

## 11. Parliamentary Authority

Except where inconsistent with the provisions of the Compact or these Bylaws, ~~Robert's Rules of Order,~~ *Mason's Manual of Legislative Procedure* shall be the Parliamentary Authority at all meetings of the Commission.



MULTISTATE TAX COMMISSION

*Working Together Since 1967 to Preserve Federalism and Tax Fairness*

**To:** Joan Wagnon, Chair  
Members of the Commission

**From:** Shirley Sicilian, General Counsel

**Date:** July 23, 2007

**Subject:** **Proposed Revisions to MTC Bylaw 11: Comparison of *Mason's Manual of Legislative Procedure* to *Robert's Rules of Order***

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## I. Introduction

The Commission has before it a recommendation from the Executive Committee to amend MTC bylaw 11 as follows:

“Except where inconsistent with the provisions of the Compact or these Bylaws, ~~*Robert's Rules of Order*~~ *Mason's Manual of Legislative Procedure*, shall be the Parliamentary Authority at all meetings of the Commission.

The Executive Committee asked for some background on choosing parliamentary procedure and on the difference between *Robert's* and *Mason's*.

## II. Background on Parliamentary Procedure

Parliamentary Procedure is the code of rules for working together in groups. According to *Demeter's Manual of Parliamentary Law and Procedure* parliamentary procedure is the

rules, laws, or regulations of organizations, governing the orderly, expeditious and efficient transaction of business and meetings and conventions. Without rules, there would be injustice and confusion. Hence, it is as necessary to follow the rules of parliamentary law as it is to follow the rules of a ball game or a card game.

*Demeter's*, p. 4, cited at [http://www.jimslaughter.com/parliamentary\\_procedure1.htm](http://www.jimslaughter.com/parliamentary_procedure1.htm)

There are many different parliamentary manuals available. *Robert's Rules of Order* is the most popular, used by approximately 80% of the organizations in the United States. *Sturgis Standard Code of Parliamentary Procedure* is the next most popular, used by approximately 15% of the organizations, mainly physicians' and dentists' groups. The third is *Demeter's Manual of Parliamentary Law and Procedure*, at about 5%, mainly unions. The

three most commonly used parliamentary procedures for legislative bodies are *Mason's Manual* (used by approximately 70% of U.S. legislatures<sup>1</sup>), *Cushing's Legislative Assemblies*, and *Jefferson's* (used by the U.S. Senate).<sup>2</sup>

## II. Some Considerations for the Commission in Choosing a Parliamentary Procedure

According to professional parliamentarians, there are several factors for an organization to consider when choosing a procedure. One factor is the members' familiarity with a procedure. In fact, some organizations do not choose one procedure, but allow more than one procedure so that the procedure can vary depending on who is chairing the meeting and which procedure that person is most comfortable with.

Another factor is the purpose of the organization. *Robert's Rules* were designed for civic groups and private organizations. *Mason's* was designed to deal with development of law and other issues and problems that arise within the legislative environment. A memorandum from the National Conference of State Legislatures (NCSL) points out there is a difference in purpose between public bodies and private organizations that these different purposes are relevant to the choice of procedure.<sup>3</sup> The procedures of *Mason's* reflect that in a public body, the powers do not reside in the members themselves; rather the members exercise the powers that are delegated to them by the people. The organization and powers of a public body, like the Commission, cannot be changed by its members; any change must be made through the authority that created it, like the Compact. By contrast, *Robert's* tends to reflect that the powers of voluntary associations of private parties arise from the agreement of the members. They are governed by contract. Also, the members of a private association speak for themselves. They represent no one. They are controlled by no outside power.

For example, *Robert's Rules* requires motions to be seconded, but *Mason's* does not. According to *Mason's*, the effect of requiring a second to a motion is to require that no business can be presented except by two people. This effect may be in conflict with the notion that a member representing a constituency in a public body should be entitled to at least present a matter for consideration of the body without having the support of a second.

Because *Mason's* was designed for state legislatures, it addresses problems and concepts in the context that most legislators are likely to deal with them – including the subcommittee structure and relations with other branches of government.

## III. Summary Comparison of *Mason's* and *Robert's*.

The ranking motions of each procedure can be summarized as follows:<sup>4</sup>

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<sup>1</sup> <http://www.ncsl.org/programs/legismgt/aBOUT/masons.htm>

<sup>2</sup> [http://www.jimslaughter.com/parliamentary\\_procedure1.htm](http://www.jimslaughter.com/parliamentary_procedure1.htm)

<sup>3</sup> NCSL memorandum titled *Using Mason's Manual of Legislative Procedure: The Advantages for Legislative Bodies*, C:\Documents and Settings\sks\My Documents\Documents\Administrative and Personnel\Bylaw Revisions\The Advantages of Mason's Manual for Legislative Bodies.mht

<sup>4</sup> From web site of Michael Malamut, professional parliamentarian, <http://www.michaelmalamut.com/>

Paul Mason, *Mason's Manual of Legislative Procedure* (2000)

Chart of Ranking Motions, from highest to lowest in order of precedence

<b>Motion</b>	<b>Can it Interrupt?</b>	<b>Second Required?</b>	<b>Is Debate Allowed?</b>	<b>Can it be Amended?</b>	<b>Required Vote?</b>	<b>Can it be Reconsidered?</b>
Call of the House if no quorum present	No	No	No	No	Majority	No
Make Motion to Reconsider	No	No	No	No	Chair Handles	No
Adjourn	No	No	No	No	Majority	No
Recess	No	No	No	Yes	Majority	No
Question of Privilege	Yes	No	No	No	Chair Handles	No
Appeal	No	No	Yes	No	Majority	No
Point of Order	Yes	No	No	No	Chair Handles	No
Parliamentary Inquiry	Yes	No	No	No	Chair Handles	No
Orders of the Day	No	No	No	No	Chair Handles	No
Request for Leave to Withdraw	No	No	No	No	Majority	No
Suspension of Rules	No	No	No	No	Majority	No
Objection to Consideration	No	No	No	No	Majority	No
Manner or Order of Consideration of Questions	No	No	No	Yes	Majority	No
Motions relating to voting	No	No	No	Yes	Majority	No
Motions related to nominations & elections	No	No	No	Yes	Majority	No
Division of a Question	No	No	No	Yes	Majority	No
Lay on the Table (Postpone Temporarily)	No	No	No	No	Majority	No
Previous Question (Vote Immediately)	No	No	No	No	Majority	No
Close, Limit or Extend Debate	No	No	No	Yes	Majority	No
Postpone Definitely (to a certain time)	No	No	Yes	Yes	Majority	No
Refer or Commit	No	No	Yes	Yes	Majority	No
Amend	No	No	Yes	Yes	Majority	No
Postpone Indefinitely	No	No	Yes	No	Majority	No
Main Motion	No	No	Yes	Yes	Majority	Yes

Henry M. Robert, *Robert's Rules of Order Newly Revised* (10th ed. 2000)

Chart of Ranking Motions, from highest to lowest in order of precedence

<b>Motion</b>	<b>Can it Interrupt?</b>	<b>Second Required?</b>	<b>Is Debate Allowed?</b>	<b>Can it be Amended?</b>	<b>Required Vote?</b>	<b>Can it be Reconsidered?</b>
Fix the Time to which to Adjourn	No	Yes	No	Yes	Majority	Yes
Adjourn	No	Yes	No	No	Majority	No
Recess	No	Yes	No	Yes	Majority	No
Raise a Question of Privilege	Yes	No	No	No	Chair Handles	No
Call for the Orders of the Day	Yes	No	No	No	Chair Handles	No
Lay on the Table	No	Yes	No	No	Majority	Negative Vote Only
Previous Question (Close Debate)	No	Yes	No	No	2/3	Yes
Limit or Extend Debate	No	Yes	No	Yes	2/3	Yes
Postpone Definitely (to a certain time)	No	Yes	Yes	Yes	Majority	Yes
Commit or Refer	No	Yes	Yes	Yes	Majority	Yes
Amend	No	Yes	Yes	Yes	Majority	Yes
Postpone Indefinitely	No	Yes	Yes	No	Majority	Affirmative Vote Only
Main Motion	No	Yes	Yes	Yes	Majority	Yes