VERMONT HOUSE OF REPRESENTATIVES

Book of Precedents

OFFICE OF CLERK OF THE HOUSE

2026

HOUSE OF REPRESENTATIVES
VERMONT GENERAL ASSEMBLY

BetsyAnn Wrask, Clerk of the House
Last updated 8/25/2026

PREFACE

This Book of Precedents provides recent rulings on points of order in the Vermont House of Representatives and any appeals therefrom. A "point of order" is the parliamentary device used to require a legislative body to observe its own rules and to follow established parliamentary practice.[1] Any member who notices a breach of order or of a rule has a right to raise a point of order to insist upon its enforcement.[2] A point of order must be raised before the irregularity or occasion for raising the point of order has passed and when the particular proposal is pending.[3] When a point of order is raised, a member being called to order yields the floor, and the point of order is decided by the Speaker without debate.[4] The Speaker's decision on a point of order is final, unless a member immediately appeals and the appeal is sustained by a vote of the members present.[5,6] An appeal is debatable,[7] because appeals determine questions that are equivalent to making rules governing future procedure.[8]

Rulings on points of order establish precedent for the chamber's governance in every case thereafter of a similar character.[9] While adopted rules supersede the chamber's precedents,[10] a point of order can help to interpret existing rules. Over time, a succession of precedents is accumulated and become binding on the chamber in a manner similar to judicial decisions.[11]

Due to the precedential value of decisions on points of order, the House Clerk's Office records them in the House Journal,[12] and this Book of Precedents is derived from those Journal entries.[13] The practice of the current Clerk's

---

[1] *Mason's* Sec. 230-1.
[2] *Mason's* Sec. 230-2.
[3] *Mason's* Sec. 231-1 and -5.
[4] House Rule 12.
[5] House Rules 12 and 15.
[6] In order to appeal, a member should rise to address the Speaker and, without waiting to be recognized, say, "I appeal from the ruling of the Speaker." Thereafter, the Speaker would state the ruling to be appealed from, may state the reasons for the ruling, and state the question to be voted on as: *Shall the ruling of the Speaker stand as the judgment of the House?* *Mason's* Sec. 241. A tie vote sustains the Speaker's ruling, since a majority is required to overrule the Speaker's ruling, and when a member of the House, the Speaker may vote to sustain the Speaker's own ruling on appeal. *Mason's* Sec. 244.
[7] *Mason's* Sec. 242-2.
[8] *Mason's* Sec. 81-3(a).
[9] *Mason's* Sec. 39-1.
[10] *Mason's* Sec. 4-2.
[11] *Mason's* Sec. 39-1 and -2.
[12] Note, however, that the Office generally does not journalize points of order that regulate member conduct, such as points of order regarding the number of times a member has spoken on a question, a question in interrogation already answered, or the germaneness of debate and interrogation.
[13] Note also that while points of order are journalized, this document does not include journalized points of order that did not result in a ruling—such as when the House grants leave for a Rep. to

Office is to provide in the Journal the rationale for the Speaker's rulings on points of order, in order to help explain the precedent. For prior points of order that do not have a journalized rationale, this document describes the legislation subject to the point of order for this purpose.

As shown in the Table of Contents that follows, the beginning of this document is arranged alphabetically by the bases for points of order (ie., the rules upon which a point of order is based), and under each basis, the legislation subject to the point of order is arranged in reverse chronological order by legislation number. It is in this portion that information regarding the rationale for the point of order is provided, along with other details that may be of interest.[14]

The end of this document provides a list of points of order by year in reverse chronological order (they are listed in the Table of Contents by biennium), orders the legislation thereunder by number along with a summary of each point of order and ruling, and references the basis for each point of order.

If the title of legislation changed during the legislative process relating to the point of order, that title change is noted by a ">" that shows the original title preceding that symbol, and its amended title thereafter.[15]

In the electronic version of this document,[16] the entries in the Table of Contents are clickable, taking the reader directly to the desired selection. In the beginning of this document, the entries by basis provide available hyperlinks to the applicable legislation webpages and to the Journal entries for each point of order.[17] And at the end of this document in the points of order by year, the hyperlinked bases for points of order take the reader to the specific entry recorded in the beginning of this document.

The Clerk's Office will continue to update this Book of Precedents after future rulings occur and as research of prior precedents continues. We hope this document provides the Vermont House of Representatives with a handy reference document of House precedents that can be a resource for future questions of rule enforcement.

---

withdraw a point of order or an amendment subject thereto, pending a ruling thereon—because precedent is not created without a ruling.

[14] Throughout, points of order are also referred to as an "objection."

[15] The originating chamber may amend a bill title upon passage at third reading or a resolution title upon chamber adoption, and thereafter the title of legislation may be amended upon concurrence in the final version by both chambers.

[16] Accessed via the Vermont General Assembly homepage > House > Clerk of the House > Vermont House Procedural Resources.

[17] The Journal page numbers refer to the official, annual hardbound Journal, but daily Journal page numbers are also provided, for those daily page numbers available online (beginning in 2009).

TABLE OF CONTENTS

ADJOURNMENT *SINE DIE* **26**

2004, J.R.S.67—Final adjournment of the General Assembly in 2004. Objection that the General Assembly's final adjournment resolution for the biennium—which provided a contingent final (*sine die*) adjournment, by adjourning the chambers on May 20th until June 16th at 10:00 a.m. if the Governor vetoed a bill after their adjournment, or adjourning them *sine die* if the Governor did not veto a bill—violated *Mason's* Sec. 445, ruled not well-taken. 26

AMENDMENT TO THIRD DEGREE **27**

2019, S.73—Licensure of ambulatory surgical centers. Objection to a *Senate proposal of amendment to House proposal of amendment to Senate proposal of amendment to House proposal of amendment* as an impermissible amendment to the third degree, ruled well-taken.*..... 27

CALENDAR APPEARANCE **28**

2014, H.552—Raising the Vermont minimum wage. Objection during consideration of a Senate proposal of amendment that its correct version had not appeared in the Calendar, ruled well-taken. 28

2012, H.753—Encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures. Objection during consideration of Senate proposal of amendment that one of its sections had not appeared in the Calendar, ruled well-taken. 28

COMMITTEES OF CONFERENCE **29**

MEMBERSHIP *29*

2011, H.202—Universal and unified health system. Objection that Committee of Conference members appointed by the Speaker did not include a member of the opposition in violation of *Mason's* Sec. 769-5, ruled not well-taken. **Appeal;** sustained. 29

REPORT CONTENTS *29*

2025, H.454—Transforming Vermont's education governance, quality, and finance systems. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2, ruled well-taken as beyond those differences of opinion. 29

2012, H.558—Budget Adjustment Act. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2, ruled not well-taken, as "the subject matter in question was in the House and Senate versions of the bill." 30

2008, H.888—Miscellaneous tax amendments. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2 by its inclusion of Sec. 45's education property tax exemption for skating rinks used for public schools, ruled not well-taken, "in that there are several tax exemptions in the bill." 30

2007, H.537—Budget. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2 by its inclusion of Secs. 124a–124d, regarding long-range planning for a comprehensive continuum of care for mental health services, ruled not well-taken. 30

2006, S.18—Liability resulting from the use of genetically engineered seeds and plant parts. Objection that committee of conference report violated *Mason's* Sec. 771-2 because its Sec. 3 was outside the areas of disagreement between the two chambers, ruled not well-taken, "in that the House and Senate version[s] deal with liability for genetically engineered seeds and the Conference report is an attempt to resolve those differences." 31

2004, H.767—Capital Bill. Objection that committee of conference report was in violation of *Mason's*, ruled not well-taken. 31

2003, H.464—Budget. Objection that committee of conference report violated *Mason's* Sec. 771-2 because its inclusion of a provider tax was outside the scope of differences between the chambers, ruled not well-taken. 32

CONSTITUTIONALITY 33

2018 Sp. Sess., H.16—Vital records. Objection at consideration of the Senate proposal of amendment on this vital records bill—which was a strike-all containing a proposed FY2019 Budget—that the actions of the Senate were in violation of the Vermont Constitution, ruled not-well taken. 33

2017, H.R.14—Disapproving Executive Order 07-17. Objection to the constitutionality of using this House resolution to disapprove an Executive order that would merge the Department of Liquor Control with the State Lottery Commission, ruled not well-taken. 34

2008, H.889—The State's Transportation Program. Objection to the constitutionality of bill provision requiring the Governor to include an item in the Governor's 2010 Budget proposal, as a violation of separation of powers, ruled not-well taken, "in that it has been long the custom of this House, supported by *Mason's* . . . that the chair does not rule on the constitutionality of amendments."..... 35

2003, S.15—A Juvenile Justice Legislative Oversight Committee > A Juvenile Justice Legislative Oversight Committee and restitution procedures. Objection that a proposal of amendment was unconstitutional in that it increased surcharges on fines, which is a revenue-raising measure and therefore in violation of the Vermont Constitution, ruled not well-taken, "in that we do not decide constitutional questions in this body and even if the surcharges are revenue raising measures, they are originating in the House." 35

CUSTOM AND TRADITION 36

2021, Feb. 16 Devotional. Objection to motion to journalize devotional, ruled not well-taken, based on journalized precedent.* [House Rule 19 later amended to prohibit journalization of devotionals.] 36

2018 Sp. Sess., H.16—Vital records. Objection at consideration of the Senate proposal of amendment on this vital records bill—which was a strike-all containing a proposed FY2019 Budget—that the actions of the Senate were in violation of the customs and practices of the House, ruled not-well taken. **Appeal**; sustained. 36

2017, H.170—Possession and cultivation of marijuana by a person 21 years of age or older. Objection that individual member amendments were taken out of order, ruled not well-taken, as House rules allow the Speaker to determine the order of amendments. 37

EQUALITY OF MEMBERS..... 38

COMMITTEE PROCEDURE..... 38

2005, J.R.H.47—National Guard deployment. Objection that the report of a committee was in violation of *Mason's* Sec. 675-3 in that when the final vote of the committee was taken, some members of the committee did not understand that the vote was to report this resolution adversely, ruled well-taken, and the resolution was ordered returned to that committee..... 38

REMOTE CONNECTIVITY *39*

2021, H.437—Changes that affect the revenue of the State. While the House was operating with remote member participation due to the ongoing COVID-19 pandemic, objection to vote passing the bill, ruled well-taken, based on member concerns that they were unable to vote due to breaks in connectivity 39

GERMANENESS **40**

2026, S.325—Regional planning and Act 250 Tier jurisdiction. Objection to germaneness of amendment regarding the Conserved Land Inventory, ruled well-taken as not germane, because the underlying bill pertains to regional planning and Act 250 Tier jurisdiction, and therefore the amendment deals with a different topic, would introduce an independent question, and would change the scope of the bill. 40

2025, S.50—Increasing the size of solar net metering projects that qualify for expedited registration. Objection to germaneness of amendment that would repeal the Clean Heat Standard, ruled well-taken as not germane, because the underlying bill pertains to expedited registration for certain net-metering systems, and therefore the amendment deals with a different topic and would change the purpose of the bill. 40

2025, S.127—Housing and housing development. Objection to germaneness of amendment that would amend provisions of Act 250, ruled well-taken as not germane, because none of the provisions of the underlying bill proposed amendments to land use regulations, and therefore the amendment dealt with a separate topic of land use regulations and introduced the independent question of amending Act 250 exemptions. 41

2024, H.850—Transitioning education financing to the new system for pupil weighting. Objection to germaneness of amendment that would provide the manner of spending certain Education Fund grants, ruled well-taken as not germane, because the pending committee report and the underlying bill pertained to property tax rates supporting school districts and school district budget votes, and therefore the amendment would expand the subject-matter of the bill. 41

2024, H.880—Increasing access to the judicial system > Increasing access to justice and to corporate taxes and fees. Objection to germaneness of committee report that would create a revenue stream to provide funding for this and another bill, ruled not well-taken as germane, because the revenue stream was inseparable from that other bill. 41

2023, H.89—Civil and criminal procedures concerning legally protected health care activity. Objection to germaneness of amendment that would create a legal right of health care providers and institutions to not participate in health care services that would violate their conscience, ruled well-taken as not germane, because it introduced an independent question and would change the purpose, scope, or object of the bill. 42

2022, H.510—Creating a Vermont child tax credit > A Vermont Child Tax Credit and the Vermont Social Security income exclusion. Objection to germaneness of divided amendment that would provide a refundable tax credit for residents who qualify as a nurse or nursing assistant, ruled well-taken as not germane, because it introduced an independent question and topic and expanded the subject matter of the bill. 42

2022, H.738—Technical and administrative changes to Vermont's tax laws. Objection to germaneness of amendment that would exclude unemployment compensation from gross income in taxable year 2021, ruled well-taken as not germane, because it would change the purpose, scope, or object of the bill. **Appeal**; sustained. 42

2019, H.57—Preserving the right to abortion. Objection to germaneness of amendment that would prohibit the sale of human fetal tissue resulting from an abortion, ruled well-taken as not germane to the bill, because the amendment did not address the right to abortion and instead dealt with the disposition of remains. 43

2019, H.439—The Home Weather Assistance Program. Objection to germaneness of divided amendment's Secs. 1 (adjusting personal income tax rates starting in taxable year 2019) and 2 (amending General Fund revenues to be a specified percentage of income taxes), ruled well-taken as not germane..... 43

2018, H.511—Highway safety > Eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older. Objection to germaneness of amendment that would raise the age of tobacco sales from 18 to 21 years of age, ruled not well-taken as germane to the Senate proposal of amendment. 43

2018, H.928—Pay Act. Objection to germaneness of amendment that would add to Pay Act a section regarding legislative intent to maintain current State employee salaries and other operational costs and expenses until a new Budget is enacted, ruled not-well taken as germane to Senate proposal of amendment. 44

2018, S.55—The disposition of unlawful and abandoned firearms. Objection to germaneness of amendment that would permit the use of gun suppressors by persons taking game, ruled well-taken as not germane, because the amendment related to public health and not firearm safety. 44

2017, S.1—The determination of average daily membership for the 2016-2017 school year and equalized pupil count for fiscal year 2018. Objection to germaneness of amendment that would set a special school budget vote date in 2017, ruled not well-taken as germane, because both the amendment and the underlying bill considered dates for budgeting purposes. 44

2016, H.84—Internet dating services > Consumer protection. Objection to germaneness of amendment that would amend the membership of the Financial Literacy Commission, ruled well-taken as not germane to the underlying bill. 44

2016, H.611—Fiscal year 2016 budget adjustments. Objection to germaneness of amendment that would require the Administration to report on transitioning to a federally-facilitated health care Exchange, along with a description of steps needed to dismantle unnecessary functions of Vermont Health Connect, ruled well-taken as not germane. 45

2016, H.853—Setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes. Objection to germaneness of amendment to 2015, Act 46 (education funding, spending, and governance) that would change the State Board of Education's plan to merge and realign school districts from a requirement to a recommendation, ruled well-taken as not germane.. 45

2016, H.853—Setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes. Objection to germaneness of amendment that would require a JFO report analyzing the fiscal impact of 2013, H.353 (eliminating tax expenditures), ruled well-taken as not germane. 45

2016, H.873—Miscellaneous tax changes. Objection to germaneness of divided amendment's second and third instances of amendment—which would expand the definition of "other tobacco products" regulated in tax law's 32 V.S.A. ch. 205 (cigarettes and tobacco products) to add tobacco substitutes and liquids and delivery devices sold for use with tobacco substitutes—ruled well-taken as not germane. 46

2015, S.108—Repealing the sunset on provisions pertaining to patient choice at end of life. Objection to germaneness of amendment that would prohibit other persons from acting on behalf of a patient, ruled well-taken as not germane..... 46

2015, S.108—Repealing the sunset on provisions pertaining to patient choice at end of life. Objection to germaneness of amendment that would confirm limits on the duties of a clinician in regard to patient choice at end of life, ruled well-taken as not germane..... 46

2014, H.640—Technical corrections. Objection to germaneness of amendment that would amend campaign finance contribution limits, ruled well-taken as not germane to committee report. 46

2014, H.640—Technical corrections. Objection to germaneness of amendment that would amend campaign finance report contributor information, ruled well-taken as not germane to committee report. ... 47

2014, H.640—Technical corrections. Objection to germaneness of amendment that would regulate corporate and labor union campaign contributions, ruled well-taken as not germane to committee report. . 47

2014, H.673—Retired teachers' health care costs. Objection to germaneness of amendment that would repeal the education property tax, ruled well-taken as not germane to underlying bill. 47

2014, H.876—Making miscellaneous amendments and technical corrections to education laws. Objection to germaneness of amendment that would require mandatory determinations by the Labor Relations Board and repeal binding interest arbitration provisions in teacher contract disputes, ruled well-taken as not germane to underlying bill..... 47

2014, H.884—Miscellaneous tax changes. Objection to germaneness of amendment that would require a financing proposal for Green Mountain Care, ruled well-taken as not germane to underlying bill.. 47

2014, H.884—Miscellaneous tax changes. Objection to germaneness of amendment that would require a JFO report on the projected revenue and cost impacts of the taxation and regulation of marijuana, ruled well-taken as not germane to underlying bill. 48

2013, H.112—The labeling of food produced with genetic engineering. Objection to germaneness of strike-all amendment that would replace contents of bill providing a requirement to label food as "genetically engineered" with a requirement to label food with its country of origin, ruled not well-taken as germane to the underlying bill. 48

2013, H.536—The Adjutant and Inspector General and the Vermont National Guard > The National Guard. Objection to germaneness of amendment that would request Vermont be removed from federal consideration for basing F-35A fighter jets at the Burlington Airport, ruled well-taken as not germane to the underlying bill. 48

2013, H.536—The Adjutant and Inspector General and the Vermont National Guard > The National Guard. Objection to germaneness of amendment that would require JFO to study the potential adverse impacts caused by the deployment of the F-35A fighter jets at the Burlington Airport by the U.S. Air Force and Vermont Air National Guard, ruled well-taken as not germane to the underlying bill. 48

2013, H.536—The Adjutant and Inspector General and the Vermont National Guard > The National Guard. Objection to germaneness of amendment that would require the Secretary of Administration to work with the U.S. Air Force and Vermont National Guard to complete a collaborative hearing process regarding the assignment of F-35A fighter jets to the Vermont National Guard, ruled well-taken as not germane to the underlying bill. 49

2013, S.14—Payment of fair-share fees > Payment of agency fees and collective bargaining service fees. Objection to germaneness of amendment that would require each school employee to receive at least the statutorily-calculated livable wage, ruled well-taken as not germane..... 49

2013, S.77—Patient choice and control at end of life. Objection to germaneness of amendment to Senate proposal of amendment to House proposal of amendment that would add a section to allow a non-agent or non-guardian surrogate of an individual without capacity to provide informed consent for the individual's admission to hospice care, ruled well-taken as not germane..... 49

2013, S.152—Green Mountain Care Board's rate review authority > Health care financing. Objection to germaneness of amendment that would make participation in the Vermont Health Benefit Exchange voluntary, rather than a requirement, for specified persons, ruled well-taken as not germane. 49

2012, H.468—A renewable portfolio standard and the Sustainably Priced Energy Enterprise Development (SPEED) Program > The Vermont Energy Act of 2012. Objection to germaneness of amendment that would require a windfall-sharing with ratepayers when an electric company acquired or merged with another, ruled well-taken as not germane. 50

2012, H.756—The sales and use tax exemption for packaging equipment. Objection to germaneness of amendment that would add a section exempting from the sales tax on prewritten computer software the type of software that is remotely accessed, and requiring the refund of taxes already paid on such software, ruled not well-taken as germane to the underlying bill, because they both dealt with exemptions to the sales tax..... 50

2012, H.778—Structured settlements > Structured settlements and prohibiting collusion as an antitrust violation. Objection to germaneness of amendment that would add collusion as a criminal antitrust violation, ruled not-well taken as germane, in that the amendment and the Senate proposal of amendment and pending proposed amendment thereto dealt with forms of fraud and consumer protection. 50

2012, S.95—Exemptions for newspaper deliverers from the unemployment statutes; relieving an employer's experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel > Employment decisions based on credit information, allowing school employees to be paid wages over the course of a year, and union organizing. On division of a committee's proposed strike-all amendment, objection to the germaneness of Sec. 4—which would require community mental health agencies receiving State funds to annually certify that those funds are not used to interfere with employees' unionization rights—ruled not well-taken as germane to the underlying bill, because both dealt with employee-employer relations. 51

2012, S.200—Reporting requirements of health insurers > Pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers. Objection to germaneness of amendment that would provide requirements regarding midwife health insurance coverage, ruled well-taken as not germane to the House proposal of amendment, in that the House proposal of amendment did not address health insurance coverage. 51

2012, S.214—Customer rights regarding smart meters > The Vermont Energy Act of 2012. Objection to germaneness of strike-all committee report that would establish renewable energy goals, amend the renewable portfolio standards for sales of electric energy, amend the SPEED Program and its renewables targets, create a standard offer program within the SPEED Program, establish renewable energy reporting, confirm that electric companies own the environmental attributes of connected net metering systems, require utility cost planning, require rulemaking on greenhouse gas accounting protocols, and retitle the bill as the 2012 Energy Act, ruled not-well taken as germane to the underlying bill, citing *Mason's* Sec. 617-1 (authority of committees to recommend strike-all amendments, so long as they are relevant to the title and subject of the original bill).*..... 52

2012, S.214—Customer rights regarding smart meters > The Vermont Energy Act of 2012. Objection to germaneness of amendment proposed to S. prop to H. prop that would add sections regulating electric distribution company rate recovery and creating a working group regarding the funding of thermal energy efficiency by those companies, ruled well-taken as not germane, in that the amendment pertained to rate-setting, whereas the S. prop to H. prop pertained to renewable energy. 52

2011, H.299—Repealing the provision that some school district budgets be presented to the voters by means of a divided question. Objection to germaneness of amendment that would add a section to bill requiring the Blue Ribbon Tax Structure Commission to propose new systems of education finance, spending controls, and cost savings, ruled well-taken as not germane..... 52

2010, H.470—Restructuring of the Judiciary. Objection to germaneness of amendment that would add bases on which the owner of property would be a competent witness to testify, ruled well-taken as not germane, because the underlying bill pertained to court reorganization, not judicial procedures. 53

2010, H.790—Capital Bill. Objection to germaneness of amendment that would strike a section of the bill appropriating funds to the Vermont Housing and Conservation Board for building and preserving affordable housing and insert in lieu thereof a section appropriating funds to the Agency of Agriculture, Food and Markets for distribution to Vermont dairy farmers, ruled well-taken as not germane. 53

2010, H.792—Implementation of Challenges for Change. Objection to germaneness of amendment that would add a section imposing a two-year surtax on the top-four income tax brackets, ruled well-taken as not germane, because the bill did not deal with taxes. 53

2010, H.792—Implementation of Challenges for Change. Objection to germaneness of amendment that would add a section requiring that every collective bargaining agreement or other employment contract between a supervisory union or school district and its employees in specified fiscal years require that competency be considered when making decisions related to reductions in force, ruled well-taken as not germane, because the bill did not deal with collective bargaining. 54

2010, H.792—Implementation of Challenges for Change. Objection to germaneness of amendment that would prohibit a collective bargaining agreement or other employment contract between a supervisory union or school district and its employees in specified fiscal years from containing any provisions that would be in effect for more than one year, ruled well-taken as not germane, because the bill did not deal with collective bargaining. 54

2009, H.145—Composting. Objection to germaneness of amendment that would amend Act 250 provisions to require consideration of specified benefits from a development or subdivision in evaluating the permit application therefor, in addition to the other criteria that must be met before any permit could be issued, ruled not well-taken as germane to the underlying bill, in that both dealt with Act 250. 54

2009, H.213—Providing fairness to tenants in cases of contested housing security deposit withholding. Objection to germaneness of amendment that would add qualifications required to obtain the residential rental unit security deposit protections of the bill, ruled not well-taken as germane to the bill, because both dealt with the same subject matter. 54

2009, S.125—Expanding the sex offender registry. Objection to germaneness of amendment that would add a section requiring the Department of Corrections to convene a working group to identify ways to provide assistance to municipalities that are asked to take a disproportionately high number of Department supervisees into their communities, ruled not-well taken as germane to the pending committee report, because both dealt with offenders who are released into the community. 55

2008, S.108—The election of U.S. Representative and U.S. Senator by instant runoff voting method. Objection to germaneness of amendment providing for a citizens' initiative process to propose legislation for enactment by the General Assembly, ruled well-taken as not germane..... 55

2008, S.304—A groundwater withdrawal permit program. Objection to germaneness of amendment that would allow a retail establishment to place up to three picnic tables on its property outdoors without a permit, ruled well-taken as not germane. 55

2008, S.372—Evictions, unpaid rent, and abandoned property in rental property. Objection that divided committee report's third instance of amendment—which would add sections creating a Rental Housing Inspection Program and Registry—was not germane to the bill as passed by Senate, which dealt with the rights of tenants and evictions procedures, ruled not well-taken, in that both that portion of the committee report and the underlying bill dealt with rental properties. 56

2007, S.7—Compassionate use of marijuana for medical purposes. Objection to germaneness of amendment that would require parental notification of a minor's pending abortion, ruled well-taken as not germane to the bill..... 56

2006, S.103—Lawsuits arising from exercise of right to freedom of speech or to petition government for redress of grievances. Objection to germaneness of amendment that would prohibit picketing around the time that a funeral is held, ruled well-taken as not germane to this bill regarding SLAPP suits. 56

2006, S.142—Creation of designated growth centers and downtown tax credit program. Objection to germaneness of amendment that would allow specified food service establishments to place up to three picnic tables on its property outdoors without a permit, or up to four picnic tables if the store is located in a designated downtown, village center, new town center, or growth center, ruled well-taken as not germane. 57

2006, S.222—Funding of adult education and literacy services > High school completion program for 16- to 22-year olds. Objection to germaneness of amendment that would create Green Mountain Promise Scholarships for enrollment at postsecondary institutions, ruled well-taken as not germane..... 57

2005, H.524—Universal access to health care in Vermont. Objection to germaneness of Secs. 20–43 of a strike-all amendment that would add to this health-care bill provisions regarding land use redevelopment zones, workers' compensation, mitigation of the loss of prime agricultural soils, and taxation and tax credits, ruled well-taken as not germane. **Appeal**; sustained..... 57

2005, S.80—Increasing the minimum wage. Objection to germaneness of strike-all amendment that would replace the one-section bill's provisions to increase the minimum wage with one section that would instead provide for increasing the earned income tax credit, ruled well-taken as not germane, because "the amendment deals with tax policy and the House proposal of amendment and bill do not deal with tax policy."..... 58

2004, H.752—Advance directives for health care. Objection to germaneness of amendment offered at 3rd reading that would strike out Sec. 10 (study on pain management) from the bill as amended at 2nd reading, and replace it with a new Sec. 10 (study on pain management), ruled not well-taken as germane, "in that both amendments deal with a study of methods to deal with pain management." 58

2004, H.767—Capital Bill. Objection to germaneness of an amendment that would place a moratorium on the planting of genetically engineered seed or plant parts—which was offered to an amendment that would place a moratorium on wind generation projects—ruled well-taken as not germane, in that the underlying amendment deals with wind turbines..... 58

2004, H.767—Capital Bill. Objection to germaneness of an amendment that would place a moratorium on utility transmission projects—which was offered to the above-described amendment that would place a moratorium on wind generation projects—ruled well-taken as not germane, in that the pending amendment deals with transmission proceedings, whereas the underlying amendment deals with wind turbines..... 59

2004, J.R.H.60—Observance of Vermont Tax Freedom Day. Objection to germaneness of strike-all amendment—which would replace the underlying resolution's language describing April 11, 2004 as Vermont's Tax Freedom Day (the average number of calculated days Vermonters must work each year to pay all taxes) and committing the General Assembly to establishing lower state government taxation and spending levels, with language instead questioning the accuracy of the organization that calculates Tax Freedom Days and urging Congress to reestablish sustainable fiscal policies—ruled well-taken as not germane, "in that the original resolution deals only with a date on which one[']s income pays their tax liability and the amendment deals with many fiscal policies." 59

2003, H.464—Budget. Objection to germaneness of amendment that would amend provisions of T.32 (taxation) to increase sales and use tax rates—which was offered to a divided amendment's first instance of amendment that would increase the amount of money transferred from the General Fund to the Education Fund—ruled well-taken as not germane, in that the pending amendment dealt with raising taxes. 59

2003, H.472—Fee Bill. Objection that divided committee report's third instance of amendment—amending 16 V.S.A. § 4025 (Education Fund) to provide that a percentage of tax revenue dedicated to the Department of Tourism and Marketing be appropriated and made available for marketing purposes to the Department of Fish and Wildlife—was not germane to the bill, ruled well-taken as not germane, "in that the amendment deals with an appropriation." 60

2003, H.472—Fee Bill. Objection that within divided committee report's fourth instance of amendment, its Sec. 33b—adding 10 V.S.A. § 1049a to create the Green Mountain Conservation Camp Endowment Fund—was not germane to the bill, ruled not well-taken as germane, "in that the amendment, and the section of the bill to [be] amended, both deal with the Green Mountain Conservation Camp." 60

2003, H.480—Education funding. Objection to germaneness of amendment that would add a section to exempt a portion of small brewers' malt beverage annual sales from taxation, ruled not well-taken as germane, "in that the bill has several areas that deal with taxes." 60

2003, S.15—A Juvenile Justice Legislative Oversight Committee > A Juvenile Justice Legislative Oversight Committee and restitution procedures. Objection to germaneness of Secs. 2–16 of a strike-all committee report—which proposed the addition of restitution provisions—ruled well-taken as not germane, and therefore those sections were struck from the committee report. *See also* the next germaneness point of order on this bill. 60

2003, S.15—A Juvenile Justice Legislative Oversight Committee > A Juvenile Justice Legislative Oversight Committee and restitution procedures. This germaneness point of order relates to the preceding entry. Objection to germaneness of an amendment that proposed to add restitution provisions to this bill, ruled not well-taken, "in that the House voted to suspend its rules to permit consideration of the amendment on April 25, 2003, and the fact that the bill was subsequently referred to the Committee on Ways and Means does not negate that action."..... 61

2003, S.70—Neighborhood electric vehicles. Objection to germaneness of amendment proposing to add sections exempting alternative fuel vehicles from the motor vehicle purchase and use tax, ruled well-taken as not germane, because "the amendment deals with exemptions to the purchase and use tax and the bill does not deal with tax matters." 62

2003, S.131—Small manufacturers of malt beverages. Objection to germaneness of amendment proposing to add a section that would repeal the tax on malt beverages, ruled well-taken as not germane, because "the amendment deals with a repeal of a tax . . . and the bill makes no reference to taxes."..... 62

IMPROPER DELEGATION 63

2011, S.17—Licensing a nonprofit organization to dispense marijuana for therapeutic purposes > Registering four nonprofit organizations to dispense marijuana for symptom relief. Objection to consideration of amendment that would provide the Governor with a time-limited authority to suspend the implementation and enforcement of bill provisions authorizing the registration of medical marijuana dispensaries in the interest of justice and public safety, as a violation of the prohibition on a legislative body delegating its powers set forth in *Mason's* Sec. 51 (2010)/Sec. 48 (2020), ruled not well-taken, "as it is the custom of this House to permit delegation of authority."..... 63

2011, S.17—Licensing a nonprofit organization to dispense marijuana for therapeutic purposes > Registering four nonprofit organizations to dispense marijuana for symptom relief. Objection to consideration of that same amendment referenced above, as a violation of the Vermont Constitution, ruled not well-taken, as Vt. Const. Ch. I, Art. 15 permits delegation by the Legislature. 63

MONEY COMMITTEE REFERRAL 64

2016, H.867—Classification of employees and independent contractors. Objection at 2nd reading that bill—which impacted workers' compensation—should have been, but was not, referred to the Committee on Ways and Means, ruled well-taken. 64

2008, H.891—Budget. Objection at 2nd reading that a section of the Budget required a fee paid into a fund and therefore should have been, but was not, referred to the Committee on Ways and Means, ruled well-taken. 64

2005, H.524—Universal access to health care in Vermont. Objection at 2nd reading that the bill affects the revenue of the State and therefore should have been, but was not, referred to the Committee on Ways and Means, ruled not well-taken, "because while sections of the bill refer to different taxes, the bill itself does not raise or lower any taxes, and therefore it does not affect the revenue of the [S]tate." 64

QUALIFICATIONS OF MEMBERS 66

2017, Day 1 Seating. Objection to Day 1 seating of member-elect whose election was challenged, ruled not well-taken, as the Superior Court order certifying the recount results served as the certificate of election that qualified the member to be seated. 66

RECONSIDERATION 67

2012, H.559—Health care reform implementation. Objection that an amendment, divided to isolate its fourth instance of amendment regarding a strategic plan for a universal and unified health system, was a violation of House Rule 77 due to the House's earlier vote that day regarding a similar amendment offered, ruled not well-taken, due to a "trigger" provision present in the earlier amendment but not the one subject to the objection. 67

2010, H.782— A voluntary school district merger incentive program, supervisory union duties, and other education issues. Objection that a divided amendment's second instance of amendment—which would strike out the underlying bill's Sec. 3 (school district merger incentive program and requirements) and insert in lieu thereof a new Sec. 3 that would provide different requirements for a school district merger incentive program—was in violation of House Rule 77, ruled well-taken..... 68

2009, S.67—Motor vehicles. Objection that an amendment that would add to applications for and renewals of a driver license or nondriver identification card a check-box to consent to use the applicant info to simultaneously register the applicant for the Selective Service System was in violation of House Rule 77, ruled well-taken. 68

2009, S.67—Motor vehicles. Objection that an amendment that would require the Department of Motor Vehicles to provide notice to driver's license applicants subject to the requirements of Selective Service System registration of their duty to register under the System and other related information was in violation of House Rule 77, ruled not well-taken..... 69

2008, S.372—Evictions, unpaid rent, and abandoned property in rental property. Objection that divided committee report's third instance of amendment—which would create a Rental Housing Inspection Program and Registry—violated House Rule 77 due to the final action taken on that topic in a separate bill, ruled not well-taken, in that the final action taken in that other bill contained many other sections. 70

2006, H.856—Enhancing sentences for and preventing risks posed by dangerous sexual offenders. Objection that an amendment offered at 3rd reading, providing for civil commitment of sexually violent predators, was in violation of House Rule 77, ruled not-well taken. .. 70

2006, H.861—Health care affordability for Vermonters. Objection that a divided strike-all amendment's Sec. 6 (adding a subchapter creating a premium assistance program) was in violation of House Rule 77, in that the House rejected the same language in an amendment offered earlier in the day, ruled well-taken..... 71

2006, H.869—The State's Transportation Program. Objection at 3rd reading that a divided amendment's proposed deletion of specified sections of the bill violated House Rule 77, in that it was the same question that was rejected the day before at 2nd reading, ruled well-taken..... 71

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's Secs. 1 (adding 10 V.S.A. ch. 220 re: consolidated environmental appeals and rulemaking), 3 (amending 10 V.S.A. § 6029 re: Act 250 Permit Fund), 4 (repealing 10 V.S.A. § 6083a(d)'s appeal fee), 22 (amending 10 V.S.A. § 1004 re: Environmental Board, instead of Water Resources Board, as State agent), 55 (various repeals), 56 (transition and implementation), and 57 (appropriations and positions in Environmental Board) violated House Rule 77, ruled well-taken. . 72

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's Secs. 2 (adding 3 V.S.A. § 2828 re: project scoping process) and 57a (appropriation; environmental permit specialist) violated House Rule 77, ruled well-taken. 72

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's Sec. 7 (amending 10 V.S.A. § 6086 re: issuance of permit; conditions and criteria) violated House Rule 77, ruled well-taken. 72

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's remaining sections violated House Rule 77, ruled well-taken. ... 72

RESTRICTING FUTURE LEGISLATURE 74

2019, H.439—The Home Weather Assistance Program. Objection to amendment that would prohibit the increase of statutory fuel taxes more than once every five years, ruled well-taken as binding a future legislature. 74

SEPARATION OF POWERS 75

2019, H.39—The extension of the deadline of school district mergers required by the State Board of Education. Objection to consideration of bill that would extend the deadline for school districts to merge to July 1, 2020, ruled not well-taken, as the bill did not address the issue presently before the courts..... 75

2011, H.56—The Vermont Energy Act of 2011. Objection to consideration of an amendment that would repeal, on passage, the provisions of the 2006 law that required the General Assembly to approve the continued operation and storage of spent fuel of the Vermont Yankee nuclear power plant, [implied as] ruled well-taken, as directly dealing with issues pending in U.S. District Court. 75

SUBSTANTIAL NEGATION **76**

2018, H.675—Conditions of release prior to trial. Objection that an amendment regarding the burden of proof for extreme risk protection orders would substantially negate the House's action in approving a previous amendment regarding those extreme risk protection orders, ruled not well-taken, as the House had not voted specifically on the burden of proof in that previous amendment. 76

2018, S.260—Funding the cleanup of State waters. Objection that a divided amendment, which would delete Secs. 3-4b of a strike-all that had already been agreed to earlier that day by dividing the question to vote on those sections separately, ruled well-taken as a substantial negation of the House's vote to approve those specific sections. 77

2018, S.260—Funding the cleanup of State waters. Objection that a divided amendment, which would delete sections that had already been separately agreed to the previous legislative day, ruled well-taken as a substantial negation of the House's vote to approve those specific sections. 77

2018, S.260—Funding the cleanup of State waters. Objection that a divided amendment, which would delete a section that had already been separately agreed to the previous legislative day, ruled well-taken as a substantial negation of the House's vote to approve that specific section. 77

2015, S.108—Repealing the sunset on provisions pertaining to patient choice at end of life. Objection at 3rd reading to amendment that would repeal the patient-choice law on July 1, 2018 as a substantial negation of the House vote disapproving a similar amendment offered at 2nd reading, ruled not well-taken as not substantial negation. 77

2015, S.141—Possession of firearms. Objection that an amendment offered at 3rd reading, which would amend Sec. 10 (effective dates) regarding the effective date of Sec. 7, was a substantial negation of the House's vote at 2nd reading specifically approving Sec. 10 (upon division of the strike-all in which it appeared), ruled not well-taken as not substantial negation. 77

2010, H.783—Miscellaneous tax provisions. Objection that an amendment— which would replace the bill's Sec. 27 (adding § on tax treatment of closely-held business capital gains) with a new Sec. 27 that would remove age- and farm/timber-based qualifications for capital gains income tax deductions—would substantially negate action previously taken this biennium, ruled well-taken as substantial negation. 78

2006, H.880—Education finance simplification. Objection that a divided amendment providing for the repeal of sections of a 2005 act constituted substantial negation, ruled well-taken, and that provision was accordingly struck from the remainder of the amendment. 78

2005, H.504—Appraisals and education finance. Objection that an amendment allowing towns to retain one-half of property transfer tax revenue was a substantial negation of the House's allocation of property transfer tax revenue in the FY06 Budget bill, ruled not well-taken. 79

2003, H.472—Fee Bill. Objection that a substitute amendment offered to a divided committee report's seventh instance of amendment—which substitute amendment would replace the committee's recommendation to delete from the bill as introduced's Secs. 36 and 37 (requiring individuals to become licensed by DMV and register their vehicles within 60 days of moving to the State) with a section that would only amend DMV license fees—was a substantial negation of action taken in H.454 (T-Bill), ruled not well-taken. 79

POINTS OF ORDER BY YEAR..... 80

2025–2026..... 80

2023–2024..... 81

2021–2022..... 82

2019–2020..... 83

2017–2018 AND 2018 SP. SESS. 84

2015–2016..... 87

2013–2014..... 89

2011–2012..... 92

2009–2010..... 96

2007–2008..... 99

2005–2006..... 101

2003–2004..... 104

ADJOURNMENT SINE DIE

Mason's Sec. 445 provides that a motion to adjourn *sine die* ("without day") has the effect of dissolving a legislative body and terminating all unfinished legislative business, resulting in all pending legislation expiring along with the session; whereas a motion to adjourn to another day does not destroy the continuity of a session, with unfinished business simply taking its place on the calendar of the succeeding day.

2004, J.R.S.67—Final adjournment of the General Assembly in 2004. Objection that the General Assembly's final adjournment resolution for the biennium—which provided a contingent final (*sine die*) adjournment, by adjourning the chambers on May 20th until June 16th at 10:00 a.m. if the Governor vetoed a bill after their adjournment, or adjourning them *sine die* if the Governor did not veto a bill—violated *Mason's* Sec. 445, ruled not well-taken.

May 20, 2004 HJ pg. 1923. The Journal does not specify the basis for the point of order or the ruling, but pending further research, the basis may have been to challenge the early use of a resolution providing a contingent final (*sine die*) adjournment to permit the General Assembly to reconvene to address any vetoes occurring after adjournment of the adjourned session.[18]

Following the ruling on this point of order, the House adopted the resolution in concurrence.[19]

---

[18] For an historical perspective on the use of final-adjournment resolutions providing for a veto contingency, *see* the Secretary of State's "Pocket Veto."

[19] On a separately interesting procedural note, the Governor did veto one bill after this adjournment: H.780 (insurance). So, pursuant to J.R.S.67, the House reconvened on Wed., June 16th at 10:00 a.m. and, on the H.780 veto question—*Shall the House pass the bill, the failure of the Governor to approve notwithstanding?*—sustained the Governor's veto on a vote of Yeas, 5; Nays, 121. However, in the Senate on that date, there was not a quorum, so a Senator adjourned the Senate "*sine die*, unless the House overrides the Governor's veto of H.780, in which case the Senate will convene on Thursday, June 17, 2004, at 10:00 a.m." As shown at the end of the June 16th House Journal, at 1:45 p.m., the House adjourned *sine die*, officially adjourning the 2003–2004 legislative biennium.

AMENDMENT TO THIRD DEGREE

Mason's Sec. 766-6 limits the number of amendments that may be considered between the chambers to a second degree of amendment and provides permissible inter-chamber amendment procedure. Subsec. (d) provides that because amendments to the third degree are prohibited, when considering a second degree of amendment, the house of origin must either concur and pass the bill or refuse to concur and may request a committee of conference.[20]

2019, S.73—Licensure of ambulatory surgical centers. Objection to a *Senate proposal of amendment to House proposal of amendment to Senate proposal of amendment to House proposal of amendment* as an impermissible amendment to the third degree, ruled well-taken.*

May 22, 2019 HJ pg. 1780; daily pg. 1819. The Senate had proposed this third degree of amendment without objection; *see* March 17, 2019 SJ pgs. 1450–1452.

In the House, pending the question, *Shall the House concur in the Senate proposal of amendment to House proposal of amendment to Senate proposal of amendment to House proposal of amendment?*, the specific point of order in the House was that this *S. prop to H. prop to S. prop to H. prop* was an amendment "to the third degree and the amendment should not be considered," which the Speaker ruled well-taken. The House Journal goes on to note that pursuant to that ruling, a Rep. moved that the House "appoint a Committee of Conference," which was agreed to; conferees were appointed; and the bill was messaged forthwith to the Senate.

*Note, however, that this point of order appears to be in regard to the Senate proposing an impermissible third degree of amendment, which conflicts with principles of parliamentary law.[21]

---

[20] *See also* *Mason's* Sec. 408-1 (an amendment may be amended, but an amendment to an amendment may not be amended); Sec. 408-2 (an amendment of the third degree would be too complicated and is not in order); and Sec. 408-4 (an amendment of one house to an amendment adopted in the other house is an amendment only in the first degree).

[21] *See* Vt. Const. Ch. II, § 19 (Senate has authority to make its own rules) and *Mason's* Sec. 2 (each chamber has complete authority over its procedure, subject only to constitutional provisions); Sec. 14 (a chamber can waive or suspend its own rules); Sec. 15 (a chamber rule is effectively repealed for the occasion when it is disregarded by those who have power to adopt or repeal it; disregarding is at least suspension of it); and Sec. 760-6 ("It is not within the province of one house to question any procedural action or ruling taken by the other house.").

CALENDAR APPEARANCE

House Rule 33 requires bills for second reading and Senate proposals of amendment to have appeared for one day in the Notice Calendar and in the Action Calendar. It also prohibits a rule from being suspended for more than one sitting or being amended unless it appears in the Action Calendar.

In addition, House Rule 44(c) requires a short-form bill to be placed on the Notice Calendar for two legislative days before its appearance in the Action Calendar.

2014, H.552—Raising the Vermont minimum wage. Objection during consideration of a Senate proposal of amendment that its correct version had not appeared in the Calendar, ruled well-taken.

May 8, 2014 HJ pg. 2263; daily pg. 2263. The Sec. 3 effective date in the Senate proposal of amendment as printed in the 5/7/14 Notice Calendar and 5/8/14 Action Calendar was on passage, but the Senate proposal of amendment instead had two different effective dates in Sec. 3. (7/1/14 and 1/1/15). After the ruling, the bill was ordered to be placed again on the Notice Calendar.[22]

2012, H.753—Encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures. Objection during consideration of Senate proposal of amendment that one of its sections had not appeared in the Calendar, ruled well-taken.

May 4, 2012 HJ pg. 2274; daily pg. 2310. Neither the 5/3/12 Notice Calendar nor the 5/4/12 Action Calendar included the Senate proposal of amendment's Sec. 23a, so the bill was placed on the 5/5/12 Notice Calendar, but not thereafter taken up before adjournment *sine die*.[23]

---

[22] On 5/9/14, the rules were suspended to take up the bill from the Notice Calendar for immediate consideration. 5/9/14 HJ pg. 2335.

[23] Note, however, that most of the provisions of H.753 were incorporated into a committee of conference report addendum on S.113 (preventing, identifying, and reporting child abuse and neglect at independent schools). That addendum rescinded the initial S.113 committee of conference report, and a motion was made to suspend rules to permit consideration of the portions of the addendum that violated *Mason's* Sec. 771-2 (requiring a committee of conference to confine itself to the areas of disagreement between the chambers), without a point of order recorded. The House suspended rules to permit consideration of the addendum and then adopted it. May 5, 2012 HJ pgs. 2512-2533.

COMMITTEES OF CONFERENCE

Membership. While *Mason's* Sec. 769-5 provides that it is the established practice to appoint a majority of a committee of conference from the prevailing side of a controversy on a bill in the chamber, but to also appoint a member from the minority side, that is not the custom of the House, as Joint Rule 17 provides that each chamber appoints three members to a committee of conference, and House Rule 17 provides that the Speaker makes those appointments, without further qualification, and the established House practice is that the Speaker makes those appointments pursuant to Speaker discretion.

Report contents. *Mason's* Sec. 771-2 requires a committee of conference to confine itself to the differences of opinion between the two chambers.

Membership

2011, H.202—Universal and unified health system. Objection that Committee of Conference members appointed by the Speaker did not include a member of the opposition in violation of *Mason's* Sec. 769-5, ruled not well-taken. **Appeal;** sustained.

April 28, 2011 HJ pg. 1440; daily pg. 1642. **On appeal**, the Speaker's ruling was sustained on a roll call, with the journalized vote explanations describing the House custom of discretionary Speaker appointments to committees of conference.

Report Contents

2025, H.454—Transforming Vermont's education governance, quality, and finance systems. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2, ruled well-taken as beyond those differences of opinion.

June 16, 2025 HJ pg. 2662; daily pg. 2694. The committee of conference report included a new Sec. 28a (tuition fee rules) and Sec. 46a (supplemental district spending; cap; transition) and amendments in Sec. 47 (education property tax liability), which did not appear in the bill as passed by the House or in the

Senate proposal of amendment, and therefore was ruled to be in violation of *Mason's* Sec. 771-2.[24]

2012, H.558—Budget Adjustment Act. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2, ruled not well-taken, as "the subject matter in question was in the House and Senate versions of the bill."

Feb. 29, 2012 HJ pg. 475; daily pg. 494. The subject matter in question was not specified in the Journal.

2008, H.888—Miscellaneous tax amendments. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2 by its inclusion of Sec. 45's education property tax exemption for skating rinks used for public schools, ruled not well-taken, "in that there are several tax exemptions in the bill."

May 3, 2008 HJ pg. 2106.[25] While skating rinks were not addressed in the bill as passed the House, the ruling is understood to relate to the Senate proposal of amendment, which did include a Sec. 45 containing similar language to exempt from property tax certain property operated as a skating rink and provided to public schools for recognized sports, and therefore a skating rink tax exemption was a difference of opinion between the two chambers and a permissible committee of conference topic.

2007, H.537—Budget. Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2 by its inclusion of Secs. 124a–124d, regarding long-range planning for a comprehensive continuum of care for mental health services, ruled not well-taken.

May 12, 2007 HJ pg. 1771. The provisions at issue, however, do not seem to appear in either the bill as passed by House or the Senate proposal of amendment.

---

[24] Thereafter, a motion to suspend rules to permit consideration of an objectionable committee of conference report was agreed to.

[25] Note that this online Journal entry is missing ", is in violation of Sec. 771-2 of Mason's Manual of Legislative Procedure" following "(Sec. 45)," but that text appears in the official 2008 hardbound Journal on pg. 2106, and therefore confirms the basis for this point of order.

2006, S.18—Liability resulting from the use of genetically engineered seeds and plant parts. Objection that committee of conference report violated *Mason's* Sec. 771-2 because its Sec. 3 was outside the areas of disagreement between the two chambers, ruled not well-taken, "in that the House and Senate version[s] deal with liability for genetically engineered seeds and the Conference report is an attempt to resolve those differences."

April 25, 2006 HJ pg. 1166. Sec. 3 of the committee of conference report would have added a new subchapter in Title 6 (agriculture) providing for liability resulting from the use of genetically engineered seeds and plant parts. Similar language was included in the bill as passed by Senate, but the House proposal of amendment did not include that language and focused instead on confirming farmers' status as consumers and would codify their ability to recover economic losses caused by the wrongful action of others. Ultimately, the committee of conference report included in its Sec. 3 language similar to the bill as passed by Senate, and included in its Sec. 4 language similar to the House proposal of amendment. Accordingly, the committee of conference report was a blend of both chambers' versions of the bill, and Sec. 3 was therefore permissible to include.

2004, H.767—Capital Bill. Objection that committee of conference report was in violation of *Mason's*, ruled not well-taken.

May 20, 2004 HJ pg. 1921. The subject matter in question was not specified in the Journal. However, a point of order regarding *Mason's* Sec. 771-2 was raised in the Senate on this bill regarding the committee of conference report's Sec. 75 (amending 10 V.S.A. § 6001(3)(E), relating to the definition in land-use laws of "development" for farming activities), but the Senator asked and was granted leave to withdraw this point of order pending the ruling of the President.[26] Upon review, it does not appear that provisions relating to this Sec. 75 appeared in either the bill as passed by House or the Senate proposal of amendment, although the context for this point of order in the House is uncertain.[27]

---

[26] May 20, 2004 SJ.

[27] Note, however, the Senate's interpretation of *Mason's* Sec. 771-2 when the Senate considered two other points of order on this day regarding the separate Budget bill, H.768. In the May 20, 2004 SJ, the Senate President overruled two points of order regarding two separate sections in the Budget bill, with the Senate Journal indicating that "provisions in a Conference Committee report designed to resolve differences between the two houses were permissible so long as they were within the general scope or ambit of the bill under consideration," ruling that the two sections objected to in the Budget were "such a provision."

2003, H.464—Budget. Objection that committee of conference report violated *Mason's* Sec. 771-2 because its inclusion of a provider tax was outside the scope of differences between the chambers, ruled not well-taken.

May 30, 2003 HJ pg. 1911. The objection is understood to be in regard to Sec. 306's amendment to 33 V.S.A. § 1953(a), which provided for annual assessments on hospitals and psychiatric facilities, although similar language cannot be located in the bill as passed by House or the Senate proposal of amendment.

CONSTITUTIONALITY

Mason's Sec. 578-6 provides that the presiding officer possesses no authority to rule upon the constitutionality of bills, and that the decision whether to pass legislation belongs exclusively to the House.

Similarly, *Mason's* Sec. 232-1 provides that it is not the presiding officer's right to rule upon the constitutionality or legal effect or expediency of a proposed bill, since that authority belongs to the House.[28] *Mason's* Sec. 232-2 also provides that it is not within the province of the presiding officer to rule upon the constitutionality of an amendment.

Accordingly, as demonstrated in the following precedents, points of order generally challenging the constitutionality of legislation are ruled not well-taken.

2018 Sp. Sess., H.16—Vital records. Objection at consideration of the Senate proposal of amendment on this vital records bill—which was a strike-all containing a proposed FY2019 Budget—that the actions of the Senate were in violation of the Vermont Constitution, ruled not-well taken.

June 22, 2018 HJ pg. 85; daily pg. 93. The objection is understood to be in regard to the revenue implications of the proposed Budget, in light of Vt. Const. Ch. II, § 6, which requires that "all Revenue bills shall originate in the House[.]"[29] The Journal describes the Speaker finding the point of order not

[28] Please enjoy the points of order and procedure recorded in the U.S. Congressional Record, 46th Congress, 2d Sess. (1879), p.1501 (2nd column), which *Mason's* Sec. 232-1 cites as a supporting authority.

[29] The meaning of "Revenue bills" in Vt. Const. Ch. II, § 6—added to the Vt. Const. via Art. III when the Senate was created in 1836—was interpreted by the Vermont Supreme Court as a matter of first impression in Andrews v. Lathrop, 132 Vt. 256 (1974), a case challenging the constitutionality of a land gains tax that was apparently enacted in a House bill but initially proposed in it by the Senate. After first questioning whether it had authority to intrude upon the legislative process and the continued relevance of this provision in light of its understood origin being in England (popularly-elected Commons vs. Crown-dominated House of Lords) and thereafter its adoption in the Federal Constitution at the time when the U.S. Senate was elected by state legislatures (17th Am. providing for U.S. Senators' election by popular vote not ratified until 1913), the Court—considering caselaw from other states—narrowly interpreted "revenue bills" to mean "levy taxes in the strict sense of the word, whose primary purpose is to raise revenue to be applied in meeting the general expenses and obligations of the government, and not bills which create revenue incident to other purposes[,]" and accordingly held the bill did not violate this provision. Id. at 265-266.

well-taken "as the House does not determine constitutionality," which conforms to our constitutional structure, because in the checks and balances built into the separation of powers among the three branches, "it is the province of the court to decide whether Vermont's laws comply with the State Constitution"[30]; "[i]t is the function of the courts to maintain constitutional government"[31]; and the Supreme Court of Vermont is the "final interpreter of the Vermont Constitution."[32]

However, *Mason's* Sec. 232-1 also indicates that the authority to determine "the constitutionality or legal effect or expediency" of proposed legislation belongs to the chamber, and that principle aligns with Representatives' oath of office, by which each Representative swears or affirms to not agree to legislation that "shall appear to me injurious to the people," or commit acts "that shall have a tendency to lessen or abridge their" constitutional rights and privileges, "according to the best of my judgment and ability."

See also the point of order on this bill raised immediately after this one, here in this document under "Custom and Tradition."

2017, H.R.14—Disapproving Executive Order 07-17. Objection to the constitutionality of using this House resolution to disapprove an Executive order that would merge the Department of Liquor Control with the State Lottery Commission, ruled not well-taken.

April 12, 2017 HJ pg. 626; daily pg. 660. The resolution was offered in accordance with 3 V.S.A. § 2002, which provides that a Governor's executive order proposing to reorganize the Executive Branch in a manner that conflicts with statutory law shall not take effect if disapproved by resolution of either chamber. Again, the Journal describes the Speaker finding the point of order not well-taken "as the House does not determine constitutionality."[33]

[30] Brigham v. State, 179 Vt. 525, 528 (2005).
[31] C.O. Granai v. Witters, Longmoore, Akley & Brown, 123 Vt. 468, 470 (1963).
[32] State v. Read, 165 Vt. 141, 153 (1996).
[33] *See* 2018, Sp. Sess. H.16 (vital records), above.

2008, H.889—The State's Transportation Program. Objection to the constitutionality of bill provision requiring the Governor to include an item in the Governor's 2010 Budget proposal, as a violation of separation of powers, ruled not-well taken, "in that it has been long the custom of this House, supported by *Mason's* . . . that the chair does not rule on the constitutionality of amendments."

April 3, 2008 HJ pg. 839.[34] The language objected to was set forth in the last sentence of Sec. 21 of the bill as introduced. That language provided that if a special committee with a mix of legislators and Administration officials approved a bonding proposal, the Governor would be required to include it in the next fiscal year's budget.

2003, S.15—A Juvenile Justice Legislative Oversight Committee > A Juvenile Justice Legislative Oversight Committee and restitution procedures. Objection that a proposal of amendment was unconstitutional in that it increased surcharges on fines, which is a revenue-raising measure and therefore in violation of the Vermont Constitution, ruled not well-taken, "in that we do not decide constitutional questions in this body and even if the surcharges are revenue raising measures, they are originating in the House."

May 6, 2003 HJ pg. 1028. The objection is understood to be in regard to Vt. Const. Ch. II, § 6, which requires that "all Revenue bills shall originate in the House[.]" *See* the footnote regarding this constitutional provision set forth at the beginning of this "Constitutionality" section of this document.

[34] The Journal specifically cited *Mason's* Sec. 242-2, which citation in the 2000 edition at that time is what is now codified in the current 2020 edition of *Mason's* as Sec. 232-2.

CUSTOM AND TRADITION

Mason's Sec. 4-4 provides that rules of legislative procedure are derived from and take precedence in this order:

1) constitutional provisions and judicial decisions thereon;
2) adopted rules;
3) custom, usage, and precedents;
4) statutory provisions;
5) adopted parliamentary authority; and
6) parliamentary law.

2021, Feb. 16 Devotional. Objection to motion to journalize devotional, ruled not well-taken, based on journalized precedent.* [House Rule 19 later amended to prohibit journalization of devotionals.]

Feb. 16, 2021 HJ pg. 156; daily pg. 167. However, the Speaker indicated that the House policy for journalization of devotional remarks would be reviewed by the Rules Committee.

*Later in the month, the House adopted 2021, H.R.9, which amended House Rule 19 to explicitly prohibit devotional exercises from being recorded in the Journal. Feb. 24, 2021 HJ pg. 246.[35]

2018 Sp. Sess., H.16—Vital records. Objection at consideration of the Senate proposal of amendment on this vital records bill—which was a strike-all containing a proposed FY2019 Budget—that the actions of the Senate were in violation of the customs and practices of the House, ruled not-well taken. **Appeal**; sustained.

June 22, 2018 HJ pg. 85; daily pg. 93. The objection is understood to be in regard to the revenue implications included in the Budget that were being proposed by the Senate in the Senate proposal of the amendment, in light of Vt. Const. Ch. II, § 6, which requires that "all Revenue bills shall originate in the House[.]" **On appeal**, Speaker's ruling sustained on a roll call. *See also* the related point of order on this bill raised immediately preceding this one,

[35] 2021, H.R.9 also amended House Rule 19 to explicitly prohibit journalization of members' comments during debate, which aligned with 2 V.S.A. § 13(b) ("[J]ournals shall contain all motions, votes, orders, and proceedings, but shall not contain any remark of a member or words spoken for or against a pending question.").

here in this document under “Constitutionality” and its footnote re: Vt. Const. Ch. II, § 6.

2017, H.170—Possession and cultivation of marijuana by a person 21 years of age or older. Objection that individual member amendments were taken out of order, ruled not well-taken, as House rules allow the Speaker to determine the order of amendments.

May 2, 2017 HJ pg. 1264; daily pg. 1813. House Rules 35(b) and 57 require committee reports to be taken up first in the order of committee consideration, but the rules do not control the order of considering amendments offered by individual members.

EQUALITY OF MEMBERS

In accordance with the U.S. Const. Equal Protection Clause, Vt. Const. Ch. II, § 73 requires legislative districts to be reapportioned at least decennially "in order to maintain equality of representation among the respective districts as nearly as is practicable."

Mason's Sec. 49 describes the equality of members in a chamber as "essential" to the operation of a democratic group. "The process of electing representatives to exercise the plenary powers of the people presumes that each representative is of equal status as every other representative." Id.

Similarly, *Mason's* Sec. 560-9 provides that members who have taken their oath of office "are all precisely equal among themselves and have an equal right to participate in all the proceedings of the body, so long as their election is not set aside or until they cease to be members of the body."

Committee Procedure

2005, J.R.H.47—National Guard deployment. Objection that the report of a committee was in violation of *Mason's* Sec. 675-3 in that when the final vote of the committee was taken, some members of the committee did not understand that the vote was to report this resolution adversely, ruled well-taken, and the resolution was ordered returned to that committee.

June 2, 2005 HJ pg. 1516. This joint resolution was offered by the Committee on General, Housing, and Military Affairs and thereafter referred to the Committee on Appropriations.[36] Once reported out of that committee, on motion, it was committed to the Committee on Government Operations,[37] which thereafter reported it adversely (ie., ought not to pass).[38]

Mason's Sec. 675-3 provides that "[a] bill not properly reported from a committee is not entitled to its place on the calendar and should be referred back to the committee." Although *Mason's* Sec. 676-2 provides that when a question is raised about whether a committee report has been property authorized, "the question should be submitted to the body itself for a decision rather than being decided by the presiding officer," in this case, the Speaker ruled that this point

---

[36] The May 13, 2005 HJ indicates it was treated as bill and referred to HAC. It contained per diems for members of a legislative study committee that the resolution would create.
[37] May 19, 2005 HJ.
[38] June 2, 2005 HCal.

of order was well-taken and pursuant to *Mason's* Sec. 675-3, the resolution was ordered returned to the Committee on Government Operations.[39]

Remote Connectivity

2021, H.437—Changes that affect the revenue of the State. While the House was operating with remote member participation due to the ongoing COVID-19 pandemic, objection to vote passing the bill, ruled well-taken, based on member concerns that they were unable to vote due to breaks in connectivity.

March 26, 2021 HJ pgs. 498-499; daily pgs. 517–518. At 3rd reading, the House passed the bill on a vote by division (Yeas, 94; Nays, 45), which, for remote House members, meant voting by raising their electronic-hand in Zoom. During consideration of the next bill, in response to member concerns that they were unable to vote on passing H.437 due to breaks in their connectivity, a member raised a point of order, in that those members experiencing voting issues should be allowed to vote even if the vote concluded, which the Speaker ruled well-taken, and advised that the House would finish its consideration of the pending bill, then request a rules suspension to allow for immediate reconsideration of the prior vote on H.437.

Thereafter, pending the vote on the motion to suspend rules to permit immediate consideration of the vote to pass H.437, a member raised a *point of inquiry* as to whether this vote could only be reconsidered this one time, and not again on the next legislative day, and the Speaker confirmed that pursuant to House Rule 80,[40] reconsideration can only be used one time per one question.

Thereupon, the rules were suspended to permit immediate reconsideration and the bill was passed.

---

[39] Later that same day, June 2, 2005, the Committee on Government Operations was relieved of further consideration of the resolution on a roll call vote. Accordingly, pursuant to House Rule 51, the resolution was placed on the June 3, 2005 Notice Cal. According to the June 4, 2005 HJ, when it was taken up for action on that following day, a motion was made to recommit the resolution to the Committee on Appropriations; pending the vote on that motion, a motion was made to suspend rules to permit [debate] of a non-debatable question, which was disagreed to; and the House then voted by roll call to recommit the resolution to that committee.

[40] House Rule 80 provides: "When the decision of a question has been reconsidered, the matter shall not be reconsidered again. Nor when a motion to reconsider has been rejected may that question be reconsidered, or a like motion be in order again."

GERMANENESS

Mason's Sec. 402 requires an amendment to be relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal. *Mason's* Sec. 616-4 confirms that the germaneness requirement also applies to committee reports. For further details regarding this requirement, including the test the House uses for its application, *see* "Germaneness" in the House's Leg. Procedure: Quick Reference Guide.

2026, S.325—Regional planning and Act 250 Tier jurisdiction. Objection to germaneness of amendment regarding the Conserved Land Inventory, ruled well-taken as not germane, because the underlying bill pertains to regional planning and Act 250 Tier jurisdiction, and therefore the amendment deals with a different topic, would introduce an independent question, and would change the scope of the bill.

May 7, 2026; daily HJ pg. 4185. The amendment would amend what constitutes "conserved" land in the Conserved Land Inventory set forth in 10 V.S.A. ch. 89, which provides State goals for conserving land, whereas the underlying bill pertained to the land use regulation topics of regional planning and Act 250 Tiers.

2025, S.50—Increasing the size of solar net metering projects that qualify for expedited registration. Objection to germaneness of amendment that would repeal the Clean Heat Standard, ruled well-taken as not germane, because the underlying bill pertains to expedited registration for certain net-metering systems, and therefore the amendment deals with a different topic and would change the purpose of the bill.

April 29, 2025 HJ pg. 1179; daily pg. 1196. The amendment would repeal 30 V.S.A. ch. 94 (Clean Heat Standard) and 32 V.S.A. § 3102(e)(23) (confidentiality of tax records; Clean Heat Standard compliance auditing), whereas the underlying bill pertained to expedited registration for certain net-metering systems.

2025, S.127—Housing and housing development. Objection to germaneness of amendment that would amend provisions of Act 250, ruled well-taken as not germane, because none of the provisions of the underlying bill proposed amendments to land use regulations, and therefore the amendment dealt with a separate topic of land use regulations and introduced the independent question of amending Act 250 exemptions.

May 23, 2025 HJ pg. 2022; daily pg. 2042. The amendment would amend provisions of Act 250 to extend the sunset of current-law exemptions from Act 250 review for specified housing projects—from January 1, 2027 to December 31, 2031—to align with a committee report's recommended sunset of the Community and Housing Infrastructure Program (CHIP), but none of the CHIP provisions would allow building in areas not permissible under current law, and none of the other provisions of the bill proposed amendments to land use regulations.

2024, H.850—Transitioning education financing to the new system for pupil weighting. Objection to germaneness of amendment that would provide the manner of spending certain Education Fund grants, ruled well-taken as not germane, because the pending committee report and the underlying bill pertained to property tax rates supporting school districts and school district budget votes, and therefore the amendment would expand the subject-matter of the bill.

Feb. 14, 2024 HJ pg. 207; daily pg. 218. The amendment would provide the manner of spending certain Education Fund grants for afterschool and summer learning programs, whereas the pending committee report and the underlying bill would provide a transition for property tax rates in fiscal years 2025–2029 supporting school districts and allow changes in the date of school district budget votes.

2024, H.880—Increasing access to the judicial system > Increasing access to justice and to corporate taxes and fees. Objection to germaneness of committee report that would create a revenue stream to provide funding for this and another bill, ruled not well-taken as germane, because the revenue stream was inseparable from that other bill.

March 26, 2024 HJ pg. 840; daily pg. 859. The committee report—which would create the same revenue stream to fund this H.880 and H.721 (expanding access to Medicaid and Dr. Dynasaur), and which revenue stream was repeated in H.721—was ruled germane to the bill because that revenue

stream would provide funding to specifically support the policy of those two bills and could not be separated between them.

2023, H.89—Civil and criminal procedures concerning legally protected health care activity. Objection to germaneness of amendment that would create a legal right of health care providers and institutions to not participate in health care services that would violate their conscience, ruled well-taken as not germane, because it introduced an independent question and would change the purpose, scope, or object of the bill.

Feb. 9, 2023 HJ pg. 155; daily pg. 167. The amendment would provide health care providers and institutions with a legal right to not participate in any health care services that would violate their conscience, whereas the bill would provide civil and criminal procedures for people obtaining or providing specific legally protected health care activities, and therefore the amendment was ruled not germane because it introduced an independent question and would change the purpose, scope, or object of the bill.

2022, H.510—Creating a Vermont child tax credit > A Vermont Child Tax Credit and the Vermont Social Security income exclusion. Objection to germaneness of divided amendment that would provide a refundable tax credit for residents who qualify as a nurse or nursing assistant, ruled well-taken as not germane, because it introduced an independent question and topic and expanded the subject matter of the bill.

Feb. 9, 2022 HJ pg. 197; daily pg. 207. The bill had been amended at 2nd reading to add Vermont Social Security income exclusions to its original topic regarding child tax credits. The amendment subject to the point of order was offered at 3rd reading, and thereafter divided to isolate the provisions of its second instance of amendment, which would provide a refundable tax credit for Vermont residents who qualify as a nurse or nursing assistant.

2022, H.738—Technical and administrative changes to Vermont's tax laws. Objection to germaneness of amendment that would exclude unemployment compensation from gross income in taxable year 2021, ruled well-taken as not germane, because it would change the purpose, scope, or object of the bill. **Appeal**; sustained.

March 23, 2022 HJ pg. 829; daily pg. 848. The amendment would exclude in taxable year 2021 a specified portion of unemployment compensation for certain taxpayers, and therefore, as substantive tax policy, would change the

purpose, scope, or object of the bill, which pertained to administrative and technical changes to tax law. **On appeal**, Speaker's ruling sustained.

2019, H.57—Preserving the right to abortion. Objection to germaneness of amendment that would prohibit the sale of human fetal tissue resulting from an abortion, ruled well-taken as not germane to the bill, because the amendment did not address the right to abortion and instead dealt with the disposition of remains.

Feb. 21, 2019 HJ pg. 239; daily pg. 255. The underlying bill pertained to prohibiting infringement of the right to abortion by governmental entities.

2019, H.439—The Home Weather Assistance Program. Objection to germaneness of divided amendment's Secs. 1 (adjusting personal income tax rates starting in taxable year 2019) and 2 (amending General Fund revenues to be a specified percentage of income taxes), ruled well-taken as not germane.

March 26, 2019 HJ pg. 648; daily pg. 671. The amendment was offered to a strike-all committee report that would increase fuel taxes. After Secs. 1 and 2 were ruled not germane, the Rep. was granted leave to withdraw the remainder of the amendment, which consisted of Secs. 3 (adding to Home Weather Assistance Fund the portion of income taxes that would not be allocated to General Fund under the amendment's Sec. 2) and 4 (effective dates).

2018, H.511—Highway safety > Eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older. Objection to germaneness of amendment that would raise the age of tobacco sales from 18 to 21 years of age, ruled not well-taken as germane to the Senate proposal of amendment.

Jan. 4, 2018 HJ pg. 33; daily pg. 34. The Senate proposal of amendment was a strike-all of a highway safety bill and would eliminate penalties for possession of certain amounts of marijuana by persons 21 years of age and older, and which added marijuana to current statutes prohibiting use of tobacco in vehicles occupied by minors and at child care facilities. After the ruling, the Rep. asked and was granted leave to withdraw the amendment.

2018, H.928—Pay Act. Objection to germaneness of amendment that would add to Pay Act a section regarding legislative intent to maintain current State employee salaries and other operational costs and expenses until a new Budget is enacted, ruled not-well taken as germane to Senate proposal of amendment.

May 12, 2018 HJ pg. 2303; daily pg. 2358.

2018, S.55—The disposition of unlawful and abandoned firearms. Objection to germaneness of amendment that would permit the use of gun suppressors by persons taking game, ruled well-taken as not germane, because the amendment related to public health and not firearm safety.

March 27, 2018 HJ pg. 838; daily pg. 875. The underlying House proposal of amendment was in regard to disposing unlawful and abandoned firearms in the possession of State entities, whereas it is understood that the amendment was offered for the purpose of permitting the use of gun suppressors by hunters in order to protect their hearing.

2017, S.1—The determination of average daily membership for the 2016-2017 school year and equalized pupil count for fiscal year 2018. Objection to germaneness of amendment that would set a special school budget vote date in 2017, ruled not well-taken as germane, because both the amendment and the underlying bill considered dates for budgeting purposes.

Feb. 3, 2017 HJ pg. 151; daily pg. 161.

2016, H.84—Internet dating services > Consumer protection. Objection to germaneness of amendment that would amend the membership of the Financial Literacy Commission, ruled well-taken as not germane to the underlying bill.

April 5, 2016 HJ pg. 801; daily pg. 820. The bill as passed by the House related to Internet dating services. The Senate proposal of amendment was also limited to that topic, but the bill was committed back to committee upon its return to the House. The resulting committee report was a strike-all that more broadly addressed consumer protection, and the objectionable amendment was offered thereto.

2016, H.611—Fiscal year 2016 budget adjustments. Objection to germaneness of amendment that would require the Administration to report on transitioning to a federally-facilitated health care Exchange, along with a description of steps needed to dismantle unnecessary functions of Vermont Health Connect, ruled well-taken as not germane.

Jan. 26, 2016 HJ pg. 69; daily pg. 76. The underlying BAA adjusted appropriation amounts and did not directly address Vermont Health Connect.

2016, H.853—Setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes. Objection to germaneness of amendment to 2015, Act 46 (education funding, spending, and governance) that would change the State Board of Education's plan to merge and realign school districts from a requirement to a recommendation, ruled well-taken as not germane.

March 29, 2016 HJ pg. 704; daily pg. 706. The underlying Yield Bill addressed the education finance of merged districts, but not education policy. Thereupon, the Rep. moved to suspend rules to permit consideration of a non-germane amendment, which was disagreed to on a roll call.

2016, H.853—Setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes. Objection to germaneness of amendment that would require a JFO report analyzing the fiscal impact of 2013, H.353 (eliminating tax expenditures), ruled well-taken as not germane.

March 30, 2016 HJ pg. 717; daily pg. 718. The underlying bill, as amended at 2nd reading, did require JFO reports on the fiscal impacts of 2016, H.846 (making changes to the calculation of the statewide education property tax) and 2016, H.656 (creating an education tax that is adjusted by income for all taxpayers), whereas the objection appeared to be sustained because 2013, H.353 and the offered amendment's report thereon were focused on tax expenditures more generally.

2016, H.873—Miscellaneous tax changes. Objection to germaneness of divided amendment's second and third instances of amendment—which would expand the definition of "other tobacco products" regulated in tax law's 32 V.S.A. ch. 205 (cigarettes and tobacco products) to add tobacco substitutes and liquids and delivery devices sold for use with tobacco substitutes—ruled well-taken as not germane.

March 24, 2016 HJ pg. 656; daily pg. 673. The underlying bill did not address the taxation of tobacco products. Thereupon, the Rep. moved to suspend rules to permit consideration of a non-germane amendment, but thereafter asked and was granted leave to withdraw that motion.

2015, S.108—Repealing the sunset on provisions pertaining to patient choice at end of life. Objection to germaneness of amendment that would prohibit other persons from acting on behalf of a patient, ruled well-taken as not germane.

April 30, 2015 HJ pg. 1133; daily pg. 1164. The underlying bill as passed by the Senate was focused specifically on repealing the sunset of specified provisions of the patient-choice law, and the House proposal of amendment agreed to at 2nd reading required reporting on that current law. A subsequent motion to suspend rules to permit consideration of the non-germane amendment was decided in the negative on a roll call. Id. at 1165.

2015, S.108—Repealing the sunset on provisions pertaining to patient choice at end of life. Objection to germaneness of amendment that would confirm limits on the duties of a clinician in regard to patient choice at end of life, ruled well-taken as not germane.

April 30, 2015 HJ pg. 1136; daily pg. 1168. (*See* S.108, above.) A subsequent motion to suspend rules to permit consideration of the non-germane amendment was decided in the negative on a roll call. Id.

2014, H.640—Technical corrections. Objection to germaneness of amendment that would amend campaign finance contribution limits, ruled well-taken as not germane to committee report.

Feb. 13, 2014 HJ pg. 415; daily pg. 426. The bill and the strike-all committee report were in regard to technical corrections to the V.S.A. proposed by the Office of Legislative Council in accordance with 2 V.S.A. § 426. The committee report included Sec. 33 (campaign finance; contribution limits; transitional provision) to correct a drafting error in the effective dates of 2014,

Act 90 (campaign finance law), whereas the amendment proposed substantive amendments to campaign finance contribution limits.

2014, H.640—Technical corrections. Objection to germaneness of amendment that would amend campaign finance report contributor information, ruled well-taken as not germane to committee report.

Feb. 13, 2014 HJ pg. 416; daily pg. 428. (*See* H.640, above.)

2014, H.640—Technical corrections. Objection to germaneness of amendment that would regulate corporate and labor union campaign contributions, ruled well-taken as not germane to committee report.

Feb. 13, 2014 HJ pg. 418; daily pg. 428. (*See* H.640, above.)

2014, H.673—Retired teachers' health care costs. Objection to germaneness of amendment that would repeal the education property tax, ruled well-taken as not germane to underlying bill.

May 7, 2014 HJ pg. 2066; daily pg. 2092. The underlying bill addressed retired teachers' health and medical benefits and provisions to fund them, but did not address the education property tax.

2014, H.876—Making miscellaneous amendments and technical corrections to education laws. Objection to germaneness of amendment that would require mandatory determinations by the Labor Relations Board and repeal binding interest arbitration provisions in teacher contract disputes, ruled well-taken as not germane to underlying bill.

March 25, 2014 HJ pg. 756; daily pg. 775. The underlying bill amended education policy, but not teacher employment or labor issues.

2014, H.884—Miscellaneous tax changes. Objection to germaneness of amendment that would require a financing proposal for Green Mountain Care, ruled well-taken as not germane to underlying bill.

March 28, 2014 HJ pg. 871; daily pg. 894. The underlying bill did not address Green Mountain Care or other financing proposals. A subsequent motion to suspend rules to permit consideration of a non-germane question was disagreed to on a roll call.

2014, H.884—Miscellaneous tax changes. Objection to germaneness of amendment that would require a JFO report on the projected revenue and cost impacts of the taxation and regulation of marijuana, ruled well-taken as not germane to underlying bill.

March 28, 2014 HJ pg. 874; daily pg. 897. The underlying bill did not address marijuana (but did alter tobacco regulation).

2013, H.112—The labeling of food produced with genetic engineering. Objection to germaneness of strike-all amendment that would replace contents of bill providing a requirement to label food as "genetically engineered" with a requirement to label food with its country of origin, ruled not well-taken as germane to the underlying bill.

May 10, 2013 HJ pg. 1500; daily pg. 1518. Both the bill and the amendment pertained to the labeling of food for purposes of consumer awareness and safety in light of limitations on that labeling under federal law.

2013, H.536—The Adjutant and Inspector General and the Vermont National Guard > The National Guard. Objection to germaneness of amendment that would request Vermont be removed from federal consideration for basing F-35A fighter jets at the Burlington Airport, ruled well-taken as not germane to the underlying bill.

April 17, 2013 HJ pg. 761; daily pg. 778. The underlying bill related to the qualifications and duties of the Adjutant and Inspector General and nonjudicial discipline in the Vermont National Guard. Thereafter, a motion to suspend rules to permit consideration of a non-germane amendment was disagreed to on a roll call.

2013, H.536—The Adjutant and Inspector General and the Vermont National Guard > The National Guard. Objection to germaneness of amendment that would require JFO to study the potential adverse impacts caused by the deployment of the F-35A fighter jets at the Burlington Airport by the U.S. Air Force and Vermont Air National Guard, ruled well-taken as not germane to the underlying bill.

April 17, 2013 HJ pg. 763; daily pg. 782. (*See* H.536, above.)

2013, H.536—The Adjutant and Inspector General and the Vermont National Guard > The National Guard. Objection to germaneness of amendment that would require the Secretary of Administration to work with the U.S. Air Force and Vermont National Guard to complete a collaborative hearing process regarding the assignment of F-35A fighter jets to the Vermont National Guard, ruled well-taken as not germane to the underlying bill.

April 17, 2013 HJ pg. 764; daily pgs. 782-783. (*See* H.536, above.)

2013, S.14—Payment of fair-share fees > Payment of agency fees and collective bargaining service fees. Objection to germaneness of amendment that would require each school employee to receive at least the statutorily-calculated livable wage, ruled well-taken as not germane.

April 26, 2013 HJ pg. 891; daily pg. 910. The bill as passed by the Senate and the House proposal of amendment related to the payment of collective bargaining service fees/agency fees by employees who exercised their right not to join the employee organization representing the employee's bargaining unit, but did not otherwise address employee pay.

2013, S.77—Patient choice and control at end of life. Objection to germaneness of amendment to Senate proposal of amendment to House proposal of amendment that would add a section to allow a non-agent or non-guardian surrogate of an individual without capacity to provide informed consent for the individual's admission to hospice care, ruled well-taken as not germane.

May 13, 2013 HJ pg. 1659; daily pg. 1678. The bill and the pending proposals of amendment included references to hospice care, but did not address health care policy regulating hospice care.

2013, S.152—Green Mountain Care Board's rate review authority > Health care financing. Objection to germaneness of amendment that would make participation in the Vermont Health Benefit Exchange voluntary, rather than a requirement, for specified persons, ruled well-taken as not germane.

May 9, 2013 HJ pg. 1471; daily pg. 1488. The bill as passed by the Senate and the House proposal of amendment pertained to health care insurance rates and created the Office of Health Care Advocate. Thereafter, a motion to suspend rules to permit consideration of a non-germane was disagreed to on a roll call.

2012, H.468—A renewable portfolio standard and the Sustainably Priced Energy Enterprise Development (SPEED) Program > The Vermont Energy Act of 2012. Objection to germaneness of amendment that would require a windfall-sharing with ratepayers when an electric company acquired or merged with another, ruled well-taken as not germane.

March 21, 2012 HJ pg. 746; daily pg. 772. The underlying bill at 3rd reading related to renewable energy goals, a renewable portfolio standard, and a SPEED standard offer program for specified renewable energy plants, but did not address the impacts of corporate structures on ratepayers.

2012, H.756—The sales and use tax exemption for packaging equipment. Objection to germaneness of amendment that would add a section exempting from the sales tax on prewritten computer software the type of software that is remotely accessed, and requiring the refund of taxes already paid on such software, ruled not well-taken as germane to the underlying bill, because they both dealt with exemptions to the sales tax.

Feb. 29, 2012 HJ pg. 435; daily pg. 453. While they both dealt with exemptions to the sales tax, the bill was limited to exempting from sales tax the machinery used for both initial and secondary packaging of products. Following this ruling, the Rep. asked and was granted leave to withdraw the amendment.

2012, H.778—Structured settlements > Structured settlements and prohibiting collusion as an antitrust violation. Objection to germaneness of amendment that would add collusion as a criminal antitrust violation, ruled not-well taken as germane, in that the amendment and the Senate proposal of amendment and pending proposed amendment thereto dealt with forms of fraud and consumer protection.

May 1, 2012 HJ pg. 1921; daily pg. 1952. The underlying Senate proposal of amendment and pending proposed amendment thereto would provide qualifications for permissible structured settlement agreements.

2012, S.95—Exemptions for newspaper deliverers from the unemployment statutes; relieving an employer's experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel > Employment decisions based on credit information, allowing school employees to be paid wages over the course of a year, and union organizing. On division of a committee's proposed strike-all amendment, objection to the germaneness of Sec. 4—which would require community mental health agencies receiving State funds to annually certify that those funds are not used to interfere with employees' unionization rights—ruled not well-taken as germane to the underlying bill, because both dealt with employee-employer relations.

April 28, 2012 HJ pg. 1661; daily pg. 1689. As indicated in its original title, the bill as passed by the Senate, as well as the committee's proposal of amendment, pertained to various employment practices.

2012, S.200—Reporting requirements of health insurers > Pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers. Objection to germaneness of amendment that would provide requirements regarding midwife health insurance coverage, ruled well-taken as not germane to the House proposal of amendment, in that the House proposal of amendment did not address health insurance coverage.

April 25, 2012 HJ pg. 1212; daily pg. 1246. Both the bill as passed by the Senate and the strike-all House proposal of amendment agreed to at 2nd reading would impose requirements on health insurers, but neither would impose requirements regarding health insurance coverage.

2012, S.214—Customer rights regarding smart meters > The Vermont Energy Act of 2012. Objection to germaneness of strike-all committee report that would establish renewable energy goals, amend the renewable portfolio standards for sales of electric energy, amend the SPEED Program and its renewables targets, create a standard offer program within the SPEED Program, establish renewable energy reporting, confirm that electric companies own the environmental attributes of connected net metering systems, require utility cost planning, require rulemaking on greenhouse gas accounting protocols, and retitle the bill as the 2012 Energy Act, ruled not-well taken as germane to the underlying bill, citing *Mason's* Sec. 617-1 (authority of committees to recommend strike-all amendments, so long as they are relevant to the title and subject of the original bill).*

April 27, 2012 HJ pg. 1621; daily pg. 1652. *Note, however, that the bill as passed by the Senate was limited to the topic of customer rights regarding smart meters, whereas the committee strike-all did not address smart meters, and *Mason's* Sec. 616 requires recommended committee amendments to be germane to the original purpose of the bill.

2012, S.214—Customer rights regarding smart meters > The Vermont Energy Act of 2012. Objection to germaneness of amendment proposed to S. prop to H. prop that would add sections regulating electric distribution company rate recovery and creating a working group regarding the funding of thermal energy efficiency by those companies, ruled well-taken as not germane, in that the amendment pertained to rate-setting, whereas the S. prop to H. prop pertained to renewable energy.

May 4, 2012 HJ pg. 2217; daily pg. 2253. A subsequent motion to suspend rules to permit consideration of a non-germane amendment was disagreed to on a roll call.

2011, H.299—Repealing the provision that some school district budgets be presented to the voters by means of a divided question. Objection to germaneness of amendment that would add a section to bill requiring the Blue Ribbon Tax Structure Commission to propose new systems of education finance, spending controls, and cost savings, ruled well-taken as not germane.

Feb. 24, 2011 HJ pg. 325; daily pg. 344. The underlying bill was specifically in regard to repealing the provisions of law requiring school district budget votes to be presented as a divided question if the budget contained excess spending as defined in law. A subsequent motion to suspend rules to permit consideration of a non-germane amendment was disagreed to.

2010, H.470—Restructuring of the Judiciary. Objection to germaneness of amendment that would add bases on which the owner of property would be a competent witness to testify, ruled well-taken as not germane, because the underlying bill pertained to court reorganization, not judicial procedures.

March 24, 2010 HJ pg. 637; daily pg. 661. This bill was the expansive Judicial Restructuring Act of 2010, which substantially reorganized the State Judiciary in response to the recommendations of the Vermont Commission on Judicial Operation.[41] Conversely, the amendment pertained to the competency of a witness to testify in judicial proceedings,[42] and therefore was ruled as not germane because it dealt with the different topic of judicial procedures in litigation.

2010, H.790—Capital Bill. Objection to germaneness of amendment that would strike a section of the bill appropriating funds to the Vermont Housing and Conservation Board for building and preserving affordable housing and insert in lieu thereof a section appropriating funds to the Agency of Agriculture, Food and Markets for distribution to Vermont dairy farmers, ruled well-taken as not germane.

April 2, 2010 HJ pg. 742; daily pg. 772. The Capital Bill, which pertains to capital construction and State bonding and miscellaneous related items, provided in Sec. 15 appropriations to the Agency of Agriculture, Food and Markets to support existing Agency programs regarding best management practices and agricultural buffers, but did not otherwise address dairy farming.

2010, H.792—Implementation of Challenges for Change. Objection to germaneness of amendment that would add a section imposing a two-year surtax on the top-four income tax brackets, ruled well-taken as not germane, because the bill did not deal with taxes.

April 16, 2010 HJ pg. 879; daily pg. 909. This bill amended law for the purpose of creating better methods for providing government services, while spending less money and still achieving the outcome specified in the bill and the original 2010 Challenges for Change act.[43]

---

[41] *See* 2010, Act No. 154 (H.470) Act Summary.

[42] In the Journal, the offered amendment to 12 V.S.A. § 1604 (value of property; owner as competent witness) is not shown with standard underlining, but based on the current version of the law, appeared to recommend adding the text that follows "as to the value thereof[.]"

[43] *See* 2010, Act No. 146 (H.792) Act Summary. The original 2010 Challenges for Change act was 2010, Act No. 68 (S.286); *see* that Act Summary.

2010, H.792—Implementation of Challenges for Change. Objection to germaneness of amendment that would add a section requiring that every collective bargaining agreement or other employment contract between a supervisory union or school district and its employees in specified fiscal years require that competency be considered when making decisions related to reductions in force, ruled well-taken as not germane, because the bill did not deal with collective bargaining.

April 16, 2010 HJ pg. 903; daily pg. 934. (*See* 2010, H.792, above.)

2010, H.792—Implementation of Challenges for Change. Objection to germaneness of amendment that would prohibit a collective bargaining agreement or other employment contract between a supervisory union or school district and its employees in specified fiscal years from containing any provisions that would be in effect for more than one year, ruled well-taken as not germane, because the bill did not deal with collective bargaining.

April 16, 2010 HJ pg. 904; daily pg. 934. (*See* 2010, H.792, above.) Thereafter, a motion to suspend rules to permit consideration of a non-germane amendment was disagreed to.

2009, H.145—Composting. Objection to germaneness of amendment that would amend Act 250 provisions to require consideration of specified benefits from a development or subdivision in evaluating the permit application therefor, in addition to the other criteria that must be met before any permit could be issued, ruled not well-taken as germane to the underlying bill, in that both dealt with Act 250.

March 19, 2009 HJ pg. 402; daily pg. 424.

2009, H.213—Providing fairness to tenants in cases of contested housing security deposit withholding. Objection to germaneness of amendment that would add qualifications required to obtain the residential rental unit security deposit protections of the bill, ruled not well-taken as germane to the bill, because both dealt with the same subject matter.

April 1, 2009 HJ pg. 491; daily pg. 517. The bill would provide tenants with unqualified authority to immediately access the undisputed portions of a residential rental security deposit at the termination of tenancy, and the amendment would have instead provided qualifications for tenants to exercise that authority, by adding the language beginning with “provided that the tenant . . .”

2009, S.125—Expanding the sex offender registry. Objection to germaneness of amendment that would add a section requiring the Department of Corrections to convene a working group to identify ways to provide assistance to municipalities that are asked to take a disproportionately high number of Department supervisees into their communities, ruled not-well taken as germane to the pending committee report, because both dealt with offenders who are released into the community.

May 4, 2009 HJ pg. 1399; daily pg. 1452. While the underlying bill focused on sex offenders, it included requirements regarding their release from incarceration.

2008, S.108—The election of U.S. Representative and U.S. Senator by instant runoff voting method. Objection to germaneness of amendment providing for a citizens' initiative process to propose legislation for enactment by the General Assembly, ruled well-taken as not germane.

March 14, 2008 HJ pg. 514. The underlying bill was limited to applying instant runoff voting to congressional elections. A subsequent motion to suspend rules to permit consideration of a non-germane amendment was disagreed to.

2008, S.304—A groundwater withdrawal permit program. Objection to germaneness of amendment that would allow a retail establishment to place up to three picnic tables on its property outdoors without a permit, ruled well-taken as not germane.

April 24, 2008 HJ pg. 1374. The underlying bill established a groundwater withdrawal permit program. A subsequent motion to suspend rules to permit consideration of a non-germane amendment was disagreed to.[44]

[44] This amendment may sound familiar to some long-serving members, as it made multiple appearances in various forms over the years thanks to the dedication of its sponsor. *See e.g.* April 23, 2009 HJ pg. 886 and the germaneness point of order described later in this document for 2006, S.142.

2008, S.372—Evictions, unpaid rent, and abandoned property in rental property. Objection that divided committee report's third instance of amendment—which would add sections creating a Rental Housing Inspection Program and Registry—was not germane to the bill as passed by Senate, which dealt with the rights of tenants and evictions procedures, ruled not well-taken, in that both that portion of the committee report and the underlying bill dealt with rental properties.

April 22, 2008 HJ pg. 1057. The underlying bill as passed the Senate covered the topics described in the bill title.

2007, S.7—Compassionate use of marijuana for medical purposes. Objection to germaneness of amendment that would require parental notification of a minor's pending abortion, ruled well-taken as not germane to the bill.

May 2, 2007 HJ pg. 1032. The underlying bill and House proposal of amendment were in regard to the therapeutic use of cannabis. Thereafter, a motion to suspend rules to permit consideration of a non-germane amendment was disagreed to.

2006, S.103—Lawsuits arising from exercise of right to freedom of speech or to petition government for redress of grievances. Objection to germaneness of amendment that would prohibit picketing around the time that a funeral is held, ruled well-taken as not germane to this bill regarding SLAPP suits.

April 12, 2006 HJ pg. 951. The underlying bill pertained to court procedure regarding strategic lawsuits against public participation (SLAPP suits),[45] whereas the amendment would have made it a crime to protest, demonstrate, or conduct related activities within a specified area and timeframe of a funeral. A subsequent motion to suspend rules to permit consideration of a non-germane amendment was disagreed to.

[45] *See* 2006, Act 134 (S.103) Summary.

2006, S.142—Creation of designated growth centers and downtown tax credit program. Objection to germaneness of amendment that would allow specified food service establishments to place up to three picnic tables on its property outdoors without a permit, or up to four picnic tables if the store is located in a designated downtown, village center, new town center, or growth center, ruled well-taken as not germane.

April 26, 2006 HJ pg. 1356. The underlying bill pertained to creating designated growth centers and a tax credit program to encourage development within downtowns and village centers, whereas the amendment focused on allowing outdoor picnic tables at food service establishments without a permit.[46]

2006, S.222—Funding of adult education and literacy services > High school completion program for 16- to 22-year olds. Objection to germaneness of amendment that would create Green Mountain Promise Scholarships for enrollment at postsecondary institutions, ruled well-taken as not germane.

April 26, 2006 HJ pg. 1374. Both the bill as passed by Senate and the pending House proposal of amendment focused on the education of young people between the ages of 16 and 22 to enable them to complete their high school education, whereas the amendment would have created a scholarship for postsecondary education. A subsequent motion to suspend rules to permit consideration of a non-germane amendment was disagreed to.

2005, H.524—Universal access to health care in Vermont. Objection to germaneness of Secs. 20–43 of a strike-all amendment that would add to this health-care bill provisions regarding land use redevelopment zones, workers' compensation, mitigation of the loss of prime agricultural soils, and taxation and tax credits, ruled well-taken as not germane. **Appeal**; sustained.

April 21, 2005 HJ pg. 770. **On appeal**, the Speaker's ruling was sustained. Because the House determined that Secs. 20–43 of the strike-all amendment were not germane to the underlying bill, they could not be considered, and therefore the House then proceeded to vote on the remaining sections of that strike-all.

---

[46] *See also* the footnote accompanying the germaneness point of order on a similar amendment offered to 2008, S.304.

2005, S.80—Increasing the minimum wage. Objection to germaneness of strike-all amendment that would replace the one-section bill's provisions to increase the minimum wage with one section that would instead provide for increasing the earned income tax credit, ruled well-taken as not germane, because "the amendment deals with tax policy and the House proposal of amendment and bill do not deal with tax policy."

March 18, 2005 HJ pg. 388. Both the bill as passed by Senate and ultimately, the House proposal of amendment, would amend the section of Title 21 (labor) that provided for the minimum wage, whereas the amendment would amend the section of Title 32 (taxation) providing eligibility for the earned income tax credit. Thereafter, a motion to suspend rules to permit consideration of a non-germane question was disagreed to.

2004, H.752—Advance directives for health care. Objection to germaneness of amendment offered at 3rd reading that would strike out Sec. 10 (study on pain management) from the bill as amended at 2nd reading, and replace it with a new Sec. 10 (study on pain management), ruled not well-taken as germane, "in that both amendments deal with a study of methods to deal with pain management."

March 31, 2004 HJ pg. 532. In reviewing this Sec. 10 amendment offered at 3rd reading to the Sec. 10 included in the strike-all agreed at 2nd reading,[47] it appears the only difference is that the former proposed adding "; including the use of medical marijuana," following "; and developing enhanced training in pain management" in the third sentence, and medical marijuana was the focus of the roll call vote explanations regarding the vote on the amendment that followed this ruling.

2004, H.767—Capital Bill. Objection to germaneness of an amendment that would place a moratorium on the planting of genetically engineered seed or plant parts—which was offered to an amendment that would place a moratorium on wind generation projects—ruled well-taken as not germane, in that the underlying amendment deals with wind turbines.

March 26, 2004 HJ pg. 485. A subsequent motion to suspend rules to permit consideration of a non-germane amendment was disagreed to on a roll call.

[47] *See* March 30, 2004 HJ.

2004, H.767—Capital Bill. Objection to germaneness of an amendment that would place a moratorium on utility transmission projects—which was offered to the above-described amendment that would place a moratorium on wind generation projects—ruled well-taken as not germane, in that the pending amendment deals with transmission proceedings, whereas the underlying amendment deals with wind turbines.

March 26, 2004 HJ pg. 485.

2004, J.R.H.60—Observance of Vermont Tax Freedom Day. Objection to germaneness of strike-all amendment—which would replace the underlying resolution's language describing April 11, 2004 as Vermont's Tax Freedom Day (the average number of calculated days Vermonters must work each year to pay all taxes) and committing the General Assembly to establishing lower state government taxation and spending levels, with language instead questioning the accuracy of the organization that calculates Tax Freedom Days and urging Congress to reestablish sustainable fiscal policies—ruled well-taken as not germane, "in that the original resolution deals only with a date on which one[']s income pays their tax liability and the amendment deals with many fiscal policies."

April 13, 2004 HJ pg. 673. Compare the amendment set forth in the Journal to the resolution as introduced.

2003, H.464—Budget. Objection to germaneness of amendment that would amend provisions of T.32 (taxation) to increase sales and use tax rates—which was offered to a divided amendment's first instance of amendment that would increase the amount of money transferred from the General Fund to the Education Fund—ruled well-taken as not germane, in that the pending amendment dealt with raising taxes.

March 31, 2003 HJ pg. 372. Following the ruling, a motion to suspend rules to permit consideration of a non-germane amendment was disagreed to on a roll call. Thereupon, the underlying first instance of amendment was disagreed to on a roll call, and thereafter, the Rep. asked and was granted leave to withdraw the remaining second instance of amendment.

2003, H.472—Fee Bill. Objection that divided committee report's third instance of amendment—amending 16 V.S.A. § 4025 (Education Fund) to provide that a percentage of tax revenue dedicated to the Department of Tourism and Marketing be appropriated and made available for marketing purposes to the Department of Fish and Wildlife—was not germane to the bill, ruled well-taken as not germane, "in that the amendment deals with an appropriation."

April 22, 2003 HJ pg. 718.

2003, H.472—Fee Bill. Objection that within divided committee report's fourth instance of amendment, its Sec. 33b—adding 10 V.S.A. § 1049a to create the Green Mountain Conservation Camp Endowment Fund—was not germane to the bill, ruled not well-taken as germane, "in that the amendment, and the section of the bill to [be] amended, both deal with the Green Mountain Conservation Camp."

April 22, 2003 HJ pg. 718. Sec. 33 of the bill as introduced increased the tuition charged to attend the Green Mountain conservation camps, and the Journal's reference to the "section" of the bill is understood to refer to Sec. 33's *portion* of the bill under the Sec. 33 reader assistance heading "Department of Fish and Wildlife."

2003, H.480—Education funding. Objection to germaneness of amendment that would add a section to exempt a portion of small brewers' malt beverage annual sales from taxation, ruled not well-taken as germane, "in that the bill has several areas that deal with taxes."

May 2, 2003 HJ pg. 875. The purpose of this committee bill as introduced was to reduce reliance on the property tax for education funding and it made a variety of tax changes for this purpose, including in the provisions of Secs. 25a-29, which increased the rate of the sales and use tax from five to six percent, and in Secs. 35 and 54, which applied that tax to alcoholic beverages.

2003, S.15—A Juvenile Justice Legislative Oversight Committee > A Juvenile Justice Legislative Oversight Committee and restitution procedures. Objection to germaneness of Secs. 2–16 of a strike-all committee report—which proposed the addition of restitution provisions—ruled well-taken as not germane, and therefore those sections were struck from the committee report. *See also* the next germaneness point of order on this bill.

April 23, 2003 HJ pg. 748. The bill as passed by Senate comprised one section that would amend law relating to the Commission on Juvenile Justice.

The House Committee on Judiciary retained that topic in Sec. 1 of its committee report, but the remaining sections pertained to restitution, and therefore were not germane because those sections would change the scope of the bill. After this ruling, a motion to suspend rules to permit consideration of a non-germane amendment was disagreed to, and pending the floor report, a motion by the Committee's bill reporter to order the bill to lie was agreed to.

The following day, pursuant to House Rule 39, the bill was called up and placed on the next day's Action Calendar. April 24, 2003 HJ pg. 750-751.

On that next day, a separate bill reporter for the Committee provided the floor report without those non-germane sections, then offered her own proposal of amendment to add to the bill the non-germane sections on restitution and—without a point of order—moved to suspend rules to permit consideration of a non-germane amendment, which was agreed to. But pending the question on her amendment, she then moved to commit the bill to the Committee on Ways and Means, which was agreed to. April 25, 2003 HJ pgs. 767-782.

See the next entry regarding a germaneness point of order relating to these restitution provisions.

2003, S.15—A Juvenile Justice Legislative Oversight Committee > A Juvenile Justice Legislative Oversight Committee and restitution procedures. This germaneness point of order relates to the preceding entry. Objection to germaneness of an amendment that proposed to add restitution provisions to this bill, ruled not well-taken, "in that the House voted to suspend its rules to permit consideration of the amendment on April 25, 2003, and the fact that the bill was subsequently referred to the Committee on Ways and Means does not negate that action."

May 6, 2003 HJ pg. 1028. *See* the preceding entry on this bill. This proposal of amendment was offered by the original Committee on Judiciary bill reporter. This proposal of amendment contained the same restitution provisions that were offered by the separate Committee bill reporter on April 25, 2003, who on that day, after offering her proposal of amendment, made a motion to suspend rules to permit consideration of a non-germane amendment, which was agreed to. But before the House voted on her amendment, on her motion, the bill was committed to the Committee on Ways and Means.

Interestingly, the Committee on Ways and Means reported the bill without recommendation, and its bill reporter was the same Rep. who had made these germaneness points of order.

This ruling confirms that once the House voted to suspend rules to permit consideration of this non-germane amendment, that decision continued to

apply despite the intervening action of commitment to another committee and the amendment being offered by a separate member, its text being verbatim to what the House had already agreed to consider.

2003, S.70—Neighborhood electric vehicles. Objection to germaneness of amendment proposing to add sections exempting alternative fuel vehicles from the motor vehicle purchase and use tax, ruled well-taken as not germane, because "the amendment deals with exemptions to the purchase and use tax and the bill does not deal with tax matters."

April 16, 2003 HJ pg. 701. The bill as passed by Senate, reported favorably at 2nd reading the preceding day, was limited to regulating the speed and operation of neighborhood electric vehicles.

2003, S.131—Small manufacturers of malt beverages. Objection to germaneness of amendment proposing to add a section that would repeal the tax on malt beverages, ruled well-taken as not germane, because "the amendment deals with a repeal of a tax . . . and the bill makes no reference to taxes."

April 25, 2003 HJ pg. 799. The bill as passed by Senate was limited to one section restricting small manufacturers of malt beverages from having a financial interest in specified liquor licenses, and the House proposal of amendment agreed to earlier in the day only provided an effective date for the bill.

IMPROPER DELEGATION

Mason's Sec. 48 provides that a legislative body cannot delegate its powers, duties, or responsibilities to any other person or group. However, as described in the precedents that follow and the footnoted caselaw, this rule is very narrowly interpreted.

2011, S.17—Licensing a nonprofit organization to dispense marijuana for therapeutic purposes > Registering four nonprofit organizations to dispense marijuana for symptom relief. Objection to consideration of amendment that would provide the Governor with a time-limited authority to suspend the implementation and enforcement of bill provisions authorizing the registration of medical marijuana dispensaries in the interest of justice and public safety, as a violation of the prohibition on a legislative body delegating its powers set forth in *Mason's* Sec. 51 (2010)/Sec. 48 (2020), ruled not well-taken, "as it is the custom of this House to permit delegation of authority."

May 4, 2011 HJ pg. 1861; daily pg. 2064.

2011, S.17—Licensing a nonprofit organization to dispense marijuana for therapeutic purposes > Registering four nonprofit organizations to dispense marijuana for symptom relief. Objection to consideration of that same amendment referenced above, as a violation of the Vermont Constitution, ruled not well-taken, as Vt. Const. Ch. I, Art. 15 permits delegation by the Legislature.[48,49]

May 4, 2011 HJ pg. 1861; daily pg. 2065.

---

[48] While under the separation of powers, functions that are purely and strictly legislative cannot be delegated, Village of Waterbury v. Melendy, 109 Vt. 441, 448 (1938), a statute may delegate authority using reasonable standards to govern the achievement of the statutory purpose and the execution of the power it confers, Vermont Home Mortgage Credit Agency v. Montpelier National Bank, 128 Vt. 272, 278 (1970). In 2004, the SCOV noted that the 1938 Melendy case was the only time it had found an unconstitutional lack of delegation standards. Hunter v. State, 177 Vt. 339, 354 (2004) ("Indeed, we have found the delegation standards inadequate only in *Melendy* where we found no standards at all.").

[49] Regarding contingent legislation, Vt. Const. Ch. I, Art. 15 specifically provides that the "power of suspending laws, or the execution of laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the Legislature shall provide for." And the SCOV stated that "it is admitted on all hands that the legislature may enact laws, the operation or suspension of which shall be made to depend upon a contingency. This could not be questioned, with any show of reason or sound logic. It has been practiced in all free states for hundreds of years, and no one has been lynxed-eyed enough to discover, or certainly bold enough to declare, that such legislation was, on that account, void or irregular." State v. Parker, 26 Vt. 357, 363 (1854).

MONEY COMMITTEE REFERRAL

House Rule 35(a) requires that prior to second reading, a bill carrying an appropriation must be referred to the Committee on Appropriations, and a bill affecting the revenue of the State or materially affecting one or more municipalities must be referred to the Committee on Ways and Means.

2016, H.867—Classification of employees and independent contractors. Objection at 2nd reading that bill—which impacted workers' compensation—should have been, but was not, referred to the Committee on Ways and Means, ruled well-taken.

May 2, 2016 HJ pg. 1681; daily pg. 1710. In accordance with 21 V.S.A. § 711, workers' compensation is structured as a State special fund consisting of contributions from employers. Upon the ruling, the bill was referred to the Committee on Ways and Means as required by House Rule 35(a).

2008, H.891—Budget. Objection at 2nd reading that a section of the Budget required a fee paid into a fund and therefore should have been, but was not, referred to the Committee on Ways and Means, ruled well-taken.

April 1, 2008 HJ. Pg. 785. The section in question in the Budget bill, Sec. 6.022, would have required health insurers to pay a fee into the Health IT Fund based on a percentage of medical claims paid by the health insurer. Upon the ruling, the bill was referred to the Committee on Ways and Means as required by House Rule 35(a).

2005, H.524—Universal access to health care in Vermont. Objection at 2nd reading that the bill affects the revenue of the State and therefore should have been, but was not, referred to the Committee on Ways and Means, ruled not well-taken, "because while sections of the bill refer to different taxes, the bill itself does not raise or lower any taxes, and therefore it does not affect the revenue of the [S]tate."

April 20, 2005 HJ pg. 694. This committee bill as introduced included a study on the impact of the implementation of a universal access health care plan funded primarily by broad-based taxes, and in Secs. 13 and 14 amended law describing eligibility for hospital and medical service corporations' tax

exemption, but with the amendment being to cross-reference an authorized wellness plan described in another provision of the bill, and therefore, the bill did not impact revenue to require referral to the Committee on Ways and Means.

QUALIFICATIONS OF MEMBERS

Vt. Const. Ch. II, § 14 provides the House with the exclusive constitutional authority to judge its members' elections and qualifications.

2017, Day 1 Seating. Objection to Day 1 seating of member-elect whose election was challenged, ruled not well-taken, as the Superior Court order certifying the recount results served as the certificate of election that qualified the member to be seated.

Jan. 4, 2017 HJ pg. 1; daily pg. 1. This point of order regarding the "seating" of this member-elect was in essence an objection to the member-elect taking the oath of office to become an official Representative before the House judged the member-elect's contested election. In this case, because the member-elect held a certificate of election, the point of order was ruled not well-taken in accordance with House Rules 1–3, which describe members-elect, whose certificates of election/credentials have been received, taking the oath of office.

For additional information regarding the House judging its members' elections, *see* Overview and Examples of Contested Legislative Elections.

RECONSIDERATION

House Rules Part XII (of reconsideration) provide that when the House takes a final vote on a question, that [same] question shall not be in order again during the same session[50] in any form, except by way of reconsideration. As described in *Mason's* Sec. 61, "[w]hen a final vote is taken upon any main motion, that vote is binding . . . [i]t is necessary that it be possible to put an end to debate on controversial proposals[.]"[51]

The House rules on reconsideration provide a limited opportunity for a member to request that the House reconsider a substantive decision it has already made. To summarize, the rules require a motion to reconsider to be made the next legislative day by a member who voted on the prevailing side of the question.

Reconsideration is related to Substantial Negation in that the latter prohibits member amendments that would essentially undo an amendment already agreed to, outside of the authority to reconsider a question. Reconsideration permits an attempt to undo a prior substantive decision made the previous day under limited conditions, and thereafter prohibits it. Accordingly, if a member resubmits to the body the same proposal already voted on outside of the limited opportunity to reconsider that question, the proposal may be subject to a point of order. As with substantial negation, an objection to a question as impermissible reconsideration is limited narrowly to the same question already decided.

2012, H.559—Health care reform implementation. Objection that an amendment, divided to isolate its fourth instance of amendment regarding a strategic plan for a universal and unified health system, was a violation of House Rule 77 due to the House's earlier vote that day regarding a similar amendment

[50] "Session" here means the entire biennium.

[51] Note that reconsideration only applies to "main motions," which are substantive proposals or business presented to a legislative body for its consideration, action, or decision, such as passing bills and adopting resolutions. *See Mason's* Secs. 175-2(d), 179, 187-5, and 440. Conversely, the limits of reconsideration do not apply to procedural motions, which are motions that relate to the procedure to consider main motions. *Mason's* Sec. 55-3. Main motions are debatable, whereas procedural motions generally are not. *Mason's* Sec. 59. Unlike main motions subject to reconsideration, procedural motions may be renewed after intervening action, "whenever the parliamentary situation is such that the renewed motion reasonably might be expected to be adopted." *Mason's* Sec. 63-1. Main motions can only be reconsidered but cannot be renewed. *Mason's* Sec. 161-3.

offered, ruled not well-taken, due to a "trigger" provision present in the earlier amendment but not the one subject to the objection.

Feb. 23, 2012 HJ pg. 380; daily pg. 398. The earlier amendment, understood to be the second instance of amendment set forth on HJ daily pg. 392, contained in its corresponding effective date section set forth in its third instance of amendment on the following page, a contingent effective date for the strategic plan, whereas the amendment subject to the objection had a definitive effective date.

2010, H.782— A voluntary school district merger incentive program, supervisory union duties, and other education issues. Objection that a divided amendment's second instance of amendment—which would strike out the underlying bill's Sec. 3 (school district merger incentive program and requirements) and insert in lieu thereof a new Sec. 3 that would provide different requirements for a school district merger incentive program—was in violation of House Rule 77, ruled well-taken.

May 3, 2010 HJ pg. 1567; daily pg. 1602. Based on this Journal entry, it understood that the point of order was regarding the amendment that was previously offered and rejected on April 16, 2010 on 2010, H.792 (implementing Challenges for Change); *see* April 16, 2010 HJ pg. 911 (bottom), *et seq*. While that amendment also offered a school district merger incentive program and requirements and was offered by the same Rep., the text is not verbatim. Regardless, after the ruling on this point of order on May 3, 2010, that Rep. moved to suspend rules "to permit reconsideration of the vote [on that Rep.'s] amendment in the Challenges for Change bill," which was disagreed to on a roll call. Id.

2009, S.67—Motor vehicles. Objection that an amendment that would add to applications for and renewals of a driver license or nondriver identification card a check-box to consent to use the applicant info to simultaneously register the applicant for the Selective Service System was in violation of House Rule 77, ruled well-taken.

May 5, 2009 HJ pg. 1414; daily pg. 1467. This amendment was offered at 3rd reading, and the basis of the point of order is understood to be related to the House vote the prior day at 2nd reading that rejected a divided portion of the Committee on Transportation report on the same bill that recommended similar, but not identical language. *See* May 4, 2009 HJ pg. 1422 *et seq.*, in particular the third through seventh instances of amendment of the Committee report that were disagreed to on a roll call. Note, however, that the

language in the Committee report was not identical to that of the amendment objected to at 3rd reading, in that the Committee recommended the applications automatically serve as a simultaneous consent to registration for the Selective Service System unless the applicant *opted out*, whereas the amendment at 3rd reading was structured such that the applicant needed to *opt in* to have the application serve as a simultaneous registration.

Following the ruling that the amendment violated House Rule 77, a member **appealed** the ruling of the Speaker, but then asked and was granted leave to withdraw the appeal. Thereupon, the Rep. moved to suspend rules to permit consideration of the objectionable amendment, "the provisions of Rule 77 notwithstanding," which was disagreed to.[52] Id.

2009, S.67—Motor vehicles. Objection that an amendment that would require the Department of Motor Vehicles to provide notice to driver's license applicants subject to the requirements of Selective Service System registration of their duty to register under the System and other related information was in violation of House Rule 77, ruled not well-taken.

May 5, 2009 HJ pg. 1414; daily pg. 1468. *See* background information in the preceding House Rule 77 objection on this bill, describe above. This objection was not well-taken because it presented a different question than the one referenced above, in that this amendment would have required *notice*, whereas the amendment above, which was ruled to violate House Rule 77, pertained to driver's license applications serving as a simultaneous registration for the Selective Service System, which had been the topic of a prior Committee amendment already disagreed to.

[52] The Rep. who, at 3rd reading, made the motion to suspend rules to permit consideration of the amendment ruled to violate House Rule 77 had also voted in the roll call in favor of the similar amendment recommended in the Committee report at 2nd reading, and therefore, because that Committee amendment failed at 2nd reading, the Rep. was not on the "prevailing side" of that question to enable him to make the majority-vote motion to reconsider the vote on that Committee report, as required by House Rule 79.

2008, S.372—Evictions, unpaid rent, and abandoned property in rental property. Objection that divided committee report's third instance of amendment—which would create a Rental Housing Inspection Program and Registry—violated House Rule 77 due to the final action taken on that topic in a separate bill, ruled not well-taken, in that the final action taken in that other bill contained many other sections.

April 22, 2008 HJ pg. 1057. The other bill referenced was 2008, H.863 (municipal planning, creating Vermont neighborhoods, encouraging smart growth development, purchasing mobile homes, closure of mobile home parts, landlord-tenant relations, and State residential lead-based paint poisoning prevention). That bill as passed by the House in Sec. 25 contained the same provisions as those objected to in this S.372. However, the Senate proposal of amendment did not include those provisions, and ultimately, pursuant to an H.863 Committee of Conference, H.863 as enacted required only a study committee to make recommendations regarding a rental housing inspection program and registry. Therefore, this ruling is understood as confirming the narrow interpretation of reconsidering the same question, in that one must view the overall context applicable to the vote on the prior question.

2006, H.856—Enhancing sentences for and preventing risks posed by dangerous sexual offenders. Objection that an amendment offered at 3rd reading, providing for civil commitment of sexually violent predators, was in violation of House Rule 77, ruled not-well taken.

Feb. 22, 2006 HJ pg. 430. Although the Journal does not specify the basis for this point of order (ie., the same question alleged to have already been decided), it is inferred that this objection pertains to a similar—but not identical—amendment offered and disagreed to at 2nd reading. Specifically, at 2nd reading of this bill, Reps. offered an amendment regarding the civil commitment of sexually violent predators,[53] which would provide nearly verbatim provisions to the one objected to at 3rd reading, except in part for several revisions in the latter's § 8607 (determination), and with the most substantive difference appearing between the two to be the latter's inclusion of Sec. 27's prospective repeal (sunset) of the amendment provisions offered, making the latter a different question than the one disagreed to at 2nd reading, and therefore not a violation of Rule 77 to consider the latter amendment offered at 3rd reading (which was also disagreed to).

[53] *See* Feb. 21, 2006 HJ pg. 344.

2006, H.861—Health care affordability for Vermonters. Objection that a divided strike-all amendment's Sec. 6 (adding a subchapter creating a premium assistance program) was in violation of House Rule 77, in that the House rejected the same language in an amendment offered earlier in the day, ruled well-taken.

March 3, 2006 HJ pg. 588. Accordingly, Sec. 6 was struck from the strike-all.

The previous amendment was offered by a separate Rep. and would have added one section to the bill to create a premium assistance program,[54] and that earlier amendment and Sec. 6 of the strike-all appear to contain verbatim language. Following this ruling on the point of order, the Rep. was granted leave to withdraw the remainder of the strike-all amendment.

2006, H.869—The State's Transportation Program. Objection at 3rd reading that a divided amendment's proposed deletion of specified sections of the bill violated House Rule 77, in that it was the same question that was rejected the day before at 2nd reading, ruled well-taken.

March 17, 2006 HJ pg. 682. Accordingly, that portion of the amendment was struck from the remainder of it

At 3rd reading, the amendment in its entirety would have 1) amended two separate appropriation amounts; and 2) deleted from the bill Secs. 39 (increase of diesel fuel tax), 40 (increase of gasoline tax), and 40a (reversion of those two taxes to their pre-amendment form in five years), and the question was divided for the House to first consider the deletion of those Secs. 39–40a. Procedurally, Secs. 39 and 40 appeared in the committee bill as introduced, and Sec. 40a was added as a standalone amendment agreed to at 2nd reading.[55] However, the divided amendment objected to at 3rd reading violated House Rule 77 because the House voted against an amendment that was offered later in the House's consideration of the bill at 2nd reading that would delete those three specific sections.[56]

---

[54] March 3, 2006 HJ pg. 546.
[55] March 16, 2006 HJ pg. 652.
[56] March 16, 2006 HJ pg. 662.

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's Secs. 1 (adding 10 V.S.A. ch. 220 re: consolidated environmental appeals and rulemaking), 3 (amending 10 V.S.A. § 6029 re: Act 250 Permit Fund), 4 (repealing 10 V.S.A. § 6083a(d)'s appeal fee), 22 (amending 10 V.S.A. § 1004 re: Environmental Board, instead of Water Resources Board, as State agent), 55 (various repeals), 56 (transition and implementation), and 57 (appropriations and positions in Environmental Board) violated House Rule 77, ruled well-taken.

April 11, 2003 HJ pg. 679. Comparing to the Journal of the previous day, these were the first set of amendments to this bill that were disagreed to at 2nd reading.

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's Secs. 2 (adding 3 V.S.A. § 2828 re: project scoping process) and 57a (appropriation; environmental permit specialist) violated House Rule 77, ruled well-taken.

April 11, 2003 HJ pg. 679. Comparing to the Journal of the previous day, these were third set of amendments to this bill that were disagreed to at 2nd reading.

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's Sec. 7 (amending 10 V.S.A. § 6086 re: issuance of permit; conditions and criteria) violated House Rule 77, ruled well-taken.

April 11, 2003 HJ pg. 679. Comparing to the Journal of the previous day, this was part of—but not the complete—second set of amendments to this bill that were disagreed to at 2nd reading, in that the amendment offered at 2nd reading would have only amended subsec. (d) of this statute, whereas this Sec. 7 amendment would amend multiple subsecs. of it.

2003, H.175—Consolidated environmental appeals and revisions of land use development law. Objection at 3rd reading that a divided strike-all's remaining sections violated House Rule 77, ruled well-taken.

April 11, 2003 HJ pg. 679. Comparing to the Journal of the previous day, it is unknown at this time how these remaining sections violated House Rule 77, although it is possible that they were offered on a separate bill.

As a result of this and the preceding rulings on this strike-all amendment that was offered and then divided, all sections of the strike-all were found to violate House Rule 77, and therefore could not be considered. The House then proceeded to vote on passing the bill.

RESTRICTING FUTURE LEGISLATURE

Mason's Sec. 13-5 provides that rules of procedure adopted by one legislature or statutory provisions governing the legislative process are not binding on a subsequent legislature.

2019, H.439—The Home Weather Assistance Program. Objection to amendment that would prohibit the increase of statutory fuel taxes more than once every five years, ruled well-taken as binding a future legislature.

March 27, 2019 HJ pg. 672; daily pg. 697.

SEPARATION OF POWERS

Mason's Sec. 111-3 provides that any matter awaiting adjudication before a judicial tribunal should not be debated or discussed in a legislative body.

2019, H.39—The extension of the deadline of school district mergers required by the State Board of Education. Objection to consideration of bill that would extend the deadline for school districts to merge to July 1, 2020, ruled not well-taken, as the bill did not address the issue presently before the courts.

Feb. 6, 2019 HJ pg. 116; daily pg. 126.[57]

2011, H.56—The Vermont Energy Act of 2011. Objection to consideration of an amendment that would repeal, on passage, the provisions of the 2006 law that required the General Assembly to approve the continued operation and storage of spent fuel of the Vermont Yankee nuclear power plant, [implied as] ruled well-taken, as directly dealing with issues pending in U.S. District Court.

May 4, 2011 HJ pg. 1831; daily pg. 2035. Neither the Journal nor the bill status page include the Speaker's ruling on the point of order, but because the Journal moves on to the next amendment offered, the implication is that the point of order was ruled well-taken. For background, on April 18, 2011, Entergy—which operated the Vermont Yankee nuclear power plant—had filed suit in U.S. District Court challenging the 2006 State law requiring legislative approval for the continued operation of VT, in part as being preempted by the federal Atomic Energy Act of 1954. *See* Entergy v. Shumlin, 838 F. Supp.2d 183 (2012).

[57] On a separately interesting procedural note, this bill was reported **adversely** by the committee (ie., ought not to pass). Pending the question, *Shall the bill be read a third time?*, the House adjourned until the next day. On that next day, the House agreed to a strike-all amendment, 3rd reading was ordered, rules were suspended to place the bill in all remaining stages of passage, and then it was read the 3rd time and passed. Feb. 7, 2019 HJ pg. 133.

SUBSTANTIAL NEGATION

House Rule 61 provides that subject to House Rule 77 (reconsideration), "an amendment previously adopted may be amended, but not so as to substantially negate the amendment already adopted, except that when a committee report recommends amendment, that amendment shall be in order even though it negates one previously adopted."

Substantial negation occurs when a member offers an amendment that would undo a specific action the House previously took on a main motion, outside of the authority to reconsider a question. As with reconsideration, the rule on substantial negation is strictly limited to the House considering an amendment to undo the same question it had already decided.

See also "Substantial Negation" in the House's Leg. Procedure: Quick Reference Guide, and the related rule on Reconsideration in this document.

2018, H.675—Conditions of release prior to trial. Objection that an amendment regarding the burden of proof for extreme risk protection orders would substantially negate the House's action in approving a previous amendment regarding those extreme risk protection orders, ruled not well-taken, as the House had not voted specifically on the burden of proof in that previous amendment.

March 1, 2018 HJ pg. 488; daily pg. 513. The previous amendment to a committee report the House agreed to in Sec. 1a established the procedure to file a petition for an extreme risk protection order to prohibit possession of firearms and explosives; among its multiple provisions, the procedure included "preponderance of the evidence" as the burden of proof. Once the House agreed to that amendment, the subsequent amendment that was offered and subject to this objection focused in part on amending that burden of proof to be "clear and convincing evidence." Accordingly, the objection was not well-taken because the subsequent amendment was not the same question that had already been decided.

2018, S.260—Funding the cleanup of State waters. Objection that a divided amendment, which would delete Secs. 3-4b of a strike-all that had already been agreed to earlier that day by dividing the question to vote on those sections separately, ruled well-taken as a substantial negation of the House's vote to approve those specific sections.

May 4, 2018 HJ pg. 1511; daily pg. 1568. For the vote earlier in the day agreeing to those sections as a divided question, *see* May 4, 2018 HJ pgs. 1506-1510; daily pgs. 1563-1667.

2018, S.260—Funding the cleanup of State waters. Objection that a divided amendment, which would delete sections that had already been separately agreed to the previous legislative day, ruled well-taken as a substantial negation of the House's vote to approve those specific sections.

May 7, 2018 HJ pg. 1632; daily pg. 1692.

2018, S.260—Funding the cleanup of State waters. Objection that a divided amendment, which would delete a section that had already been separately agreed to the previous legislative day, ruled well-taken as a substantial negation of the House's vote to approve that specific section.

May 7, 2018 HJ pgs. 1633; daily pgs. 1692-1693.

2015, S.108—Repealing the sunset on provisions pertaining to patient choice at end of life. Objection at 3rd reading to amendment that would repeal the patient-choice law on July 1, 2018 as a substantial negation of the House vote disapproving a similar amendment offered at 2nd reading, ruled not well-taken as not substantial negation.

April 30, 2015 HJ pg. 1141; daily pg. 1173. The amendment offered at 2nd reading was a strike-all that would have repealed the law on July 1, 2015 (see 4/29/15 HJ daily pg. 1151).

2015, S.141—Possession of firearms. Objection that an amendment offered at 3rd reading, which would amend Sec. 10 (effective dates) regarding the effective date of Sec. 7, was a substantial negation of the House's vote at 2nd reading specifically approving Sec. 10 (upon division of the strike-all in which it appeared), ruled not well-taken as not substantial negation.

April 17, 2015 HJ pg. 1018; daily pg. 1045. At 2nd reading, although Sec. 10 (effective dates) was voted on as a separate question, the vote was on the

whole of Sec. 10 (ie., the effective dates for the entire bill; see 4/16/15 HJ daily pg. 1039), whereas at 3rd reading, the amendment to Sec. 10 subject to the point of order was specifically in regard to the effective date of only Sec. 7 as set forth in Sec. 10.

2010, H.783—Miscellaneous tax provisions. Objection that an amendment—which would replace the bill's Sec. 27 (adding § on tax treatment of closely-held business capital gains) with a new Sec. 27 that would remove age- and farm/timber-based qualifications for capital gains income tax deductions—would substantially negate action previously taken this biennium, ruled well-taken as substantial negation.

March 26, 2010 HJ pg. 673; daily pg. 699.[58] The Journal does not specify the prior legislative action that would be substantially negated by this amendment offered at 3rd reading. However, based on the similar amendment offered by the same sponsors at 2nd reading on March 25, 2010 HJ pg.679—whereby a substantial negation objection was raised and the amendment sponsor was granted leave to withdraw the amendment pending the ruling of the Speaker—the basis appears to be in reference to the law enacted in 2009 Special Session Act No. 2, Sec. 16b, which removed the age-based qualification for the capital gains deduction, leaving in law only such a deduction based on farm/timber-based qualifications.

2006, H.880—Education finance simplification. Objection that a divided amendment providing for the repeal of sections of a 2005 act constituted substantial negation, ruled well-taken, and that provision was accordingly struck from the remainder of the amendment.

March 23, 2006 HJ pg. 717. Upon demand of a member, the offered amendment's second provision in its second instance of amendment—which would repeal sections of a 2025 act—was divided from the remainder of the amendment, and that divided provision was taken up first, and then the point of order was raised thereto. That provision would have repealed Secs. 25 and 26 of 2005, Act No. 38, which adjusted statewide education tax rates in 2006 and 2007 based on household income. That provision was ruled as substantial negation because it would have deleted sections of law already agreed to earlier in the biennium, and therefore that objectionable provision was struck from the remainder of the offered amendment.

[58] Note the header of the daily Journal is incorrectly labeled as March 30, 2010, but its first page is correctly labeled as March 26, 2010.

2005, H.504—Appraisals and education finance. Objection that an amendment allowing towns to retain one-half of property transfer tax revenue was a substantial negation of the House's allocation of property transfer tax revenue in the FY06 Budget bill, ruled not well-taken.

April 14, 2005 HJ pg. 663. The objection is understood to be in regard to the House's March 25, 2005 passage on 3rd reading of the FY06 Budget, H.516, which in Sec. 253 of the bill as passed by House provided for appropriations from special funds of property transfer tax revenue. Accordingly, the amendment objected to did not attempt to undo the same specific question already decided.

2003, H.472—Fee Bill. Objection that a substitute amendment offered to a divided committee report's seventh instance of amendment—which substitute amendment would replace the committee's recommendation to delete from the bill as introduced's Secs. 36 and 37 (requiring individuals to become licensed by DMV and register their vehicles within 60 days of moving to the State) with a section that would only amend DMV license fees—was a substantial negation of action taken in H.454 (T-Bill), ruled not well-taken.

April 22, 2003 HJ pg. 719. The objection is understood to be in regard to H.454 (T-Bill) as introduced, Secs. 34 and 35, which contained the verbatim language requiring individuals to become licensed by DMV and register their vehicles within 60 days of moving to the State as was set forth in H.472 (Fee Bill) as introduced's Secs. 36 and 37 (which the committee report's seventh instance of amendment would delete from the Fee Bill, presumably because the language was already taken care of in the T-Bill). But this point of order is understood to have been ruled not well-taken because the substitute amendment would not delete the amendments made in the T-Bill's Secs. 36 and 37, but would instead amend the applicable statutes in a different way, thereby proposing a different question.[59]

[59] Note that the hyperlinked daily Journal indicates this point of order was ruled "well taken," but this is an error, as the official, annual hardbound Journal confirms this point of order was "not well taken," which is further confirmed because thereafter, the Journal indicates that the substitute amendment was disagreed to (ie., it was permissible to consider and vote on), and that thereupon, the committee's seventh instance of amendment was agreed to.

POINTS OF ORDER BY YEAR

2025–2026

2026

S.325 Regional planning and Act 250 Tier jurisdiction

***Germaneness*:** Objection to germaneness of amendment regarding the Conserved Land Inventory, ruled well-taken as not germane, because the underlying bill pertains to regional planning and Act 250 Tier jurisdiction, and therefore the amendment deals with a different topic, would introduce an independent question, and would change the scope of the bill.

2025

H.454 Transforming Vermont's education governance, quality, and finance systems

***Committees of conference; report contents*:** Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2, ruled well-taken as beyond those differences of opinion.

S.50 Increasing the size of solar net metering projects that qualify for expedited registration

***Germaneness*:** Objection to germaneness of amendment that would repeal the Clean Heat Standard, ruled well-taken as not germane, because the underlying bill pertains to expedited registration for certain net-metering systems, and therefore the amendment deals with a different topic and would change the purpose of the bill.

S.127 Housing and housing development

***Germaneness*:** Objection to germaneness of amendment that would amend provisions of Act 250, ruled well-taken as not germane, because none of the provisions of the underlying bill proposed amendments to land use regulations, and therefore the amendment dealt with a separate topic of land use regulations and introduced the independent question of amending Act 250 exemptions.

2023–2024

2024

H.850 Transitioning education financing to the new system for pupil weighting

Germaneness: Objection to germaneness of amendment that would provide the manner of spending certain Education Fund grants, ruled well-taken as not germane, because the pending committee report and the underlying bill pertained to property tax rates supporting school districts and school district budget votes, and therefore the amendment would expand the subject-matter of the bill.

H.880 Increasing access to the judicial system > Increasing access to justice and to corporate taxes and fees

Germaneness: Objection to committee report that would create a revenue stream to provide funding for this and another bill, ruled not well-taken as germane, because the revenue stream was inseparable from that other bill.

2023

H.89 Civil and criminal procedures concerning legally protected health care activity

Germaneness: Objection to amendment that would create a legal right of health care providers and institutions to not participate in health care services that would violate their conscience, ruled well-taken as not germane, because it introduced an independent question and would change the purpose, scope, or object of the bill.

2021–2022

2022

H.510 Creating a Vermont child tax credit > A Vermont Child Tax Credit and the Vermont Social Security income exclusion

Germaneness: Objection to germaneness of divided amendment that would provide a refundable tax credit for residents who qualify as a nurse or nursing assistant, ruled well-taken as not germane, because it introduced an independent question and topic and expanded the subject matter of the bill.

H.738 Technical and administrative changes to Vermont's tax laws

Germaneness: Objection to amendment that would exclude unemployment compensation from gross income in taxable year 2021, ruled well-taken as not germane, because it would change the purpose, scope, or object of the bill. **Appeal**; sustained.

2021

Feb. 16 Devotional

Custom and tradition: Objection to motion to journalize devotional, ruled not well-taken, based on journalized precedent.* [House Rule 19 later amended to prohibit journalization of devotionals.]

H.437 Changes that affect the revenue of the State

Equality of members; remote connectivity: While the House was operating with remote member participation due to the ongoing COVID-19 pandemic, objection to vote passing the bill, ruled well-taken, based on member concerns that they were unable to vote due to breaks in connectivity.

2019–2020

2020 [*none recorded*]

2019

H.39 The extension of the deadline of school district mergers required by the State Board of Education

***Separation of powers*:** Objection to consideration of bill that would extend the deadline for school districts to merge to July 1, 2020, ruled not well-taken, as the bill did not address the issue presently before the courts.

H.57 Preserving the right to abortion

***Germaneness*:** Objection to amendment that would prohibit the sale of human fetal tissue resulting from an abortion, ruled well-taken as not germane to the bill, because the amendment did not address the right to an abortion and instead dealt with the disposition of remains.

H.439 The Home Weather Assistance Program

***Germaneness*:** Objection to divided amendment's Secs. 1 (adjusting personal income tax rates starting in taxable year 2019) and 2 (amending General Fund revenues to be a specified percentage of income taxes), ruled well-taken as not germane.

H.439 The Home Weather Assistance Program

***Restricting future Legislature*:** Objection to amendment that would prohibit the increase of statutory fuel taxes more than once every five years, ruled well-taken, as binding a future legislature.

S.73 Licensure of ambulatory surgical centers

***Amendment to third degree*:** Objection to a *Senate proposal of amendment to House proposal of amendment to Senate proposal of amendment to House proposal of amendment* as an impermissible amendment to the third degree, ruled well-taken.*

2017–2018 and 2018 Sp. Sess.

2018 Sp. Sess.

H.16 Vital records

Constitutionality: Objection to consideration of Senate proposal of amendment to this vital records bill—which was a strike-all containing a proposed FY2019 Budget, including new revenue—ruled not-well taken.

Custom and tradition: Objection at consideration of the Senate proposal of amendment on this vital records bill—which was a strike-all containing a proposed FY2019 Budget—that the actions of the Senate were in violation of the customs and practices of the House, ruled not-well taken. **Appeal**; sustained.

2018

H.511 Highway safety/Eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age or older

Germaneness: Objection to germaneness of amendment that would raise the age of tobacco sales from 18 to 21 years of age, ruled not well-taken as germane to the Senate proposal of amendment

H.675 Conditions of release prior to trial

Substantial negation: Objection that an amendment regarding the burden of proof for extreme risk protection orders would substantially negate the House's action in approving a previous amendment regarding those extreme risk protection orders, ruled not well-taken, as the House had not voted specifically on the burden of proof in that previous amendment.

H.928 Pay Act

Germaneness: Objection to amendment that would add to Pay Act a section regarding legislative intent to maintain current State employee salaries and other operational costs and expenses until a new Budget is enacted, ruled not-well taken as germane to Senate proposal of amendment.

S.55 Disposition of unlawful and abandoned firearms

Germaneness: Objection to amendment that would permit the use of gun suppressors by persons taking game, ruled well-taken as not germane, because the amendment related to public health and not firearm safety.

S.260 Funding the cleanup of State water

Substantial negation: Objection that a divided amendment, which would delete Secs. 3-4b of a strike-all that had already been agreed to by dividing the question to vote on those sections separately, ruled well-taken as a substantial negation of the House's vote to approve those specific sections.

Substantial negation: Objection that a divided amendment, which would delete sections that had already been separately agreed to the previous legislative day, ruled well-taken as a substantial negation of the House's vote to approve those specific sections.

Substantial negation: Objection that a divided amendment, which would delete a section that had already been separately agreed to the previous legislative day, ruled well-taken as a substantial negation of the House's vote to approve that specific section.

2017

Day 1 Seating

***Qualifications of members*:** Objection to Day 1 seating of member-elect whose election was challenged, ruled not well-taken, as the Superior Court order certifying the recount results served as the certificate of election that qualified the member to be seated.

H.170 Possession and cultivation of marijuana by a person 21 years of age or older

***Custom and tradition*:** Objection that individual member amendments were taken out of order, ruled not well-taken, as House rules allow the Speaker to determine the order of amendments.

S.1 The determination of average daily membership for the 2016-2017 school year and equalized pupil count for fiscal year 2018

***Germaneness*:** Objection to amendment that would set a special school budget vote date in 2017, ruled not well-taken as germane, because both the amendment and the underlying bill considered dates for budgeting purposes.

H.R.14 Disapproving Executive Order 07-17

***Constitutionality*:** Objection to the constitutionality of using this House resolution to disapprove an Executive order that would merge the Department of Liquor Control with the State Lottery Commission, ruled not well-taken.

2015–2016

2016

H.84 Internet dating services > Consumer protection

Germaneness: Objection to amendment that would amend the membership of the Financial Literacy Commission, ruled well-taken as not germane to the underlying bill.

H.611 Fiscal year 2016 budget adjustments

Germaneness: Objection to amendment that would require the Administration to report on transitioning to a federally-facilitated health care Exchange, along with a description of steps needed to dismantle unnecessary functions of Vermont Health Connect, ruled well-taken as not germane.

H.853 Setting the nonresidential property tax rate, the property dollar equivalent yield, and the income dollar equivalent yield for fiscal year 2017, and other education changes

Germaneness: Objection to amendment to 2015, Act 46 (education funding, spending, and governance) that would change the State Board of Education's plan to merge and realign school districts from a requirement to a recommendation, ruled well-taken as not germane.

Germaneness: Objection to amendment that would require a JFO report analyzing the fiscal impact of 2013, H.353 (eliminating tax expenditures), ruled well-taken as not germane.

H.867 Classification of employees and independent contractors

Money committee referral: Objection at 2nd reading that bill—which impacted workers' compensation—should have been, but was not, referred to the Committee on Ways and Means, ruled well-taken.

H.873 Miscellaneous tax changes

Germaneness: Objection to divided amendment's second and third instances of amendment—which would expand the definition of "other tobacco products" regulated in tax law's 32 V.S.A. ch. 205 (cigarettes and tobacco products) to add tobacco substitutes and liquids and delivery devices sold for use with tobacco substitutes—ruled well-taken as not germane.

2015

S.108 Repealing the sunset on provisions pertaining to patient choice at end of life

Germaneness: Objection to amendment that would prohibit other persons from acting on behalf of a patient, ruled well-taken as not germane.

Germaneness: Objection to amendment that would confirm limits on the duties of a clinician in regard to patient choice at end of life, ruled well-taken as not germane.

Substantial negation: Objection at 3rd reading to amendment that would repeal the patient-choice law on July 1, 2018 as a substantial negation of the House vote disapproving a similar amendment offered at 2nd reading, ruled not well-taken as not substantial negation.

S.141 Possession of firearms

Substantial negation: Objection that an amendment offered at 3rd reading, which would amend Sec. 10 (effective dates) regarding the effective date of Sec. 7, was a substantial negation of the House's vote at 2nd reading specifically approving Sec. 10 (upon division of the strike-all in which it appeared), ruled not well-taken as not substantial negation.

2013–2014

2014

H.552 Raising the Vermont minimum wage

Calendar appearance: Objection during consideration of a Senate proposal of amendment that its correct version had not appeared in the Calendar, ruled well-taken.

H.640 Technical corrections

Germaneness: Objection to germaneness of amendment that would amend campaign finance contribution limits, ruled well-taken as not germane to committee report.

Germaneness: Objection to germaneness of amendment that would amend campaign finance report contributor information, ruled well-taken as not germane to committee report.

Germaneness: Objection to germaneness of amendment that would regulate corporate and labor union campaign contributions, ruled well-taken as not germane to committee report.

H.673 Retired teachers' health care costs

Germaneness: Objection to germaneness of amendment that would repeal the education property tax, ruled well-taken as not germane to underlying bill.

H.876 Making miscellaneous amendments and technical corrections to education laws

Germaneness: Objection to germaneness of amendment that would require mandatory determinations by the Labor Relations Board and repeal binding interest arbitration provisions in teacher contract disputes, ruled well-taken as not germane to underlying bill.

H.884 Miscellaneous tax changes

***Germaneness*:** Objection to germaneness of amendment that would require a financing proposal for Green Mountain Care, ruled well-taken as not germane to underlying bill.

Germaneness: Objection to germaneness of amendment that would require a JFO report on the projected revenue and cost impacts of the taxation and regulation of marijuana, ruled well-taken as not germane to underlying bill.

2013

H.112 The labeling of food produced with genetic engineering

***Germaneness*:** Objection to germaneness of strike-all amendment that would replace contents of bill providing a requirement to label food as "genetically engineered" with a requirement to label food with its country of origin, ruled not well-taken as germane to the underlying bill.

H.536 The Adjutant and Inspector General and the Vermont National Guard > The National Guard

***Germaneness*:** Objection to germaneness of amendment that would request Vermont be removed from federal consideration for basing F-35A fighter jets at the Burlington Airport, ruled well-taken as not germane to the underlying bill.

***Germaneness*:** Objection to germaneness of amendment that would require JFO to study the potential adverse impacts caused by the deployment of the F-35A fighter jets at the Burlington Airport by the U.S. Air Force and Vermont Air National Guard, ruled well-taken as not germane to the underlying bill.

***Germaneness*:** Objection to germaneness of amendment that would require the Secretary of Administration to work with the U.S. Air Force and Vermont National Guard to complete a collaborative hearing process regarding the assignment of F-35A fighter jets to the Vermont National Guard, ruled well-taken as not germane to the underlying bill.

S.14 Payment of fair-share fees > Payment of agency fees and collective bargaining service fees

Germaneness: Objection to germaneness of amendment that would require each school employee to receive at least the statutorily-calculated livable wage, ruled well-taken as not germane.

S.77 Patient choice and control at end of life

Germaneness: Objection to germaneness of amendment proposed to S. prop to H. prop that would add a section to allow a non-agent or non-guardian surrogate of an individual without capacity to provide informed consent for the individual's admission to hospice care, ruled well-taken as not germane.

S.152 Green Mountain Care Board's rate review authority > Health care financing

Germaneness: Objection to germaneness of amendment that would make participation in the Vermont Health Benefit Exchange voluntary, rather than a requirement, for specified persons, ruled well-taken as not germane.

2011–2012

2012

H.468 A renewable portfolio standard and the Sustainably Priced Energy Enterprise Development (SPEED) Program > The Vermont Energy Act of 2012

***Germaneness*:** Objection to germaneness of amendment that would require a windfall-sharing with ratepayers when an electric company acquired or merged with another, ruled well-taken as not germane.

H.558 Budget Adjustment Act

***Committees of conference; report contents*:** Objection to committee of conference report, ruled not well-taken, as "the subject matter in question was in the House and Senate versions of the bill."

H.559 Health care reform implementation

***Reconsideration*:** Objection that an amendment, divided to isolate its fourth instance of amendment regarding a strategic plan for a universal and unified health system, was a violation of House Rule 77 due to the House's earlier vote that day regarding a similar amendment offered, ruled not well-taken due to a "trigger" provision present in the earlier amendment but not the one subject to the objection.

H.753 Encouraging school districts and supervisory unions to provide services cooperatively or to consolidate governance structures

***Calendar appearance*:** Objection during consideration of Senate proposal of amendment that one of its sections had not appeared in the Calendar, ruled well-taken.

H.756 The sales and use tax exemption for packaging equipment

Germaneness: Objection to germaneness of amendment that would add a section exempting from the sales tax on prewritten computer software the type of software that is remotely accessed, and requiring the refund of taxes already paid on such software, ruled not well-taken as germane to the underlying bill, because they both dealt with exemptions to the sales tax.

H.778 Structured settlements > Structured settlements and prohibiting collusion as an antitrust violation

Germaneness: Objection to germaneness of amendment that would add collusion as a criminal antitrust violation, ruled not-well taken as germane, in that the amendment and the Senate proposal of amendment and pending proposed amendment thereto dealt with forms of fraud and consumer protection.

S.95 Exemptions for newspaper deliverers from the unemployment statutes; relieving an employer's experience rating record of charges; studying the receipt of unemployment compensation between academic terms; allowing school employees to be paid wages over the course of a year; and requiring employers to furnish required work apparel > Employment decisions based on credit information, allowing school employees to be paid wages over the course of a year, and union organizing

Germaneness: On division of a committee's proposed strike-all amendment, objection to the germaneness of Sec. 4—which would require community mental health agencies receiving State funds to annually certify that those funds are not used to interfere with employees' unionization rights—ruled not well-taken as germane to the underlying bill, because both dealt with employee-employer relations.

S.200 Reporting requirements of health insurers > Pharmacy audits, reimbursement for ambulance services, and the reporting requirements of health insurers

Germaneness: Objection to germaneness of amendment that would provide requirements regarding midwife health insurance coverage, ruled well-taken as not germane to the House proposal of amendment, in that the House proposal of amendment did not address health insurance coverage.

S.214 Customer rights regarding smart meters > The Vermont Energy Act of 2012

Germaneness: Objection to germaneness of strike-all committee report that would establish renewable energy goals, amend the renewable portfolio standards for sales of electric energy, amend the SPEED Program and its renewables targets, create a standard offer program within the SPEED Program, establish renewable energy reporting, confirm that electric companies own the environmental attributes of connected net metering systems, require utility cost planning, require rulemaking on greenhouse gas accounting protocols, and retitle the bill as the 2012 Energy Act, ruled not-well taken as germane to the underlying bill, citing *Mason's* Sec. 617-1 (authority of committees to recommend strike-all amendments, so long as they are relevant to the title and subject of the original bill).*

Germaneness: Objection to germaneness of amendment proposed to S. prop to H. prop that would add sections regulating electric distribution company rate recovery and creating a working group regarding the funding of thermal energy efficiency by those companies, ruled well-taken as not germane, in that the amendment pertained to rate-setting, whereas the S. prop to H. prop pertained to renewable energy.

2011

H.56 The Vermont Energy Act of 2011

Separation of powers: Objection to consideration of an amendment that would repeal, on passage, the provisions of the 2006 law that required the General Assembly to approve the continued operation and storage of spent fuel of the Vermont Yankee nuclear power plant, [implied as] ruled well-taken as directly dealing with issues pending in U.S. District Court.

H.202 Universal and unified health system

Committees of conference; membership: Objection that Committee of Conference members appointed by the Speaker did not include a member of the opposition in violation of *Mason's* Sec. 769-5, ruled not well-taken. **Appeal**; sustained.

H.299 Repealing the provision that some school district budgets be presented to the voters by means of a divided question

Germaneness: Objection to germaneness of amendment that would add a section to bill requiring the Blue Ribbon Tax Structure Commission to propose new systems of education finance, spending controls, and cost savings, ruled well-taken as not germane.

S.17 Licensing a nonprofit organization to dispense marijuana for therapeutic purposes > Registering four nonprofit organizations to dispense marijuana for symptom relief

Improper delegation: Objection to consideration of amendment that would provide the Governor with a time-limited authority to suspend the implementation and enforcement of bill provisions authorizing the registration of medical marijuana dispensaries in the interest of justice and public safety, as a violation of the prohibition on a legislative body delegating its powers set forth in *Mason's* Sec. 51 (2010)/Sec. 48 (2020), ruled not well-taken, "as it is the custom of this House to permit delegation of authority."

Improper delegation: Objection to consideration of that same amendment referenced above, as a violation of the Vermont Constitution, ruled not well-taken, as Vt. Const. Ch. I, Art. 15 permits delegation by the Legislature.

2009–2010

2010

H.470 Restructuring of the Judiciary

Germaneness: Objection to germaneness of amendment that would add bases on which the owner of property would be a competent witness to testify, ruled well-taken as not germane, because the underlying bill pertained to court reorganization, not judicial procedures.

H.782 A voluntary school district merger incentive program, supervisory union duties, and other education issues

Reconsideration: Objection that a divided amendment's second instance of amendment—which would strike out the underlying bill's Sec. 3 (school district merger incentive program and requirements) and insert in lieu thereof a new Sec. 3 that would provide different requirements for a school district merger incentive program—was in violation of House Rule 77, ruled well-taken.

H.783 Miscellaneous tax provisions

Substantial negation: Objection that an amendment, which would replace the bill's Sec. 27 (adding § on tax treatment closely-held business capital gains) with a new Sec. 27 that would remove age- and farm/timber-based qualifications for capital gains income tax deductions, would substantially negate action previously taken this biennium, ruled well-taken as substantial negation.

H.790 Capital Bill

Germaneness: Objection to germaneness of amendment that would strike a section of the bill appropriating funds to the Vermont Housing and Conservation Board for building and preserving affordable housing and insert in lieu thereof a section appropriating funds to the Agency of Agriculture, Food and Markets for distribution to Vermont dairy farmers, ruled well-taken as not germane.

H.792 Implementation of Challenges for Change

Germaneness: Objection to germaneness of amendment that would add a section imposing a two-year surtax on the top-four income tax brackets, ruled well-taken as not germane, because the bill did not deal with taxes.

Germaneness: Objection to germaneness of amendment that would add a section requiring that every collective bargaining agreement or other employment contract between a supervisory union or school district and its employees in specified fiscal years require that competency be considered when making decisions related to reductions in force, ruled well-taken as not germane, because the bill did not deal with collective bargaining.

Germaneness: Objection to germaneness of amendment that would prohibit a collective bargaining agreement or other employment contract between a supervisory union or school district and its employees in specified fiscal years from containing any provisions that would be in effect for more than one year, ruled well-taken as not germane, because the bill did not deal with collective bargaining.

2009

H.145 Composting

Germaneness: Objection to germaneness of amendment that would amend Act 250 provisions to require consideration of specified benefits from a development or subdivision in evaluating the permit application therefor, in addition to the other criteria that must be met before any permit could be issued, ruled not well-taken as germane to the underlying bill, in that both dealt with Act 250.

H.213 Providing fairness to tenants in cases of contested housing security deposit withholding

Germaneness: Objection to germaneness of amendment that would add qualifications required to obtain the residential rental unit security deposit protections of the bill, ruled not well-taken as germane to the bill, because both dealt with the same subject matter.

S.67 Motor vehicles

Reconsideration: Objection that an amendment that would add to applications for and renewals of a driver license or nondriver identification card a check-box to consent to use the applicant info to simultaneously register the applicant for the Selective Service System was in violation of House Rule 77, ruled well-taken.

Reconsideration: Objection that an amendment that would require the Department of Motor Vehicles to provide notice to driver's license applicants subject to the requirements of Selective Service System registration of their duty to register under the System and other related information was in violation of House Rule 77, ruled not well-taken.

S.125 Expanding the sex offender registry

Germaneness: Objection to germaneness of amendment that would add a section requiring the Department of Corrections to convene a working group to identify ways to provide assistance to municipalities that are asked to take a disproportionately high number of Department supervisees into their communities, ruled not-well taken as germane to the pending committee report, because both dealt with offenders who are released into the community.

2007–2008

2008

H.888 Miscellaneous tax amendments

***Committees of conference; report contents*:** Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2 by its inclusion of Sec. 45's education property tax exemption for skating rinks used for public schools, ruled not well-taken, "in that there are several tax exemptions in the bill."

H.889 The State's Transportation Program

***Constitutionality*:** Objection to the constitutionality of bill provision requiring the Governor to include an item in the Governor's 2010 Budget proposal, as a violation of separation of powers, ruled not-well taken, "in that it has been long the custom of this House, supported by *Mason's* . . . that the chair does not rule on the constitutionality of amendments."

H.891 Budget

***Money committee referral*:** Objection at 2nd reading that a section of the Budget required a fee paid into a fund and therefore should have been, but was not, referred to the Committee on Ways and Means, ruled well-taken.

S.108 The election of U.S. Representative and U.S. Senator by instant runoff voting method

***Germaneness*:** Objection to germaneness of amendment providing for a citizens' initiative process to propose legislation for enactment by the General Assembly, ruled well-taken as not germane.

S.304 A groundwater withdrawal permit program

***Germaneness*:** Objection to germaneness of amendment that would allow a retail establishment to place up to three picnic tables on its property outdoors without a permit, ruled well-taken as not germane.

S.372 Evictions, unpaid rent, and abandoned property in rental property

Reconsideration: Objection that divided committee report's third instance of amendment—which would create a Rental Housing Inspection Program and Registry—violated House Rule 77 due to the final action taken on that topic in a separate bill, ruled not well-taken, in that the final action taken in that other bill contained many other sections.

Germaneness: Objection to divided committee report's third instance of amendment—which would add sections creating a Rental Housing Inspection Program and Registry—was not germane to the bill as passed by Senate, which dealt with the rights of tenants and evictions procedures, ruled not well-taken, in that both that portion of the committee report and the underlying bill dealt with rental properties.

2007

H.537 Budget

Committees of conference; report contents: Objection to committee of conference report as unconfined to the chambers' differences of opinion in violation of *Mason's* Sec. 771-2 by its inclusion of Secs. 124a–124d, regarding long-range planning for a comprehensive continuum of care for mental health services, ruled not well-taken.

S.7 Compassionate use of marijuana for medical purposes

Germaneness: Objection to germaneness of amendment that would require parental notification of a minor's pending abortion, ruled well-taken as not germane to the bill.

2005–2006

2006

H.856 Enhancing sentences for and preventing risks posed by dangerous sexual offenders

Reconsideration: Objection that an amendment offered at 3rd reading, providing for civil commitment of sexually violent predators, was in violation of House Rule 77, ruled not-well taken.

H.861 Health care affordability for Vermonters

Reconsideration: Objection that a divided strike-all amendment's Sec. 6 (adding a subchapter creating a premium assistance program) was in violation of House Rule 77, in that the House rejected the same language in an amendment offered earlier in the day, ruled well-taken.

H.869 The State's Transportation Program

Reconsideration: Objection at 3rd reading that a divided amendment's proposed deletion of specified sections of the bill violated House Rule 77, in that it was the same question that was rejected the day before at 2nd reading, ruled well-taken.

H.880 Education finance simplification

Substantial negation: Objection that a divided amendment providing for the repeal of sections of a 2005 act constituted substantial negation, ruled well-taken.

S.18 Liability resulting from the use of genetically engineered seeds and plant parts

***Committees of conference; report contents*:** Objection that committee of conference report violated *Mason's* Sec. 771-2 because its Sec. 3 was outside the areas of disagreement between the two chambers, ruled not well-taken, "in that the House and Senate version[s] deal with liability for genetically engineered seeds and the Conference report is an attempt to resolve those differences."

S.103 Lawsuits arising from exercise of right to freedom of speech or to petition government for redress of grievances

***Germaneness*:** Objection to germaneness of amendment that would prohibit picketing around the time that a funeral is held, ruled well-taken as not germane to this bill regarding SLAPP suits.

S.142 Creation of designated growth centers and downtown tax credit program

***Germaneness*:** Objection to germaneness of amendment that would allow specified food service establishments to place up to three picnic tables on its property outdoors without a permit, or up to four picnic tables if the store is located in a designated downtown, village center, new town center, or growth center, ruled well-taken as not germane.

S.222 Funding of adult education and literacy services > High school completion program for 16- to 22-year olds

***Germaneness*:** Objection to germaneness of amendment that would create Green Mountain Promise Scholarships for enrollment at postsecondary institutions, ruled well-taken as not germane.

2005

H.504 Appraisals and education finance

***Substantial negation*:** Objection that an amendment allowing towns to retain one-half of property transfer tax revenue was a substantial negation of the House's allocation of property transfer tax revenue in the FY06 Budget bill, ruled not well-taken.

H.524 Universal access to health care in Vermont

***Money committee referral*:** Objection at 2nd reading that the bill affects the revenue of the State and therefore should have been, but was not, referred to the Committee on Ways and Means, ruled not well-taken, "because while sections of the bill refer to different taxes, the bill itself does not raise or lower any taxes, and therefore it does not affect the revenue of the [S]tate."

***Germaneness*:** Objection to germaneness of Secs. 20–43 of a strike-all amendment that would add to this health-care bill provisions regarding land use redevelopment zones, workers' compensation, mitigation of the loss of prime agricultural soils, and taxation and tax credits, ruled well-taken as not germane. **Appeal;** sustained.

S.80 Increasing the minimum wage

***Germaneness*:** Objection to germaneness of strike-all amendment that would replace the one-section bill's provisions to increase the minimum wage with one section that would instead provide for increasing the earned income tax credit, ruled well-taken as not germane, because "the amendment deals with tax policy and the House proposal of amendment and bill do not deal with tax policy."

J.R.H.47 National Guard deployment

***Equality of members; committee procedure*:** Objection that the report of a committee was in violation of *Mason's* Sec. 675-3 in that when the final vote of the committee was taken, some members of the committee did not understand that the vote was to report this resolution adversely, ruled well-taken, and the resolution was ordered returned to that committee.

2003–2004

2004

H.752 Advance directives for health care

Germaneness: Objection to germaneness of amendment offered at 3rd reading that would strike out Sec. 10 (study on pain management) from the bill as amended at 2nd reading, and replace it with a new Sec. 10 (study on pain management), ruled not well-taken as germane, "in that both amendments deal with a study of methods to deal with pain management."

H.767 Capital Bill

Germaneness: Objection to germaneness of an amendment that would place a moratorium on the planting of genetically engineered seed or plant parts—which was offered to an amendment that would place a moratorium on wind generation projects—ruled well-taken as not germane, in that the underlying amendment deals with wind turbines.

Germaneness: Objection to germaneness of an amendment that would place a moratorium on utility transmission projects—which was offered to the above-described amendment that would place a moratorium on wind generation projects—ruled well-taken as not germane, in that the pending amendment deals with transmission proceedings, whereas the underlying amendment deals with wind turbines.

Committees of conference; report contents: Objection that committee of conference report was in violation of *Mason's*, ruled not well-taken.

J.R.H.60 Observance of Vermont Tax Freedom Day

Germaneness: Objection to germaneness of strike-all amendment—which would replace the underlying resolution's language describing April 11, 2004 as Vermont's Tax Freedom Day (the average number of calculated days Vermonters must work each year to pay all taxes) and committing the General Assembly to establishing lower state government taxation and spending levels, with language instead questioning the accuracy of the organization that calculates Tax Freedom Days and urging Congress to reestablish sustainable fiscal policies—ruled well-taken as not germane, "in that the original

resolution deals only with a date on which one[']s income pays their tax liability and the amendment deals with many fiscal policies."

J.R.S.67 Final Adjournment of the General Assembly in 2004

***Adjournment sine die*:** Objection that the General Assembly's final adjournment resolution for the biennium—which would have adjourned the chambers on May 20th until June 16th at 10:00 a.m. if the Governor vetoed a bill after their adjournment, or adjourned them *sine die* if the Governor did not veto a bill—violated *Mason's* Sec. 445, ruled not well-taken.

2003

H.175 Consolidated environmental appeals and revisions of land use development law

***Reconsideration*:** Objection at 3rd reading that a divided strike-all's Secs. 1 (adding 10 V.S.A. ch. 220 re: consolidated environmental appeals and rulemaking), 3 (amending 10 V.S.A. § 6029 re: Act 250 Permit Fund), 4 (repealing 10 V.S.A. § 6083a(d)'s appeal fee), 22 (amending 10 V.S.A. § 1004 re: Environmental Board, instead of Water Resources Board, as State agent), 55 (various repeals), 56 (transition and implementation), and 57 (appropriations and positions in Environmental Board) violated House Rule 77, ruled well-taken.

***Reconsideration*:** Objection at 3rd reading that a divided strike-all's Secs. 2 (adding 3 V.S.A. § 2828 re: project scoping process) and 57a (appropriation; environmental permit specialist) violated House Rule 77, ruled well-taken.

***Reconsideration*:** Objection at 3rd reading that a divided strike-all's Sec. 7 (amending 10 V.S.A. § 6086 re: issuance of permit; conditions and criteria) violated House Rule 77, ruled well-taken.

***Reconsideration*:** Objection at 3rd reading that a divided strike-all's remaining sections violated House Rule 77, ruled well-taken.

H.464 Budget

Germaneness: Objection to germaneness of amendment that would amend provisions of T.32 (taxation) to increase sales and use tax rates—which was offered to a divided amendment's first instance of amendment that would increase the amount of money transferred from the General Fund to the Education Fund—ruled well-taken as not germane, in that the pending amendment dealt with raising taxes.

Committees of conference; report contents: Objection that committee of conference report violated *Mason's* Sec. 771-2 because its inclusion of a provider tax was outside the scope of differences between the chambers, ruled not well-taken.

H.472 Fee Bill

Germaneness: Objection that divided committee report's third instance of amendment—amending 16 V.S.A. § 4025 (Education Fund) to provide that a percentage of tax revenue dedicated to the Department of Tourism and Marketing be appropriated and made available for marketing purposes to the Department of Fish and Wildlife—was not germane to the bill, ruled well-taken as not germane, "in that the amendment deals with an appropriation."

Germaneness: Objection that within divided committee report's fourth instance of amendment, its Sec. 33b—adding 10 V.S.A. § 1049a to create the Green Mountain Conservation Camp Endowment Fund—was not germane to the bill, ruled not well-taken as germane, "in that the amendment, and the section of the bill to [be] amended, both deal with the Green Mountain Conservation Camp."

Substantial negation: Objection that a substitute amendment offered to a divided committee report's seventh instance of amendment—which substitute amendment would replace the committee's recommendation to delete from the bill as introduced's Secs. 36 and 37 (requiring individuals to become licensed by DMV and register their vehicles within 60 days of moving to the State) with a section that would only amend DMV license fees—was a substantial negation of action taken in H.454 (T-Bill), ruled not well-taken.

H.480 Education funding

Germaneness: Objection to germaneness of amendment that would add a section to exempt a portion of small brewers' malt beverage annual sales from taxation, ruled not well-taken as germane, "in that the bill has several areas that deal with taxes."

S.15 A Juvenile Justice Legislative Oversight Committee > A Juvenile Justice Legislative Oversight Committee and restitution procedures

Germaneness: Objection to germaneness of Secs. 2–16 of a strike-all committee report—which proposed the addition of restitution provisions—ruled well-taken as not germane, and therefore those sections were struck from the committee report. *See also* the next germaneness point of order on this bill.

Germaneness: This germaneness point of order relates to the preceding entry. Objection to germaneness of an amendment that proposed to add restitution provisions to this bill, ruled not well-taken, "in that the House voted to suspend its rules to permit consideration of the amendment on April 25, 2003, and the fact that the bill was subsequently referred to the Committee on Ways and Means does not negate that action."

Constitutionality: Objection that a proposal of amendment was unconstitutional in that it increased surcharges on fines, which is a revenue-raising measure and therefore in violation of the Vermont Constitution, ruled not well-taken, "in that we do not decide constitutional questions in this body and even if the surcharges are revenue raising measures, they are originating in the House."

S.70 Neighborhood electric vehicles

Germaneness: Objection to germaneness of amendment proposing to add sections exempting alternative fuel vehicles from the motor vehicle purchase and use tax, ruled well-taken as not germane, because "the amendment deals with exemptions to the purchase and use tax and the bill does not deal with tax matters."

S.131 Small manufacturers of malt beverages

***Germaneness*:** Objection to germaneness of amendment proposing to add a section that would repeal the tax on malt beverages, ruled well-taken as not germane, because "the amendment deals with a repeal of a tax . . . and the bill makes no reference to taxes."