

Committee on Elections, Rules and Jurisdiction
Advice On Amendments From the Floor of the Representative Assembly
 March 11, 2008

Advice

Question: When a proposal which would change the Divisional Bylaws or Regulations is being considered by the Representative Assembly, may the proposal be amended from the floor?

Answer: Under Davis Division Bylaw 180 amendments from the floor are in order, under procedures governed by Robert's Rules of Order, as long as the amendments "do not exceed the scope of the previous notice."

Background and Discussion

The following analysis is an interpretation of the background and meaning of Davis Division Bylaw 180 which is intended to assist the Chair with any ruling that might need to be made on amendments from the floor.

In Spring 1999 the Chair of the Division, in his capacity as chair of the Representative Assembly, ruled that "no amendment to legislation under discussion could be enacted without notice being given to the Division." (Report of the Committee on Elections, Rules and Jurisdiction, per Minutes of the October 25, 1999 meeting of the Representative Assembly.) This ruling was consistent with Davis Division Bylaw 180, which at the time read as follows:

The Representative Assembly shall not take final action on the addition to, amendment of, or repeal of Legislation during the meeting at which such proposals are first made, unless notice thereof shall have been sent to all members of the Division at least five days before the meeting. (Davis Division Bylaw 180 prior to October 25, 1999.)

The Committee on Elections, Rules and Jurisdiction subsequently opined that

While this ruling was consistent with the wording of Bylaw 180, it represented a departure from the actual practices of the Representative Assembly in which amendment of legislation under debate was usual, and indeed is contrary to parliamentary practice as described, for example, in Robert's Rules of Order. The Committee on Elections, Rules, and Jurisdiction therefore recommends the adoption of an amendment to Bylaw 180 that would clarify the customary practice of the Representative Assembly with respect to debate and amendment of legislation.

That amendment, enacted on October 25, 1999, revised DDB 180 to state that

The Representative Assembly may add to, amend, or repeal legislation, provided that no final action shall be taken during the meeting at which such proposals are first made, unless notice thereof shall be sent to all members of the Division at least five days before the meeting. The notice shall be consistent with the

provisions of Bylaw 19. Notice shall include a statement of the purposes of the legislation consistent with Bylaw 195. *The notice requirement shall not be interpreted to prevent amendments from the floor which do not exceed the scope of the previous notice.* Davis Division Bylaw 180 as amended October 25, 1999, emphasis added.)

Thus the Bylaws now allow amendments from the floor. However, the scope of such amendments is not unlimited because amendments which are extraneous or which introduce issues not discussed in or related to the proposal -- and which have not been made available for consideration and review by the membership -- would defeat the purpose of the notice requirement.

Thus amendments to a proposed regulation which enacted degree requirements which were substantially different from those in a noticed motion or which had substantial resource implications could reasonably be ruled out of order. In that case the proponents of the amendment could instead urge the defeat of the main motion.

Robert's Rules of Order states that the duties of the presiding officer include

deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he or she prefers to submit the question to the decision of the assembly. (Robert's Rules of Order Section 58 on the duties of the Chair or President)

Therefore the determination of whether a proposed amendment to a noticed motion exceeds the scope of the previous notice is made by the Chair. Making such a determination does require some judgment. For example, changing a proposed degree requirement to allow (or to disallow) pass/not passed grading in the relevant courses could reasonably be held to be within the scope of the original proposal. On the other hand, an amendment from the floor adding an entirely new component to a proposed set of degree requirements could reasonably be ruled out of order.