut Board of Trustees over state doctoral programs.

The president ruled the amendment not germane.

Fauliso, May 24, 1985.

42. AMENDMENT NOT GERMANE

The bill restricted the size of containers in which alcoholic beverages other than wine could be sold. The amendment restricted the hours during which liquor could be sold and dealt with liquor permits. A senator raised a point of order that the amendment was not germane.

The president pro tempore ruled that the fact that both the bill and the amendment concerned alcohol was not enough of a connection.

Murphy, April 18, 1984.

43. AMENDMENT NOT GERMANE

The bill required banks to notify customers in writing of how soon they could withdraw money after checks were deposited in their accounts and to post notice of their policies in each branch. It also allowed out-of-state banks to use automatic tellers and point-of-sale terminals in Connecticut. The amendment concerned bank interest rates. A senator raised a point of order that the amendment was not germane.

The president ruled the point well taken.

Fauliso, April 18, 1984.

44. AMENDMENT NOT GERMANE

The bill concerned prevention, identification, and treatment of child abuse and neglect. An amendment proposed to increase the penalty for sexual assault of a child by upgrading the offense from a class A misdemeanor to a class D felony. A senator raised a point of order that the amendment was not germane to the bill.

The president ruled the point well taken. The bill dealt with reports by school officials and others and required their cooperation in investigations. The amendment dealt strictly with criminal penalties. The two amended different statutory sections.

Fauliso, April 6, 1983.

45. AMENDMENT NOT GERMANE

The bill changed the bidding process followed by the state in awarding public works contracts. The amendment proposed to require that all those entering into such contracts with the state disclose contributions and gifts given to political parties and to the executive branch officials awarding the contracts. A senator raised a point of order that the amendment was not germane.

The president ruled the point well taken because the amendment dealt with ethics rather than with the contract award process.

The ruling was appealed and sustained.

Fauliso, May 4, 1982.

46. AMENDMENT NOT GERMANE

The bill made the statutory changes required to implement the FY 1982-83 budget. The amendment proposed a 1% reduction in the corporation tax. A senator raised a point of order that the amendment was not germane.

The amendment was ruled out of order because, by proposing to reduce a specific tax, it did not deal with the same subject as the bill.

Fauliso, April 20, 1982.

47. AMENDMENT NOT GERMANE

The bill established a lien in favor of insurance companies against later workers' compensation awards to claimants for whom they had paid benefits. The amendment sought to make day-care workers' work-related contraction of communicable childhood diseases an explicit, compensable illness under the workers' compensation law.

Fauliso, April 14, 1981.

48. AMENDMENT NOT GERMANE

The bill established a special university permit to sell beer and wine and set the permit fee. The amendment raised the state's minimum drinking age to 19.

Fauliso, April 14, 1981.

49. AMENDMENT NOT GERMANE

The bill allowed jai alai frontons and dog tracks to operate on Sunday. The amendment required parimutuel licensees to notify the Gaming Policy Board of significant changes in their ownership or finances and required prior approval from the board before a licensee purchased new gaming facilities or made any gambling-related contract or arrangement involving a new affiliation.

Fauliso, March 25, 1981.

50. AMENDMENT NOT GERMANE

The bill would not allow the State Board of Mediation and Arbitration to consider a claim that an issue before it was an improper subject of arbitration unless the person making the claim gave 10 days written notice to the panel chair and the other party of his intention to make such a claim. Senate "A" allowed the commissioner of public safety, in making state police promotions, to skip over certain candidates with higher examination scores, provided he supplied a written statement of his reasons. A senator raised a point of order that the amendment was not germane.

The president ruled the bill and the amendment dealt with different sections of the General Statutes and did not relate to the same subject.

O'Neill, April 28, 1980.

51. AMENDMENT NOT GERMANE

The bill allowed certain towns to abate property taxes on property damaged in the 1979 tornado and to be reimbursed by the state, and certain other towns to defer payment of taxes on such property, without interest, for one year. Senate "A" removed all state taxes on companies engaged in the development of alternative energy systems. A senator questioned the amendment's germaneness. The proponent argued that both the amendment and the bill dealt with tax abatement.

The president ruled the amendment not germane. The bill was one which was specifically requested in the call of the special session and to expand the bill to other kinds of tax abatement would not be appropriate.

A second amendment (Senate "B") allowed interest-free, three-year maximum tax deferrals up to $300 for a single family, provided the amount deferred was used to winterize the family's home. The state would be required to loan towns money to cover revenue losses from a state bond issue of $15 million.

Senate "B" was also ruled not germane.

O'Neill, November 19, 1979.

52. AMENDMENT NOT GERMANE

The bill dealt with retirement rights of state's attorneys and other judicial officials. The amendment dealt with state employees other than judicial officials.

Fauliso, 1978.

53. AMENDMENT NOT GERMANE

The bill dealt with use of the proceeds of instant lottery games. The amendment dealt with redistribution of money budgeted for the salaries of certain state personnel into areas other than personal services. The ruling was appealed and sustained.

Killian, 1978.

54. AMENDMENT NOT GERMANE

The bill dealt with the timing of primaries for election of town committee members. The amendment dealt with a mandatory presidential preference primary. The ruling was appealed and sustained.

Killian, 1976.

55. AMENDMENT NOT GERMANE

The bill dealt with emergency state appropriations for certain purposes. The amendment prohibited use of appropriated funds to implement a salary increase for commissioners and deputy commissioners.

Cashman, 1973.

56. AMENDMENT NOT GERMANE (OVERRULED)

The bill dealt with state regulation and licensure of osteopathic physicians. The amendment dealt with abortion and implementation of Supreme Court guidelines on abortions. The ruling was appealed and overturned.

Cashman, 1973.

57. AMENDMENT NOT GERMANE (OVERRULED)

The bill dealt with the authority of police boards or commissions. The amendment dealt with a legislative subpoena power and compelling testimony before committees. The ruling was appealed and overturned.

Hull, 1972.

58. AMENDMENT NOT GERMANE

The amendment in each case dealt with the format of the voting machine and the procedures to be used in operating it, and optional use of the party lever. It was introduced on three bills dealing with: installment payments of expense allowances to members of the General Assembly, the form of ballot labels, and the length of time permitted for voting.

Armentano, 1961.

59. AMENDMENT PREVIOUSLY CONSIDERED

The bill prohibited happy hours. A senator offered Senate amendment "A." A second senator raised a point of order that Senate "A" was identical to an amendment the Senate had adopted earlier in the session.

The president ruled the point well taken. Senate "A" was essentially identical to an amendment previously considered and was therefore out of order.

Fauliso, June 2, 1987.

60. AMENDMENT PREVIOUSLY CONSIDERED

The bill empowered the commissioner of environmental protection to regulate lobster fishing. It also extended for one year the expiration of lobster catch limits on trawlers operating west of Milford, and repealed a prohibition on certain night trawling between the Stratford shoal light and the easterly breakwater of the Housatonic River in Milford. The House rejected Senate amendment "A" prohibiting night trawling west of the navigational setting 72 degrees, 40 minutes.

When the bill was called again in the Senate, the proponent of Senate "A" introduced another amendment (Senate "B") prohibiting night trawling west of latitude 72 degrees, longitude 48 minutes. A senator raised a point of order that Senate "B" made no substantive change in Senate "A." He asked that it be ruled out of order as having been previously considered. The amendment's proponent argued that Senate "B" made a substantial change because the new line was three miles from the line specified in Senate "A."

The president ruled the point not well taken on the grounds that *Mason* advises a presiding officer never to rule an amendment out of order unless he is sure that it is [401 (5)]. But he cautioned the proponent that any further amendments with only small changes in longitude or latitude would be ruled out of order.

Fauliso, May 22, 1985.

61. AMENDMENT PREVIOUSLY CONSIDERED

The bill amended various statutes dealing with trusts and probate matters, including the succession tax. The amendment required probate courts to set up a system for filing wills and allowed them to collect a $5 fee per will. A senator raised a point of order that the amendment had been previously considered and rejected. The proponent argued that the earlier amendment imposed a $10 fee.

The president ruled the point well taken. The amendment was substantially the same as one rejected earlier and was out of order.

Fauliso, May 17, 1983.

62. AMENDMENT PREVIOUSLY CONSIDERED

The bill established a task force to study medical assistance in the state. Senate amendment "A" prohibited state reimbursement unless at least two physicians approved

surgery before it took place. Another senator raised a point of order that Senate "A" was not properly before the Senate because it was substantially the same as a bill passed by the Senate the previous week [*Mason* 401 (4)]. The proponent argued that one of the surgical procedures listed in the bill already passed had been removed from Senate "A." This deletion was enough to change the question substantively and allow it to be brought up as an amendment. She cited a Senate precedent where a change of effective date was ruled sufficient to allow a question to be brought up again [SP 59].

The president pro tempore ruled, however, that deleting one item from a list of 10 did not change the substance of the question. The amendment was not in order because no question can be considered again after the time for reconsideration passed.

The ruling was appealed and, on a roll call, sustained.

Murphy, June 2, 1981.

63. AMENDMENT PREVIOUSLY CONSIDERED

The unamended House bill increased welfare benefits 5%. Two House amendments were attached to the bill, one of which (House "A") terminated the Connecticut Assistance and Medical Aid Program for the Disabled (CAMAD) effective August 1, 1981. When the bill was taken up in the Senate, the Appropriations Committee chairman moved its passage as amended by House "A" and "B."

A senator raised a point of order that House "A" was not properly before the Senate since the Senate had already defeated CAMAD termination in the form of a bill and no question can be voted on twice in the same session after the time for reconsideration has passed [*Mason* 401(4)].

The president pro tempore ruled the point not well taken because, although House "A" and the earlier bill both terminated CAMAD, the two had different effective dates. The change in effective date was sufficient to make House "A" a new question. If this were not to be the case, the Senate would be in the position of having to refer the bill to a conference committee without ever acting on it.

Murphy, June 1, 1981.

64. AMENDMENT PREVIOUSLY CONSIDERED

The bill was the proposed state budget for FY 1981-82. A senator introduced an amendment (Senate "A") that proposed a different budget, changing most line item appropriations from the amounts given in the bill. Senate "A" was defeated. Another senator introduced Senate "B" which proposed effectively to eliminate the central administrative offices of the trustees of the state, community, and technical colleges. A third senator raised a point of order that Senate "B" was improper because it duplicated part of Senate "A" upon which final action had already been taken [*Mason* 398(2); 401(4)].

The president ruled the point not well taken. Although Senate "B" was the same as one section of Senate "A," the two did not represent identical questions.

Fauliso, April 21, 1981.

65 AMENDMENT PREVIOUSLY CONSIDERED

The bill raised the penalties for certain violations of the deer hunting statutes. A senator moved an amendment (Senate "A") banning the use of steel-jawed leghold traps in the state. Another senator raised a point of order that Senate "A" was not proper because the issue raised by it was identical to one already decided earlier in the session in the form of a bill ruled out of order [*Mason* 401(4)].

The president ruled the point not well taken. The earlier bill had been ruled out of order because it had not been raised by the proper committee. It had never been voted on. Therefore, it was in order as an amendment to the pending bill.

O'Neill, April 23, 1980.

66 AMENDMENT PREVIOUSLY CONSIDERED

The bill concerned the state's fiscal management procedures. A senator introduced an amendment (Senate "C") to require the governor to document an anticipated deficit or "change in circumstances" before withholding funds appropriated by the General Assembly. On a voice vote, Senate "C" was defeated. The senator introduced Senate "D" which included the same requirement and, in addition, set up a replacement for the Finance Advisory Committee. A senator raised a point of order that Senate "D" was essentially the same as "C" and was therefore not in order [*Mason* 401 (4)].

The president ruled the point well taken. The two amendments were practically identical in effect and wording. In addition, Senate "D" created a new legislative committee and it was too late in the session for such a change.

O'Neill, June 4, 1979.

67. AMENDMENT PREVIOUSLY CONSIDERED

The bill concerned last-best-offer binding arbitration for teacher contract disputes. The amendment (Senate "A") exempted certain matters from binding arbitration. A senator raised a point of order that Senate "A" was the negative of an amendment defeated earlier. Since to amend the bill by Senate "A" would have precisely the same effect as to amend it with the previously defeated amendment, Senate "A" was out of order [*Mason* 159 (5); 398 (2); 401 (4)].

The president ruled that Senate "A" was the exact reverse of a previously defeated amendment and was, therefore, not in order.

The ruling was appealed and sustained.

Another amendment, Senate "C," was then introduced to exempt certain matters, specifically including contract duration, from binding arbitration. A senator raised a point of order that Senate "C" was not only identical to an earlier, defeated amendment, it was the affirmative of Senate "A" already ruled out of order.

The president ruled the point well taken. The addition of the words "contract duration" did not substantively change Senate "C" from the earlier amendments [*Mason* 159 (5); 398(2); 401(4)].

The ruling was appealed and sustained.

O'Neill, May 30, 1979.

68. AMENDMENT PREVIOUSLY CONSIDERED [SR 26]
PASS RETAIN
REFER TO APPROPRIATIONS [JR 3]
APPEALS

The Senate adopted House Amendment "A" adding mandatory workfare to a bill. A senator then offered Senate "A" which made the workfare provisions of House "A" permissive and allowed substitution of education or a training program. A second senator raised a point of order that Senate "A" contradicted House "A" and an amendment which is the reverse of another amendment previously considered is not in order [*Mason* 423 (1)].

The president pro tempore ruled the point of order not well taken. The programs referred to in Senate "A" were different from those mandated by House "A" and thus a change to permissive language would not be contradictory.

A third senator raised a point of order that the fiscal note accompanying Senate "A" did not take into consideration the mandatory provisions of House "A" and another House amendment ("C") also adopted by the Senate. The fiscal note was written under an erroneous premise, based on circumstances other than those under which it was being presented. The fiscal note referred to the bill as amended by Senate "A" alone, whereas it had been amended by House "A" and "C" as well. The third senator moved that the amendment be pass retained pending a new fiscal note, or that Senate "A" be referred to Appropriations.

The president pro tempore ruled that a motion to refer one amendment to a committee was improper. The amendment had already been ruled proper. The motion to pass retain was in order, but the whole bill had to be pass retained, not just Senate "A."

A fourth senator raised a point of order stating that the president pro tempore's ruling was in direct contradiction to the ruling on House "C," that all matters with fiscal impact must be referred to Appropriations. It was ruled that House "C" had no impact on the overall budget, and thus did not need to be referred to Appropriations. However, Senate "A" would have such an impact.

The president pro tempore stated that the rulings were not inconsistent. The earlier point had concerned the reference of the entire bill to Appropriations. The fourth senator wanted only Senate "A" referred. This would not be proper.

A fifth senator raised a point of order that Senate "A" was the same as a bill already passed by the General Assembly earlier in the session. That bill required certain state agencies to develop and implement, with municipalities and public and private agencies, programs to enhance the work training, education, and support services available to the chronically unemployed, with special emphasis on the needs of welfare recipients. Under the rules, no question, once decided, may be reintroduced in the same session [*Mason* 401 (4)].

The president pro tempore ruled the point not well taken. It was not uncommon for the General Assembly, at different times during the same session, to discuss and vote on bills covering the same subject. The rules cited by the senator referred to the resubmission of identical questions. Though Senate "A" and the earlier bill concerned the same subject, Senate "A" was a new proposal.

The fifth senator then asked the Labor Committee chairman his opinion as to whether Senate "A" and the earlier bill were essentially the same. The chairman agreed that the concept behind both was the same. The senator renewed his point of order based on that reply.

The president pro tempore restated his earlier ruling.

The senator appealed the ruling and asked for a roll call.

The president pro tempore explained the vote for the benefit of senators who had been out of the chamber.

The fifth senator attempted to explain his position to senators returning to the chamber.

The president pro tempore ruled the senator out of order as he had not invited debate.

On a roll call, the ruling was sustained.

Murphy, May 30, 1979.

69. AMENDMENT PREVIOUSLY CONSIDERED

The resolution proposed to amend the state constitution to allow indirect initiative and referenda. A senator offered Senate Amendment "A," which was adopted. A second senator offered Senate "B" which, while dealing with several aspects of the resolution, would also have reversed the action taken by the adoption of Senate "A." A third senator raised a point of order that since Senate "B" was the reverse of Senate "A," it constituted an improper reconsideration of Senate "A" [*Mason* 398 (1)].

The president ruled that, though the amendment dealt with matters not previously considered, part of it was the reverse of Senate "A." It amounted therefore to a reconsideration of Senate "A" without going through the correct procedure. It was out of order.

After the ruling, the third senator withdrew his point of order and the resolution was pass retained.

O'Neill, May 29, 1979.

70. AMENDMENT PROCEDURE

Senate amendment "A" was called. A senator raised a point of order that Senate "A" was not properly before the Senate because it had not been filed with the clerk by 10 a.m. that morning and there was no signed leadership approval waiving the deadline as required by SR 30.

The president ruled the point not well taken because the amendment filing deadline had been waived with respect to Senate "A" by a written approval signed by the minority leader. One leader's signature is sufficient to meet the waiver requirement of SR 30.

Fauliso, March 16, 1988.

71. AMENDMENT PROCEDURE

A senator offering an amendment moved to waive its reading. Another senator asked that the amendment be read.

The president ruled the motion to waive the reading failed for lack of unanimous consent. The amendment must be read.

Tedesco, 1963.

72. AMENDMENT, READOPT

The bill was amended by Senate amendments "A" and "B." The House rejected Senate "B." When the bill was called again in the Senate, a senator moved to adopt the bill in concurrence with the House. Another senator objected to passage in concurrence and moved to readopt Senate "B." A third senator raised a point of order that the motion to readopt Senate "B" was out of order. Senate "B" could not be taken up because a senator had moved to pass the bill in concurrence with the House, i.e., without Senate "B."

The president ruled the point not well taken. The Senate could vote again on Senate "B" in response to the motion to readopt.

Fauliso, May 21, 1987.

73. AMENDMENT SUBSTANTIVE

The bill prohibited surcharges on purchases by cash, check or other means. A senator offered Senate amendment "A," which established a pilot program to test alternative electronic pricing systems. After some debate, Senate "A" was adopted by a roll call vote. A senator raised a parliamentary inquiry as to whether the amendment was substantive.

The president ruled that it was.

The amended bill was then passed by a roll call vote.

Rell, May 30, 1997.

74. AMENDMENT SUBSTANTIVE

The bill required the Office of Policy and Management to develop a program to administer and coordinate all energy and utility assistance programs for poverty-level households. The amendment required each town to establish an energy conservation training and work program for employable General Assistance recipients as a condition of receiving state reimbursement for General Assistance programs.

The president stated that, since the amendment introduced a totally new concept, if it were adopted, he would rule it substantive [JR 18].

O'Neill, November 16, 1979

75. AMENDMENT SUBSTANTIVE [JR 17]

The bill required each unit of a conversion condominium to have a separate heating plant. The amendment deleted all the bill's provisions and substituted a blanket prohibition against converting apartments to condominiums until April 1, 1980.

The president ruled the amendment substantive requiring the bill to be returned to the Legislative Commissioners' Office for redrafting and reprinting.

O'Neill, November 15, 1979.

76. AMENDMENT SUBSTANTIVE [JR 18]
AMENDMENT PREVIOUSLY CONSIDERED [SR 26]
COMMITTEE JURISDICTION [JR 3]

The bill allowed towns to choose whether to count votes cast for an unsuccessful candidate for first selectman in the candidate's total vote for the office of selectman. Senate amendment "A" required a uniform statewide municipal election date. After Senate "A" was adopted, its proponent moved to reconsider; a motion which was also adopted. The proponent then withdrew Senate "A" and offered Senate "B." Senate "B" also provided for uniform municipal election dates. After a short debate, the bill was pass retained, carrying the proposed Senate "B" with it.

Two days later, consideration of Senate "B" was resumed. A senator requested a ruling on whether Senate "B" was substantive.

The president pro tempore ruled that the amendment was substantive and if it were adopted, the bill would be returned to the legislative commissioners for reprinting.

Senate "B" was adopted and ruled substantive.

A short time later, a motion to reconsider Senate "B" was made and adopted, whereupon the bill and the amendment were once again pass retained.

The Senate resumed consideration of the bill four days later. The proponent withdrew Senate "B" and reintroduced Senate "A." A senator raised a point of order that as Senate "A" had been passed, reconsidered, and withdrawn earlier, reintroduction constituted a second reconsideration and was not in order.

The president ruled the point not well taken because Senate "A" was never reconsidered in substance. It had been withdrawn before being voted on a second time. Therefore reintroduction was proper.

Another senator raised a point of order that Senate "A" could not be reintroduced because it would involve a second vote on a main question [*Mason* 159 (1)].

The president ruled that this point was essentially the same as the previous one. He restated his ruling that Senate "A" could be reintroduced because it had been withdrawn prior to a second vote on the previous occasion [*Mason* 468 (1); 276].

A senator appealed the ruling. Limited debate was invited. On a roll call vote, the ruling was sustained.

The senator raised a point of order that the amendment was out of order because it attempted to amend the home rule provisions of the statutes without having gone through the Planning and Development Committee.

The president ruled the point well taken. Although the amendment concerned elections, if it had been a bill, it would have gone to Planning and Development because it also touched on home rule. Since the issue had not been considered in Planning and Development, it was not in order.

Fauliso, May 24, 1979 and O'Neill, May 29, 1979.

77. AMENDMENT TECHNICAL [JR 18]

The bill required the commissioner of income maintenance to terminate the Connecticut Assistance and Medical Aid Program for the Disabled as of July 1, 1981. Senate "A" proposed to transfer the Office of Child Day Care to the State Board of Education instead of to the Department of Human Resources as specified in the bill.

After Senate "A" was adopted, a senator asked the acting president to rule on whether it was substantive.

The acting president ruled the amendment technical and that it need not be reprinted.

Ruggerio, April 29, 1980.

78. AMENDMENT, WITHDRAWAL [SR 22]

Senate Amendment "A" was offered and then withdrawn by each of its three proponents. Another senator objected to withdrawal citing *Mason* Sec. 403 providing that after formal introduction, amendments may only be withdrawn with consent of the body. A proponent of the amendment argued that SR 22 states that a motion may be withdrawn by the mover at any time before decision or amendment and that, under SR 33, Senate Rules take precedence over *Mason*.

The president ruled that the amendment had been properly withdrawn.

The senator raised a further point as to whether the withdrawn amendment was still in the clerk's possession.

Upon inquiry to the clerk, the amendment was still found in the clerk's possession.

The senator inquired as to whether he could offer the amendment at a future time.

The majority leader opined that the member must sign the amendment before withdrawal or refile it and introduce it as his own.

The president agreed with the majority leader and so ruled.

Groark, December 11, 1991.

79. AMENDMENTS, CONFLICTING

The bill banned commerce in construction materials containing asbestos without labelling as to the contents and health hazards. House amendment "B" prohibited the installation, after October 1, 1980, of asbestos cement pipe in water supply systems until the health commissioner determined that such pipe presented no hazard. House "B" was adopted. A senator called Senate "A," which deleted the moratorium required by House "B" and instead allowed the health commissioner to adopt regulations controlling the use of asbestos water pipe.

A senator raised a point of order that Senate "A" conflicted with House "B" and was out of order unless House "B" were first rejected.

The acting president ruled the point not well taken.

Casey, May 1, 1980.

80. AMENDMENTS FROM THE HOUSE

A bill was called as amended by House amendment "A." A senator moved to adopt the bill in concurrence with the House. Another senator moved for a separate vote on the adoption of House "A."

The president ruled the motion was in order. Though Senate practice on bills with House amendments is to move to adopt them in concurrence unless there is a motion to reject a House amendment, Senate precedent decrees that any senator can ask for a separate vote on the adoption of any House amendment.

Fauliso, May 2, 1990.

81. AMENDMENTS FROM THE HOUSE

The bill as amended by House "A" was called in the Senate. The bill's proponent moved the adoption of House "A." A senator raised a point of order that separate adoption of House "A" was not necessary and the correct motion was to pass the bill in concurrence with the House.

The acting president ruled that although it is not necessary for the Senate to pass House "A" separately, it may do so upon request. Therefore, the motion was in order and the point not well taken.

Cunningham, May 5, 1980.

82. AMENDMENTS FROM THE HOUSE

A bill came to the Senate as amended by two House amendments. A senator moved adoption of the bill as amended. A second senator raised a point of order that each House amendment must be adopted separately.

The acting president ruled the point well taken. If a senator wished to move adoption of each amendment separately, such a procedure was proper.

Murphy, May 30, 1979.

83. AMENDMENTS, PROCEDURE FOR CONSIDERING—REJECT TWO WITH ONE MOTION

A bill concerning the investment of state pension funds was returned to the Senate from the House. The bill had been amended once in the Senate and twice in the House. The Appropriations Committee chairman made one motion to reject both House amendments. A senator asked if a separate motion on each were required.

The president pro tempore ruled that one motion to reject two amendments did not violate Senate practice and the motion was therefore in order.

Murphy, May 26, 1981.

84. AMENDMENTS, PROCEDURE FOR CONSIDERING—ORDER OF

The unfavorable report on the bill was overturned. A senator moved an amendment on behalf of the committee chairman. A second senator raised a point of order that her amendment should have been called first as it had been filed before that of the chairman. The first senator stated that she had requested that the chairman's amendment be read first.

The president ruled the point not well taken. Amendments did not have to be called in the order in which they were filed. In practice, committee chairmen were allowed to designate the order of amendments.

O'Neill, May 5, 1980.

85. APPEALS, DEBATE ON

The president's ruling that the revenue estimates section of the budget bill could not be amended on the floor was appealed and seconded. In debating the appeal, a senator began to discuss how revenue estimates had been handled in the past. Another senator raised a point of order that the first senator's comments were out of order because debate on appeals is limited to the specific question involved in the point of order. The question out of which the point arose is not proper debate on an appeal [*Mason* 232 (3)].

The president ruled the point well taken.

Fauliso, May 19, 1987.

86. BILL DEFECTIVELY DRAFTED [CGS § 2-18]

A senator offered a bill to repeal the budget and tax package passed on a tie vote the previous week. Another senator raised a point of order that the bill was defectively drawn and thus improperly before the Senate because it was based on a public act that had been changed by a subsequent act.

The president ruled the bill out of order because it failed to follow the statutory drafting format and did not reference the recently passed public act affected by sections of the bill.

The ruling was appealed and, on a roll call vote, the president was sustained.

Groark, August 27, 1991.

87. BILLS, PROCEDURE FOR CONSIDERING—CALENDAR ERROR

A senator raised a point of order saying that two bills were starred for action on the calendar on the same day they were first placed in the files.

The president ruled that the bills could be placed in the files one session day and starred for action on the next because they would then have been in the files for two session days.

The senator appealed the ruling, which was sustained.

The president later reconsidered his ruling saying that bills must be in the files for two *full* session days and no action could be taken until the third session day after a bill was put in the files.

Tedesco, 1963.

88. BUSINESS ON THE CALENDAR—LAWSUIT SETTLEMENT ALREADY APPROVED BY THE HOUSE (*CGS* § *3-125a)* SUSPEND THE RULES, MOTION TO

The joint resolution approved settlement of a lawsuit against the state by the Connecticut Hospital Association. The House adopted the resolution and immediately transmitted it to the Senate on March 6. On March 8, a senator moved to suspend the rules to take up the resolution, which was on the Senate calendar as an unstarred item. Another senator raised a point of parliamentary inquiry whether Senate action on the resolution would have any effect, since the settlement had already been approved by the House.

The president ruled that Senate action would have no effect on the implementation of the settlement. The General Assembly may, by a three-fifths vote of each house, reject any settlement of a lawsuit against the state that requires a General Fund expenditure of more than $2.5 million. Unless both houses reject a settlement within 30 days of its submission to the legislature, it is considered approved (*CGS* § 3-125a). Since the House had already approved this settlement, Senate action either way was moot.

The first senator asked whether the president's ruling meant that the Senate was barred from even taking the matter up and discussing it.

The president ruled that the Senate could take the resolution up but, if it wished to do so immediately, it must do so under suspension of the rules because the resolution was not double-starred on the calendar. Therefore, the senator's original motion to suspend the rules was in order.

On a roll call vote, the motion to suspend the rules failed.

Rell, March 8, 1996.

89. CALENDAR MARKINGS

The majority leader read the day's markings for the double-starred bills on the Senate calendar. When he marked a particular bill as "go," a senator rose to a point of inquiry about when the appropriate time would be to make on incidental motion on the bill.

The president ruled that the markings are read for informational purposes only. Thus, incidental motions concerning bills on the calendar, such as motions to refer, should be made when bills marked "go" are called by the clerk in the regular order.

Rell, April 26, 1995.

90. CALENDAR ORDER

The majority leader asked the clerk to call a particular calendar item out of order. The clerk began to call the item, announcing the page and the calendar number. A senator raised a point of order that a motion to take up a question out of order requires a suspension of the rules (*Mason,* 713 (1)).

The president ruled the senator's point not well taken because it was not timely. Under the rules, "objection to consideration must be made immediately following the statement of the question" [*Mason*, 296(1)]. The clerk had called the bill and the bill was on the roll call screen. It was therefore too late to raise the issue of suspension of the rules.

Rell, May 6, 1996.

91. COMMITTEE, INSTRUCTIONS TO

A senator introduced a resolution directing a committee to report a bill and moved for suspension of the rules to consider the resolution.

The president ruled the resolution not properly before the Senate because it conflicted with the rule on petitioning bills out of committee.

The senator appealed the ruling and spoke on the resolution.

The president ruled his remarks out of order, since the subject under discussion was the president's ruling.

The ruling was appealed and sustained. The senator introduced a second resolution expressing the wish of the Senate that the bill be brought to the floor, and moved for suspension of the rules to consider the resolution.

The president ruled the motion out of order.

Tedesco, 1963.

92. COMMITTEE JURISDICTION AD HOC COMMITTEE ON REFERENCE [JR 7]

The bill concerned conditions under which a probate court could order involuntary commitment of a mentally retarded person to the custody of the Department of Mental Retardation. The bill had received a joint favorable report from the Public Health Committee, which sent it directly to the floor. A senator raised a point of order that the bill should have been referred from Public Health to Judiciary. He asked that the matter be submitted to the Ad Hoc Committee on Reference. A second senator cited previous rulings that questions of committee jurisdiction must be raised at the time the bill is given its first reading and asked that the point be ruled not well taken because it was raised too late.

The president ruled that the request to refer the bill to the Ad Hoc Committee on Reference was proper. The ruling on this matter in the last session referred to by the second senator was made because the president believed that, in that case, the points were dilatory. In this case, since two committees claimed jurisdiction the question must be referred to the president pro tempore and the speaker for consideration by the ad hoc committee. That committee would determine the correct committee of cognizance.

The ad hoc committee reported later that Public Health had jurisdiction.

Fauliso, March 21, 1984.

93. COMMITTEE JURISDICTION, APPROPRIATIONS

The bill appropriated $25,000 to the Legislative Management Committee for a study of the state employee collective bargaining process. Senate amendment "A" substituted the Labor and Public Employees Committee for Legislative Management. Senate "A's" proponent raised a point of order that the Appropriations Committee had exceeded its authority by changing the substance of a bill sent to it by the Labor Committee to require Legislative Management to do the study. Under the rules, the Appropriations Committee's jurisdiction is limited solely to a bill's fiscal and appropriations aspects.

The president ruled the point not well taken since the debate concerned the senator's amendment to restore the bill to its original form. A point of order about the Appropriations Committee's action on the bill was not appropriate during debate on the amendment.

Fauliso, May 28, 1985.

94. COMMITTEE JURISDICTION, APPROPRIATIONS—COMBINE BILLS REFERRED FROM SUBJECT COMMITTEE [CGS § 2-35]

Two bills, one a Senate and one a House bill, were reported out of the Labor Committee and sent to Appropriations. The Appropriations Committee deleted two provisions from one bill, combined the remainder with the other, and favorably reported the resulting bill under the House number. When the bill was called in the Senate, the Labor Committee chairman raised a point of order that the bill was not properly before the Senate because the Appropriations Committee had combined general legislation with an appropriations bill in violation of the statutes.

The president ruled the point not well taken. The original bills were both Labor Committee bills, both were general legislation, and neither was an appropriations bill within the meaning of the statute. Therefore, the Appropriations Committee had not exceeded its powers in combining them.

Fauliso, June 2, 1982.

95. COMMITTEE JURISDICTION—APPROPRIATIONS

The bill allowed former governors up to $10,000 in the first year after leaving office for expenses. The amendment appropriated $5,000 from the Finance Advisory Committee account for an oil portrait of the chief justice of the state Supreme Court. A senator raised a point of order that the amendment was improper because it proposed an FAC appropriation without having been to the Appropriations Committee.

The president ruled the point not well taken.

Fauliso, May 14, 1981.

96. COMMITTEE JURISDICTION

The bill allowed the Health Department to certify persons not department employees to check the accuracy of breath, blood, and urine analysis devices used when drunken driving is suspected. The bill originated in, and was favorably reported by, the Public Health Committee.

A senator raised a point of order that the bill was not properly before the Senate because it had not been considered by the Judiciary Committee. The results of tests performed with the devices covered by the bill were often evidence in criminal cases. The bill could affect the standard of proof in such cases. It should therefore have been sent to Judiciary since that committee has jurisdiction over courts, judicial procedure, and criminal law. In addition, the Joint Rules require all bills with criminal penalties attached to be referred to Judiciary. Although this bill technically had no such penalty, it bore indirectly on an offense punished as a crime. Finally, the senator argued that the Public Health Committee had no jurisdiction over alcohol, its use, or drunken driving.

In response, the Public Health chairman stated that the bill dealt with an administrative procedure of the Health Department. Oversight of the Health Department was solely the Public Health Committee's responsibility and the Judiciary Committee had no jurisdiction over the bill.

The president ruled the point not well taken. Reference to Judiciary was not required since the bill dealt only with Health Department procedures and contained no criminal penalty. The bill was properly before the Senate.

Fauliso, April 30, 1981.

97. COMMITTEE JURISDICTION POINTS OF ORDER, TIMELINESS

A resolution was offered to amend the state constitution to prohibit pay increases for state or local elected officials during the course of their current terms. The unfavorable report of the Government Administration and Elections Committee was overturned.

A senator raised a point of order that the bill was not properly before the Senate because it had been raised originally by the Planning and Development Committee which had no jurisdiction over either constitutional amendments or state elections.

The president invited remarks from the resolution's proponent on the point.

The proponent argued that the point was mooted by the overturning of the unfavorable report which, by bringing the measure before the body, in effect ratified the process, however irregular, by which the resolution had come to the floor.

The president ruled the resolution out of order because it was raised by a committee acting outside its jurisdiction. The president also stated, in response to the arguments used against the point, that a point of order raising a technical defect in a bill was proper at any time prior to passage so long as the defect remained.

O'Neill, May 5, 1980.

98. COMMITTEE JURISDICTION—JUDICIARY

The bill prohibited the use of steel-jawed, leg hold traps in the state. The Environment Committee's unfavorable report was overturned. A senator raised a point of

order that the bill was not properly before the Senate because it had been raised by the Judiciary Committee even though it was outside that committee's jurisdiction.

The president ruled the point well taken. Under the rules, the Judiciary Committee's jurisdiction was limited to criminal justice penalties in bills and did not extend to their substantive provisions. There was no question that the correct committee of cognizance for this bill was Environment, though Judiciary would have had to approve its penalty section. The president stated that it was not proper for a committee to raise a bill on any subject, refer it to the proper committee, and then petition it out of that committee as was done with this bill. The bill was out of order.

O'Neill, April 22, 1980.

99. COMMITTEE JURISDICTION

The bill limited attorneys' fees in certain cases involving consumer contracts to a percentage of the judgment. The bill had been reported by the General Law Committee.

A senator raised a point of order that the bill was not properly before the Senate as it had not been approved by the Judiciary Committee. Under the rules, bills dealing with court proceedings and attorneys' fees were that committee's province.

The president pro tempore ruled the point not well taken. The subject of the bill was consumer contracts, a subject within the charge of the General Law Committee.

Fauliso, May 24, 1979.

100 CONFERENCE COMMITTEE JURISDICTION [JR 22]

A senator raised a point of parliamentary inquiry as to whether a committee on conference would deal only with those areas of a bill addressed by the disputed amendment.

The acting president stated that the whole bill was referred to a committee on conference and that committee was empowered to recommend changes in any part of the bill. It was not confined only to disputed matters.

Robertson, May 2, 1980.

101. CONFERENCE COMMITTEE REPORT [JR 22]

The clerk called the report of a committee on conference. A senator raised a point of order that the report was not properly before the Senate. The House adopted an amendment previously rejected by the Senate. For that reason, the House amendment was ruled out of order when the bill came up for a second time in the Senate. The House had created the disagreement by adopting an amendment rejected by the Senate. Thus, the conference committee report must go first to the House.

The president ruled the point well taken.

O'Neill, May 1, 1980.

102. CONFERENCE COMMITTEE REPORT [JR 22]

A bill passed the House but was amended by the Senate. The House rejected the Senate amendment. The committee on conference voted to accept the Senate amendment. The House accepted the conference report and sent the bill back to the Senate.

A senator questioned whether, since the bill had already passed both Houses in identical form, it was properly before the Senate.

The president ruled that the conference report was properly before the Senate.

The ruling was appealed and sustained.

Killian, 1976.

103. CONSENT CALENDAR

The majority leader moved passage of the consent calendar. A senator rose to object and moved to withdraw all items from the consent calendar. The majority leader opposed the motion and asked for a roll call vote. The senator raised a point of order that the motion for a roll call was out of order. The rules do not permit passage of bills on consent if even one senator objects and requests the removal of a bill or bills from the consent calendar (SR 31).

The president ruled the point well taken. Requests from senators to withdraw items from the consent calendar are not votable and must be granted.

The majority leader appealed the ruling, which was upheld on a roll call vote.

Rell, May 6, 1996.

104. CONSENT CALENDAR

The bill concerned enforcement of payments by general and subcontractors working on state contracts to their subcontractors. After the bill was called, two senators excused themselves from the debate and vote for potential conflicts of interest [SR 15]. After explaining the bill, its proponent moved it to the consent calendar.

The president ruled that any bill for which a senator excused himself under SR 15 requires a separate roll call vote.

Fauliso, May 9, 1985.

105. CONSENT CALENDAR—REMOVAL FROM, FOR AMENDMENT [SR 31]

The bill, amended by House amendments "A" and "B," had been placed on the consent calendar in the Senate. A senator requested its removal.

The acting president granted the removal, ruling that a bill could be taken off consent at any time prior to passage at the request of any senator.

The senator then moved to reject House "B." Another senator raised a point of inquiry as to whether a motion to reconsider was necessary.

The acting president ruled that a motion to reconsider was not necessary since a bill placed on consent was not passed until the entire consent calendar was voted on at the end of the session day. Any senator could have any bill removed from consent at any time prior to this vote, at which time the bill was properly before the body.

Robertson, May 2, 1980.

106. DEBATE, CONDUCT OF

A member offered an amendment extending the hate crime law to acts of intimidation directed at members of the armed forces. Rising in opposition, another member stated that if he voted for the amendment he would feel like he was cheapening the reasons why the United States was fighting in Iraq.

The amendment's proponent raised a point of order that the other member's comments went to the proponent's motives in introducing the amendment and denigrated the entire chamber.

The president cautioned the opposing member to restrict his comments to the amendment.

Rell, April 9, 2003.

107. DEBATE, CONDUCT OF

The bill required health insurers to cover prescription birth control. During debate on an amendment that would ban some "partial birth abortion" procedures, a senator opposing the amendment asked the proponent whether he supported abortion in all other circumstances. The senator asking the question stated that he needed to know whether the proponent's objection to the state's existing abortion law was on a narrow issue that would come and go with this debate, or whether the amendment was but the first testing of the law. Another senator raised a point of order that it was not proper debate to question the intent or motivation of the proponent.

The president agreed that the rules do not permit a senator's motives to be arraigned (*Mason* §124(3)). She advised that it is not the motivation of the person but the measure that is the subject of the debate, and that the measure's nature or consequences can be condemned in strong terms.

Rell, May 19, 1999.

108. DEBATE, CONDUCT OF

During debate on an amendment, a senator speaking in favor of the amendment turned directly to another senator who opposed it, called him by name, and asked if he had "a change of heart."

The president ruled that the senator's remarks were improper debate. The rules prohibit senators from engaging in personalities by speaking to one another directly or referring to one another by name in debate. He directed the senator to confine his remarks to the substance of the amendment and to speak to other senators only through the president.

Fauliso, April 12, 1990.

109. DEBATE, CONDUCT OF

During debate on a bonding bill, a senator said that he objected to the bill because projects had been included in it in order to "buy" certain senators' votes for other bills.

The president ruled the senator's comments concerning buying votes out of order as improper debate.

Fauliso, May 22, 1987.

110. DEBATE, CONDUCT OF

The bill eliminated the Transportation Accountability Board. Arguing against the bill, a senator noted that, despite the increased efficiency of the Transportation Department cited by the bill's proponents, it was not internal department procedures but rather news reporters who had discovered serious problems in the department's bridge inspection program. Another senator raised a point of order that the member was not speaking to the bill because the accountability board reviewed only state contracts and not the department's operating procedures.

The president pro tempore ruled the point well taken.

Larson, April 29, 1987.

111. DEBATE, CONDUCT OF

The resolution called upon President Reagan to negotiate a bilateral, verifiable suspension of nuclear testing. A senator objected to placing the resolution on the consent calendar. He argued that the resolution was flawed because it did not mention the head of the Soviet Union, Mr. Gorbachev. He said he objected to the House speaker "using his position to put his left-wing agenda before the General Assembly...when it has no business being there." Another senator raised a point of order that it was not proper debate to characterize the speaker's agenda.

The president ruled the point well taken and asked the senator to stick to the substance of the resolution.

Fauliso, February 24, 1987.

112. DEBATE, CONDUCT OF

The Senate took up a long and complicated bill which had four House amendments. The committee chairman moved to adopt the bill as amended by House amendments "A," "C," and "G" and to reject House amendment "D." The motion to reject House "D" carried on a roll call vote. The clerk then called House amendment "A." A senator raised a point of order that he understood the chairman would explain the entire bill and allow senators to ask questions before amendments were introduced.

The president ruled that the order of debate on bills and amendments is something that is arranged in advance by the minority and the majority. The procedure the senator outlined was proper, but the president has no authority to

enforce agreements made off the floor concerning the order of debate.

Fauliso, May 5, 1986.

113. DEBATE, CONDUCT OF

The bill required the Legislative Management Committee to study the feasibility of hiring private contractors to perform state functions, run state programs, and carry on state operations. The Appropriations Committee chairman introduced an amendment that provided funds for several projects. After stating the name of the project and the amount of the proposed appropriation, he sought to yield the floor to other senators to explain each program thoroughly. After each senator was finished, he yielded the floor back to the Appropriations chairman who went on to the next project. A senator raised a point of order that this procedure gave senators no opportunity to ask questions about specific projects as they were described.

The president suggested that it would be appropriate for the chairman to allow interested senators the opportunity to ask questions about individual projects, rather than to continue with a long series of yields.

The president pro tempore said that the majority party wanted to give an overview of the amendment before taking questions.

The president ruled that such a procedure was within the rules but any senator could seek recognition in order to ask questions and could ask questions at any time if recognized.

The majority leader argued that the committee chairman has the right to determine how amendments will be presented and it was the custom in the Senate hold questions until the presentation was completed.

The president reiterated his ruling that a continuous presentation was within the rules but that senators retain the right at all times to seek recognition to ask questions. If senators wished to make off-the-floor agreements concerning the order of debate, they could do so.

Fauliso, April 25, 1986.

114. DEBATE, CONDUCT OF

The bill established a municipal infrastructure program and a transportation accountability board. During debate on the bill, a senator criticized the governor's original municipal revenue-sharing proposal as "irresponsible." Another senator raised a point of order that the first senator was speaking to a bill introduced many months before rather than to the bill then before the Senate.

The president ruled the point well taken and asked the first senator to stick to the issue.

Fauliso, July 25, 1985.

115. DEBATE, CONDUCT OF

The bill established a teenage pregnancy prevention council. A senator proposed an amendment to remove the council's responsibility to implement a plan to prevent pregnancies among adolescents. The amendment was defeated. The bill's proponent moved to place it on consent. The senator objected. The clerk announced an immediate roll call. The senator began to speak against the bill. Another senator raised a point of order that the first senator was still speaking on his amendment.

The president ruled the point well taken. He said the senator had already made clear his objections to the bill when he introduced the amendment. He should continue his remarks only if he had something new to add.

Fauliso, June 4, 1985.

116. DEBATE, CONDUCT OF

The bill reduced the maximum finance charges on most retail installment and car loans. It also extended the 18% limit on credit card finance charges for two more years. The amendment (Senate "A") allowed any out-of-state bank to do business in Connecticut beginning in 1990. Its proponent said during debate that Connecticut banks wished to preserve their monopoly, that they had retained many highly paid lobbyists to prevent passage of Senate "A," and that those lobbyists working against the amendment had only their own selfish interests at heart. A senator raised a point of order that it was improper debate to characterize the motives of supporters or opponents of bills or amendments, even if they are lobbyists.

The president ruled the point well taken. The senator's remarks were outside the scope of proper debate.

Fauliso, May 31, 1985.

117. DEBATE, CONDUCT OF

The bill concerned appropriations for the Department of Transportation for the 1985-86 fiscal year. A senator introduced an amendment to provide noise barriers for various state highways. Opponents objected that the proposed barriers were not included in the department's priority list. An amendment supporter began to list various projects included in the bill that were not on the priority list either, noting which projects benefited which senators' districts. A senator raised a point of order that these remarks were not germane to debate on the amendment.

The president ruled the point well taken.

Fauliso, May 29, 1985.

118. DEBATE, CONDUCT OF

The bill exempted from the sales tax the portion of an automobile lease payment devoted to property taxes on the car. A senator introduced an amendment (Senate "A") to exempt from the property tax 25% of the value of automobiles specially outfitted with controls for the handicapped. A second senator rose to oppose the amendment and

discussed his reasons for sponsoring the original bill. A third senator raised a point of order that these remarks were not germane to discussion of the amendment. The second senator said the amendment's introducer had also addressed the bill.

The president pro tempore ruled the point well taken. The introducer had merely described how the amendment would change the bill, which is the usual procedure. The second senator, on the other hand, was starting to debate the bill, which was not appropriate at that time.

Robertson, May 29, 1985.

119. DEBATE, CONDUCT OF—USE OF DIRECT EVIDENCE IN DEBATE

The bill added certain martial arts weapons to the statutory list of dangerous weapons that cannot be carried or sold without a police permit. An amendment (Senate "A") expanded the list of martial arts weapons specified in the bill, and Senate "B" added "stun guns" to the list. During debate on the amended bill, its proponent held up examples of the types of weapons it would cover and explained what each could do. A senator raised a point of order against use of such direct evidence in debate.

The president pro tempore ruled the point well taken.

Robertson, May 24, 1985.

120. DEBATE, CONDUCT OF

The bill gave the state treasurer the statutory authority to use repurchase and reverse repurchase agreements for the combined investment funds. Senate amendment "A" required the treasurer to remove state funds from, and invest no new state money in, companies doing business in Northern Ireland that do not abide by the McBride principles. A senator questioned Senate "A's" proponent on who asked him to offer the amendment. The proponent raised a point of order that it was improper for senators to ask such questions.

The president ruled the point well taken. A senator cannot be asked to reveal the name of a constituent who asked him to introduce an amendment [*Mason* 114, B].

The senator opposing the amendment said he knew the amendment came from an organization that sympathized with the Irish Republican Army. The proponent raised another point of order that it was improper for one senator to make statements in debate about another senator's motives in introducing an amendment. He objected to the opponent's referring to purported sponsors who are not members of the Senate.

The president agreed that the rules prohibit senators from characterizing one another's motives. Debate should concern itself solely with the question before the Senate [*Mason*, 124]. He cautioned the amendment's opponent to stay within these rules.

Fauliso, May 23, 1985.

121. DEBATE, CONDUCT OF PETITIONS

The resolution requested Congress to call a constitutional convention to amend the U. S. Constitution to require a balanced federal budget. The resolution had received an unfavorable report from the Government Administration and Elections Committee. A senator moved to overturn the unfavorable report and began to discuss an event which had taken place that morning in Congress. A second senator raised a point of order that the first senator's remarks were not germane to the motion to overturn the unfavorable report.

The president reminded the first senator that the motion was a limited procedural issue and cautioned him to limit his remarks to that issue.

The senator began to describe the proposed constitutional amendment, citing Jefferson and stating that 32 other states had adopted the resolution. A third senator raised a point of order that the senator was again straying from the subject.

The president urged the first senator to proceed directly to the issue of the motion and to cut his preliminary remarks short.

The senator continued his remarks, describing the national debt, giving its size both per capita and as a percentage of every tax dollar. The second senator rose to another point of order that these remarks, too, were not germane.

The president ruled this point not well taken because the senator was referring to the specific resolution before the Senate.

Another resolution proponent rose to support overturning the unfavorable report. He said he resented the implication put forward by opponents that to adopt the resolution would endanger the Constitution. He said that proponents were strong supporters of the Constitution and sought only to use one constitutional method to amend it. A senator raised a point of order that these comments were not germane to the issue before the Senate and remarked that he had never seen such latitude given to senators debating a motion to overturn an unfavorable report.

The president ruled the point well taken and asked the proponent to confine himself to the issue.

After further debate, another senator raised a point of order that the resolution was not properly before the Senate because senators who had originally signed the petition to bring it to the floor later withdrew their support, leaving an insufficient number to qualify for a valid petition.

The president ruled the point untimely. It should have been raised earlier.

Debate on the motion to overturn the unfavorable report continued. A senator began to describe the rapid growth in the national debt in the past five years as opposed to its previous historical growth. A senator raised a point of order that these comments were not germane.

The president explained that all senators should understand that if the unfavorable report were overturned, there would be an opportunity for full-fledged debate on the resolution. But until that happened, there was a limit on debate, which senators should be careful to observe. He had allowed some leeway in order to give proponents a chance to introduce their central arguments but he cautioned them to remember the rule on germaneness.

Fauliso, May 15, 1985.

122. DEBATE, CONDUCT OF

The bill allowed the family of a prisoner who committed suicide in jail to sue the town where it happened even though they had not met the statutory notice requirements for such a suit. In objecting to passage, a senator began to describe the circumstances of the case, mentioning the prisoner's age and his father's indifferent response to the news that his son was in jail. Another senator raised a point of order that he and the first senator had agreed not to mention details of the prisoner's incarceration or police record, and the senator was violating that agreement.

The president pro tempore ruled the point not well taken. He could not rule on arrangements or agreements made before senators entered the chamber. The first senator's remarks were germane to the bill and were proper debate.

Robertson, May 15, 1985.

123. DEBATE, CONDUCT OF

The bill concerned the state budget for the 1985-86 fiscal year. Several amendments were proposed. In debating one, a senator began to discuss state taxes, politics, and reelection prospects. Another senator raised a point of order that these remarks were not germane to the issue of the budget. The first senator said that he was merely responding to points raised by the amendment's proponent.

The president ruled the point of order well taken and asked the first senator to keep to the subject at hand.

Fauliso, May 9, 1985.

124. DEBATE, CONDUCT OF

The bill prohibited health facilities from accepting Medicaid payments for out-of-state patients higher than the per diem rates set by Connecticut's health commissioner. During the debate, proponents argued that the bill would save the taxpayers money. A senator referred to the effect of the governor's budget proposals on the taxpayers. Another senator raised a point of order that remarks about the governor's budget were not germane to the question under debate.

The president pro tempore ruled the point well taken and cautioned the first senator to keep to the central issue.

Murphy, April 28, 1981.

125. DEBATE, CONDUCT OF

The bill, requiring informed consent prior to an induced termination of pregnancy in a minor, was called on the last day of the session. A senator moved the bill be pass retained. The bill's proponent objected to the motion and began to comment on the bill. A third senator raised a point of order that debate must be confined to the motion to pass retain and not go to the merits of the bill.

The president ruled the point well taken.

The third senator then spoke in support of the motion to pass retain and mentioned court decisions contradicting the bill. The proponent raised a point of order that the senator's comments were not germane to the motion.

The president reminded both senators to confine their remarks to the pending motion.

O'Neill, May 5, 1980.

126. DEBATE, CONDUCT OF

The bill allowed patients at the state-operated facilities for mentally disordered adults to request orthomolecular therapy and required the facility to provide it. Senate amendment "A" dealt with the informed consent of patient or conservator and the immunity of the state, and made provision of orthomolecular therapy permissive. A senator opposed the amendment, commenting that this type of therapy had no substantial scientific basis. Another senator raised a point of order that the first senator was speaking to the bill rather than the amendment.

The acting president ruled the point well taken.

Ciarlone, April 22, 1980.

127. DEBATE, CONDUCT OF

The bill allowed patients at state-operated facilities for mentally disordered adults to request orthomolecular therapy and required the facility to provide it. Senate amendment "A" dealt with the informed consent of the patient or conservator and the immunity of the state, and made provision of therapy permissive.

Speaking on the amendment for the second time, one senator asked another if the staffs at state hospitals were qualified to administer this therapy, and whether the therapy's proponents did not advocate doses far in excess of those established by the Food and Drug Administration. The second senator objected that the first senator was speaking to the bill and not the amendment.

The president ruled the point not well taken as the senator was framing questions, not speaking.

Ciarlone, April 22, 1980.

128. DEBATE, CONDUCT OF

The bill raised the minimum wage gratuity allowance according to a given schedule and made other related changes. The amendment eliminated certain provisions of the bill dealing with the other changes. During debate on the amendment, a senator began to discuss, and cite figures to show, the decline in the number of restaurants in the state and the tip deduction in New York. Another senator raised a point of order that the senator's comments were not germane. She was discussing percentages of tip allowances and the amendment dealt with removing some parts of the bill which did not deal with those percentages.

The president ruled the point not well taken. Language in the first part of the bill (which the amendment would retain) addressed the second part (which the amendment would delete). The first senator's comments were, therefore, proper.

O'Neill, May 24, 1979.

129. DEBATE, CONDUCT OF

The bill concerned limitation of attorneys' fees in certain cases involving consumer contracts to a percentage of the judgment. One senator questioned the bill's proponent regarding his experiences in his private law practice. A second senator objected to the questioning as not germane to the issue raised by the bill.

The president pro tempore ruled the point well taken.

Fauliso, May 24, 1979.

130. DEBATE, CONDUCT OF

On a ruling that an amendment was not germane, the senator offering the amendment moved to overrule the president and remarked on the amendment.

The president ruled the senator's remarks out of order saying that he must confine himself to the motion to overrule.

The ruling was appealed and sustained.

Doocy, 1963.

131. DEBATE, GETTING THE FLOOR FOR THIRD TIME [SR 14]

The bill concerned the governor's proposed state budget for FY 1981-82. An amendment (Senate "A") proposing a different budget was introduced. After extended debate, a senator asked permission to speak for a third time on Senate "A." Without objection, he was allowed to proceed. After he had spoken for some time, another senator raised a point for order that he objected to the first senator speaking for a third time on the same amendment, arguing that the senator's remarks were repetitious and not germane to the amendment.

The president ruled the point not well taken because the objection was untimely. Permission had been sought and granted, without objection, according to the rules. The president advised the first senator to make his remarks direct so the other senators would not feel that their leave to speak was being abused.

Fauliso, April 21, 1981.

132. DISAGREEING ACTION—AMENDMENT [JR 22]
DIVIDE THE QUESTION [SR 23]

The House had rejected Senate amendments "A" and "B." The bill was called again in the Senate. A senator stated he wished to reject House action on Senate "A," then reject Senate "A" and, finally, propose a new amendment.

The president ruled the first order of business was to deal with the House's action in rejecting Senate "A" and "B." Until this was dealt with, no further amendments to the bill would be in order.

The senator made an amended motion to concur with the House's action in rejecting Senate "A" and "B." A second senator asked to divide the motion for purposes of voting.

The president granted the request.

On a voice vote, Senate "A" was rejected in concurrence with the House. On a roll call, the Senate failed to concur with House action in rejecting Senate "B."

The president ruled that this action in effect readopted Senate "B," placing the two chambers in disagreement and requiring a conference committee.

A senator inquired if further amendments would be in order.

The president ruled that additional amendments were not in order because the bill must go to a committee on conference.

O'Neill, May 5, 1980.

DIVIDE THE QUESTION (The Senate rule concerning division of the question [SR 23] was changed after the 1982 session.)

133. DIVIDE THE QUESTION
REFER

The amendment (Senate "A") corrected some wording in the underlying bill, removed a tax exemption for rolling stock, extended a tax credit for clean fuels, required certain signs to be erected on highways, and made appropriations and budget adjustments for various transportation-related projects. Section 39 of the amendment required the Department of Environmental Protection to convey a parcel of land to the Mattatuck Historical Society for $1 and required the society to use the land for recreational purposes. The majority leader moved to divide the question to separate section 39 from the other parts of the amendment.

The president ruled that section 39 and the rest of Senate "A" could stand as separate propositions and that the order of voting would be first, on Senate "A" without section 39 and second, on section 39.

The majority leader moved to refer section 39 to the Government Administration and Elections Committee.

The president said that, since the section in question had already been to the GAE committee, she would consider the majority leader's motion to be one for re-referral.

A senator raised a point of parliamentary inquiry whether it was proper to move a portion of an amendment to committee prior to its being adopted by the Senate. Before the president responded to the inquiry, the majority leader changed his motion to one for adoption of the amendment.

The president asked him to first withdraw his motion for re-referral of section 39 to the GAE Committee.

The majority leader withdrew his motion for re-referral, which was allowed, without objection. Then the majority leader withdrew his motion to divide the question, which was also allowed, without objection. The majority leader moved to adopt Senate "A." The

amendment was adopted on a voice vote. The majority leader then moved to divide section 39 from the rest of Senate "A." The motion to divide was adopted, without objection. The majority leader moved to refer section 39 to the GAE Committee. That motion was also adopted, without objection.

Rell, May 6, 1996.

134. DIVIDE THE QUESTION, MOTION TO—TIMELINESS

The clerk called Senate "A." A senator raised a point of order that his motion to divide the question should be heard before any amendments. The proponent of the amendment maintained that, while he might be interrupted by a point of order, the interruption could not be used to make another motion taking precedence because he had already been recognized to move the amendment.

The president ruled the point not well taken in that the motion to divide was not timely and could be heard after the amendment.

Groark, December 11, 1991.

135. DIVIDE THE QUESTION, GERMANENESS OF PARTS OF AMENDMENTS

The bill concerned the witnessing of voter registration applications by notaries public, commissioners of the Superior Court, and justices of the peace. Senate amendment "A" (1) raised the percentage of non-English-speaking population required before mail-in voter registration cards must be printed in languages other than English and (2) made English the official state language. On a roll call vote, the amendment was divided.

The Senate defeated part one on a roll call vote. A senator then raised a point of order that part two (the section making English the official language of the state) was not germane to the bill.

Proponents of part two argued that it was germane to part one of the amendment because both dealt with the English language and part one was germane to the bill. Therefore, part two was also germane to the bill. The senator who raised the point of order argued that the proponents' argument would only follow if part one had been adopted. Since it was defeated, it was necessary that part two be germane to the bill itself, not just to part one.

Proponents of part two also argued that though the question had been divided for purposes of voting, they were still two parts of one question and that therefore, part two could not be ruled out of order if part one was allowed.

The president ruled that part two of Senate "A" was out of order.

The ruling was appealed and sustained.

Fauliso, May 27, 1987.

136. DIVIDE THE QUESTION—DEBATABLE MOTION

The bill allowed municipalities to adopt reduced residential assessments at revaluation and exempted sales and services between parent companies and their wholly owned subsidiaries from the sales tax. A senator moved to divide the question. The

president called for debate. Another senator raised a point of order that a motion to divide the question was not debatable.

The president ruled the point not well taken.

Fauliso, May 22, 1987.

137. DIVIDE THE QUESTION

The bill established a municipal infrastructure trust fund and a transportation accountability board. A senator moved to adopt an amendment. Another senator raised a point of order and asked the president to divide the question [SR 23; *Mason* 314, 3].

The president ruled that under SR 23, it is appropriate for any member to move to divide the question.

The minority leader cited Senate precedent as giving the president the authority to divide questions without a formal motion and without a vote by all members.

The president said that Senate precedents were somewhat ambiguous and, in such circumstances, he believed the Senate should decide the issue by majority vote. He said the appropriate motion was to divide the question and he offered to entertain such a motion.

The minority leader moved to divide the question.

Fauliso, July 25, 1985.

138. DIVIDE THE QUESTION

The bill instituted a pilot project to help elderly people being discharged from hospitals, authorized a state grant to the Newington Children's Hospital, and dealt with expenditures at the Veterans' Hospital. A senator moved to divide the question into three parts.

The president pro tempore ruled that the motion was in order. The question was divisible because it consisted of two or more independent propositions. The rules required a vote on the motion [SR 23].

Murphy, June 28, 1983.

139. DIVIDE THE QUESTION

The bill made a number of changes in the ethics codes for public officials and lobbyists. An amendment (Senate "A") proposed to delete a prohibition against legislators' accepting employment on a "revolving door" basis with businesses they regulated or oversaw as legislators and to delete a requirement that state agency officials wear identification badges when they came to the capitol to influence legislation. A senator asked that the question be divided.

The president agreed that the amendment did contain two separate questions and ordered it divided.

Fauliso, June 7, 1983.

140. DIVIDE THE QUESTION

The bill concerned the procedure for elections and primaries. Among its sections was one that reduced the number of mandatory evening and weekend voter registration sessions that must be held before an election from six to two, and another that reduced the hours during which polls must be open for special elections. An amendment proposed to delete these two sections.

A senator asked that the question be divided so that separate votes could be taken on the deletion of each section. Since he was exercising his privilege of asking for division under SR 23, and not making a motion, he asked the president to rule on whether or not the amendment contained two independent questions rather than submitting the issue of division to a vote, as had been done earlier in the session.

The president ruled that the amendment did contain two independent propositions and ordered it divided in the manner requested.

Fauliso, April 21, 1982.

141. DIVIDE THE QUESTION—VOTABLE MOTION

A bill was returned to the Senate from the House with 10 House amendments. Upon advice of the president, the majority leader moved to reject all the House amendments.

A senator asked to divide the question into 10 parts. The majority leader asked for a roll call vote on the motion to divide. The senator stated that the motion to divide the question called for a ruling by the president and was not a votable motion unless the ruling was appealed [*Mason* 314 (3)].

The president did not make a formal ruling, but called on the clerk to announce a roll call vote on the motion to divide the question into 10 parts.

Fauliso, January 18, 1982.

142. DIVIDE THE QUESTION
PRECEDENCE OF MOTION TO DIVIDE
MOTION TO DIVIDE NOT DEBATABLE
ROLL CALL VOTE ON MOTION TO DIVIDE

The amended bill concerned state taxes for the 1981-82 fiscal year. The Finance Committee chairman began to explain the bill. A senator interrupted her to ask that the question be divided because the bill contained both the tax increases and tax repeals.

A second senator asked for a roll call on the question of division and began to state his opposition to the motion. The first senator raised a point of order that the motion to divide requires a ruling of the chair and is votable only upon appeal from the ruling [*Mason* 314 (3)].

The president ruled that the motion to divide must wait until the Finance chairman completed her remarks. He awarded her the floor [*Mason* 316 (4)].

When the chairman had concluded her remarks, the first senator renewed his motion to divide and the second, his motion for a roll call. The second senator asked to speak against the motion to divide. A third senator raised a point of order that a motion to divide

the question is not debatable when the rules of the body give any member the right to demand a division [*Mason* 314 (2); 316 (5)].

The president ruled the point well taken and refused permission for debate.

The second senator renewed his request for a roll call vote on the motion to divide. The third senator raised a point of order that division of the question was only votable upon appeal of a presiding officer's ruling on whether the question was divisible [*Mason* 314 (3)].

The president stated that a motion to divide had been made on the same bill in the House and the speaker had called for a roll call on the motion. Although a House precedent did not prevail in the Senate and though the Senate Rules did not require a roll call he, like the speaker, would exercise his judgment and require one in this instance [*Mason* 316 (6)].

The third senator cited Senate precedent where such a motion was decided by a ruling, not a vote, and argued that these precedents were controlling. He appealed the president's ruling that a roll call was required.

The president allowed brief debate on the appeal. On a roll call, the ruling was sustained. The president then called for a roll call vote on the original motion to divide the question. The motion was defeated.

Fauliso, January 18, 1982.

143. DIVIDE THE QUESTION
EFFECT OF DIVISION ON AMENDMENTS ALREADY ADOPTED

A bill taken up in the Senate had three sections: section 1 increased a town's mandatory contribution for a resident state trooper from 60% to 75%; section 2 allowed motor vehicle fine surcharges to be used for state police training; and section 3 transferred the Office of Statewide Emergency Telecommunications from the Department of Administrative Services to the Office of Civil Preparedness. The bill had been amended once by the House (House "A"). A senator moved to divide the bill because it contained points and sections so distinct and separate that each could stand separately. He moved to divide section 1 from sections 2 and 3 [*Mason* 313 (1)].

The president ruled that the question was divisible, but ordered that sections 1 and 2 be kept together and divided from section 3. The bill would be divided in this way because the first two sections both dealt with state police funding [*Mason* 313 (1); 314 (3)].

The senator chose not to appeal this form of division. Before the roll call on sections 1 and 2, a senator asked how the divided vote affected House amendment "A."

The president ruled that the vote would be on sections 1 and 2 as amended by House "A."

Fauliso, June 2, 1981.

144. DIVIDE THE QUESTION

The bill transferred funds from other accounts to pay for the Division of Consumer Counsel and repealed the authorization for compensation and expense reimbursement of the members of the Council on Voluntary Action and the Director of Volunteer Services. A

senator moved to divide the question on the grounds that the bill contained two independent propositions.

The president pro tempore ruled the question divisible and stated that separate votes would be taken on the sections of the bill dealing with the Consumer Counsel and the Counsel on Voluntary Action [*Mason* 313 (1)].

Murphy, May 20, 1981.

145. DIVIDE THE QUESTION
AMENDMENT PREVIOUSLY CONSIDERED (OVERRULED)

The bill repealed $23.8 million in state aid to municipalities. An amendment (Senate "E") was moved which eliminated the aid and also allowed the governor to rescind up to 10% of the amount appropriated for state expenses for fiscal year 1980-81. Both sections would take effect immediately. A senator moved to divide the question so the municipal aid repeal and the additional gubernatorial powers could be voted on separately.

The president ruled against division of the question because the amendment did not contain two or more independent subjects [*Mason* 314 (3)].

A senator appealed the ruling. On a roll call, the ruling was sustained. Senate "E" was then defeated.

A senator introduced another amendment (Senate "F") which also granted the governor the power to rescind up to 10% of the total appropriation for 1980-81, effective immediately, and repealed the $23.8 million in state aid to municipalities effective July 1, 1981. A senator raised a point of order that Senate "F" was improper because it was identical to Senate "E" and any amendment putting a question identical to one already decided is not in order [*Mason* 402 (4)].

The president invited limited debate.

Several senators argued that the change in the effective date of the aid repeal made Senate "F" substantially different from Senate "E."

The president ruled the two amendments identical and since the Senate had already defeated "E," "F" was out of order [*Mason* 402 (4)].

The ruling was appealed. Debate was not invited. On a roll call, the ruling was overturned. Senate "F" was later adopted.

Fauliso, January 29, 1981.

146. DIVIDE THE QUESTION

The bill prohibited discrimination against families with children in residential property rentals. A senator offered Senate "B" which exempted rental properties in which at least 10% of the units were already occupied by families with children, and added a provision that tenants could not be evicted from, or have leases terminated with respect to, apartments subject to the bill. A senator requested that Senate "B" be divided.

The president ruled that the two parts of the amendment were complementary and that neither part could stand alone [*Mason* 313(1)].

Fauliso, April 30, 1980.

147. DIVIDE THE QUESTION [SR 23]
REFER TO FINANCE [JR 3]
PASS RETAIN SUBSTANTIVE AMENDMENT [JR 18]
FISCAL NOTE [JR 15]

The bill concerned condominium conversion and the encouragement of new rental housing. The amendment (Senate "A") made changes in the condominium conversion laws with respect to the relations between landlords and tenants. It also included bonding provisions to allow the state to aid developers to construct new rental units or renovate existing ones. A senator moved to divide the amendment, for purposes of debating and voting.

The president ruled that a request for division was proper if the question contained two or more independent propositions, as this one did. No formal motion was required. Senate "A" was divided according to the method advanced in the motion.

The condominium conversion sections of Senate "A" were debated and adopted. The remaining sections were then taken up. A senator raised a point of order that, since these sections contained bonding provisions, they should be referred to the Finance Committee.

The president ruled that it would be impractical to refer such matters to Finance after its reporting deadline. In addition, the Finance Committee had considered this matter during its deliberations. Therefore, referral to Finance was not required.

The senator raised a further point of order that the amendment required a fiscal note. The introducer argued that the amendment, which specified an aggregate $10 million bond limit, was its own fiscal note.

The president ruled that the bonding sections of Senate "A" must have a formal fiscal note.

The first senator inquired if, when the fiscal note arrived showing an expenditure for bonding, the president would be prepared to rule on her request to refer those sections to Finance.

The president reiterated his earlier ruling that the sections need not be referred to Finance; however, a fiscal note must be obtained if a senator raises the point.

The senator withdrew her request for a fiscal note and debate continued. The introducer of the amendment moved to pass retain the bill.

The president ruled the motion to pass retain out of order. Only motions such as motions to adjourn or points of order which take precedence over motions to pass retain, may interrupt debate. The senator who was interrupted retained the floor.

On a roll call, the bonding sections of Senate "A" were defeated. The majority leader moved to pass retain the bill. The motion to pass retain was accepted and ruled proper. Without objection, the bill was pass retained.

The bill was taken up the next day. Senate "B" was offered, which struck out the entire bill and substituted a provision allowing towns to regulate condominium conversions

by ordinance. Senate "B" was adopted. A senator requested a ruling as to whether the amendment was substantive.

The president ruled Senate "B" substantive and that the bill must be returned to the legislative commissioners for reprinting.

A second senator moved to reconsider Senate "B" and then withdrew his motion. A third senator appealed the president's ruling that Senate "B" was substantive. On a roll call vote, the ruling was sustained.

Several days later, the reprinted bill was taken up again. A senator offered Senate "C" which deleted Senate "B," restored the condominium conversion sections of Senate "A" and added certain new provisions. Senate "C" was adopted. A senator requested a ruling as to whether Senate "C" was substantive.

The president ruled that Senate "C" was substantive, and that the bill must be returned to LCO for reprinting.

O'Neill, April 16, 17, and 23, 1980.

148. EMERGENCY CERTIFIED BILL—NOT PROPERLY BEFORE THE SENATE

The bill made various amendments to "repair" the state income tax, including adding deductions for dependents, extending the phase-out of the standard exemption, enhancing the standard exemption for single taxpayers, smoothing out tax "cliffs," and creating a property tax credit against state income tax. The bill was introduced through an emergency certification signed by the House speaker and Senate president pro tempore. A senator moved to adopt the bill in accordance with the House. Another senator raised a point of order that the bill was not properly before the Senate because it was not an emergency.

The president asked for debate on the issue. The majority leader argued that the bill was proper. JR 9 requires only that the two legislative leaders certify in writing that they find the bill be an emergency. He asked the clerk if the bill was accompanied by such a written certification. The clerk stated that there was a written emergency certification signed by the president pro tempore and the speaker.

The president ruled the point not well taken. The rule requires that the two leaders certify that, "in their opinion," the bill is an emergency. Although she allowed that the rule provided for a "flexible standard," the bill had met the requirements of JR 9 and was properly before the Senate.

Groark, February 3, 1993.

149. EMERGENCY CERTIFICATION

An emergency certified bill appropriating money to aid towns in removing snow was called. The majority leader moved to refer the bill to Appropriations. A senator raised a point of order that the emergency certification was improper because the bill did not necessitate an immediate vote. It therefore failed to meet statutory test for emergency certification (CGS § 2-26).

The president ruled the point not well taken. The bill was accompanied by a written certification from the House speaker and the Senate president pro tempore that "additional funds are required to assist the towns of the state in meeting the

increased costs of snow removal." The emergency certification complied with both the statute and the Joint Rules.

Fauliso, February 4, 1987.

150. FISCAL NOTE FROM SIMILAR BILL [SR 30]

Senate amendment "E" restored reimbursement for services provided by podiatrists, chiropractors, and naturopaths at the town and state levels. The majority leader raised a point of order that Senate "E" was out of order for lack of a fiscal note. The proponent of the amendment noted that there was a fiscal note from a previous amendment that was nearly identical to the amendment on the table.

The president ruled the point well taken and the amendment out of order.

Groark, August 29, 1991.

151. FISCAL NOTE REQUIRED

The bill conformed the state's business corporation act with a model act. A member offered Senate "A", repealing a tax on small business owners. A member asked if the amendment had a fiscal note, and the proponent stated that it was not necessary because the tax repeal would take place in the next fiscal year. The inquiring member raised a point of order that the amendment was not properly before the chamber because it had no fiscal note.

The president ruled the point well taken. Fiscal notes are required.

Rell, April 23, 2003.

152. FISCAL NOTE REQUIRED

The amended bill made several changes in the qualification for receiving unemployment compensation benefits and in the administration of the unemployment compensation system. The amendment (Senate "B") required that when an employer appeals an unemployment compensation decision and fails to appear to support the appeal, the claimant would be automatically granted benefits. A senator raised a point of order that Senate "E" was out of order without a fiscal note. The proponent stated that, although Senate "E" had no fiscal note, another drafted amendment was virtually identical and had been determined to have no fiscal impact.

The president ruled the point well taken. Senate "E" was not in order without a fiscal note since the rules require one for every amendment.

Rell, May 9, 1995.

153. FISCAL NOTE REQUIRED

Senate amendment "A" allowed victims of rape to have access to the medical records of the accused rapist to the extent that the accused rapist had the HIV virus infection. The majority leader raised a point of order that Senate "A" was out of order without a fiscal note.

The president ruled that the amendment failed for lack of a fiscal note.

Groark, May 8, 1991.

154. FISCAL NOTE REQUIRED

Senate amendment "A" removed the cap on the amount the Department of Income Maintenance could reimburse nursing homes for nurses' salaries. A senator raised a point of order that Senate "A" was out of order without a fiscal note.

The president ruled the point well taken. Senate "A" could not be entertained without a fiscal note.

Fauliso, April 27, 1988.

155. FISCAL NOTE REQUIRED

Senate amendment "B" was called. A senator raised a point of order that Senate "B" could not be considered without a fiscal note. The proponent argued that Senate "B's" fiscal impact was minimal or nil.

The president ruled the point well taken. No amendment could be offered without a fiscal note.

Fauliso, March 16, 1988.

156. FISCAL NOTE REQUIRED

The bill required the Office of Policy and Management to develop a program, including the adoption of regulations, to administer and coordinate all energy and utility assistance programs for poverty-level households. A senator introduced an amendment (Senate "D") to require OPM to investigate the feasibility of establishing a uniform heat loss measurement system. A second senator raised a point of order that the amendment required a fiscal note since there would be costs involved in implementing it [JR 15]. The first senator said that the amendment involved an extension of something that was already being done and, thus, he had not thought a fiscal note necessary.

The president ruled the point of order well taken. Fiscal notes are required whenever an amendment alters the fiscal impact of a bill. Senate "D" was such an amendment and was, therefore, out of order without a fiscal note.

O'Neill, November 16, 1979.

157. FISCAL STATEMENT

The amended bill made technical revisions in the laws relating to social services. A senator called Senate amendment "D" dealing with Medicaid managed care. A senator raised a point of order that Senate "D" was out of order without a fiscal statement as required by SR 30.

The president ruled the point well taken. The fiscal note on Senate "D" indicated potential cost to the state and municipalities. SR 30 requires Senate amendments that reduce state revenues or increase expenditures to have a fiscal statement in addition to the fiscal note.

Rell, May 6, 1996.

158. FISCAL STATEMENT

A bill concerning state payments to towns that have dog tracks was called. A senator offered Senate amendment "A," which replaced the bill entirely. Senate "A" allowed off-track betting facilities to operate seven days per week and permitted pari-mutuel facilities to keep money from uncashed winning tickets instead of paying it to the state. The fiscal note on the amendment estimated the revenue impact at anywhere from a $90,000 net revenue gain to a $55,000 net revenue loss.

A senator raised a point of order that Senate "A" was not properly before the Senate because it lacked the fiscal statement required by SR 30. The amendment's proponent argued that no fiscal statement was required because the revenue gain outweighed the revenue loss. The first senator stated that the fiscal note gave a range of impact and did not suggest that the two ends of the range should be offsetting.

The president ruled the point well taken. Senate amendment "A" was out of order.

The ruling was appealed and, on a roll call vote, sustained.

Rell, April 23, 1996.

159. FISCAL STATEMENT—AMENDMENT DOES NOT CHANGE CURRENT LAW

The bill made various technical corrections to the laws concerning the corporation, insurance premium, use, and personal income taxes and allowed the Office of Policy and Management to disclose bond ownership to the revenue services department. Section 7 of the bill made it clear that two people who jointly own property are entitled to a total property tax credit of $100 against their personal income taxes, whether they file joint or separate returns. The fiscal note on section 7 stated that, if adopted, it would avoid a possible revenue loss.

A senator proposed an amendment (Senate "A") to delete section 7. The fiscal note on Senate "A" stated that, if the amendment were adopted, the law would not change and a revenue loss of $53 million "may not be precluded." A senator raised a point of order that Senate "A" was not properly before the Senate because it was not accompanied by the required written statement of where the lost revenues would be made up in the budget (SR 30).

In debating the point of order, the amendment sponsor argued that the requirement for a fiscal statement applies only to proposals that change the law to create a revenue imbalance. Since the amendment kept the law unchanged, by definition, it neither reduced revenues nor increased expenditures. To rule in favor of the point of order, he argued, would have the effect of requiring senators to produce a fiscal statement whenever they proposed to do nothing. Instead, it is the bill which needed the fiscal statement, not the amendment.

The bill's proponent argued that the existing law was not clear and that the bill sought to avoid a revenue loss by making it so. The amendment, because it would leave the law unclear, could produce that very revenue loss. Thus, it required a fiscal statement. Another senator noted that the Senate rule applies only to amendments, not to bills and

therefore, the statement that the bill required the fiscal statement as well as a fiscal note was not correct.

The president ruled the point of order well taken. Although the fiscal note on Senate "A" was ambiguous, the president interpreted the wording that a $53 million revenue loss "may not be precluded" to mean that the revenue loss could happen. Thus, a fiscal statement had to be provided under SR 30.

Rell, April 23, 1996.

160. FISCAL STATEMENT

The amended bill allocated funding for tourism promotion. Senate amendment "B" extended the requirement for an annual "social health index" for the state. The fiscal note for Senate "B" indicated that it would cost $25,000 per year. A senator raised a point of order that Senate "B" was improper because the proponent had not offered a written statement specifying the source of the funding needed under the amendment as required by SR 30.

The president ruled the point well taken. Senate "B" was not in order.

Rell, June 2, 1995.

161. FISCAL STATEMENT

A senator offered Senate amendment "A" which restored a cost of living adjustment to workers' compensation beneficiaries. Another senator raised a point of order citing SR 30 that although there was a fiscal note indicating an indeterminate cost there was no written statement showing where the money was coming from and therefore the amendment was out of order.

The president ruled the point well taken and advised the senator that she could either rule the amendment out of order or it could be passed temporarily. The senator elected to pass the amendment temporarily.

Groark, April 26, 1994.

162. FISCAL STATEMENT [SR 30]

A senator offered Senate amendment "K" which would have created a Connecticut Institute for Municipal Studies and provided $1 million for its organization and development. A senator raised a point of order that there was no written statement indicating where the money was coming from and therefore the amendment was out of order.

The president ruled the point well taken.

Groark, May 27, 1992.

163. FISCAL STATEMENT—ADEQUACY [SR 30]

A senator offered Senate amendment "I" which would have altered the income tax. Another senator asked if the proponent had a written explanation of where the revenues would be made up in the budget. On request of the proponent, the Senate stood at ease

while a writing was prepared. The second senator raised a point of order that because the writing stated only that the money would be added to the budget lapse, it did not meet the requirements of SR 30.

The chair ruled that the requirement in SR 30 that "in addition to a fiscal note, [there must be] an explanation, in writing, of the decrease in expenditures or the source of the increased revenues required to balance the state budget," meant that there must be a scheme to show the source of the increased revenues required to balance the budget, not merely a reference to lapses.

The proponent of Senate "I" argued that SR 30 does not require a particular way of addressing a fiscal problem and appealed the ruling.

The president invited debate on the ruling. The majority leader argued that if finding the revenue in the lapse were sufficient, SR 30 would be undermined and be of no purpose because every budget has a lapse and SR 30 could be met by referring to the lapse.

A fourth senator noted that once a writing has been tendered with a legitimate explanation, the procedural requirements of SR 30 have been met. A fifth senator stated that SR 30 does not address the merits of what might be contained in a writing and that debate over the content of writings was problematical.

The president ruled that the existence of SR 30 indicates a demand for a scheme or depth of explanation and that a one line statement saying it would come from the lapse was insufficient.

The president ordered a roll call on the appeal and was sustained.

Groark, September 9, 1991.

164. FISCAL STATEMENT NOT WITH AMENDMENT [SR 30]

The bill exempted meals costing less than $2 from the sales tax even when they include nonalcoholic beverages not usually tax-exempt. A senator proposed Senate amendment "A" to reduce the state sales tax to 7%. A senator raised a point of order that the amendment was not properly before the Senate because, although it entailed a $130 million revenue reduction, it was not accompanied by a list of corresponding budget cuts as required under SR 30. The minority leader said that his party would address the $130 million revenue reduction when the Senate debated the budget for the next fiscal year.

The president ruled the point of order not well taken. He said that as long as any revenue reduction was considered in adopting next year's budget, the amendment was in order.

Fauliso, April 29, 1987.

165. FISCAL STATEMENT WITH SENATE AMENDMENT

SR 30 required Senate amendments with fiscal effects to have with them a written statement of the proposed source and size of the additional revenues or the reduction in expenditures resulting from each amendment. The bill limited deductions from state school construction grants in certain circumstances. An amendment (Senate "A") extended those limits on deductions to two additional sets of circumstances. A senator asked for a ruling on whether SR 30 applied to Senate "A."

The president pro tempore ruled that it would but for the fact that the amended bill would be referred to the Appropriations Committee if Senate "A" passed.

Robertson, April 17, 1985.

166. FLOOR, ACCESS TO

During debate on an ethics bill, a senator raised a point of order that a staff member from an executive branch agency was standing behind the committee chairman, inside the Senate circle, in violation of the Senate rules.

The president ruled the point not well taken. SR 28 allows executive branch agency staff to be on the floor with the permission of the president, the president pro tempore, or the majority or minority leader. The staff member in question had the permission of the majority leader to be on the Senate floor.

Rell, April 30, 1997.

167. IMMEDIATE TRANSMITTAL—RECONSIDERED BILL

On the last day of the session, a bill was defeated. Later the same day, a senator moved to reconsider the vote on the bill. The motion to reconsider carried and then the bill itself passed. A senator raised a point of order that SR 10 requires the clerk to retain bills until the one session day period for reconsideration had elapsed. Since this bill had been reconsidered and passed on the same day as its earlier defeat, the right of reconsideration had expired and the clerk should send the bill to the House immediately instead of holding it for another day.

The president ruled the point well taken. The clerk was required to retain bill until the right of reconsideration has expired and no longer. Since SR 26 provides that no bill may be reconsidered twice in the same session and the bill had already been reconsidered once, the reconsideration time must be deemed expired. The bill must be sent immediately to the House.

Fauliso, May 7, 1986.

168. IMMEDIATE TRANSMITTAL TO THE HOUSE [JR 17] (OVERRULED)

On the next to the last day of the session, a bill creating a state inspector general was called in the Senate. The bill was amended by House "A," which the Senate rejected. The Senate then adopted Senate "A." After the vote was announced, the majority leader moved to suspend the rules for immediate transmittal back to the House. The minority leader objected to the suspension and asked for a roll call vote. The vote was 21 to 15 for suspension. Because it failed to receive the necessary two-thirds vote, the motion failed.

After intervening business, the majority leader raised a point of order that, under JR 17, the inspector general bill should be immediately transmitted back to the House even though the rules had not been suspended. JR 17 provided for immediate transmittal in the last three session days of any bill on which one house rejects the other's amendment. The inspector general bill met this criterion.

The president invited debate.

The minority leader argued that JR 17 was not meant to allow automatic waiver of rules suspensions in the last three days, but merely to obviate the need for the house to which a bill is returned to print it on its calendar before taking action. He said use of the word "may" in the first part of the rule supported his interpretation because it gave the receiving house a choice of whether to consider the bill.

The president rejected the minority leader's argument concerning the first "may" in the rule, saying that because there was a comma after the clause containing the word, it did not enter into the interpretation of the crucial second half of the sentence. But he noted the word "may" is used throughout the rule. This means that the two houses can choose whether or not to transmit bills immediately without suspending the rules in the last three days. The inspector general bill met the standard of JR 17 in that the Senate had rejected the House amendment. Even so, the majority leader had moved to suspend the rules for immediate transmittal back to the House. By doing so, he chose not to exercise the automatic immediate transmittal option available under JR 17. The Senate failed to pass his motion by the requisite two-thirds. That decision could not now be reconsidered or altered because *Mason* forbids reconsideration or renewal of a motion to suspend the rules for the same purpose on the same day without some alteration in the parliamentary situation [*Mason* 283(6)]. The majority leader's point of order seeking immediate transmittal of the bill under JR 17 was, in effect, a move to reconsider that earlier decision and was, for that reason, not well taken.

The president ruled, furthermore, that the immediate transmittal option embodied in JR 17 was now foreclosed as far as the inspector general bill was concerned because the majority leader had not chosen to exercise it immediately after the amended bill passed.

The ruling was appealed and, on a roll call vote, the president was overruled.

The majority leader asked if it was in order to move the bill's immediate transmittal to the House.

The president said that no motion was necessary because the Senate had indicated by overruling him that such bills were to be transmitted automatically.

Fauliso, June 4, 1985.

169. IMMEDIATE TRANSMITTAL—CONSENT CALENDAR

The bill, as amended, was placed on the consent calendar. A senator then requested immediate transmittal to the House.

The president ruled that, if immediate transmittal to the House was desired, the bill had to be removed from the consent calendar, passed on a roll call, and then transmitted under a suspension of the rules. Otherwise, the bill would be transmitted to the House with the rest of the bills passed on consent at the end of the session day.

O'Neill, May 2, 1980.

170. LEGISLATIVE AUTHORITY

The bill provided for minimum benefits and improved administration in the state program of tax reductions for elderly homeowners and grants for elderly renters. The bill was amended by House amendment "H," which validated action regarding the circuit breaker program taken in a 1986 special session of the General Assembly. A senator raised a point of order that the amendment was improper because a case was pending asking the Superior Court to determine if the 1986 law was valid and "any matter awaiting adjudication in a court should not be debated or discussed in a legislative body" [*Mason* 111 (3)].

A second senator argued that the matter awaiting adjudication was whether the 1986 special session was properly and legally called. This was not strictly the subject of the amendment. House "H" merely sought to validate the action of the General Assembly in 1986 if the court determined that the 1986 session was illegal.

The president ruled the point of order not well taken.

Fauliso, June 3, 1987.

171. NONMEMBERS ON THE FLOOR [SR 38]

The Secretary of the Office of Policy and Management was sitting in a senator's chair conversing with the Appropriations Committee chairman. A senator raised a point of order that this violated SR 28 which prohibits persons other than members of the General Assembly and elected state officials from conversing with members in the Senate chamber while the Senate is in session.

The president ruled the point not well taken because there was no interference with debate.

The senator appealed the ruling of the chair arguing the rule should apply to executive branch officials regardless of what is being talked about. Another senator maintained that the rule prohibits circumstances where representatives of the administration come of their own volition, and does not on its face prohibit a member from requesting that executive branch officials discuss issues in order to conduct Senate business. The first senator noted that the rule is silent on whether a person is summoned.

On a roll call vote, the appeal failed.

Groark, May 2, 1994.

172. PASS RETAIN [SR 29]

A senator raised a point of order as to whether a motion to pass retain could be made while an amendment is on the floor.

The president, citing SR 29, ruled that a motion to pass retain is in order when a question is under debate.

Groark, May 1, 1994.

173. PASS RETAIN

A motion was made to pass retain a bill. A senator objected to the motion and asked to comment.

The president ruled that a motion to pass retain was both debatable and votable if objection exists.

Fauliso, May 5, 1980.

174. PASS RETAIN

Without objection, the bill was pass retained. Later the same day, a senator moved adoption of the bill.

The president ruled that a pass retained bill must be held over at least until the next session day.

Ballen, April 17, 1980.

175. PERSONAL PRIVILEGE, POINT OF

A senator rose for a point of personal privilege. He inquired through the chair whether the majority leader would call the Senate into session to allow a vote on a bill to cut the state gasoline tax rate as of April 1 as the governor had proposed. The majority leader replied that the gas tax reduction was not before the Senate and that the Senate's meeting dates depended on available legislation. The senator then asked the Finance Committee's ranking member whether the committee was considering any bill to reduce the gas tax that could be reported out within two weeks. The ranking member said that there were two such bills and, since the Finance Committee was scheduled to meet three times in the coming two weeks, it could vote on the bills at those meetings. The first senator then asked that, given that there was no assurance that the full Senate would have a chance to vote on before April 1st, that the gas tax reduction bill be emergency certified.

The Senate president pro tempore rose and asked the president to intervene and say whether the senator's questions to other senators and discussion about the gas tax bills were proper given that he rose to speak on a point of personal privilege.

The president said that points of personal privilege were just that. Inquiries were appropriate but senators are not permitted to question how other senators feel or how they want to or wish to vote or not vote.

Rell, March 13, 1998.

176. PETITION [JR 19]
SPLIT COMMITTEES

A senator moved passage of a bill which had been petitioned out of committee. The House members of the committee had previously reported the bill favorably and it had been passed by the House. A second senator raised the point of order that the bill was not properly before the Senate because (1) it had been in possession of the House and not the committee when the petition was delivered and (2) after passage by the House, the bill had been referred to the committee after its reporting deadline for petitions.

The president ruled the point well taken, since a bill reported out by one side of a split committee was no longer in the possession of the committee, and also since the reporting deadline established for a bill reported out by one side of a committee, passed by one chamber and subsequently referred to committee, was not met.

The ruling was appealed and sustained.

Killian, 1978.

177. PETITION INACCURATE

The petitioned bill received an unfavorable report from the Energy and Public Utilities Committee. A senator moved that the committee's unfavorable report be rejected and began to explain the bill. Another senator raised a point of order that the bill was improperly before the Senate because the petition circulated on its behalf did not refer to a bill in the Energy Committee's possession. The petition was for a proposed substitute bill which had been defeated in committee, leaving only the original bill in the committee's possession and available for petitioning out. Though the two bills dealt with the same subject, the substitute (that is, the bill the first senator was describing) was substantially different from the original.

The first senator argued that the petition was in order since the Senate clerk had crossed out the words "proposed substitute" when he received it, and none of the senators signing the petition inquired as to the difference between the original and substitute bills. Thus, despite the technical error, the petition could still be said to express the wishes of two-thirds of the Senate as required by the rules.

The president ruled the point of order well taken. When the petition was circulated and signed, it referred to a proposed substitute bill which was not in the committee's possession and could not therefore be petitioned. The change made in the clerk's office was not enough to remedy the inaccuracy. It was very important that petitions be absolutely accurate when they are circulated so members know what they are signing.

The first senator appealed the ruling, but on a roll call, the president was sustained.

Fauliso, April 21, 1982.

178. PETITIONS REJECTED BY THE CLERK [JR 8; 11]
APPEALS OF RULINGS NOT AUTOMATICALLY DEBATABLE [SR 3]

A senator raised a point of order that the Senate clerk had refused to receive and file four petitions for fully drafted bills. The senator stated that the petitions complied with the rules. The senator asked for a ruling on the clerk's authority to reject petitions.

The clerk said that the petitions had not reached his office within the required time and that he and the Legislative Commissioners' Office felt they were therefore invalid. He returned the petitions to their originators without filing them and now had nothing in his possession.

The president ruled that since the petitions had not been accepted by the clerk, there was nothing before the Senate on which he could effectively rule. He noted that the rules do not provide for appeal to the Senate president or the full Senate when petitions are rejected by the clerk. Similar situations had occurred

before and if they were considered a problem they could be addressed only through a rules change. He ruled the point not well taken.

The senator moved that the petitions be referred to the Government Administration and Elections Committee.

The president ruled the motion out of order. There was nothing before the body to refer because the clerk had rejected the petitions.

The senator appealed the ruling and asked for debate. The president refused permission for debate.

The senator raised a point of order that an appeal from a president's ruling, duly seconded, was automatically debatable.

The president ruled this point not well taken.

On a roll call, the president's ruling concerning the petition was sustained.

Fauliso, March 25, 1981.

179. POINT OF ORDER NOT TIMELY

The emergency certified bill banned the sale of specified assault weapons. It passed the House with 10 House amendments. The proponent moved to pass the bill in concurrence with the House. Another senator moved that the Senate vote separately on each House amendment. The proponent opposed the motion and the president called for a roll call vote. A senator raised a point of order that, under Senate precedent, no vote was required and that any senator could ask to have House amendments adopted separately. Another senator raised a point of order that the first senator's point was not proper because a roll call vote was in progress.

The president ruled the second point well taken. Points of order could not interrupt a roll call vote. Once the president had called for the vote and the machine was open, no point of order as to the appropriateness of taking the vote can be raised until the vote is finished [*Mason*, 241 (1)].

Groark, June 8, 1993.

180. POINT OF ORDER NOT TIMELY

The Senate passed a bill on the last day of the session. After intervening business, a senator raised a point of order that action on the bill was improper. The bill had not been properly before the Senate, he said, because the House, which acted on the bill earlier in the day, had not suspended the rules for immediate transmittal. A second senator argued that the first senator's point of order was improper because it was not raised before the irregularity or occasion for the point of order had passed. On procedural questions, it is too late as soon as the particular point has been passed or the next business taken up [*Mason* 241 (1)].

The president ruled the point of order was not timely.

Fauliso, June 3, 1987.

181. POINT OF ORDER—PRECEDENCE [SR 3]

The bill concerned a motor vehicle emissions inspections program. The amendment removed a provision in the bill requiring the state to bear the costs of the program over and

above income from inspection fees. A senator raised a point of order with respect to the unamended bill; that, in adding a provision for a legislative committee to approve or reject the proposed inspection agreement between the state and the contractor, the Appropriations Committee had exceeded its powers and substantively altered the bill.

A second senator moved to pass the bill temporarily.

The acting president ruled that the motion to pass temporarily could not be made until the point of order was disposed of.

Prete, April 28, 1980.

182. POINT OF ORDER RAISED DURING TECHNICAL SESSION

During a session held to advance the calendar, a senator moved that items on the Senate agenda be acted upon as indicated. The agenda included two favorable reports to be read for the second time and tabled for the calendar and printing. Another senator raised a point of order that one of these bills was not germane to the subject of the special session.

The president pro tempore ruled that the point of order, although technically timely, must be held in abeyance until a regular session when the entire Senate was present and could discuss the bill's germaneness. In the meantime, he allowed the bill to be read a second time, printed and put on the calendar. He also stated that no ruling against the senator's point would be made solely on the grounds that it was not timely raised.

Murphy, December 21, 1981.

183. POINT OF ORDER—UNFAVORABLE REPORT

The bill received an unfavorable report from the Transportation Committee. A senator moved to overturn the unfavorable report. A second senator raised a point of order that the bill was improper because it contained a $30,000 appropriation not approved by the Appropriations Committee.

The president ruled the point not well taken. Because the bill had received an unfavorable report, it was not technically before the chamber until the unfavorable report was overturned, if it was.

O'Neill, June 1, 1979.

184. PUBLIC HEARING—PETITIONED BILL [JR 8; 9]

The bill prohibited the use of steel-jawed leg hold traps in the state. On a roll call vote, the Environment Committee's unfavorable report was overturned. A senator raised a point of order that the bill was not properly before the Senate because it had no public hearing.

The president ruled the point not well taken. Public hearings were not required for unfavorable reports because if public hearings had to be held on petitioned bills, committee chairmen could circumvent the petition process simply by never holding a hearing on the bill.

O'Neill, April 22, 1980.

185. PUBLIC HEARING—SUBSTITUTE BILL

The substitute bill increased several state taxes effective April 1. A senator raised a point of order that it was improperly before the Senate because it had not had a public hearing and was not germane to the subject of the original bill on which the hearing was held. The original house bill had placed a statutory limit on the state's total bonded indebtedness. That bill had a hearing and the substitute had been reported out four days later. The substitute was not germane to the original so there should have been a second hearing [JR 15, *Mason* 402].

The bill's proponent argued that, traditionally, substitute bills are never given new hearings and that the original bill dealt with taxation.

The president ruled the point not well taken because the substitute was germane to the original.

The ruling was appealed and sustained.

Fauliso, March 31, 1983.

186. QUORUM

A senator requested the president to rule on the presence of a quorum, there being 18 senators in the chamber and the president in the chair.

The president ruled a quorum was present, although he was in the chair and not voting.

Doocy, February 1965.

187. RECESS DURING VOTE

While a rising vote was being counted, a senator moved for a recess. A second senator rose to a point of order that no motion for a recess could be entertained while a vote was in progress.

The president ruled the point well taken.

Shephard, 1941.

188. RECOMMIT
DEBATE, CONDUCT OF

A senator moved to recommit a bill. Another senator objected and stated his reasons. A third senator said that the opponent of the motion did not understand the bill and that, rather than reading the bill himself, he was taking his cue from the ranking member of the Finance Committee.

The president ruled that the motion to recommit was debatable only with respect the appropriateness of the recommittal. The main question was not open for debate. In addition, he cautioned senators to discuss the issue and avoid personalities.

The third senator argued that he had not engaged in personalities but merely reported what was happening on the Senate floor.

The president reiterated that it was improper debate to cast aspersions on a senator for conferring with a colleague. He again asked all senators to confine their remarks to the motion to recommit.

Fauliso, May 21, 1987.

189. RECOMMIT BUDGET BILL

The president ruled that an amendment to the revenue projections in the budget bill was out of order. The ruling was appealed and sustained. A senator moved to recommit the bill to the Finance, Revenue and Bonding Committee so that committee could revise the revenue projections on which the budget was based. Another senator raised a point of order that the motion to recommit was out of order as the budget bill had been reported out of Appropriations and had never been to the Finance Committee.

The president ruled the point well taken and the motion out of order.

The first senator changed his motion to a motion to refer the bill to the Finance Committee.

Fauliso, May 19, 1987.

190. RECOMMIT—DEBATABLE MOTION

A senator requested a ruling on whether a motion to recommit was debatable.

The president ruled that it was.

Doocy, 1963.

191. RECOMMIT—FINAL ACTION; REINTRODUCTION OF SAME ISSUE IN AMENDMENT IS OUT OF ORDER

The bill concerned penalties for the sale or possession of controlled substances and for money laundering. A senator introduced Senate "A," an amendment to the death penalty statute that was identical to a bill the Senate had recommitted to the Judiciary Committee earlier in the session. A senator raised a point of order that the amendment was improper because the Senate had taken final action on the issue by voting to recommit the earlier death penalty bill to Judiciary after that committee's reporting deadline. Under Senate rules, no question that has been finally disposed of may be brought before the Senate again in the same session [*Mason* 65]. The amendment's proponents argued that the earlier vote to recommit the bill had been a procedural action and that the substance of the amendment had not been finally decided. Therefore, it was permissible to introduce it as an amendment.

The president pro tempore ruled the point well taken. Under the rules, recommitting a bill to committee after its reporting deadline was final action. Therefore, Senate "A" was out of order.

The ruling was appealed and sustained.

Larson, May 26, 1987.

192. RECONSIDER, MOTION TO—LIMITED DEBATE ALLOWED

The bill established a waiting period between purchase and delivery of certain firearms. The Senate adopted Senate amendment "A" and the bill was then passed retaining

its place on the calendar. When the amended bill was called again on the next session day, a senator who had voted for Senate "A" moved to reconsider its adoption. After some debate on the motion, a senator raised a point of order that both the proponent and opponent were going beyond the procedural issue of reconsideration and discussing the merits of the amendment.

The president ruled that a motion to reconsider was open to debate but that the debate must be confined to the question before the chamber. Since the issue before the Senate was a motion to reconsider Senate "A," debate was limited to that issue [*Mason*, 101 (1)].

Fauliso, May 1, 1990.

193. RECONSIDER

An amendment was adopted by a standing vote. The bill as amended was then adopted by a roll call vote. Later the same day, a senator moved to reconsider the bill. The motion was adopted. Another senator then moved to reconsider the amendment. A third senator raised a point of order that the motion was improper because the amendment had been adopted by a standing vote and, unlike a roll call, there was no record of which senators were on the prevailing side. The rules require a senator to be on the prevailing side to move reconsideration.

The president ruled the point not well taken and that the senator could make the motion.

Fauliso, June 3, 1987.

194. RECONSIDER A BILL THAT FAILED ON A TIE VOTE

A senator moved to reconsider a bill that had been defeated on a tie vote. He stated that he was on the prevailing side. Another senator contended the motion was out of order since on a tie vote neither side prevails.

The president ruled the point not well taken. Since a tie vote means that a bill fails to pass, any senator who voted against it can be said to have prevailed. The senator had voted against the bill on the previous vote and was thus allowed to move reconsideration under the rules.

Fauliso, May 7, 1986.

195. RECONSIDER A MOTION TO RECOMMIT

A senator moved to reconsider the Senate's earlier decision to recommit a bill to the Judiciary Committee. A senator raised a point of order that a motion to refer a matter to committee may not be reconsidered [*Mason*, 390].

The president ruled that the motion was in order because SR 26 allows any vote to be reconsidered within one session day provided the bill is still in the Senate's possession. Senate rules take precedence over *Mason*, but even *Mason* allows a motion to refer to committee to be withdrawn [*Mason* 390 (2)] and this motion to reconsider would have the same effect as a motion to withdraw.

Fauliso, April 30, 1986.

196. RECONSIDER A MOTION TO REFER SENATOR PRESENT FAILS TO VOTE REFER TO APPROPRIATIONS

A Labor Committee bill that had been pass retained was called and Senate amendment "A" was proposed. Senate "A" changed the bill's effective date in order to defer the costs estimated in the fiscal note to the 1987-88 fiscal year. On a roll call vote, the amendment was defeated. A senator moved to refer the bill to the Appropriations Committee because of the fiscal note. A senator raised a point of order that the motion to refer was not proper because the Senate had defeated the same motion the day before by a vote of 18 to 15.

The president ruled the point well taken.

A senator then moved to reconsider the previous day's vote not to refer the bill to Appropriations, saying he had been on the prevailing side of that vote. A senator raised a point of order that procedural motions, such as motions to refer, are not subject to reconsideration [*Mason*, 456].

The president ruled that SR 26 allows any vote, except a motion to adjourn or a motion for the previous question, to be reconsidered on the day of the vote or on the next session day. The Senate rules take precedence over *Mason*, so the point was not well taken.

On a roll call vote the motion to reconsider the question of referral to Appropriations was adopted. On a second roll call, the motion to refer was defeated by a vote of 17 to 16. A senator raised a point of order that one senator was present in the chamber and failed to vote.

The president ruled the point not well taken as the result had already been announced.

A senator raised a point of order that the bill must be sent to Appropriations because the motion to refer was not defeated by at least a two-thirds vote.

The president ruled the point not well taken. The Joint Rules require that any bill carrying or requiring appropriations must be referred to Appropriations "unless such reference is dispensed with by a vote of at least two-thirds vote of each house" [JR 3(A)(1)].

Fauliso, April 30, 1986.

197. RECONSIDER, TIME LIMIT FOR

A senator moved to reconsider a judicial nomination defeated the previous day. Another senator moved to adjourn. The first senator inquired whether, if the motion to adjourn carried, his motion to reconsider could be brought up the following day.

The president ruled that it could not be brought up the following day because the rules allow for reconsideration of a question only on the same session day or the one immediately following. The time limit for reconsidering the judicial nomination would expire on adjournment.

Fauliso, April 29, 1986.

198. RECONSIDER MOTION TO SUSPEND RULES REFER TO FINANCE

The bill changed the license fee for distributors selling cigarettes exclusively from vending machines. A senator introduced an amendment (Senate "A") to exempt sales of milk from vending machines from the sales tax. Senate "A" was adopted. A senator introduced Senate "B," a technical amendment, which was adopted by a voice vote.

Another senator moved to refer the bill to the Finance Committee because of the potential revenue loss occasioned by the adoption of Senate "A." The proponent of Senate "A" moved to suspend the rules to dispense with the reference to Finance. The motion to suspend the rules was defeated on a roll call vote. The senator renewed his motion to refer the amended bill to Finance. Another senator moved to reconsider the motion to suspend the rules.

The acting president ruled the motion out of order. Motions to suspend the rules may not be reconsidered or renewed for the same purpose on the same day unless other business has intervened or the parliamentary situation has changed [*Mason* 283, 6].

The motion to refer the bill to Finance was defeated on a roll call vote. The proponent then moved to place the bill on the consent calendar. A senator raised a point of order that the bill was not properly before the Senate because it had not been to the Finance Committee even though, by virtue of Senate "A," it would cost the state revenue.

The acting president ruled the point not well taken because the issue of reference to Finance had been decided when the Senate defeated the earlier motion to refer.

A senator objected to transferring the bill to consent. On a roll call vote, the bill was adopted. The majority leader moved to reconsider the bill. The motion was adopted. The item was then passed temporarily and, later, on the committee chairman's motion, was referred to Finance.

Markley, May 29, 1985.

199. RECONSIDER

The bill concerned liquor stores that wished to move to other locations. The Senate passed the bill with one amendment, Senate "A." Later, it accepted a motion to reconsider passage, and following reconsideration, pass retained the bill. When it was called again on the next session day, a senator moved to reject Senate "A." Another senator raised a point of order that the correct procedure was to introduce a new amendment to delete Senate "A."

The president pro tempore ruled that the motion to reject Senate "A" was not in order. Since the bill itself was reconsidered, the proper motion to accomplish deletion of Senate "A" was to reconsider, and then reject, Senate "A."

On a roll call vote, Senate "A" was reconsidered and later defeated. A senator moved to pass retain the bill. That motion was defeated on a voice vote. Another senator then moved to reconsider the bill and asked his colleagues to defeat the motion.

The president pro tempore ruled the motion out of order because a bill can only be reconsidered once under SR 26.

Robertson, May 15, 1985.

200. RECONSIDER [SR 26]
BILL TRANSMITTED TO OTHER HOUSE IN ERROR [SR 10]

The bill was passed by the House and sent to the Senate. It was taken up by the Senate on the next to last day of the session when an amendment (Senate "A") was adopted. The bill, as amended by Senate "A," was passed. The amended bill was sent back to the House at the end of the day. The House took it up the next day (the last of the session).

While the bill was being debated in the House, a senator raised a point of order that the bill should not have been sent to the House at the end of the previous day, but should rather have been held by the Senate clerk until the time limit for reconsideration in the Senate had passed. That time limit does not expire until the end of the session day after the bill passes unless the rules are suspended for immediate transmittal, which had not occurred in this case.

The president ruled the point well taken. He directed the Senate clerk to inform the House clerk that the bill was not properly before the House and that any action taken by the House on the bill was invalid and void. He asked that the bill be returned to the Senate.

The speaker of the House refused to return the bill to the Senate on the grounds that the House had already taken it up and it was beyond the power of the Senate president to rule on whether bills were properly or improperly before the House.

The bill passed the House and was later signed by the governor.

Fauliso, May 5, 1982.

201. RECONSIDER A PASS RETAINED BILL [SR 26]

On a roll call, an amendment was adopted. A senator then moved to reconsider the amendment but later withdrew that motion. A motion to pass retain the amended bill was made and accepted. After intervening business, the senator again moved to reconsider the amendment.

A senator raised a point of order that the motion to reconsider was not in order since the bill had been pass retained and could not be taken up until the next session day at the earliest.

The president pro tempore ruled that, notwithstanding the earlier pass retaining of the bill, the motion to reconsider was in order because it had been made within the time limit for reconsideration.

Murphy, May 21, 1981.

202. RECONSIDER ON THE SAME SESSION DAY [SR 26; JR 5]

A senator moved to reconsider action on a bill taken earlier in the day. Another senator inquired whether reconsideration on the same session day as the original action was proper under the Joint Rules.

The president ruled that the motion was in order and that the rule concerning reconsideration on the next day applied only to committees.

Fauliso, May 5, 1981.

203. RECONSIDER [SR 26]
EXPLAIN VOTE

On a roll call vote, Senate amendment "N" failed. On a later roll call, the bill was passed. After intervening business, a senator rose to state that he had inadvertently voted against Senate "N" and asked to change his vote.

The president ruled that no changes in votes can be made after the vote is announced [*Mason* 535(6)]. If the senator wished to correct his vote, he must move reconsideration.

The senator, being on the prevailing side (albeit by mistake), moved to reconsider Senate "N."

Another senator raised a point of order that, because the bill itself had already passed, a motion to reconsider the whole bill rather than just Senate "N" was required. The first senator could not, however, move to reconsider the bill because, having voted to defeat it, he was not on the prevailing side [SR 26].

The president ruled the point well taken. He suggested that the senator explain the inadvertence of his "no" vote and ordered the Journal to note his explanation [*Mason* 528 (1)].

Fauliso, April 29, 1981.

204. RECONSIDER, APPLICABILITY OF MOTION TO [SR 26]
RECOMMIT, PRECEDENCE OF MOTION TO

The bill was amended twice by the Senate and once by the House. Upon the bill's being called again in the Senate, a motion to pass the bill in concurrence with the House was made. On a voice vote the bill passed. After intervening business, a senator moved to reconsider the bill.

The president ruled that the only item which could be reconsidered was House "A," passed earlier that day. Adoption of House "A" had automatically caused the bill to pass. The bill itself had not been acted on.

A second senator moved to recommit the bill to committee. A senator raised a point of order that the motion to recommit was not proper as a motion to reconsider House "A" was already on the floor.

The president ruled that the motion to recommit took precedence.

On a roll call, the motion to recommit failed.

The first senator withdrew his motion to reconsider House "A."

The president ruled that the withdrawal of the motion to reconsider meant the bill stood as passed.

The second senator then moved to reconsider House "A." On a roll call vote, the motion was defeated.

O'Neill, May 5, 1980.

205. RECONSIDER AFTER CONFERENCE COMMITTEE REPORT [SR 26]

A bill had been passed by the Senate with three amendments. The House had passed one of the amendments, but had rejected the other two. The Senate insisted on these two amendments. After a conference committee, a senator moved that one of the amendments be reconsidered. Another senator inquired whether the motion constituted a second reconsideration of the amendment, contrary to the rules.

The president ruled that the motion to reconsider was in order in that the action taken by the Senate in insisting on its amendments did not constitute a first reconsideration.

Killian, 1978.

206. RECONSIDER TWICE [SR 26]

A senator pointed out that, a motion to reconsider the bill having been previously acted upon, a second motion to reconsider the same bill could not be entertained under the Senate rules.

The president gave his opinion that, the bill having been reconsidered once, another motion to reconsider it could not be entertained unless there was an appreciable change in the bill between the two motions.

Shepard, 1941.

207. REFER, EFFECT OF MOTION TO—RECOMMIT

Several amendments were added to a bill reported out of the Planning and Development Committee. A senator moved to refer the amended bill to Planning and Development. A second senator asked the president pro tempore whether the effect of adopting the motion would be to recommit the bill.

The president pro tempore ruled that a bill may be referred back to committee when numerous amendments are proposed or substantial revision is required [*Mason* 384 (3)]. Such a referral is not the same a recommittal and the bill may come back to the floor.

Larson, April 29, 1988.

208. REFER, MOTION TO—DILATORY

The bill eliminated the Alcohol Education and Treatment Fund and transferred the money to the General Fund. House amendment "B" raised the drinking age to 20. A senator raised a point of order that the bill as amended by the House was improperly before the Senate because it had not been referred to the General Law Committee and he moved to refer it there.

The president pro tempore ruled the point not well taken because it was not timely. The senator had previous opportunities to raise the jurisdictional issue and had not done so. Under the circumstances, the motion to refer to General Law was dilatory.

Murphy, June 6, 1983.

209. REFER, MOTION TO—TIMELINESS

The bill allowed former prisoners of war to have special license plates. It received a favorable report from the Appropriations Committee. A senator raised a point of order that the bill was improper because it had not been to the Transportation Committee, which has jurisdiction over matters relating to the Motor Vehicle Department.

The president ruled the point not well taken because it was untimely. Citing a ruling made earlier in the session, he stated that objections to committee references must be made at the time of a bill's first reading.

Fauliso, April 26, 1982.

210. REFER, MOTION TO—TIMELINESS

The bill concerned the right to a natural death and the ramifications of "living wills." It received a favorable report from the Judiciary Committee. When the bill was taken up, a senator raised a point of order that it was improperly before the Senate because it had not been referred to the Public Health Committee. In past sessions, similar bills had been sent first to Public Health.

The president ruled the point not well taken on the grounds that the objection was not timely. Objections to committee references must be made at the time a bill has its first reading.

Fauliso, April 19, 1982.

211. REFER TO APPROPRIATIONS [JR3]

The bill authorized two optional property tax relief programs. The fiscal note indicated that implementing the programs could result in a cost to certain municipalities. The bill's proponent raised a point of order that under the rules, a bill that carries a cost to municipalities must be referred to the Appropriations Committee.

The president ruled the point not well taken because participation in the program would be permissive and the fiscal note does not note a specific impact on either the state or municipalities.

Rell, May 4, 2004

212. REFER TO APPROPRIATIONS [JR 3]

The bill concerned library construction grants. Among its provisions were appropriations to vocational agriculture centers and to Project Concern. A senator raised a point of order that the bill was not properly before the Senate because it had not been to the Appropriations Committee. The rule requires "all bills or resolutions containing or requiring appropriations. . . shall be referred to the [Appropriations] committee, unless such reference is dispensed with by at least a two-thirds vote of each house. . ." [JR 3(b)(1)]. The Education Committee chairman argued that the rule did not apply to the bill because it did not contain a new or enlarged appropriation.

The president ruled the point not well taken. The fiscal note on the amended bill stated that it would result in a net savings of $2.7 million and would redistribute these excess funds into vocational agriculture grants. In accordance with Senate precedent, she ruled that a bill that simply reallocates money previously appropriated was not subject to the required referral to Appropriations under JR 3.

Rell, May 6, 1996

213. REFER TO APPROPRIATIONS

The bill concerned prison overcrowding and had been favorably reported by the Judiciary Committee. The fiscal note indicated an indeterminate cost possibly reaching as high as $15 million to $20 million. A senator moved to suspend the rules to allow the bill to be taken up without a referral to Appropriations.

The president ruled that no suspension and no referral to Appropriations was required since the cost was indeterminate.

Rell, April 26, 1995.

214. REFER TO APPROPRIATIONS –MUNICIPAL MANDATE

The bill required towns to maintain health insurance for retirees at the same level as provided prior to retirement. A motion to refer the bill to the Appropriations Committee failed. The moving party raised a point of order that under the rules, a bill that carries a municipal mandate must be referred to that committee.

The president pro tempore ruled the point not well taken. Fiscal notes specifically identify municipal mandates when they occur, and this bill's fiscal note does not do so.

Sulllivan, May 21, 2003.

215. REFER TO APPROPRIATIONS—MUNICIPAL MANDATE [JR 3, CGS § 2-32b]

A senator raised a point of order that a bill changing the conditions under which a board of finance must obtain town meeting approval prior to authorizing expenditures above appropriated amounts was not properly before the Senate because JR 3 and CGS § 2-32b require reference to the Appropriations Committee. The proponent of the bill argued that JR 3 and CGS § 2-32b did not apply because the bill did not place any mandate on towns, it simply allowed them to use an existing process to authorize larger appropriations. The senator argued that enlargement of an existing mandate requires referral to the Appropriations Committee and that the fiscal note indicated possible additional expense to municipalities. The proponent of the bill argued that the fiscal note indicated an indeterminate savings for municipalities, not increased costs.

The president ruled the point not well taken because the fiscal note stated there was a reduction in the amount of expenses to towns.

Groark, April 26, 1994.

216. REFER TO APPROPRIATIONS—MUNICIPAL MANDATE (OVERRULED) [JR 3, CGS § 2-32b]

A senator moved to refer the bill authorizing video gaming machines and providing revenues to towns to the Appropriations Committee under JR 3. JR 3 requires that bills creating or enlarging state mandates as defined in CGS § 2-32b(a)(2) be referred to Appropriations unless the reference is dispensed with by at least a two-thirds vote of each house. The senator maintained that a requirement in the bill that municipalities send out a notice to property owners was a mandate within the meaning of JR 3.

The president ruled the point well taken and invited debate.

The majority leader argued that "state mandate" under CGS § 2-32b(a)(2) means a state-initiated constitutional, statutory, or executive action requiring a local government to expand or modify activities in a way that requires expenditure of additional local revenues, and that the bill was merely a "direct pass through" of funds.

The senator argued that the bill's requirement that towns send a notice was a mandate because it required expenditure of additional dollars. He referred to the definition of "state service mandate" under CGS § 2-32b(a)(6).

The majority leader countered that the senator was confusing "state mandate" as defined in CGS § 2-32b(a)(2), with "state service mandate" defined in CGS § 2-32b(a)(6), which is not covered by JR 3. A state service mandate is "a state mandate as to creation or expansion of governmental services or delivery standards therefor and those applicable to services having substantial benefit spill over and consequently being wider than local concern."

The senator maintained that the mandate in question would come within either definition of mandate.

The majority leader argued that the bill did not fall within the definition of "state mandate" necessitating additional expenditures from local revenues. On a $70 million bill, he opined the effect would be "barely measurable" and would therefore "fall within the de minimus rule if there is any."

The senator pointed out that the notice was an expensive proposition to small towns and was clearly a mandate required to be reviewed by Appropriations.

On a roll call vote, the president's ruling that the bill included a mandate was overruled.

Groark, April 29, 1992.

217. REFER TO APPROPRIATIONS

A senator called Senate amendment "A" to a Judiciary Committee bill. Senate "A" enacted a Commission on State Governmental Efficiency's recommendations concerning the state's child support enforcement program. The amendment, in the form of a bill, had received a public hearing in the Finance Committee. During debate on Senate "A," its proponent argued that it would save the state money. The fiscal note reported that the cost of implementing the amendment could not be determined. A senator raised a point of order that the amendment must be referred to the Appropriations Committee.

The president ruled the point not well taken. If the amendment was adopted, the senator could move to refer the amended bill to committee. Such a motion would

be debatable and votable. The president would not rule on the propriety of a reference, since that was for the Senate to decide.

Fauliso, April 12, 1990.

218. REFER TO APPROPRIATIONS

Senate amendment "A" provided several types of residential property tax relief. The fiscal note estimated that the amendment would cost $1 million in FY 1988-89. Senate "A" was adopted. A senator raised a point of order that the amended bill had to be referred to Appropriations because it would put the state budget out of balance. Other senators argued that the money would come from a special fund and would not unbalance the budget.

The president ruled the point well taken [JR 3]. All matters carrying appropriations must be referred to the Appropriations Committee. The potential of a particular amendment to balance or unbalance the budget is irrelevant to the issue of reference.

The ruling was appealed but the appeal was later withdrawn and the bill was sent to Appropriations.

Fauliso, April 26, 1988.

219. REFER TO APPROPRIATIONS

The fiscal note on the amendment showed a $60,000 state revenue loss. A senator raised a point of order that the amendment was out of order because it had not been considered by the Appropriations Committee.

The president ruled the point not well taken because amendments to bills cannot be sent to committees before they are adopted.

Fauliso, March 16, 1988.

220. REFER TO APPROPRIATIONS SUSPEND THE RULES

The bill required the commissioner of environmental protection to report to the General Assembly within two years on options for managing the state's public groundwater supplies. The fiscal note showed a state cost of $125,000 for the bill. A senator moved Senate amendment "A," which appropriated $75,000 for a study of algae problems at Lake Waramaug. The Appropriations Committee chairman said the majority planned to reduce an appropriation attached to another bill coming up from the House in order to provide enough money for the Waramaug study. On a voice vote, Senate "A" was adopted.

The minority leader moved to refer the bill to Appropriations. The proponent moved to suspend the rules to dispense with referral.

The acting president ruled the motion to suspend the rules took precedence over the motion to refer, and that the vote on suspension would also, in effect, decide the question of referral.

The minority leader opposed the motion to suspend the rules and objected to the process by which the Lake Waramaug appropriation was being enacted. The bill's proponent raised a point of order that a motion to suspend the rules was not debatable.

The acting president ruled the point well taken.

On a roll call vote, the rules were suspended. The bill was then passed on consent.

DiBella, May 29, 1985.

221. REFER TO APPROPRIATIONS, NEW FISCAL NOTE

The bill required anyone who arranged, advertised, or provided homemaker health aides or homemaker health services to be licensed and regulated by the Health Department. The fiscal note showed state costs of $18,750 in the 1985-86 fiscal year. The bill had been favorably reported by the Appropriations Committee. The Appropriations chairman asked that the bill be sent back to his committee because the fiscal note was new and the bill's cost was not included in the budget. The proponent argued that the fiscal note was in error.

The acting president said the rules required the bill to go back to Appropriations as long as the fiscal note remained on it. He said the proponent could move to pass retain the bill to work on it.

On the proponent's motion, the bill was pass retained.

Morano, May 28, 1985.

222. REFER TO APPROPRIATIONS [JR 3; CGS § 2-35] REVISED FISCAL NOTE

The bill concerned state revenue for the coming year. When it was called, a senator raised a point of order that it was not properly before the Senate. He said that it should be referred to the Appropriations Committee because its fiscal note indicated a $1 million cost [JR 3(1) and CGS § 2-35]. The bill's proponent stated that a revised fiscal note showed that no appropriation was needed.

The president ruled the point not well taken based on the revised fiscal note.

The ruling was appealed and sustained.

Fauliso, June 2, 1983.

223. REFER TO APPROPRIATIONS [JR 3] DEBATE, CONDUCT OF

A senator explained the bill. Another senator raised a point of order that, due to its fiscal impact, the amendment should be referred to Appropriations. The chairman of the Appropriations Committee quoted a fiscal note estimating that the cost of the amendment would be substantial. Since adoption of the amendment would create an imbalance in the budget already adopted, he asked that the amendment be ruled out of order.

The president pro tempore invited limited debate.

The proponent argued the cost of the amendment. A senator raised a point of order that the senator was speaking to the amendment rather than the point of order.

The president pro tempore ruled the point well taken and advised the proponent that he had strayed from the central issue. The president then ruled the original point was not well taken and that the amendment was proper.

Fauliso, May 31, 1979.

224. REFER TO APPROPRIATIONS [JR 3]
MOTION CONSIDERED TWICE [SR 26]

House amendment "A" was adopted by a roll call vote. A senator moved to refer the bill to Appropriations. The motion was defeated. A senator moved House amendment "C" which added a $2 million appropriation to the bill. A senator raised a point of order that the bill must be referred to Appropriations as the $2 million had not been approved by that committee.

The first senator raised a point of order that the second senator's point was not in order because the question of reference to Appropriations had already been decided by the Senate and the same question could not be considered twice without reconsidering the first vote.

The acting president ruled the senator's point regarding reconsideration not well taken. Raising a point of order was different from moving to refer to Appropriations. Since the point of order had not already been decided, it was proper. On the point concerning the reference, the acting president ruled that, although House "C" required expenditure of up to $2 million, it was not $2 million in new money, but a reallocation of money previously appropriated. Therefore, referral to Appropriations was not required.

Murphy, May 30, 1979.

225. REFER TO APPROPRIATIONS [JR 3]
FISCAL NOTE [JR 15]
PASS TEMPORARILY, PRECEDENCE OF MOTION TO [SR 28]

A series of amendments to a bill required towns to institute mandatory workfare and job training and education programs for certain welfare recipients. A senator offered a further amendment (Senate "G") to require the state to reimburse towns for their expenses incurred as a result of these added provisions.

A second senator raised a point of order that Senate "G" was not proper because it was not accompanied by a fiscal note. The amendment required the state to cover all town costs and this was not provided for in the budget. He also moved that the amendment be referred to Appropriations.

The acting president ruled that amendments alone may not be referred to committees. If the amendment were adopted, then the question of referring the whole bill could be raised. With respect to the question of a fiscal note, the president ruled that the bill could be pass retained and a fiscal note obtained if desired. However, the amendment was properly before the chamber without a fiscal note.

The second senator moved to pass retain the amendment to obtain a fiscal note.

The acting president ruled the motion out of order. Amendments may not be pass retained. If the amendment were adopted, the whole bill could be pass retained or the amendment could be passed temporarily while a fiscal note was obtained.

The senator moved to pass the amendment temporarily. A third senator asked whether the first senator's original motion to adopt Senate "G" should not take precedence over a motion to pass it temporarily.

The acting president ruled the motion to pass temporarily took precedence and was in order.

The second senator withdrew his motion to pass temporarily. After further debate, Senate "G" was withdrawn.

Murphy, May 30, 1979.

226. REFER TO APPROPRIATIONS [JR 3; CGS § 2-35]

The substitute bill was read for the third time and explained. A senator raised a point of order that although the bill required an appropriation, it had not been considered by the Appropriations Committee as required by law.

The president ruled that in the circumstances, the bill must receive a two-thirds vote to pass.

Shannon, 1947.

227. REFER TO GENERAL LAW [JR 3, JR 8, *Mason* 270]

The bill dealt with identifying numbers on beer kegs and had been reported to the Senate by the Transportation Committee. A senator raised a point of order asking the president whether the bill should be referred to the General Law Committee.

The president entertained debate.

The proponent of the bill argued that a point of order was inappropriate since any senator can move to refer a bill. The senator wanted to know whether there was a rule forbidding the president from ruling on a matter appropriate for a motion.

The president ruled the point not well taken. If the rules allow for a motion on a particular issue, there is no need for the president to rule from the chair. The body, by its rules, had decided how it wishes to be governed.

The motion to refer was made and defeated. Another senator raised a point of order that under JR 3, the General Law Committee has cognizance over alcoholic beverages, and since the rules indicated what committees must consider a bill, the bill was not properly before the Senate if it was not reviewed in the General Law Committee.

The president responded that JR 8 allows a committee chairman to request the speaker or president pro tempore to refer a bill to his committee prior to final House or Senate action and in cases of controversy to refer the bill to an ad hoc committee of reference composed of legislative leaders. The president pointed out that the proponent of the bill, the Transportation Committee chairman, had no problem with committee jurisdiction. The president also pointed out that under *Mason* 270, the other way to refer a bill is to have the entire chamber vote on a motion to refer. The Senate had just done this and the motion was defeated. Thus, the president ruled the bill properly before the chamber. Another senator appealed the ruling, arguing that the president's ruling suggested that the impropriety of the bill's being before the Senate was based on its reference to the Transportation Committee when the real issue was whether the bill should be referred to the General Law Committee.

The president invited debate.

The majority leader stated that JR 8 indicates that the chairman of the committee of cognizance can initiate a controversy over a reference. Since no chairman was objecting to

the cognizance of the Transportation Committee, the bill was appropriately referred to and reported by that committee.

On a roll call vote, the president's ruling was sustained.

Groark, April 4, 1992.

228. REFER TO GOVERNMENT ADMINISTRATION AND ELECTIONS

The bill established a council to administer the Children's Trust Fund and dedicated one-half of one percent of state gaming revenues to the fund. The bill received an unfavorable report from the Finance Committee. The unfavorable report was overturned and the bill was sent to the Legislative Commissioners' Office. When the bill returned from LCO and was called in the Senate, a senator introduced an amendment (Senate "A") which also created a council and transferred to it the money appropriated to the Department of Children and Youth Services to administer the fund. The amendment was adopted. The proponent moved to place the bill on consent.

The minority leader raised a point of order that the bill, by creating a new council and giving it various powers, changed government structure and should be sent to the Government Administration and Elections Committee. The bill's proponent moved to suspend the rules to dispense with referral to GAE. The motion failed to pass by the required two-thirds vote. The proponent then asked for a roll call on the bill.

The acting president ruled the motion for a roll call out of order. He also ruled that, since the motion to suspend the rules failed, the bill must be sent to GAE.

Markley, May 29, 1985.

229. REFER TO GOVERNMENT ADMINISTRATION AND ELECTIONS

The bill gave the corrections commissioner the power to appoint and remove wardens and superintendents of state prisons and detention centers. It had been favorably reported by the Judiciary Committee. The minority leader raised a point of order that the bill changed the structure of government and should be referred to the Government Administration and Elections Committee. The Judiciary chairman argued that the bill did not have to be referred to GAE because its effect on the state government structure was insignificant. He also argued that the Judiciary Committee has sole jurisdiction over corrections.

The president ruled the point well taken. The bill did affect state government organization and must go to GAE.

Fauliso, May 8, 1985.

230. REFER TO JUDICIARY, CHANGE IN CIVIL PENALTY [JR 3]

The bill extended the moratorium on disposing of hazardous waste in landfills and the Hazardous Waste Task Force's reporting deadline. Senate amendment "A," adopted by a voice vote, changed the penalty for failure by a business to report the presence of hazardous waste on its premises to local fire marshals from $1,000 to $1,000 for each day of violation.

A senator moved to refer the amended bill to the Judiciary Committee because of the change in the penalty. Another senator asked the president whether referral was required for changes in civil penalties.

The president ruled that JR 3 required reference to Judiciary only when changes in criminal penalties were involved. The motion to refer was out of order.

Fauliso, April 9, 1986.

231. REFER TO JUDICIARY; ADDITIONAL VIOLATIONS, NO CHANGE IN EXISTING PENALTY

The bill prohibited setting lobster pots or traps on oyster grounds without permission of the grounds' owner or lessee. The proponent asked for a ruling on whether the bill had to be referred to Judiciary since it exposed a new group of persons to an existing fine for violations.

The president ruled that the bill need not be referred to Judiciary since the penalty itself was not changed.

Fauliso, April 3, 1985.

232. REFER TO JUDICIARY

The bill increased the maximum fine for violating local regulations concerning care of trees and shrubs from $20 to $90. The bill was favorably reported by the Environment Committee. The committee chairman moved adoption.

The president ruled that, because the bill changed an existing penalty, it must be referred to Judiciary.

Fauliso, April 3, 1985.

233. REFER TO JUDICIARY

The bill concerned prevention, identification, and treatment of child abuse and neglect. The amendment increased the penalty for sexual assault of a child from a class A misdemeanor to a class D felony. A senator raised a point of order that the amendment increased criminal penalties without going through the Judiciary Committee.

The president ruled the point not well taken. Just because an amendment dealt with penalties and would have to go to Judiciary if adopted is no reason to rule the amendment out of order before a vote.

Fauliso, April 6, 1983.

234. REFER TO JUDICIARY

The bill dealt with state tax measures for the coming fiscal year. The amendment (Senate "B") increased the maximum allowable truck weights on state highways and imposed a schedule of fines for trucks violating the weight limits. A senator moved that, since the amendment dealt with fines, it be referred to Judiciary. A second senator raised a point of order that the amendment was not properly before the Senate without having gone through Judiciary.

The president ruled the matter need not be referred. An amendment was properly before the Senate at any time so long as it was germane to the bill.

On a roll call vote, the first senator's motion to refer the amendment to Judiciary was defeated. After further debate, Senate "B" was adopted. The second senator renewed his point of order that the bill must be referred to Judiciary, as it now contained a provision for fines.

The president ruled the point not well taken because a motion to refer the item to Judiciary had already been defeated. Furthermore, only those bills containing criminal penalties had to be referred to Judiciary. The bill under consideration contained only civil fines.

O'Neill, April 10, 1980.

235. REFER TO JUDICIARY
MOTION TO REFER VOTABLE

The bill imposed civil penalties against those violating its lobbying provisions. The bill was reported by the Government Administration and Elections Committee.

A senator moved to refer the bill to the Judiciary Committee because of the penalty section and requested a roll call on the motion. A roll call vote began. Before the result was announced, a second senator raised a point of order that references to committees require rulings of the president and may not be decided by vote of the body.

The president ruled the point not well taken. Motions to refer were votable motions. In addition, raising a point of order in the middle of a vote was not proper.

The result of the vote was announced and the motion to refer failed. The second senator raised a point of order that the bill must be referred to Judiciary under the rules because of its penalty section.

The president ruled the point not well taken. Judiciary had jurisdiction over criminal penalties, whereas this bill called only for civil penalties.

O'Neill, May 24, 1979.

236. REFER TO JUDICIARY COMMITTEE
PRECEDENCE OF POINT OF ORDER
SUSPENSION OF RULES AFTER AN ADVERSE RULING
TIMELINESS OF APPEALS FROM RULINGS [SR 3]

The bill received an unfavorable report from the Environment Committee. The unfavorable report was overturned. A senator raised a point of order that the bill must be referred to Judiciary as it contained criminal penalties. Another senator moved to pass retain the bill prior to the ruling to allow further amendments to arrive.

The president pro tempore ruled that the point of order took precedence over a motion to pass retain unless the point was withdrawn.

The first senator declined to withdraw his point of order.

The president pro tempore ruled the point well taken. Because the bill contained criminal penalties, it was not properly before the Senate without having been through Judiciary.

The third senator moved to suspend the rules to consider the bill and asked for a roll call on his motion. A fourth senator raised a point of order that once the matter had been ruled out of order, the rules could not be suspended to consider it.

The president pro tempore ruled that his ruling must be appealed and overturned before a motion to suspend could be entertained.

A senator appealed the ruling that the bill was out of order. Another senator objected that the appeal was not timely because the time limit specified by the president for appeal had expired.

The president pro tempore ruled the appeal proper as he had not advised the Senate that the ruling could not be appealed.

The senator renewed his point of order on the ground that appeals must be made before other business intervenes [*Mason* 230(2)].

The president pro tempore ruled the point not well taken. The appeal was timely [*Mason* 149 (1)].

The first senator asked if a motion to pass retain the bill would be in order.

The president pro tempore reiterated his first ruling that, unless the point of order and the appeal of his ruling were withdrawn, the appeal took precedence over the motion to pass retain.

The first senator declined to press his appeal, withdrew his original point of order and, on his motion, the bill was pass retained.

Fauliso, May 2, 1979.

237. REGULATIONS IMPROPERLY BEFORE THE SENATE [CGS §§ 4-170 to 171]

The resolution sought to reverse the vote of disapproval by the Joint Legislative Regulation Review Committee of regulations implementing the racial imbalance law.

In arguing against the resolution, a senator stated that the regulations referred to in the resolution were a revised version of an earlier set of regulations disapproved by the Regulation Review Committee as exceeding statutory authority. Under the Uniform Administrative Procedure Act, the senator argued, the matter should then have been submitted to the General Assembly through the Education Committee. The General Assembly could overrule the Regulation Review Committee's rejection in the session following that action. Until the General Assembly took action, the executive agency was prohibited from promulgating the disapproved regulations in the same or revised form.

However, prior to the session, the State Department of Education submitted a second set of regulations, which it said were new, to implement the racial imbalance law. The Regulation Review Committee at first refused to accept and then, upon further consideration, disapproved this second set of regulations on the basis that the department had no authority to submit them. This second, disapproved set of regulations were then taken up by the Education Committee, which had proposed the pending resolution to overturn the Regulation Review Committee's action on them.

Another senator raised a point of order, based on this summary of events, that the resolution was not properly before the Senate. The point was withdrawn prior to a ruling; however, upon the failure of a motion to recommit the resolution to the Education Committee, it was raised again.

The president ruled the point not well taken. The ruling made the following points:

1. **The first set of regulations was submitted to, and rejected by, Regulation Review and then properly referred to the Education Committee.**
2. **The State Department of Education drafted a second set of regulations which were also presented to Regulation Review.**
3. **Regulation Review at first refused to accept the second set, but, afraid that without definite action they would go into effect automatically, later reversed itself and accepted them for consideration.**
4. **If Regulation Review had not accepted and considered the second set of regulations, the president ruled that the department could have done no more and the first set of regulations could have been acted upon by the Education Committee if it chose.**
5. **Because Regulation Review decided to vote to disapprove the second set of regulations, the entire disapproval mechanism as it applied to the first set was also triggered for the second set. Thus, the second set was referred to Education as well.**
6. **Whether the department had the authority to redraft the regulations after the first disapproval was doubtful, but Regulation Review's vote to consider them, in effect, ratified the department's action.**
7. **Therefore, the second set of regulations had been properly sent to Education, and the pending resolution reported by that committee was properly before the Senate.**

The ruling was appealed and, on a roll call vote, sustained.

O'Neill, March 5, 1980.

238. REJECT MOTION, DEFEAT NOT THE SAME AS ADOPTION

The bill prohibited commerce in construction materials containing asbestos without labeling as to the contents and health hazards. House amendment "B" prohibited the installation, after October 1, 1980, of asbestos cement pipe in water supply systems until the health commissioner determined that the use of such pipe presented no hazard.

A senator moved rejection of House "B." The motion failed. The senator then moved Senate "A."

The acting president ruled the motion out of order because House "B" was still pending.

Casey, May 1, 1980.

239. RESOLUTION, INTRODUCTION OF DEBATE, CONDUCT OF

The majority leader moved that all items on Senate Agenda Number 1 be acted on as indicated and that the agenda be incorporated by reference into the journal and the transcript for that day. The minority leader said he had two agendas numbered 1. The only difference between them was that one did not list a Senate joint resolution asking Congress to protect certain student loan programs. He asked which agenda the majority leader was

moving. The majority leader said he was moving the agenda without the resolution. He said the resolution was inappropriately listed on the other agenda, and that agenda had been prepared by mistake.

The minority leader raised a point of order that the resolution was properly on the agenda. The Senate order of business listed introduction of bills and resolutions third [SR 19]. The Senate could thus take up the resolution in its proper order. The majority leader replied that the proper procedure was to refer all resolutions to the Government Administration and Elections Committee and to wait for that committee's report before the Senate took action. The Senate clerk said that when he included the resolution on the agenda, he thought it had been cleared by leaders from both sides. Later he found it had not and removed it.

The minority leader said that the rules do not allow the clerk the latitude to withhold resolutions at his own discretion and pressed his point of order.

The president ruled the point not well taken. He said the normal procedure to introduce a resolution is to submit it to the clerk. It then goes through the clerk's computers and duly appears on the Senate agenda for its first reading. The proper motion at that time is to refer it to a committee of cognizance unless there is suspension of the rules to take it up immediately. The only way to move a resolution to the agenda faster is to get clearance from leadership. The student loan resolution did not get clearance and so the regular procedure had to be followed. The resolution was not on the agenda yet because it was still in the computer.

The minority leader moved for a suspension of the rules to take the matter up immediately.

The president ruled that the resolution, being still in the computer stage, was not yet before the Senate. The only way a suspension could be allowed was if the resolution had been circulated to senators and there was no objection to taking it up.

The minority leader said that the resolution was in the possession of the clerk and was circulated to the Senate leadership two days before. He renewed his request for suspension.

The president ruled that the motion to suspend the rules was in order.

The majority leader objected to suspension. The minority leader asked for a roll call. He asked to debate his motion and began to discuss the threat of proposed federal cuts in the student loan program. A senator raised a point of order that these remarks were not germane to the motion.

The president ruled the point well taken. The motion to suspend the rules was a very narrow one and he urged the Senate to move along and decide the issue.

On a roll call vote, the motion to suspend the rules was defeated.

Fauliso, February 6, 1985.

240. ROLL CALL VOTE
REFER TO APPROPRIATIONS

The bill concerned the Department of Mental Health and Addiction Services' client trustee duties. After adoption of Senate amendment "A," a senator called Senate "B," which established an independent nursing home ombudsmen's office within the Department of Social Services, for administrative purposes only. The president called for a voice vote on Senate "B." After the vote, she announced that the "nays" had it, but before she could say

the motion was defeated, a senator asked for a roll call vote. Another senator raised a point of order that, because a voice vote had already been taken a motion for a roll call vote was not in order unless the result was in doubt.

The president allowed the roll call vote because, although she did not doubt the result of the voice vote, when the roll call was requested, she had not yet announced the amendment's fate.

On a roll call vote, Senate "B" was adopted. A senator moved to refer the amended bill to the Appropriations Committee because the fiscal note indicated potential additional cost from duplication of administrative duties. The majority leader objected to the motion. A senator raised a point of order that the amended bill was not properly before the Senate and that referral to Appropriations was required.

The president ruled the point not well taken. Since the fiscal note did not specify an explicit appropriation or expenditure, there was no requirement that the amended bill be referred to Appropriations. But the senator's motion to refer the bill to the committee was still proper and could be adopted by a majority vote.

On a roll call vote, the motion to refer was defeated. The amended bill was then passed on a roll call vote.

Rell, May 14, 1997.

241. RULES, STATUTORY

The bill exempted services and sales between parent companies and their wholly owned subsidiaries from the state sales tax. A senator raised a point of order that the bill was not properly before the Senate because its passage would alter the revenue estimates embodied in the budget bill in violation of CGS § 2-35 and prior Senate rulings. Another senator argued that the point of order was not well taken because the Finance, Revenue, and Bonding Committee had made its revenue estimates based on the potential effect of this bill.

The president ruled the bill was properly before the Senate and the point not well taken.

Fauliso, May 22, 1987.

242. RULES, STATUTORY [CGS § 2-35]

The bill exempted nonprescription medicine for eye diseases from the state sales tax. Senate amendment "B" reduced the sales tax rate. A senator raised a point of order that the amendment was out of order because it would change the revenue estimates of the budget and, under CGS § 2-35, such changes could only be made by the Finance, Revenue and Bonding Committee.

The president ruled the point well taken.

The ruling was appealed and sustained.

Fauliso, May 20, 1987.

243. RULES, STATUTORY [CGS § 2-35]

The bill contained the state budget and revenue projections for the coming fiscal year. A senator called Senate amendment "A" to amend the revenue projections. A second

senator raised a point of order that Senate "A" was not properly before the Senate because only the Finance, Revenue and Bonding Committee may revise the revenue estimate.

The president ruled the point well taken. This particular point is covered by CGS § 2-35 and the statute controls.

The ruling was appealed and sustained.

Fauliso, May 19, 1987.

244. RULES, STATUTORY (OVERRULED)

The amendment authorized the towns of Rocky Hill, Wethersfield, Norwich, and Winchester to establish pension funds for active volunteer firefighters. A senator raised a point of order that the amendment was not properly before the Senate because its introducers had not complied with CGS § 2-14. That statute prohibits the General Assembly from enacting special legislation concerning the power, organization, and form of government of any town, city, borough, or other local government unit unless requested to do so by a two-thirds vote of the local legislative body or by a petition of at least 10% of its registered voters. Such requests for special legislation must be files with the secretary of the state no later than 10 days before the General Assembly convenes.

The president ruled the point of order well taken.

The ruling was appealed and overruled.

Fauliso, April 6, 1986.

245. RULES, STATUTORY [CGS § 2-36]

The deficiency appropriations bill was called with two House amendments. A senator moved adoption of House "B," making a $25,000 appropriation for the initial expenses of a newly established special commission. Another senator raised a point of order that House "B" was improperly before the Senate because estimates for the appropriation it contained had not been prepared and referred to the Appropriations Committee before the start of the session's fifth week as required by statute.

The president ruled the point well taken. House "B" was out of order.

Fauliso, April 13, 1982.

246. SPECIAL SESSION CALL (OVERRULED)
ADJOURN, EFFECT OF MOTION TO, DURING SPECIAL SESSION

The governor issued two calls for a special session to convene immediately after adjournment of the trailer session. The first was sent on July 12 and the second on July 18. They asked the legislature to consider two slightly different agendas.

The trailer session adjourned *sine die*. The president reconvened the Senate in special session and asked the clerk to read the governor's call. The majority leader moved to waive the reading. There was no objection and the reading was waived. The Senate then recessed.

When the Senate reconvened after the recess, a senator moved to reconsider the earlier waiver of the reading of the special session call. The majority leader objected to reconsideration and explained that senators all understood that they were operating under

the first, or July 12, call issued by the governor. He said the motion to reconsider was merely a waste of time.

The president pointed out that there was no reference in the original motion for a waiver to the first or second call. The motion to reconsider gave the Senate an opportunity to correct that for the record.

The minority leader raised a point of parliamentary inquiry as to which of the two calls the Senate was operating under, that issued July 12 or that issued July 18. He objected to the majority leader's statement that the Senate was operating under the July 12 call. He believed the July 18 call superseded the July 12 call, and the second, not the first, was the legal call.

The president said there was some ambiguity about the two calls, which had to be resolved. He also said he had assumed, when the majority leader had moved to waive the reading, that the second call was meant since he also believed the second call superseded the first. In order to respond to the majority leader's statement and the minority leader's inquiry, he asked the first senator to defer his motion to reconsider while the question of the two calls was explored further.

The majority leader said that the first, July 12, call was the only legal call and that he had been referring to that call when he moved to waive its reading.

The president ruled that the majority leader had not specified which call he meant when he asked to waive the reading. He ruled further that the July 18 call superseded the July 12 call and the Senate should now take up the agenda specified in the second call.

The president pro tempore appealed the ruling. In debate on the appeal, he argued that the second call was unconstitutional and invalid because there was no emergency requiring it and there had been insufficient notice given for it to constitute a valid nonemergency call. He said the only constitutional way the governor can supersede a legal special session call such as the July 12 call was in an emergency. Unless there is an emergency, the governor must give members 15 days notice, which was not done for the July 18 call.

The minority leader argued that the second call was proper and legal. The constitution does not define an "emergency" for the purpose of calling special sessions. It leaves that determination to the governor. The governor decided that the agenda set forth in the July 18 call needed immediate action and he followed the proper constitutional procedure for sending out a new call.

That is, he had the state police deliver copies of the second call to all members by hand. When calls are hand-delivered, the constitution says the governor need give only 24 hours notice of a special session.

The majority leader expressed concern that the actions of the legislature would be invalid if the Senate determined to operate under the July 18 call while the House decided to operate under the July 12 call, which it had already decided to do. He also agreed that the Senate's actions would be jeopardized if it chose to operate under the first call and it was later determined that call was improper. In these circumstances, he moved to adjourn.

On a voice vote, his motion carried.

The Senate reconvened the following day. A senator raised a point of order that the Senate session was illegal. He said that when the Senate had adjourned the previous day, no time for a subsequent meeting had been stated nor was there mention that the Senate would

meet at the call of the chair. Adjourning during special sessions without arranging for future meetings has the effect of dissolving the body. Thus, the previous day's adjournment had been equivalent to an adjournment sine die [*Mason* 201].

The president ruled that the Senate was legally in session. *Mason* contains contradictory rules concerning adjournment, but in this case, section 781 applies: "When a state legislature is duly convened, it cannot be adjourned sine die or dissolved except in a manner provided by law, and an adjournment from day to day can have no other effect than to enable those present to determine whether a quorum is present."

The president pro tempore then asked that his appeal from the president's ruling on the special session call be resolved. He said once the ruling was overruled, the Senate would consider the business specified in the first call and then go on to the second call.

The president observed that the senator's remarks indicating a certainty that the president would be overruled were inappropriate.

The majority leader then moved that the clerk read the first call and the Senate begin with that business.

The minority leader objected. He renewed his point of order that the second call was the proper, legal special session call.

The president repeated his ruling in favor of the second call.

The president pro tempore renewed his appeal. The appeal was seconded. On a roll call vote, the president was overruled.

Fauliso, July 24 and 25, 1985.

247. SPECIAL SESSION CALL, BILL GERMANE TO

The special session rules limited business to bills appropriating funds to supplement emergency fuel assistance programs; helping small fuel dealers meet the added cost of supplies and credits; increasing the energy conservation loan fund authorization; providing that elderly citizens receiving emergency energy assistance not be precluded from receiving tax relief; permitting the Department of Consumer Protection to evaluate energy-related products; allowing trucks to carry up to the federal weight limit; helping municipalities and tenants address fuel shutoff and residential building abandonment problems; assisting municipalities in developing programs to preserve their building stock and to promote energy conservation; and authorizing municipalities affected by the 1979 tornado to modify property tax assessments.

The only resolutions allowed were those approving or rejecting collective bargaining agreements and those pertaining to the special session rules, printing the House and Senate Journals, and special session expenses.

An amended bill required units in conversion condominiums to have separate heating plants, but specified that the requirement apply only to condominiums declared on or before April 1, 1980. A senator raised a point of order that the bill was not germane to the subject of the special session.

The president ruled the point not well taken. Bills must be reasonably related to the encouragement of energy conservation. The president did not know whether separate heating plants in condominium units would actually result in conservation, but the argument could reasonably be advanced.

O'Neill, November 15, 1979.

248. SPECIAL SESSION CALL, AMENDMENT NOT GERMANE TO

The governor called the General Assembly into special session for the purpose of (1) approving or rejecting state employee collective bargaining contracts, (2) enacting legislation to exempt from the sales tax under certain circumstances the sale of services between parent companies and wholly owned subsidiaries, (3) enacting legislation to give towns the option to phase in the assessed value of real property following revaluation and to establish a fund to partially offset the cost of phasing in the increased tax burden for residential taxpayers resulting from revaluation, and (4) enacting legislation to require smoke detectors in all multi-family buildings no matter when they were built.

A bill combining the second and third items in the special session call was offered. Senate amendment "A, adding another member to a task force required under the bill, was adopted. A senator called Senate "B." Another senator raised a point of order that Senate "B" was not germane to the special session call because it was not limited to the business service tax. The introducer argued that it was germane because it dealt with state revenues and taxation.

The president ruled the point well taken and the amendment out of order.

Fauliso, July 22, 1987.

249. SPECIAL SESSION CALL, RESOLUTION NOT GERMANE TO

The special session rules limited business to bills appropriating funds to supplement emergency fuel assistance programs; helping small fuel dealers meet the added cost of supplies and credits; increasing the energy conservation loan fund authorization; providing that elderly citizens receiving emergency energy assistance not be precluded from receiving tax relief; permitting the Department of Consumer Protection to evaluate energy-related products; allowing trucks to carry up to the federal weight limit; helping municipalities and tenants address fuel shutoff and residential building abandonment problems; assisting municipalities in developing programs to preserve their building stock and to promote energy conservation; and authorizing municipalities affected by the 1979 tornado to modify property tax assessments.

The only resolutions allowed were those approving or rejecting collective bargaining agreements and those pertaining to the special session rules, printing the House and Senate Journals, and special session expenses.

The resolution proposed a state employee hiring freeze through June 30, 1984. A point of order was raised that the resolution fell outside the subject of the special session.

The president ruled the point well taken. The rules allowed the introduction of bills and resolutions dealing only with collective bargaining agreements, energy, and the operation of the special session itself. The resolution was not germane to these topics.

O'Neill, November 15, 1979.

250. SUSPEND THE RULES, MOTION RENEWED

On the second to last day of the session, a motion to suspend the rules to consider a bill not on the calendar failed to receive the required two-thirds vote. The following day, the last of the session, the bill was called again and the motion to suspend the rules to consider it was renewed. A senator raised a point of order that the correct motion was to reconsider the action of the previous day.

The president ruled the point not well taken. The motion to suspend the rules was in order because it was being renewed on a different session day and because the bill's parliamentary situation had changed. It had moved to the Calendar although it still had no stars [*Mason* 161 (2) (f) and 283 (6)].

The renewed motion to suspend the rules failed.

Fauliso, May 4, 1988.

251. SUSPEND THE RULES, VOTE REQUIRED

The bill passed the Senate by a vote of 18 to 16. The majority leader moved to suspend the rules for immediate transmittal to the House. The minority leader objected. On a roll call vote, 23 senators voted to suspend the rules and 11 voted no. The president announced that the motion had failed because it did not receive the required two-thirds majority. The majority leader raised a point of order that the motion should pass because it received a favorable vote of two-thirds of the senators present and voting [SR 35].

The president ruled the point well taken.

Fauliso, April 29, 1986.

252. SUSPEND THE RULES SENATE COMMITTEE MEETS WITH NO HOUSE MEMBERS PRESENT

The bill established a council to administer the Children's Trust Fund. The president ruled the bill must be referred to the Government Administration and Elections Committee and a motion to suspend the rules to dispense with the reference was defeated. After intervening business, the GAE chairman moved to suspend the rules to allow the Senate members of GAE to meet immediately after the Senate adjourned for the night. The minority leader objected but the motion to suspend the rules carried on a roll call vote.

After more intervening business, the bill's proponent asked for suspension of the rules to transmit the Children's Trust Fund bill to GAE immediately. The minority leader raised a point of parliamentary inquiry. He noted that GAE would be meeting under a rules suspension but that there could be no House members present because the House had adjourned for the night. He asked if the committee's actions were valid when taken with no House members present.

The acting president said he could not determine the validity of the committee's actions as far as the House was concerned but as far as the Senate went, the meeting was valid and the motion to suspend the rules for immediate transmittal of the bill to the committee was in order.

On a roll call vote, the motion to suspend the rules for immediate transmittal carried.

Markley, May 29, 1985.

253. SUSPEND RULES IMMEDIATE TRANSMITTAL [JR 22] APPEALS FROM RULINGS NOT AUTOMATICALLY DEBATABLE [SR 3]

The bill concerned revenues for the 1982 fiscal year. The conference committee report was accepted.

The president ruled that acceptance constituted final action and ordered the bill transmitted immediately to the House.

A senator raised a point of order that suspension of the rules was required before a bill can be transmitted immediately to the House.

The president ruled the point not well taken on the grounds that suspension of the rules is not needed if the Senate has taken final action.

The senator appealed the ruling and the appeal was seconded. A senator asked to debate the ruling.

The president ruled the senator out of order on the grounds that the president had not invited debate.

The senator raised a point of order that appeals of rulings are automatically debatable.

The president ruled the point not well taken.

On a roll call vote, the president's ruling on immediate transmittal was sustained.

Fauliso, May 13, 1981.

254. TELEVISION CAMERAS ON THE SENATE FLOOR

After the result of a vote was announced, the president stated that it is a standing rule of the Senate not to allow television cameras in the center of the Senate chamber. Still photographers were allowed to take pictures from the center of the circle so long as they were quick and their presence did not disrupt the Senate's business.

Fauliso, May 28, 1981.

255. UNFAVORABLE REPORT

A senator moved that the unfavorable report of the Judiciary Committee be sustained. A second senator wished to discuss the bill and proposed an amendment.

The acting president ruled that no amendments could be proposed while a motion to sustain an unfavorable report was pending. Discussions of the bill or amendments were not in order.

The second senator asked if she could summarize the bill. The first senator raised a point of order that only debate going to the issue of the unfavorable report should be allowed.

The acting president noted that the first order of business was to dispose of the motion to sustain the unfavorable report. He ordered a roll call.

The motion was defeated and the unfavorable report overturned. The second senator offered her amendment.

Post, April 28, 1980.

256. VETOED BILLS, MOTIONS ON

During the special veto session, the majority leader moved to reconsider a bill vetoed by the governor. The minority leader inquired as to the order of motions and voting.

The president stated that the correct procedure on a vetoed bill is first to move for reconsideration. If a roll call vote on the motion is desired, that must also be requested. If no roll call is requested, the vote on the motion to reconsider would be taken by voice. A simple majority is enough to carry the motion to reconsider. If the motion carries, then it is followed by a motion to repass the bill. The motion for repassage requires a two-thirds vote and must be taken by roll call.

Fauliso, June 23, 1986.

257. VOTE, EXPLAIN

After the result of a vote on a proposed amendment to the Joint Rules was announced, a senator sought to explain his vote.

The president ruled the senator out of order. Individual positions may be explained before results of votes are announced, but not after.

Fauliso, January 7, 1981.

258. VOTE—MOTION FOR RISING VOTE

A senator moved to table a bill and asked for a rising vote. Another senator moved a roll call vote.

The president ruled the motion for a roll call out of order because a rising vote had already been called for.

The ruling was appealed and sustained.

Hull, 1972.

259. VOTE—POTENTIAL DISAGREEING ACTION [JR 22]

The House rejected Senate amendment "A." A senator moved that the amendment be readopted.

The acting president ruled that a roll call vote on the motion was required because readoption of the amendment would place the House and Senate in disagreement.

Robertson, May 2, 1980.

260. VOTE—POTENTIAL DISAGREEING ACTION [JR 22]

On a voice vote, a House amendment was rejected and a Senate amendment adopted. A senator then moved that the bill be placed on the consent calendar.

The acting president ruled that, since passage of the bill as amended would place the House and Senate in disagreement, a roll call vote was required.

Fahey, May 1, 1980.

261. VOTE—POTENTIAL DISAGREEING ACTION [JR 22] AMENDMENT PREVIOUSLY CONSIDERED [SR 26]

The bill had been amended twice by the House (House "A" and "B") and once by the Senate (Senate "A"). Upon the bill's return to the Senate, rejection of House "B" was moved. The acting president asked for a voice vote on the motion to reject House "B."

A senator raised a point of order that a roll call was required since passage of a motion would place the House and Senate in disagreement and require appointment of a committee on conference consisting of senators from both the prevailing and losing sides. Such appointments would be impossible without a roll call.

The acting president ruled the point well taken and ordered that there be a roll call vote at the appropriate time.

Another senator raised a point of order that House "B" was not in order as it was identical to an amendment already rejected by the Senate [*Mason* 401 (4)]. **The acting president ruled the point well taken. This ruling placed the House and Senate in disagreement and required appointment of a conference committee since the House had adopted the amendment [*Mason* 401 (4); 457 (2)].**

Skowronski, April 29, 1980.

262. VOTE, RECOGNITION DURING RECONSIDER [SR 26]

The amended bill abolished highway and bridge tolls in the state. It was adopted. After intervening business, a senator moved to reconsider the bill. The motion to reconsider was adopted on a roll call vote. Another senator then moved to pass retain the bill. There was an objection. A roll call was ordered and the motion to pass retain was adopted. A senator raised a point of order that he had sought and been denied recognition by the president.

The president stated that no remarks were in order during a vote and therefore he had not called on the senator.

After considerable intervening business, a senator moved to reconsider the tolls bill. Another senator raised a point of order that the motion was not proper because an item can be reconsidered only once. The motion was clarified as one to reconsider the Senate's action in pass retaining the bill.

The president ruled that the senator's motion to reconsider the PR was in order.

On a roll call, that motion was defeated and the bill was still pass retained.

Fauliso, April 27, 1982.

263. VOTE, RECOUNT OF STANDING

The bill required local school boards to provide programs for gifted and talented students beginning in the 1988-89 school year. The bill was amended three times in the House. When it was called in the Senate, the Education Committee chairman moved passage in concurrence. A senator introduced an amendment (Senate "A") to require the state to reimburse towns for implementing the program. On a voice vote, Senate "A" was adopted. A senator moved to refer the amended bill to the Appropriations Committee. Another senator objected. The acting president called for a voice vote. He doubted the result and called for a standing vote. On the standing vote, the motion to refer to Appropriations carried. A senator requested a recount of the vote.

The acting president ruled there could be no recount and that the request was out of order.

Markley, May 29, 1985.

264. VOTE—REJECT ARBITRATION AWARD

A senator raised a point of parliamentary inquiry as to the number of votes required to reject an arbitration award between the state and a state employee union.

The president ruled that as the statute specified a "two-thirds vote" to reject an arbitration award, the number required was two-thirds of the "legal votes cast." In this situation, she ruled that was two-thirds of the senators present and voting and not two-thirds of the entire Senate membership [*Mason* 512(3)].

Groark, March 16, 1994.

265. VOTE—RESULT DOUBTED (OVERRULED)

Following a voice vote, a senator challenged the ruling that the bill had passed.

The president called for a standing vote.

Prior to a declaration of the count, a senator moved for a roll call vote.

The president ruled the motion out of order.

After the bill was declared defeated, a senator challenged the ruling on the motion.

The president ruled that as there had been no objection to the ruling at the time, it should stand.

The ruling was appealed and overruled. A roll call vote on the bill was then held.

Hull, 1971.

266. VOTE, RISING

A motion to recommit a resolution on a constitutional amendment was passed on a voice vote. A senator questioned its passage.

The president ordered a rising vote.

The president's ruling was appealed and sustained.

Ciarlone, 1973.

267. VOTE, ROLL CALL IN SPECIAL SESSION

The Senate was meeting in special session. An emergency certified bill was moved, debated, and adopted on a voice vote.

After intervening business, the president noted that there was an ambiguity in the rules. The special session joint rules required a roll call on all bills while the special session Senate rules required a roll call only on the regular calendar. Although the Senate had no regular calendar, he would ask for a roll call on the emergency certified bill in order to avoid any doubt as to its passage.

Fauliso, June 6, 1986.

268. VOTE, ROLL CALL, MOTION FOR; TIMELINESS

An amendment to a bill was proposed and explained. Its proponent did not request a roll call vote. On a voice vote, the amendment was adopted and the result was announced. A senator asked for a roll call on the amendment.

The acting president ruled that the motion for a roll call was too late, as he had already announced the amendment's adoption. A motion for reconsideration would be required for a roll call.

Ruggerio, April 29, 1980.

269. VOTING (OVERRULED)

During the second year of the biennial budget, a bill was introduced that would change the budget's surplus appropriations and use the funds for purposes or expenditures that were different from those initially approved. (The prior appropriations had been approved by a 3/5 vote, as required by the Connecticut Constitution.) A member raised a point of order whether a 3/5 vote was required to approve the appropriations changes.

The president ruled the point well taken. Section 18(c) of the constitution requires a 3/5 vote to authorize use of unappropriated surplus for purposes other than to fund a budget reserve (Rainy Day) fund or to reduce the state's bonded indebtedness. This provision would be rendered meaningless if the legislature could amend the budget's surplus appropriations by a simple majority vote.

Rell, April 24, 2002.

The ruling was appealed and overruled.

270. VOTING, QUESTION MISUNDERSTOOD

The president announced a roll call on the adoption of House amendment "A." The vote was taken and the machine closed. Before the result was announced, a senator raised a point of order that many senators had misunderstood the question and thought they were voting on Senate "A."

The acting president ruled the point not well taken. The question had been correctly explained. There could be no change in the midst of a vote in any case. If the senator misunderstood the question, he could move to reconsider.

Cunningham, May 5, 1980.

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RULINGS OF PRESIDING OFFICERS OF THE HOUSE

1. ADJOURN *SINE DIE* SPECIAL SESSIONS

The governor issued two calls for a special session on July 12 and July 18. Both called for the General Assembly to convene immediately following adjournment of the veto session. The two presented slightly different legislative agendas. The deputy speaker had ruled that the July 12 call and the business specified in it should be taken up first.

After completing the business specified in the July 12 call, the House adjourned. Later the same day, the House was called to order. After the prayer and the pledge of allegiance, the deputy speaker asked if there was business on the clerk's desk. He asked the clerk to read the governor's July 18 special session call. After the clerk had done so, the majority leader moved that the House adjourn sine die.

The minority leader raised a point of order that the deputy speaker had not complied with section 206 of *Mason* which requires that, before adjourning, the presiding officer make sure no matters requiring attention or necessary announcements have been overlooked. The minority leader asked if it was appropriate to adopt rules for the special session.

The deputy speaker ruled that it is normal in conventions and other meetings for presiding officers to move business along until rules are adopted. In line with this authority, it was in order for him to entertain a motion to adjourn sine die. He said that before entertaining the motion he would, however, comply with the requirements of section 206.

The deputy speaker asked the clerk if there were any bills filed under the governor's July 18 call. The clerk said there were none. The deputy speaker asked if there were any announcements.

The minority leader rose to a point of personal privilege to say that it would be a bad precedent to adjourn a special session without considering all of the legislation proposed in the governor's call.

The deputy speaker noted that all items of business listed in the July 18 call had been addressed in the session just held under the July 12 call. The one item listed in the July 18 call that was not contained in the other had been addressed through an amendment proposed during the first special session. He ruled that the motion to adjourn sine die was properly before the House and the motion was not debatable.

A member objected to the ruling that the motion to adjourn was not debatable. The House had adopted no rules for the session and thus citing *Mason* was without effect.

The deputy speaker ruled that the motion was not debatable. Although the House had no rules under which to operate, he had satisfied the requirements of *Mason*. He ruled that there was no further business before the House except to adjourn.

On a voice vote, the motion carried.

Belden, July 25, 1985.

2. AMEND AN AMENDMENT (OVERRULED)

A member concluded his remarks after offering an amendment to a bill on the income tax. Another member moved to introduce a substitute amendment pursuant to *Mason* 409 (1) and (3) which addresses amendments to amendments.

A member raised a point of order that the precedent in the chamber, notwithstanding *Mason*, is to take amendments one at a time rather than amending amendments.

The speaker ruled the point well taken citing House custom and interpreting *Mason* 409(3) as allowing amendments to amendments only after the principal amendment is adopted. The speaker opined that to do otherwise would cause chaos in the future by allowing amendment upon amendment upon amendment without accomplishing anything.

The minority leader appealed the ruling. The speaker invited debate.

Those in favor of overriding the ruling argued that amending an amendment had been ruled in order in 1982 (HP 246), and that multiple amendments were not possible because *Mason* 409(2) allows only amendments to the second degree. They maintained that *Mason* allows such substitutes, that *Mason* should be followed unless superseded by the rules, and that there was no precedent against amending amendments. One member said that amendment of amendments has worked well in Congress, and that if amending amendments is a problem for the future, a rule change could be entertained.

Those in favor of sustaining the speaker's ruling argued that the 1982 precedent involved a one word technical change and that the ruling was applicable only in cases of minimal technical alterations. They also argued that the ruling had been repudiated by subsequent speakers. They maintained that the custom of the House had been to preclude amendments to amendments because they could be used to close debate and could create confusion. They said that, if *Mason* were followed, multiple amendments beyond the second degree could in fact be entertained through use of substitute amendments, which are mentioned in *Mason* 409(3).

On a roll call, vote the speaker's decision was overruled.

Balducci, December 17, 1991.

3. AMEND PROPOSED CONSTITUTIONAL AMENDMENT [State Constitution, Art. VI]

The resolution amended the state constitution to establish a state appellate court. It passed the 1979 General Assembly by less than a three-fourths majority, so it was resubmitted to the 1981 Assembly as the constitution requires. An amendment correcting an erroneous date in the resolution was adopted. A member proposed another amendment to remove references to both the Appellate and Superior courts. A second member raised a point of order that, as the resolution was merely a required reaffirmation of the action of the previous assembly prior to putting the proposed amendment on the ballot at the next general election, substantive amendments were not in order.

The speaker ruled the point well taken. The first amendment corrected a typographical error in the resolution's introductory provision. That amendment was not only technical, it did not in any way change the part of the resolution that would

appear on the ballot. Therefore, the first amendment was in order. The second amendment, on the other hand, would, if adopted, change the substance of the proposed constitutional amendment. On the second submission of a constitutional amendment, the General Assembly may only confirm or reject the action taken in the previous assembly.

Abate, May 1, 1981.

4. AMEND RULES

The resolution amended the Joint Rules to increase the number of Senate members on the Executive and Legislative Nominations Committee from three to four. The proponent moved a suspension of the rules for immediate consideration. Another member raised a point of order that suspension of the rules was not necessary to consider the resolution.

The deputy speaker ruled the point well taken. A motion to amend the rules was in order at any time. Suspension of the rules was not required [*Mason*, 408].

Coatsworth, March 22, 1979.

5. AMENDED BILL RETURNED FROM COMMITTEE RECONSIDERATION DEADLINE SUSPEND RULES

After adopting an amendment (House "A") to a House bill, the House referred the amended bill to the Appropriations Committee. The committee sent the bill back to the floor, recommending passage without House "A." The bill's proponent moved to reject House "A" pursuant to JR 15 and the committee's recommendation. A member raised a point of parliamentary inquiry whether the motion to reject House "A," because it was in effect a motion to reconsider, violated the House rule limiting reconsideration to the session day following the original action (HR 30). In order to avoid a conflict between JR 15 and HR 30, he suggested it would be necessary to pass a second amendment to supersede House "A."

The speaker stated that, in this case, it would be much cleaner for the House to reject House "A" than to adopt a second amendment to supersede it and require the Senate to adopt the two amendments to pass the bill in essentially the same form as it could be passed without House "A."

The member agreed that, in this case, rejection was the simpler procedure but because he was concerned about the conflict between JR 15 and HR 30, argued that it would be better to suspend the rules to take up the motion to reject.

The majority leader stated that suspension was not necessary because the bill had been referred to a joint committee made up of members of both houses in the interval between the two House actions. This meant the House rule concerning reconsideration did not apply, just as it did not apply to bills returned from the Senate.

The member agreed that the rule did not apply to bills returned from the Senate but did not agree that the rule was inapplicable when a bill was referred to a committee, a subsidiary body. Another member noted that the Appropriations Committee's action had not in fact been to recommend rejection of House "A" but rather actually to remove it from

the bill. Thus, the issue before the House was not House "A" but the bill itself, without House "A." The House should just act on the bill.

The minority leader supported suspension of the rules to reject House "A" and the majority leader, because of the doubts about the applicability of HR 30, moved to suspend the rules.

The rules were suspended and House "A" was rejected on a voice vote.

Balducci, June 1, 1989.

6. AMENDED BILL RETURNED FROM COMMITTEE

The House adopted House amendment "A" and then referred the bill to committee. The committee, as required by JR 15, recommended passage with House "A." When the bill was called again in the House, a member moved to adopt House amendment "B." A second member raised a point of parliamentary inquiry whether the House was required to take separate action on House "A," or the committee's recommendation concerning House "A," before acting on House "B."

The deputy speaker stated that separate action on the committee's recommendation to adopt House "A" was not required. Since the House had already adopted the amendment, to do so again would merely be redundant.

Polinsky, May 30, 1989.

7. AMENDED BILL RETURNED FROM COMMITTEE

The bill, as amended by Senate amendment "A," was called in the House. The House rejected Senate "A" and adopted House "A." It then referred the bill to a committee. The committee reported the bill back to the House recommending passage with House "A." A member raised a point of inquiry whether the bill was properly before the House because the committee had made no recommendation on Senate "A." JR 15 requires the committee to "include in its report its recommendations on the adoption or rejection of *each amendment*" (emphasis added).

The deputy speaker ruled that the bill was properly before the House. If the committee had wished the House to reconsider its rejection of Senate "A," it would have said so. It was proper to consider the bill as amended by House "A."

Polinsky, May 30, 1989.

8. AMENDED BILL RETURNED FROM COMMITTEE

The House referred an Energy bill, as amended by Senate "A," to the Government Administration and Elections Committee. The committee sent the bill back to the House with a recommendation for passage without Senate "A" and with another amendment instead. The Energy Committee chairman moved acceptance of the committee's favorable report and passage of the bill but, saying there had been a mix-up in GAE, also moved to adopt Senate "A." Senate "A" was called and summarized. A member raised a point of parliamentary inquiry as to the correct procedure for taking up bills reported back from committee with recommendations.

The speaker stated that the House was required to act on the committee's recommendation but was not required to follow it in every particular.

The member argued that, though the House could act as it chose on the committee's recommendation, it was incumbent on the member reporting the bill to make the initial motion comply with that recommendation. Thus, in this case, the proper motion would be to reject Senate "A."

The speaker stated that it did not matter how the motion was stated. The House was obliged to act on both Senate "A" and the amendment proposed by GAE. Even though the motion was to accept Senate "A," which was not the committee's recommendation, the House was still taking action on the amendment. It was more cumbersome for the Energy Committee chairman to move to reject Senate "A" and urge a vote against his own motion than for him to move to adopt the amendment.

The Energy chairman then called GAE's recommended amendment, designated House amendment "A," and moved its rejection. Another member asked if the speaker would say whether all amendments to referred bills recommended by committees would be considered in some fashion by the House.

The speaker said that all such amendments would be called for House action, though the motions did not have to match the committees' recommendations.

Balducci, May 10, 1989.

9. AMENDED BILL RETURNED FROM COMMITTEE

The bill required the state to study the feasibility of public ownership of its large electric companies. The study would be paid for by the utilities with the cost being passed through to ratepayers. The bill had earlier been referred from the floor to the Appropriations Committee after an amendment (House "A") was adopted requiring the state to pay for the study. The Appropriations Committee returned the bill to the floor without the amendment and in exactly the same form as it had first been proposed. A member moved passage of the bill as reported by the Appropriations Committee. A second member moved an amendment (House "D") which required the state to pay for the study. On a roll call vote, House "D" failed.

A member raised a point of order that the bill was improperly before the House because Joint Rule 15 gives the Appropriations Committee no power to amend a bill referred from the floor. He also stated that a minority of the body (a committee) cannot override the vote of a majority.

The speaker ruled the point not well taken. He agreed that JR 15 does not explicitly allow a committee to amend a bill referred from the floor. But since the amended bill must be resubmitted to the full body, allowing it to do so does not constitute final action by a minority overriding the will of the majority. If the House had chosen to adopt House "D" then it would have reaffirmed its original position regardless of the committee's action. In amending the bill, the committee was not taking final action and thus acted within its powers.

Stolberg, May 31, 1983.

10. AMENDMENT—ADOPT SENATE AMENDMENT SEPARATELY

The Senate bill concerned police pursuits. It received a favorable report from the Public Safety Committee (File 24). The Senate adopted Senate amendment "A" and referred the amended bill to the Judiciary Committee. The Judiciary Committee revised the bill, incorporating Senate "A," and gave it a favorable report back to the Senate, which reprinted the amended bill as a new file (File 408). The Senate adopted the new version with another amendment (Senate "B").

The bill was called in the House, as amended by Senate amendments "A" and "B." The usual procedure in the House is to call and adopt each Senate amendment separately. The bill's sponsor raised a point of parliamentary inquiry asking whether Senate "A," which had been incorporated into the new file in the Judiciary Committee, had to be called and adopted separately.

The deputy speaker ruled that Senate "A" did not have to be adopted separately but that the subsequent amendment, Senate "B," did.

Hartley, May 5, 1998.

11. AMENDMENT COMBINES BILL AND RESOLUTION

The amended bill applied state election law procedures to local referenda. House amendment "C" would amend the state constitution to allow state laws to be passed by direct referendum. A member raised a point of order that the amendment was improper because a resolution to amend the constitution could not be combined with general legislation. State law and the state constitution require bills and resolutions to be separate. Bills require the governor's signature to take effect and resolutions do not. In addition, resolutions to amend the constitution must be submitted to the voters for final approval. Thus, they cannot be attached to general legislation, which is not submitted to voters.

The speaker pro tem ruled the point well taken.

Pudlin, April 23, 1997.

12. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill was a special act validating certain past acts and deeds. House "A" added provisions amending existing statutes to cure future defects with the passage of time. A member raised a point of order that the amendment was not properly before the House because it attempted to amend a public act onto a special act.

The speaker ruled the point well taken. Part of the amendment relating to the general statutes would have to be codified, and to do so would violate House rules.

Lyons, May 19, 1999.

The proponent's motion to suspend the rules and take up the amendment in spite of past precedents failed to get the necessary 2/3 majority for passage.

13. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT DEBATE ON APPEALS OF RULINGS IS LIMITED

The bill was the annual deficiency appropriation. The amendment added more funding to several line items in the budget, which had already been adopted and was engrossed as Public Act 93-80. A member raised a point of order that the amendment was not properly before the House because it combined a special act with a public act.

The speaker ruled the point not well taken because, although the budget had been engrossed as a public act, the appropriations in it were considered a special act. Thus, an amendment to the deficiency bill (a special act) could also amend the appropriations sections of the budget.

The ruling was appealed. Opponents of the ruling argued that the budget as a whole had been a public act. Thus, it could not be amended by a special act. They cited numerous House precedents against combining special and general legislation. Those in favor of the ruling argued that "the mere fact that it [the amendment] refers to a public act does not make this amendment a public act."

A member raised a point of order that one of the proponents had spoken more than once on the appeal.

The speaker ruled the second point well taken. Unless the rules are suspended, each member may speak only once on an appeal of a ruling.

On a roll call vote, the speaker's ruling on the first point of order was upheld.

Ritter, May 27, 1993.

14. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill conveyed various parcels of land to municipalities. House amendment "A" gave farmers whose land was taken by the state for highways the right of first refusal to buy the land back if the highway is not built. A member raised a point of order that it is not proper, according to House precedent, to attach general, public act language to a special act.

The deputy speaker ruled the point well taken.

Polinsky, May 8, 1990.

15. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT RULING, TIMING OF AMENDMENTS, FRIVOLOUS

The bill established a memorial register of remembrance for Connecticut war veterans. A member asked the clerk to call a Senate amendment and asked if he could summarize it. The clerk called the amendment. There was no point of order from the floor.

The speaker ruled the Senate amendment was not germane to the bill because it would be general legislation. Under House precedent, general legislation cannot be amended onto a special act. The speaker also stated that, under the rules, he had the authority to rule an amendment out of order at any time on the grounds that it is not germane or that it is frivolous or dilatory. He could do so even before he receives a motion to adopt the amendment and before the amendment is summarized [*Mason* 156 (9), 180, 241, 293, 295, 296].

Balducci, May 3, 1990.

16. AMENDMENT SUBSTITUTES PUBLIC ACT FOR SPECIAL ACT

The bill established a task force to study ways to recruit and retain volunteer emergency services personnel. House amendment "A" deleted the language of the file copy and substituted provisions allowing municipalities to establish pension systems for volunteer emergency medical personnel and requiring the state Fire Prevention and Retirement commissions to develop a model pension system for such personnel for municipalities to use. A member raised a point of order that House "A" was not germane to the bill because it would amend a proposed special act with public act language contrary to House precedent.

The deputy speaker ruled the point not well taken. Although House precedent is clear that public act language cannot be added to a special act, in this case, House "A" was removing all of the language in the file copy and leaving only the title. Because a bill's title has no legal effect, it cannot be said to be either a special or a public act. Thus, in the case of a complete substitute such as this, the precedent does not apply.

Polinsky, April 24, 1990.

17. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill required the state transportation department to conduct a two-year study of the feasibility of using railroad rights of way and abandoned railroad spurs for community development. House amendment "B" set up a quasi-public Connecticut Mass Transportation Authority, with a seven-member board and bonding authority, to create a mass transit system in the state. A member raised a point of order that House "B" was improper because it sought to attach general legislation to a special act.

The speaker ruled the point well taken. Laws creating other quasi-public authorities were public acts and House "B" would also be one. Therefore, according to House precedent, it could not be attached to a limited duration study bill, which would be a special act.

Balducci, May 18, 1989.

18. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill was a special act to expand the taxing power of the Cornfield Point Association. Senate amendment "A" amended the General Statutes to authorize municipalities to allow credits against installments of property tax due in more than one installment, if the installment is paid in full before the previous installment of the tax is considered delinquent. A member raised a point of order that Senate "A" was not properly before the House.

The speaker ruled the point well taken. It is not proper to attach general legislation to special acts.

Balducci, May 18, 1989.

19. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill allowed continuation of an at-grade railroad crossing at Jewett City. When passed, it would be a special act. Senate amendment "A" tightened the criteria for approving requests for at-grade crossings. Senate amendment "B" provided a procedure protecting railroad workers when there is a dispute about hazardous working conditions. A member raised points of order that Senates "A" and "B" were general legislation and, according to House precedent, general legislation may not be added to special acts.

The deputy speaker ruled the points well taken.

Polinsky, May 16, 1989.

20. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill allowed Southington, Thomaston, and Hartford to build railroad crossings in accordance with Department of Transportation regulations at grade level instead of by overpass. The proponent called Senate amendment "A" which made technical corrections in, and removed obsolete provisions from, the motor vehicle statutes. A member raised a point of order that Senate "A" was not germane to the bill because (1) it would amend a special act with public act language and (2) the subjects of the amendment and bill were totally unrelated to one another.

The speaker ruled the point well taken, agreeing with both objections.

Stolberg, April 26, 1988.

21. AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill provided funds for safety improvements of the Highland Avenue Bridge in Waterbury and a survey of the state's historic bridges, and carried forward funds appropriated in 1986 for ride-sharing organizations. House amendment "A" gave the transportation commissioner authority to acquire property abutting, or access rights to and from, structures maintained by the state. It also allowed him to order utilities to remove or relocate their facilities on such structures. A member raised a point of order that House "A" was not germane to the bill because it would be a public act if adopted while the bill would be a special act. He cited a ruling of Speaker Van Norstrand from May 5, 1986 (HP 184) in support of his point.

The speaker said that HP 184 did not provide precise guidance because, in that case, the speaker had made his ruling based on the germaneness of the amendment's subject to that of the bill. The issue here was purely one of whether a public act or statutory amendment should be added to a bill that would be a special act even though it was germane to the bill's subject.

The speaker ruled that public policy is not well served by attaching statutes to special acts. A special act, because it is temporary, should not be a vehicle for a permanent statute. On this basis, he ruled House amendment "A" out of order.

The speaker also made it clear that his ruling should not be taken to apply to the reverse situation (i.e., adding a special act provision to a public act bill) because that was a different question and one that was not then before him.

Stolberg, June 2, 1987.

22. AMENDMENT, CONFLICTING

During discussion of House amendment "D," a member argued that the amendment should be defeated because it referred to lines already sticken from the file by House amendment "A." Another member raised a point of order that House "D" was not properly before the House.

The speaker ruled the point not well taken. It is up to the members to decide whether amendments are flawed or inconsistent with previously adopted amendments [*Mason* 402 (8)].

Stolberg, June 3, 1987.

23. AMENDMENT, COPIES

The amendment was called in the House. A member raised a point of order that members had not received copies.

The speaker ruled the point not well taken because copies had been distributed.

Van Norstrand, May 1, 1986.

24. AMENDMENT DESIGNATION

A member asked the clerk to call an amendment and to read it. The clerk called the LCO number and designated the amendment as House amendment "P." Before he read the amendment, the speaker recognized its sponsor, who moved adoption. The speaker stated the motion and asked for remarks. The sponsor began to speak on the amendment but the speaker interrupted him, apologized for forgetting to order the amendment read, and asked the clerk to read it. The clerk started to read but before he finished, the sponsor was recognized and moved to withdraw the amendment. In the absence of objection, the speaker accepted the withdrawal.

A member then called another amendment, which was designated House amendment "Q." Another member raised a point of order that the previous amendment had not been called and read before being withdrawn, so the amendment currently before the House should be designated House "P."

The speaker ruled the point not well taken. The earlier amendment was called but not read. When an amendment is called it is officially before the House and receives a letter designation. It does not have to be read to be official.

Ritter, July 6, 1994.

25. AMENDMENT, FORM OF

The bill concerned police pursuits. It was amended by Senate amendments "A" and "B." Senate "A" was incorporated into the file copy and the House adopted Senate "B." A member called House amendment "A." The bill's proponent raised a point of order that House "A" was not in the proper form because it was drafted to amend an earlier version of the bill (before the adoption of Senate "B").

The deputy speaker ruled the point well taken and the amendment out of order.

Hartley, May 5, 1998.

26. AMENDMENT FRIVOLOUS

During debate on a bill concerning the death penalty, a member introduced an amendment to require the governor to carry out all executions personally. Another member raised a point of order that the amendment was not properly before the House because it was frivolous [*Mason* 401(1)].

The speaker ruled the point well taken.

The ruling was appealed and sustained.

Collins, April 11, 1973.

27. AMENDMENT GERMANE

The bill set up a voluntary program for public campaign financing of candidates for municipal office. House "A" established a similar system for statewide offices. A member raised a point of order that the amendment was not germane because it had nothing to do with municipalities and concerned a different section of the statutes.

The deputy speaker ruled the point not well taken, stating that the public financing of statewide offices is relevant, appropriate, and following logically from the public financing of municipal elections.

Hyslop, April 27, 2004.

28. AMENDMENT GERMANE

The chamber adopted a strike-all amendment authorizing recall petitions in certain towns where the chief elected officer serves a four year term. House "B" authorized a commission to study establishing a recall procedure for constitutional officers. A member raised a point of order that the amendment was not germane to the bill, which dealt with local, not state officers.

The deputy speaker ruled the point not well taken. Both the bill and the amendment deal with the subject of recall petitions.

Currey, June 2, 2003.

29. AMENDMENT GERMANE

The bill authorized bonding for the 21st Century UConn project. House "A" authorized OPM to issue bonds and make $1 million available to each city and town for FY 2005-06. A member raised a point of order that the amendment was not germane to the underlying bill because it dealt with different sections of the General Statutes.

The deputy speaker ruled the point not well taken. Both the bill and the amendment dealt with bonding.

Fritz, August 12, 2002.

30. AMENDMENT GERMANE

The bill prohibited employers from disciplining employee victims for taking time off to attend criminal court proceedings. House "A" prohibited employers from requiring employees to disclose their criminal records. A member raised a point of order that the amendment was not germane to the underlying bill.

The deputy speaker ruled the point not well taken. Pursuant to *Mason's* 402 the silken thread was achieved because the amendment was relevant, appropriate, and in a natural logical sequence to the bill's subject matter.

Fritz, May 7, 2002.

31. AMENDMENT GERMANE

The bill created a procedure for transferring a motor vehicle registration when a registrant dies. House "A", a strike-all amendment, created an alternative registration transfer procedure and allowed people to designate representatives to act in their place in other situations. A member raised a point of order that under *Mason's* 402, the amendment did not follow in a logical sequence from the underlying bill.

The speaker ruled the point not well taken. The bill and some sections of the amendment relate to the same title and chapter of the motor vehicle statutes.

Lyons, April 26, 2002.

32. AMENDMENT GERMANE

The amended bill made many changes to court operations statutes. House amendment "B" would permit constables to serve papers throughout the judicial district in which their town was located rather than only within town limits. A member raised a point of order that the amendment was not germane because the bill was strictly limited to court operations, while the amendment dealt with constables and the current sheriffs' operations.

The deputy speaker ruled the point not well taken. Several sections of the underlying bill relate to service of process and the amendment also relates to service.

Currey, May 1, 2000.

33. AMENDMENT GERMANE

The bill prohibited auto insurers from deducting social security disability benefits from accident awards under uninsured/underinsured policies. House amendment "A" would start a pilot program offering reduced-rate policies to uninsured low-income drivers. A member raised a point of order that the amendment was not germane to the underlying bill.

The deputy speaker ruled the point not well taken. The question is whether the amendment is relevant, appropriate, and in a natural logical sequence to the

subject matter of the original proposal. Both the bill and the amendment deal with uninsured motorists.

Currey, April 26, 2000.

34. AMENDMENT GERMANE PASS TEMPORARILY

The bill permitted the Department of Economic and Community Development (DECD) to report to the state auditors and legislative committees once, rather than twice, a year. A member offered House amendment "A" which would require legislative committee hearings on the New Haven mall project and permit certain committees to overrule the DECD's approval of the mall plan. A member raised a parliamentary inquiry whether, if a point of order were raised, the chairman would rule that the amendment was germane.

The speaker pro tem stated that the amendment was germane.

After debate, the proponent asked to withdraw his amendment. Another member objected to the withdrawal, contending that similar measures had failed in the House twice before. He then withdrew his objection and the amendment was withdrawn.

The minority leader then offered House amendment "B" which would reduce the gasoline tax by seven cents, as specified in the governor's budget proposal, and would require the Connecticut Economic Conference Board to make yearly reports on the impact of the tax on the state's economy, business environment, and tourism.

Several members spoke in support of the amendment, and the majority leader then moved to pass the bill temporarily. The minority leader objected that the motion had been made in the middle of debate.

The speaker pro tem ruled that a motion to pass temporarily was always in order and took precedence when made.

Another member made a parliamentary inquiry whether a motion to pass temporarily was debatable.

The speaker pro tem explained that debate is limited to the issue of passing temporarily and not the substance of the bill.

After limited debate, the motion carried by roll call vote.

Hartley, March 29, 2000.

35. AMENDMENT GERMANE

The bill eliminated redundant paperwork by state agencies involving receipt of federal funds. House amendment "A" required the entire General Assembly to vote on the governor's proposed allocations of federal block grants exceeding $35 million. A member raised a point of order that House "A" was not germane to the bill.

The speaker pro tem ruled the point not well taken. Both the bill and the amendment dealt with grants and receivables from the federal government.

Pudlin, May 27, 1997.

36. AMENDMENT GERMANE

The amended bill established a state goal for acquiring land for open space preservation and set up a coordination mechanism to achieve the goal. House amendment "B" changed the charter of the Metropolitan District Commission to allow it to manage the Riverfront Recapture parks along the Connecticut River in Hartford and East Hartford. A member raised a point of order that House "B" was not germane to the bill.

The speaker pro tem ruled the point not well taken. Both the bill and the amendment dealt with use of land for recreational purposes and both referred to parks and open space.

The member appealed the ruling.

In response to a parliamentary inquiry, the speaker pro tem allowed debate on the ruling but said that each member could speak only once. In response to a further inquiry, he ordered a roll call vote on the appeal.

On a roll call vote, the ruling was upheld.

Pudlin, May 27, 1997.

37. AMENDMENT GERMANE

The bill concerned procedures for contested federal elections. House amendment "A," which made various technical changes, was adopted. A member called House amendment "B," which required the state to hold a special election to fill any mid-term vacancy in the office of U.S. senator. A member raised a point of order that House amendment "B" was not germane to the amended bill because the bill dealt with contested elections and the amendment dealt with vacancies.

The deputy speaker ruled the point not well taken. House "B" was germane.

Hyslop, April 25, 1996.

38. AMENDMENT GERMANE

The bill gave local school boards that donate surplus food to nonprofit organizations immunity from liability for the donations. A member called House amendment "A," which granted immunity from liability to "pick your own" businesses that allow people onto their property to harvest agricultural commodities. Another member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point not well taken since both the bill and the amendment related to immunity from civil liability.

Hyslop, April 24, 1996.

39. AMENDMENT GERMANE

The bill, as amended by House "A" allowed state and local planning bodies to identify and promote greenways, renamed the local plan of development, and made corresponding technical changes. A member called House amendment "B," which allowed a local planning and zoning commission to approve or deny a zoning application based on

traffic concerns. A member raised a point of order than House "B" was not germane to the bill.

The deputy speaker ruled the point not well taken. Both the bill and the amendment dealt with zoning and amended the zoning statutes.

Hyslop, June 5, 1995.

40. AMENDMENT GERMANE TO TECHNICAL REVISOR'S BILL

The bill contained technical corrections to the *General Statutes* and to certain public and special acts. Many amendments were adopted. A member called House amendment "N," which made various clarifications in the tax law. A member raised a point of order that parts of House "N" were not technical and that therefore the amendment was not germane to the technical revisor's bill.

The speaker called for debate on the point.

The proponent of House "N" admitted that some parts of the amendment were not technical but said that they had no fiscal impact and that the clarifications were needed by the Department of Revenue Services.

The speaker ruled the point not well taken. Most of the amendment was technical and the Department of Revenue Services needed it to administer the tax laws.

Ritter, June 7, 1995.

41. AMENDMENT GERMANE

The bill set up a DNA data bank for sexual offenders and House amendment "A," previously adopted, required convicted sexual offenders to register with local police when they are released from jail and kept the registration information confidential by exempting it from the Freedom of Information Act. Senate amendment "A" dealt with disclosure of the contents of police reports. A member raised a point of order that Senate "A" was not germane to the bill.

The deputy speaker ruled that Senate "A" was germane to the amended bill because House "A" referred to the Freedom of Information Act.

The ruling was appealed, and after short debate, upheld on a roll call vote.

Pudlin, May 3, 1994.

42. AMENDMENT GERMANE
MEMBERS MAY SPEAK ONLY ONCE ON AN APPEAL

The bill concerned prison terms for youthful offenders. House amendment "A" clarified other statutory sections to conform to changes in youthful offender sentencing. House amendment "B" allowed juvenile offenders to be sentenced to alternative incarceration programs. A member raised a point of order that House "B" was not germane to the bill because it dealt with juvenile offenders while the bill dealt with youthful offenders.

The speaker ruled the point not well taken. The amendment was germane because both it and the bill dealt with sentencing.

The ruling was appealed. During debate, the proponents of the appeal argued that youthful juvenile offender laws are in different statutory titles and are dealt with by two different state agencies. Furthermore, they argued that youthful offenders are not sentenced in the way delinquents are.

Supporters of the ruling argued that because the bill allowed youthful offenders to be sent to prison, it was partly a sentencing bill and that the bill and the amendment both dealt with the basic issue of alternatives available in sentencing.

When a member who had already spoken rose to respond to a previous speaker, a member raised a point of order that each member may speak only once on an appeal.

The speaker ruled the point well taken [HR 3].

On a roll call vote, the appeal was rejected.

Ritter, April 25, 1994.

43. AMENDMENT GERMANE

The bill required certain health professionals to carry professional malpractice insurance. House amendment "A" eliminated the mandatory license suspension for selected medical providers who do not obtain proper malpractice insurance within 30 days of receiving a warning from the Department of Public Health and Addiction Services. House amendment "A" was adopted. House amendment "B" required insurance companies and others to pay $1,000 per year towards the removal of any breast implant when removal is medically necessary. House "B" was adopted. House amendment "C" allowed any physician willing to meet the terms and conditions required for participation the right to participate in any preferred provider network. A member raised a point of order that House "C" was not germane to the amended bill.

The speaker ruled the point not well taken.

Ritter, April 22, 1994.

44. AMENDMENT GERMANE

The bill made drivers responsible for requiring back seat passengers between ages four and 16 to wear seat belts. It also required children between one and four years to be in child safety seats in the rear seats of cars and extended the child restraint requirement to trucks, vans, and recreational vehicles. House amendment "A" required everyone riding on a motorcycle to wear a helmet. A member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point not well taken since both the bill and the amendment dealt with motor vehicle safety.

Ritter, April 19, 1994.

45. AMENDMENT GERMANE

The amended bill made it a felony to supply a weapon to a person under 18 who uses it to commit a felony. House amendment "D" allowed a jury to weigh a crime's mitigating against its aggravating factors in deciding whether a convicted defendant deserves

the death penalty. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled the point not well taken. The amended bill required a person who supplied a gun used in certain crimes to receive the same penalty as the person who committed the crime. In some cases, the principal offender could receive the death penalty and, under the bill, so could the person who supplied the firearm. Therefore, an amendment dealing with the death penalty was germane to the bill.

Polinsky, June 29, 1992.

46. AMENDMENT GERMANE

The amended bill created the new class D felony of possession of a firearm on school grounds without a permit. House amendment "H" directed the Prison and Jail Overcrowding Committee and the Advisory Committee on Alternative Sanctions to examine the effect of mandatory sentencing on the prison population and to consider alternative sentencing for nonviolent offenders. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled the point not well taken. The bill created a new crime that could lead to a prison sentence and the amendment dealt with prison overcrowding. There was enough of a relationship between the two to make House "H" germane.

Polinsky, June 29, 1992.

47. AMENDMENT GERMANE

The bill allowed marriage and family therapy to be included in mental health services eligible for reimbursement by insurance companies. House amendment "A" made minor changes in the bill's wording. House amendment "B" relieved small employers from providing certain state-mandated health services in group health insurance policies covering their employees. A member raised a point of order that House "B" was not germane to the bill.

The speaker ruled the point not well taken because both the bill and the amendment dealt with mandates and health care coverage.

Balducci, April 16, 1992.

48. AMENDMENT GERMANE

The bill revised the law concerning employment drug testing. Senate amendment "A" prohibited most employers from discriminating against employees and job applicants who smoke. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point not well taken. Both the bill and the amendment dealt with employment and conditions of employment.

Balducci, June 1, 1991.

49. AMENDMENT GERMANE

The bill increased the amount of money that could be taken from the Emergency Spill Response Fund for aquifer mapping. The amendment set minimum statewide standards for water quality and testing procedures for private residential wells. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point not well taken. Aquifers relate to drinking water and drinking water supplies and the amendment was also concerned with drinking water quality. The two subjects were "comparable."

Markham, May 30, 1991.

50. AMENDMENT GERMANE

The bill concerned planning for collection of household hazardous waste. House amendment "A" prohibited the Connecticut Siting Council from approving an application to operate a hazardous waste incinerator from anyone who has been subject to a fine of over $10,000 for violating state water pollution control laws. A member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point not well taken. Both the bill and the amendment dealt with permits. They referred to two of the same statutory sections and both dealt with hazardous waste disposal.

Balducci, May 28, 1991.

51. AMENDMENT GERMANE

The bill required licensed real estate brokers and salesmen to disclose to buyers that they represent sellers and required them to notify sellers whenever they represent buyers. House amendment "B" required the Real Estate Commission to certify anyone who manages a residential condominium or community association. A member raised a point of order that House "B" was not germane to the bill.

The speaker ruled the point not well taken. The bill provided for new requirements for those licensed under Chapter 392 and expanded the Real Estate Commission's power. House "B" required a new class of people to be registered under Chapter 392. Thus, the amendment was relevant, appropriate, and logical in accordance with the standards of *Mason* 402.

Balducci, May 8, 1990.

52. AMENDMENT GERMANE—RULING BASED ON DOCUMENTS NOT BEFORE THE GENERAL ASSEMBLY

The bill banned automobile air conditioners that use chlorofluorocarbons (CFCs) as of 1995. House amendment "A" allowed the environmental protection commissioner to grant up to two one-year extensions for up to 75% of a manufacturer's models. House "A" was adopted. House amendment "B" required state businesses to have plans to reduce use of carbon tetrachloride and methyl chloroform, two ozone-depleting chemicals, by 50% by

1995 and 100% by 2000. A member raised a point of order that House "B" was not germane because it did not deal with automobiles, auto emissions, or CFCs.

The deputy speaker ruled the point not well taken. The member was correct in stating that the bill amended a 1989 public act that dealt with auto air conditioning. But the 1989 act prohibited selling "containers of controlled substances" used to recharge automobile or other air conditioners or refrigerators. The term "controlled substances" was defined in a 1988 public act as those listed in the Montreal Protocol (an international agreement) as ozone-depleting. Thus, both the bill and the amendment dealt with the same basic subject: chemicals that deplete the ozone layer according to the Montreal Protocol listing. House "B" was therefore germane to the bill.

The ruling was appealed. Proponents of overruling the deputy speaker argued that germaneness rulings must be based on the text of the bill and the amendment and not on the text of other documents. They also argued that House "B" was an independent, new measure being introduced in the guise of amendment. House "B" was a slightly revised version of a bill that failed to pass the House earlier in the session. Supporters of the ruling argued that both the bill and the amendment concerned ozone-depleting chemicals and that the test of germaneness was not a bill's title but its basic purpose and thrust.

The appeal failed on a roll call vote. After further debate, House "B" failed.

Polinsky, April 27, 1990.

53. AMENDMENT GERMANE

The bill concerned prices for car rentals and leases. House amendment "A" deleted the original bill and substituted provisions extending the protections of the state's Lemon Law to a person who buys a new car out of state and registers it in Connecticut within 15 days of purchase. A member raised a point of order that House "A" was not germane because the bill concerned car leases and the amendment, car purchases.

The speaker ruled the point not well taken. The Lemon Law contains references to leasing so an amendment to that law had a "strong relationship" to the bill.

Balducci, April 17, 1990.

54. AMENDMENT GERMANE

The bill allowed the Tournament Players' Club of Cromwell to operate under a country club liquor permit. House amendment "D" expanded the brew pub permit to allow brew pubs to serve hard liquor as well as beer. A member raised a point of order that House "D" was not germane to the bill because it had no relationship to country clubs or golf.

The speaker ruled the point not well taken. Both the bill and the amendment concerned liquor permits.

Balducci, April 5, 1990.

55. AMENDMENT GERMANE

The bill concerned mass transit. The House had previously passed it with three amendments. The Senate rejected two of the House amendments and added four of its own. When the bill returned to the House, three of the Senate and two of the House amendments were rejected. This had the effect of removing most of the bill's provisions, leaving only House "A." A member moved to adopt Senate "D," which limited the amount the Transportation Department could charge for season passes on the Glastonbury-Rocky Hill and Hadlyme-Chester ferries to the 1988 charge plus 25%. It also required that, until January 1, 1992, the rate not increase. A member raised a point of order that Senate "D" was not germane since there was hardly anything left of the bill.

The deputy speaker ruled the point not well taken. Although no longer in existence, the language of the original file dealt with mass transit as did House "A." Since ferries are a form of mass transit, Senate "D" was germane.

The ruling was appealed. Later, by agreement, the bill was passed temporarily and the appeal was made moot.

Polinsky, June 6, 1989.

56. AMENDMENT GERMANE

The amended bill approved state grants for a list of school construction projects. The amendment changed various statutory formulas for allocating state aid to local schools. A member raised a point of order that the amendment was not germane.

The speaker ruled the point not well taken. Both the amendment and the bill related to state assistance to schools, school funding formulas, and both amended the same statutory section.

Balducci, June 6, 1989.

57. AMENDMENT GERMANE

The bill imposed a state tax on marijuana and other controlled substances illegally produced, transported, or acquired by dealers. The amendment created a new class C felony: criminal use of a firearm in the first degree, a crime consisting of using or threatening to use a pistol, revolver, machine gun, shotgun, rifle, or other firearm in a drug deal. A member raised a point of order that the amendment was not germane to the bill.

The speaker ruled the point not well taken. The bill dealt with illegal drugs and the amendment effectively increased the penalty for using a firearm when dealing in illegal drugs. Illegal drugs was the bridge between the two and the amendment was germane.

Balducci, June 5, 1989.

58. AMENDMENT GERMANE; ADOPTED AMENDMENTS MAY EXPAND SUBJECT OF BILL FOR NEW AMENDMENTS

The bill imposed a state tax on marijuana and other controlled substances illegally produced, transported, or acquired by dealers. House amendment "A" made it a class C felony to use or threaten to use a pistol, revolver, machine gun, shotgun, rifle, or other firearm during a drug deal. House "A" was adopted.

A member proposed House amendment "B," which (1) imposed a 10-year mandatory minimum sentence on anyone convicted of using any of 69 specified assault weapons in committing a felony; (2) prohibited sale of assault weapons to minors, aliens, and convicted felons; (3) prohibited carrying a concealed assault weapon or having a loaded assault weapon in a motor vehicle; and (4) imposed a two-week waiting period for sales of assault weapons. A member raised a point of order that House "B" was not germane to the file as amended because it made no mention of drugs.

The speaker ruled the point not well taken. House "B" was not germane to the underlying file (the "grass tax" bill) but it was germane to the subject of House "A" because both amendments related to firearms. House precedent is that once an amendment to a bill passes, other amendments relating to the same subject as the original amendment are germane.

Balducci, June 5, 1989.

59. AMENDMENT GERMANE

The bill, as amended, authorized judges to mete out alternative sentences to people convicted of certain crimes. House amendment "J" imposed a 10% surcharge on criminal fines and penalties, with the money being earmarked for municipal drug education and enforcement activities. A member raised a point of order that House "J" was not germane to the bill because it was a municipal funding provision.

The deputy speaker ruled the point not well taken. Though the bill covered more subjects than the amendment, the amendment did relate to the same subject as one of its sections.

Smoko, June 3, 1989.

60. AMENDMENT GERMANE

The bill dealt with state purchasing procedures. House amendment "A" (1) eliminated the provisions of the original file, (2) authorized the revenue services commissioner to allow manufacturers to ship unstamped cigarettes to state departments for sale in state institutions, (3) required the department head to pay the tax on those cigarettes to the revenue services commissioner, and (4) exempted cigarettes sold in state institutions from the minimum markup provisions of the cigarette tax law. A member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point not well taken. The bill dealt with general acquisition and bidding procedures for state property. Although the amendment

narrowed the scope of the file to the state's acquisition of a single product, it still related to the acquisition of property by the state.

Smoko, May 16, 1989.

61. AMENDMENT GERMANE

The bill gave certain manufacturers in distressed municipalities a 50% tax exemption for five years for new machinery and equipment they acquire when technologically upgrading their manufacturing processes. House amendment "A" clarified which localities were eligible to be reimbursed by the state for veterans' property tax exemptions and made members of the Merchant Marine in ocean-going service between December 7, 1941 and August 15, 1945 eligible for the exemption. A member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point not well taken. Both the bill and the amendment dealt with the same statutory section and though in most instances this alone was not enough to decide the issue of germaneness, in this case the section was very broad and covered many different kinds of property tax exemptions.

Stolberg, May 3, 1988.

62. AMENDMENT GERMANE

The amended bill permitted Bridgeport to issue state-guaranteed bonds to cover its accumulated deficits through June 30, 1988 and imposed conditions and reviews by an outside board on the city's future budgets. House "C" delayed payment of penalties due from the city to the state Department of Income Maintenance for five years. A member raised a point of order that House "C" was not germane because it did not relate to the subject either of bonding or the special review board and because the amendment was a special act and the bill might or might not be one.

The deputy speaker ruled the point not well taken as both the bill and the amendment dealt broadly with Bridgeport's financial condition.

The ruling was appealed and sustained.

Lavine, April 30, 1988.

63. AMENDMENT GERMANE

The bill made many revisions in the education laws. Seven amendments were adopted also dealing with education laws and with school construction projects. House "H" allowed 15-year-olds to work in restaurants under limited conditions set by the state Department of Education. A member raised a point of order that the amendment was not germane because it was substantive, not technical, and because it was similar to a separate bill still on the calendar.

The deputy speaker ruled the point not well taken because the bill was not limited to technical revisions of the education laws.

Lavine, April 28, 1988.

64. AMENDMENT GERMANE

The bill allowed towns, either singly or jointly, to establish land use systems that permit transferring development rights or building density limits between separate parcels. Senate amendment "B" allowed cemeteries of less than five acres to establish crypts, mausoleums, or vaults with approval of the local zoning authorities. Senate "C" specified that any transfer of development rights be done only by joint application of both parties. Both Senate amendments were adopted. A member called House "B" which required local zoning commissions to publish decisions within 15 days. A member raised a point of order that House "B" was not germane to the bill as amended.

After debate on the point of order, the speaker ruled the point not well taken. There did appear to be a connection particularly between Senate "C" and House "B," both of which dealt fairly generally with zoning regulations. The amendments already adopted expanded the scope of the file enough to make House "B" germane.

Stolberg, May 29, 1987.

65. AMENDMENT GERMANE

The bill required those who work on asbestos abatement to be licensed. House amendment "A" removed the 10-year statute of limitations on product liability claims related to asbestos. A member raised a point of order that the amendment was not germane.

The speaker ruled the point not well taken. Both the bill and the file dealt with individuals having contact with and exposure to asbestos. The only change in the product liability laws that the amendment would make related to those exposed to asbestos. If the amendment had sought other changes in the product liability laws, then it would not have been germane, but as long as those changes were confined to asbestos, the amendment was in order.

Stolberg, May 22, 1987.

66. AMENDMENT GERMANE

The bill required a study of the delivery and effectiveness of special education services. House amendment "A" added services to gifted and talented students to the subjects for study. House amendment "B" made the town of Hartland eligible for funding under the Education Enhancement Act even though it had not complied with that act's conditions. Both amendments were adopted. House amendment "C" was called. House "C" allowed teachers from out-of-state to teach in Connecticut for one year even if they do not pass the required competency test.

A member raised a point of order that House "C" was not germane to the bill. Another member argued that the amendment was germane because House amendments "A" and "B" had expanded the subject of the original bill so that it was no longer a simple study of special education programs. A third member argued that amendment "C" should be ruled out of order because it was a new question introduced in the guise of an amendment.

The speaker considered two points in making his ruling. First, the House had adopted House amendment "B" to which no challenge was made on the issue of germaneness. House "B" expanded the scope of the original bill considerably and

thereby provided a bridge to House "C." Second, the language of the original bill incorporated the issue of teacher certification into the study and House "C" concerned teacher certification. The cumulative effect of these two factors was enough to make House "C" germane.

Stolberg, May 21, 1987.

67. AMENDMENT GERMANE

The bill changed licensing requirements for health-related coordination, assessment, and monitoring (CAM) agencies; expanded eligibility for home health services; set implementation deadlines for the Department of Income Maintenance's home care program; and established an independent living demonstration project within the Department on Aging. The Senate attached two amendments, which the House also adopted. Senate "A" dealt with aspects of the original bill; Senate "B" allowed St. Francis Hospital to act as a CAM agency and provide services to itself.

A member introduced House "A" to allow the Connecticut Health and Education Facilities Authority to bond items costing a minimum of $50,000 rather than $100,000 as long as the items' useful lives were at least eight years.

The deputy speaker ruled that because both the amendment and the bill related to health care facilities, House "A" was germane.

Belden, May 6, 1986.

68. AMENDMENT GERMANE

The bill authorized issuance of state bonds for several transportation projects. The Senate attached two amendments. Senate "A" was technical and Senate "C" required the state to remove the tolls from the Merritt and Wilbur Cross parkways by a certain date. When Senate "C" was called in the House, a member raised a point of order that it was not germane to the bill.

The speaker ruled the point not well taken because the bill dealt in part with maintenance and administration of toll booths and the amendment also concerned tolls. Though the amendment changed the effect of the bill, the two did relate to the same subject [*Mason* 402(3)].

Van Norstrand, May 6, 1986.

69. AMENDMENT GERMANE

The bill made a myriad of technical and minor changes in the state's education laws. Several amendments were adopted. A member offered House "H" to institute an incentive grant program to encourage public agencies to provide service to handicapped children from birth to age three and transferred funds from one state agency to another to accomplish this. A member raised a point of order that the amendment was not germane.

The deputy speaker said that because there were so many different items included in the bill, almost any amendment dealing with education would be germane. *Mason* states that an amendment is germane if it relates to the same subject as a bill. In this case, the amendment and bill both related to education.

Belden, May 3, 1986.

70. AMENDMENT GERMANE

The bill made the Department of Income Maintenance responsible for the Work Incentive Program (WIN) for welfare recipients. It also made other changes in the way WIN was administered. The amendment required the state to increase welfare grants by 1.5%. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point not well taken because both the amendment and the bill related to funding for welfare programs.

Belden, April 28, 1986.

71. AMENDMENT GERMANE

The House was meeting pursuant to the earlier of two calls for special session issued by the governor. The later call contained an agenda identical to that in the earlier call except for the addition of one item: appropriation of additional money for municipal infrastructure projects.

The bill established a municipal infrastructure trust fund and a transportation accountability board. A member introduced House amendment "E" to appropriate to the trust fund an additional $18.2 million from the 1984-85 revenue surplus. The amendment also contained a formula for distributing the additional funds. A member raised a point of order that House "E" was not properly before the House because it was not germane to the bill or the special session call.

The deputy speaker ruled the point not well taken [*Mason* 402].

Belden, July 25, 1985.

72. AMENDMENT GERMANE

The bill established a municipal infrastructure trust fund. House amendment "A" made technical amendments to the fund and established a transportation accountability board to oversee expenditures by the Department of Transportation. A member raised a point of order that House "A" was not germane because it included the accountability board. The member argued that if one section of an amendment is not germane, the entire amendment is out of order.

The deputy speaker ruled the point not well taken. Part of the accountability board's responsibility is to analyze and oversee implementation of infrastructure programs, including the municipal infrastructure program established by the bill and the rest of House "A." The amendment was a relevant and logical addition to the bill because of the board's relationship to the infrastructure program. In addition, because of this relationship, the bill and the amendment have a common subject as required by *Mason* 402 (2) and (3).

The ruling was appealed. During debate on the appeal, opponents argued that the infrastructure programs referred to in the bill and in sections one through seven of the amendment were state, not municipal, programs. They also contended that the amendment sought to introduce an entirely new question, a procedure which is not in order [*Mason* 402, (6)].

On a roll call vote, the ruling was upheld.

Belden, June 4, 1985.

73. AMENDMENT GERMANE

The bill established a municipal infrastructure program funded by proceeds from the investment of $200 million of state money. House amendment "B" required the state treasurer to invest no new state money, and to remove money already invested, in corporations doing business in Northern Ireland that do not adopt the McBride principles. A member raised a point of order that the amendment was not germane.

The speaker ruled the point not well taken. The bill required the state treasurer to make investments to accomplish the purposes of the municipal infrastructure program. The amendment limited the treasurer's power to invest state money. The connection was clear and the amendment met all the criteria for germaneness cited in *Mason* 402.

Van Norstrand, June 4, 1985.

74. AMENDMENT GERMANE

The bill added certain martial arts weapons to the statutory list of dangerous weapons that may not be carried or sold without police permission. House amendment "A" allowed municipalities to adopt ordinances regulating possession of pistols and revolvers, and to impose fines of up to $500 for violations. It also prohibited sale of pistols and revolvers in locations where they are not permitted under local zoning regulations. A member raised a point of order that the amendment was not germane because pistols and revolvers were not included in the statutory list of dangerous weapons.

The deputy speaker ruled the point not well taken. Both the bill and the amendment dealt with Title 53 of the General Statutes and both sought to amend the laws governing criminal activity. He noted that this ruling was a "close call which could be either way" based on *Mason's* criteria [*Mason*, 402].

Belden, June 4, 1985.

75. AMENDMENT GERMANE

The bill established a 10-member commission to study the state's human services programs and appropriated $100,000 for the commission. House amendment "A" transferred the $100,000 appropriation to the Meals on Wheels program. A member raised a point of order that the amendment was not germane.

The speaker ruled the point not well taken. To be germane an amendment need only relate to the same subject as the bill. The subject of this amendment and bill was human services and the expenditure of $100,000 in the human services area.

Van Norstrand, June 3, 1985.

76. AMENDMENT GERMANE

The bill permitted the contents of any appraisal made by or for a self-insured municipality concerning a claim for damages to be kept confidential until the claim is finally settled. Senate amendment "A" required the records of a special legislative committee investigating the criminal justice system to be kept confidential. A member raised a point of order that Senate "A" was not germane to the bill.

The acting speaker ruled the point not well taken because both the bill and the amendment dealt with the state Freedom of Information Act.

Belaga, May 31, 1985.

77. AMENDMENT GERMANE

The bill required the state to resume issuing two license plates for each car. House amendment "E" allowed new and used car dealers to get up to eight temporary emissions stickers at a time for use on cars being test-driven or driven to repair shops or emissions inspection stations. Stickers were to be affixed to the dealer plate. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point not well taken. Both the bill and the amendment dealt with license plates.

Belden, May 30, 1985.

78. AMENDMENT GERMANE

The bill required the Department of Public Utility Control to phase in rate increases associated with large new electric generating plants over three to 10 years. House amendment "E" required direct election of the DPUC commissioners. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled the point not well taken. Both the bill and the amendment dealt with Title 16 of the General Statutes and the issues raised by the two were "extremely intertwined."

Belden, May 28, 1985.

79. AMENDMENT GERMANE

The bill required drivers and front seat passengers in cars to wear seat belts. House amendment "D" required operators and passengers on motorcycles to wear helmets. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled the point not well taken. The bill concerned motor vehicle safety and, under Connecticut law, a motorcycle is a motor vehicle. Thus, an amendment dealing with motorcycle safety was germane to the bill.

Belden, May 23, 1985.

80. AMENDMENT GERMANE

The resolution proposed to amend the state constitution to allow indirect initiative. House amendment "G" required the legislature to set standards for expenditures and contributions made to influence success or defeat of measures submitted for referendum. A member raised a point of order that the amendment was not germane to the resolution.

The deputy speaker ruled the point not well taken.

Belden, May 22, 1985.

81. AMENDMENT GERMANE

The bill prohibited judges from employing relatives in paid court jobs. The amendment prohibited judges from serving on advisory boards or boards of directors of banks. A member raised a point of order that the amendment was not germane.

After some debate on the question, the speaker stated his opinion that, if his ruling were to be based solely on the bill's title, the amendment would be clearly out of order. However, a close reading of the entire bill revealed restrictions on judges employing close business associates as well as general prohibitions against judges engaging in conduct prejudicial to the impartial administration of justice. He noted that precedent in the House was to allow amendments where there was any "thread" of a relationship. He ruled that the point was not well taken and the amendment was barely germane because it, too, dealt with business associations and judicial conduct.

Stolberg, May 7, 1984.

82. AMENDMENT GERMANE

The bill eliminated the special Alcohol Education and Treatment Fund and transferred the money to the General Fund. The amendment raised the minimum state drinking age from 19 to 21. A member raised a point of order that the amendment was not germane to the bill. The two had different subjects and applied to different, unrelated statutory sections.

The speaker ruled the point not well taken. He stated that citations to various statutory sections are not as important as the texts of the bill and the amendment. He ruled that both related to the subject of alcohol.

Stolberg, June 3, 1983.

83. AMENDMENT GERMANE

The bill required automobile manufacturers and distributors to disclose to all dealers their method of allocating their products, and generally prohibited manufacturers and distributors from withholding a car from distribution. The amendment required dealers who sell used cars to disclose in writing any material defect of which they are aware.

The speaker ruled the amendment germane.

Stolberg, May 17, 1983.

84. AMENDMENT GERMANE

The bill delayed for one year both the implementation of a "program budget" for the state and the report of a task force established to analyze the budget process and recommend ways of measuring the effectiveness of state programs. The amendment created a state Office of Inspector General to audit and oversee the administration of state funds.

The speaker ruled the amendment germane because both it and the bill concerned the effectiveness and efficiency of state programs.

Abate, May 3, 1982.

85. AMENDMENT GERMANE

The bill authorized the state to lease certain property to the city of Meriden for 20 years for a soccer field. The amendment proposed to require the state to grant an easement to Meadowbrook Estates of Torrington to install a sewer line across state property and set a process for determining the easement's fair market value.

Frankel, April 28, 1982.

86. AMENDMENT GERMANE

The bill directed the Department of Transportation to evaluate the condition of all state roads and bridges and develop a ten-year maintenance schedule by January 1, 1981. The amendment appropriated $75,000 to study various capitol region rail corridors.

The amendment was ruled germane because it and the bill related to evaluation of a segment of the state's transportation network.

Frankel, April 30, 1980.

87. AMENDMENT GERMANE

The bill authorized municipalities to establish juvenile review boards to advise local police on delinquency matters, including referral of cases to other agencies. The amendment allowed delinquents' victims to be present during court hearings dealing with their cases.

The speaker ruled the amendment germane because both it and the bill related to the process of juvenile discipline.

Abate, May 30, 1979.

88. AMENDMENT GERMANE

The bill required the University of Connecticut Health Center to establish and administer a program of medical, counseling, and education services for children with cancer. The amendment appropriated $50,000 to Stratford to alleviate problems caused by dumping cancer-causing asbestos in landfill sites.

The speaker ruled the amendment and the bill related to cancer.

Abate, May 24, 1979.

89. AMENDMENT GERMANE

The bill allowed alcoholic liquor to be served in unscreened outdoor areas of cafes. The amendment allowed the sale of alcoholic liquor under coliseum concession permits.

The deputy speaker ruled that the bill and the amendment related to permits allowing the sale of alcoholic liquor.

Coatsworth, May 10, 1979.

90. AMENDMENT GERMANE

The bill required the Special Revenue Commission to include a prominent statement of the odds of winning in lottery advertisements. The amendment prohibited radio and television advertising of legal gambling activities.

The deputy speaker ruled the amendment and the bill related to advertising.

Coatsworth, May 9, 1979.

91. AMENDMENT GERMANE

The bill prohibited construction of a fifth nuclear plant in the state until the environmental protection commissioner determined that suitable high level nuclear waste storage and disposal techniques had been identified and approved by the federal government. The amendment allowed the Division of Public Utility Control 180 additional days to issue a decision on any electric company rate increase application pending before it as of October 1, 1979.

The speaker ruled the amendment "barely" germane as it concerned rate setting, which affected nuclear plant construction, and nuclear plant construction was the subject of the bill.

Abate, May 3, 1979.

92. AMENDMENT GERMANE

The bill dealt with administration of medications in schools. The amendment dealt with ear piercing by registered nurses.

Vicino, 1978.

93. AMENDMENT GERMANE

The bill dealt with the period and procedure for appeal from Board of Tax Review assessments of personal property taxes on real estate. The amendment dealt with personal property taxes on aircraft and flight equipment.

Kennelly, 1978.

94. AMENDMENT GERMANE

The bill changed the state program for grants to municipalities in lieu of taxes. The amendment changed the revaluation and assessment process.

Vicino, 1978.

95. AMENDMENT GERMANE

The bill eliminated the requirement that the Department of Labor pay a fee to every doctor reporting a case of occupational disease. The amendment added new positions for the department's Occupational Health and Safety Division and appropriated funds for the purpose.

Kennelly, 1978.

96. AMENDMENT GERMANE

The bill made several changes in the liquor laws including those dealing with importation of liquor into the state, case prices for beer and liquor, and repeal of minimum markups. The amendment raised the legal drinking age.

Vicino, 1978.

97. AMENDMENT GERMANE

The bill dealt with a study and recommendations concerning sale of water company lands and certain other provisions relating to construction of, and financial assistance for, water treatment facilities. The amendment established a South Central Connecticut Regional Water Authority.

Kennelly, 1977.

98. AMENDMENT GERMANE

The bill dealt with implementation of court reorganization and judicial salaries. The amendment dealt, in part, with salary levels of certain members of the legislative and executive branches. The ruling was appealed and sustained.

Kennelly, 1977.

99. AMENDMENT GERMANE

The bill established a program for control of used beverage containers and assessed a deposit for nonreturnable containers. One amendment dealt with a tax to be imposed on manufacturers. The other amendment substituted a tax on interest earned from corporate bonds and state and municipal bonds outside Connecticut.

Kennelly, 1977.

100. AMENDMENT GERMANE

The bill dealt with the procedures for resale of alcoholic beverages confiscated by the state as contraband. The amendment dealt with liquor purchased out-of-state for personal use which did not constitute contraband.

Kennelly, 1977.

101. AMENDMENT GERMANE

The bill dealt with permits for collection of crustaceans and wildlife for scientific and educational purposes. The amendment made $1 million previously appropriated for the Department of Environmental Protection available instead for personal services and the Council on Environmental Quality.

Morris, 1976.

102. AMENDMENT GERMANE

The bill established requirements for reusable beverage containers and prohibited pull-top cans. The amendment authorized additional bonding under the Industrial Building Mortgage Insurance Fund and the use of the bonds for conversion of beverage processing facilities to produce returnable bottles.

Morris, 1975.

103. AMENDMENT GERMANE

The bill, considered under suspension of the rules, gave municipalities authority to establish merit or civil service systems. The amendment exempted part-time municipal employees from the provisions of these civil service systems.

Ratchford, 1972.

104. AMENDMENT GERMANE TO TECHNICAL REVISOR'S BILL

The bill was the annual technical revisor's bill to correct mistakes and typographical errors in the statutes and public acts. House amendment "N" clarified the law to allow interior designers to submit plans directly to a building official. A member raised a point of order that the amendment was not germane to the bill because it was not technical.

The speaker ruled the point not well taken because one section of the bill dealt with issuance of building permits.

Ritter, June 9, 1993.

105. AMENDMENT GERMANE TO TECHNICAL REVISOR'S BILL

The amended bill was the technical revisor's bill, an annual bill amending many different and unrelated statutory sections. House amendment "O" allowed 15-year-olds to work in amusement parks. A member raised a point of order that House "O" was not

germane because no part of the bill dealt with employment of minors and because the amendment was not merely technical.

The deputy speaker at first ruled the point well taken saying that, to be germane to the revisor's bill, an amendment must make only a technical correction in the statutes. After an appeal and further debate, the deputy speaker reversed himself citing a section in the bill allowing employment of 15-year-olds in establishments with grocery store beer permits.

The appeal was withdrawn, then the point of order was withdrawn, and the amendment was debated and defeated.

Lavine, May 4, 1988.

106. AMENDMENT GERMANE TO TECHNICAL REVISOR'S BILL FISCAL NOTE

The amended bill was the technical revisor's bill, which amended many unrelated statutory sections. House amendment "T" changed the schedule under which the state Department of Education paid school construction grants to towns, in order to help New Britain refinance some of its municipal bonds. The fiscal note on House "T" said that the amendment could lead to future state costs but that there was no data available to determine the exact cost. A member raised a point of order that House "T" was not germane to the bill because the fiscal note indicated that it was substantive.

The speaker ruled the point not well taken. The fiscal note was too vague and ambiguous to serve as a basis for ruling the amendment substantive.

Stolberg, May 4, 1988.

107. AMENDMENT GERMANE TO TECHNICAL REVISOR'S BILL

The bill was the technical revisor's bill, an annual bill amending many different and unrelated statutory sections. House amendment "U" deleted a reference in a bill passed earlier in the session. The proponent said the amendment's purpose was to correct a typographical error in the earlier bill. A member raised a point of order that the amendment made a substantive change in the law and was therefore not germane.

After debate and additional explanation of the amendment, the deputy speaker ruled that it was purely technical and the point was not well taken.

Cibes, May 4, 1988.

108. AMENDMENT IDENTICAL TO BILL ON THE CALENDAR

The bill eliminated the sales tax exemption for cogeneration systems larger than one megawatt. The amendment exempted transactions between a wholly owned subsidiary and its parent from the sales tax. A member raised a point of order that the amendment was improper because it was identical to one part of another bill currently on the House calendar.

The deputy speaker ruled the point not well taken. Only amendments that are identical to those previously decided by the House are out of order. Since the bill

containing the language of this amendment had not yet been taken up, the amendment was in order.

Cibes, May 28, 1987.

109. AMENDMENT NOT GERMANE

The underlying bill, as amended by House "A", provided benefits and protection for volunteer canine search and rescue members. House "B" concerned drug sentencing. A member raised a point of order that House "B" was not germane to the underlying bill (as amended).

The speaker ruled the point well taken. The amendment was not germane, appropriate or in the natural logical sequence of order.

Lyons, May 5, 2004.

110. AMENDMENT NOT GERMANE

The bill contained provisions allowing legal immigrants to receive certain social service benefits. House "B" concerned issuing driver's licenses to legal immigrants. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled the point well taken. Authority to issue a license to a group and authority of that group to receive social services benefits are not sufficiently related.

Hyslop, May 5, 2004.

111. AMENDMENT NOT GERMANE

The bill established a citizens' election fund. House "B" allowed restaurants, bars, and bowling alleys to have separate smoking rooms by permit, with a portion of the permit fee going towards the citizens' election fund. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point well taken. Although the amendment made a connection to the election fund, the amendment did not satisfy the other thresholds for germaneness.

A member appealed the chairwoman's ruling, arguing that the amendment was germane because it established a methodology to transfer smoking permit funds into the clean election fund.

The ruling of the chair was upheld.

Fritz, May 4, 2004.

112. AMENDMENT NOT GERMANE

The bill addressed various ethics issues. House "D" dealt with records disclosure and retention under the Freedom of Information Act. A member raised a point of order that the amendment was not germane to the underlying bill.

The deputy speaker ruled the point well taken. The only reference to FOIA in the underlying bill was in regard to the FOIA Commission's funding. The silver thread requirement was, therefore, not met.

Hyslop, April 22, 2004.

113. AMENDMENT NOT GERMANE

The bill designated UConn's Ballard Institute and Museum of Puppetry the state puppetry museum. House "A" designated the UConn Husky dog the state mascot. A member raised a point of order that under Mason 402 the amendment is not germane because it is not relevant, appropriate, or in a natural and logical sequence to the subject matter of the underlying bill.

The speaker ruled the point well taken.

A member offered House "B" which proclaimed Frederick Law Olmstead Day. Another member raised a point of order that the amendment was not germane.

The speaker ruled the point well taken.

Lyons, June 4, 2003.

114. AMENDMENT NOT GERMANE

The bill concerned probate court mergers. House "C" concerned the youth in crisis law, and included a provision allowing probate courts to hear such cases. A member raised a point of order that the amendment was not germane to the underlying bill.

The speaker ruled the point well taken.

Lyons, June 4, 2003.

115. AMENDMENT NOT GERMANE

The bill modified the labor department's apprenticeship training program. A member offered Senate "A", requiring licensure of hoisting equipment operators, which had been adopted in the other chamber. A member raised a point of order that under Mason 402 the amendment was not germane. The bill amends Chapter 31 of the General Statutes and the amendment concerns Chapter 29.

The deputy speaker ruled the point well taken.

Hyslop, June 2, 2003.

116. AMENDMENT NOT GERMANE

The amended bill changed the formula for calculating overtime pay for certain delivery truck drivers. House "C" required employers to give employees working overtime hourly smoking breaks. A member raised a point of order that the amendment was not germane to the underlying bill.

The speaker ruled the point well taken. The focus of the bill is on overtime, but the focus of the amendment is on rules for smoking in the workplace. There is not a silver thread between the bill and the amendment.
Lyons, May 29, 2003

117. AMENDMENT NOT GERMANE

The amended bill required building officials to return building plans to their owners after issuing a certificate of occupancy. House "B" changed the public meeting notification law. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point well taken. Under Mason 402, to be germane, an amendment must be relevant, appropriate, and in a natural logical sequence to the original proposal. The underlying bill deals with access to building plans, but the amendment requires notice of meeting adjournments.
Hyslop, May 29, 2003.

118. AMENDMENT NOT GERMANE—PROCEDURAL MOTION NOT DEBATABLE

The bill established a state job classification for counselors and marriage and family therapists. House "A" eliminated a provision in law that approved collective bargaining agreements if the legislature did not vote on them within 30 days. A member raised a point of order that the amendment was not germane to the underlying bill.

The deputy speaker ruled the point well taken. Under *Mason* 402-2, an amendment must be relevant, appropriate, and in a logical sequence to the underlying bill. The bill gives the administrative services department the ability to change job classifications. The amendment deals with the legislature's consideration of collective bargaining agreements, and hence is not germane.

The amendment's proponent moved to suspend the rule on germaneness to allow the amendment to proceed. He made a parliamentary inquiry whether under *Mason* a motion to suspend for a specific purpose was debatable.

The deputy speaker stated that under *Mason* 63(2) a member does not have the right to debate a procedural motion. This rule is in the interest of economy of time and effort.

On a voice vote, the motion to suspend failed.
Currey, April 30, 2003

119. AMENDMENT NOT GERMANE

The bill required certain municipal contractors to disclose campaign contributions. House "A" was adopted, a strike-all amendment establishing recall procedures for chief elected officials of certain municipalities. House "B" required the secretary of the state to

prepare voter guides. A member raised a point of order that House "B" was not germane to the underlying bill, as amended.

The deputy speaker ruled the point well taken. The amendment is not relevant, appropriate, or in a logical sequence to the subject matter of the underlying bill.

Another member offered House "C", which required municipal contractors to disclose campaign contributions and changed the election day voter registration law. Citing *Mason's* 402, a member raised a point of order that the amendment was not germane to the underlying bill.

The deputy speaker ruled the point well taken. The amendment does not follow the logical sequence of the underlying bill.

Hyslop, May 8, 2002.

120. AMENDMENT NOT GERMANE
AMENDMENT GERMANE

The bill concerned medical savings accounts. House "A" allowed small employers to participate in the Municipal Employee Health Insurance Plan administered by the state comptroller. A member raised a point of order that the amendment was not germane because it dealt with the comptroller's authority to sell insurance under an existing health plan, while the bill created a new type of health insurance.

The speaker ruled the point well taken. Although both the bill and the amendment dealt with the same chapter of the General Statutes, they relate to different titles of the statutes. The bill creates a new type of coverage and the amendment changes an already existing type of coverage.

A member offered House "B", which also permitted the comptroller to offer insurance to small employers, but specified that such insurance could not be in the form of a medical savings account. A member raised a point of order that the amendment did not follow in a logical sequence from the bill and conflicted with its spirit.

The speaker ruled the point not well taken. The bill authorizes medical savings accounts and the amendment prohibits their use for particular employees.

Lyons, April 30, 2002.

121. AMENDMENT NOT GERMANE

The bill regulated eel fishing. House "A" prohibited leg-hold traps. A member raised a point of order that the amendment was not germane under *Mason's* 402.

The deputy speaker ruled the point well taken. Leg-hold traps are not relevant or appropriate to, and do not follow in a natural logical sequence from fisheries, the subject of the underlying bill.

Fritz, April 29, 2002.

122. AMENDMENT NOT GERMANE

The bill increased document preparation fees associated with condominium unit sales. A member offered House "B," which prohibited banks from charging fees to nonprofits when checks they deposit bounce.

A member raised a point of order that under *Mason* 402, the amendment was not germane because it did not follow the same subject as the underlying bill.

The deputy speaker ruled the point well taken. There must be a silken thread to connect the amendment to the bill.

Hyslop, May 9, 2001.

123. AMENDMENT NOT GERMANE

The bill changed the formula for assigning peremptory juror challenges in civil lawsuits, in some cases reducing the total number when several corporate parties had the same legal interests. A member offered House "B," which immunized towns against lawsuits brought by people injured while using town land for recreational purposes.

A member raised a point of order that the amendment was not germane under *Mason* 402.

The deputy speaker ruled the point well taken. The amendment did not follow in the natural and logical sequence of the bill. The bill dealt with corporate procedures and the amendment dealt with recreational land use immunity.

Hyslop, May 31, 2001.

124. AMENDMENT NOT GERMANE

The bill, which came to the House amended by Senate "A," increased the amount of property tax and related charges towns could waive. Senate "A" prohibited waivers of interest or lien fees. The House adopted Senate "A."

A member offered House "B," which permitted towns to waive certain vendor license fees for veterans. A member raised a point of order that the amendment was not germane to the underlying bill as amended.

The deputy speaker ruled the point well taken. As amended, the bill currently before the chamber dealt with taxes, not fees.

Hyslop, June 6, 2001.

125. AMENDMENT NOT GERMANE

The bill required athletic trainers and physical therapy assistants to have state licenses. House amendment "A" would require the Departments of Public Health and Mental Health and Addiction Services to develop a plan to reduce youth smoking. A member raised a point of order that the amendment was not germane.

The speaker pro tem ruled the point well taken.

Hartley, April 28, 2000.

126. AMENDMENT NOT GERMANE

The amended bill established the crime of negligent hunting. House amendment "B" would change the civil search warrant statute, limiting the circumstances under which a person subject to that law could be arrested. A member raised a point of order that the amendment was not germane to the subject of the underlying bill and that it dealt with an entirely different section of the General Statutes.

The deputy speaker ruled the point well taken.

Currey, April 26, 2000.

127. AMENDMENT NOT GERMANE

The bill eliminated sovereign immunity for towns sued by people injured on or by special education buses. After arguing that the bill imposed a mandate on towns, a member offered House amendment "A." That amendment would extend to towns the same negligence immunity that private landowners have when people are hurt using their land for recreational purposes. Another member raised a point of order that House "A" was not germane because it related to town liability for recreational land use, which is a totally different subject than sovereign immunity for school bus accidents.

The deputy speaker ruled the point well taken.

The amendment's proponent, seconded by the minority leader, appealed the ruling. The proponent argued that the amendment was germane because it amended the same chapter of the General Statutes as the underlying bill and that both dealt with the same subject, municipal liability. He stated that many past rulings have found amendments germane based on those two criteria.

The minority leader stated that the deputy speaker's narrow definition of germaneness set a new standard and, if upheld, would allow members very little opportunity to offer amendments to fix bills on other bills.

The deputy speaker stated that in her opinion the amendment did not follow the natural or logical sequence of the bill. She noted that there must be at least a silken thread to connect the amendment to the bill.

The deputy speaker's ruling was upheld on a roll call vote.

Currey, April 24, 2000

128. AMENDMENT NOT GERMANE

The bill concerned campaign finance disclosure by town committees. It also allowed some campaign surpluses to be distributed to state or municipal agencies. Senate amendment "A" allowed votes on regional school board budgets at May municipal elections. A member raised a point of order than Senate "A" was not germane to the bill.

The speaker ruled the point well taken.

Ritter, May 30, 1997.

129. AMENDMENT NOT GERMANE

The bill changed the appointment process for delegates to the Northeast Interstate Dairy Compact, repealed various milk permit fees set by the Department of Agriculture, and eliminated several milk and dairy-related laws. Senate amendment "A" designated Windsor loamy sand as the state soil. A member raised a point of order than Senate "A" was not germane to the bill.

The deputy speaker ruled the point well taken.

Hyslop, May 27, 1997.

130. AMENDMENT NOT GERMANE

The amended bill exempted certain commercial motor vehicles from the property tax. House amendment "B" required the state to pay heart and hypertension benefits to eligible municipal police officers and firefighters beginning July 1, 1997. A member raised a point of order that House "B" was not germane to the bill.

The deputy speaker ruled the point well taken. The bill concerned tax exemptions for large commercial vehicles while the amendment dealt with compensation for municipal police and firefighters. The two subjects are unrelated.

A member appealed the ruling. Proponents argued that both the bill and the amendment related to unfunded municipal mandates and whether the state would reimburse towns for them. The minority leader noted that House precedents require only a "silken thread" of a relationship between a bill and an amendment in order for an amendment to be germane.

On a roll call vote, the ruling was sustained.

Hartley, May 6, 1996.

131. AMENDMENT NOT GERMANE
POINTS OF ORDER NOT AUTOMATICALLY DEBATABLE

The bill, as amended, concerned the statutory remedies for employment discrimination, changing the Commission on Human Rights and Opportunities' (CHRO) procedures and deadlines for adjudicating such complaints and validating and reinstating certain claims. The amendment (House "B") made it clear that the state law barring discrimination on the basis of sexual orientation could not prevent military recruiting at the University of Connecticut. A member raised a point of order that House "B" was not germane to the bill. The proponent asked to debate the point.

The deputy speaker, citing HR 3, declined to invite debate. On the question of the germaneness of House "B," she ruled the point well taken. The bill, as amended by House "A," dealt only with the procedures of the CHRO and reinstatement of claims dismissed as a result of a Supreme Court decision. The amendment prevented public colleges from barring ROTC programs and military recruiters. There is no connection between ROTC programs and the procedures of the CHRO. In addition, the recent Supreme Court decision had no effect on ROTC programs.

The ruling was appealed but, after brief debate, the appeal was withdrawn.

Hartley, May 6, 1996.

132. AMENDMENT NOT GERMANE

The bill authorized the commissioner of public safety to recruit, train, and organize a voluntary police auxiliary force to provide emergency services throughout the state. House amendment "A," required authorities that issue gun permits to establish procedures for accepting fees for the costs associated with FBI criminal records checks on applicants. A member raised a point of order that House "A" was not germane.

The speaker ruled the point well taken.

Ritter, May 4, 1996.

133. AMENDMENT NOT GERMANE

The bill required a telecommunications company to get authorization before switching a customer from one long distance company to another and established a penalty for violating the law. A member called House amendment "A," which allowed municipalities or the Department of Transportation to use two places on each utility pole or underground duct system. A member raised a point of order than the amendment was not germane.

The speaker ruled the point well taken. The amendment did not follow in the natural, logical sequence of the bill. It was instead an independent, new question in the guise of an amendment.

Ritter, June 7, 1995.

134. AMENDMENT NOT GERMANE

The bill, as amended, dealt with qualifications for receiving unemployment compensation benefits and other aspects of the state unemployment compensation law. A member called an amendment requiring health insurance coverage for "TMJ syndrome." A member raised a point of order than the amendment was not germane.

The speaker ruled the point well taken. The amendment was an independent, new question in the guise of an amendment.

Ritter, June 7, 1995.

135. AMENDMENT NOT GERMANE

The amended bill authorized various land transfers by the Department of Transportation and the Department of Public Health and Addiction Services. House amendment "B" allowed the town of Westport to continue to take care of the shellfish flats at Kikeeny Island. A member raised a point of order than the amendment was not germane.

The speaker ruled the point well taken.

Ritter, June 6, 1995.

136. AMENDMENT NOT GERMANE

The bill, as amended by Senate amendments "A" and "B" and House amendment "A," concerned school discipline and school safety. House amendment "B" prohibited state courts from ordering public school students to go to school outside the district where they live. A member raised a point of order that House "B" was not germane to the bill because it dealt with a different subject than the bill.

The deputy speaker ruled the point well taken. The bill dealt with school discipline. House "A" changed notification and reporting requirements regarding crimes by juveniles. House "B" proposed to place a restriction on the authority of state courts. It did not deal with school discipline, notification, or juvenile crime. Therefore, the amendment did not follow in a natural and logical sequence from the bill [*Mason*, 402 (2)]. Rather, it was an independent new question, which could not be introduced as an amendment [HR 31(d)].

The proponent appealed the ruling. He cited House precedents in favor of his proposition that the amendment was germane to the bill. He also cited sections of the bill that required state courts to make various reports to school officials, thus allowing his amendment, which also dealt with the relationship between school and courts, to be considered germane according to the House previous practice of interpreting germaneness questions liberally. The majority leader argued that a mere reference to the courts in a bill was insufficient to connect this bill and this amendment.

On a roll call vote, the appeal was rejected.

Lyons, May 2, 1994.

137. AMENDMENT NOT GERMANE

The bill made revisions in many laws dealing with education. Several amendments were adopted. A member moved House amendment "J," which prohibited state courts from ordering public school students to go to school outside the district where they live. A member raised a point of order that House "J" was not germane to the bill.

The deputy speaker ruled the point well taken since nothing in the underlying bill dealt with courts or court orders. In addition, the amendment did not follow in a natural and logical sequence from the bill [*Mason*, 402 (2)]; it was an independent new question introduced as an amendment contrary to the House Rules [HR 31(d)]; and, under House precedent, the fact that both a bill and an amendment use the word "education" does not make an amendment germane.

The ruling was appealed and, on a roll call vote, sustained.

Coleman, May 2, 1994.

138. AMENDMENT NOT GERMANE

The bill made revisions in many laws dealing with education. Several amendments were adopted. A member moved House amendment "Q," which set up a teen pregnancy prevention program in Hartford, Bridgeport, and New Haven. A member raised a point of order that House "Q" was not germane to the bill.

The speaker ruled the point well taken. House "A" removed the provision of the bill that required schools to have "risk reduction" education programs. The

removal of that part left nothing in the underlying bill connected to teen pregnancy and thus, House "Q" was not germane.

The proponent moved to suspend the rules to allow him to offer the amendment. On a roll call vote, the motion to suspend was rejected.

Coleman, May 2, 1994.

139. AMENDMENT NOT GERMANE APPEALS DEBATABLE

The bill allowed certain school buses to travel on the Merritt and Wilbur Cross Parkways. House amendment "A" prohibited state courts from ordering public school students to go to school outside the district where they live. A member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point well taken.

The proponent appealed and asked if the speaker would allow debate. The speaker declined. The member raised a point of order that appeals are debatable.

The speaker ruled the point well taken [*Mason*, 63(4)].

After a short debate, the speaker called for a roll call on the appeal. The proponent then withdrew his appeal.

Ritter, April 27, 1994.

140. AMENDMENT NOT GERMANE

The bill changed various duties of the Office of Policy and Management relating to municipalities and municipal taxes. House amendment "A" required OPM to develop a four-year plan to privatize group homes under the Department of Mental Retardation. A member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point well taken. The only connection between the bill and the amendment was that both involved the same state agency (OPM). Such a link is insufficient to make the amendment germane.

Pudlin, April 26, 1994.

141. AMENDMENT NOT GERMANE

The bill concerned prison terms for youthful offenders. House amendment "A" clarified other statutory sections to conform to changes in youthful offender sentencing. House amendment "B" allowed juvenile offenders to be sentenced to alternative incarceration programs. House amendment "C" created public safety councils for specific communities. A member raised a point of order that House "C" was not germane to the bill.

The speaker ruled the point well taken. There was no connection between House "C" and the bill.

Ritter, April 25, 1994.

142. AMENDMENT NOT GERMANE

The bill, as amended, concerned paternity determinations. House amendment "A" required employers to provide information on new employees to the Labor Department within 35 days of hiring and set up a system under which the Department of Social Services could get the information to use in enforcing child support orders. A member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point well taken. The bill concerned a medical procedure that helps determine paternity while the amendment dealt with employment and debt.

Lyons, April 25, 1994.

143. AMENDMENT NOT GERMANE

The bill increased penalties for assaulting emergency room doctors and nurses. House amendment "A" allowed emergency medical technicians to tell coworkers when they know that the person they are about to treat has AIDS, without violating confidentiality laws. A member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point well taken.

Ritter, April 20, 1994.

144. AMENDMENT NOT GERMANE

The bill gave the Connecticut Development Authority greater flexibility in the use of its Industrial Mortgage Insurance Fund and allowed greater leverage in Department of Economic Development and Connecticut Development Authority loan guarantee programs. A member called Senate amendment "D," which required certain plumbers and sprinkler fitters to get an automatic fire sprinkler system layout technician's license. Another member raised a point of order that Senate "D" was not germane to the bill

The speaker ruled the point well taken.

Ritter, June 9, 1993.

145. AMENDMENT NOT GERMANE DISAGREEING ACTION

The bill as amended dealt with municipal police officer training and chemical testing and certification. House amendment "B" made dependent children of police officers and firefighters eligible for tuition waivers at state public higher education institutions. A member raised a point of order that the amendment was not germane to the bill. The amendment's proponent contended that both dealt with police officers.

The speaker ruled the point well taken. He also stated that the House was in disagreement with the Senate on the bill since the Senate had rejected House "A" and the House had previously defeated a motion to reject House "A." Because of the disagreeing action, the bill must be referred to a committee on conference.

Ritter, June 1, 1993.

146. AMENDMENTS NOT GERMANE

The bill corrected a technical error in the Municipal Employee Relations Act (MERA) to allow members of newly organized or recognized bargaining units to submit to binding arbitration any issues on which they and their employer towns have reached an impasse. After adoption of further clarifying changes in House amendment "A," a member offered House amendment "B." House "B" prohibited the state and state employee unions from submitting to binding arbitration any workers' compensation, pension, or health benefit issue. A member raised a point of order that House "B" was not germane to the bill because it dealt with state and not municipal employees.

The speaker declined to entertain debate on the point and then ruled it well taken. The bill amended MERA, which is found in Title 7 of the General Statutes. The amendment amended the state employee collective bargaining law, which is found in Title 5. There was not sufficient connection to make the amendment germane [*Mason*, 402(3)].

A member appealed the ruling and the appeal was seconded. In debating the appeal, the majority leader argued that, even if one could say that the bill and the amendment both dealt with collective bargaining or arbitration, they still pertained to completely different sections of the law and to separate groups of employees.

The minority leader argued that the amendment was germane because both it and the bill dealt with collective bargaining. Thus, the amendment met the test of *Mason*, 402 (3), which requires that an amendment relate to the same subject as the bill.

On a roll call vote, the House upheld the speaker's ruling.

A member called House amendment "C" to allow the arbitration review panel under the Teacher Negotiation Act to make its award between the last best offers of the parties. The majority leader raised a point of order that House "C" was not germane to the bill because it amended the Teacher Negotiation Act and the bill dealt with the Municipal Employee Relations Act.

The speaker ruled the point well taken on the ground that, since the MERA explicitly excluded teachers, an amendment dealing with teacher collective bargaining was not germane.

The minority leader appealed the speaker's ruling, arguing that teachers are subject to municipalities' control and are essentially municipal employees.

On a roll call vote, the House upheld the speaker's ruling.

Ritter, March 17, 1993.

147. AMENDMENT NOT GERMANE

The original bill changed the way workers' compensation benefits for certain state employees are computed. The Senate adopted five amendments that removed all of the original bill's language and sent the bill to the House.

Senate amendment "A" allowed certain local boards of education to follow an earlier law's teacher contract negotiation timetable for one year, changed the definitions of various terms used in the school finance law, and appropriated money to the Workers' Compensation Commission.

Senate amendment "B" allocated money to a revolving fund to finance compensation to crime victims and allowed the Criminal Injuries Compensation Commission to use some of the money for administrative expenses.

Senate amendment "C" prohibited water companies from requiring installation of reduced pressure principle backflow preventers on waterlines used to supply residential lawn sprinkler systems unless the lines provided for the addition of chemicals.

Senate amendment "D" authorized the Westerly Water Works to supply water to North Stonington residents.

On voice votes, the House adopted Senate amendments "A" through "D."

A member called Senate amendment "E," which exempted the sale or repair of artificial hearing aids from the sales tax. Another member raised a point of order that Senate "E" was not germane to the bill.

The speaker ruled the point well taken.

Balducci, June 1, 1992.

148. AMENDMENT NOT GERMANE

The bill, as amended by the Senate, reformed the state General Assistance program, froze various welfare benefits and Medicaid payments, changed the method of state payments to hospitals for uncompensated care, increased fees for medical professionals, and made other related changes. Senate amendment "K" created a Connecticut Institute for Municipal Studies and appropriated $1 million to fund it. A member moved to reject Senate "K." Another member raised a point of order that Senate "K" was not germane to the bill.

The deputy speaker ruled the point well taken.

Markham, May 28, 1992.

149. AMENDMENT NOT GERMANE

The bill delayed a requirement that the state institute regular vision screening for motorists renewing their drivers' licenses. House amendment "A" reformed the state's automobile insurance law. A member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point well taken. Although the bill and the amendment dealt with some of the same statutory sections, House "A" was an independent new question introduced under the cover of an amendment contrary to the rules [*Mason*, 402 (6)].

Balducci, May 28, 1992.

150. AMENDMENT NOT GERMANE

The bill relieved members of local boards and commissions from liability for certain official actions. Senate amendment "A" allowed a local building official to enforce state occupational licensing requirements by stopping unlicensed work at a job site for which the official had issued a building permit. A member raised a point of order that Senate "A" was not germane to the bill.

The deputy speaker ruled the point well taken.

Polinsky, May 2, 1992.

151. AMENDMENT NOT GERMANE

The bill allowed authorities issuing pistol permits to send the permit applicant's fingerprints to the FBI for a national criminal records check if the authority thought a check was necessary. House amendment "B" required the authority to send the fingerprints to the FBI. House "B" was adopted on voice vote. House amendment "C" allowed Sunday deer hunting on private property with the owner's written permission. A member raised a point of order that House "C" was not germane to the amended bill.

The deputy speaker ruled the point well taken because the amended bill concerned pistol permits and the amendment allowed deer hunting with weapons other than pistols.

Markham, April 29, 1992.

152. AMENDMENT NOT GERMANE

The bill dealt with per se requirements for drunk driving. House amendment "D" dealt with theft of motor vehicles. A member raised a point of order that House "D" was not germane to the bill.

The speaker ruled the point well taken because the only relationship between the bill and the amendment was that both dealt with motor vehicles and that was an insufficient connection.

Balducci, June 5, 1991.

153. AMENDMENT NOT GERMANE

The amended bill concerned appointment of minority party members to state boards and commissions. House amendment "E" raised the fines for failure to have the appropriate occupational license. A member raised a point of order that House "E" was not germane to the bill.

The deputy speaker ruled the point well taken.

Markham, June 4, 1991.

154. AMENDMENT NOT GERMANE

The bill required the State Properties Review Board to be notified when there is any change in the financial interest of a real estate lease pending before the state. Senate amendment "A" authorized the Division of Special Revenue to (1) replace an existing teletrack in New Haven with another facility; (2) represent the state in acquiring new off-track betting facilities; and (3) lease, purchase, sell, and exchange real estate for new facilities subject to the approval of the State Properties Review Board. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken.

Balducci, May 9, 1990.

155. AMENDMENTS NOT GERMANE

The bill enacted the Program Review Committee's recommendations concerning state purchasing and the Purchasing Division of the Department of Administrative Services. House amendment "B," previously adopted, changed the purchasing procedure for the University of Connecticut. A member called Senate amendment "A," which required the University of Connecticut Board of Trustees to report to the General Assembly by January 1, 1991 concerning the method used to distribute tickets to events at UConn's Gampel Pavilion. Senate amendment "B" also dealt with UConn ticket distribution. Members raised points of order that neither Senate "A" nor Senate "B" was germane to the bill.

The deputy speaker ruled the points well taken. Senate amendments "A" and "B" did not follow in a natural and logical sequence from the bill, as amended, even though they were germane to one another.

Polinsky, May 9, 1990.

156. AMENDMENT NOT GERMANE

The bill made it clear that water company lands are to be valued at the fair market value of improved farmland and assessed at the uniform rate of 70%. House amendment "B" allowed towns to adopt procedures guaranteeing that they are notified before land classified as farmland, forest land, or open space is sold. A member raised a point of order that House "B" was not germane to the bill.

The speaker ruled the point well taken. The bill dealt with water company land and the amendment with open space acquisitions. Though both related to Chapter 12 of the statutes, the amendment and the bill did not concern the same subject.

Balducci, May 9, 1990.

157. AMENDMENT NOT GERMANE

The bill concerned testing requirements for construction materials and structures. Senate amendment "B" changed the position of state building inspector from an unclassified to a classified one, that is, from one appointed by the governor to one subject to merit selection procedures. A member raised a point of order that Senate "B" was not germane to the bill.

The deputy speaker ruled the point well taken. There was no connection between the bill and the amendment.

Polinsky, May 8, 1990.

158. AMENDMENT NOT GERMANE

The bill repealed a law earmarking the revenue from the sales tax on cigarettes sold at correctional institutions for the Connecticut Alcohol and Drug Abuse Commission. House amendment "A" prohibited the state from selling cigarettes on state property except in residential buildings. A member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point well taken. The bill concerned the allocation of revenues. Although the revenues are derived from the sale of cigarettes, the bill was not really about cigarettes; it was a straight tax bill.

Polinsky, May 8, 1990.

159. AMENDMENT NOT GERMANE

The bill allowed towns to stop traffic on dirt roads and use them for recreational purposes instead of abandoning them completely. Senate amendment "A" permitted condominiums, common interest communities, and special districts to be covered, with respect to the community's common areas, by the law that prohibits dogs from roaming at large. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken.

Balducci, May 4, 1990.

160. AMENDMENT NOT GERMANE

The amended bill concerned coverage for preexisting conditions under group health insurance policies. House amendment "B" reduced the share of retired teachers' health insurance premiums that the Teachers' Retirement Fund would pay from 100% to 90%. A member raised a point of order that House "B" was not germane to the amended bill.

The deputy speaker ruled the point well taken. The broad subject of health insurance was too general a connection between the bill and House "B."

Polinsky, May 2, 1990.

161. AMENDMENT NOT GERMANE

The bill required the state to indemnify telecommunicator instructors certified by the Bureau of Statewide Emergency Telecommunications from financial loss and expense arising out of claims of personal injury or property damage that result from the discharge of their duties. Senate amendment "A" added sport parachuting to the list of recreational activities that a landowner could allow on his property without being liable for resulting accidents. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken.

Balducci, May 2, 1990.

162. AMENDMENT NOT GERMANE—SUBSTITUTES ALL NEW LANGUAGE

The bill prohibited selling black powder to people under age 18. House amendment "A" removed all the original language and substituted an one-year mandatory minimum sentence for recklessly discharging a firearm from a motor vehicle. House "A" also made such an action a class C felony. A member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point well taken.

Smoko, April 26, 1990.

163. AMENDMENT NOT GERMANE

The bill created a new crime called "intimidation based on bigotry or bias" and provided an enhanced penalty for someone found to be a persistent violator of statutes concerning crimes involving bigotry or bias. It applied to crimes based on the victim's race, religion, ethnicity, or sexual orientation. House amendment "E" would have substituted sex for sexual orientation and would have required a person convicted of particular sex offenses more than twice to be castrated. A member raised a point of order that House "E" was not germane to the bill.

The speaker ruled the point well taken. Although an earlier adopted amendment and House "E" both amended the same chapter of the General Statutes, this was insufficient to make House "E" germane. Likewise, the mention of sex in both the bill and the amendment was not enough. The main thrust of the bill was bigotry and bias while the amendment's subject was new penalties for persistent offenders.

Balducci, April 20, 1990.

164. AMENDMENT NOT GERMANE

The bill exempted library programs from licensure requirements for child day care centers. Senate amendment "A" allowed municipalities to give property tax exemptions to businesses that offer daycare services. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken. The bill's subject was licensing of day care centers; the amendment's, tax exemptions. The fact that the amendment also mentioned day care centers was insufficient connection.

Balducci, April 19, 1990.

165. AMENDMENT NOT GERMANE

The bill allowed the Tournament Players' Club of Cromwell to operate under a country club liquor permit. House amendment "E" increased the dram shop liability limits from $20,000 to $40,000 per person. A member raised a point of order that House "E" was not germane.

The speaker ruled the point well taken. The bill dealt with liquor permits and the amendment with causes of action in court.

Balducci, April 5, 1990.

166. AMENDMENT NOT GERMANE

The bill reduced the time after which inactive bank accounts revert to the state from 10 to five years. The amendment required the interest on real estate brokers' trust accounts to be used to fund programs for the homeless. A member raised a point of order that the amendment was not germane to the bill.

The speaker ruled the point well taken. Though both dealt with banking, they basically concerned different subjects.

Balducci, June 7, 1989.

167. AMENDMENT NOT GERMANE

The bill covered transfers and discharges from nursing homes, patient treatment in nursing homes, and handling of patient funds. House amendment "C" required hospitals conducting intern and residency programs to comply with standards for working hours set by medical education associations. A member raised a point of order that House "C" was not germane to the bill.

The deputy speaker ruled the point well taken. The bill dealt with patients and their care; the amendment with doctors and their conditions of employment. There was some relationship between the two but not enough.

Polinsky, May 31, 1989.

168. AMENDMENT NOT GERMANE

The bill instituted new accountability and audit procedures for private foundations established for the benefit of state agencies and institutions. House amendment "D" required all newspaper editorials to be signed by their authors. A member raised a point of order that House "D" was not germane to the bill.

The deputy speaker ruled the point well taken.

Polinsky, May 23, 1989.

169. AMENDMENT NOT GERMANE

The bill required long-term care insurance policies written and sold in the state to cover specific things, including nursing home confinement. Senate amendment "A" gave insurance agents whose licenses are automatically suspended for writing bad checks the right to a hearing and a judicial appeal. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken. Though both the bill and the amendment pertained to the general subject of insurance, there was not the slightest relationship between their real subjects.

Balducci, May 16, 1989.

170. AMENDMENT NOT GERMANE

The bill increased the maximum number of members of the Real Estate Commission who may come from the same Congressional district from two to four and required that there be at least one member from each district. Senate amendment "B" eliminated an exemption from required state licensing for state and local government employees who work as real estate appraisers. A member raised a point of order that Senate "B" was not germane to the bill.

The deputy speaker ruled the point well taken.

Polinsky, May 16, 1989.

171. AMENDMENT NOT GERMANE

The bill changed the penalty for failure to register as a petroleum product vendor. Senate amendment "A" appropriated money from the Emergency Spill Response Fund to regulate the loading and unloading of oil or hazardous materials, to maintain spill prevention equipment, and to study marine spill response plans. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken.

Balducci, May 12, 1989.

172. AMENDMENT NOT GERMANE

The bill made three unrelated changes in the statutes governing the Department of Agriculture. It gave the commissioner additional power, limited construction of residences on farmland for which the state holds development rights, and allowed apple growers to submit their market assessments annually. The House adopted House amendment "A," which gave the agriculture commissioner the power to approve intensive poultry operations. A member then called House amendment "B," which required the mental retardation department to transfer development rights to the Southbury Training School Farm to the agriculture department. A member raised a point of order that House "B" was not germane to the amended bill.

The deputy speaker ruled the point well taken. In order to be germane, an amendment must fall in a "natural and logical sequence to the subject matter of the original proposal" [*Mason* 402 (2)]. In this case, the file dealt with the commissioner of agriculture's powers while House "B" concerned the mental retardation commissioner and the conveyance of state land. The amendment had very little to do with the bill.

Polinsky, May 11, 1989.

173. AMENDMENT NOT GERMANE

The bill required the town where a person lived when he was born, as well as the town where he was born, to provide birth certificates. Senate amendment "A" authorized the former town to receive copies of any updates of birth certificates from the latter. A member called House amendment "A," which required local health directors to submit their annual reports to the State Health Department on April 1 and authorized the state clinical laboratory to receive requests from licensed chiropractors. Another member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point well taken.

Smoko, May 10, 1989.

174. AMENDMENT NOT GERMANE

The bill allowed municipalities to establish competitive bidding procedures by ordinance and to exempt contracts worth up to $7,500 from the requirement for sealed bids. House amendment "A" allowed municipalities that have their own retirement plans to give

cost-of-living increases to retired employees or their surviving beneficiaries. A member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point well taken. Though both measures affected municipal powers, there was little or no relationship between them.

Smoko, April 26, 1989.

175. AMENDMENT NOT GERMANE

The bill prohibited smoking on school grounds. House amendment "B" required the Transportation Department to begin negotiations to set aside smoking cars on certain trains running on the Metro North Rail Commuter Line. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled the point well taken. Though both the bill and the amendment concerned where smoking will be allowed, the amendment did not flow logically and naturally from the bill since the bill concerned schools and the amendment did not.

The ruling was appealed but after considerable debate, the appeal was withdrawn.

Smoko, April 6, 1989.

176. AMENDMENT NOT GERMANE

The bill delayed the implementation of the state program to return to issuing two license plates for motor vehicles. Senate amendment "A" was technical. A member called Senate amendment "B," which repealed a provision of another bill passed earlier in the session requiring certain state employees to take unpaid furloughs for three days. A member raised a point of order that Senate "B" was not germane to the bill.

The speaker ruled the point well taken. Even using the broadest test of germaneness, there was no relationship between two license plates for motor vehicles and state employee furloughs. Even though both propositions affected the budget, they had no logical connection. Senate "B" was an attempt to introduce an independent new question in the guise of an amendment in violation of *Mason* 402 (6).

Balducci, April 5, 1989.

177. AMENDMENT NOT GERMANE

The bill concerned condominium resale certificates. House amendment "E" required that when there was an appeal from a zoning board decision, the entire record be forwarded to the appellate body. A member raised a point of order that House "E" was not germane to the bill.

The speaker ruled the point well taken.

Stolberg, May 4, 1988.

178. AMENDMENT NOT GERMANE

The amended bill required insurance administrators to be licensed. Senate amendment "C" gave state certification to certain interior designers. A member raised a point of order that Senate "C" was not germane to the bill.

The deputy speaker ruled the point well taken.

Cibes, May 4, 1988.

179. AMENDMENT NOT GERMANE

The bill concerned imposition of community service sentences for drunk driving offenses. House amendment "A" increased the classification, and thus the penalty, for selling drug paraphernalia from a class C to a class A misdemeanor. A member raised a point of order that House "A" was not germane. The proponent argued that both the bill and the amendment dealt with penalties and with substance abuse.

The speaker ruled the point well taken. The substance abuse connection was too ephemeral to link House "A" and the bill.

Stolberg, May 4, 1988.

180. AMENDMENT NOT GERMANE

The bill concerned imposition of community service sentences for drunk driving offenses. Senate amendment "A" increased the required behind-the-wheel training an applicant needed to be eligible for a driver's license from six to 10 hours and made any person who had five or more points on his license ineligible to teach people to drive. A member raised a point of order that Senate "A" was not germane.

The speaker ruled that point well taken. Even though the bill and the amendment both affected Title 14 of the statutes and both could be said to relate to driving, the substance of the two were different and it would be a long reach to make Senate "A" germane.

Stolberg, May 4, 1988.

181. AMENDMENT NOT GERMANE

The bill granted a property tax exemption for machinery and equipment acquired as part of a technological upgrading of a manufacturing process. House amendment "B" eliminated the state gross earnings tax on water companies. A member raised a point of order that House "B" was not germane.

The speaker ruled the point well taken.

Stolberg, May 3, 1988.

182. AMENDMENT NOT GERMANE

The bill concerned penalties for refusing to allow a truck to be weighed. Senate amendment "B" increased fines for illegal littering and dumping. A member raised a point of order that Senate "B" was not germane to the bill.

The speaker ruled the point well taken.

Stolberg, May 3, 1988.

183. AMENDMENT NOT GERMANE

The bill conveyed a certain piece of state property to the town of Granby. Senate "A" set up a task force to review the statutory authority of the State Properties Review Board. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken.

Stolberg, May 3, 1988.

184. AMENDMENT NOT GERMANE

The amended bill required passenger motor vehicles to be registered when they were rented or leased for more than 30 days. House amendment "B" allowed members of the National Guard to have special license plates. A member raised a point of order that House "B" was not germane to the bill.

The speaker ruled the point well taken. Even though they both amended Title 14, the bill and the amendment applied to different sections and had different subjects.

Stolberg, May 2, 1988.

185. AMENDMENT NOT GERMANE

The amended bill allowed a public employee's collective bargaining representative to be notified if a public agency was asked to release information from his personnel record and to object to the release. It also removed a requirement that an attorney sign any such objection. Senate "B" changed the law concerning the Criminal Justice Commission and the chief state's attorney's authority over assistant chief state's attorneys. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point well taken.

Lavine, May 2, 1988.

186. AMENDMENT NOT GERMANE

The amended bill allowed local zoning commissions to give special exceptions to density limits to allow construction of a designated number of multifamily dwelling units in return for a developer's agreement to restrict the sales or rental prices to affordable levels. A member called House amendment "B" to require the departments of Income Maintenance, Human Resources, and Housing to study the placement of children on AFDC in so-called "welfare motels." Another member raised a point of order that House "B" was not germane to the bill.

The speaker ruled the point well taken. Though both the bill and the amendment touched on the general issue of housing, they really concerned two different subjects.

Stolberg, April 29, 1988.

187. AMENDMENT NOT GERMANE
AMENDMENT PREVIOUSLY CONSIDERED
EFFECT OF RULING ONLY ONE SECTION OF AMENDMENT OUT OF ORDER
DEBATE, CONDUCT OF

The bill removed the cap on the number of prison inmates whom the corrections commissioner could release early as a reward for exceptional personal achievements or accomplishments while in prison. House amendment "A" retained the cap but clarified the way the commissioner was to calculate the maximum number of prisoners he could release for meritorious service. After adopting House "A," the House passed the bill temporarily.

Debate on the amended bill resumed the following day. When the bill was called, the proponent offered House Amendment "B." House "B" had two sections: the first section again removed the cap and the second made anyone convicted of a capital or class A felony ineligible for the state's supervised home release program. A member raised a point of order that House "B" was not properly before the House because section 1 was the exact opposite of House "A" and could not be adopted without a formal motion to reconsider House "A," and because section 2 was not germane to the bill. The inclusion in House "B" of new eligibility requirements for supervised home release constituted an attempt to introduce a new question in the guise of an amendment, an action clearly prohibited by *Mason* 402 (6). Debate on the point revealed a consensus among members that to adopt section 1 of House "B" would be tantamount to a reconsideration of House "A."

The speaker agreed. He also ruled that section 2 concerning supervised home release was germane to the bill because both dealt with criteria for releasing inmates from prison. But instead of disallowing the entire amendment, the speaker disallowed only section 1 and ruled that the House could proceed to consider section 2.

A member raised a point of order that the speaker had no power to rule only parts of amendments out of order. Such a procedure effectively allowed the speaker to divide the question without receiving a motion from the floor.

The speaker ruled the point not well taken. He ruled that because different arguments were made as to the validity of the two sections of the amendment, it was possible for him to rule the point of order well taken with respect to section 1 and not well taken with respect to section 2. The effect of this ruling is to allow one section and disallow another. This is not the same as dividing the question.

House "B's" proponent then moved to withdraw his amendment. The motion was adopted. A member who had been on the prevailing side in the vote on House amendment "A" then moved to reconsider House "A." In his speech supporting reconsideration, a member said that new information was available and began to describe the new information in detail. Another member raised a point of order that the member's description was not germane to the issue of reconsideration.

The speaker ruled the point well taken and asked the first member to reserve the details of his new information until the motion to reconsider was decided and it was known whether there would be more debate on the bill itself.

Stolberg, April 20, 1988.

188. AMENDMENT NOT GERMANE

The bill prohibited "happy hours." Senate amendment "C" allowed a town ordinance or regulations to prohibit retail liquor sales at farm wineries. A member raised a point of order that Senate "C" was not germane to the bill.

The deputy speaker ruled the point well taken. Senate "C" was a new, independent question introduced in the guise of an amendment.

The ruling was appealed and sustained.

Polinsky, June 3, 1987.

189. AMENDMENT NOT GERMANE

The bill required the state to compile a hazardous waste site inventory and established priorities and deadlines for site assessments. A member called House amendment "A," which imposed a $1-per-foot annual inspection fee on all new gas pipelines more than 18 inches in diameter and more than 10 miles long. Another member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point well taken. If the bill had concerned hazardous waste production, then the amendment would have been germane.

Stolberg, June 2, 1987.

190. AMENDMENT NOT GERMANE

The bill established a youth advisory council to the General Assembly's Select Committee on Substance Abuse Prevention, and appropriated funds for Literacy Volunteers, the Spotlight Children's Theater in Ridgefield, and for a Kurzweil computer for the blind. Senate amendment "A" appropriated money to the Meriden Arts and Crafts Association for children's art and poetry classes. Senate "A" was adopted on a voice vote. A member called House amendment "A," which required doctors to use triplicate prescription forms. A second member raised a point of order that House "A" was not germane to the bill.

The deputy speaker ruled the point well taken. House "A" attempted to establish a connection to the bill through the issue of drug abuse, but there was really no connection. House "A" was an independent, new question being introduced in the guise of an amendment. As such it was out of order.

Cibes, June 2, 1987.

191. AMENDMENT NOT GERMANE

The bill allowed the Freedom of Information Commission to go to court in cases where frivolous FOI complaints are brought with the intent to harass. Senate amendment "A" allowed courts to examine in private documents over which there is a dispute about whether they should be disclosed. Senate "A" was adopted. A member called Senate "B," which allowed conservation officers the power of arrest in cases of harassment of hunters. A member raised a point of order that Senate "B" was not germane to the bill as amended.

The speaker ruled the point well taken. Use of the word "harassment" in both the bill and the amendment was not enough to make the latter germane to the former.

Stolberg, June 1, 1987.

192. AMENDMENT NOT GERMANE

The bill changed the number of certain kinds of deputy sheriffs. A member called Senate amendment "A," which allowed someone with five years experience as a deputy sheriff to apply for a license to be a private detective. A member raised a point of order that the amendment was not germane to the bill.

The speaker ruled the point well taken.

Stolberg, May 29, 1987.

193. AMENDMENT NOT GERMANE

The bill established a Connecticut farm wine development council. A member called Senate amendment "A," which prohibited tastings or retail sale of wines at wineries in those towns that do not allow such activities by ordinance or zoning regulations. A member raised a point of order that Senate "A" was not germane to the bill.

The speaker ruled the point well taken and declared Senate "A" out of order.

Stolberg, May 29, 1987.

194. AMENDMENT NOT GERMANE
DEBATE ON APPEAL OF A RULING IS LIMITED
MOTION TO SUSPEND RULES MUST WAIT UNTIL APPEAL IS DECIDED

The bill created a pilot program for homeless people with AIDS. House amendment "A" removed the requirement that the commissioners of health and human resources consult in establishing regulations for the program. House "A" was adopted. A member called House "B" which removed certain people with AIDS from the class of those legally protected against employment discrimination. A member raised a point of order that House "B" was not germane to the bill.

The deputy speaker ruled the point well taken. The bill's purpose was to provide housing to those with AIDS and to that end it authorized bonding and appropriated $50,000. The amendment, on the other hand, dealt with discrimination, and although it did refer to those with AIDS, that was the sole connection between the bill and the amendment. House "B" was an independent, new question being introduced in the guise of an amendment and was thus out of order.

The member appealed the ruling and began to discuss the importance of the amendment to the state and his own concerns about AIDS. A member raised a point of order that the member was not discussing the ruling.

The deputy speaker cautioned the member that debate on a point of order was limited to the propriety of the ruling and could not stray into the substance of the amendment.

A member moved to suspend the rules to allow discussion and adoption of House "B" despite the rule on germaneness.

The deputy speaker ruled that the motion to suspend the rules was out of order while the appeal of the ruling was pending.

On a voice vote, the ruling was sustained.

Cibes, May 28, 1987.

195. AMENDMENT NOT GERMANE

The bill concerned hours of voting. House amendment "A" specified which local officials should put the question of whether the town budget is too high or too low on the ballot when there is an adjourned town meeting or a budget referendum. House amendment "B" applied the hours changes in the bill to primaries only and not to special elections and referenda. Both amendments were adopted. A member called House "C," which allowed slates of candidates for offices with multiple vacancies to have their names listed in random order on the ballot in primaries as well as general elections. A member raised a point of order that House "C" was not germane to the bill as amended.

The deputy speaker ruled the point well taken. The bill's language and purpose dealt solely with voting hours. House amendment "A" dealt with referenda. Neither the bill or the amendments had the same subject as House "C" which concerned how candidates' names are listed on the ballot. House "C" was actually a new, independent question being introduced in the guise of an amendment and, thus, out of order.

Cibes, May 28, 1987.

196. AMENDMENT NOT GERMANE

The bill concerned the membership of the Connecticut Resources Recovery Authority and appointment of ad hoc authority members. A member called House "B," which required the commissioner of environmental protection to consider the character of the neighborhood where a landfill is located when she grants permits for landfill construction or expansion. A second member raised a point of order that House "B" was not germane to the bill.

The speaker ruled the point well taken. The bill was relatively narrow and dealt only with CRRA. The link between it and the amendment was solid waste, too broad a subject to make the amendment germane.

Stolberg, May 28, 1987.

197. AMENDMENT NOT GERMANE

The bill made many revisions in various education laws. House amendment "A" made additional changes. House "B" was withdrawn. A member called House amendment "C," which allowed towns to pass ordinances before January 1988 to increase the number of candidates for board of education. A second member raised a point of order that House "C" was not germane to the bill.

The speaker ruled the point well taken. The only connection between the bill as amended and House "C" was the word "education." This is not enough of a relationship to make House "C" germane.

Stolberg, May 22, 1987.

198. AMENDMENT NOT GERMANE

The bill enacted a statutory definition of "crack" and created the following new crimes: selling a controlled substance to a minor, selling controlled substances within 1,000 feet of a school, and using a minor in drug trafficking.

Three amendments were adopted. House "A" made several changes in the file copy dealing with defense against charges under the bill, intent, and lesser included offenses. It also established the crime of money laundering. House "B" required that in order to be convicted of selling to a minor, the seller must be at least 18 and the buyer, in addition to being a minor, must at least two years younger than the seller. House "E" added the drug offenses in the amended file to the existing list of serious juvenile offenses.

A member called House amendment "F," which required juries in capital cases to weigh any aggravating and mitigating circumstances of the crime against one another in deciding whether to impose the death penalty. A member raised a point of order that House "F" was not germane to the bill as amended.

The acting speaker ruled the point well taken. Even though both the bill and the amendment dealt with criminal law, that did not provide enough of a connection between them. It is true that House "A," already adopted, did create the entirely new crime of money laundering and may have been of questionable germaneness. But it was not challenged and, anyway, there was very little connection between House "A" and House "F." House "F" was out of order.

Van Norstrand, May 21, 1987.

199. AMENDMENT NOT GERMANE

The bill made municipalities eligible for developer status under the municipal housing project laws. House amendment "A" made it clear that municipal developers were allowed only in towns that do not have housing authorities. A member called House amendment "B," which allowed municipalities to continue existing bingo operations under a new state bingo law by holding one referendum on the issue before the new law became effective instead of two. A member raised a point of order that House "B" was not germane to the bill as amended by House "A."

The deputy speaker ruled the point well taken. The so-called "silken thread" that must connect an amendment to a bill had, in this case, been stretched beyond the breaking point.

Lavine, May 19, 1987.

200. AMENDMENT NOT GERMANE

The bill required manufacturers to report the presence of hazardous materials on their premises to local fire departments. House amendment "A" changed the bill's effective

date and House amendment "B" required all arts and crafts products that contain either carcinogens or toxics to have warning labels. Both were adopted on voice votes. A member introduced House amendment "C" which allowed municipalities to require police officers and firefighters to maintain certain physical standards, such as weight to height relationships, and not to smoke. A member raised a point of order that House "C" was not germane to the bill as amended.

The speaker ruled the point well taken. There was not even a "tenuous connection" between the bill and the amendment.

The ruling was appealed and sustained on a roll call vote.

Stolberg, May 18, 1987.

201. AMENDMENT NOT GERMANE SPEAKER MAY RULE AMENDMENT OUT OF ORDER WITHOUT REQUEST FROM MEMBER

The resolution concerned the strike at the Colt Firearms Company and called on the state's Congressional delegation to propose that Congress prohibit the Defense Department from awarding contracts to Colt if the management did not resume bargaining with the union. An amendment, House "A," was called which would nullify a Department of Environmental Protection order shutting down the target practice area of the Remington Arms Company.

The speaker ruled that House "A" was not germane to the resolution [*Mason* 402 (1), (2), and (3)].

A member raised a point of order that the speaker could not rule an amendment out of order unless a member asked for a ruling.

The speaker ruled the point not well taken [*Mason* 401 (1)].

Stolberg, January 28, 1987.

202. AMENDMENT NOT GERMANE APPEALS OF RULINGS ARE DEBATABLE

The bill authorized use of a budget surplus for town improvement and municipal recycling programs, grants to towns, and redemption of state bonds. The amendment reallocated $675,000 of the surplus for three things: town administrative expenses for assessments under the circuit breaker program, funding of adjustments to the circuit breaker program's eligibility criteria, and establishment of a 15-member commission to study tax relief for the elderly. A member raised a point of order that the amendment was not germane because nothing in the bill pertained to tax relief for the elderly.

The speaker ruled the point well taken [*Mason* 402 (2), (3), and (4)]. The bill addressed a budget surplus; it was akin to a revenue bill. The amendment would require an appropriation.

The member appealed the ruling and his appeal was seconded.

The speaker did not invite debate.

A member raised a point of order that House rules allow debate on all appeals of rulings, though each member may speak only once [HR 3].

The speaker ruled this point well taken. All appeals are debatable.

On a roll call vote, the original ruling concerning the amendment's germaneness was sustained.

Van Norstrand, June 30, 1986.

203. AMENDMENT NOT GERMANE

The bill removed the Freedom of Information and State Ethics commissions from the jurisdiction of the secretary of the state. The amendment required executive and judicial branch employees to wear identification badges when on the House or Senate floor.

The speaker ruled the amendment not germane because it did not flow in a natural and logical sequence from the bill. The amendment's subject was unrelated to that of the bill.

Van Norstrand, May 6, 1986.

204. AMENDMENT NOT GERMANE

The bill established a central referral system where owners of small businesses could find out what state licenses and permits they needed. Senate amendment "A," adopted by a voice vote, made it explicit that businesses were required to obtain all applicable licenses and approvals even if they went through the central referral system. House "A" exempted corporate "headhunters" from state licensing as employment agencies. A member raised a point of order that House "A" was not germane to the bill as amended by Senate "A."

The deputy speaker ruled the point well taken.

Belden, May 5, 1986.

205. AMENDMENT NOT GERMANE
AMENDMENTS, CONFLICTING

The bill increased the state's payment for retired state employees' health insurance premiums from 45% to 60% of the total. The House adopted House amendment "A" which required that insurance carriers replacing health insurance give credit for deductions, co-insurance, or waiting periods the employee already satisfied in the same calendar year under his former insurance contract. A member proposed House "B" to require the Government Administration and Elections Committee to study how much it costs the comptroller to make the various payroll deductions required by state law or authorized by individual state employees, and to recommend procedures for administering payroll deduction programs. Another member raised a point of order that House "B" was not germane to the bill as amended.

The speaker ruled the point well taken. The bill proposed to change the statutes while the amendment would be a special act. The amendment did not stem in a natural and logical sequence from the bill. In addition, the amendment did not relate to the same subject as the bill. The only common element of the two was that they both mentioned the comptroller.

A member proposed House "C" to delete the appropriation for the health premium increase because it had already been included in another bill. A member asked whether,

because House "C" struck section 2 of the bill, it would invalidate House "A" which amended section 2.

The speaker ruled that the Legislative Commissioners' Office is authorized to resolve any conflicts arising when various amendments are drawn based only on the file copy and does not take account of previously adopted amendments.

Van Norstrand, May 5, 1986.

206. AMENDMENT NOT GERMANE

The bill set up a task force to study the energy assistance needs of low income citizens. The amendment increased the state welfare grant by 1.5%.

The deputy speaker ruled the amendment not germane because the bill related to energy assistance and the amendment to General Assistance.

Belden, April 28, 1986.

207. AMENDMENT NOT GERMANE

The bill allowed savings and loan associations to invest in the stock of any investment company owned by in-state financial institutions. The amendment added the limitation that the investment company not have its assets invested in corporations doing business in Northern Ireland that do not subscribe to the McBride principles. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point well taken.

Belden, April 23, 1986.

208. AMENDMENT NOT GERMANE

The bill required that sums from an auto dealer's and repairer's surety bond be paid to an aggrieved party after a Motor Vehicle Department hearing rather than only after a court hearing. The amendment extended an auto dealer's warranty responsibility for a used car from 50% to 100% for the first 30 days after a sale and required dealers to disclose all a car's known defects. A member asked if the amendment was germane.

The deputy speaker ruled the amendment not germane. The bill amended the law concerning dealers' and repairers' licensing. The amendment did not concern dealer licensing. It was also out of order under *Mason* 402 (6) because it was a new question being introduced in the guise of an amendment.

Belden, April 9, 1986.

209. AMENDMENT NOT GERMANE

The bill continued a study of how state funds are appropriated and how the effectiveness and efficiency of state programs is judged. Senate amendment "A" allowed licensed public accountants to receive a set fee when subpoenaed to testify in court. A member raised a point of order that the amendment was not germane.

The speaker ruled the point well taken.

Van Norstrand, June 4, 1985.

210. AMENDMENT NOT GERMANE

The bill required the State Elections Enforcement Commission to maintain a toll-free phone number for the public to use to report election law violations. The bill was amended by House amendments "A" and "B" and Senate amendment "B." When the bill returned to the House, a member raised a point of order that Senate amendment "B" was not germane. Senate "B" expanded the minority representation provisions for local school boards to cover those with two-year, as well as four-year, terms.

The deputy speaker ruled the point well taken. Senate "B" and the bill concerned two entirely different subjects.

Belden, June 4, 1985.

211. AMENDMENT NOT GERMANE

The bill required public colleges and universities to set aside money from tuition funds for financial aid for needy students. Senate amendment "A" restored a provision of the existing law that the bill inadvertently removed. When the bill was called in the House, a member introduced House amendment "A" which allowed those who pay student activity fees to specify which campus organizations their money is to be used for. A member raised a point of order that House "A" was not germane. He argued that activity funds and tuition funds are not the same and that they are covered under different statutory titles. The amendment's proponent argued that both kinds of fees are paid by all students.

The speaker ruled the point well taken. The bill concerned the accounting procedures used for the tuition set-aside fund. The amendment sought to make uses for student activity fees voluntary. The two were not really related [*Mason* 402 (1), (2)].

Van Norstrand, June 3, 1985.

212. AMENDMENTS NOT GERMANE

The amended bill required the Metropolitan District Commission to base its payments in lieu of taxes to towns where its reservoirs are located on water sales rather than the town's property tax rate. House amendment "A" required nonprofit hospitals, other than those operated by the state or federal government, to pay the municipality where they are located $2 per patient per day for municipal services. A member raised a point of order that House "A" was not germane.

The deputy speaker ruled the point well taken. The bill concerned payments in lieu of taxes while the amendment imposed a new fee.

A member proposed House amendment "B" to relieve the South Central Regional Water Authority of the obligation to pay for local municipal services and also to require it to pay towns in lieu of taxes for all real estate and improvements acquired or constructed after, as well as before, its formation. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled the point well taken. The bill and the amendment concerned two different subjects.

Belden, June 3, 1985.

213. AMENDMENT NOT GERMANE

The bill allowed totally disabled people to continue to be eligible for a property tax exemption even after they reached age 65 and their pension or Social Security payments are classified as retirement, rather than disability, benefits. The bill was amended by Senate "A" establishing a state-funded program to give certain prescription drugs to the elderly without charge. A member raised a point of order that Senate "A" was not germane to the bill because it introduced an independent, new question in the guise of an amendment [*Mason* 402, (6)].

The deputy speaker ruled the point well taken on the grounds cited.

Belden, June 1, 1985.

214. AMENDMENT NOT GERMANE

The bill gave municipal employees eligible for worker's compensation the right to sue a fellow employee for on-the-job injuries caused by that employee's negligence. House amendment "A" prohibited employers from requiring employees to sign employee promissory notes as a condition of employment. The bill was amended in the Senate and returned to the House. The Senate amendment denied unemployment compensation benefits to people fired because they are convicted of a crime and sent to prison for at least 60 days. When it was called in the House, a member raised a point of order that the Senate amendment was not germane.

The speaker ruled the point well taken. The bill concerned rights under the worker's compensation law; the amendment concerned the unemployment compensation law. The two were not related.

Van Norstrand, May 31, 1985.

215. AMENDMENT NOT GERMANE

The bill funded the following public works projects: repair of a dyke in Glastonbury, development of a water distribution system in Wolcott, completion of studies for restoration of the French River impoundments, and extension of the University of Connecticut's water and sewer services to some low and moderate-income housing projects in Mansfield. House amendment "A" added a new criterion to those the commissioner of environmental protection must consider in approving water diversion projects. House "A" was adopted on a voice vote. House amendment "B" required the South Central Regional Water Authority to make payments in lieu of taxes to towns for all real property and improvements acquired or constructed after, as well as before, its formation. A member raised a point of order that House "B" was not germane.

The deputy speaker ruled the point well taken. The bill concerned four particular water and sewer projects. House "B" concerned authorizations for establishment of special districts in the state. The fact that House "B" also concerned water in some degree was not enough to make it germane [*Mason* 402 (2), (3), and (4)].

Belden, May 30, 1985.

216. AMENDMENT NOT GERMANE

The bill increased several motor vehicle fees, the revenues from which are earmarked for the Special Transportation Fund. House amendment "A," making technical changes and corrections, was adopted on a voice vote. House amendment "B" was introduced. House "B" made changes in the Lemon Law's provisions concerning new car warranties. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point well taken. The bill and the amendment concerned different statutory titles and different subjects. The amendment could not be considered germane, based on *Mason* 402 and previous rulings.

Belden, May 29, 1985.

217. AMENDMENT NOT GERMANE

The bill required the state to pay 90% of the cost of building a sewer outfall in Groton instead of the usual 55%. House amendment "A" increased the share of the Nuclear Emergency Preparedness Fund allocated for the administrative expenses of the Office of Civil Preparedness from 10% to 25% of the fund's annual assessment on nuclear plant licensees. A member raised a point of order that House "A" was not germane to the bill.

The speaker ruled the point well taken. No new, independent question may be introduced in the guise of an amendment [*Mason* 402 (6)]. House "B" had nothing to do with the purpose of the bill.

Van Norstrand, May 28, 1985.

218. AMENDMENT NOT GERMANE

The bill gave a municipal employee who is eligible for worker's compensation for an injury caused by a fellow employee's negligence the right to sue that employee. House amendment "A," prohibiting employers from requiring employee promissory notes as a condition of employment, was adopted on a voice vote. A member introduced House "B," which allowed towns to offer pensions to volunteer firefighters. After some debate, a member raised a point of order that House "B" was not germane. She cited the rule against introducing a new, independent question in the guise of an amendment [*Mason* 402 (6)].

The deputy speaker ruled the point well taken. The bill and House "B" referred to different statutory chapters, and the amendment was not in the spirit of the bill.

Belden, May 23, 1985.

219. AMENDMENT NOT GERMANE

The bill changed the method of funding for the Uncas-on-Thames Hospital. House amendment "A" required hospitals to submit patients' medical records and billing data to the Commission on Hospitals and Health Care in aggregate form rather than supplying copies of individual records. A member raised a point of order that the amendment was not

germane to the bill. He based his point on the fact that the two dealt with different statutory chapters and sections, on *Mason* 402, and on House precedent.

The deputy speaker ruled the point well taken. The bill dealt with a state hospital not subject to the reporting requirements of the Commission Hospitals and Health Care. Thus, an amendment concerning those reporting requirements was not germane to the bill.

Belden, May 21, 1985.

220. AMENDMENT NOT GERMANE

The bill required mortgage lenders to pay mortgage loan proceeds by certified check. House amendment "B" phased out home office protection for banks in Connecticut. A member raised a point of order that the amendment was not germane to the bill. He based his point on *Mason* 402, House precedent, and on the fact that the bill and the amendment concerned two different statutory chapters.

The speaker invited debate. The proponent of House "B" said that the attorneys in the Legislative Commissioners' Office believed the amendment was germane to the bill.

The speaker ruled the point well taken. He did not consider it fatal, as far as germaneness was concerned, that the bill and the amendment applied to different statutory chapters. Likewise, he said, House precedent on germaneness of amendments is not clear, and there was no logical conclusion dictated in this case by an orderly progression of past rulings. He therefore based his ruling that the amendment was not germane on Section 402 of *Mason*, particularly subsections (2), (4), and (6).

To be germane, an amendment must be relevant, appropriate, and in a natural and logical sequence from the subject of the original proposal. This amendment was much broader than the bill. The amendment must also be germane to the bill's main purpose. House "B" had nothing to do with the purpose of this bill. Finally, no independent new question can be introduced under the cover of an amendment. The speaker considered House "B" to be such a proposal. For these reasons, the speaker ruled the amendment out of order.

Van Norstrand, May 8, 1985.

221. AMENDMENTS NOT GERMANE

The bill exempted sales of clothing and footwear costing less that $50 from the state sales tax. House amendment "B" repealed the gross earnings tax on oil companies. A member raised a point of order that the amendment was not germane.

The deputy speaker (Belden) ruled the point well taken. The bill concerned only the sales tax. The amendment dealt with a different tax. The two were found in different statutory titles and were in no way related. House "B" was out of order.

The ruling was appealed. Proponents of the appeal argued that both the bill and the amendment concerned taxes. Both gave tax relief. Supporters of the ruling cited a House precedent where the speaker ruled that an amendment was not germane to a bill because one

related to real property assessment practices and the other concerned personal property taxes.

On a roll call vote, the ruling was upheld.

The following amendments were also ruled not germane to the sales tax exemption bill on the same grounds as House "B":

1. **House amendment "D" to exempt sale of a primary residence by anyone 65 or older from the real estate conveyance tax (Van Norstrand). The ruling was appealed and, on a roll call vote, sustained.**
2. **House amendment "G" to increase the maximum benefits for property tax relief available to the elderly under the circuit breaker program (Van Norstrand). The ruling was appealed and, on a roll call vote, sustained.**
3. **House amendment "I" to increase the property tax exemption for veterans and their spouses (Belden). The ruling was appealed and, on a roll call vote, sustained.**
4. **House amendment "J" to provide a state-funded homestead exemption of $2,500 to certain homeowners. Towns would provide the property tax exemption and the state would reimburse them for lost revenue (Belden). The ruling was appealed and, on a roll call vote, sustained.**
5. **House amendment "K" to eliminate the $10 fee for auto emissions inspections (Belden).**

Van Norstrand and Belden, February 19, 1985.

222. AMENDMENT NOT GERMANE

The bill concerned penalties for vendor fraud and abuse in the General Assistance program, requiring the Department of Income Maintenance to adopt mandatory standards for towns to use in paying medical bills for general assistance recipients. The amendment required the Department of Income Maintenance to pay a public assistance recipient's rent directly to a housing authority if the recipient is two months or more behind in his rent.

The deputy speaker ruled that the link between the proposed amendment and the bill, that they both dealt with public assistance, was insufficient to make the amendment germane. The purpose of the amendment and the bill were totally different and there was no reasonable connection between the two.

Frankel, May 8, 1984.

223. AMENDMENT NOT GERMANE—NONGERMANENESS OF ONE SECTION MAKES WHOLE AMENDMENT OUT OF ORDER

The bill allowed the environmental protection commissioner to provide local fire departments with forest firefighting equipment and appropriated $10,000 to purchase the equipment. The amendment had three sections: section 1 established a revolving fund to purchase forest firefighting equipment and authorized regulations in relation to it, section 2 terminated the fund after two years unless the legislature reauthorized it, and section 3 required the Department of Environmental Protection to take advantage of federal funds earmarked for fish and wildlife management programs. A member raised a point of order that the amendment was not germane to the bill.

The deputy speaker ruled that although sections 1 and 2 of the amendment were germane, the point was well taken with respect to section 3 which had no reasonable connection with the bill other than a common applicability to the DEP. He also ruled that it was not possible to separate section 3 from the first two sections and, therefore, the entire amendment had to be ruled out of order.

Frankel, April 30, 1984.

224. AMENDMENT NOT GERMANE

The bill created an exception to the state Freedom of Information law allowing the environmental protection commissioner to keep the exact location of endangered plants or animals confidential if disclosure would create unacceptable risk of their destruction. The amendment required all newspaper editorials to be signed by their authors.

The speaker ruled the amendment was not germane because there is no reasonable connection between state and local government agencies, which are subject to the Freedom of Information Act, and newspapers, which are not.

The ruling was appealed but the appeal failed for lack of a second.

Frankel, April 25, 1984.

225. AMENDMENT NOT GERMANE

The bill required the transportation commissioner to develop uniform design and construction standards for roads in residential subdivisions. It also established a task force to investigate how the state established its priority list for highway bridge, noise barrier, and fence construction projects. The amendment rewrote and updated the charter of the Casson Grove Property Owners Association, a small incorporated subdivision of the Bethlehem township.

Stolberg, June 28, 1983.

226. AMENDMENT NOT GERMANE

The bill established a special commission to gather information about the health effects of exposure to Vietnam herbicides. The amendment deleted everything in the file and substituted a provision to give Vietnam veterans preference in obtaining home mortgages through the "Yankee Mac" home mortgage program.

The speaker ruled the amendment not germane because nothing in it related to establishing an herbicide information commission.

Abate, May 5, 1982.

227. AMENDMENT NOT GERMANE

The bill required motor vehicles to display two number plates by January 1, 1984 and exempted certain vanpool vehicles from property tax. The amendment established a commission to study real property assessment practices.

The speaker ruled the amendment not germane. Although both the bill and the amendment dealt with taxation, that subject is so broad that having it alone in

common with a bill is not enough to make an amendment germane. In this case, the amendment dealt with a study of assessment practices on real property, while the bill concerned an exemption from assessment on personal property.

Abate, May 4, 1982.

228. AMENDMENT NOT GERMANE

The bill rewrote the statutes relating to manufacture, sale, renovation, and sterilization of bedding, upholstered furniture, and filling material, making both substantive and technical changes. The amendment proposed to allow only so-called "self-extinguishing" cigarettes and little cigars to be sold in the state.

The deputy speaker ruled that an amendment must relate to the same subject as a bill. The fact that both contain the words "upholstered furniture" was not sufficient, nor was the public protection link strong enough since the bill dealt with protection against communicable diseases which might be transmitted by falsely labeled furniture or bedding and the amendment with protection from fire.

Frankel, April 23, 1982.

229. AMENDMENT NOT GERMANE
RECONSIDER, MOTION TO—TIMELINESS

The bill allowed changes in a municipality's employee promotion process to be subject to collective bargaining. Two amendments, House "A" and "B," were adopted. House "B" dealt with examination notices for state positions. A member offered House amendment "C" which struck everything after the enacting clause and removed statutory references to the 35-hour work week for state employees. Another member raised a point of order that House "C" was not germane to the bill. Before any ruling, the bill was passed temporarily.

After intervening business, the bill was called again. House Amendment "C" was withdrawn. The deputy speaker noted that the withdrawal of the amendment rendered moot the first point of order raised concerning it. House Amendment "D" was offered. It too removed the statutory references to a 35-hour work week for state employees, but left the remainder of the amended bill intact. A member raised a point of order that House "D" was not germane to the bill.

The deputy speaker stated that House precedent allowed wide latitude on questions of germaneness and that an amendment need only be connected to a bill by a "silken thread" to be considered germane. In support of this precedent, he cited *Mason* 402(3) to the effect that an amendment and a bill must only relate to the same subject. However, the deputy speaker ruled that House "D" could not meet this very liberal test. It related neither to municipal collective bargaining laws (the subject of the original file and House "B") nor to notice requirements for state examinations (the subject of House "A"). Therefore, House "D" was not in order.

The introducer of House "D" inquired whether he could move to reconsider House amendments "A" and "B," having been on the prevailing side in both votes.

The deputy speaker ruled that a motion to reconsider the amendments could be made only on the session day after the House takes final action on the amended bill.

Frankel, April 20, 1982.

230. AMENDMENT NOT GERMANE

The bill restored funding, eliminated in the appropriations act, to the Division of Consumer Counsel within the Department of Public Utility Control (DPUC) and made certain changes in the compensation and authority of the Council on Voluntary Action and its executive director. The amendment required the DPUC to require the Southern New England Telephone Company to allow certain customers in the Pawcatuck exchange area to retain their existing toll-free calling privileges.

The speaker ruled that not only was the amendment not germane to the bill, but it was an attempt to introduce an entirely new question under cover of an amendment, contrary to the rules [*Mason* 402 (6)].

Abate, May 28, 1981.

231. AMENDMENT NOT GERMANE

The bill expanded workers' compensation coverage for voluntary ambulance personnel by including four new activities in the statutory definition of "volunteer ambulance duties." The amendment proposed to define "department head" to clarify the exclusion of such persons from the 1978 extension of municipal employee collective bargaining rights to supervisors.

The speaker ruled the amendment not germane because, although both it and the bill related to municipalities, they dealt with entirely different statutory titles.

Abate, May 7, 1981.

232. AMENDMENT NOT GERMANE

The bill allowed municipalities to reserve for art work a percentage of municipal funds allocated for construction of municipally owned or leased buildings. The amendment sought to remove limitations on expenditures from municipal park and recreation funds.

Abate, April 14, 1981.

233. AMENDMENT NOT GERMANE

The bill, with certain exceptions, exempted motor vehicles manufactured before 1970 from the requirement that they have a certificate of title. The amendment added several appropriations to the bill, including $50,000 to expand services offered by the Motor Vehicle Department in Ansonia, $75,000 to complete federally required studies of two railway corridors, and $1,000 to complete a local mass transit study.

Abate, April 30, 1980.

234. AMENDMENT NOT GERMANE

The bill allowed boards of trustees of constituent units of the state higher education system to transfer up to $10,000 of their budget funds from one line item appropriation to another without consent of the Finance Advisory Committee. The amendment required local boards of education to obtain approval from their local budgeting authority before transferring $5,000 or more between appropriation line items in their budgets.

Frankel, April 24, 1980.

235. AMENDMENT NOT GERMANE

The bill allowed the commissioner of mental health to contract with public or private nonprofit organizations to run Blue Hills Hospital. The amendment required timely action by the Commission on Hospitals and Health Care on certificates of need for hospitals' and health care institutions' capital expenditures on which the federal government required action.

Abate, June 4, 1979.

236. AMENDMENT NOT GERMANE

The bill dealt with changes to the Uniform Relocation Assistance Act including appeals of relocation decisions and subpoena power of the commissioners of transportation and community affairs in such matters. The amendment dealt with changes in the legal authority and subpoena power of the Commission on Special Revenue.

Kennelly, 1978.

237. AMENDMENT NOT GERMANE

The bill dealt with the use of plain language in consumer contracts. The amendment dealt with requirements for clear language in numerous other areas including legislative bills, regulations, subpoenas, and other legal papers. A later amendment established a clear language requirement for legislative bills and regulations only.

Kennelly, 1978.

238. AMENDMENT NOT GERMANE

The resolution proposed a constitutional amendment requiring the election of judges. The amendment dealt with creation of a commission for appointment of state's attorneys under a merit system.

Vicino, 1978.

239. AMENDMENT NOT GERMANE

The bill concerned an increase in survivors benefits for widows of state police. The amendment allowed former members of the legislature working for the state to buy into the state retirement system beyond the two-year limit.

Kennelly, 1978.

240. AMENDMENT NOT GERMANE

The bill established a neighborhood health clinic in New Haven. The amendment dealt with the Connecticut Assistance and Medical Aid Program for Disabled.

Kennelly, 1978.

241. AMENDMENT NOT GERMANE

The bill dealt with requirements for annual licensure of home health care agencies. The amendment changed the reporting date fixed in a 1975 special act establishing a Rural and Industrial Area Preservation Commission.

Kennelly, 1977.

242. AMENDMENT NOT GERMANE

The bill appropriated money to the Joint Committee on Legislative Management for certain interim studies. The amendment extended the reporting deadline and expanded the scope of the Study Commission on Environmental Protection and Economic Development previously created by special act.

Kennelly, 1977.

243. AMENDMENT NOT GERMANE

The bill eliminated unemployment compensation for persons who voluntarily quit their jobs. The amendment created a board of mediation and arbitration to rule on an employer's ability to discharge an employee.

Vicino, 1977.

244. AMENDMENT NOT GERMANE

The bill authorized municipalities to levy a special tax to pay for current budget expenses. The amendment authorized special tax consideration for property owners.

Vicino, 1977.

245. AMENDMENT NOT GERMANE

The bill authorized the commissioner of environmental protection to delegate his authority to the deputy commissioners. The amendment prohibited an employee or agent of the department from issuing an order affecting a project or program exceeding $50 million or affecting a part of the program exceeding $5 million. The ruling was appealed and was sustained.

Kennelly, 1977.

246. AMENDMENT NOT GERMANE

The bill lowered the minimum permissible temperature in offices, businesses, and residential buildings from 68 to 65 degrees. The amendment dealt with reduction of lighting on public highways.

Kennelly, 1977.

247. AMENDMENT NOT GERMANE

The bill dealt with the appropriation for state expenses for FY 1977-78. One amendment raised the retirement age for state employees from 55 to 60. Another amendment also dealt with the state employees' pension system.

Kennelly, 1977.

248. AMENDMENT NOT GERMANE

The bill allowed someone seeking a deposition to name a corporation or other public or private organization rather than a specific individual as the giver of the deposition. The amendment removed these requirements and allowed a defendant, through counsel, to require state prosecutors to disclose exculpatory evidence.

Kennelly, 1977.

249. AMENDMENT NOT GERMANE

The bill exempted higher education units from certain provisions of the Uniform Administrative Procedure Act. The amendment required the units of higher education to report to the General Assembly on recommendations for unification of the higher education system.

Kennelly, 1975.

250. AMENDMENT NOT GERMANE

The bill dealt with requirements for introducing legislative proposals. The amendment prohibited any elected state official from serving as a lobbyist for two years after his last term. The ruling was appealed and sustained.

Ratchford, 1972.

251. AMENDMENT NOT GERMANE

The bill dealt with revenue sources for the state. The amendment prohibited any person from receiving public assistance or care unless he or she has been a state resident for one year. The ruling was appealed and sustained.

Ratchford, June 1971.

252. AMENDMENT NOT GERMANE

The bill made use of the party lever on voting machines optional. The amendment dealt with the hours during which the polls must remain open.

Patterson, 1965.

253. AMENDMENT NOT GERMANE

The bill established a study commission to examine the judicial pension system. The amendment required judges to contribute to their pension and survivorship fund during the study.

Patterson, 1965.

254. AMENDMENT NOT GERMANE

The bill dealt with the instruction of elected officials. The amendment dealt with optional use of the party lever on voting machines.

Patterson, 1963.

255. AMENDMENT NOT GERMANE

The bill allowed municipalities to establish bodies to improve their waterfronts. The amendment authorized the granting of pensions to the surviving spouses of municipal employees whether or not the employees were included in the municipal pension plan.

Patterson, 1963.

256. AMENDMENT NOT GERMANE

The bill provided a pension to the widow of a former Hartford director of health. The amendment substituted language allowing a municipality or subdivision to amend by ordinance any special act relating to its retirement system and allowing the municipal legislative body to provide a pension to the surviving spouse of a municipal employee whether or not that employee was included in the pension system.

Noyes, 1963.

257. AMENDMENT NOT GERMANE

The bill imposed life imprisonment for certain offenses. The amendment prohibited the death penalty for any person who causes the death of an attorney who has talked for over 10 minutes on one matter.

Comstock, 1963.

258. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL—NO FISCAL NOTE—AMENDMENT WITHIN SPECIAL SESSION CALL

The rules limited the special session to taking up legislation prohibiting Las Vegas Night games and money wheels. House "A" required a study on the feasibility of operating casinos in Waterbury and Bridgeport. A member raised a point of order that the amendment was outside the call of the special session.

The speaker ruled the point well taken.

House "B" required the state to give towns all funds it received from the Pequot and Mohegan tribes. A member raised a point of order that the amendment was outside the call of the special session.

The speaker ruled the point well taken.

House "C" renamed "Indian Day" "Native American Day." A member raised a point of order that the amendment was outside the call of the special session.

The speaker ruled the point well taken.

Lyons, January 6, 2003.

House "D" required a study of the state economic impact of repealing the Las Vegas Night laws. A member raised a point of order that the amendment was outside the call of the special session.

The deputy speaker ruled the point not well taken. The amendment is within the call because it deals with Las Vegas Night laws.

A member raised a point of order that House "D" was not properly before the house because it lacked a fiscal note.

The deputy speaker ruled the point well taken.

House "E" authorized large cities and towns to operate games of chance to raise money. A member raised a point of order that the amendment was outside the scope of the call.

The deputy speaker ruled the point well taken. The amendment contradicts the call.

House "F" required a cost/benefit analysis of the repeal of Las Vegas Night laws. A member raised a point of order that the amendment was outside the scope of the call.

The deputy speaker ruled the point not well taken. The amendment was similar to House "D" which had been not properly before the chamber for lack of a fiscal note only.

Fritz, January 6, 2003

259. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL

The governor's call limited the business of the special session to "legislation relating to the purchase, sale, registration, control, or illegal use of firearms." The bill concerned penalties for manslaughter and first-degree assault, gangs, and juvenile crimes. The Senate amendment appropriated money for police overtime in certain high-crime, urban

neighborhoods and for more prosecutors, public defenders, judges, and criminal justice staff. A member raised a point of order that the amendment was not germane to the special session call.

The speaker ruled the point well taken. *Mason* 780 gives the governor the power to confine special session business to subjects specified in his proclamation. Although the Senate amendment contained parts that would be germane to the special session call, other parts of the amendment were clearly outside the scope of that call. House precedent indicates that a special session call must be construed strictly. Since it was not possible to rule on individual parts of an amendment, the speaker must rule the entire amendment out of order.

Ritter, July 6, 1994.

260. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL

The governor's call limited the business of the special session to "legislation relating to the purchase, sale, registration, control, or illegal use of firearms." The bill concerned penalties for manslaughter and first-degree assault, gangs, and juvenile crimes. House amendment "E" established a police community institute within the Commission on Human Rights and Opportunities to strengthen the relationships between law enforcement agencies and communities. A member raised a point of order that House "E" was not germane to the special session call.

The deputy speaker ruled the point well taken. House "E" was not in order.

Pudlin, July 6, 1994.

261. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL

The special session was called to consider bills relating to (1) the state budget for the coming fiscal year, (2) bills to implement the budget for that year, (3) state bond authorizations and their underlying programs and state taxes, (4) gun control, and (5) health care access.

A bill adopting various changes needed to implement the budget dealing with education, the Judicial Department, parole officers, and various property tax exemptions was called. The House adopted amendment "A" concerning AIDS testing for sex offenders.

A member called House amendment "F" to increase the maximum penalty for manslaughter. Another member raised a point of order that House "F" was outside the scope of the special session call.

The speaker ruled the point well taken. He was not required to reach the issue of whether the adoption of House "A" created a "bridge" for this amendment to be germane to the bill because he was deciding the issue on the basis of the special session's scope.

A member called House amendment "I," which he described as "the genuine three strikes and you're out" law (i.e. a bill requiring a life sentence for a third felony conviction). A member raised a point of order that House "I" was outside the session call.

The speaker ruled the point well taken according to his earlier reasoning.

The ruling was appealed and, on a roll call vote, the appeal failed.

Ritter, May 25, 1994.

262. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL

The bill repealed the prohibition against the state treasurer's investing state money in companies doing business in South Africa. The amendment (House "A") also repealed limits on the treasurer's investment in companies doing business in Northern Ireland. A member raised a point of order that House "A" was outside the scope of the special session call.

The speaker ruled the point well taken. The special session call restricted the business to South African investments. In addition, the Northern Ireland investment limitation is found in a separate statutory section, which reinforces the ruling that the two issues are distinct.

Ritter, October 20, 1993.

263. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL POINT OF ORDER

The bill corrected an error in the bonding bill already passed and reconciled a conflict between two sections of that bill. House "A" indemnified landowners whose property was subject to liens arising out of land claims filed by Indian tribes. After making several comments about the amendment, a member raised a point of order that it was not germane to the special session call. Another member raised a point of order that the first member was making a speech in the guise of a point of order.

The speaker ruled both points well taken. The amendment did not fall within the governor's special session call, which was limited to legislation correcting errors in PA 93-1 of the June Special Session.

Ritter, July 12, 1993.

264. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL

The General Assembly was called into special session to consider legislation authorizing foreign banking corporations to bring action in the courts of the state under certain specific conditions. The bill that would grant the authorization was called. After considerable debate, a member proposed House amendment "A," which prohibited banks from foreclosing on borrowers' homes worth up to $250,000. A member raised a point of order that the amendment was not germane to the call of the special session.

The speaker ruled the point well taken. The special session call was quite narrow and the subject of House "A" was not included within it.

The ruling was appealed. The member pressing the appeal argued that the bill and the call covered both in and out-of-state banks and sought to address a situation arising out of the economic recession. The amendment also addressed a recession-created situation and therefore it was covered by the call, broadly interpreted. An opponent of the appeal argued that the call was extremely narrow and that if it were to be interpreted as allowing consideration of any proposal to help people in a bad economy, then there was no way to limit the business and scope of the session.

After additional debate, the appeal was withdrawn.

Balducci, July 6, 1992.

265. AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL

The General Assembly was called into special session to approve various collective bargaining agreements and to pass legislation regarding pension benefits for employees of certain state-aided institutions, delaying the beginning of collective bargaining negotiations to implement wage changes resulting from objective job evaluation studies, limiting availability and use of certain weapons, and strengthening penalties for unlawful possession or use of certain firearms.

The bill made it a felony to supply a weapon to a person under 18 who later commits a felony with it. The House adopted an amendment to the bill (House "D") to allow a jury to weigh a crime's mitigating against its aggravating factors in determining whether to impose the death penalty on a convicted defendant.

A member called House amendment "G," which changed the state's method of execution from electrocution to lethal injection. A member raised a point of order that the amendment was not germane to the call of the special session. The member argued that the death penalty amendment already adopted (House "D") was covered by the provision in the call to consider legislation strengthening penalties for illegal possession of firearms. But the call gave no authority to consider changes in the method of carrying out the death penalty.

The speaker ruled that, although House "G" was germane to House "D," it was not within the special session call because it neither limited the availability of weapons nor strengthened penalties. Thus, House "G" was out of order.

A member appealed the ruling. He argued that, if an amendment was germane to a previous amendment covered by a special session call, it was not proper to disallow it because it did not also fit exactly within the call. He also argued that *Mason* 402(8) requires germaneness issues to be decided by the whole body and not just by the presiding officer and his appeal was consistent with that provision.

An opponent of the appeal argued that, though House "G" would pass the normal germaneness tests applied during a regular session, in a special session amendments must not only be germane to the bill and one another but also to the session call. This is the limitation of a special session. Another member addressed the issue of whether the House's presiding officer has the authority rule on germaneness. He stated the custom of the House was to allow such rulings and to ignore the provisions of *Mason* 402 (8) and he disputed the argument that 402 (8) controlled in this instance.

A third member, in arguing for the appeal, cited *Mason* 780 (3), which states that, though "the governor may limit consideration of a special session to a special phase of a general subject, he cannot restrict the details springing from that subject." This provision supported the contention that House "G" was not out of order.

On a roll call vote, the appeal failed.

Balducci, June 29, 1992.

266. AMENDMENTS NOT GERMANE TO TECHNICAL REVISOR'S BILL

The bill made technical, spelling, and grammatical corrections to various public and special acts and to the General Statutes. The following amendments were called and challenged on the grounds that they were not germane.

Senate amendment "C" authorized the Westerly Water Works to supply water to residents of North Stonington.

Senate amendment "G" allocated money to a revolving fund used to pay compensation to crime victims and allowed the Criminal Injuries Compensation Commission to use some of the money for administrative expenses.

Senate amendment "J" prohibited municipalities from requiring installation of reduced pressure principle backflow preventers on waterlines used to supply residential lawn sprinkler systems with no provisions for the addition of chemicals.

Senate amendment "L" allowed certain local boards of education to follow the previous law's teacher contract negotiation timetable for one year and changed the definition of various terms used in the school finance law.

House amendment "E" required municipal noise ordinances to be considered approved if the environmental protection commissioner failed to act on them within 60 days.

House amendment "F" added two new members to the Lead Poisoning Prevention Task Force.

The speaker ruled each of these amendments out of order on the grounds that they were not technical and thus they were not germane.

Balducci, May 28, 1992.

267. AMENDMENT NOT GERMANE TO TECHNICAL REVISOR'S BILL

The amended bill was the technical revisor's bill, which amended many unrelated statutory sections. House amendment "S" extended the deadline for certain people to buy pension rights from January 1, 1987 to January 1, 1989. The proponent said the amendment was needed because a bill to accomplish this goal had been recommitted. A member raised a point of order that House "S" was not germane to the bill because it was substantive and not technical.

The speaker ruled the point well taken. In the case of the revisor's bill, the issue was not only the germaneness of subject but also whether or not a proposed amendment was technical. Although previously adopted amendments dealt with the same statutory sections as House "S," the amendment was not a technical correction but a substantive statutory change and was thus not in order as an addition to the revisor's bill.

Stolberg, May 4, 1988.

268. AMENDMENT NOT IN WRITTEN FORM
AMEND AN AMENDMENT

An amendment to the 1983 budget bill was offered and explained (House "R"). A member pointed out to the proponent that her explanation differed from the amendment's actual wording. The proponent acknowledged the error, but rather than withdraw the amendment, moved to amend the wording from the floor. She made her motion because the lateness of the hour made it uncertain whether a corrected, written amendment could be printed by LCO. A member raised a point of order that the proposed amendment to House

"R" was not in order because it was not in writing and had not been drafted by LCO [JR 12]. He suggested the rules be suspended to allow it.

The speaker ruled a motion to amend an amendment was in order [*Mason* 409]. In the circumstances, he would allow a verbal amendment to House "R" without asking for suspension of the rules. He stated that he would not like to see his ruling used as a precedent for allowing other verbal amendments, except in similar circumstances.

Abate, April 15, 1982.

269. AMENDMENT NOT IN WRITTEN FORM

The resolution reprimanded and censured a member. During discussion of the resolution, a second member moved to delete certain lines in the resolution dealing with the member personally.

The speaker ruled the motion out of order because amendments must be presented in writing and according to proper procedures.

Abate, February 20, 1980.

270. AMENDMENT PREVIOUSLY CALLED; PROCEDURE FOR RECALLING POINTS OF ORDER, RULINGS ON, TIMELINESS OF

The bill was moved and debated on an earlier session day. Three amendments were adopted. House "D" was called and designated. A member then raised a point of order that House "D" was not germane. Before the speaker issued a ruling on the point, the bill was passed temporarily and, later, pass retained.

When the bill was taken up again two days later, the deputy speaker ruled that House "D" must be called and moved again.

A member raised a point of order that the earlier point of order had to be disposed of first.

The deputy speaker ruled the point well taken.

The member who had raised the point of order concerning germaneness of House "D" withdrew his point.

In subsequent discussions, the deputy speaker said that the point of order had already been withdrawn on the earlier day, before the motion to pass the bill temporarily. But he had asked that the House recapitulate all the earlier motions in order to make the parliamentary situation clear.

Another member suggested that, in the future, rulings on points order not be held over for subsequent sessions.

The deputy speaker stated the member's remarks were well-received and appreciated.

Coleman, April 27, 1994.

271. AMENDMENT PREVIOUSLY CONSIDERED

The bill authorized the Public Health Commissioner to receive, summarize, and disseminate hospital and managed care organization reports on their community health

programs. House "A", substituting the State Comptroller for the Public Health Commissioner failed and the bill passed. It then passed in the senate as amended by Senate "A." When the bill returned to the House, a member raised a point of order that Senate "A" which also substituted the comptroller for the commissioner was out of order because it was identical to House "A" that had already been voted down. He asserted that the same matter could not be voted upon twice.

The deputy speaker ruled the point well taken.

Currey, June 19, 1999.

A member offered House "B" which differed from House "A" and Senate "A" by replacing "State Comptroller" with "State Comptroller or Comptroller's designee." The amendment was adopted and the amended bill passed in both chambers.

272. AMENDMENT PREVIOUSLY CONSIDERED

The bill allowed winners to assign their lottery prizes in return for cash. House amendment "C" extended the grace period for claiming a lottery prize to 72 hours starting with lottery games expiring on or after July 1, 1996. House amendment "G" applied the longer grace period to games expiring on or after October 1, 1997. Opponents argued that House "C" already covered the substance of House "G." A member raised a point of order that House "G" was out of order because it was substantially the same as House "C."

The deputy speaker ruled the point not well taken because the two amendments were not identical.

Hyslop, May 30, 1997.

273. AMENDMENT PREVIOUSLY CONSIDERED

A member called a Senate bill, as amended by three Senate amendments. After the House adopted Senate amendments "A" and "B" in concurrence, Senate "C" was called. A member raised a point of parliamentary inquiry as to whether Senate "C" was identical to a House amendment the House had voted on two weeks previously. Another member, upon being questioned by the speaker, stated that Senate "C" was identical to the earlier House amendment. A third member thereupon raised a point of order that Senate "C" was not properly before the House because it had been previously considered.

The speaker ruled the point well taken. Unless an amendment is substantively changed, it can only be considered a second time if the House approves a formal motion for reconsideration within the time limits specified in the rules (the end of the next regular session day). In determining whether an amendment has been previously considered, the speaker ruled that he would not differentiate between House and Senate amendments. Senate "C" was out of order.

Ritter, April 29, 1996.

274. AMENDMENT PREVIOUSLY CONSIDERED

The bill made several changes in the law concerning transfer of assets and qualifying for Medicaid, AFDC, and SSI. Senate amendment "A" narrowed the bill's focus only to Medicaid. Senate "A" was adopted. A member introduced House amendment "A," which

exempted those living in homeless shelters outside the municipality from which they receive General Assistance from workfare requirements. Another member raised a point of order that House "A" was not proper because the exact same language had been considered and rejected six days earlier.

The speaker ruled the point well taken. The language of House "A" was identical to that of the amendment already rejected.

Balducci, June 5, 1989.

275. AMENDMENT PREVIOUSLY CONSIDERED AMENDMENT GERMANE

The bill allowed family support magistrates to require posting of a bond to ensure payment of child support. After two amendments were adopted, House amendment "C" was called. House "C" allowed sheriffs to serve process on a respondent's employer in child support cases when all other methods failed, and required all employers with 15 or more employees to designate someone to accept service and deliver it promptly to the employee. A member raised a point of order that House "C" was substantially identical to a bill already rejected by the House.

The speaker ruled the point not well taken. The amendment was similar to the bill but there were two major differences. The bill covered employers of 10 or more rather than 15 or more and the amendment added the requirement that the designated agent for service deliver the process promptly to the employee.

A member then raised a point of order that House "C" was not germane to the bill because it dealt with service of process while the bill dealt with child support. These were two entirely different statutory sections.

The speaker ruled the point not well taken. Both the bill and the amendment related to child support.

Balducci, May 10, 1989.

276. AMENDMENT PREVIOUSLY CONSIDERED

The bill concerned payment to certified ambulance services for calls at state parks or forests. It was amended by Senate amendment "A." When the bill was called in the House a member raised a point of order that Senate "A" was not properly before the House because it was identical to an earlier bill that the House had already recommitted to the Finance, Revenue and Bonding Committee.

The speaker ruled the point well taken. Although *Mason* 423 provides that the rule disallowing equivalent amendments (i.e., equivalent in the sense that the negative of one amounts to the affirmative of the other or vice versa) does not apply to the question of amendments between houses, in this case Senate "A" was not merely equivalent to the earlier bill; it was identical. Because the General Assembly's rules provide that a question may only be reconsidered within one session day of the initial action, any reintroduction of identical questions after that time has expired is improper even if the reintroduction is in the form of a Senate amendment to another bill. Senate "A" was therefore out of order.

Stolberg, May 28, 1987.

277. AMENDMENT PREVIOUSLY CONSIDERED IMMEDIATE TRANSMITTAL

The bill clarified the authority of the Freedom of Information Commission. The bill passed the House and was amended in the Senate. Senate "A" exempted the names and addresses of peace officers from the FOI law. On the last day of the session, the bill was called again in the House. The chairman of the Government Administration and Elections Committee moved to reject Senate "A."

After some debate, a member raised a point of order that Senate "A" was not properly before the House because it was identical to an amendment already defeated by the House earlier in the session. No question may be reconsidered after the time limit specified in the House rules had expired and no question can be considered twice in the same session without a formal motion to reconsider.

The deputy speaker ruled the point well taken. Senate "A" was identical to a House amendment defeated more than a week earlier.

Debate on the bill continued and another House amendment was adopted.

The deputy speaker ruled that under JR 17, the bill should be transmitted immediately to the Senate without a formal rules suspension.

Belden, May 7, 1986.

278. AMENDMENT PREVIOUSLY CONSIDERED

The bill established a standard for the amount of alcohol in the blood that would constitute a violation of the drunk driving laws. The bill had been amended in the Senate (Senate "A"). When the bill was called in the House, a member moved to reject Senate "A" because she wished to make changes in the language on two of its lines in order to avoid possible constitutional challenge. The motion to reject Senate "A" was defeated and Senate "A" was deemed adopted.

The member then proposed House Amendment "A" which made two changes in the wording of Senate "A." Senate "A" spoke of the "ratio of alcohol in the blood"; House "A" changed that to "the blood alcohol content." Senate "A" said that a certain blood alcohol level would "give rise to a conclusive presumption" that the drunk driving laws had been violated; House "A" stated that a person with a certain blood alcohol level "shall be deemed to be under the influence of intoxicating liquor. . . ."

A member raised a point of order that House "A" was the same as Senate "A" and therefore out of order.

The deputy speaker noted that House precedent clearly requires two amendments to be identical, not just similar, before one may be ruled out of order. It also makes no difference to the rule that the first amendment offered was adopted instead of rejected. In either case, if a second amendment is offered which is identical to the first, it is out of order. The second question is whether, in order to be identical, two amendments have to have the exact same wording. The deputy speaker ruled that two amendments can have the same meaning without having precisely the same wording and that, in such a case, the second one can still be ruled out of order. The first change made by House "A" was an example of this. The phrases "ratio of alcohol in the blood" (Senate "A") and "the blood alcohol content"

(House "A") had identical meanings although their wording was slightly different. If House "A" consisted only of that section, it would be ruled out of order.

The second change removed the words "conclusive presumption" from Senate "A." The deputy speaker stated that, though he personally agreed with several other members that the language of both amendments meant the same thing in law, he was aware that certain state courts had ruled otherwise. He stated that a current Connecticut Supreme Court case had suggested that use of the words "conclusive presumption" in statute may be unconstitutional, and the change made by House "A" could obviate constitutional attack on the bill. Consequently, he ruled the point not well taken because the second part of House "A" was sufficiently different from Senate "A" to make House "A" a new proposition.

Frankel, May 8 and 9, 1984.

279. AMENDMENT PREVIOUSLY CONSIDERED

The bill established a loan program to encourage talented students to become teachers and to forgive 20% of the loan each year for five years if students taught in public or private elementary or secondary schools in the state. House amendment "A" required that for a private school teacher to be eligible for the loan forgiveness, his private school must be state-approved, he must demonstrate that he could not find a job in a public school, and he must wait an extra two years before the five-year forgiveness began. House amendment "A" was rejected. The bill was adopted.

When the bill was taken up in the Senate, an amendment (Senate "A") was adopted which did the same things as House "A" would have done. The bill was then returned to the House. When Senate "A" was called in the House, a member raised a point of order that Senate "A" could not be considered because it was the same as the previously rejected House "A" and the House could not consider the same question twice.

The speaker ruled the point well taken. No question can be considered twice by the House without a formal motion for reconsideration within the time limits established in HR 30. House precedent indicates that even where the wording of two questions is not identical, if they are the same in substance, then the later one is out of order [HR 30, *Mason* 401(4); 398(2)].

Stolberg, May 8, 1984.

280. AMENDMENT PREVIOUSLY CONSIDERED

A member moved an amendment. In doing so, he said that he doubted the result of the voice vote by which it had been previously defeated and that he was reintroducing the amendment in order to have a roll call vote on it.

The speaker ruled the amendment out of order because it was identical to an amendment previously defeated and reconsideration had neither been moved nor voted [*Mason* 401(4), 398(2)].

Abate, May 3, 1980.

281. AMENDMENT PREVIOUSLY CONSIDERED

The omnibus bill concerned municipalities. A member offered House amendment "A" creating a state historic preservation board. Earlier in the same session, the House had approved an amendment creating such a board as part of a bill amending the historic district enabling statutes. The earlier bill was defeated. A member raised a point of order that House "A" was not proper because it was equivalent to the earlier amendment and no question could be offered twice in the same session [*Mason* 159 (5)].

The speaker ruled the point not well taken because the amendments were similar but not identical [*Mason* 401 (4)].

Abate, June 1, 1979.

282. AMENDMENT PREVIOUSLY CONSIDERED CONFERENCE COMMITTEE REPORT NOT DIVISIBLE

A report of a committee on conference contained an amendment previously rejected by the House. A member rose to a point of order that reconsideration of the amendment was improper.

The speaker ruled that since the amendment was only an element in, rather than the entire, report and since a conference committee report is indivisible, the point was not well taken.

Kennelly, 1975.

283. AMENDMENT PREVIOUSLY CONSIDERED

A member rose to a point of order that an amendment was out of order because it was similar to one previously rejected.

The speaker ruled that, although the amendment was similar to the earlier one, it was not identical and was, therefore, proper.

Kennelly, 1975.

284. AMENDMENT—PROCEDURE FOR CONSIDERING

A member asked the clerk to call an amendment by LCO number and asked leave to summarize. The deputy speaker designated the amendment by letter and, as there was no objection, asked the proponent to summarize it. The member commended the coalition that put together the underlying bill. The deputy speaker again asked the member to summarize his amendment. The member moved adoption. The deputy speaker stated the question (adoption of House "A") and asked for remarks. The proponent began to remark on the amendment. Another member raised a point of order that the amendment must be summarized before a motion to adopt is made.

The deputy speaker ruled the point well taken. The proper order is to summarize an amendment before moving adoption.

Polinsky, May 29, 1991.

285. AMENDMENT REVERSING COMMITTEE ACTION

The bill originated in the Transportation Committee, was favorably reported first to Appropriations and then to the House floor. The House sent the bill to Judiciary, which amended it and returned the amended version with a favorable report. The bill was reprinted and received a new file number. The member bringing out the bill moved adoption and then called House amendment "A." A member raised a point of order that House "A" was improper because it would reverse the amendment adopted by the Judiciary Committee and incorporated into the reprinted file.

The speaker ruled the point not well taken. The full House may always overrule or reverse any action taken by a committee.

Stolberg, May 3, 1988.

286. AMENDMENT REVERSING PREVIOUS ACTION

The bill concerned acquired immune deficiency syndrome (AIDS). A member called House amendment "C" and stated that the goal of his amendment was "to correct the previous action that we had taken a couple of days ago." A second member raised a point of order that House "C" was improper because it was identical to a bill on which the House had taken action two days before and the time for reconsideration had expired.

The speaker ruled that the language of the amendment and the bill considered two days before were essentially the same. The member introducing the amendment had said explicitly that it was an effort to undo the House's previous action. Such an amendment constituted an attempt at reconsideration and was out of order since the time for reconsideration had expired.

The ruling was appealed and sustained.

Stolberg, May 20, 1987.

287. AMENDMENT REVERSING PREVIOUS ACTION

The original bill required that anyone stopped for drunken driving who refused to take the blood alcohol test automatically lose his license. An amendment allowed such a person to keep his license if he entered a rehabilitation program. A later amendment (House "G") was introduced to restore automatic loss of license. The proponent of House "G" stated that he wished to "undo" the earlier action. A member raised a point of order that House "G" was out of order as an improper reconsideration of the earlier amendment.

The acting speaker ruled the point not well taken. The House can always reverse a previous action and though House "G" may be inconsistent with an earlier amendment, the House could still adopt it.

E. Smith, May 4, 1982.

288. AMENDMENTS, CONFLICTING

The bill prohibited smoking in public school buildings. House amendments "A" and "B" were adopted by voice vote. A member introduced House "C" and moved adoption. A second member raised a point of parliamentary inquiry concerning the effect of adopting

more than one amendment to the same line in a bill. He noted that House "B" and "C" amended line 35 of the bill. He asked the speaker to rule whether passage of "C" would have the effect of deleting House "B."

The deputy speaker noted that all three amendments made changes in the original bill starting in line 35. Each amendment embodied specific items which the House wanted included in the bill. These items were not contradictory. He ruled that all three should be reflected in the amended bill draft and that passage of each did not mean that the previously passed amendments were deleted. It was the responsibility of the Legislative Commissioners' Office, in redrafting the bill, to smooth out any syntactical awkwardness resulting from passage of several amendments to the same section of the bill.

Belden, May 1, 1985.

289. AMENDMENTS, CONFLICTING

The House adopted an amendment to the 1983 budget bill reducing the University of Connecticut's appropriation by $4 million (House "H"). After considerable intervening business, a member offered an amendment (House "Q") to reduce UConn's appropriation by only $1.8 million. The proponent of House "Q" urged its adoption as a means of correcting the mistake made in House "H." House "Q" was adopted.

The speaker stated that although House "Q" could be viewed as inconsistent with House "H," the later adoption of House "Q" expressed the will of the House that the reduction be $1.8 million rather than $4 million. House "Q," because it was adopted later, overrode House "H," even though House "H" had not been formally reconsidered.

Abate, April 15, 1982.

290. AMENDMENTS, CONFLICTING

The bill concerned certain statutes of limitation. The House adopted an amendment (House "B") which changed a section of the bill. A member then offered House "C," which eliminated the changes made by House "B." Another member asked that House "C" be ruled out of order as inconsistent with House "B."

The speaker ruled that the question of inconsistency between two amendments must be decided by vote of the body [*Mason* 402(8)] and he invited debate.

After debate, the question was put and, on a roll call vote, the House decided that House "B" and "C" were not inconsistent. House "C" was then adopted.

Abate, April 30, 1980.

291. AMENDMENTS, CONFLICTING

The bill required municipalities to respond within two working days to a state agency's request for information necessary to prepare fiscal notes for regulations. House amendment "C," amending one section of the General Statutes and changing the response time to 10 days, was adopted. House "D" was then proposed, amending a different section

and changing the response time back to two days. A member requested a ruling as to whether House "D" was inconsistent with House "C" and therefore out of order.

The speaker noted that the practical effect of House "D" would be to reverse the action just taken in House "C." However, he ruled that House "D" was properly before the House and that the question of inconsistency between two amendments could only be decided by vote of the full House. He stated his own opinion that the two amendments were inconsistent [*Mason* 398 (3)].

The question was put to the House, and on a voice vote, House "D" was declared out of order as inconsistent with House "C."

Abate, May 16, 1979.

292. AMENDMENTS, ORDER OF

The bill was amended twice in the Senate. When it was taken up in the House, a member moved to reject Senate amendment "A." The motion carried and Senate "A" was rejected. Another member moved adoption of House amendment "A." A third member raised a point of order that House amendments should not be offered until all Senate amendments had been dealt with.

The deputy speaker ruled that although it would be neater to take up Senate "B" immediately following Senate "A," it was not necessary to do so and thus the point was not well taken.

Frankel, May 7, 1984.

293. AMENDMENTS, PROCEDURE FOR CALLING

A member moved acceptance of a joint committee's favorable report and passage of the bill. Another member called for an amendment. A third member raised a point of order that the call for an amendment should not be made while a member is bringing out a bill.

The speaker ruled the point well taken.

Kennelly, 1975.

294. APPEALS, PRIORITY OF

A member appealed a ruling. During discussion of the appeal, the member was ruled out of order, a ruling he also appealed.

The speaker ruled the former appeal would be disposed of first.

Patterson, 1963.

295. APPROPRIATIONS BILL CONTAINS GENERAL LEGISLATION
POWERS OF APPROPRIATIONS COMMITTEE
RELATION BETWEEN RULES AND STATUTES
DIVIDE THE QUESTION

The appropriations bill for fiscal year 1983 was offered and an amendment (House "B") was adopted. A member rose to a point of order that the bill was not properly before the House because it contained general legislation and thus violated CGS § 2-35. In addition,

the Appropriations Committee had no authority to report out an appropriations bill containing general legislation because JR 3(a) grants the committee only those powers enumerated in CGS § 2-35. Finally, the bill could not be considered under a suspension of the rules because rules incorporating statutory provisions may not be suspended [*Mason* 281 (5)].

The speaker invited debate.

The Appropriations Committee chairman argued that precedent allowed the appropriations bill to contain general implementing legislation. In 1964, a court case was undertaken on this question and the inclusion of general legislation in the appropriations act was allowed on the grounds that passage of a special act overrode the General Statutes [*Dempsey v. Patterson*]. In 1974, it was again allowed based on the 1964 precedent. The pending bill was modeled on the 1974 act and it, too, should be allowed.

A member supporting the point of order argued that the Joint Rules served explicitly to limit the Appropriations Committee's power to exceed § 2-35. That provision of Joint Rule 3(a) (1) had been added since the two precedents cited. The member also noted that in 1980, the speaker had ruled that statutory provisions supersede the legislature's rules where the two conflict.

The speaker ruled that the Appropriations Committee's jurisdiction was limited by JR 3(a) which incorporates the limits of CGS § 2-35 by reference. The statute clearly states that no general legislation may be included in the annual appropriations bill. The pending bill was the annual appropriations bill and it did contain general legislation. However, rather than rule the entire bill out of order, the speaker exercised his prerogative as a member of the General Assembly to divide the question [*Mason* 311], ruling the point of order well taken with respect to the sections of the bill containing general legislation. These were out of order. Debate and voting on sections 1 through 6 which contained only the itemized appropriations allowed by the statute could continue. House amendment "B" applied only to sections 1 through 6 and could stand as adopted.

Debate resumed on sections 1 through 6. Another amendment, House "C," was offered. House "C" applied both to the appropriations and the general legislation sections of the original bill.

The speaker ruled the amendment must be divided and then ruled those sections dealing with general legislation not properly before the House. The same ruling was made on House amendments "D," "E," "F," "I," and "M."

Abate, April 15, 1982.

296. BILL PROPERLY BEFORE THE HOUSE—WITHIN SPECIAL SESSION CALL

The special session call indicated that its purpose was to consider bills concerning the budget and its implementation, bonding authority, and deficiencies in Transportation Strategy Board funding. A member introduced a bill that retroactively removed the OPM secretary and state treasurer from the Connecticut Resources Recovery Authority and specified how much the authority was authorized to borrow in each of the following three fiscal years.

A member raised a point of order that the bill was not germane to the special session call because it had no fiscal impact.

The deputy speaker ruled the point not well taken. The bill's purpose is to protect the state's general revenue.
Hyslop, August 16, 2003

297. BILL PROPERLY BEFORE THE HOUSE—WITHIN SPECIAL SESSION CALL

The governor's proclamation called the General Assembly into special session to enact a comprehensive education bill. On May 21, 1986, the House adopted a special Joint Rule 6 that limited the business to legislation relating to education enhancement; bills and resolutions certified as emergencies by the speaker and the president pro tem; and resolutions concerning rules, printing, and expenses for the special session.

A member moved to adopt a bill (7001) concerning a grade crossing in the town of Sprague. A member raised a point of order that the bill was not properly before the House because it was outside the special session call.

The speaker ruled the point not well taken. The joint rules for the special session allowed the House to take up emergency certified bills. Bill 7001 was certified as emergency by the speaker and the president pro tem in accordance with the rules, and thus was in order.

The ruling was appealed and sustained.

Van Norstrand, June 6, 1986.

298. BUSINESS BEFORE THE HOUSE

During the second year of the biennial budget, an emergency certified bill, which had passed the Senate by a simple majority, combined budget and deficiency appropriations. It included provisions transferring carry forwards and money that had been appropriated to various agencies in the previous fiscal year, allowing the funds to be used for different purposes. Because the prior year's appropriations were from surplus, the state's spending cap rules required a supermajority (60%) for passage in that year.

The minority leader raised a point of order that the bill was not properly before the House because it had not passed in the Senate by a 60% margin.

The speaker ruled the point not well taken. In her opinion, the legislature was not exceeding the spending cap. Historically, carry forwards have neither been part of the spending cap calculation nor have they been deemed an appropriation.

The minority leader appealed the speaker's ruling. He agreed that the state had not reached the spending cap, but stated that by adding deficiency appropriations to the budget bill, the Senate had allowed funds that had been subject to the supermajority rule last year to be reallocated for different purposes by simple majority. He stated that this undermines the intent of the Connecticut Constitution's spending cap provision.

Another member also argued against the speaker's ruling, stating that a vote in opposition to the Constitution is a breach of the oath of office members took.

The majority leader supported the speaker's ruling. He stated that once surplus is appropriated, it ceases to be surplus. In his view, once surplus and other funds are commingled, it is not possible to say when an expenditure is from surplus or something else. The Constitution refers to unappropriated surplus and the money in the bill before the chamber had been appropriated in the prior year.

The speaker's ruling was sustained on a roll call vote.

Lyons, April 25, 2002.

299. BUSINESS BEFORE THE HOUSE, ORDER OF—SPEAKER'S AUTHORITY

A member asked the clerk to call a resolution. The majority leader raised a point of order that the member's request was out of order since the custom of the House was that the speaker sets the agenda and calls items of business when they are to be taken up [*Mason*, 575 (1)(b); 4 (1)(e); HR 4].

The deputy speaker declined to entertain debate and ruled the point well taken. It is the custom in the House for the speaker to call bills and to decide what bill or other item comes before the House next. He does this through the clerk.

The ruling was appealed. The opponents of the ruling argued that *Mason* 155 and 156 give any member the right to bring up a proposal for consideration at the appropriate time. They noted that the majority leader commonly asks the clerk to call specific bills and the majority leader has no greater standing to make these requests than any other member.

The proponents argued that the custom of the House is that a motion to take up a bill or resolution is appropriate only when the item appears on the "Go List" and is called by the speaker. The House tradition is that the speaker has the authority to move and order business and to control the flow of business on the floor. They said that the majority leader does not call bills. Only the speaker can call bills, through the clerk. Unless the speaker accepts a motion and states it for the House, it is not before the House [*Mason*, 156 (3)].

On a roll call vote, the ruling was upheld.

Lyons, June 2, 1993.

300. BUSINESS BEFORE THE HOUSE, POSTING OF

The bill concerned the health commissioner's responsibilities. The proponent moved passage in accordance with the Senate. A member raised a point of order that business should not proceed until the bill under discussion is posted on the roll call board.

The deputy speaker ruled the point well taken.

Lyons, May 12, 1993.

301. COMMITTEE JURISDICTION—APPROPRIATIONS

The bill eliminated the Transportation Accountability Board as well as the money appropriated for its operations. The bill was favorably reported by both the Transportation and Government Administration and Elections committees. A member raised a point of order that the bill was not properly before the House because it had not been referred to the

Appropriations Committee. That committee, under JR 3(a)(1) has jurisdiction over all matters relating to appropriations and the operating budgets of state agencies.

The speaker noted that there was an amendment filed that would change the bill so as to eliminate the sections over which Appropriations would have jurisdiction. But since the amendment had not yet been called, and the point of order was raised, he was forced to rule the point well taken and that the bill must be sent to Appropriations.

Stolberg, May 7, 1987.

302. COMMITTEE JURISDICTION—APPROPRIATIONS APPROPRIATIONS COMMITTEE POWERS PRECEDENCE OF STATUTES OVER RULES

A bill from the Appropriations Committee eliminated the Department of Business Regulation and reorganized its divisions. A member raised a point of order that the bill was not properly before the House since it had not been through the committee having jurisdiction over the organization of the executive branch: Government Administration and Elections.

The speaker ruled the point not well taken. Under the statutes, the Appropriations Committee has broad power to implement the budget. Adopted rules must give way to statutory rules. Funds to carry out the functions of the Department of Business Regulation had already been eliminated from the budget. The Appropriations Committee could raise and report this bill in order to implement that budget.

The ruling was appealed and, on a roll call vote, sustained.

Abate, April 25, 1980.

303. COMMITTEE JURISDICTION—EDUCATION AND APPROPRIATIONS

The bill provided funds for the expansion of the Wethersfield Public Library mezzanine and the purchase of a bookmobile for West Haven. It received a favorable report from the Appropriations Committee. Upon learning from the bill's proponent that the bill had not been reviewed by the Education Committee, a member raised a point of order that the bill was not properly before the House without having been to Education. The Education Committee has jurisdiction over all bills relating to libraries (JR 3(a)).

The speaker ruled the point not well taken. The Appropriations and Finance committees have jurisdiction over Finance Advisory Committee funding bills without reference to other committees. The House could decide to refer such a bill to a committee of cognizance but it is not mandatory.

The member moved to refer the bill to Education. On a voice vote, the motion was defeated.

Stolberg, May 26, 1987.

304. COMMITTEE JURISDICTION—EDUCATION AND JUDICIARY

The bill made it an infraction to feed the ducks around Mirror Lake on the Storrs campus of the University of Connecticut. It had been favorably reported by the Judiciary and Environment committees. A member raised a point of order that the bill was not properly before the House because it dealt with higher education and had not been referred to the Education Committee.

The speaker ruled the point well taken. The Education Committee had at least partial jurisdiction over the bill.

Stolberg, May 6, 1987.

305. COMMITTEE JURISDICTION—ENERGY AND PUBLIC UTILITIES

A bill concerning a study of the method of taxing public service companies was favorably reported by the Energy and Public Utilities Committee. A member raised a point of order that the bill was not properly before the House because it had not been referred to the Finance Committee.

The speaker ruled the point not well taken. The Energy and Public Utilities Committee has jurisdiction over all matters relating to the Public Utilities Control Authority. The bill dealt with public service companies and required a study of their taxation. It did not impose any tax. Therefore, it was not within the Finance Committee's jurisdiction.

Abate, April 29, 1980.

306. COMMITTEE JURISDICTION—GOVERNMENT ADMINISTRATION AND ELECTIONS

The bill authorized a suit against the state. It had been reported from the Government Administration and Elections Committee. A member raised a point of order that the bill was not properly before the House because it had not been reported out of Judiciary which has jurisdiction over authorizations to sue.

The speaker ruled the point well taken. Under the rules, the Government Administration and Elections Committee has jurisdiction over claims against the state and Judiciary has authority over authorizations to sue the state.

Abate, May 5, 1980.

307. COMMITTEE JURISDICTION—JUDICIARY AND BANKS

The bill concerned mortgage processing. It was favorably reported by the Banks Committee. When the bill was called, a member raised a point of order that the bill was not properly before the House because the Banks Committee had not sent the bill to the Judiciary Committee. JR 3(6) gives the Judiciary Committee jurisdiction over matters relating to mortgages. During debate on the point, opponents of the point of order argued that the bill dealt only with mortgage applications and processing and not with closings. It also concerned matters that were under the jurisdiction of the banking commissioner.

The deputy speaker ruled that the bill did not relate to the substantive laws dealing with mortgages but only with mortgage applications and their processing. The bill did not come under the jurisdiction of the Judiciary Committee and the point was not well taken.

The ruling was appealed and sustained on a roll call vote.

Lavine, April 1, 1987.

308. COMMITTEE JURISDICTION—LEGISLATIVE MANAGEMENT

The bill authorized bonds for a legislative office building. It had received a joint favorable report from the Finance Committee. A member raised a point of order that the bill was not properly before the House because it had not received a report from the Legislative Management Committee (JR 3).

The speaker ruled the point not well taken. Bonding proposals traditionally go through the Finance Committee regardless of which other committees may also have jurisdiction over the same area. It has not been the practice to refer those bills to subject committees as well since the Finance Committee has the power to combine all such proposals into the bonding package. The speaker also noted that members of the Legislative Management Committee had been fully involved in discussions on the bill and though the committee had taken no formal action on it, he, as House chairman of Legislative Management, did not feel the committee had been slighted in any way.

Stolberg, April 4, 1984.

309. COMMITTEE JURISDICTION—PLANNING AND DEVELOPMENT

The bill, favorably reported by the Planning and Development Committee, guaranteed immunity from personal liability to directors of the Connecticut Product Development Corporation. A member raised a point of order that the bill should have been referred from the Planning and Development Committee to Judiciary, since immunity was part of Judiciary's charge.

The speaker ruled the point not well taken. The jurisdiction of the Judiciary Committee did not extend to the matter contained in the bill. The bill could have been referred to Judiciary if the Planning and Development Committee had wished its reaction or advice; however, such a reference was not required under the rules.

Abate, May 11, 1979.

310. COMMITTEE JURISDICTION—FINANCE APPEAL OF REFERENCE ON FIRST READING

The bill required that state bond authorizations for a state college's new campus be used for construction or renovation of its old campus. The majority leader moved that the first reading of a list of bills, including the bonding bill, be waived and that they be referred to the committees in the bill list.

The speaker announced that the reference listed for the bonding bill was incorrect and should read "Finance" rather than "Judiciary Committee" [*Mason* 382 (1)].

A member objected to the reference to the Finance Committee stating that, under the rules, the proper reference for the bill would be to the Education Committee. There was discussion among several members regarding the reference. A member raised a point of order that the issue before the body was a change of reference for a bill and debate was going to the substance of the bill.

The speaker ruled the point well taken and closed debate by ruling that the matter be referred to Finance.

A member appealed the reference. The speaker called for debate on the appeal. The member argued that it was proper for members to discuss changes of reference and to appeal the speaker's references. A second member argued that such an appeal was out of order; that appeals of the speaker's references were "highly unusual." The first member argued that the bill related to educational policy and was more properly the concern of the Education Committee. The second member raised a point of order that the first member was discussing the substance of the bill rather than the appeal.

The speaker ruled the point well taken. Members must limit debate to the issue of the reference to Finance [*Mason* 101(1), 388(1)].

On a roll call, the appeal was defeated and the speaker's reference sustained.

Abate, April 4, 1979.

311. COMMITTEE JURISDICTION—EDUCATION

A member raised a point of order that a bill reported favorably by the Education Committee and then under consideration in the House should have been, and should be, referred to the Transportation Committee.

The speaker ruled the motion not timely and that the original reference had been correct in any case.

Kennelly, 1975.

312. COMMITTEE PROCEDURES RECONSIDER

The bill made rape-murder a capital felony. A member raised a point of order that the bill was not properly before the House because it had first been defeated in the Judiciary Committee and reconsideration of that defeat had never been formally moved and voted prior to the vote to report the bill favorably. Under the rules, no bill may be voted on a second time without reconsideration of the first vote.

The deputy speaker ruled the point not well taken. The Judiciary Committee had considered a bill on the question of rape-murder to which an amendment substantially the same as the bill before the House was offered. That amendment was defeated. One day later, the committee voted a favorable report of the pending bill. The committee's action in defeating the amendment and subsequently approving a bill doing the same thing was, in effect, a reconsideration. In any case, all questions of order in committee must be decided by majority vote and there can

be no appeals to the presiding officer of the full body of decisions on points of order made in committee [*Mason* 632(2)].

Frankel, April 29, 1980.

313. COMMITTEE PROCEDURES RECONSIDER TWICE

A member moved to adopt the favorable report of the Energy and Public Utilities Committee and pass the bill. Another member raised a point of order that the bill was improperly before the House because it had been twice reconsidered, in substantially the same form, in committee and reconsideration of the same question twice was not proper [*Mason* 457(a)].

The speaker ruled the point not well taken on the following grounds:

1. **The rules prohibiting reconsideration of the same question twice refer to the actions of the body as whole, not to committees [*Mason* 457 (2)].**
2. **In this case, the bill was substantively changed after the first reconsideration and was thus not reconsidered in the same form twice [*Mason* 457 (2)].**
3. **All questions relating to order, hearings, and other proceedings raised in committee must be decided by the majority vote of members present.**
4. **There can be no appeal to the presiding officer of the body from decisions on points of order made by the committee chairman [*Mason* 632 (2)].**

The ruling was appealed and, on a voice vote, sustained.

Abate, November 16, 1979.

314. COMMITTEE PROCEDURE—SUBSTITUTE BILL CONTAINS PROVISIONS NOT APPROVED BY COMMITTEE VOTE

The bill authorized many capital projects and bond allocations. Section 41 set up a board to make recommendations concerning establishment and operation of a Connecticut Convention Center. A member raised a point of order that the version of the bill printed in the file was not properly before the House because the Finance Committee, in approving a substitute bill, did not specifically approve section 41 or authorize the Legislative Commissioners' Office to add the proposed board to the bill. LCO was not permitted to make such a change without a specific vote of the committee or without attaching a statement at the end of the file explaining what changes it made.

The deputy speaker ruled the point not well taken. The Finance Committee followed its normal procedure of approving a skeleton bonding bill and leaving it to LCO to add implementing language. LCO acted in good faith because the board was part of the committee's discussions and, in line with past committee practice, it was added to the bill when the substitute was drafted.

Lavine, May 4, 1988.

315. COMMITTEE REPORT CALENDAR, ACCURACY OF

The Appropriations Committee reported a bill with no recommendation. The clerk's office, in preparing the calendar, listed the action as an unfavorable report. A member raised a point of order that the action of the committee was improperly presented.

The speaker ruled that the rules require the Appropriations Committee to report a bill either favorably or unfavorably, and the speaker must rely on the accuracy of the clerk's office.

Kennelly, 1975.

316. COMMITTEE REPORT, NO SENATORS VOTING

The bill was listed on the calendar as having received a joint favorable report from a committee but no senators had been present for the committee vote. A member raised a point of order that the bill was not properly before the House as there had been no joint committee vote.

The speaker ruled the bill was properly before the House. JR 17 was ambiguous. Another rule specified that all questions in committee had to be determined by majority vote and allowed for separate determination by members of each house if a majority of committee members present from either house request that this be done. *Mason* supports the validity of action by joint committees when no members of one house are present [633 (1), 644 (1), 668 (1)]. In the absence of a vote to divide the committee under JR 5, the committee was still a joint committee even if no senators were present.

Abate, March 28, 1979.

317. CONFERENCE COMMITTEE, APPOINTMENT OF MEMBERS APPLICATION OF FREEDOM OF INFORMATION LAW TO CONFERENCE COMMITTEE MEETINGS

Appointment of a conference committee was necessitated by the Senate's insistence on one of its own amendments (Senate "A") to the revenue bill. Senate "A" had been rejected by the House on a unanimous voice vote. The speaker appointed himself and two other House members to the conference committee. The minority leader asked how the speaker chose these members since the rules require appointment of one member not on the prevailing side in a disagreeing action and, in this case, the disagreement had resulted from a voice vote. In such a situation, without a roll call, how was the speaker to know which members had not been on the prevailing side?

The speaker replied that, since the vote to reject Senate "A" had not only been a voice vote, but a unanimous voice vote, he was technically unable to appoint any member not on the prevailing side on that vote. Consequently, he had looked to the final roll call vote on the bill as amended and had chosen someone on the losing side of that vote. He stated that he would follow the same process in any similar situations in the future.

The minority leader suggested that where an action could put the House in disagreement with the Senate, the speaker order a roll call vote. The speaker agreed that it would be best to do so but noted that disagreements were sometimes hard to predict.

Another member asked where the conference committee's meetings would be held and whether those meetings would be subject to the Freedom of Information law.

The speaker gave his opinion that a conference committee's meetings were required by the Freedom of Information law to be public. However, there was nothing to prevent the committee's members from voting to recess and reconvene as a caucus. Caucuses are exempt from freedom of information requirements. Such a caucus could legally be held in private.

Abate, May 12, 1981.

318. CONFLICT OF INTEREST

A member moved adoption of a bill that would benefit pharmacists and neighborhood pharmacies. Another member raised a point of order that the first member's action was improper because, as a pharmacist and pharmacy owner, he had a personal interest in the bill's passage.

The speaker ruled the point not well taken. As long as a bill would not benefit a member substantially more than it would any other member of his profession, as was the case here, it is not a conflict of interest for him to debate and vote on a bill [*Mason* 522 (1)].

The first member withdrew from the debate prior to the ruling.

Balducci, June 7, 1989.

319. CONFLICT OF INTEREST

A member rose to a point of order inquiring whether another member was disqualified from participating in the debate because he held a judicial position.

The speaker stated that if a member is so interested in a matter that he is not eligible to vote on it, he cannot remain in the House while the bill is debated. The speaker stated that the question of whether a member is so interested as to be disqualified was a personal one on which each member could make his or her own decision.

Sprague, 1951.

320. CONFLICT OF INTEREST

A member questioned, on the ground of interest, the right of members named in a resolution to vote.

The speaker ruled the point not well taken. The motion to suspend the rules so the resolution could be immediately transmitted to the Senate was entirely a matter of procedure.

Hanna, 1935.

321. DEBATE, CONDUCT OF
AMENDMENT NOT GERMANE

During debate on a bill to return laid off state employees to work and adopt union concessions, a member appeared to be reading aloud from a piece of paper. Another member raised a point of order that the House rules forbid the reading of speeches.

The speaker ruled the point not well taken. The rules do not allow members to read from scripts written by others in debates, but members may write out their own words and read them.

A member offered House "B", which required House and Senate approval of all state employee collective bargaining agreements before they could go into effect. Another member raised a point of order that the amendment was not germane to the underlying bill.

The speaker ruled the point well taken. The bill deals with labor concessions, not collective bargaining procedures.

(Lyons, August 7, 2003)

On appeal, the speaker's ruling was upheld.

322. DEBATE, CONDUCT OF
AMENDMENT NOT GERMANE
AMENDMENT GERMANE

During debate on a bill creating a referendum procedure for consolidating West Haven's fire districts, a member stated that another member had stated that he was only submitting the legislation because he owed a favor. A member raised a point of order that it was inappropriate to question another member's character.

The deputy speaker ruled the point well taken.

Fritz, May 3, 2002.

The bill was passed temporarily. When it was next taken up, a member offered House "C," which prohibited businesses from selling advertising space in booklets for the purpose of raising money to support or defeat a referendum question. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point well taken. Citing *Mason's* 402, he noted that the bill and amendment concerned different chapters and titles in the General Statutes.

Another member offered House "D," which allowed towns to hold referenda to regulate smoking in buildings. The bill's proponent raised a point of order that under *Mason's* 402 the amendment was not germane.

The deputy speaker ruled the point well taken for the same reasons as his prior ruling.

A member asked the bill's proponent whether, under current law, corporate advertising booklets could be used to raise money to support or defeat a referendum question concerning the merger of West Haven's fire districts. The proponent answered

affirmatively. The member then offered House "E," prohibiting the use of corporate advertising booklets to raise money to support or defeat a referendum and generally barring candidates from accepting corporate donations. The bill's proponent raised a point of order that the amendment was not germane.

The deputy speaker ruled the point not well taken.

Hyslop, May 7, 2002.

323. DEBATE, CONDUCT OF
AMENDMENT GERMANE
AMENDMENT – NO FISCAL NOTE

The House took up a Senate bill amended by Senate "A." The bill dealt with taxing in Enterprise Zones and the amendment permitted distressed municipalities to give property tax breaks to recently constructed power plants. Speaking against the amendment, a member stated that for several years one of the Senate sponsors had worked against cleaning up older power plant emissions in Connecticut.

A member raised a point of order that it is inappropriate in debate to question the motives of another member.

The deputy speaker ruled the point well taken.

Another member raised a point of order that Senate "A" was not germane to the underlying bill.

The deputy speaker ruled the point not well taken. Both the bill and the amendment dealt with taxing.

The House adopted Senate "A." A member raised a point of order, stating that he wished to make a motion to refer the bill to the Energy Committee.

The deputy speaker ruled that a member cannot rise for a point of order and make a motion at the same time.

The member made the motion to refer, which was defeated. Another member offered House "A," which would tax trash to energy plants. A member raised a point of order that there was no fiscal note for the amendment.

The deputy speaker ruled the point well taken. An amendment is not properly before the chamber unless it has a fiscal note.

Hyslop, May 6, 2002.

324. DEBATE, CONDUCT OF

The amendment set up an emissions testing program to reduce pollution from diesel truck exhaust. During debate, a member stated that he was concerned that people who had voted against an earlier bill to reduce power plant emissions were now expressing their concern for clean air. A member raised a point of order, asserting that it is not permissible under House rules to question a legislator's motives in supporting or not supporting a bill.

The deputy speaker ruled the point well taken and cautioned the member not to impugn the motives of other members.

The member stated that he accepted the chair's ruling, but had not spoken about any one member or group of members. He suggested that the member who had raised the point

of order had taken his comments as a personal reflection. That member raised a second point of order, asserting that the speaker was impugning his motives and acting improperly under the rules.

The deputy speaker cautioned the member to limit his comments to the amendment under debate.

Hyslop, June 4, 2001.

325. DEBATE, CONDUCT OF

During debate on an amendment to revise a ban on alcohol use in state parks, a member asked the amendment's proponent a question. The proponent yielded the floor to another member, stating that this member was an expert and had agreed to answer such inquiries.

A member raised a parliamentary inquiry whether the yield violated House rules.

The deputy speaker ruled that the yield was a rules violation and asked that the question be re-framed and directed to the member to whom the amendment's proponent had attempted to yield.

Currey, May 16, 2001.

326. DEBATE, CONDUCT OF

The House sent the Senate an amended campaign finance reform bill which, among other things, capped campaign spending. It was returned amended by Senate amendment "A," which raised the spending limits. House amendment "G," which was defeated, sought to equalize the cap for endorsed and non-endorsed candidates and House amendment "H" sought to reduce the cap. During debate on amendment "H," a member stated, "Those who are offering these amendments are not trying to improve the bill. Those who are offering these amendments, make no mistake, are trying to kill this bill." The minority leader raised a point of order that the comments questioned the motivation of those offering the amendments and were not aimed at their merits.

The speaker asked the member opposing the amendment to rephrase his questions. She stated that it would be more appropriate to deal with the issue in an objective way rather than express his personal feelings.

The member apologized for overstepping the rules.

Lyons, April 17, 2000.

327. DEBATE, CONDUCT OF

The amendment allowed certain taxpayers to take a credit against their state income tax for certain property tax payments. The proponent asked for a roll call vote on the amendment.

During subsequent debate on the amendment, a member noted that the credits did not take effect until several years in the future. Because of this delay, he argued it could not fairly be characterized as property tax reform. He also said that the roll call vote on the amendment "is being used as a political move, a move so that some people can go back to

their districts and say, I voted for property tax relief and those other people, they didn't do that."

A member raised a point of order that the characterization of the request for a roll call vote as engendered by political motives was improper debate.

The deputy speaker ruled the point not well taken but cautioned members that it was not proper to attack the motives of other members.

Coleman, May 3, 1994.

328. DEBATE, CONDUCT OF

An amendment prohibiting the state from enacting additional unfunded mandates on towns was introduced to a bill concerning intimidation based on bigotry or bias. During debate on the amendment, a member criticized the process by which the issue was brought before the House as "little more than political rhetoric, timed for the election cycle. . ." He stated that the issue of state mandates on towns deserved a "thoughtful review" and not a "thoughtless—[one]."

Another member raised a point of order that the member's remarks constituted improper debate because he was questioning other members' motives.

The deputy speaker ruled the point not well taken.

Coleman, April 27, 1994.

329. DEBATE, CONDUCT OF

The bill banned sale of certain named firearms in Connecticut. A member called House amendment "L." During debate on the amendment, another member characterized both the amendment and opposition to the underlying bill as "foolishness," "stall tactics," and "games." The first member raised a point of order that such comments constituted improper debate.

The deputy speaker ruled the point well taken. He cautioned members to confine their remarks to the merits of the bills and amendments and to avoid impugning other members' motives.

Coleman, June 5, 1993.

330. DEBATE, CONDUCT OF—PERSONALITIES NOT A PROPER SUBJECT FOR DEBATE

During debate on a bill, a member rose and criticized another member, naming him by district, for the manner in which he expressed his opposition to the bill and for what the first member characterized as his unwillingness to support it unless it contained everything he wanted. Another member raised a point of order that the first member's comments about the conduct and actions of an individual member were not proper debate.

The speaker ruled the point well taken and asked that comments be confined to the bill.

Balducci, May 9, 1990.

331. DEBATE, CONDUCT OF

In a debate on overriding the speaker's ruling on amendments to amendments, a member asked what the motive of the proponent of the substitute amendment might be in departing from past procedural practice. The minority leader raised a point of order that questioning a member's motives violated *Mason* 121.

The speaker ruled the point well taken and cautioned that attacking members' motives was not proper debate.

Balducci, December 17, 1991.

332. DEBATE, CONDUCT OF—READING DOCUMENTS ON THE FLOOR OF THE HOUSE

During debate on an amendment, a member read portions of two memoranda from the Office of Legislative Research and began to read an attorney general's opinion. Another member raised a point of order that it was improper for the member to read papers into the record without consent of the House [*Mason* 112 (6)].

The deputy speaker ruled the point not well taken. *Mason* 112 (6) states that the rule against members reading papers "is never rigorously enforced except where there is an intentional or gross abuse of the time and patience of the body. It is customary. . .to allow members to read printed extracts as parts of their speeches, so long as they do not abuse the privilege." The member's reading of brief excerpts from various opinions and reports was not such an abuse and could continue.

Polinsky, June 6, 1989.

333. DEBATE, CONDUCT OF

In discussing an amendment to a bill, a member in opposition asked rhetorically why the amendment was before the House and answered his own question by asserting that a member of the Senate had insisted. Another member raised a point of order that the first member was attacking the motives of the introducers.

The speaker ruled that references to Senate or House members and their motives was improper debate.

Balducci, June 6, 1989.

334. DEBATE, CONDUCT OF—MOTION FOR VOTE MADE WHILE ANSWERING QUESTIONS

During debate on an amendment to a bill increasing the minimum wage, a member asked the amendment's proponent a question. The proponent answered and then asked for a roll call vote on the amendment. Another member raised a point of order that the motion was improper because the amendment's proponent was answering a question and did not have the floor.

The deputy speaker ruled the point well taken.

The proponent got the floor and moved for a roll call vote. The motion was adopted. Debate continued, and the deputy speaker recognized the amendment's proponent a third time. Another member raised a parliamentary inquiry whether the proponent must get permission to speak for the third time.

The deputy speaker ruled the point well taken and, absent objection, allowed the proponent to speak.

Currey, April 24, 2000.

335. DEBATE, CONDUCT OF—MOTION FOR VOTE MADE WHILE ANSWERING QUESTIONS

During debate on an amendment that would replace territorial-based auto insurance rate setting with sequential rating, the member who had the floor asked the amendment's proponent a question. The proponent answered and then asked for a roll call vote on the amendment. The deputy speaker called the motion and it passed. A point of order was raised that the motion was improper because someone who was answering a question but did not have the floor had made it.

The deputy speaker ruled the point well taken.

Hartley, May 18, 1999.

The amendment's proponent made the motion again when he later got the floor.

336. DEBATE, CONDUCT OF—MOTION FOR VOTE MADE WHILE ANSWERING QUESTIONS

During debate on an amendment, a member obtained the floor and asked the proponent a question. After giving an extended answer to the question, the proponent made a motion for a roll call vote. The first member raised a point of order that the proponent's motion was improper because he still held the floor.

The speaker ruled the point well taken. A member may not make motions as part of answering questions.

Balducci, June 3, 1989.

337. DEBATE, CONDUCT OF

The amendment added use of an assault weapon in the commission of the crime to the list of aggravating factors used to determine whether the death penalty is imposed in a capital felony case. A member speaking in opposition to the amendment implied that the sponsor's goal in introducing it was to enhance the chances of another bill concerning assault weapons in committee: "If you can't meet it head on and beat it, you do try to go around the outside and that's exactly what [the sponsor] is doing." A member raised a point of order that it is unparliamentary to ascribe hidden motives to amendment sponsors.

The deputy speaker ruled the point well taken. The rules prohibit questioning the motives of other members. "The consequences of a measure may be denounced in strong terms; but to attack the motives of those who propose or advocate it is not in order" [*Mason* 121 (5)].

Polinsky, May 23, 1989.

338. DEBATE, CONDUCT OF—PERSONAL ATTACKS ON GOVERNOR AND OTHER MEMBERS

The debate concerned a motion to reject a Senate amendment to a tax bill. Though supporting the motion, a member nevertheless commended the Senate for making a reasonable proposal despite lack of leadership by the executive branch or similarly reasonable proposals from the House minority leadership. A second member raised a point of order that the first member was making a personal attack on the governor and members of the House in violation of the rules.

The speaker ruled the point well taken and cautioned the first member to keep the rule in mind.

Balducci, March 22, 1989.

339. DEBATE, CONDUCT OF

During debate on a tax increase bill, two members on opposite sides of the issue talked about why they voted for the current year's budget in the previous session. Another member raised a point of order that the two were discussing their own motives rather that the substance of the amendment.

The speaker ruled the point well taken and asked members to discuss the amendment.

Balducci, March 22, 1989.

340. DEBATE, CONDUCT OF SPEAKER INTERRUPTING MEMBER DURING DEBATE

A member was discussing an amendment's fiscal note. The speaker asked the member to come to the point and say whether or not he favored the amendment. Another member raised a point of order that the speaker may not interrupt a member who has the floor except for points of order, questions of privilege, or other matters requiring immediate attention so long as the member speaking does not transgress the rules [*Mason* 579].

The speaker ruled the point well taken but said the member was transgressing the rules and was out of order unless he came to the point in his remarks.

Stolberg, May 4, 1988.

341. DEBATE, CONDUCT OF

The bill concerned campaign finance reform. A member offered House amendment "A" to bar "soft" money from Connecticut political campaigns. During debate on the amendment, a member said, "I just find it hard to stand here, and I can go around and ask every member of the Chamber except for myself and [another member], whether they accepted money from registered lobbyists who bring business before this legislature." Another member raised a point of order that the first member was impugning the motives of members and engaging in improper debate.

The deputy speaker ruled the point well taken and cautioned the member against overstepping the bounds of proper debate.

Hyslop, June 20, 1997.

342. DEBATE, CONDUCT OF

During debate on an amendment, a member interrupted another member to raise a point of order. After stating his point of order, the first member asked to withdraw his point and instead made a motion to pass retain the bill and the amendment. The first member raised a point of order that the motion was out of order because he still had the floor.

The deputy speaker ruled the point well taken. One member may only interrupt another to raise a point of order, not to make a motion. He awarded the first member the floor.

Cibes, May 28, 1987.

343. DEBATE, CONDUCT OF

The bill required the executive director of the Division of Special Revenue to pay the microchemistry lab at UConn one-half of one percent of all the money wagered at dog racing events in the 1987-88 fiscal year. House amendment "A" required the Plainfield Dog Track and not the state to pay UConn for the greyhound urine testing. During debate on the amendment, the proponent said that the Plainfield Dog Track and its principal lobbyist "get anything they want from this General Assembly." In response, the committee chairman said the proponent of the amendment had "absolutely no idea what he is talking about." Another member raised a point of order that personal characterizations of members and their motives were improper debate.

The speaker ruled the point well taken and cautioned members to confine their remarks to the substance of the amendment before the House.

Stolberg, May 26, 1987.

344. DEBATE, CONDUCT OF
QUESTIONS ON THE FLOOR
SPEAKER'S COMMENTS

During debate on a bill to repeal the statute creating the Office of Inspector General and transfer its functions to the Auditors of Public Accounts and the attorney general, one member asked the bill's proponent if the Office of the Attorney General was truly independent. The speaker interposed his opinion that the question was rhetorical and that the member should state his own opinion on the question rather than ask the proponent. A member raised a point of order that the speaker's statement was out of order because he had interrupted a member who had the floor [*Mason* 579 (5)].

The speaker ruled the point not well taken. He had not interrupted the member but waited until he had finished his question. The speaker has the right to preserve orderly debate and to intervene when he believes a question is not appropriate. It is a long tradition in the House that the purpose of questions on the floor is to elicit information. Although he was prepared to allow members latitude in

questioning, he was within his rights to comment when questions become purely rhetorical.

Stolberg, May 19, 1987.

345. DEBATE, CONDUCT OF—NONMEMBER COACHING MEMBER

During debate, one member was questioning another. The member asking the questions said that, after he asked each question, he could see an unelected official who was not a member of the House and who was standing on the floor, responding before the member he was questioning gave his answer. He raised a point of order that such conduct was not proper debate.

The speaker ruled the point well taken.

Stolberg, May 19, 1987.

346. DEBATE, CONDUCT OF

The bill allowed 15-year-olds to work in certain jobs. In opposing the bill, a member said that proponents had dressed up the bill as part of the Protestant work ethic when it was really just a ploy by the food store industry to get cheap labor. Another member raised a point of order that the member's remarks about the Protestant work ethic were improper debate.

The speaker ruled the point well taken.

Stolberg, April 30, 1987.

347. DEBATE, CONDUCT OF

The emergency certified bill authorized use of a budget surplus for town improvement programs, municipal recycling programs, grants to towns, and redemption of state bonds. House amendment "B" changed the procedure for allocating money for town improvement programs. During debate on the amendment, a member argued that the allocation procedure called for in the bill was blatantly partisan and was being imposed on the House by the Senate leaders.

The deputy speaker cautioned all members to stick to the issues and not to engage in personal attacks.

Debate continued. A member characterized the amendment as "sour grapes." Another member raised a point of order that the remark was improper because it was an attack on the motives of the amendment's proponents.

The deputy speaker ruled the point not well taken. The member had only spoken about 20 words before the point was raised. He had not yet transgressed the rules.

Later, a member stated his conviction that the only reason the allocation procedure set out in the bill was even before the House was to "satisfy the demands of the upper chamber." A member raised a point of order that references to the motives behind legislation were improper debate.

The deputy speaker ruled the point well taken.

Belden, June 30, 1986.

348. DEBATE, CONDUCT OF

The bill allowed motorists to use radar detectors. During debate on the bill, a member urged his colleagues not to be manipulated by lobbyists for the radar detector manufacturers. Another member raised a point of order that the member was insinuating that the bill's proponents were being manipulated and that this was improper debate.

The deputy speaker ruled the point not well taken, but he urged members to keep to the issue.

Belden, May 1, 1986.

349. DEBATE, CONDUCT OF

The bill doubled the property tax exemption for veterans and required the state to reimburse municipalities for 50% of their lost revenue. It also expanded local power to make written agreements with property owners fixing the property tax assessments on real property improvements for two years. The House rejected Senate "A," which tripled the veteran's tax exemption and established a program to provide the elderly with free prescription drugs. A member then moved House "A," which contained provisions similar to those of Senate "A."

During debate on House "A," a member stated his impression that amendment proponents were really saying they did not like the senator who had sponsored Senate "A." He continued to talk about the senator, mentioning him by name. Another member raised a point of order that the member was engaging in improper debate.

The deputy speaker ruled the point well taken. He asked the member to speak to the issue and avoid personalities.

Belden, June 4, 1985.

350. DEBATE, CONDUCT OF

The bill concerned welfare reform. After adoption of House amendment "A," a member introduced House "B" to appropriate $1 million for job training. A member rose in opposition. He said that introduction of House "B" was a "blatant attempt" to kill the bill by passing an amendment that would require it to be sent to both the Labor and Appropriations committees. A member raised a point of order that the first member's statement was improper debate because it called into question the motives of the amendment's introducer.

The speaker ruled the point well taken. It is improper to characterize the motives of other members in debate.

Van Norstrand, May 28, 1985.

351. DEBATE, CONDUCT OF

During debate on a motion to concur with the Senate in rejecting a House amendment, one member asked another a question. That member began to make extended

remarks. A third member raised a point of order that the member was debating the amendment, not answering the question.

The speaker ruled the point well taken and the member did not continue his remarks.

Stolberg, June 8, 1983.

352. DEBATE, INACCURATE STATEMENTS MADE DURING

The bill concerned the insanity defense. An amendment was introduced. During debate on the amendment, its proponent described its effect. A member raised a point of order that the proponent was misrepresenting the amendment by ascribing to it effects which were actually produced by the bill.

The deputy speaker ruled that the member's point was not a proper point of order since the accuracy or inaccuracy of the proponent's verbal summary is itself a subject for debate.

Frankel, June 6, 1983.

353. DISAGREEING ACTION
CONFERENCE COMMITTEE JURISDICTION
ADJOURN, MOTION TO

The House adopted 10 amendments to an appropriations bill. The Senate rejected the House amendments, adopted some of its own, and returned the bill to the House. A member moved to readopt all 10 House amendments and reject the Senate ones.

The speaker allowed one motion to readopt the 10 House amendments.

The motion carried. A member offered an additional amendment (House "T"). He explained the amendment, stating that he offered it solely to bring the issue contained in it before the committee on conference. Another member raised a point of parliamentary inquiry as to whether the House and Senate were in disagreement as a result of the House action in readopting its amendments.

The speaker answered that as soon as the motion to readopt the House amendments carried, the House and Senate were in disagreement under JR 22. A conference committee would have to be appointed if the House repassed the bill as amended.

Another member inquired whether the additional amendment was in order or whether the House should move to an immediate vote on the bill as amended by the 10 House amendments.

The speaker ruled that additional amendments would have no significance because the conference committee's considerations were not confined only to the alternatives presented in the various amendments. It was not obliged to accept any House amendments. Nor was it necessary to pass more amendments to present the committee with more choices since its alternatives were theoretically unlimited. The proper procedure would thus be to move directly to a vote on the bill as amended by the House.

The second member asked the first member to withdraw his amendment based on the speaker's reply. The first member would not.

The speaker ruled that House "T" was out of order. He asked for further remarks on the amended bill.

A third member moved that the House adjourn sine die.

The speaker ruled that, although in his opinion the motion was inappropriate, it was in order; that it took precedence over the pending question on the bill; and that it was not debatable [*Mason* 206 (1)].

On a roll call vote, the motion to adjourn failed.

Abate, January 21, 1982.

354. DISAGREEING ACTION AMENDMENTS PREVIOUSLY CONSIDERED

A member raised a point of order that an amendment was not properly before the House because it was identical to one defeated earlier.

The speaker ruled the point of order well taken.

Another member raised a point of order that the speaker's ruling put the House in disagreement with the Senate, thus necessitating a conference committee.

The speaker ruled the point of order not well taken because for a disagreement to occur, the House would have had to reject the Senate amendment. It could not do this because the amendment could not be considered a second time except by a motion to reconsider. He noted that if the Senate failed to rescind its amendment, a conference committee would then be required.

Kennelly, 1975.

355. DIVIDE CONFERENCE COMMITTEE REPORT

The conference committee report included provisions for tax increases and reductions in appropriations. A motion to adopt the report was made and the report was explained. The minority leader moved to divide the question to allow separate votes on the tax increases and expenditure reductions.

The speaker ruled that a conference committee report was not divisible because it was a privileged question [*Mason* 770 (3)]. In addition, since under the rules a conference committee report cannot be amended, it follows logically that it cannot be divided either.

The ruling was appealed.

In debating the appeal, the minority leader stated that dividing a conference report is not the same as amending it. A member supporting the ruling noted that JR 22 requires a conference committee report to be either accepted or rejected. If it were divided, the possibility would exist that the report could be partly accepted and partly rejected. Since this alternative is not contemplated by the rules, it follows that a motion to divide a conference report is also out of order.

Another member added that rejecting a part of a conference report would be the same as rejecting the whole. A vote adopting any part would then be without effect and the House may not take votes which are without effect. Division is also superfluous since the same result would be achieved by voting to reject part of the report as voting to reject the whole report.

A member opposed to the ruling argued that HR 27 gives members the right to move division of a question consisting of two or more independent propositions. Nowhere do the rules state that a conference committee report is inherently indivisible. He agreed that if the report was divided and one part rejected, JR 22 would require that such a vote be deemed rejection of the entire report, but he saw no inconsistency between that possible result and the motion to divide.

On a roll call vote, the ruling was sustained.

Abate, May 13, 1981.

356. DIVIDE THE QUESTION, MOTION NOT IN ORDER WHEN EFFECT IS RECONSIDERATION OF QUESTION ALREADY DECIDED

The bill required asbestos abatement workers to be licensed. House amendment "A" removed the 10-year statute of limitations on asbestos product liability claims. House "A" was adopted and ruled technical. A member moved to divide the question, separating the licensing and product liability sections.

The speaker ruled the motion out of order because a motion to divide the vote on the amendment and the bill would essentially constitute a reconsideration of the vote on the amendment. If the original bill had contained the two issues, then he could entertain the motion, but in this case he could not.

Stolberg, May 22, 1987.

357. DIVIDE THE QUESTION, FISCAL NOTE REQUIRED

The bill raised revenue for the coming fiscal year. An amendment, House "A," was proposed to replace the original bill. House "A" increased the taxes on corporate income, cigarettes, business services, interest and dividends, and alcohol. It imposed an inheritance tax surcharge and instituted a new real estate conveyance tax. A member asked that the real estate tax be divided from the other parts of the amendment because it could stand alone [*Mason* 311, 313].

The speaker ruled that a motion to divide the amendment was not in order because there was no fiscal note reflecting the division.

Stolberg, June 15, 1983.

358. DIVIDE THE QUESTION

The bill reformed the state ethics laws. Section 13 of the bill imposed additional restrictions on high-ranking state employees' accepting employment after leaving state service. A member moved to divide the question, separating Section 13 from the remainder of the bill.

The deputy speaker ruled the question was divisible in the manner suggested in the motion. He also stated that a previously adopted amendment to Section 13 would be part of the divided question. And, the effective date on the entire bill would be considered the effective date of Section 13 in the event only that part passed.

On a voice vote, the motion to divide the question was adopted. After brief debate and explanation, Section 13 was passed on a roll call vote. A member made a parliamentary inquiry whether, if the House passed the remainder of the bill, the two parts would be sent to the Senate as a single bill or as two separate bills.

The deputy speaker explained that, if both parts of the divided bill passed, it would be sent to the Senate as one bill. As precedent for his ruling, he cited Senate Joint Resolution 76 of the 1993 session. That resolution was divided. The House passed both parts of the bill on separate votes. The resolution was then sent to the Senate as a single item of business.

Hyslop, June 20, 1997.

359. DIVIDE THE QUESTION

House amendment "A" created permanent endowment funds for the state's higher education constituent units, required state matching grants for gifts to the funds, and made various operational changes. Section 18 of the amendment exempted training services higher education units sell to outside businesses from the state sales tax. A member moved to divide the question to allow a separate vote on Section 18.

The deputy speaker ruled that Section 18, the sales tax exemption, could stand on its own. He also ruled that the vote would be taken first on Section 18 alone and then on the remainder of House "A."

On a voice vote, Section 18 was defeated. Then, the remainder of House "A" was adopted on a voice vote. Finally, the amended bill (without Section 18) was passed on a roll call vote.

Hyslop, June 4, 1997.

360. DIVIDE THE QUESTION

The amendment raised passenger fares on Conrail's New Haven rail line and Connecticut Transit bus fares 25%. It also reduced state subsidies to the New Haven rail line by the same percentage. After some debate, a member moved to divide the question, separating the parts dealing with buses from those dealing with trains.

The speaker ruled that the question was divisible and that a vote would be taken on whether to separate the bus fare increase from the other parts of the amendment.

On a voice vote, the motion to divide carried.

Abate, January 18, 1982.

361. DIVIDE THE QUESTION—DEBATABLE MOTION

The bill concerned federal eligibility standards for public assistance benefits. The amendment prohibited strikers and full-time students over 18 from receiving Aid to Families with Dependent Children. A member moved to divide the question on the amendment and to vote separately on the sections dealing with strikers and with students.

The speaker ruled that a motion to divide the question was debatable.

A member raised a point of parliamentary inquiry regarding whether a question can be divisible when the class of persons addressed by the issue is not clearly divisible. He requested a ruling.

The deputy speaker noted that under HR 27, a motion to divide is in order on any question which contains two or more independent propositions. He ruled that the amendment was divisible because even though its two propositions overlapped, each could stand independently. He also stated that, although according to *Mason* 316(5), a motion to divide is not debatable, House precedent did allow debate on such motions. He cautioned members to be brief.

Another member asked what the effect would be if the motion carried.

The deputy speaker replied that, if the motion to divide carried, the parts of the amendment dealing with aid to strikers and those dealing with students' benefits would be voted on separately and that each vote would be by roll call.

On a voice vote, the motion to divide failed.

Frankel, January 13, 1982.

362. DIVIDE THE QUESTION POINT OF ORDER

The bill made many changes in the state tax laws with the object of raising additional revenue for fiscal year 1982. One section repealed the state's unincorporated business tax as of January 1, 1983. A member moved to divide the question, separating the unincorporated business tax repeal provisions from the others. He argued that such a division was in order since the repeal sections did not affect the 1982 fiscal year and could therefore stand independently of all the bill's other sections. Another member rose to a point of order.

The speaker ruled that no point of order could be raised while the motion to divide was pending unless it concerned the motion to divide. The speaker then ruled that the bill was divisible along the lines suggested in the motion.

On a roll call vote, the motion to divide failed.

Abate, January 13, 1982.

363. DIVIDE THE QUESTION

The bill made appropriations for state expenses for the 1980 fiscal year. An amendment was offered which would have raised AFDC assistance levels by 7% and appropriated $100,000 to fund the welfare fraud and abuse unit of the State Police. The amendment was discussed. A member moved that the question be divided.

The speaker ruled that the question was divisible because it consisted of two independent propositions [*Mason* 313 (1)]. He requested debate on the motion to divide.

After debate, on a voice vote, the motion to divide failed.

Abate, April 26, 1979.

364. DIVIDE THE QUESTION—NOT DEBATABLE

After a member raised a point of order that sections of an amendment were not germane and the point was ruled not well taken, the member moved to divide the question and spoke to that motion. Another member raised a point of order that such a motion is not debatable.

The speaker ruled that the point of order was well taken because the rules on the motion to divide are silent as to whether such motion is debatable. Therefore, pursuant to another House rule [HR 22], *Mason* prevails [316 (5)].

Kennelly, 1977.

365. EMERGENCY CERTIFICATION—REFER, MOTION TO

An emergency certified bill instituted a biennial budget and restored educational aid previously cut from the budget. A member moved to refer the bill to the Education Committee. A second member raised a point of order that the motion was not proper because an emergency certified bill does not require reference to a committee. A third member argued that a motion to refer to a committee is always in order on any bill.

The speaker ruled that, although there is no requirement that an emergency certified bill be sent to committee, it was in order for a member to move to refer the bill and for the House to adopt or reject the motion.

Balducci, May 9, 1990.

366. EMERGENCY CERTIFICATION—REQUIRED SIGNATURES

The majority leader called several emergency certified resolutions and moved that they be referred to Appropriations. A member raised a point of order that the emergency certifications were not properly before the House because they had not been signed by the president pro tempore of the Senate as well as the House speaker.

The speaker ruled the point well taken.

Stolberg, April 19, 1988.

367. EMERGENCY CERTIFICATION, FISCAL NOTE REQUIRED ON AMENDMENTS TO

During debate on an amendment to an emergency certified bill, a member remarked that the amendment had no fiscal note. He raised a point of parliamentary inquiry as to whether one required.

The speaker stated that all amendments must have fiscal notes.

Stolberg, June 3, 1987.

368. EMERGENCY CERTIFICATION—RESOLUTION NOT PROPERLY BEFORE THE HOUSE

The proposed resolution convened the General Assembly in special session on June 11, 1986. It was brought up pursuant to an emergency certification signed by the speaker and

the president pro tempore. Among the reasons stated in the resolution for calling the assembly back were to distribute the budget surplus and to amend nominating procedures for state and district candidates for office. The minority leader contended that the budget surplus and the candidate nomination issues were not emergencies. The majority leader agreed, but said that two other items listed in the resolution were emergencies, in his opinion.

The minority leader raised a point of order that the budget and nomination parts of the resolution were not properly before the House because they were not emergencies [JR 8, 15]. He also contended that the resolution's emergency certification was invalid because of technical errors in the certification document.

The deputy speaker ruled the points not well taken. JR 6 of the special session, under which the assembly was then operating, allowed the president pro tempore and the speaker to certify in writing that a bill or a resolution is an emergency. Once the certification is made, the bill or resolution may be brought before the House immediately. The resolution under discussion was certified in accordance with that rule. The majority leader's opinion that two of the four items were not emergencies had no bearing on the issue of whether the resolution was properly before the House since he was not one of the required certifiers. Furthermore, the technical flaws cited by the minority leader were not significant enough to invalidate the emergency certification.

Belden, June 6, 1986.

369. EMERGENCY CERTIFICATION, COPIES OF

The bill was given emergency certification by the House speaker and the Senate president pro tempore. When it was called in the House, a member moved passage. Another member raised a point of order that the bill could not be debated because no copies of the bill had been distributed to members.

The deputy speaker ruled the point well taken.

The proponent moved to pass the bill temporarily in order to wait for copies to be distributed.

Belden, May 6, 1986.

370. EMERGENCY CERTIFICATION—IMMEDIATE TRANSMITTAL EFFECT OF AMENDMENTS ON EMERGENCY CERTIFICATION

On the last day of the session, an emergency certified bill was called. An amendment was introduced and adopted. The amended bill was also adopted. A member moved to suspend the rules for immediate transmittal to the Senate.

The speaker ruled that suspension of the rules was not necessary to transmit an emergency certified bill to the other house. Such a bill was automatically transmitted immediately.

A member raised a point of order that since the bill had been amended, it was no longer emergency certified.

The speaker ruled the point not well taken. Amendments do not change a bill's emergency certification. Under the rules, such a bill is ready for both House

and Senate action and does not require rules suspension to move from one house to the other at once.

Stolberg, May 9, 1984.

371. EMERGENCY CERTIFICATION

The bill concerned the composition of the district board of the Metropolitan District Commission in Hartford County. The bill received emergency certification from the speaker and the president pro tempore of the Senate. A member raised a point of order that the bill did not need to be considered on an emergency basis because its passage or defeat would make no significant difference in the MDC's operation. Therefore, he argued, the bill should go through all the normal steps of the legislative process.

The speaker ruled the point not well taken. He stated that the bill had received emergency certification because a majority of the members of the MDC wished to change the composition of the Hartford district board as soon as possible and a bill to do so was not ready by the committee deadline. Whether a change in the board membership had to be adopted now or could wait until 1985 was an appropriate topic for debate rather than for a point of order.

Stolberg, May 8, 1984.

372. EMERGENCY CERTIFICATION

The bill closed the Torrington branch of the University of Connecticut effective August 15, 1983. It was brought to the floor on an emergency certification because, according to the Education Committee chairman, the bill was proposed after the Education Committee's reporting deadline had passed. A member raised a point of parliamentary inquiry about why the bill was certified as an emergency. He said that the bill had not been considered by either the Education or the Appropriations committees and had been on the calendar for three weeks without action.

The speaker stated that he would respond to the question, although it was really asked of the Education Committee chairman. He said that closing the Torrington branch had been under consideration for several years and that the recently created Board of Governors of Higher Education was unable to act earlier. Rather than having the question drag on another year, an emergency certification was given. The second consideration was the potential to save money in the next fiscal year. Both considerations were adequate to justify the emergency certification.

Stolberg, May 11, 1983.

373. EVEN-YEAR SESSION, BILL NOT GERMANE TO

The bill, as amended, concerned the procedure and notice required for utility companies to shut off service to nonpaying customers. A member raised a point of order that the bill was not appropriate to the limited agenda of the short session of the General Assembly, which the state constitution limits to consideration of budgetary, revenue, and financial matters.

The deputy speaker ruled the point not well taken. In addition to the matters specified, the state constitution also allows the General Assembly to consider bills raised by committees.

Hyslop, April 16, 1996.

374. EVEN-YEAR SESSION, BILL NOT GERMANE TO [JR 8, State Constitution, Art. III]

The bill prohibited the sale and possession of skunks in the state. A member raised a point of order that the bill was not appropriate to the limited agenda of the short session of the legislature. The state constitution limits even-year sessions to considerations of budgetary, revenue and financial matters, and constitutional provisions must prevail over House rules [*Mason* 6 (5)].

The speaker ruled the point not well taken. Both the constitution and the Joint Rules allow committees to raise and report any bill within their jurisdictions in an even-year session. The decision as to the importance of any particular bill is a question for the committee, subject to the power of the House to reject the bill. Since this bill had been raised by the Environment Committee and was within that committee's jurisdiction, it was in order.

Abate, May 2, 1980.

375. FILE COPY

The House bill was originally printed and appeared on the House Calendar as File No. 602. The House adopted one amendment, passed the bill, and transmitted the amended version to the Senate. The Senate clerk reprinted the file to incorporate the House amendment. The new file, No. 799, appeared on the Senate calendar. The Senate rejected the House amendment and sent the bill back to the House. The House clerk did not reprint the file. When the bill was called again in the House, the sponsor moved to reject House amendment "A" to pass the bill in concurrence with the Senate. A member raised a point of parliamentary inquiry whether the House was operating off the original House file or the reprinted Senate file.

The speaker pro tem ruled that the original, unamended House file (No. 602) was the operative file copy. He also stated that the inquiry pointed out a "gray area" in legislative procedure and that an adjustment in the rules might be needed at a later time.

Pudlin, May 30, 1997.

376. FILE COPY, ACCURACY OF

The substitute bill authorized issuance of state bonds for various purposes. The bill had received a joint favorable report from the Finance Committee and had passed the Senate. When the bill was called in the House, a member raised a point of order that the bill was not properly before the chamber because an amendment adopted by the Finance Committee was not included in the file copy.

The speaker stated that he was satisfied that the amendment had been adopted as the member described and that it should be part of the file copy. In his opinion, the omission was inadvertent; otherwise the General Assembly could not tolerate it. The one remedy available in this situation was for the member to offer the amendment for adoption by the full House, stressing that it was offered to correct a drafting error.

Abate, May 27, 1981.

377. FINANCE COMMITTEE POWERS [JR 3] POINT OF ORDER

The bill increased the bond authorization for the Energy Conservation Loan Fund. A member moved House amendment "A" to delete the $30,000 maximum income limitation for persons applying for state energy conservation loans. After debate, House "A" was defeated.

The member then raised a point of order that, in inserting the income limitation, the Finance Committee exceeded its authority and made a substantive change in the bill. A second member raised a point of order that the first member's point was untimely because it had not been raised prior to the introduction of House "A." The member was trying to accomplish through a point of order what he failed to do by amendment. This was improper since no question could be considered twice in the same session [*Mason* 402(4), 398(2)].

The deputy speaker ruled both points not well taken. The Finance Committee acted within its powers to determine bonding for the state. In addition, the first member's point was proper and timely *[Mason* 241(1), (3), (5)].

Coatsworth, November 15, 1979.

378. FISCAL NOTE AND BILL ANALYSIS REQUIRED ON REPRINTED FILE

The bill was favorably reported to the Senate by the Public Health Committee and was printed in the files with a bill analysis and fiscal note attached. After the Senate adopted the bill, the House referred it to the Judiciary Committee. That committee failed to report it out by its reporting deadline. The bill was petitioned out and was reprinted in the files as an unfavorable report with no bill analysis or fiscal note. The House overturned the unfavorable report and suspended the rules to avoid sending the bill back to LCO. As the House prepared to vote on the bill, a member raised a point of parliamentary inquiry whether the new file had to have a fiscal note printed on it.

The speaker stated that it was appropriate for LCO to provide both a bill analysis and a fiscal note on a new file. The only reason he was not asking that the vote on this bill be postponed until they were provided was that the new file was identical to the earlier one. The fiscal note and bill analysis attached to that earlier file also applied to the new file. If there were any difference in the two files, he would have asked for a revised fiscal note and analysis. In the future, in such situations, he requested that LCO reprint the analysis and fiscal note as well as the bill.

Stolberg, May 26, 1987.

379. FISCAL NOTE NOT ACCURATE

A member objected that the fiscal note on the bill indicating no fiscal impact was not accurate.

The point was ruled not well taken as the note was properly attached to the bill.

Vicino, 1978.

380. FISCAL NOTE NOT PRINTED ON FILE PREVIOUS QUESTION, MOTION FOR

The bill deregulated nursing home rates for patients who pay their own bills. It received an unfavorable report from the Human Services Committee but reached the Senate floor by petition. The Senate passed the bill with one amendment. When the bill was called in the House, there was a motion to reject the unfavorable report, superseded by a motion to recommit the bill, superseded by a motion for the previous question (i.e., to recommit). On a roll call vote, the motion for the previous question carried, terminating debate on the motion to recommit. A roll call on the motion to recommit was held immediately. That motion failed, leaving the original motion to reject the unfavorable report still pending.

In the course of debate on the motion to reject, a member raised a point of order that the bill was not properly before the House because it did not have a fiscal note as required by JR 15.

The speaker called for debate.

A member argued that although JR 15 stated that "all bills" must have fiscal notes at the time they are tabled for the calendar and printing, because of its context, the rule should be interpreted as applying only to favorably reported bills. A different procedure, outlined in JR 20, applied to unfavorable reports and JR 20 makes no mention of fiscal notes.

The speaker ruled the point not well taken on the grounds that it was factually incorrect. He had been informed that a fiscal note for the bill had been prepared on April 7, 1982. The fact that the fiscal note was not actually printed on the file copy was not enough to disqualify the bill.

Abate, May 5, 1982.

381. FISCAL NOTE NOT REQUIRED

The bill provided for collection of tolls in one direction only on two state parkways. An amendment was offered (in effect, a substitute bill) requiring the transportation commissioner to develop a plan to allow cars with three or more occupants, vanpools, and certain service buses to pass toll stations on state highways and bridges in special lanes.

The deputy speaker ruled the development of a plan could be done within the Transportation Department's appropriated budget. Since no appropriation of additional funds was contemplated, no fiscal note was required [CGS § 2-24a]. The ruling was appealed and, after discussion, sustained on a voice vote.

Frankel, April 29, 1980.

382. FISCAL NOTE NOT REQUIRED

A resolution proposing to amend the constitution was under consideration. There was a motion to refer it to the Appropriations Committee as it would have a fiscal impact.

The deputy speaker ruled that neither the statute requiring fiscal notes [CGS § 2-24a] nor the rule specifying jurisdiction of the Appropriations Committee [JR 3] specifically mentions resolutions proposing constitutional amendments and therefore they are not subject to either requirement.

Vicino, 1978.

383. FISCAL NOTE NOT REQUIRED

The bill dealt with use of a shortened statutory form for recording deeds and mortgages.

The speaker ruled the bill required no fiscal note as use of the form was discretionary not mandatory.

Kennelly, 1976.

384. FISCAL NOTE NOT REQUIRED

The bill dealt with payment of prevailing wage rate for all public works projects over $5,000 and further defined projects within the definition of "alteration or repair."

The speaker ruled the bill did not require a fiscal note as the additional definitional language clarified and did not change the scope of the law and had no additional impact upon state revenues or appropriations.

Kennelly, 1975.

385. FISCAL NOTE NOT REQUIRED

The bill under consideration dealt with the dependency allowance provided under unemployment compensation and increased the allowable age for such aid from 18 to 21 under certain conditions. The point was raised that since the state pays its own unemployment compensation, the bill had a fiscal impact and required a fiscal note even if the note indicates that the impact is unascertainable.

The speaker ruled the bill did not require a fiscal note since it is the policy of the Office of Fiscal Analysis to attach a statement and not a fiscal note to all bills relating to unemployment compensation. This policy was adopted because, in OFA's judgment, whatever cost impact existed would be minimal, could not be determined accurately, and would probably be absorbed within recommended appropriations.

Kennelly, 1975.

386. FISCAL NOTE NOT REQUIRED

The bill dealt with issuance of reflectorized marker plates and a change in their color.

The speaker ruled the bill required no fiscal note since it would have no fiscal impact.

Kennelly, 1975.

387. FISCAL NOTE NOT REQUIRED

The bill dealt with state bond authorizations for emergency municipal public works employment.

The speaker ruled that this type of bill did not require a fiscal note.

Morris, 1975.

388. FISCAL NOTE REQUIRED FOR TECHNICAL AMENDMENT

The bill consolidated all of the existing funds in the Department of Housing. The proponent called House amendment "A," which corrected an ambiguity in the bill. A member, citing JR 15, raised a point of order that a fiscal note for the amendment was required.

The deputy speaker ruled the point well taken.

Lyons, April 6, 1994.

389. FISCAL NOTE REQUIRED

The bill extended workers compensation coverage to police officers for emotional or mental injuries caused by their use of, or exposure to, deadly force. House amendment "A" would exclude officers who witnessed, but were not targets of, deadly force. In response to a member's request for a fiscal note on the amendment, the proponent (1) offered the fiscal note on an amendment with a different LCO number containing the same language and (2) represented that the Office of Fiscal Analysis had just called the chamber and indicated that the fiscal impact of both amendments was the same. The member who asked for the fiscal note raised a point of order and made a parliamentary inquiry whether the proponent had provided a fiscal note on his amendment or was offering a fiscal note from a similar amendment.

The deputy speaker asked the proponent for the fiscal note attached to the amendment he was offering.

The proponent withdrew the amendment.

Hyslop, April 28,. 2000.

390. FISCAL NOTE REQUIRED

The bill declared that the Connecticut Resource Recovery Authority was not a state agency for purposes of the Environmental Policy Act. The amendment reaffirmed the authority's right to purchase, alter, reconstruct, or enlarge a landfill in Shelton. Under the amendment, the town would lose its payment in lieu of taxes from the state and receive instead a fee of $1 per ton of solid waste disposed of in a landfill. The change would result in a net financial gain for the town, according to amendment proponents. A member raised a point of order that the amendment was not properly before the House because it did not have a fiscal note even though it did have a municipal fiscal impact.

The speaker ruled the point well taken and the amendment out of order.

Stolberg, May 4, 1984.

391. FISCAL NOTE REQUIRED

The bill amended the laws dealing with the senior civil service, the state employees' management incentive pay plan, and collective bargaining. A member introduced House amendment "B" to bring the chief state's attorney and his deputy into the state retirement program. Another member asked if the amendment would entail additional cost to the state. The Appropriations chairman said that since the amendment would, in effect, allow two state employees to retire younger, there would be additional cost to the retirement fund. The second member raised a point of order that House "B" required a fiscal note.

The speaker ruled that although the statutes and rules do not specifically require fiscal notes on amendments, House precedent supports the claim that there ought to be a fiscal note on every amendment that has a fiscal impact. Sometimes there is disagreement about whether an amendment has a fiscal impact, but that was not the case here. He ruled that House "B" was out of order unless a fiscal note was obtained. He said he would entertain a motion to pass the bill temporarily to wait for a fiscal note.

Instead, House "B" was withdrawn.

Abate, May 28, 1981.

392. FISCAL NOTE REQUIRED

The bill established a state housing department to coordinate and administer all state housing programs. House amendment "C" designated the department's commissioner the housing spokesperson for Connecticut and authorized him to initiate complaints regarding housing. Questioned as to the amendment's cost, the chairman of the Appropriations Committee replied that there was the possibility that expenditures would be required but their size could not be determined ahead of time. Based on this answer, a member raised a point of order that the amendment required a fiscal note.

The deputy speaker ruled the point well taken and the amendment out of order. House precedent clearly required amendments which could result in expenditures to have fiscal notes even if the exact expenditures were indeterminate.

Coatsworth, May 25, 1979.

393. FISCAL NOTE REQUIRED

The bill required the University of Connecticut Health Center to establish and administer a program of services for children with cancer. An amendment was offered to appropriate money to the town of Stratford to alleviate problems caused by dumping asbestos in landfill sites. A member stated that the amendment was out of order without a fiscal note [JR 15, CGS § 2-24a].

The speaker ruled that, although the authorities cited by the member dealt with bills rather than amendments, it was the practice in the House to require fiscal notes on amendments which have fiscal impact. Thus, the point was well taken.

Abate, May 24, 1979.

394. FISCAL NOTE REQUIRED

An amendment to a bill providing economic incentives for consumers to return used beverage containers and to encourage their reuse was ruled to require a fiscal note because it required a state appropriation.

Vicino, 1978.

395. FISCAL NOTE REQUIRED

An amendment was introduced to a bill expanding the scope of a law requiring certain vessels to be operated by licensed pilots. The amendment extended the state licensing requirements to coincide with the Coast Guard's. The amendment was ruled to require a fiscal note because of its potential impact on state revenues.

Kennelly, 1977.

396. FISCAL NOTE REQUIRED

An amendment substantially altering a bill authorizing appropriations for the current fiscal year was introduced. Although a fiscal note had been provided for the bill, the speaker ruled the amendment required its own fiscal note.

Morris, 1975.

397. FISCAL NOTE REQUIRED

The bill dealt with appointing referees of the Court of Common Pleas to hear contested cases involving the dissolution of marriages.

The speaker ruled the bill required a fiscal note because the *per diem* payment to such referees may have a fiscal impact.

Kennelly, 1975.

398. FISCAL NOTE REQUIRED

The bill dealt with limits on campaign expenditures. An amendment to extend the state limits to municipal candidates was under consideration.

The speaker ruled the amendment could have potential fiscal impact on the Elections Commission even if the impact might be indeterminable.

Kennelly, 1975.

399. GERMANENESS, MEMBER'S REMARKS AMENDMENT GERMANE

The bill, which came to the House amended by Senate "A" and "D," required a single state handgun permit. Before calling Senate "A," which expanded the existing assault weapons ban law, the bill's proponent described the history of gun control legislation in Connecticut, including the passage of a law banning assault weapons.

A member raised a point of order that assault weapons had nothing to do with the underlying bill and stated that discussion of this topic should be postponed until Senate "A" was called.

The deputy speaker ruled the point well taken.

The proponent called Senate "A" and continued his remarks. The member who raised the first point of order rose again and asserted that Senate "A" was not germane to the underlying bill. He stated that under *Mason* 402, the amendment and underlying bill related to different sections of the General Statutes and the main purpose of the amendment did not follow the purpose of the bill.

The deputy speaker ruled the point not well taken. The amendment and the underlying bill both dealt with firearms. Whether they amend the same statutory section is a criteria, but in most instances this alone is not determinative of germaneness.

Hyslop, May 30, 2001.

400. "GO" LIST

A bill that had been inadvertently left off the "Go" list was placed on the consent calendar, and a member moved adoption and passage. Another member made a parliamentary inquiry whether the chamber would have to waive its rules to include on the consent calendar a bill that was not on the "Go" list.

The speaker pro tem explained that the "Go" list is a frame of reference. So long as the bill is on the consent calendar the House can act on it.

Hartley, March 29, 2000.

401. IMMEDIATE CONSIDERATION—CONSTITUTIONAL AMENDMENTS

A resolution was introduced, read, and referred to committee. A member requested immediate consideration of the resolution.

The speaker ruled that the resolution could not be immediately considered because it proposed an amendment to the constitution and therefore had to be referred to committee.

The ruling was appealed and sustained.

Sprague, 1951.

402. IMMEDIATE TRANSMITTAL; LAST THREE SESSION DAYS MOTION FOR IMMEDIATE TRANSMITTAL DEBATABLE DIVIDE THE QUESTION RECONSIDER, MOTION TO, PRECEDENCE OF ADJOURN, MOTION TO, DEBATABLE IMMEDIATE TRANSMITTAL, MOTION FOR, STATEMENT OF

The session was scheduled to end on Wednesday. On Monday, a member moved immediate transmittal to the Senate of three bills passed by the House on the preceding Saturday. The motion was made under JR 17(4) and HR 11, which allow bills requiring

action in the Senate to be transmitted immediately without a formal vote to suspend the rules in the last three days of the session.

A member raised a point of order that the motion was improper because the rules cited did not apply unless the House passed the immediately transmitted bills in the last three session days. Since the three bills had been passed on Saturday, which was five days before the end of the session, the rules required that they be held for one session day for possible reconsideration. Since the House had had no session on Sunday, the bill could not be transmitted until the end of Monday's session unless the rules were suspended [HR 11].

The deputy speaker ruled the point not well taken. As long as the motion for immediate transmittal occurs in the last three session days, JR 17 and HR 11 apply. This reading of the rules avoids the anomaly of having bills passed on the last Saturday wait up to four days for action in the Senate (if the Senate does not suspend its rules for immediate consideration) while bills passed on the last Monday, Tuesday, or Wednesday could be immediately transmitted and considered by the Senate within minutes of House action (again, assuming the Senate suspends its rules).

The ruling was appealed. The ruling's opponents stated that, according to their reading of HR 11, both the House's final action and the immediate transmittal must occur in the last three session days to be covered by the rule. The bills concerned had been adopted on Saturday. The deputy speaker's interpretation obviated the need for a rules suspension and a consequent two-thirds vote to send the bills to the Senate. The ruling "trampled" on the rights of the minority. References to JR 17 were inappropriate since the House Rules take precedence over the Joint Rules in the case of a conflict.

The proponents argued that the deputy speaker's ruling was correct. While the rule was not as clear as it could be, a fair and common-sense reading of it required that only the immediate transmittal motion need be made in the final three days and that no suspension of the rules was required.

On a roll call vote, the appeal failed.

The member renewed his motion for immediate transmittal of the three bills to the Senate. Another member asked if the motion was debatable.

The deputy speaker ruled that it was.

After some debate on the motion to transmit, a member moved to divide the question. He proposed to take a separate vote on the immediate transmittal of one of the bills.

In the absence of objection, the deputy speaker ruled the issue would be divided and stated the first question would be immediate transmittal of HB 5839.

A member moved to reconsider HB 5839.

The deputy speaker ruled the motion to reconsider out of order while the question of immediate transmittal was pending.

The member raised a point of order that a motion to reconsider takes precedence over a motion for immediate transmittal [*Mason,* § 176 (2)(b)].

The deputy speaker ruled the point not well taken. House Rules take precedence over *Mason* on this issue and HR 28 lists only nine motions that may be made when a question is under debate. The motion to reconsider is not one of them.

The member moved that the House adjourn until 11 A.M. on Tuesday. Another member stated that the motion to adjourn was not debatable. A third member raised a point of parliamentary inquiry whether a motion to adjourn to a particular time was debatable.

The deputy speaker ruled that, while another question is pending, a motion to adjourn was in order but was not debatable.

On a roll call vote, the motion to adjourn failed.

The majority leader withdrew his motion for immediate transmittal.

The deputy speaker ruled that, since the question had been divided, the withdrawal applied only to HB 5836.

The majority leader then moved to reconsider HB 5836. After debate, the motion was rejected on a roll call vote. Since the rejection of the motion to reconsider constituted final action on the bill, the majority leader then moved immediate transmittal under HR 11.

A member raised a point of order that the motion was improperly stated unless the majority leader included the bill or file number in his motion.

The deputy speaker ruled the point well taken.

The motion for immediate transmittal of HB 5836 was adopted without objection. The House then followed the same procedure (withdraw the original immediate transmittal motion, move to reconsider, reject the motion to reconsider on a roll call vote, and renew and adopt the motion for immediate transmittal) on each of the other two bills.

Coleman, May 2, 1994.

403. INSTRUCT A COMMITTEE COMMITTEE POWERS

The bill favorably reported by the Judiciary Committee authorized any physician to possess and supply marijuana as a treatment for certain conditions. A motion was made to refer the bill to the Public Health Committee. A member moved to amend the motion to require the Public Health Committee to send the bill back to the floor.

The speaker ruled the motion to amend the motion to refer in order and open for debate.

A member inquired whether it was necessary to suspend the rules to instruct the Public Health Committee to report the bill out, since the rules allow committees the alternative of taking no action on bills referred from the floor.

The speaker stated that a motion to refer may be amended [Mason 396 (1)]. In addition, it would not contravene the rules for the full House to require a committee to report out a bill referred to it from the floor [Mason 615 (3); 620 (1), (2), (4)].

There was debate on the motion to amend the motion to refer.

During the debate and in response to an inquiry, the speaker said that when a bill is referred to a committee from the floor without special instructions, that committee must meet within two regular session days and may return the bill with a favorable report, return it with an unfavorable report, take no action, or box the bill.

On voice votes, the motion to amend the motion to refer the bill to Public Health carried, and then the amended motion to refer carried.

Abate, April 30, 1981.

404. JOINT RULES, FAILURE TO ADOPT; EFFECT ON RAISED COMMITTEE BILLS AND PROPOSED BILLS

The legislature convened in its regular session. The House adopted the Joint Rules on the first day, but the Senate did not. After several days, the Senate adopted the rules with four amendments. The House took up the rules with the Senate amendments two weeks after the session began. A member raised two points of parliamentary inquiry. The first concerned the status of bills raised by committees during the two weeks when the legislature was in session, but no rules had been adopted. The second was how the situation affected the proposed bill deadline, which had passed two days before.

The speaker stated that committees which had raised bills during the two weeks since the start of the session had acted properly and those bills did not need any additional action to be official. At the same time, committee chairmen could choose to take another vote to raise any such bills after the Joint Rules were adopted and the speaker encouraged them to do so. Later objections to bills made on the grounds that they were illegally raised would be considered on their individual merits at the time they were made.

As for the proposed bill deadline, the speaker ruled that any proposed bills received by the Legislative Commissioners' Office up to the time the Joint Rules were adopted would be accepted despite the expiration of the time limit stated in those rules.

Stolberg, January 19, 1983.

405. LEGISLATIVE AUTHORITY—MATTER SUBJECT OF PENDING LAWSUIT

House amendment "A," which replaced the entire file copy, validated the State Building Code as adopted on April 15, 1987. In explaining the amendment, the proponent described a pending lawsuit by the Home Builders' Association challenging the notice given on new building code regulations. A member raised a point of order that House "A" was not properly before the House because it was a matter currently in litigation.

The speaker ruled the point not well taken. It is up to the House to decide whether its action would be an undue interference with a pending case. Any member can use the pending case to argue that the amendment should be defeated but it was not sufficient reason to rule it out of order. There are always court cases in progress which deal with actions of the General Assembly and it is not reasonable to suppose that the General Assembly is thereby prevented from acting on matters under its jurisdiction. Such a narrow view of its role would paralyze the Assembly.

Stolberg, June 3, 1987.

406. LEGISLATIVE COMMISSIONERS' POWERS SUSPEND THE RULES

The speaker ruled a bill out of order because the Appropriations Committee had made substantive changes in it, a practice prohibited by the rules at that time. A member

rose to a point of inquiry as to whether the bill could be referred to the Legislative Commissioners' Office to be redrafted in an acceptable form.

The speaker ruled referral to LCO not proper because LCO has no power to delete or change provisions of a bill reported by a committee.

The member moved to suspend the rules to send the bill to LCO for redrafting to include only those modifications that the Appropriations Committee was authorized to make, and then return it to the House. A member raised a point of order that the motion to suspend the rules was not proper because, the bill having been ruled out of order, there was no matter before the House susceptible to the pending motion or to any other motion.

The speaker ruled the point well taken and the motion to suspend the rules out of order. He advised the member making the motion that the proper course would be to appeal the speaker's ruling on the bill.

Abate, May 21, 1979.

407. LIMIT DEBATE, MOTION TO PREVIOUS QUESTION, MOTION FOR

A member moved to limit debate until 1 o'clock A.M. On the motion of a second member, a roll call was ordered.

The speaker ruled that the motion required a two-thirds vote for passage. However, he observed that, because of the unwieldy nature of the House and based on similar occasions arising in the U.S. House of Representatives, he might in the future, after reasonable debate, rule that a simple majority was sufficient to carry such a motion or motion for the previous question.

O'Brien, 1959.

408. LOBBYING MATERIAL DISTRIBUTED IN HOUSE CHAMBER

A member raised a point of order that lobbying material was being passed out in chamber by General Assembly employees contrary to the rules.

The deputy speaker ruled the point not well taken as he had given a member permission to distribute the material.

Coatsworth, April 11, 1979.

409. MEMBER SPEAKING FOR THIRD TIME

An amendment to a bill was offered and a member began to speak. Another member raised a point of order that the first member had already spoken twice on the amendment.

The deputy speaker ruled the point not well taken because the second time the member rose on the amendment, he was questioning other members. This did not constitute speaking on the amendment for purposes of the rule.

Coatsworth, April 26, 1979.

410. MEMBER'S REMARKS GERMANE

The bill required the treasurer to remove any state funds invested in companies doing business in Northern Ireland that had not adopted and implemented the MacBride Principles. House amendment "A" required the treasurer to transfer funds from companies not complying with the MacBride Principles to companies that did. House "A" was adopted on a voice vote. During subsequent debate on the bill as amended, several members discussed the possibility that the bill would encourage IRA terrorism in Northern Ireland. A member raised a point of order that these comments were not germane to the question of whether the General Assembly should direct the treasurer to transfer funds from one company to another.

The speaker ruled the point not well taken. The amendment concerning transferring funds had been adopted and the terrorism discussion was germane to the bill as a whole.

Stolberg, April 23, 1987.

411. MEMBER'S REMARKS GERMANE

The bill exempted events held at the Hartford Civic Center and the New Haven Coliseum from the state admissions tax. An amendment was proposed to extend the exemption to events at Bushnell Memorial Hall. A member opposed the amendment and said that the Bushnell Memorial Corporation had been irresponsible in demolishing a corporation-owned apartment building adjacent to the Hall and displacing the tenants.

The deputy speaker ruled the remarks germane because the member was stating his reasons for opposing the amendment.

Frankel, May 28, 1981.

412. MEMBER'S REMARKS GERMANE

The bill created a new crime, called "criminal use of a firearm": use or display of a firearm while committing a felony. The bill allowed a person to be prosecuted for both this new crime and the felony but only to be convicted of one or the other. An amendment was offered to increase the mandatory sentences for committing various felonies with a firearm.

Two members discussed the effect of the amendment when taken with the bill's prohibition against conviction for both criminal use of a firearm and the underlying felony, and how the amendment, the bill, and the existing separate statutory classification of felonies with firearms would relate to one another. One member asked the other how a jury would decide of what crime to convict a person committing a felony with a firearm. The second member offered to yield to a third with experience as a prosecutor. A fourth member raised a point of order that the entire discussion was not germane to the amendment.

The deputy speaker ruled that the discussion related to both the file copy and the amendment and was germane.

Frankel, May 13, 1981.

413. MEMBER'S REMARKS GERMANE

The bill established a commission on long-term care in nursing homes. A member began to discuss abuses in the administration of the State Health Department. A second member objected that the remarks were irrelevant to the bill.

The speaker ruled the point not well taken but advised the first member to tailor his remarks more closely to the pending matter.

Abate, May 1, 1980.

414. MEMBER'S REMARKS GERMANE

The bill raised the pay of judges and other Judicial Department officials. An amendment (House "A") was moved, proposing reduced increases. A member questioned the proponent of House "A" concerning the percentage increases proposed in it and her comparison of the proposed salaries with those of all attorneys in the state. Another member raised a point of order that since the raises proposed in House "A" were smaller than those proposed in the bill, in implying that the increases were too large, the first member was actually speaking to the bill rather than to the amendment.

The deputy speaker ruled the point not well taken, finding the member's questions to be within the scope of the amendment.

Frankel, April 30, 1980.

415. MEMBER'S REMARKS GERMANE

The bill extended the definitions of bribery and bribe receiving. In moving acceptance of an unfavorable report, the Judiciary Committee chairman cited drafting problems in the bill. Another member cited specific lines of the bill as examples of poor drafting. A point of order was raised that the second member was speaking to the substance of the bill rather than to the motion to adopt the unfavorable report.

The deputy speaker ruled that some latitude must be allowed for documenting reasons for acceptance or rejection of an unfavorable report.

Coatsworth, May 17, 1979.

416. MEMBER'S REMARKS NOT GERMANE

During debate on a bill repealing the Las Vegas Night laws, a member asked the bill's proponent a series of questions about the penalties for using illegal gaming devices. Another member raised a point of order that the debater's comments were far afield from the underlying bill.

The deputy speaker ruled the point well taken.

Currey, January 6, 2003

417. MEMBER'S REMARKS NOT GERMANE

The amended bill allowed the Connecticut Development Authority (CDA) to issue bonds for local development and construction projects, allowed debt service on tax increment financing bonds to be repaid through a combination of personal and real property taxes, allowed two or more municipalities to jointly issue bonds, and required projects financed by CDA to be consistent with the state plan of conservation and development. During debate on the bill, a member began to speak on an amendment dealing with cigarettes and tobacco that had been drawn to the bill but not called. Another member raised a point of order that the first member's remarks were not germane to the bill under discussion.

The deputy speaker ruled the point well taken.

The first member then called the amendment (House "E") dealing with cigarettes and tobacco and began to speak in favor of it. A member raised a point of order that House "E" was not germane to the bill. After a short pause, the second member withdrew his point of order and the first member withdrew House "E." The first member again began to discuss the issue of tobacco regulation. The minority leader raised a point of order that the member was not speaking to the bill.

The deputy speaker ruled the point well taken.

Hyslop, May 6, 1998.

418. MEMBER'S REMARKS NOT GERMANE

The bill concerned prison and jail overcrowding. The debate was on a motion to reject House "D" in concurrence with the Senate. House "D" would prohibit those convicted of class A and B felonies from being given intensive probation. A member rose and said that the issue was that the state's prisons were overcrowded. Another member raised a point of order that the first member was speaking to the bill rather than the rejection of House "D."

The speaker ruled the point well taken.

Stolberg, June 3, 1987.

419. MEMBER'S REMARKS NOT GERMANE

The bill and the amendment concerned protection of insurance benefits for retirees after sale of their former businesses. During debate on the amendment, a member urged defeat of both it and the bill saying that the amendment was good but it was attached to a bad bill. The proponent responded by saying that the first member had voted for the bill in committee and asked why he had done so if he thought it was a bad bill. The member raised a point or order that the proponent was speaking on the bill rather than the amendment.

The speaker ruled the point well taken and advised members that the amendment had received sufficient debate.

Stolberg, May 13, 1987.

420. MEMBER'S REMARKS NOT GERMANE

The bill required pharmacists to put an expiration date on all prescription drugs they dispense. House amendment "A" set forth six standards pharmacists were to use to determine that expiration date. During debate on the amendment, a member discussed the potential for pharmacists to be sued if the patient did not store the medicine properly and thereby made the expiration date inapplicable. A second member raised a point of order that the first member was speaking on the bill rather than the amendment.

The speaker ruled the point well taken and asked the first member to confine his remarks to the amendment.

Stolberg, February 24, 1987.

421. MEMBER'S REMARKS NOT GERMANE

The bill eliminated the Office of Child Day Care and transferred its appropriation to the Department of Human Resources. It transferred the office's responsibility to serve as staff to the Council on Child Day Care to the Permanent Commission on the Status of Women. House amendment "A" added to the day care council's responsibilities and designated the Department of Human Resources as the state's lead agency for day care services. A member rose and began to enumerate the amendment's shortcomings, focusing particularly on the fact that it failed to transfer the power to license day care facilities from the health department to human resources. He expounded on the issue of licensing. A member raised a point of order that licensing was not germane to discussion of House "A."

The speaker ruled the point well taken.

Van Norstrand, May 29, 1985.

422. MEMBER'S REMARKS NOT GERMANE

The bill allowed the tax commissioner to establish surety bond requirements for motor fuel distributors and to seize fuel as contraband when possession is inadequately supported by invoices. A member introduced House amendment "B" to give people who have a security interest in the contraband fuel the right to some of the proceeds the tax commissioner derives from any sale of the seized fuel. A member rose and said there were many fuel dealers in the state who transfer fuel among their own depots around the state. He asked if the bill meant that these transfers would require invoices. A member raised a point of order that the question pertained to the bill and not to House "B."

The speaker ruled the point well taken.

Van Norstrand, May 16, 1985.

423. MEMBER'S REMARKS NOT GERMANE

The bill established a standard for the amount of alcohol in the blood which would serve, in and of itself, as proof of drunken driving. The bill received an unfavorable report from the Judiciary Committee. The committee chairman moved to accept the unfavorable report. During the debate that followed, a proponent of the motion said that there was no concrete evidence that a person with the blood alcohol level specified in the bill cannot

operate a car. A member raised a point of order that the proponent was speaking on the bill's merits.

The deputy speaker ruled the point well taken.

Belden, May 16, 1985.

424. MEMBER'S REMARKS NOT GERMANE

The bill authorized courts to dismiss charges against defendants who, according to the Office of Adult Probation, satisfactorily complete an accelerated rehabilitation program, even when there is no specific request from the defendant that the charges be dismissed. House amendment "A" made people convicted of drunken driving and who physically injure another because of drunken driving ineligible for accelerated rehabilitation. During debate on the amendment, a member asked the proponent a question. The proponent answered the question and then went on to rebut some statements made by other opponents. The first member raised a point of order that the proponent was not speaking to the question he had asked.

The deputy speaker ruled the point well taken. Once the question was answered, the floor returned to the member who asked the question. The member being questioned could not use the occasion to make extended remarks on the bill.

Belden, May 7, 1985.

425. MEMBER'S REMARKS NOT GERMANE

The resolution asked the Federal Communications Commission to let the Pioneer Valley Radio Association repeater station change its call letters. A member asked why another resolution concerning Soviet occupation of Afghanistan was not reported out of committee when, in his opinion, it was much more important than this resolution. A short debate followed on the propriety of the General Assembly taking positions on foreign policy questions. A member mentioned that it might be appropriate for the General Assembly to pass a resolution concerning President Reagan's forthcoming visit to a cemetary in Bitburg, Germany where the bodies of SS soldiers are buried. Another member raised a point of order that the entire discussion of foreign policy was not germane to the issue before the House.

The deputy speaker ruled the point well taken.

Belden, May 1, 1985.

426. MEMBER'S REMARKS NOT GERMANE

The bill terminated the motor vehicle emissions inspection program. It had received an unfavorable report from the Transportation Committee. The committee chairman moved to accept the unfavorable report. Another member began to speak against the motion. He spoke of the emissions program's shortcomings, mentioning various scientific reports which show that such programs do not reduce air pollution. He also said that the program was useless because all federal vehicles and certain other types of vehicles are exempt. A member raised a point of order that the first member was discussing the merits of the emissions program rather than the motion to accept the unfavorable report.

The deputy speaker ruled the point well taken and asked the first member to confine his remarks to the motion.

A second member rose to speak against the motion. He said one of his constituents told him that the rangers in state parks were questioning children and scaring them trying to find out who owned cars with expired emissions stickers. A member raised a point of order that the second member, too, was debating the bill and his remarks were not in order.

The deputy speaker ruled the point well taken and asked the member to limit his remarks to reasons why the unfavorable report should be overturned.

Belden, May 1, 1985.

427. MEMBER'S REMARKS NOT GERMANE

The bill prohibited bars from selling drinks at a discount during certain times of the day. The bill received an unfavorable report from the General Law Committee. The committee chairman moved to accept the unfavorable report. A member rose to support the motion. He said that the issue of banning so-called "happy hours" was an emotional one and that there was no correlation between happy hour bans and reduced drunken driving fatalities. A member raised a point of order that the first member was debating the bill rather than speaking on the motion to accept the unfavorable report.

The speaker ruled the point well taken.

Van Norstrand, April 24, 1985.

428. MEMBER'S REMARKS NOT GERMANE

The bill barred anyone who quits his job for reasons unrelated to his work from receiving unemployment compensation. Several amendments were proposed and defeated. A member spoke against the bill, concentrating on the fact that it did not, in his opinion, correct an inequity in the current law. He described how he thought the problem could be solved and gave reasons why his solution was best. The bill's proponent raised a point of order that the member was speaking to one of the amendments the House had already defeated.

The deputy speaker ruled the point well taken.

Belden, April 10, 1985.

429. MEMBER'S REMARKS NOT GERMANE

The bill required the General Assembly to review the Higher Education Board of Governors' decision to close the Torrington branch of the University of Connecticut. An opponent of the bill made extensive remarks, arguing that the branch should be closed. A member raised a point of order that these remarks were not germane to the issue of whether or not the General Assembly should review the board's decision.

The speaker ruled the point well taken but allowed the member to describe the issue's background.

Van Norstrand, January 14, 1985.

430. MEMBER'S REMARKS NOT GERMANE

The bill allowed special assistant registrars to register voters outside of the registrar's office and outside regular business hours. It also required anyone who requested it to be made a special assistant registrar if he took a course and passed a test. The amendment made four changes in the bill's procedural requirements. A member spoke against the amendment, citing potential problems and abuses that could arise from having special assistant registrars and stating that increased voter registration did not necessarily lead to increased voting in elections. A member raised a point of order that the first member was addressing the bill rather than the amendment.

The deputy speaker ruled the member could discuss the bill only insofar as it was affected by the amendment.

Frankel, May 25, 1983.

431. MEMBER'S REMARKS NOT GERMANE

The bill concerned abolition of certain highway tolls. It received an unfavorable report from the Finance Committee. When the bill was called in the House, a member moved to overturn the unfavorable report. During debate on the motion a member stated that the bill was unfair to many residents of the state and would cost millions of dollars. A member raised a point of order that the member was debating the bill and not the motion.

The speaker ruled the point well taken.

Stolberg, May 25, 1983.

432. MEMBER'S REMARKS NOT GERMANE

The bill allowed veterans meeting certain income qualifications an additional $1,000 off their annual property tax assessment. A member offered House amendment "B" and asked permission to summarize it in lieu of the clerk's reading. Permission was granted without objection. The member mentioned one of his constituents and listed six states that have mandatory total property tax exemption for individual veterans. Another member raised a point of order that the first member had been recognized to summarize the amendment and was not doing so.

The speaker ruled the point well taken and asked the first member to summarize his amendment.

Abate, April 28, 1982.

433. MEMBER'S REMARKS NOT GERMANE

On a motion to reconsider a bill to exempt events at the Hartford Civic Center and the New Haven Coliseum from the state admissions tax, a member began to discuss the disadvantages the tax imposed on the two coliseums in their competition for events with the Springfield and Providence Civic Centers.

The speaker reminded the member that he must confine his remarks to the motion to reconsider and not speak on the bill itself.

Abate, May 29, 1981.

434. MEMBER'S REMARKS NOT GERMANE

A motion to reconsider the appropriations bill was adopted. A member moved to reconsider House amendment "B." Another member objected to the reconsideration of House "B" on the grounds that no significant change in circumstances had occurred to justify reconsideration. She went on to discuss the state's fiscal situation in general and the need to cut state expenditures. She referred to a recent opinion poll. A third member raised a point of order that such comments were not germane to the pending question.

The speaker ruled the point well taken.

The member said she would continue to address her remarks to the amendment.

The speaker reminded her that she must confine herself to the motion to reconsider the amendment. She could not speak to the amendment itself.

Abate, April 21, 1981.

435. MEMBER'S REMARKS NOT GERMANE

The bill required the Commission on Hospitals and Health Care to consider the needs of Medicaid recipients requiring nursing home care. An amendment was proposed to limit to 20% the nursing home population which had not been Connecticut residents for at least six months prior to entering a nursing home in the state. During debate on the amendment, a member began to discuss the inadequate rate structure for Medicaid patients, the phasing out of Laurel Heights nursing home, and the privacy of proceedings before medical ethics commissions.

The deputy speaker ruled these comments not germane to the amendment.

Frankel, May 5, 1980.

436. MEMBER'S REMARKS NOT GERMANE

A member moved to adopt the joint rules for the special session. The rules limited the session's business to bills concerning energy, truck weight limits, and tax breaks for towns affected by the 1979 tornado. A second member moved an amendment to allow bills approving bond issues for mass transportation. In debating the amendment, she described the inadequacy of available bonding for mass transit and enumerated other areas where funds might be spent. A third member raised a point of order that the member was not speaking to the matter at hand: adoption of the joint rules.

The speaker ruled the point well taken and asked the member to confine her remarks to the resolution.

Abate, October 31, 1979.

437. MEMBER'S REMARKS NOT GERMANE

The bill expanded the definition of first degree arson, increased the penalties for all classes of arson, and made first degree arson a capital felony. The amendment made causing the death of a person by arson, even unintentionally, a capital felony. A member began to describe a case of murder by arson in his neighborhood.

The deputy speaker ruled his comments not germane because the amendment under discussion did not deal with murder by arson.

Coatsworth, May 29, 1979.

438. MEMBER'S REMARKS NOT GERMANE

The bill established and defined the powers of a new Division of Special Revenue. The amendment made certain changes in the allocation of responsibility between the new division's executive director and the proposed Gaming Policy Board. A member remarked on the process by which the bill was voted out of committee and on the bipartisan support it had received from committee members.

The deputy speaker ruled these remarks were not germane to discussion of the amendment.

Coatsworth, May 22, 1979.

439. MEMBER'S REMARKS NOT GERMANE

The bill prohibited construction of a fifth nuclear power plant in the state until the environmental protection commissioner determined that suitable high level nuclear waste storage and disposal techniques had been identified and approved by the federal government. The amendment allowed the Division of Public Utility Control 180 additional days to issue a decision on any electric company rate increase application pending before it as of October 1979.

In discussing the amendment, a proponent spoke about nuclear plant closings elsewhere in the country and their potential effect on Connecticut. A member objected that the proponent was speaking to the bill rather than the amendment.

The speaker ruled the point well taken.

Abate, May 3, 1979.

440. MEMBER'S REMARKS NOT GERMANE

The bill required the health commissioner to adopt regulations establishing standards for medical care of women undergoing induced abortions at outpatient clinics, and specified what the regulations must include. An amendment was offered to eliminate the requirement for specific content. During debate on the amendment, a member questioned the bill's proponent concerning the number of abortion clinics in the state.

The deputy speaker ruled the questions were not germane to the amendment.

Coatsworth, April 27, 1979.

441. MEMBER'S REMARKS NOT GERMANE

The bill allowed municipalities to eliminate signs that did not conform to local zoning regulations and specified which signs could be removed only with just compensation and which without. The majority leader moved to recommit the bill to the Planning and Development Committee. A member questioned that committee's chairman concerning public hearings held on the bill.

The speaker ruled the questions not germane to the motion to recommit.

As the debate continued, the committee chairman began to describe the problems the bill was intended to solve and the merits of compensating people for removal of their signs.

The speaker repeated his caution against discussing the substance of the bill.

Abate, April 10, 1979.

442. MEMBER'S REMARKS NOT GERMANE

The bill concerned the registration of physicians' assistants. A member moved to recommit the bill to the Public Health Committee. Another member began to speak of the history of physicians' assistants in the state.

The speaker cautioned him to restrict his remarks to the procedural question of recommittal.

Abate, March 28, 1979.

443. MEMBER'S REMARKS NOT GERMANE

A member moved to reconsider a rejected bill. Another member raised a point of order that members were discussing the substance of the bill rather than the motion to reconsider.

The speaker ruled the point well taken.

Kennelly, 1977.

444. MEMBER'S REMARKS NOT GERMANE

A member raised a point of order that another member was not limiting his remarks to the motion to reconsider a bill.

The speaker ruled the point well taken.

Kennelly, 1976.

445. MEMBER'S REMARKS NOT GERMANE

During the discussion of a resolution, a member raised a point of order that the discussion was not germane.

The speaker ruled the point well taken.

Upon appeal, the ruling was sustained.

Patterson, February 1965.

446. MISPRINTED FILE

The Legislative Commissioners' Office made technical changes in a bill but when the file was printed, the statement enumerating those changes was left off. The file was reprinted and given a new file number. The bill was called when it had received only a single star on the calendar. A member raised a point of order that it was necessary to suspend the rules to consider a single-starred item.

The majority leader believed that suspension might not be necessary since the text of the bill itself was unchanged and if it had not had to be reprinted, it would have been in the files the requisite three days. But to remove all doubt, he moved to suspend the rules.

The speaker put the question on the motion and the rules were suspended.

Balducci, February 8, 1989.

447. MOTIONS, ORDER OF

A member raised a point of order that a motion to reconsider could not be entertained since an earlier motion for division had not yet been decided.

The speaker ruled that a motion pending before the body must be disposed of prior to another's being entertained.

Kennelly, 1976.

448. NO RECOMMENDATION BY COMMITTEE; EQUIVALENT TO UNFAVORABLE REPORT

The bill was petitioned out of committee and appeared on the calendar with no committee recommendation. A member moved to accept the committee's unfavorable report and reject the bill.

The deputy speaker stated that the correct motion was simply to reject the bill because there had been no unfavorable report.

The member amended his motion and debate began. It soon reached the bill's substantive merits and demerits. A member raised a point of order that debate should be limited because JR 19 and 20 imply that "no recommendation" should be treated as an unfavorable report. The decision before the House should thus be to overturn the committee's "no recommendation" and send the bill to the Legislative Commissioner's Office.

The deputy speaker ruled the point well taken. The issue before the House was whether to consider the bill fully at a later time. The whole issue was not open to debate.

Belden, April 25, 1986.

449. NONMEMBERS PARTICIPATING IN DEBATE

A member raised a point of order that another member being questioned in debate was being coached by a nonmember in violation of the rules and of House precedent.

Another member raised a point of order that the issue of coaching could not be raised unless the member raising the point of order had actually heard the coaching. He maintained that unsubstantiated claims against members are not in order in the chamber and that the member could not rise to a point of order without making a specific claim.

The deputy speaker ruled both points well taken and advised members that they are not to seek counsel from others in debate but must depend only on themselves and their notes.

The minority leader inquired as to whether it would be proper to have people removed for coaching a member.

The deputy speaker opined that it was a conceivable course of action.

Markham, December 16, 1991.

450. NONMEMBER PARTICIPATING IN DEBATE—USE OF TAPE RECORDING

An amendment to a bill concerning the state song was under consideration. A member attempted to play a tape recording of the song to be substituted for that in the bill. Another member raised a point of order that playing the tape would constitute debate by a nonmember.

The speaker ruled the point well taken.

Kennelly, 1978.

451. NONMEMBERS PARTICIPATING IN DEBATE

During debate on a resolution, a member raised a point of order that two individuals sitting behind another member giving him answers were not members of the House and must identify themselves and receive permission of the speaker to sit on the House floor.

The deputy speaker ruled the point well taken.

The member raised a second point of order that the individuals were violating the rules in supplying a member with answers to questions directed at him because that meant they were indirectly participating in the debate.

The deputy speaker ruled the point not well taken. There had been no indication that the individuals had participated in the debate.

Vicino, 1977.

452. PASS RETAIN REFER

A member moved to refer a bill to the Environment Committee. A second member moved to pass retain the bill.

The speaker ruled that the motion to refer took precedence over the motion to pass retain.

There was debate on the motion to refer. The second member renewed his motion to pass retain the bill.

The speaker repeated his ruling that the motion was not in order. He stated that the only proper motion was to pass retain the pending motion to refer.

A third member raised a point of order that only calendar items could be pass retained and, since a motion to refer was not a calendar item, the motion to pass retain the entire bill was proper.

The speaker ruled the point not well taken. The motion to pass retain takes precedence over debate on the motion to refer, however, a motion to pass retain the main question cannot be made while another motion is pending. Thus, the correct motion was to pass retain the pending motion rather than the substantive question, which was not at that moment before the House.

Abate, March 26, 1980.

453. PASS TEMPORARILY, MOTION TO—SUBSIDIARY MOTION

A member called an amendment by LCO number. The amendment was not in the clerk's possession.

The deputy speaker ruled that, because the amendment was not in the clerk's possession it was not before the House. He asked for additional remarks on the bill.

A second member called for another amendment. The first member rose to a point of parliamentary inquiry and asked whether the second member could introduce his amendment while his own was pending.

The deputy speaker repeated his ruling that the first member's amendment was not pending because it was not in the clerk's possession. The second member's amendment was proper.

The first member then moved to pass the bill temporarily until his amendment was ready. A third member rose to a point of order that the motion to pass temporarily was improper because the first member had risen to a point of parliamentary inquiry and could not use that as an opportunity to make motions.

The deputy speaker ruled the point well taken. The first member must seek the floor in the regular way in order to make a motion. He awarded the second member the floor.

Smoko, May 23, 1989.

454. PASS TEMPORARILY, DEBATE ON MOTION TO

The bill concerned water and sewage facilities for Bradley Airport. The conference committee report was called and passage moved. A member moved to pass the item temporarily until another bill was sent down from the Senate. Several members objected to the motion and considerable debate ensued. A member raised a point of order that a motion to pass temporarily only requires limited debate.

The speaker ruled the point well taken and, after comments by one more member, called for a vote.

Stolberg, June 8, 1983.

455. PASS TEMPORARILY

The bill required universities receiving gifts over a certain size from foreign sources to report any conditions attached to the gift to the commissioner of higher education. After considerable debate on the bill, a member moved to pass it temporarily in order to draft a technical amendment. Another member asked whether, if the motion were adopted, other changes in the bill besides the technical amendment were possible.

The speaker said that a member making a motion to pass a bill temporarily did not need to give a reason for the motion. If he chose to do so, as in this case, that did not limit the options of other members with respect to the bill. They could have other amendments drawn up if they wished.

Van Norstrand, May 5, 1985.

456. PASS TEMPORARILY
SUSPEND THE RULES

A member moved to pass a bill temporarily. Another member moved to suspend the rules to consider the bill without a fiscal note.

The speaker ruled that the motion to pass temporarily took precedence over the motion to suspend the rules.

Abate, May 24, 1979.

457. PERSONAL PRIVILEGE

The speaker stated that he would entertain announcements or points of personal privilege. A member rose for purposes of a comment and began to discuss the unincorporated business tax. Another member raised a point of order that the first member was making a political speech and his comments were out of order until after all the announcements and other important legislative business were completed.

The deputy speaker ruled the point not well taken. He had earlier given the member permission to make his comments from the floor on the condition that they not be political. He allowed the member to continue speaking but cautioned him not to make a political speech.

Frankel, January 18, 1982.

458. PERSONAL PRIVILEGE, POINT OF—WHEN ALLOWED
PERSONAL EXPLANATION REQUIRES UNANIMOUS CONSENT

A member rose to a point of personal privilege to explain his role in an earlier debate.

The speaker ruled the member out of order, finding no personal privilege allowing a member to explain a previous position on a point of order. The speaker allowed the member to seek permission of the House for a point of personal explanation. The speaker also ruled that a point of personal explanation requires unanimous consent.

Kennelly, 1978.

459. PERSONAL PRIVILEGE, POINT OF—WHEN ALLOWED

A member rose to a point of personal privilege.

The speaker ruled that the privilege of the floor could be granted to a member only when there was no motion pending before the House and by unanimous consent.

Howe, 1939.

460. PETITION—TIME LIMIT [JR 19]
CONFLICT BETWEEN RULES AND STATUTES [State Constitution, Art. III, Sec. 13]

The clerk read a petition for a bill. A member raised the point of order that the petition was not properly before the body.

The speaker ruled the point well taken in that the petition had not reached the Appropriations Committee within 10 days after its reporting deadline. The speaker also ruled that the rules of the legislative body adopted under its grant of constitutional authority supersede the statutes if the two conflict.

Kennelly, 1977.

461. POINT OF ORDER NOT TIMELY
AMENDMENTS NOT BEFORE HOUSE UNTIL AFTER MOTION FOR ADOPTION
POINTS OF ORDER, PRIORITY OF

The bill banned automobile air conditioners that use chlorofluorocarbons as of 1995. House amendment "A" allowed the environmental commissioner to grant up to two one-year extensions for up to 75% of a manufacturer's models. House "A" was adopted.

A member called House amendment "C," which contained a complete proposal for the state budget and asked permission to summarize. Another member objected to the member's summarizing, then withdrew his objection and raised a point of order that House "C" was not germane to the bill (*Mason* 401), that it was frivolous (*Mason* 402), and that would destroy the legislative process by setting the precedent that the entire state budget could be proposed as an amendment to any bill before the House at any time.

A third member raised a point of order that the first member's point was premature. Until adoption of House "C" was moved by the presenter, it is not technically before the House and no point of order can be raised concerning it. The usual House procedure is to move adoption after summarizing the amendment.

The second member started to argue that it was precisely his point that to allow a member to summarize an extensive 76-page amendment before it could be challenged on a point of order would disrupt legislative business unduly.

The speaker ruled that the third member's point was well taken and the dispute about germaneness must wait until a member has moved adoption of the amendment.

The second member moved to adopt House "C." The introducer raised a point of order that he still had the floor.

The speaker ruled the point well taken. The introducer of House "C" retained the floor.

The second member then raised a point of order that the third member's point concerning whether there was a question before the House was not in order because his own point concerning germaneness was pending at the time and the speaker had not ruled on it. Only one point of order can be pending before the speaker at one time (*Mason* 241 (2)).

The speaker repeated his earlier ruling that the second member's original point was not well taken because, until the introducer moved adoption, there was no

question before the House and thus nothing about which to raise a point of order. The amendment had been called and summarization agreed to. The speaker awarded the floor to its sponsor.

Balducci, April 27, 1990.

462. POINT OF ORDER, TIMELINESS COMMITTEE JURISDICTION

The bill dealt with procedures for mentally retarded persons' involuntary placement with the Department of Mental Retardation by probate courts, and with the treatment of such persons by the department. The bill had received a favorable report from the Judiciary Committee. The Senate passed the bill with one amendment (Senate "A"). When the bill was called in the House, Senate "A" was moved, discussed and adopted on a voice vote. A member raised a point of order that the bill was improperly before the House because it had not been to the Public Health Committee.

The deputy speaker ruled the point not well taken on the grounds that it was not timely. Members must raise points of order within a reasonable time after a bill is called and not wait until it has been discussed and Senate amendments adopted. Because the point had not been raised in time, he would not rule on the committee jurisdiction question.

Frankel, May 3, 1982.

463. POINTS OF ORDER, PURPOSE OF

When an amendment was called, a member rose to a point of order and asked the proponent if his amendment had a fiscal note. A second member raised a point of order that the first member was out of order because he was using a point of order to obtain the floor to ask questions.

The speaker ruled the point well taken. Points of order must be addressed to the presiding officer and not used to engage in dialogue with other members.

Balducci, March 30, 1989.

464. POSSESSION OF THE FLOOR

The clerk called an amendment to the income tax and the proponent moved adoption. A member moved to introduce a substitute amendment pursuant to *Mason* 409 (1) and (3), which addresses amendment of amendments.

The majority leader raised a point of order that the first member had the floor and any proposal to substitute an amendment should come when a member is recognized after the floor has been yielded.

The minority leader wondered whether the point of order was proper, given that the member moving the substitute had been recognized.

The speaker said that the member with the substitute was recognized only to learn why he had risen. The speaker had recognized him in expectation of point of order or parliamentary inquiry, not to accept any amendment. He opined that the first member still had the floor.

The minority leader argued that once a member is recognized, the speaker may not presume what the member is to do.

The speaker ruled the majority leader's point well taken.

Balducci, December 17, 1991.

465. POSTPONE

During a special session called, in part, to consider gun control legislation, the gun control bill was called and briefly described. A member moved to postpone consideration of the bill until the General Assembly's next regular session in 1995.

The speaker ruled the motion to postpone was proper but he ruled that the current General Assembly could not bind a future General Assembly by adopting the motion.

The member amended his motion to one to postpone consideration of the bill for the special session. He started to debate the motion. Another member raised a point of order that a motion to postpone was not debatable.

The speaker ruled the point not well taken. The motion was debatable but the debate was limited to issue of whether to postpone.

A member began to describe what the gun control bill did not do. Another member raised a point of order that discussion of the bill's substance was out of order.

The speaker ruled the point not well taken because the member had not started to discuss the content of the bill. But he cautioned members that the scope of debate on the motion to postpone was very limited.

On a roll call vote, the motion was adopted.

Ritter, May 17, 1994.

466. PREVIOUS QUESTION CONFERENCE COMMITTEE REPORT, SCOPE OF MEMBERS PRESENT MUST VOTE

After three hours of debate on a conference committee report, and with at least 18 members still desiring to speak, a member rose to move the question.

The speaker stated that he would treat the member's motion as one for the previous question, a motion that is in reality a motion to end debate immediately. The speaker ruled that a motion for the previous question was not one he would normally allow but in this situation it was in order because the pending question was a main question which was not subject to amendment (i.e., a conference committee report). He also ruled the motion was not debatable [*Mason*, Chapter 35].

A member raised a point of order that the first member's motion should not be treated as a motion for the previous question, but rather as a request of the House that it move to a vote very soon. In any case, he said that any motion for the previous question must carry by a two-thirds vote.

The speaker reiterated his ruling that the motion was for the previous question, that it was a proper motion, and that such a motion need only carry by a simple majority [*Mason* 350 (2)].

Another member asked if the motion to close debate could be amended [*Mason* 358 (2)].

The speaker ruled the pending motion was for the previous question, not to close or limit debate. Motions for the previous question cannot be amended [*Mason* 349 (1)] although motions to close or limit debate can be.

A member sought recognition for the purpose of making a motion.

The speaker ruled that the motion for the previous question takes precedence over all other motions and therefore the member was out of order.

The member asked whether a motion of higher precedence in the House order than the motion to close debate would be in order.

The speaker said again that no motion would be in order. He put the question and, on a voice vote, the motion for the previous question carried.

A member raised a point of order that the conference committee report was not properly before the House because it contained matters not included in the scope of the original bill referred to it.

The speaker ruled the point not well taken.

A member moved that the House adjourn until 11:00 A.M. the following day.

The speaker ruled the motion out of order and announced an immediate roll call vote on the conference committee report.

The machine was opened. Certain members refused to cast their votes. The majority leader raised a point of order that members present in the chamber are required to vote.

The speaker ruled the point well taken and continued the roll call.

A number of members left the chamber and did not vote. When the result of the roll call was announced, the conference committee report was adopted.

Abate, May 13, 1981.

467. PUBLIC HEARING SUBSTITUTE BILL NOT GERMANE TO SUBJECT OF ORIGINAL BILL

The bill extended the statute of limitations for suits claiming product liability for personal injury or death associated with the drug DES. The bill was a substitute Senate Bill (No. 666) with a favorable report from the Judiciary Committee. During debate on the bill, a member asked the Judiciary Committee chairman whether the bill had had a public hearing in the current session. The chairman replied that a hearing was held on SB 666 but not on the exact language contained in the pending file (No. 565). Based on that response, the member raised a point of order that file 565 was not properly before the House because it had not had a public hearing.

The speaker ruled the point well taken. The original SB 666, raised by the Judiciary Committee, concerned subrogation rights for employers and insurance companies for worker's compensation payments in product liability claims. The bill would have allowed for a worker's compensation offset against a later judgment in such a claim. The bill was properly raised and a public hearing on it was held. File 565, on the other hand, dealt with another subject altogether. Although a committee may substitute different language after holding a hearing on a bill, that language must be germane to the subject of the original bill. If a completely different subject is

substituted, the earlier public hearing will not suffice to meet the requirements of JR 15. In this case, the original and the substitute dealt with two different subjects.

In addition, the statute of limitations extension was not part of any other bill upon which the committee held hearings. If it had been, House precedent would have allowed him to rule that the public hearing requirement had been met. For these reasons, he was impelled to rule the bill out of order.

Abate, May 27, 1981.

468. PUBLIC HEARING
SUBSTITUTE BILL NOT GERMANE TO ORIGINAL BILL
APPROPRIATIONS COMMITTEE POWERS

The substitute bill (sHB 5109) called for an appropriation to continue operation of certain branch offices of the Motor Vehicle Department. A member raised a point of order that the bill was not properly before the House because the substitute bill was not germane to the subject of the original HB 5109 as required by JR 15. HB 5109 had originally called for a phased return to a two-license-plate requirement for motor vehicles in the state. It had been favorably reported from the Transportation to the Appropriations committee. Appropriations had made the substitution and the substitute met none of the tests of germaneness specified in *Mason* 402(2).

The speaker ruled the point not well taken. The reasons that substitute bills must meet the test of germaneness is to satisfy the requirements of JR 9 that all favorable reports have a public hearing. At the same time, the Appropriations Committee has very broad and general jurisdiction under both the statutes and the rules to raise and report out bills implementing budget provisions [CGS § 2-35, JR 3(a)]. The Appropriations Committee's practice is to have subject matter public hearings. In line with this practice, the committee had a public hearing on the Motor Vehicle Department's budget, at which the question of eliminating certain MVD branches was discussed. This hearing was sufficient to meet the requirements of JR 9 as far as sHB 5109 was concerned. As for the substitution itself, the Appropriations Committee is in a different position from most other committees in that it cannot always tell what implementing legislation may be needed until after the budget is passed. The substitution was proper and within the committee's power.

The ruling was appealed and sustained.

Abate, May 26, 1981.

469. PUBLIC HEARING
SUBSTITUTE BILL NOT GERMANE TO ORIGINAL BILL

The substitute bill had three provisions: it increased town contributions to the cost of providing resident state troopers; transferred responsibility for statewide emergency telecommunications from the Department of Administrative Services to the Office of Civil Preparedness; and allowed certain surcharges on fines to be applied toward state, as well as municipal, police training. A member raised a point of order that the substitute bill was not properly before the House because it was not germane to the subject of the original bill, and it had consequently not had a public hearing [*Mason* 402 (2)]. The substitution was made by

the Appropriations Committee for an entirely different bill with the same number sent to it by the Public Safety Committee.

The deputy speaker ruled the point not well taken. So long as a substitute is germane to the original and a public hearing was held on the original bill, then the substitution was proper under JR 15. The original bill, raised and properly heard by the Public Safety Committee, dealt with certain aspects of the authority of the public safety commissioner over the state police as well as with state police duty assignments and pay. The substitute too, among other things, dealt with the commissioner's authority to assign and appoint resident state troopers, and with the method of allocating troopers' salaries between towns and the state. The substitute was germane, and therefore, the Appropriations Committee was not required to hold an additional public hearing.

The ruling was appealed, debated and, on a roll call, sustained.

Frankel, May 19, 1981.

470. PUBLIC HEARING, NOTICE

A member raised a point of order that the bill was not in order because proper public hearing notice had not been given.

The speaker ruled that the day on which the public hearing is held cannot be counted towards fulfillment of the public hearing notice requirement.

Kennelly, 1978.

471. QUESTION MISUNDERSTOOD

A member moved that the vote on a bill be taken by roll. When the question was put, it was not supported by the necessary 20%. A second member raised the point of order that members had not properly understood that the question was being put.

The deputy speaker ruled that once a question is put and decided, the question would not be put again.

A motion to reconsider the vote on roll call was made and passed. The motion for a roll call on the bill also passed.

Morris, 1975.

472. QUORUM, ABSENCE OF

An amendment to a bill making adjustments to the state budget was being debated. A member raised a point of order that there was an absence of a quorum in the House [*Mason,* 504].

After the House stood at ease for a short time, the deputy speaker ruled the point not well taken.

Coleman, April 16, 1994.

473. QUORUM, ABSENCE OF
POWER TO COMPEL ATTENDANCE OF ABSENT MEMBERS

A special session of the House was convened. Before any business was transacted, a member suggested the absence of a quorum. A roll call showed the House was five members short of a quorum. A member asked the speaker to direct the Capitol security police to compel the attendance of all House members on the Capitol grounds and in the immediate vicinity [State Constitution, Art. III, Sec. 12]. Another member raised a point of order that such an action would be improper. The House had not yet adopted rules and the only action a minority of members can take is to adjourn.

The speaker ruled the point not well taken because the state constitution allows a minority of members to compel the attendance of absent members in such manner and under such penalties as the House may prescribe [Art. III, Sec. 12].

A member moved to adjourn. The motion failed on a roll call vote. The first member pressed his motion that the speaker compel attendance. The second member argued that the session was illegal because the resolution calling it had not been adopted by a majority of the total House membership. The constitutional power to compel attendance, he said, assumed a legally convened session which has adopted rules; not the case here. He raised a point of order that the motion to compel attendance was not properly before the House.

The speaker ruled the point not well taken on the grounds that the constitution explicitly authorizes action to compel the attendance of absent members in order to achieve a quorum.

Van Norstrand, June 11, 1986.

474. QUORUM, ABSENCE OF

During debate on a bill, several speakers referred to the fact that the House seemed nearly empty. A member rose to a point of parliamentary inquiry and suggested the absence of a quorum. He asked that business be suspended while the deputy speaker counted the House [*Mason* 504 (4)].

The deputy speaker stated that the proper form for suggesting the absence of a quorum was to raise a point of order rather than a point of parliamentary inquiry. When lack of a quorum is suggested, the presiding officer has two alternatives: he may count the members present or he may rule on presence or absence of a quorum without taking a formal count. Such a ruling would be subject to appeal. In this case, the deputy speaker ruled that, in his opinion, a quorum was present.

Frankel, April 27, 1982.

475. RECOMMIT

A member moved to recommit a bill to the Labor and Public Employees Committee on the day before the session ended. The deputy speaker indicated that sending the bill back to committee would kill it. Several members made parliamentary inquiries as to the effect of defeating the motion.

The deputy speaker explained that defeating the motion would leave the bill on the House calendar. All bills on the calendar are available to be called, but she did not give odds as to whether they would be.

Currey, May 2, 2000.

476. RECOMMIT

A vote was taken on a motion to recommit a bill to committee. Before the gavel sounded, a motion was made to divide the House. Considerable discussion and parliamentary activity ensued, during which the motion for division was withdrawn. A member rose to a point of order that since the gavel had not sounded and the motion for division was withdrawn, other discussion and motions were out of order and it remained for the speaker to rule on whether the motion to recommit had passed.

The speaker ruled the point well taken and that the motion to recommit had passed.

Kennelly, 1976.

477. RECOMMIT CONFERENCE COMMITTEE REPORT

A member raised a point of order that it was inappropriate to recommit to the Appropriations Committee a bill which had been reported by a committee on conference.

The deputy speaker ruled the point well taken. Conference committee reports may be referred only to select committees or committees of the whole.

Morris, 1976.

478. RECOMMIT JUDICIAL NOMINATION

A member moved to recommit a resolution confirming a judicial nomination. Another member asked for a roll call on the motion. The first member raised a point of order that the motion to recommit was subservient to a judicial nomination and, therefore, a roll call vote was not appropriate.

The speaker ruled the point not well taken.

Kennelly, 1977.

479. RECONSIDER, FORM OF MOTION TO

The clerk called Calendar 513. A member rose to move for reconsideration of the bill, which was defeated in the previous session. In his motion, he identified the bill by its calendar number. Another member raised a point of order that the clerk could not call Calendar 513, since the bill did not appear on the calendar, and the member could not identify the item by calendar number in his motion. The correct procedure in such a case is to move for reconsideration of the matter taken up yesterday.

The deputy speaker ruled the point well taken and asked the mover to refer to the bill number rather than the calendar number in his motion.

Lyons, May 14, 1993.

480. RECONSIDER, RETENTION OF BILL BY CLERKS PENDING

The House passed a bill as amended by House amendment "A" on a Wednesday and adjourned until the following Wednesday, except for technical sessions. The day after the House passed the bill, the Senate met, rejected House "A," passed the bill, and sent it back

to the House where it was tabled as a potential disagreeing action. The House met in regular sessions on both Wednesday and Thursday of the following week. On Thursday, the bill was called again in the House and a motion made to reject House "A" in concurrence with the Senate. A member raised a point of parliamentary inquiry, asking how the bill could be back from the Senate so fast since the rules require the clerks to retain bills passed by the House for one session day in case a member moves to reconsider. Under this rule, the bill should have been held for a week, since the House had met on successive Wednesdays, and not sent to the Senate until after the end of the House session on the second Wednesday.

The speaker stated that though HR 12 requires the clerks to retain bills until the right of reconsideration has expired and though HR 30 gives members the right to move for reconsideration on the session day following, in practice, if regular sessions are not scheduled for successive days, bills passed by the House are sent to the Senate at the next technical session. If a member intends to move reconsideration, he must notify the clerks sometime on the day the bill passes so they will retain the bill. He also noted that bills can be recalled from the Senate if members wish to consider them further.

Balducci, March 30, 1989.

481. RECONSIDER, FORM OF MOTION AFTER VOTE TO

A motion to reconsider an amended bill was adopted. When the bill was next called, a member raised a point of order that the correct motion was to adopt House "A" since that was the action the House voted to reconsider.

The speaker ruled the point well taken. After a vote to to reconsider, a motion should be stated exactly as it was when originally considered.

The first member then withdrew his motion to reject House "A" and yielded to the second, who moved to adopt House "A."

Stolberg, April 21, 1988.

482. RECONSIDER A DEFEATED AMENDMENT, EFFECT OF A MOTION TO PASS RETAIN

On April 28, the House passed a bill, but rejected Senate amendment "A." On the next session day, May 4, a motion to reconsider the bill was made and adopted. The bill was then pass retained. On May 5, it was called. A member moved to reconsider rejection of Senate "A." Another member raised a point of parliamentary inquiry, later converted to a point of order, that the motion to reconsider Senate "A" was not proper since it was not made on the next session day following the original action.

The speaker stated that when a motion to reconsider a bill passes, it brings the bill back in the form it was last acted on, including any adopted amendments. The question of how to deal with rejected amendments was somewhat different. The House has traditionally deemed reconsideration of a bill sufficient to reopen consideration of all amendments. It is also House practice to pass retain any bills for which reconsideration is successfully moved to give members a chance to examine it and so they know it will be up for debate on the next session day. In the speaker's opinion, it is not the intent of such motions to pass retain to make reconsideration of

amendments to the bill impermissible, but House rules clearly state that motions to reconsider are allowed only on the next session day [HR 12 and 30]. When rules and tradition conflict, the rules must prevail. The motion to reconsider Senate "A" was out of order.

He recommended that the rules committee make the rules on reconsideration more consistent with the pass retain tradition. He also stated that separate motions would be needed to reconsider and pass retain any unsuccessful amendments to a reconsidered bill.

Stolberg, May 5, 1983.

483. RECONSIDER A BILL REFERRED TO COMMITTEE

An amendment to a bill was adopted which necessitated a referral from the floor to the Appropriations Committee. By unanimous consent, the bill was referred. The next session day, a member moved to reconsider the bill. A member raised a point of parliamentary inquiry as to whether a bill referred to a committee becomes the possession of the committee clerk and thus cannot be reconsidered because it is no longer in the House clerk's possession.

The speaker replied that all actions taken by the House can be reconsidered on the following day unless the rules had been suspended and the bill was physically gone.

The member then raised a point of order that the motion to reconsider was not proper because the House clerk did not have physical possession of the bill.

The speaker ruled the point well taken but stated that the motion could be withdrawn for the present and introduced later when the bill was "recaptured" from the committee.

The member raised a point of parliamentary inquiry as to the authority of the House clerk to retrieve a bill from a committee without a formal House resolution asking for its recall.

The speaker replied that since the rules state that decision can be reconsidered on the next session day, the House clerk could bring the bill back. Once it was in their possession, a motion to reconsider the decision to refer would be appropriate.

Stolberg, April 20, 1983.

484. RECONSIDER

A member moved to reconsider a bill passed the night before in order to allow the House to reconsider a proposed amendment to the bill which had failed on a voice vote. Another member rose to a point of parliamentary inquiry as to whether a motion to reconsider was in order without some technical defect in the bill or other error.

The speaker answered that it was up to the House whether or not to reconsider a bill. It could do so if members have changed their minds or as a courtesy to a member who wished to present new information or additional arguments. As long as the time limits were observed and the member moving to

reconsider had been on the prevailing side, the motion was in order [*Mason* 457(1), 461(1), 464 (1)].

Abate, April 30, 1982.

485. RECONSIDER ON SAME SESSION DAY

A member moved to reconsider a vote just taken.

The deputy speaker ruled that an action could not be reconsidered until the next session day.

Vicino, 1978.

486. RECONSIDER MOTION TO REFER

A motion to reconsider a vote to refer a bill to committee carried. A member moved to pass retain the bill. A second member asked whether the original motion to refer must be disposed of before a second motion could be entertained.

The speaker ruled that passage of the motion to reconsider nullified the original motion to refer.

Kennelly, 1976.

487. RECONSIDER MOTION TO REFER—OFFERED TWICE

A member moved to refer a bill to the Appropriations Committee. Another member raised the point of order that the motion to refer had previously been reconsidered and no motion may be considered twice.

The speaker ruled the point well taken.

Connolly, 1976.

488. RECONSIDER—EFFECT OF TECHNICAL SESSION ON TIME LIMIT

A member asked whether a session held merely to advance the calendar would have any effect on a motion to reconsider a bill passed on the previous regular session day.

The speaker ruled that a technical session did not prejudice the right to move for reconsideration.

Roberts, 1963.

489. REFER

After the first reading of a bill, a member discussed the motion to refer to committee. Another member raised a point of order that committee references were not debatable on the first reading unless debate was limited to the choice of committee.

The speaker ruled the point well taken.

Testo, 1967.

490. REFER TO APPROPRIATIONS

The resolution proposed an amendment to the state constitution limiting state expenditures, new taxes, and tax increases. It received favorable reports from the Government Administration and Elections and Finance committees. House amendment "A" changed the General Assembly vote required to raise taxes from two-thirds of the members to three-fifths. It also exempted raises in fees and scheduled motor vehicle fee increases already enacted and from which revenues were allocated to the Special Transportation Fund, from the super-majority requirement. House "A" was adopted on a voice vote.

After some additional debate, a member raised a point of order that the resolution was not properly before the House because it had not been through the Appropriations Committee [JR 3(a)(1); CGS § 2-35]. He cited the fiscal note in support of his point. The note said that the resolution's expenditure limit of 98% of projected revenues could necessitate state budget reductions and reductions in state aid to towns. The fiscal note also said that the extent of any reductions could not yet be determined. The member argued that any measure that could affect the state budget must go to Appropriations.

The speaker ruled the point not well taken. Section 2-35 requires all bills favorably reported by any committee, other than claims against the state, to be referred to Appropriations. The resolution under consideration contained no appropriation. He noted that appropriations cannot and, in his opinion should not, be made by resolution.

The Joint Rules, which in his opinion supersede the statutes, specify that the Appropriations Committee has jurisdiction over all matters relating to appropriations and the state's operating budget. The resolution under consideration would control state expenditures in future years; it contained no appropriation and did not need to go to Appropriations under the Joint Rules.

In support of his ruling, the speaker also cited the history of similar proposals in past sessions of the General Assembly. In 1983, an almost identical proposal passed the House by a three-fourths majority. That resolution had only been to the Government Administration and Elections Committee. In the Senate, a motion was made to refer that resolution to Finance and that motion carried. At no time was there any motion to refer the resolution to Appropriations. The resolution now before the House had been to GAE and Finance consistent with the 1983 history.

Van Norstrand, June 1, 1985.

491. REFER TO APPROPRIATIONS

Passage of a bill was moved and an amendment was adopted. A member moved to refer the bill to Appropriations as an appropriation was required. Another member raised a point of order that referral was automatic under the statute.

The speaker ruled the point not well taken. The bill was proper because the amendment had eliminated the need for the appropriation. If the amendment had not been adopted, the point might have been well taken.

Kennelly, 1978.

492. REFER TO GOVERNMENT ADMINISTRATION AND ELECTIONS

One section of a bonding bill reported by the Finance Committee set up a board to make recommendations concerning establishment and operation of a Connecticut Convention Center. A member raised a point of order that the bill was not properly before the House because it had not been referred to Government Administration and Elections. GAE has cognizance over all matters relating to government organization.

The deputy speaker ruled the point not well taken. The board the bill set up was similar in structure and authority to a legislative task force. It was made up of General Assembly members and had the power only to make recommendations. Since most bills creating legislative task forces were not referred to GAE and since the commission was temporary, it was not necessary to refer the bill.

The ruling was appealed and sustained.

Lavine, May 4, 1988.

493. REFER TO GOVERNMENT ADMINISTRATION AND ELECTIONS

The bill wrote an existing advisory committee to the Board of Governors of Higher Education into the statutes and changed some of its members. It had received a favorable report from the Education Committee. A member raised a point of order that the bill must be referred to the GAE committee before the House could properly take it up because it affected the structure and organization of state government.

The speaker ruled the point not well taken. No referral was necessary in this instance because the advisory committee would have no statutory powers and no power to expend funds. In addition, the committee would go out of existence in July 1988. If an advisory committee's duties are spelled out in a bill and clearly affect agency or legislative operations, the ruling would be otherwise.

Stolberg, February 17, 1988.

494. REFER TO INSURANCE

The bill required the Second Injury Fund to pay for the health and accident insurance of any employee receiving worker's compensation whose employer fails to do so because he shuts down or leaves the state. It had received a favorable report from the Labor Committee. House "A," adopted by a voice vote, required insurance companies to notify each employee covered under a group health and accident policy if his employer cancelled or failed to renew the policy because he shut down his business or moved it out of state. A member raised a point of order that the amended bill must be referred to the Insurance and Real Estate Committee.

The speaker ruled the point not well taken. The amendment, although it touched on insurance companies, did not materially affect the insurance statutes and so did not need to be sent to the Insurance Committee. The bill affected only Title 31, the state labor laws.

The ruling was sustained on appeal.

Stolberg, March 9, 1988.

495. REFER TO JUDICIARY

The amended bill barred candidates for public office from appearing in publicly funded promotional advertisements during the nine months before the election. A member raised a point of order that, because the fiscal note cited possible revenue from fines imposed on violators by the Elections Enforcement Commission, the bill should be referred to the Judiciary Committee.

The deputy speaker ruled the point not well taken because the fines in question were not new. The bill subjected violators to an existing penalty, no referral to Judiciary was required.

Hyslop, April 29, 1998.

496. REFER TO JUDICIARY

A member moved for adoption of House amendment "A." Another member raised a point of order that, since part of the amendment contained a criminal penalty, if it were adopted, the amended bill must be referred to the Judiciary Committee.

The speaker ruled the point not well taken. If the amendment was adopted, a member could move to refer the bill to Judiciary and the House as a whole could decide the motion.

Ritter, April 29, 1994.

497. REFER TO JUDICIARY

The bill concerned administrative enforcement procedures for collecting certain state taxes. A provision in the bill prohibited a person from refusing to answer questions or produce documents in accordance with a tax commissioner's subpoena, stated that no information disclosed could later be used against him, and instituted penalties of up to 60 days in jail for failure to comply. A member raised a point of order that the bill should have gone through the Judiciary Committee since it contained a prison term.

The speaker ruled the point well taken and the bill was referred to Judiciary.

Stolberg, June 6, 1983.

498. REFER TO PUBLIC HEALTH

A bill reported favorably by the Insurance Committee required health insurers that cover ostomy surgeries to also cover related appliances and supplies. The House passed House amendment "A," placing a yearly cap on "medically necessary" supplies. After expressing concern that "medically necessary" was not defined, a member made a parliamentary inquiry whether the bill should be referred to the Public Health Committee.

The deputy speaker explained that the bill was an Insurance Committee bill and did not have to go to any other committee. He indicated that the member could make a motion to refer the bill.

Hyslop, April 12, 2000.

499. REFER TO PUBLIC HEALTH

The amended bill revised the law concerning employment drug testing and prohibited most employers from discriminating against employees and job applicants who smoke. The bill was reported favorably by the Labor and Judiciary committees. A member raised a point of order that bills dealing with smoking and promotion of smoking must be referred to the Public Health Committee.

The speaker ruled the point not well taken. The bill dealt with employment discrimination and drug testing which have historically been within the jurisdictions of Labor and Judiciary only.

The member appealed the ruling and, on a roll call vote, the appeal failed.

Balducci, June 1, 1991.

500. REGULATIONS NOT PROPERLY BEFORE THE HOUSE UNFAVORABLE REPORTS COMMITTEE JURISDICTION

The resolution reversed the vote of disapproval by the Regulation Review Committee of proposed regulations to implement the racial imbalance law. A member moved the adoption of the Education Committee's unfavorable report and passage of the resolution (*sic.*, see below). A second member raised a point of order that the resolution was not properly before the House because the regulations it dealt with had been illegally promulgated and the Education Committee had no jurisdiction over them.

The speaker ruled the point not well taken. The ruling incorporated several points.

1. **Regulation Review was required to act on all regulations submitted to it by executive agencies. Its action could take any one of three forms: approval, disapproval, or rejection without prejudice.**
2. **If a regulation were disapproved, upon notice of disapproval no agency was permitted to issue the regulation or take any action to implement it.**
3. **If the disapproved regulation was intended to implement a federally subsidized or assisted program, the General Assembly must ratify or reverse Regulation Review's decision.**
4. **In this case, Regulation Review disapproved one set of regulations to implement the racial imbalance law. When notified of this disapproval, the Education Department promulgated a second set of regulations. This second set was completely new. The new set went through all the mandated steps and was ultimately also disapproved by Regulation Review as illegal under CGS § 4-170.**
5. **Regulation Review acted properly in considering the second set of regulations. A suggested alternative—that the committee take no action—would not have been appropriate.**
6. **Upon Regulation Review's disapproval of the second set of regulations, their referral to the Education Committee on the first day of the current General Assembly session was proper.**

The speaker stated that the business before the House was the adoption of an unfavorable report and passage of the resolution; two actions which, though correct in this instance, were normally inconsistent. To avoid confusion, the speaker ruled that, in future, resolutions regarding regulations should be presented as follows: if adoption of regulations is recommended by the committee of cognizance, that should be a favorable report; if rejection, an unfavorable report.

Abate, March 19, 1980

501. REJECT, DEFEAT OF MOTION TO, EQUIVALENT TO ADOPTION
AMENDMENT NOT GERMANE
AMENDMENT COMBINES PUBLIC AND SPECIAL ACT

The bill, as amended by Senate amendment "A," required one-to-one journeymen to apprentice hiring ratios for certain licensed trades. A member moved to reject Senate "A." The motion was defeated.

The deputy speaker ruled that defeat of a motion to reject Senate "A" was the same as voting to adopt the amendment and that Senate "A" was thus adopted.

A member called House amendment "A," which required the departments that regulate apprenticeship to implement the recommendations of a 1988 apprenticeship task force by October 1, 1989. Another member raised a point of order that House "A" would be a special act and thus could not be added to a bill amending a statute, which would be a public act. House precedent dictates that no public act amendment may be added to a special act and the member argued that the reverse should also be out of order.

The deputy speaker ruled the point not well taken. Even granting that House "A" would be a special act, which was not necessarily the case, it could still be added to the bill because it was germane and flowed logically from the bill's subject.

Smoko, May 3, 1989.

502. REJECT, DEFEAT OF MOTION TO, NOT EQUIVALENT TO ADOPTION
POTENTIAL DISAGREEING ACTION
ROLL CALL

The Senate adopted two amendments to a bill. The amended bill was called in the House and the rejection of Senate amendment "B" was moved. On a roll call, the motion to reject Senate "B" was defeated on a tie vote. The bill was subsequently adopted and returned to the Senate under a suspension of the rules.

The speaker stated his opinion that the defeat of a motion to reject Senate "B" was not equivalent to adoption of the amendment. Since the House took no action explicitly to adopt Senate "B," that amendment was not part of the bill which was eventually passed. This placed the House and Senate in a potentially disagreeing posture because the House had taken no action on an amendment adopted by the Senate. The speaker felt the matter could be left to the Senate; however, to prevent disagreement with the Senate's presiding officers and to avoid contrary rulings on the subject, the bill was recalled from the Senate.

After the recall, reconsideration of the bill was moved specifically to allow the House to act on Senate "B." A member moved Senate "B" and, on a voice vote, the amendment was adopted. A member inquired whether a roll call vote on the amendment was required.

The speaker replied that the fact that the original motion to reject Senate "B" had been defeated by a roll call vote had no bearing on subsequent votes on the amendment. The necessity for a roll call depends on whether one is requested on a particular motion.

Abate, May 5, 1980.

503. RESOLUTION COULD AFFECT PENDING COURT CASE

The resolution dealt with the strike at the Colt Firearms Company and called on the state's Congressional delegation to try to have Congress prohibit the Defense Department from awarding contracts to Colt if its management did not return to the bargaining table. A member raised a point of order that the resolution was not properly before the House because, according to a newspaper article, both sides had appealed National Labor Relations Board decisions on the matter to court. The rules prohibit the House from debating or discussing any matter awaiting adjudication in court [*Mason* 111 (3)].

Because the member was unable to cite in what court the matter was awaiting adjudication and because he had no information about whether a court was considering the specific points mentioned in the resolution, the speaker ruled the point not well taken.

Stolberg, January 28, 1987.

504. RESOLUTION TECHNICAL

On the first session day after the election, a resolution establishing a committee on contested elections in accordance with House Rule 19 was introduced. The resolution gave the committee members subpoena power and required it to report to the full House by January 24. It also required the Legislative Management Committee to supply the committee with office space and supplies. A member asked the speaker to rule whether the resolution was substantive.

The deputy speaker ruled that the resolution was technical. Thus, it did not need a fiscal note and did not have to be referred to a committee.

Belden, January 9, 1985.

505. RISING VOTE—RECOUNT

A member asked for a recount of the vote on the motion to divide the question.

The speaker ruled that once the result of a rising vote was announced, there can be no recount.

Howe, 1939.

506. RISING VOTE—RESULT DOUBTED

A member doubted the result of a rising vote after it was announced.

The speaker ruled that, the vote having been counted by the tellers and declared, it could not be doubted.

The ruling was appealed and sustained.

Bell, 1937.

507. ROLL CALL VOTE—20% REQUIREMENT

While negotiations over the biennial budget, deficiency appropriations, and bonding package were ongoing, the Senate passed and sent to the House a bill authorizing bonding to fund certain highway resurfacing projects. The House suspended its rules in order to take the matter up immediately.

A member of the minority party offered House "A," which provided deficiency funding for other state programs. He requested a roll call vote.

After a voice vote on the motion, the deputy speaker ruled that fewer than 20% of the members present in the chamber had voted in the affirmative, and the motion for roll call vote failed.

Leaders of the minority party appealed the ruling of the chair. The minority leader stated that 31 yea votes were sufficient to meet the 20% rule, and that substantially more members of his caucus had been called back to the chamber to cast their votes.

On a roll call vote, the chair's ruling was upheld.

Hyslop, April 25, 2001.

508. ROLL CALL VOTE—20% REQUIREMENT

A member moved and summarized House amendment "D." After considerable debate, a member asked that the vote on the amendment be taken by roll call.

After asking for yeas and nays on the motion for a roll call vote, the deputy speaker ruled that fewer than 20% of the members had voted in favor of a roll call vote and, therefore, no roll call would be ordered on House "D" (HR 39).

A member raised a point of order that the number of votes required to order roll call vote on an amendment was 20% of the members present in the chamber.

The deputy speaker repeated his ruling that the 20% standard had not been met.

The member appealed the ruling. On a roll call vote, the ruling was upheld.

Hyslop, May 7, 1996.

509. ROLL CALL VOTE—TIMELINESS OF REQUEST FOR

The deputy speaker called for a voice vote on an amendment. After the vote was taken but before she had announced the result, the amendment's proponent asked that the vote be taken by roll. A member raised a point of order that the proponent could not ask for a roll call vote after a voice vote was called.

The deputy speaker ruled the point not well taken. Citing an earlier House ruling, it was appropriate for the deputy speaker to ask members if they wanted a roll call vote before she had announced a voice vote result.

Currey, May 20, 2003.

510. ROLL CALL VOTE – TIMELINESS OF REQUEST FOR

After debate, the deputy speaker called for a voice vote on an amendment to a bill that would permit the Department of Administrative Services to refer debt collection matters to private attorneys. After the members voted, but before she announced the result, a member asked for a roll call vote. The deputy speaker called for a voice vote on the motion, which carried. Another member raised a point of order and made a parliamentary inquiry whether it was proper for the deputy speaker not to rule on the voice vote and to entertain a motion for roll call vote at that point.

The deputy speaker stated that she prefers roll call votes. She ruled it was appropriate for her to ask members if they wanted a roll call vote, as she had not announced the voice vote results when a member rose and asked for a roll call vote.

Currey, April 28, 2000.

511. ROLL CALL VOTE, TIMELINESS OF REQUEST FOR

The speaker asked for a vote on an amendment. On a voice vote, the amendment was defeated. A member protested that he had asked for a roll call vote.

The speaker stated that the request was untimely since the member had not asked for the roll call before the result of the voice vote was announced.

The member said he had been on his feet to request a roll call but the speaker had not recognized him. He raised a point of order that the speaker had hurried the proceedings to prevent him making a legitimate motion contrary to the rules [*Mason* 579 (4)]. He asked that the voice vote be declared null and void.

The speaker ruled the point not well taken. He apologized for not seeing the member but mentioned that many members were on their feet and there was considerable noise in the chamber and he had neither seen nor heard the member's request for recognition. Because he had not deliberately hurried the proceedings to prevent a roll call, the voice vote would stand.

Stolberg, May 27, 1987.

512. SPECIAL SESSION, VOTE NEEDED TO CALL THE GENERAL ASSEMBLY INTO

The resolution proposed to convene a special session of the General Assembly to distribute the budget surplus and to consider amendments to absentee ballot voting procedures, potential changes in eligibility for nominations to state and district offices, solutions to a problem with a local landfill, amendments to the death penalty laws, and other emergency matters certified by the House speaker and the Senate president pro tempore.

In announcing the result of the roll call vote on the resolution, the clerk said that a vote of 65 was necessary for adoption (a majority of the 128 members present and voting). A member raised a point of order that Section 2-6 of the General Statutes requires a favorable vote of at least 76 members (a majority of the total 151-member House) to adopt a resolution calling a special session.

The deputy speaker ruled the point well taken.

The resolution was adopted by a vote of 112 to 16.

Belden, June 23, 1986.

513. SPECIAL SESSION, VOTE NEEDED TO CALL THE GENERAL ASSEMBLY INTO
LEGISLATIVE RULES TAKE PRECEDENCE OVER STATUTES

The resolution called the General Assembly into special session. Of the 127 members of the House present and voting, 71 voted for the resolution and 56 against. Twenty-four members were absent. The minority leader raised a point of order that the resolution should be considered to have failed because it did not receive 76 favorable votes; that is, a favorable vote from a majority of the entire 151-member House. He argued that the General Assembly referred to in the state constitution that could call itself into special session was defined in the statutes as a majority of the full membership, not just a majority of those present and voting [State Constitution, Art. III, Sec. 2; CGS § 2-6].

The speaker ruled the point not well taken. The constitution says that the General Assembly can call itself into special session when the members judge it necessary. The common method of determining the judgment of the legislature is to follow the will of the majority of the members present and voting as long as there is a quorum.

Whether or not CGS § 2-6 can be construed to require an absolute majority of 76 to convene a special session does not matter because statutes are subservient to the legislature's rules which are in turn governed by the constitution. To rule otherwise would mean that the current assembly could be bound by acts of a previous legislature.

Van Norstrand, June 6, 1986.

514. SPECIAL SESSION CALL
GERMANENESS, MEMBER'S REMARKS
DEBATE, CONDUCT OF
POINTS OF ORDER, ORDER OF

The governor issued two calls for a special session to convene immediately after the veto session adjourned. The first call was sent on July 12; the second on July 18. They asked the legislature to consider two slightly different agendas.

The veto session adjourned sine die. The deputy speaker reconvened the House and asked the clerk to read the special session call. The clerk read the first, or July 12, call. The minority leader raised a point of order that the clerk had read the wrong call. He said that the second, or July 18, call superseded the July 12 call and that the clerk should read it. At the

very least, he said, the clerk should read both calls and leave it to the assembly to decide under which call it was in session.

The deputy speaker ruled the point not well taken. The July 12 call had been legally implemented and sent to members as required by the constitution (Art. III, Sec. 2). He said the House would deal with the governor's first call and would take up the second call after the business specified in the first was completed. At that time, he would ask the clerk to read the second call.

The minority leader reiterated his contention that the second call superseded the first. Since both required the House to convene immediately after the trailer session, he asked the deputy speaker how the second call could be complied with if the House took up the first call first.

The deputy speaker said that he had already made his ruling. He believed that the minority leader was now debating that ruling. Unless the minority leader planned to appeal, the House would move on to the business before it.

There was additional discussion among the minority and majority leaders and the deputy speaker. The minority leader repeated his question about how both calls could be implemented.

The deputy speaker stood by his earlier ruling. He said that evidence would be presented later that the second call was illegal because it had not met the constitutional notice standard. He ruled that additional debate on the question was out of order unless the minority leader wished to appeal his ruling.

The minority leader asked that the second call be read. If it was flawed, the point could be raised and disposed of immediately. If the procedure set forth by the deputy speaker were followed and the second call turned out to be valid, any actions taken by the House under it would be illegal because the House did not convene immediately following adjournment of the veto session. He asked that the second call be read so he would not have to appeal the ruling.

The deputy speaker stood by his ruling.

The minority leader appealed the ruling. During debate on the appeal, opponents of the ruling argued that the second call superseded the first. Supporters argued, among other things, that the second call was invalid because the governor failed to give the constitutionally required 10 days notice of the special session in the July 18 call. Rather, the governor attempted to comply with the constitutional requirement for an emergency special session by having the second call hand-delivered by state police officers to each member.

In the majority leader's view there were two problems with this procedure. First, there was no emergency necessitating the second call that could justify the less than 10 days notice. Second, the call had not been delivered to each member personally. Many copies of the call had been left with members' relatives, neighbors, or employees.

The minority leader raised a point of order that the majority leader's comments concerning the validity of the second call were not germane to the discussion of the ruling.

The deputy speaker asked members to remember that the question under discussion was an appeal of his ruling and to tailor their remarks accordingly.

The majority leader continued his remarks. He said there were three ways to avoid the problem of conflicting calls in the future: adopt new rules to cover the situation, pass a new statute, or elect a new governor. The minority leader raised a point of order that comments concerning the executive branch were unparliamentary.

The deputy speaker ruled the point well taken.

Another member asked the deputy speaker for a ruling on the question of whether, if the second call was determined to be valid, actions taken under it would be valid even if the House did not take it up immediately after the veto session.

The deputy speaker declined to answer the question directly. He did observe that the House was debating his ruling. If the appeal were upheld, the membership could then decide whether they wanted to proceed under the second call.

Another member rose to a point of order that both calls were invalid because the constitution requires that there be a special emergency before the governor may call a special session. There was no special emergency demanding any session. A third member raised a point of order that no point of order can be taken up until the appeal is decided.

The deputy speaker ruled the third member's point well taken. The appeal must be disposed of before other points of order can be entertained.

On a roll call vote, the ruling concerning the reading of the first call was sustained.

Belden, July 24, 1985.

515. SPECIAL SESSION CALL UNCONSTITUTIONAL

A member raised a point of order that the call issued to convene the session was invalid. The constitution allows the governor to call the legislature into special session only when there is a special emergency [Art. III, Sec. 2]. The call issued by the governor for this session presented an agenda that included such things as approving union contracts. These were not special emergencies.

The deputy speaker ruled the point not well taken. The constitution allows for special General Assembly sessions whenever the assembly thinks it is necessary [Art. III, § 2]. The statutes give the governor the power to call special sessions whether or not there is a special emergency [CGS § 2-7].

The member appealed the ruling, but the appeal failed for lack of a second. The member withdrew his appeal.

Belden, July 24, 1985.

516. SPECIAL SESSION CALL, AMENDMENT GERMANE TO

The rules limited the session to bills dealing with reductions in federal funds, balancing the 1981-82 budget, and approving or rejecting state employee collective bargaining agreements.

The bill made many changes in the state's tax laws with the object of raising additional revenue for the 1982 fiscal year. The amendment proposed to repeal the unincorporated business tax. Although its introducer stated that the repeal was intended to be effective immediately, no effective date was specified in the amendment. A member raised a point of order that the amendment was contrary to the rules of the special session.

The speaker ruled the amendment was in order. A repeal of the unincorporated business tax was part of the original bill and that repeal was effective January 1, 1983. The speaker assumed that the amendment's effective date would be the usual statutory one, October 1, 1982. Therefore, it could have no effect on revenues for the fiscal year ending June 30, 1982. The revenue loss mentioned in the

fiscal note on the amendment was based on an effective date of January 1, 1982, which represented the introducer's intention but was not specified in the amendment. At the same time, the legislature had passed other measures in the special session which had no 1982 revenue impact, and if this amendment were ruled out of order on the narrow grounds that it did not apply to 1982, it might jeopardize those earlier actions. Therefore, the amendment would be allowed.

The amendment was then withdrawn.

Abate, January 13, 1982.

517. SPECIAL SESSION CALL, AMENDMENT GERMANE TO

The special session rules limited business to bills appropriating funds to supplement emergency fuel assistance programs; helping small fuel dealers meet the added cost of supplies and credits; increasing the energy conservation loan fund authorization; providing that elderly citizens receiving emergency energy assistance not be precluded from receiving tax relief; permitting the Department of Consumer Protection to evaluate energy-related products; allowing trucks to carry up to the federal weight limit; helping municipalities and tenants address fuel shutoff and residential building abandonment problems; assisting municipalities in developing programs to preserve their building stock and to promote energy conservation; and authorizing municipalities affected by the 1979 tornado to modify property tax assessments. The only resolutions allowed were those approving or rejecting collective bargaining agreements and those pertaining to the special session rules, printing the House and Senate Journals, and special session expenses.

The bill required each unit of a conversion condominium to have a separate heating plant. Senate "B" limited the bill's effect to the period between its effective date and April 1, 1980. A member moved to suspend the rules for immediate consideration. The motion was adopted. The member moved the adoption of Senate "B" in concurrence with the Senate. In response to a question, the member stated that the motive behind the bill was to slow the pace of condominium conversion rather than to promote energy conservation. A second member raised a point of order, based on the member's statement, that the amendment was not germane to the subject of the special session.

The speaker ruled the amendment was germane. The germaneness of a measure must be judged by its text rather than by its motivation as expressed by a proponent during debate [*Mason* 402 (7)]. The bill was proper based on the assumption that separate heating units tend to encourage conservation. The rules allowed matters relating to energy conservation. The speaker also noted that if the bill had placed an explicit moratorium on condominium conversions, it would have been out of order.

Abate, November 16, 1979.

518. SPECIAL SESSION CALL, BILL GERMANE TO

The special session rules limited business to bills appropriating funds to supplement emergency fuel assistance programs; helping small fuel dealers meet the added cost of supplies and credits; increasing the energy conservation loan fund authorization; providing that elderly citizens receiving emergency energy assistance not be precluded from receiving

tax relief; permitting the Department of Consumer Protection to evaluate energy-related products; allowing trucks to carry up to the federal weight limit; helping municipalities and tenants address fuel shutoff and residential building abandonment problems; assisting municipalities in developing programs to preserve their building stock and to promote energy conservation; and authorizing municipalities affected by the 1979 tornado to modify property tax assessments. The only resolutions allowed were those approving or rejecting collective bargaining agreements and those pertaining to the special session rules, printing the House and Senate Journals, and special session expenses.

The bill allowed housing authorities to charge a sliding scale of rents based on income in moderate rental housing projects.

The bill was ruled germane.

Coatsworth, November 15, 1979.

519. SUBSTITUTE BILL FINANCE COMMITTEE JURISDICTION

A bill raised by the Public Safety Committee regulated and licensed sellers of out-of-state lottery tickets. The Public Safety Committee gave the bill a favorable change of reference to the Finance, Revenue and Bonding Committee. The Finance Committee substituted a different bill that prohibited the sale of out-of-state lottery tickets outright and imposed a criminal penalty for such sales. Finance reported the substitute bill to Judiciary, which gave it a favorable report to the House floor. When the substitute bill was called, a member raised a point of order that the bill was not properly before the House because the Finance Committee exceeded its jurisdiction in substituting an entirely new bill for Public Safety's original version. Under JR 3a(4), the Finance Committee's jurisdiction over bills referred from other committees is limited to their financial provisions and does not extend to unrelated substantive provision.

The deputy speaker ruled the point not well taken. Because both licensing and banning out-of-state lottery ticket sales affect state revenues, the Finance Committee did not exceed its authority in substituting the latter for the former.

The member appealed the ruling. After debate, the appeal failed on a roll call vote.

Polinsky, June 1, 1991.

520. SUSPEND THE RULES—ROLL CALL VOTE

A member asked that the rules be suspended to reconsider a Senate amendment just adopted. The deputy speaker asked for a voice vote on the motion and, after the vote, ruled that the motion failed. A member rose to a point of order that, since suspension of the rules requires a two-thirds vote, the only way to tell if the motion is defeated is to have a roll call vote.

The deputy speaker ruled the point not well taken and that a motion to suspend the rules does not always require a roll call vote. It was obvious from the voice vote that the motion to suspend had nowhere near 50% support, never mind two-thirds. Furthermore, no roll call vote had been requested.

Pudlin, June 3, 1995.

521. SUSPEND THE RULES—BILL NOT DOUBLE-STARRED

On the last day of the session, a member moved adoption of a Senate bill on the calendar. Another member raised a point of order that the House had to suspend the rules to take the matter up because the item had not been on the calendar for three session days.

The speaker ruled the point well taken.

The rules were suspended and the bill was called and passed.

Ritter, May 4, 1994.

522. SUSPEND THE RULES, MOTION NOT DEBATABLE

A member moved that the rules be suspended for immediate reconsideration of a bill. Two members discussed the motion.

The speaker ruled that a motion to suspend the rules was not debatable [*Mason* 283 (6)].

Alcorn, 1941.

523. SUSPEND THE RULES FOR BILL NOT IN CLERK'S POSSESSION

A member moved to suspend the rules to pass an unfavorable report which had been tabled for the calendar and printing.

The speaker ruled the bill was not in the House's possession but in the possession of the printer. Until the bill had been returned to the House, it could not be acted upon.

Alcorn, 1941.

524. UNFAVORABLE REPORT, MOTION TO OVERTURN

The bill received an unfavorable report from the Appropriations Committee. A member moved to reject the committee's report and pass the bill. Another member raised a point of order that the two motions must be separate.

The deputy speaker ruled the point well taken.

Belden, June 4, 1985.

525. UNFAVORABLE REPORT, MOTION TO OVERTURN

The bill received an unfavorable report from the Judiciary Committee. A member moved to reject the unfavorable report and pass the bill in concurrence with the Senate. A member raised a point of order that the two motions must be separate.

The speaker ruled the point well taken.

Van Norstrand, June 4, 1985.

526. VOTE—RECOUNT

Before the result of a rising vote was announced, a member moved that the vote be retaken as some members present had not voted. Another member raised a point of order that a motion to retake the vote was not in order.

The speaker ruled the point not well taken and ordered the rising vote taken again.

March, 1945.

527. VOTE REQUIRED—SPENDING CAP BILL AND AMENDMENTS SPEAKER HAS SOLE AUTHORITY TO CALL BILLS DIVIDE THE QUESTION, MOTION TO, NOT DEBATABLE APPEALS, TIMELINESS OF QUESTIONS NOT ALLOWED DURING DEBATE ON APPEALS

Article 28 of the State Constitution placed a limit on annual state spending and required the General Assembly to define certain terms by statute. It also required a three-fifths vote of the members of each house to enact or amend the definitions. The bill repealed the statutory spending cap and substituted the wording found in the constitutional spending cap. A member moved that the bill be passed temporarily to await arrival of an amendment. Another member asked for a ruling on whether a simple majority or a three-fifths vote was required to adopt an amendment to the bill.

The speaker ruled that a simple majority was required to adopt an amendment.

The member then asked what vote would be required to approve the amended bill.

The speaker ruled that the amended bill could be passed by the House and sent to the Senate by a majority vote. In making the ruling, the speaker distinguished between passing a bill, which under the House rules requires a majority vote, and amending the spending cap, which requires a three-fifths vote. Although the constitution requires spending cap definitions to be adopted by a super-majority, the House has the authority to consider and pass a bill on the same subject. The bill under consideration was reported out of the Appropriations Committee and was properly before the House. The House may pass the bill by a majority vote and send it to the Senate. If the Senate also passed it and the governor signed it, it would become a law. Once it was law, there may be a separate determination by a court on whether the law effectively implements the constitutional spending cap.

In making his ruling, the speaker cited a 1993 Senate precedent in which a spending cap bill passed the Senate by a majority but by less than a three-fifths vote. In that case, the Senate president ruled that the bill had passed and that it could be sent to the House. That bill was transmitted to the House and placed on the House calendar.

The minority leader called the bill.

The speaker ruled the minority leader out of order on two grounds: (1) the bill had already been called, and (2) House precedent dictates that only the speaker may call bills.

After more brief discussion, the bill was passed temporarily. Later in the evening, it was recalled. A member called House amendment "A." House "A" had five sections as follows: section 1 adopted definitions as required by Article 28, section 2 set out a procedure for midterm adjustments of the spending cap to correspond with the new two-year budget process, section 3 established a capital budget commission, section 4 repealed the existing statutory spending cap, and section 5 was the effective date.

The minority leader asked what vote was needed to pass a bill or amendment to implement the constitutional spending cap.

The speaker reiterated his earlier ruling that a simple majority was required to pass a bill in the House. But he also stated that he was not authorized to rule on whether such a bill could legally implement the spending cap. That was a separate determination of constitutional law that would likely be made by the courts.

In response to further questions, the speaker stated that a three-fifths vote of the entire House (91 votes) was required to implement the constitutional provision.

A member asked whether the House would commit an illegal act by passing the bill under consideration by fewer than 91 votes, given the rule that legislative actions that conflict with the state constitution are prohibited *[Mason,* Sec. 517].

The speaker stated that, in his opinion, such an action would not be illegal.

A member asked whether passing the bill by fewer that 91 votes would be ineffective.

The speaker reiterated his opinion that such a decision was for a court to make if the bill became law and were later challenged. He said that the determination was beyond his authority.

After further debate on House "A," the minority leader moved to divide the question to separate those parts of the amendment that he believed were subject to the three-fifths voting requirement (sections 1 and 4) from those that could be passed by a simple majority (sections 2, 3, and 5). He asked to debate his motion. The majority leader raised a point of order that a motion to divide the question was not debatable.

The speaker ruled the motion was not debatable but, as a courtesy, allowed the minority leader to explain the rationale for his motion.

On a roll call vote, the motion to divide failed. After more debate, the minority leader asked when it would be timely for him to appeal the speaker's ruling concerning the number of votes required to pass the bill.

The speaker said that the appeal would be in order any time before the vote on the bill was taken.

The minority leader raised a point of order that the bill required a three-fifths majority to pass the House, based on the constitutional requirement and the rule that legislative rules do not take precedence over conflicting constitutional provisions [State Constitution, Art. XXVIII; *Mason,* 6 and 21].

The speaker ruled the point not well taken based on his previously stated opinion that the measure before the House was a bill and bills may be passed by a simple majority.

The ruling was appealed. During debate on the appeal, a member rose to ask the minority leader a question. The minority leader raised a point of order that questions were improper debate since each member could speak only once on an appeal.

The speaker ruled the point well taken.

After extended debate, the appeal was rejected on a roll call vote.

After more debate, there was a roll call vote on the bill. The vote on the bill was 82 yeas and 64 nays.

The speaker ruled the bill passed.

The minority leader raised a point of order that the speaker's ruling was improper since the bill had not received at least 91 favorable votes. According to the rules, a bill subject to a super-majority requirement cannot be said to pass unless the super-majority is attained. [*Mason*, Sec. 511].

The speaker ruled the point not well taken, reiterating his earlier reasoning.

The ruling was appealed and, after debate, was sustained on a roll call vote.

Ritter, April 29, 1994.

528. VOTING

The resolution asked Congress to create an equitable ticket system for commuters using Amtrak rail service. The resolution was amended by House "A." A member introduced House "B" to ask Congress to oppose elimination of federal funding for Amtrak and to continue federal funding at least at current levels. The deputy speaker called for a voice vote.

After the voice vote was taken, but before the deputy speaker announced the result, the introducer of House "B" asked for a roll call. The required 20% of the members approved the motion for a roll call. The introducer of House "B" resumed her remarks on why the amendment should be adopted. Another member raised a point of order that further debate was out of order because a roll call was pending and because the House had already taken a voice vote.

The deputy speaker ruled the point not well taken. He said the member had asked for a roll call vote and he had announced that one would be ordered at the appropriate time. It was in order for a member to ask for recognition again and continue debate.

On the next session day, the deputy speaker reversed his initial ruling, saying he should have ruled the point well taken. He said the House was in the midst of voting and he should not have allowed further debate. He believed, however, that his error had had no effect on the vote's outcome.

Belden, May 2 and May 7, 1985.

529. VOTING AFTER ROLL IS READ

During a special session held in temporary quarters, all roll call votes were taken by calling each member's name because there was no electronic voting machine. After all the names had been read, a member sought recognition and voted "no." The speaker asked that her vote be recorded. A member raised a point of order that the late vote should be disallowed because the speaker had announced earlier that the roll would be called only once and then a tally would be taken.

The speaker ruled the point not well taken. Although he had made that announcement, HR 41 allowed members to vote until the speaker asked the clerk to

announce the tally. That rule had not been changed to reflect the temporary absence of the electronic roll call machine.

Van Norstrand, May 21, 1986.

530. VOTING AFTER SPEAKER ASKS FOR TALLY

The House took a roll call vote on an amendment. The deputy speaker closed the roll call machine and asked the clerk to take a tally. Before he asked the clerk to announce the tally, a member was recognized and changed his vote. The deputy speaker again asked the clerk to take a tally. Another member asked to change her vote. A third member raised a point of order that the second member was not standing seeking recognition when the deputy speaker asked for the tally and thus, she was too late to change her vote. The member said she had the microphone in her hand and was rising to her feet.

The deputy speaker ruled the point well taken. Although the member had the microphone in her hand, she was not standing when he asked for the tally. In order to be recognized to change a vote after the machine is locked, a member must be standing before the tally is called for.

Coleman, May 12, 1993.

531. VOTING AFTER SPEAKER ASKS FOR A TALLY

The House voted on the amended bill by roll. The speaker asked for the tally. The clerk began to announce the tally but the speaker interrupted him to recognize two members to allow them to vote. A member raised a point of order that members should not be allowed to vote once the speaker asks for the tally.

The speaker ruled the point well taken.

Stolberg, April 28, 1988.

532. VOTING AFTER TALLY ANNOUNCED

The bill passed on a roll call vote and the speaker asked for the tally. A member raised a point of order that another member had pressed the voting button but his vote had not been recorded.

The speaker ruled that the member could not vote after the result had been announced. If a member's machine malfunctioned, it was up to him to seek recognition before the result is announced. The rules state that no one may vote after the speaker has asked for a tally.

Van Norstrand, April 2, 1986.

533. VOTING BY DIVISION OF THE HOUSE

The bill concerned the establishment of a Department of Housing. Several Senate amendments were adopted. The proponent then moved House amendment "A." After discussion, a roll call was moved.

The deputy speaker ruled that 20% of the members had not responded favorably to the motion for a roll call and the vote on the amendment would, therefore, be taken by voice.

Further debate on House "A" ensued.

The deputy speaker called for a voice vote and expressed doubt as to the result.

The minority leader moved a division of the House.

The deputy speaker ordered the division and appointed tellers.

Coatsworth, May 25, 1979.

534. VOTING BY DIVISION OF THE HOUSE ROLL CALL VOTE

A member asked for a roll call vote on an amendment.

After a voice vote, the speaker ruled that an insufficient number had responded to order a roll call.

A member moved for a division of the House, withdrew the motion, and then sought to reinstitute the request for a division.

The speaker disallowed reinstitution of the request.

Another member requested a roll call.

The speaker ruled the member out of order. On his own initiative, he ordered a vote by division of the House.

Kennelly, 1978.

535. VOTING—CONSTITUTIONAL AMENDMENTS

The joint resolution proposed to amend the state constitution. A member moved to reject the resolution. On a roll call vote, this motion was defeated; that is, a majority voted "no." The deputy speaker ruled that the resolution was therefore adopted. The next day, a member asked if that vote was sufficient since the state constitution requires that proposed amendments be adopted "upon a roll call by a yea vote of at least a majority. . .of the total membership of each House. . ." [Article XII]. She also cited *Mason* 530 (f) which states that where the constitution specifies that a vote by ayes and noes, "this provision is imperative and must be strictly followed." She asked if another roll call vote on the question, stated in the positive, would be in order.

The speaker ruled another vote was unnecessary. Although the question put to the chamber was cast in the negative, the resulting vote was still on the subject of the resolution. A "no" vote was actually a vote to adopt the resolution. The situation was clearly understood by the members and thus each "no" vote was "tantamount" to the "yea" vote required by Article XII. The speaker also cited *Mason* 144(3) to the effect that the "essential element of a motion consists of the proposal actually made and not of the precise words used." The section of *Mason* cited by the member in her inquiry is meant to address a situation where a motion is made to dispense entirely with a roll call on a constitutional amendment. Such a motion would be out of order, but that situation did not arise here.

Abate, May 27, 1981.

536. VOTING—CONSTITUTIONAL AMENDMENTS, UNFAVORABLE REPORTS ON

A member asked whether a vote on consideration of an unfavorable report of a committee on a constitutional amendment had to be taken by roll as required by the constitution for such amendments.

The speaker ruled the motion did not fall within the constitutional mandate.

Kennelly, 1975.

537. VOTING, MEMBER LEAVES CHAMBER TO AVOID

The bill added to the factors that arbitrators must consider under the Municipal Employees Relations Act. An amendment (House "A") proposed to require arbitrators to consider wages as well as salaries, and to consider only conditions prevailing in the immediate area or labor market instead of throughout the state. There was considerable debate on House "A."

The deputy speaker called for a roll call vote. The roll call machine malfunctioned. The deputy speaker asked members to stay in the chamber and opened the machine again. A member raised a point of order that another member had deliberately left the chamber to avoid voting on House "A." He had voted, cancelled his vote, conferred with his leaders, and left the chamber before the machine was reopened. Such an action was contrary to all House precedent.

The deputy speaker ruled the point well taken. He noted that the member in question had just returned to the chamber to vote and he held the machine open to allow him to do so.

The amendment was adopted by two votes.

Belden, March 19, 1985.

538. VOTING, METHOD OF—CLAIMS AGAINST THE STATE

The resolution adopted the recommendation of the claims commissioner that no compensation be paid in the case of a prison inmate injured by a forklift driven by another inmate. On a voice vote, the resolution was adopted. A member raised a point of order that claims commissioner recommendations were traditionally decided by roll call votes.

The deputy speaker ruled that, although no roll call vote was required on claims resolutions, because in this case a lawsuit was possible, he would order one.

Coleman, March 24, 1993.

539. VOTING–MOTION TO REJECT UNFAVORABLE REPORT

The Senate bill concerned health insurance coverage for prescription birth control. The Insurance and Real Estate Committee's report was unfavorable. The Senate rejected the unfavorable report and passed the bill as amended by Senate amendment "A." When the amended bill was called in the House, the sponsor moved to reject the committee's unfavorable report.

The deputy speaker called for a voice vote on the motion and, after the vote, announced that the unfavorable report was rejected.

A member raised a point of order that, because defeat of a motion to reject an unfavorable report could constitute final action on a bill, the vote must be taken by roll call.

The deputy speaker ruled the point well taken and ordered a roll call vote on the motion.

Hartley, April 28, 1998.

540. VOTING; SHERIFF NOMINATION

The resolution confirmed the nomination of Frank Kinney to be New Haven County sheriff. A member raised a point of parliamentary inquiry whether the resolution required a roll call vote.

The deputy speaker ruled that a roll call vote was required.

Hyslop, March 19, 1997.

541. VOTING, NONMEMBERS ON THE FLOOR DURING

The speaker called for a roll call on House "A" and opened the roll call machine. After the vote was tallied, a member raised a point of order that during the vote there were people on the House floor who were not members, contrary to the rules.

The speaker ruled the point well taken. All staff and guests must come to the well of the House during roll call votes.

Van Norstrand, April 3, 1985.

542. VOTING "PRESENT"

During a roll call vote taken without the electronic roll call machine, a member voted "present."

The deputy speaker ruled that the member must seek specific permission from the House to vote "present" and must state his reason for voting in that manner.

The member changed his mind and voted "no."

Belden, June 30, 1986.

543. WITHDRAW AMENDMENT AND OFFER IT LATER ON SAME BILL

A member called House amendment "A," which had not been filed in advance and which substantially revised a tax bill passed by the Senate. The amendment deleted and renumbered several sections. The minority leader moved to pass retain the bill, saying that he had 17 amendments drafted to conform to the line and section numbers of the file as passed by the Senate. These would be rendered nonsense if House "A" passed. He needed time to have his amendments redrafted to conform to House "A."

The majority leader objected to the motion to pass retain and suggested that the proponent of House "A" withdraw that amendment and offer it again after the minority amendments had been offered and debated. This procedure would obviate the need to have

the minority amendments redrafted to correspond to House "A." House "A's" introducer asked the deputy speaker to give his opinion whether, if House "A" were withdrawn, it could be offered later in the same form to the same bill without contravening the rules.

The deputy speaker gave his opinion that an amendment that is withdrawn before the House acts on it can be reintroduced and voted on in the same form later since this would not require the House to reconsider any previous action or to take the same action twice. But since the amendment had already been designated House "A," it would retain that designation even if introduced after other House amendments.

Smoko, May 26, 1989.

544. WITHDRAW DIVIDED QUESTION MOTION TO WITHDRAW NOT DEBATABLE

The amendment (House "B") was called and, after some debate, the majority leader moved to divide the amendment into two parts for voting purposes. The motion to divide the question was adopted on a roll call vote. The minority leader raised a point of parliamentary inquiry, stating that he proposed to withdraw House "B" in its entirety and asking whether, as a result of the passage of the motion to divide, he was required to make separate motions to withdraw each part of the amendment.

The speaker pro tempore ruled that separate motions to withdraw each part of the divided amendment were necessary.

The minority leader moved to withdraw section 2 of House "B." He began to debate the motion.

The speaker pro tempore ruled that, although a motion to withdraw is not debatable, it was permissible for the minority leader to clarify what part of the amendment his motion pertained to.

Another member objected to the motion to withdraw.

The speaker pro tempore again stated that the motion was not debatable and that he would order a roll call vote on the motion to withdraw section 2 of the amendment.

On a roll call vote, the motion to withdraw section 2 was defeated. The minority leader then moved to withdraw the entire amendment. A few minutes later, he withdrew that motion. The majority leader moved to pass the bill temporarily and, without objection, it was so ordered.

After intervening business, the bill was taken up again and a member asked the clerk to recall House "B."

The speaker pro tempore stated that House "B" was before the house, divided into two parts in accordance with previous action.

The majority leader moved to suspend the rules to allow the House to reconsider its earlier vote against allowing the minority leader to withdraw one part of House "B." The motion to suspend the rules to allow early reconsideration was agreed to without objection. The majority leader, being on the prevailing side, moved to reconsider the vote on the motion to withdraw. Without objection, the motion to reconsider was adopted. The minority leader then moved to withdraw the first part of the divided amendment. Without

objection, that part was withdrawn. The minority leader then moved to withdraw the other part of the divided amendment.

The speaker ruled that, since part two of the amendment had not been acted on, there was no need to move reconsideration before acting on this motion.

The motion to withdraw the second part of House "B" was adopted without objection.

Pudlin and Ritter, April 24, 1996.

545. WITHDRAW MOTION

A member moved to adopt a committee's joint favorable report on a bill. Later, he asked to withdraw his motion.

The speaker allowed him to withdraw the motion.

A member raised a point of order that a request to withdraw a motion is debatable and requires consent of the body [*Mason* 273].

The speaker ruled that since the motion had neither been stated by the speaker nor read by the clerk, it was not technically in the House's possession. Therefore, under HR 25, it could be withdrawn by the mover at any time without debate, so long as no decision on or amendments to it had been made.

Abate, April 20, 1981.

546. WITHDRAW PREVIOUSLY ADOPTED AMENDMENT

The bill as amended by House Amendment "B" was called and the chairman moved passage. House "B" was called and the sponsor moved to reconsider it. The motion was adopted without objection. The amendment was then recalled and the sponsor moved to withdraw the amendment. Without objection, House "B" was withdrawn. The chairman called another amendment, which was designated House "C." A member raised a point of parliamentary inquiry as to whether House "B," after having been adopted by a vote of the House, could be withdrawn without another vote.

The deputy speaker stated that since House "B" was withdrawn without objection, House "C" was properly before the House.

The member raised a point of order that any motion that has been passed by a vote of the House must, if reconsidered, be voted on again. It may not simply be withdrawn.

The deputy speaker ruled the point not well taken. When the motion to reconsider House "B" was adopted "without objection," it was the same as if the House had voted unanimously for the motion, since any member who was opposed could have objected. The adoption of the motion essentially canceled the earlier vote to adopt House "B." It was as if it had never taken place. Any motion that would have been proper before House "B" was originally voted on was once again in order. Thus, the motion to withdraw was proper now since it would have been in order then.

Hyslop, May 8, 1996.

547. YIELDING THE FLOOR—USE TO DELAY ACTION

The state Constitution requires the General Assembly to adjourn its annual session at midnight. With less than one hour to go, a member, during debate on a bill, yielded the floor to other members and then reclaimed it each time to continue speaking in opposition to the bill. Another member raised a point of order that it was not proper procedure for one member to control the debate and the order of debate from the floor through yields to other members. Under the rules, when a member yields the floor, he retains his claim to it "as a matter of courtesy and not of right." [*Mason* 95(1)]. When a member's clear intention was to delay action until time ran out and the bill was lost, he had no right to hold the floor in this way.

The speaker agreed that the member had stated the rule correctly but in this case, the member had yielded to another member according to the rules and the speaker had recognized that member, who now had the floor. This procedure followed usual House practice, which allows one member to yield the floor to others and resume possession when those others finish speaking.

Balducci, May 9, 1990.

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