



OLR RESEARCH REPORT

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2011 HOUSE RULINGS

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For your information and use in the 2012 session, we enclose summaries of the House Rulings for the 2011 regular and special sessions. These summaries will be included in the House Precedents section of the 2013 edition of Rules and Precedents of the General Assembly. They will also be searchable on-line from the General Assembly's "Legislative Documents" link.

AMENDMENTS NOT GERMANE

The bill prohibited employers from requiring employees to attend meetings primarily about the employer's position on religious and political matters. House "A" sought to allow employers to call employees into a meeting to discuss the impact of the business entity tax on their particular businesses and also repealed the tax. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point of order well taken, stating that the amendment dealt with taxation and permitting employers to express their opinion concerning the impact of state business taxes on employment decisions. While both the bill and the amendment dealt with businesses, the connection was merely technical and convenient and did not satisfy the substance necessary for germaneness (Mason's 402(2), 402(3)).

A member appealed the ruling, noting that the amendment was relevant because the bill dealt with the relationship between a business and its employees and certain things that they would be allowed in the normal course of business to discuss that would not be considered political or religious, as the bill defined them. Another member responded that, while allowing employers to discuss the business entity tax was arguably germane, completely eliminating a particular tax on businesses affected the budget and therefore was not germane to the subject of captive audience meetings by employers.

The deputy speaker's ruling was sustained on roll call vote.

Altobello, May 11, 2011

House "B" allowed employers who currently collect dues on behalf of unions to recoup administrative costs by charging a service fee for collecting those dues. It also prohibited an employer from requiring employees to attend a meeting communicating the employer's opinion on the same subject. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point of order was well taken. He noted that the underlying bill dealt with captive audience meetings. The amendment permitted employers to express their opinions concerning the employer's ability to collect administrative fees and permitted employers to deduct an administrative fee from any union dues it collects. The connection between the amendment and the underlying bill was merely technical and convenient. The underlying bill did not concern union dues and therefore the amendment did not sufficiently relate to the substance of the bill (Mason's 402(2)).

A member appealed the ruling, noting that the previous ruling on House "A" stated that the bill dealt with labor law, not business taxes. The member argued the amendment was relevant because it dealt with labor law, specifically, relations between labor and management in regard to the collection of the fees. Another member stated that House "A" and the current amendment were bridge amendments, which precedent states are not allowed.

The deputy speaker's ruling was sustained on roll call vote.

Ryan, May 11, 2011

House "D" required the General Assembly to vote either in the affirmative or the negative on any state collective bargaining agreement and arbitration award within 30 days. A member raised a point of order that the amendment was not germane.

The deputy speaker ruled the point well taken. He noted that the amendment dealt with a subject, the manner in which the General Assembly approves collective bargaining agreements, which was not touched on in the underlying bill about captive audience meetings. Therefore, the amendment was not relevant, appropriate, and natural in logical sequence to subject matter of the original proposal (Mason's 402(2)).

A member appealed the ruling. He stated that collective bargaining was integral to the underlying bill and cited legislation from two years earlier in which a similar bill was contemplated and a similar amendment was proposed. In that instance, the Senate allowed debate on the amendment. Another member stated that the amendment was so far afield from the underlying bill that there was no real argument and that an amendment is not germane just because both it and the bill have to do with the word "labor."

The deputy speaker's ruling was upheld on a roll call vote.

Ryan, May 11, 2011

MR,HD:km