

Rules of Procedure – Council on Legislation

The council operations committee recommends the following rules of procedure for the 2010 Council on Legislation.

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Section 1 — *Definitions.* The following words and phrases, which are listed in alphabetical order, shall have the following meanings, unless clearly shown otherwise by the context in which they are used.

Chairman. The presiding officer at a council session, who may be either the chairman or the vice-chairman of the council. The chairman supervises the proceedings of the council and may comment on any matters that affect such proceedings, including any procedural motions offered by the members.

Constitutional Documents. The three documents listed in Article 1 of the RI bylaws, which are the RI constitution, the RI bylaws, and the standard Rotary club constitution.

Defective. The description of an item of proposed legislation:

- i. that is subject to two or more inconsistent meanings;
- ii. that fails to amend all affected parts of the constitutional documents;
- iii. whose adoption would violate governing law;
- iv. which is in the form of a resolution, but (a) it would require an action, or express an opinion, that is in conflict with the letter or spirit of the constitutional documents; or (b) it would require or request an administrative act that is within the discretion of the board or the general secretary;

- v. which would amend the standard Rotary club constitution in a way that would conflict with the RI bylaws or the RI constitution or it would amend the RI bylaws in a way that would conflict with the RI constitution; or
- vi. which would be impossible to administer or enforce.

Enactment. An action by the council to amend the constitutional documents as authorized by section 7.010. of the RI bylaws.

Legislation. Enactments and resolutions duly adopted by the council.

Majority Vote. The number of votes normally required for the approval of motions is either a simple majority or a two-thirds majority. The adequacy of a required majority is determined in the following manner:

- 1) A simple majority requires at least one more vote in favor than the number of votes against a proposition by the members present and voting; and
- 2) A two-thirds majority requires at least twice the number of votes in favor than the number of votes against a proposition by the members present and voting.

Members Present and Voting. The number of voting members casting an affirmative or negative vote on a proposition. Voting members who are absent or who abstain from voting are not considered as present and voting.

Motion. A proposal by a member that the council take certain action. There are two kinds of motions, principal and procedural, as described in these rules.

Order of the Day. An order adopted by a simple majority of the members present and voting that pertains to the sequence for consideration of proposed enactments and resolutions, and/or the limit of time that members may speak in debate with respect to a matter being considered by the council. Such term includes the order of consideration for items of proposed legislation. A special order of the day is an order of the day recommended by the council operations committee that schedules a set time for consideration of specific items of proposed legislation. A special order of the day may also set special time limits that members may speak in debate of specific items of proposed legislation.

Proposers. Clubs and other authorized parties which have submitted one or more items of proposed legislation for consideration by the council as provided in sections 7.020. and 7.030. of the RI bylaws.

Quorum. The number of voting members required to be present for the transaction of business as provided in section 8.110. of the RI bylaws.

Resolution. An action by the council, as authorized by section 7.010. of the RI bylaws, which does not amend the constitutional documents.

Technical Legislation. Items of proposed legislation that are designed to correct or clarify the wording of the constitutional documents without making substantive changes.

Section 2 — *Members of the Council.* All members of the council, both voting and nonvoting, have the same privileges and responsibilities during a meeting of the council, except that nonvoting members may not vote on any proposition. Such members, when duly credentialed, are members for the entire duration of the meeting,

and they may not be replaced or represented by alternates or substitutes. As provided in section 8.110. of the RI bylaws, each voting member is entitled to cast one vote on each question submitted to a vote, and there is no proxy voting in the council.

Section 3 — *Order of Business.* The order of business for a meeting of the council shall consist of the following sequential steps:

- 1) Preliminary report of the credentials committee to ascertain the presence of a quorum.
- 2) Consideration and adoption of any changes to the rules of procedure as provided in subsection 8.120.1. of the RI bylaws.
- 3) Transmittal to the council of all duly proposed legislation as provided in subsection 7.050.4. of the RI bylaws.
- 4) Action on any motions to add any proposed items of legislation not transmitted to the council by the RI Board pursuant to subsections 7.050.2. and 7.050.3. of the RI bylaws. Such a motion to add an item of legislation for consideration is neither debatable nor amendable. Provided, however, a member of the constitution and bylaws committee may briefly explain the reasons why the item was not transmitted to the council, and the mover of the motion may briefly explain any disagreement with such reasons. Such a motion must “secure the consent of two-thirds of the members of the council” as prescribed by subsections 7.050.2. and 7.050.3. of the RI bylaws.
- 5) Adoption of an order of consideration and any other necessary order of the day.
- 6) Consideration and action on all items of duly proposed legislation and any proffered amendments, as provided in subsection 7.050.6. of the RI bylaws.
- 7) A final report of the credentials committee.
- 8) Adjournment of the council.

Section 4 — *Motions by Members.* Motions for the council to take action may be offered by individual members of the council, either voting or nonvoting. There are two types of motions, principal and procedural, as described in the following two sections of these rules.

- A. Precedence. During discussion or debate of a principal motion, procedural motions related to such proposition may be offered for consideration by the council. Procedural motions, if accepted by the chairman, take precedence over any principal motion then under consideration and must be acted upon by the council before further consideration of the principal motion.
- B. Votes Required. The adoption of a motion requires only a simple majority of the members present and voting, unless a two-thirds majority or other majority level is required by the constitutional documents or these rules.

Section 5 — *Principal Motions.* A principal motion is the process by which a member of the council offers for adoption a duly proposed enactment or resolution. All proposed enactments and resolutions must be the subject of a principal motion before they may be considered by the council. A principal motion for approval of an item of proposed

legislation may be offered in either its original form or its amended form as hereafter provided in section 9 of these rules. When a principal motion has been offered by a member, and accepted by the chairman, the council may not consider any other principal motion until disposition has been made of the proposition under consideration, unless otherwise provided in these rules. Each item of proposed legislation must be the subject of a separate principal motion, except that two or more items of technical legislation may be considered and adopted through one principal motion.

Section 6 — *Procedural Motions.* There are several procedural motions available for various purposes, and their precedence is determined by the chairman. A chart of selected procedural motions is shown in Appendix A at the end of these rules. The most common procedural motions, listed in alphabetical order, are the following:

- A. To Amend. This is a motion to modify the proposition under consideration by the council. Such a motion is debatable, and it is amendable only by the proposer of the motion to amend as hereafter provided in section 8 of these rules.
- B. To Close Debate. This is a motion to conclude debate on the proposition under consideration. Such a motion is neither debatable nor amendable, and it may not be offered by a member who already has spoken in debate on such proposition. If the chairman is satisfied that adequate debate has occurred on such proposition, the chairman may accept the motion to close debate and then call for a vote on the motion. If the motion is approved by a two-thirds majority, debate on the proposition is concluded, and the chairman then calls for a vote on the proposition under consideration. Provided, however, if the proposition under consideration is a principal motion, then the mover is given the normal time to offer closing remarks. Provided further, if the proposition under consideration is a principal motion, and if a member-at-large has indicated a desire to speak, then the chairman may permit the member-at-large to speak prior to calling on the mover for closing remarks. If the motion to close debate is not approved by a two-thirds majority, debate then continues on the proposition under consideration.
- C. To Postpone Consideration. This is a motion to postpone the proposition under consideration to a specified later time. Such a motion is debatable and amendable. If such a motion to postpone is adopted, consideration of the affected proposition then is resumed at the specified time or as near to such time as practical.
- D. To Reconsider. This is a motion to reconsider a previous decision of the council, and it is available only for reconsideration of an action on a principal motion or a successful motion to refer to the board. Such a motion is debatable only as described in this subsection, and it is not amendable. Such a motion must be made on the same day as, or the day immediately following, the action to be reconsidered. Adequate notice must be given to the mover of the principal motion for which reconsideration is sought, and the motion to reconsider must be offered by a member who voted with the prevailing side. The motion should be offered in the following form: “Mr. Chairman, having voted with the prevailing side, I move that the council’s action in regard to proposed enactment (or resolution) number be reconsidered.” Permission to speak on such a motion is accorded to only two members in support of the motion for reconsideration and two speakers opposed to such motion, after which it is immediately put to a vote. The four speakers are

allowed one and one-half minutes each to present their respective arguments. A simple majority is required for approval of the motion. If the motion to reconsider is approved, the principal motion to be reconsidered is placed at the end of the order of consideration, unless otherwise scheduled by the chairman, and the normal rules for debate will be applicable, except the mover of the principal motion will not be entitled to another opening statement.

- E. To Refer to the Board. This is a motion to refer an item of proposed legislation to the RI Board for consideration and thereby remove it from further consideration by the council. Such a motion is debatable, but not amendable. Such a referral of an item to the RI Board is not an indication of support by the council, and the referred item will have the same effect as a memorial to the board by the proposer.
- F. To Suspend the Rules. This is a motion to suspend one or more specified provisions of these rules, either for a particular instance or the duration of the council meeting. Such a motion is neither debatable nor amendable. Such a motion may be made only when no other question is pending, and a two-thirds majority is required for approval.
- G. To Table a Motion. This is a motion to postpone the proposition under consideration by the council to an unspecified later time. If a later time is specified, then it does not qualify for a motion to table. Such a motion is debatable, but not amendable. If such a motion is adopted, then the postponed question may not be reconsidered by the council, unless a motion “to take from the table” is subsequently offered and adopted. If a procedural motion is tabled, then the principal motion which is the subject of the procedural motion also is tabled, unless the chairman determines that an exception is in order. Such a motion to table may include more than one item of legislation.
- H. To Take from the Table. This is a motion to resume consideration of a question previously tabled by the council. Such a motion is debatable, but not amendable. Such a motion to take from the table may include more than one item of legislation.

Section 7 — *Offering of Motions.* To initiate action on any matter before the council, a member offers a “motion,” which is a proposal that the council take certain action in accordance with the constitutional documents and these rules. A motion is offered by a member rising and obtaining recognition from the chairman. Upon being recognized, the member must state his or her name, and if a voting member, the number of his or her district, and then say “Mr. Chairman, I move . . .” A second to the motion by another member is required for all motions, except principal motions. A second is offered by a member rising and obtaining recognition from the chairman. Upon being recognized, the member offering the second must state his or her name, and if a voting member, the number of his or her district, and then say “Mr. Chairman, I second the motion.” The chairman may inquire if any member wishes to offer a second to the motion in the event such a second is not immediately offered for a motion. If a second to a motion is not offered by a member, except for a principal motion, then such motion will not be considered by the council.

Section 8 — Amendment of Motions. A motion to amend another motion is subject to the following limitations.

- A. Amendments to be Written and Notice to be Provided. A motion to amend a principal motion must be written and furnished in advance to the chairman no later than the day before the principal motion is offered. However, the chairman may waive such requirement on the basis that the proposed amendment to the principal motion is clearly understandable as orally stated from the floor by the mover of such motion or if there has been adequate time to duplicate and distribute a written copy of the motion to amend to the members of the council. After receiving a written motion to amend a principal motion, the chairman may determine that more time is needed for clarification of such proposed amendment by the council operations committee, or for duplication and distribution of such proposed amendment to the council, before the chairman accepts the motion as acceptable. In such an event, the chairman may postpone consideration of the underlying principal motion, and any related procedural motions, to a specified later time.
- B. Other Restrictions. A motion to amend another motion is not in order and will not be accepted by the chairman under the following circumstances:
 - 1) It is not germane to the motion under consideration. If it is a procedural motion, the amendment also must relate to the purpose of the underlying principal motion. No independent new question may be introduced by a proposed amendment to a motion.
 - 2) It would reverse the purpose of the motion under consideration from affirmative to negative or vice versa.
 - 3) It presents a question previously decided by this council.
 - 4) It does not change the substance of the motion under consideration.
 - 5) It strikes out the word “Enacted” from a proposed enactment or the word “Resolved” from a proposed resolution.
 - 6) It strikes out or inserts words in the motion under consideration which would leave no rational proposition before the council.
 - 7) It is frivolous or capricious.
 - 8) It amends a preambulatory clause (a “Whereas” clause) of a resolution.
- C. Amendment to an Amendment. No amendment to an amendment shall be permitted, except by the proposer of the amendment with the permission of the chairman. In such case, the amendment will be considered in its revised form without a vote of the council.

Section 9 — Action on Principal Motions. Actions on principal motions are conducted in the following manner.

- A. Original or Amended Form. A principal motion for approval of an item of proposed legislation duly transmitted to the council by the general secretary must be in one of the following forms:
 - 1) To adopt such item of proposed legislation as originally transmitted to the council; or
 - 2) To adopt such item of proposed legislation as amended by the proposer, where written notice of the amendment has been given pursuant to subsection 7.050.4. of the RI bylaws.

A representative of a proposer who wishes to amend the item of legislation being offered for consideration, where written notice of such amendment has not been given in accordance with subsection 7.050.4. of the bylaws, may do so only through use of a motion to amend the item of proposed legislation after it has been moved for adoption. In that event, the time used by the representative of the proposer in presenting the motion to amend shall be counted as part of the time allotted for presentation of the principal motion.

- B. Representation of Proposers. Clubs and districts which have proposed legislation are considered to be represented at the council by the voting member from their respective districts, unless a proposer has notified the chairman of the council that another member of the council will represent it in regard to such proposal or proposals, and the designated member has agreed to provide such representation. When an item of proposed legislation is scheduled for action by the order of consideration, the representative of the proposer has priority in moving the adoption of such item. Where such representative fails to move the adoption of the item of proposed legislation, any member may act to move its adoption.
- C. Lack of a Motion. When the next scheduled item of proposed legislation is called for consideration, and there is no principal motion offered by any member to adopt such item, then the item is considered as withdrawn and will not be subject of a later principal motion. Provided, however, that if a representative of a proposer fails to present an item due to justifiable cause, then the chairman may permit the representative to offer a principal motion for the item at a later time.
- D. Adoption or Rejection. When a motion to adopt an item of proposed legislation is submitted to a vote, and the motion is approved by the required majority of votes, then the item is considered as adopted. In such case, when the motion to adopt is not approved by the required majority of votes, then the item is considered as rejected.

Section 10 — Debate. All members of the council are eligible to participate in the debate of any proposition. Persons who are not members of the council may not participate in such debate.

- A. Recognition of Speakers. Debate of a motion may not commence until the chairman states that the motion has been duly offered. Members may speak in debate when they have identified themselves and been recognized by the chairman.
- B. Opening and Closing of Debate. The mover of a principal motion shall be accorded the privilege of opening and closing debate on such motion. Unless otherwise provided by an order of the day, the mover may have two and one-half minutes to present the offered item of legislation. If there is subsequent substantive comment or opposing argument by other members, the mover may have one and one-half minutes to respond at the close of debate on the principal motion. The mover may not otherwise speak in debate on the principal motion, unless special permission is requested by the mover and granted by the chairman.
- C. Limitations on Debate. Members, other than the mover of a principal motion, have the right to speak only once in the debate of a motion, unless special permission is requested by a member and granted by the chairman. Normally, such permission to speak a second time on the same motion will not be granted if another member, who has not spoken on the proposition, seeks recognition to speak. Unless otherwise provided by an order of the day, no member may speak longer than one and one-half minutes in regard to a proposition under consideration, except as provided for the mover of a principal motion or by special consent accorded by a simple majority of the members present and voting.
- D. Balancing of Debate. The chairman shall attempt to ensure that proponents and opponents of a motion are given equal opportunity to express their opinions.

Section 11 — Voting. The normal method for voting is by an electronic voting system unless otherwise determined by the chairman for good cause. If electronic voting is not utilized for all or a part of any council, the following voting rules are applicable.

Voting is by voice or show of hands, and the chairman immediately announces the result of each vote. If a member doubts the correctness of the result announced by the chairman, the member may call for a division of the house if such request is made prior to the conduct of any other business. When such a division is requested, or if the chairman independently desires such a division, the chairman first requests those voting in the affirmative to stand for a brief time. The same procedure is used for those voting in the negative. If the chairman is still uncertain, or if a member calls for a second division, the chairman next appoints counting officers and proceeds again to take the vote. Those voting in the affirmative are requested to stand and be counted. The same procedure is used for those voting in the negative. The report of the counting officers then is compiled and announced by the chairman.

Section 12 — Appeal of a Ruling. Members may appeal any ruling of the chairman as provided in subsection 8.120.2. of the RI bylaws. Such an appeal does not require a second, but it must be offered immediately following the ruling in question. If any debate or other business has intervened, it is too late to appeal. An appeal is debatable, but not amendable. The chairman, when announcing the appeal, may state the reasons for such ruling without leaving the chair, and the chairman may have two and one-half minutes for such statement of reasons. No member is allowed to speak more than once in debate of the appeal, except the chairman may at the close of debate answer any objections made to the ruling. Each member may have one and one-half minutes to speak on an appeal, and the chairman may have two minutes to answer any statements in opposition to the ruling. The question then is put to the council in these words: “Shall the decision of the chair be sustained?” A majority vote of the members present and voting is required to overrule a decision of the chairman. If there is a tie vote, the ruling of the chairman is sustained.

Section 13 — Parliamentary Points. Members may make statements or pose questions through the offering of parliamentary points. Such points are not motions, and they do not require seconds. They are neither debatable nor amendable, but in some cases, they require rulings by the chairman.

A. Point of Privilege. This is a statement by a member related to the rights and privileges of the council and its members. Points of privilege include, but are not limited to, those relating to:

- 1) the organization of the council;
- 2) the comfort of the members, such as the heating, lighting, and ventilation of the meeting room;
- 3) freedom from noise and other disturbances;
- 4) the conduct of officers or other members of the council;
- 5) disciplinary action against a member for disorderly conduct or other offense;
- 6) the conduct of spectators or visitors;
- 7) the accuracy of published reports or proceedings.

Points of privilege for the council take precedence over points of personal privilege for individual members of the council.

- B. Point of Order. This is a statement by a member to call attention or offer objection to a violation of the constitutional documents or these rules. The chairman decides whether the point of order is well taken, and if it is well taken, the appropriate action to remedy the violation.
- C. Point of Information. This is a request by a member for factual or procedural information relating to the proposition under discussion. The chairman decides whether such request is in order. If the chairman rules the request is in order, the chairman may provide the requested information or call on another member of the council to respond to the request. If the general secretary is asked to respond to such request, he or she may designate a staff member to furnish the requested information.

Section 14 — Recesses. The sessions of the council may be recessed and reconvened from time to time by the chairman, or a member may offer a motion for an intermission or to close the day's proceedings. Such a motion is neither debatable nor amendable.

Section 15 — Withdrawal of Legislation. Proposed legislation may be removed from consideration by the council in the following manner, if such legislation has not been the subject of a principal motion. The representative of the proposer or proposers of legislation may notify the secretary of the council in writing that the proposal is being withdrawn. If there are multiple proposers located in more than one district, the representatives of such proposers must join in notifying the secretary in writing that such a proposal is being withdrawn. Such representatives also may withdraw items of proposed legislation by announcement from the floor, if recognized by the chairman for that purpose. If a proposal has been the subject of a principal motion, it may be withdrawn only by the mover of the principal motion with permission of the council.

Section 16 — Legislation Proposed by the Council. The council may itself propose a resolution, as provided in section 7.020. of the RI bylaws, including a resolution to offer a proposed enactment for consideration by a subsequent council. A member who wishes to propose such a resolution, on behalf of the council, must submit a written copy of the proposed resolution to the chairman no later than 12:00 on the day before the last day of the council meeting. The proposed resolution, on behalf of the council, must be related to an action of the council then in session, and it must be signed by at least 25 voting members of the council. However, the foregoing requirements do not apply to proposed resolutions to express appreciation, support, sympathy, or condolence. Following a review by the council operations committee, the committee may clarify the text of the resolution, if necessary. The chairman will announce either the time for the proposed resolution to be considered by the council or the reason why it is not eligible for consideration. If the resolution is approved for consideration by the council, the member who submitted such resolution to the chairman for review is entitled to move its adoption. Such a motion is debatable and amendable in the same manner as other principal motions.

Section 17 — Distribution of Materials. Materials related to any item or items of proposed legislation which may influence votes for or against such proposed legislation may not be distributed to voting members of the council after their arrival in the host city for a meeting of the council, unless consent for such distribution is requested by a member and approved by a simple majority of the members present and voting. The prohibited distributions do not apply to statements of support or opposition previously supplied to all members of the council in advance of the meeting or to information supplied by the RI Board. Any materials distributed in violation of this section should be disregarded by members of the council and may be the subject of corrective action by the chairman.

Section 18 — *Amendment of Order of the Day.* An order of the day may be amended by a motion duly offered for that purpose. Such a motion is debatable and amendable, and its approval requires a simple majority present and voting. If the offered amendment would affect the operation of the council, then the chairman may briefly state the chairman’s support for, or opposition to, the amendment without leaving the chair.

Section 19 — *Amendment of Rules.* These rules, after initial approval by a simple majority of the members present and voting, may be amended by a motion duly offered for that purpose. Such a motion is debatable but not amendable, except as provided in subsection 8.C of these rules, and its approval requires a two-thirds majority of the members present and voting.

Section 20 — *Matters of Procedure Not Covered.* In the event of any inconsistency, ambiguity, or uncertainty under these rules, recourse shall be made to the constitutional documents of RI. Matters of procedure not covered by these rules or the constitutional documents shall be decided by the chairman in accord with basic fairness, subject to the right of members to appeal any ruling of the chairman.

**APPENDIX A:
CHART OF SELECTED PROCEDURAL MOTIONS**

<i>Motion</i>	<i>Debatable</i>	<i>Amendable</i>	<i>Required Majority</i>
A. To Amend	Yes	No	Simple
B. To Close Debate	No	No	Two-thirds
C. To Postpone Consideration	Yes	Yes	Simple
D. To Reconsider	Yes (limited)	No	Simple
E. To Refer to the Board	Yes	No	Simple
F. To Suspend the Rules	No	No	Two-thirds
G. To Table a Motion	Yes	No	Simple
H. To Take from the Table	Yes	No	Simple