

SR006-0304

**A SIMPLE RESOLUTION CONCERNING
AN AMENDMENT TO THE STANDING RULES OF THE
MARYLAND STUDENT LEGISLATURE**

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40 **FOR** the purpose of amending the Standing Rules of Order of the Maryland Student Legislature to
50 formalize the process for appealing the decision of the presiding officer.

60 **BY** repealing and enacting, with amendments
70 § 68 Appeal from the Decision of the Chair
80 Maryland Student Legislature Standing Rules of Order

90 **WHEREAS:** Section 68 of the Standing Rules of Order outlines the process of appealing the
100 decision of the Chair; and,

110 **WHEREAS:** The process which has been used by the Maryland Student Legislature in the
120 recent past has been a severe mutation of the format laid out by the Standing
130 Rules of Order; and,

140 **WHEREAS:** Robert's Rules of Order, Newly Revised, has a procedure for appealing the
150 ruling of the Chair, which is similar to our formal process, but not the informal
160 process used by the Maryland Student Legislature; and,

170 **WHEREAS:** To ensure a better future for the Maryland Student Legislature, there has become
180 a need to make a coherent policy for appealing the decision of the chair; and,

190 **WHEREAS:** It is imperative that combine the current Standing Rules with past procedure to
200 as to not break the process which has developed over time; and,

210 **WHEREAS:** Clarifying and simplifying the appeals process is essential to ensure smooth
220 debate, by not being bogged down by an ineffective appeals process; and,

230 **WHEREAS:** The Attorney General is the Judiciary Branch of MSL, and therefore should play
240 a role in the appellate process; and,

250 **WHEREAS:** Standard procedure does not give the Attorney General any official powers over
260 the interpretation of Rulings regarding the Guiding Documents of MSL.

270 **SECTION 1.** BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, that the
280 Standing Rules of Order of the Maryland Student Legislature reads as follows:

X APPELLATE INTERPRETATION

290 § 68 Appeal from the Decision of the Chair

300 (a) A decision of the Chair may be appealed by any Member who is supported by at least
310 three other Members who indicate their support by standing at his or her seat.

320 (b) ~~During the determination of an appeal, the presiding officer shall relinquish the chair and
330 shall take a place on the floor of the Chamber.~~

340 (c) ~~An appeal is debatable if the decision appealed was made from a question which was
350 itself debatable.~~

360 (d) ~~Debate is restricted to the decision of the Chair and may not be extended to the main~~

- 380 ~~question.~~
- 390 (e) ~~A member who has the floor at the time of a ruling by the Chair from which an appeal is~~
400 ~~taken shall relinquish the floor pending disposition of the appeal.~~
- 410 (f) ~~An appeal must be made immediately, before consideration of any other matter.~~
- 420 (g) ~~The question presented by an appeal may not be amended, and the decision of the appeal~~
430 ~~may not be reconsidered.~~
- 440 (h) ~~Debate on an appeal shall not exceed ten minutes equally divided in open debate and no~~
450 ~~member may speak for more than two minutes. Prior to either side using their time, the~~
460 ~~Attorney General shall be allowed to make a statement relating to the interpretation of the~~
470 ~~Rule in question.~~
- 480 (i) ~~A majority vote of those Members present provided there is quorum shall overturn the~~
490 ~~ruling of the Chair~~
- 500 (b) AN APPEAL MUST BE MADE IMMEDIATELY, BEFORE CONSIDERATION
510 OF ANY OTHER MATTER.
- 520 (c) AT THE TIME OF THE APPEAL, THE MEMBER WHO MADE THE MOTION TO
530 APPEAL CAN CHOOSE TO APPEAL TO THE BODY AS A WHOLE, OR TO THE
540 ATTORNEY GENERAL DIRECTLY.
- 550 a. AN APPEAL TO THE BODY AS A WHOLE WILL TAKE THE FOLLOWING
560 FORM;
- 570 i. THE PRESIDING OFFICER SHALL RELENGUISH THE CHAIR AND
580 SHALL TAKE A PLACE ON THE FLOOR OF THE CHAMBER.
- 590 ii. AT THAT TIME, THE BODY SHALL NOMINATE A MEMBER TO
600 PRESIDE OVER THE APPEAL'S PROCEEDINGS.
- 610 iii. AN APPEAL IS DEBATABLE IF THE DECISION APPEALED WAS
620 MADE FROM A QUESTION WHICH WAS ITSELF DEBATABLE.
- 630 iv. DEBATE IS RESTRICTED TO THE DECISION OF THE CHAIR AND
640 MAY NOT EXTEND TO THE MAIN QUESTION.
- 650 v. A MEMBER WHO HAS THE FLOOR AT THE TIME OF A RULING BY
660 THE CHAIR FROM WHICH THE APPEAL IS TAKEN SHALL
670 RELINQUISH THE FLOOR PENDING DISPOSITION OF THE
680 APPEAL.
- 690 vi. DEBATE ON AN APPEAL SHALL NOT EXCEED TEN MINUTES
700 EQUALLY DIVIDED IN OPEN DEBATE.
- 710 vii. PRIOR TO EITHER SIDE USING THEIR TIME, THE ATTORNEY
720 GENERAL SHALL BE ALLOWED TO MAKE A STATEMENT
730 RELATING TO THE INTERPRETATION OF THE RULE IN
740 QUESTION.
- 750 viii. A MAJORITY VOTE OF THE MEMBERS PRESENT, PROVIDED
760 THAT THERE IS QUORUM, SHALL OVERTURN THE RULING OF
770 THE CHAIR.

- 780 ix. THE BODY'S DECISION IS FINAL AND NOT SUBJECT TO APPEAL.
- 790 b. AN APPEAL TO THE ATTORNEY GENERAL AS A WHOLE WILL TAKE
800 THE FOLLOWING FORM;
- 810 i. THE PRESIDEING OFFICER SHALL RECOGNIZE THE ATTORNEY
820 GENERAL AND THEN STEP ASIDE, ALLOWING THE ATTORNEY
830 GENERAL THE PODIUM.
- 840 ii. AT SUCH TIME, THE ATTORNEY GENERAL WILL MAKE A
850 RULING ON THE RULE IN QUESTION, IN ACCORDANCE WITH
860 THE CONSTITUTION AND STANDING RULES OF ORDER OF THE
870 MARYLAND STUDENT LEGISLATURE, IN ADDITION TO
880 ROBERT'S RULES OF ORDER, NEWLY REVISED 10TH EDITION.
- 890 iii. THE RULING OF THE ATTORNEY GENERAL IS NOT
900 DEBATEABLE, BUT IT IS SUBJECT TO APPEAL TO THE COUNCIL
910 OF STATE IN ACCORDANCE TO THE CONSTITUTION OF THE
920 MARYLAND STUDENT LEGISLATURE (VIII.I.E.3.B).
- 930 iv. IN ORDER TO APPEAL THE RULING OF THE ATTORNEY
940 GENERAL, A MEMBER MUST BE SUPPORTED BY THREE
950 ADDITIONAL MEMBERS.
- 960 v. THE OUTCOME OF THE APPEAL TO THE COUNCIL OF STATE IS
970 NOT DEBATABLE OR SUBJECT TO APPEAL.
- 980 (d) INSTANCES WHEN A MEMBER CANNOT APPEAL THE RULING OF THE
990 CHAIR;
- 1000 a. IF A POINT OF ORDER IS RAISED DURING AN APPEAL, THE CHAIR'S
1010 RULING CANNOT BE APPEALED.
- 1020 b. WHERE THERE IS NO ALTERNATIVE ANSWER TO THE QUESTION
1030 ANSWERED BY THE CHAIR, AND THE APPEAL WOULD BE DEEMED
1040 DILATORY.

1050 **SECTION 2.** AND BE IT FURTHER ENACTED, that this shall take effect immediately, upon
1060 passage at the Fall 2003 Interim Assembly.

1070 **MANDATES:** Katie Nash, Governor, Maryland Student Legislature
1080 Patrick Abbondandolo, Lieutenant. Governor, Maryland Student Legislature
1090 Daniel Holler, Attorney General, Maryland Student Legislature
1100 Byron Macfarlane, Speaker of the Assembly, Maryland Student Legislature
1110 Titus Hamlett, Secretary of State, Maryland Student Legislature
1120 Craig Reynolds, Comptroller, Maryland Student Legislature
1130 Susan McConkey, Chairman, Board of Directors, Maryland Student Legislature

Sponsors:

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