

2019 REGULAR SESSION • HOUSE

SECTION 2 -- AMENDMENTS

2-2. AMEND A CONSTITUTIONAL AMENDMENT

2-2.3 RESOLUTION ORDERING NEW HOUSE ELECTION NOT GERMANE TO RESOLUTION AMENDING STATE CONSTITUTION TO ALLOW NO-EXCUSE EARLY VOTING

The resolution, as amended by House amendment "A," amended the state constitution to allow in-person early voting. A member offered House amendment "B," which added provisions to the resolution, requiring that a new election be held for the office of state representative in the town of Stratford, for which a committee on contested elections was appointed and no further action was taken by the House.

The majority leader raised a point of order that House "B" was not germane to the underlying bill.

The deputy speaker ruled the point well taken.

The member appealed the ruling, and a second member requested a basis for the ruling that the amendment is not germane.

The deputy speaker stated that to determine whether an amendment is germane, *Mason* 402 requires that it be relevant, appropriate and in a natural and logical sequence to the subject matter of the original proposal and any subsequent amendments. The underlying resolution allowing no-excuse absentee voting is not germane to the ordering of a new election in the 120th Assembly district.

Speaking in favor of the appeal of the ruling, the second member noted *Mason* says that the amendment need only be related to the same subject: the subject in the constitutional amendment is related to voting and House "B" would open the door to people in Stratford being allowed to have the opportunity to vote.

Opposing the appeal, the majority leader stated that the underlying resolution amends the state constitution while House "B" does not. Further, another section of the state constitution deals with the scenario of the legislature empaneling a commission and deciding who to seat in the House. Finally, House "B" would amend a joint resolution awaiting further Senate action with something wholly prescribed under the state constitution for House jurisdiction.

The first member reiterated that under *Mason*, it is merely the subject matter that needs to relate back to the original bill. He stated that the underlying resolution is not an amendment to the state constitution but rather a resolution to the voters; the document being amended to it is likewise a resolution to a specific group of voters, those in the 120th Assembly district that were potentially disenfranchised by a vote. He stated that while, under *Mason*, bills cannot be amended with resolutions, a resolution can be amended with a resolution.

The majority leader stated that he still stands by his earlier argument that the amendment is not germane. Another member noted that for an appeal of a ruling of the chair, individual members are allowed to speak once and that the majority leader had now spoken three times.

The deputy speaker ruled the point well-taken.

A third member spoke in support of the appeal of the ruling, noting the resolution before the body is about doing whatever the legislature can do to ensure that voters are enfranchised and given the opportunity to vote.

The speaker ruled the third member to be speaking on the merits of what House "B" seeks to do rather than the appeal of the chair, and ruled the third member out of order.

On a roll call vote, the ruling of the chair was sustained. *Candelaria, Aresimowicz, April 24, 2019.*

SECTION 2 -- AMENDMENTS

2-5. AMENDMENT FOUND GERMANE

2-5A.88 PUBLIC SCHOOL CURRICULUM CONTENT

The bill required Puerto Rican and Latino studies to be included in the public school curriculum. House amendment "A" was a strike-all amendment that required the teaching of climate change consistent with the Next Generation's Science Standards. A member raised a point of order questioning the amendment's germaneness.

The majority leader disagreed and stated that the bill deals with the inclusion of certain studies in the public school curriculum and the amendment, while a different topic, was the same underlying concept.

The deputy speaker ruled the point of order not well taken. To determine whether an amendment is germane, *Mason 402* requires that it be relevant, appropriate and in a natural and logical sequence to the subject matter of the original proposal and any subsequent amendments. The underlying bill proposes a change to standards for what is being taught in public schools under Connecticut General Statute 10-16b. The strike-all amendment replaces this change with another change to the same standards in the same section of the statutes. *Rosario, May 28, 2019.*

2019 REGULAR SESSION • SENATE

SECTION 19 -- POINT OF ORDER

19-1.6 POINT OF ORDER CONCERNING CONSTITUTIONAL QUESTION

The bill was the biennial state budget. The Senate minority leader raised a point of order that the budget bill was not properly before the body as it was out of balance. Specifically, he noted that the budget included hundreds of millions of dollars in savings to be achieved through a SEBAC agreement to refinance state pensions, an agreement that had not been agreed to or negotiated yet. He stated that if there was no deal, there cannot be a savings and without the savings, the budget is out of balance.

The president pro tempore stated while he believed the budget to be in fact balanced, the requirement that the budget be balanced is a constitutional one contained in Article 18 of the Amendments to the state constitution and *Mason* 242 clearly states that a constitutional requirement cannot be resolved through a point of order.

The president ruled the point of order not well taken. It is not the duty of the presiding officer to rule upon the constitutionality of legislation. *Bysiewicz, June 4, 2019.*