

31-2C. RULES FOR SPECIAL SESSION

31-2C.1 AMENDMENTS AMENDING REGULAR SESSION JOINT RULES NOT GERMANE TO SPECIAL SESSION JOINT RULES

The majority leader moved adoption of the resolution adopting joint rules for the December special session. A member called House amendment "A," which changed Joint Rule 31(7) of the 2015-2016 regular sessions regarding collective bargaining agreements to require, rather than permit, the General Assembly, if in regular session, to vote to approve or reject an arbitration award, collective bargaining agreement or supplemental understanding, and to deem a non-vote by the General Assembly a rejection rather than an approval. The member requested a roll call vote.

The majority leader raised a point of order that the amendment was not germane, stating it sought to amend the joint rules of the regular session during special session.

The speaker ruled the point well taken. The underlying resolution does not have a proposal regarding the rules of the regular session; the amendment is not germane and was out of order.

The member appealed the ruling of the chair and requested a roll call vote on the appeal. The speaker explained that members are allowed to speak once and only once on the ruling of the chair and only on the subject of the ruling. The member stated the legislature is still under the rules of the larger session, that the body is there under the two-year session rules, and that if the body wants to do this amendment, it can. Another member asked the speaker to clarify what a "yes" and "no" vote mean in the context of an appeal. The speaker stated that a "yes" vote supports the appeal of the ruling of the chair; a "no" vote rejects the appeal of the ruling.

On a roll call vote, the speaker's ruling was sustained.

A member called House amendment "B," which added Joint Rules 36 and 37 to the joint rules of the 2015-2016 regular sessions, establishing a Bi-partisan Commission on the Constitutional Spending Cap to define "increase in personal income," "increase in inflation," and "general budget expenditures," and prohibiting the General Assembly from enacting legislation or adopting resolutions during the remainder of the 2016 session unless such definitions are enacted into law by vote of at least three-fifths of the members of each chamber. The member requested a roll call vote.

The majority leader raised a point of order that the amendment was not germane as it sought to amend the joint rules of the regular session during special session.

The speaker ruled it is not appropriate to amend the rules of the regular session in a special session and the amendment was not in order.

The member appealed the ruling of the chair, stating that the General Assembly has sweeping, plenary powers restricted only by the state constitution, and that the rules before the body are themselves amendments to the rules of the regular session. The majority leader stated that amending the rules for regular session while trying to adopt the rules for special session is what causes the amendment to be not germane.

On a roll call vote, the speaker's ruling was sustained. *Sharkey, December 8, 2015.*