

A GUIDE TO DEVELOPING RESOLUTIONS

There are two major avenues for a delegate to help shape the destiny of the MMA and to influence the future of health care in America. One is to elect good leaders, and the other is to provide guidance for introducing good resolutions. In this guide, the considerations essential to writing and introducing a resolution, and to shepherding it through reference committee and House, will be reviewed.

Privilege to Introduce Resolutions:

Resolutions may be submitted by members of the House of Delegates, members of the Board of Trustees, component medical societies, specialty societies represented on the President's Council on Specialty Society Presidents, committees or sections of the Association.

Unacceptable Resolutions:

Resolutions must be implementable. Resolutions that ask for illegal action, as determined by legal counsel, or that address multiple issues which are unrelated or not germane, as determined by the Speaker, will be rejected by the Speaker and will not be considered.

Deadlines:

The deadline date for submission of a resolution to the office of the MMA is published several months in advance, and is set at 30 days before the first day of the House of Delegates meeting at which the resolution is to be considered. Late resolutions may be received upon permission of the Speaker of the House or upon a two-thirds vote of the House of Delegates.

Format - General Considerations:

All else being equal, resolutions that are unambiguous and as short as possible have the best chance of being adopted. Resolutions should be fully understandable by themselves, and should not contain external references. Prior to the meeting, and especially prior to the deadline for submission, Speakers and senior staff are always available to help with format and wording of a draft resolution.

Both the Speaker and/or Vice-Speaker and MMA Legal Counsel will preview all resolutions as they are submitted. Minor deviations from the necessary format will be editorially corrected. In case of significant deviations, such as those in which correction might affect the content, the introducer will be contacted for revision.

Format - The Resolve:

Resolve(s) are the only part of a resolution that the House of Delegates will act upon.

Conceptually, there are three classes of resolutions, those with policy resolves, those with directives (also called programmatic), and those with pro forma resolves. Making this distinction helps the writer to arrive at a resolution that conforms to the required format and shows clearly stated intent.

A policy resolve calls for a statement of or change in policy.

A directive is a resolve that calls for action which does not directly affect policy.

A pro forma resolve makes a public statement without requiring action or policy change. Memorial resolutions and re-affirmation resolutions fall into this category.

A policy resolve and a directive should not be combined in a single resolve; an attempt to do so is likely to result in ambiguity and confusion. If a new policy is proposed, to be followed by action on the part of the MMA, a single resolution with two resolves is called for: its first resolve should address the policy, and the second resolve

should state the activity to be undertaken.

The syntax of a resolve should clearly indicate to the reader whether the purpose is to create/change/rescind policy or to direct some action. The following wording is recommended for the beginning of a policy resolve:

“RESOLVED, that Minnesota Medical Association policy...” The remainder of the sentence will inform the House of one of four intents: creating new policy, modifying existing policy, substituting proposed policy for existing policy, or rescinding existing policy.

If adoption of a recommended policy would render existing policies obsolete, or would supersede existing policy, those policies should be identified and recommended for rescission or deletion.

If modification of existing policy is being recommended, the resolution should set out the pertinent text of the existing policy and clearly identify the proposed modifications by underlining proposed new text and striking out text that is recommended for deletion.

A directive should start with the words: “RESOLVED, that the Minnesota Medical Association Board of Trustees... The remainder of the sentence should spell out the action to be taken. Directives are temporary in nature and, once adopted, do not become part of MMA policy. Typically, directives recommend that the MMA: 1. undertake some action (such as communication or advocacy); 2. study an issue and provide the findings of the study to the House and/or to other entities, or 3. take appropriate action based on the findings.

Format - The Whereas:

The whereas portion of a resolution, the preamble to the resolve(s), should provide vital background information for what follows, namely the resolve(s). The House may discuss the content of whereas clauses of a resolution, but does not act on them.

The first whereas clause(s) of all resolutions should cite pertinent, existing policy or state the absence thereof, or should cite previous House action on the subject of the resolution, if any. The next whereas clause(s) should outline the rationale for the action subsequently stated in the resolve clause(s).

Fiscal Note:

If applicable, include a fiscal note to allow the MMA House of Delegates to consider financial impact when discussing the resolution.

Responsibilities and Options of the Introducer:

The introducer of a resolution should be available to speak and/or answer questions both at the reference committee meeting and on the floor of the House. If there is a conflict with the timing, the introducer should ask someone else to speak on her/his behalf. Where this cannot be accomplished, or if the introducer is the only, or best qualified, person to testify relative to more than one resolution in more than one reference committee, then he or she should confer with the chairpersons of the pertinent reference committee as early as possible, requesting they adjust their agendas, if at all possible, to accommodate the introducer’s right to give testimony on all issues represented by him/her.

Discussion of resolutions at the reference committee is encouraged. In contrast, such opportunity is limited on the floor of the House due to time constraints. It is therefore most important that the introducer be present at the reference committee.

If the reference committee brings to the House a substitute resolution, and the introducer of the original resolution agrees with the substitute, he/she should so indicate to the committee chair or the House.

If the introducer - or any other delegate - disagrees with the substitute, he/she may move the original resolution in an attempt to prevent discussion of and vote on the substitute.

Withdrawing a Resolution:

Before a resolution has been presented by the Speaker of the House at the House of Delegates' opening meeting, its introducer may withdraw it without the House of Delegates' permission, and any member of the House or the Speaker of the House may request that the introducer withdraw it.

After a resolution has been presented by the Speaker to the House of Delegates, it becomes the property of the House, and the introducer may withdraw it only if no objection is raised. If a member of the House objects, the introducer or some other member of the House may move that the introducer "be allowed to withdraw the resolution." This resolution is undebatable, can have no other motions applied to it, and requires a majority vote. The consent of the seconder is not necessary.

A resolution can be withdrawn if there is no objection, or with permission from the House of Delegates, up to the moment the final vote on it is taken, even though other resolutions affecting it may be pending or debate has been limited or closed. When a resolution is withdrawn, all resolutions adhering to it are also withdrawn.

A resolution that is withdrawn after it has been presented by the Speaker of the House is recorded in the minutes with a statement that it was withdrawn. No mention is made in the minutes of a resolution that is withdrawn before it has been presented to the House of Delegates by the Speaker.

Supplemental Printed Material:

At times sponsors of the resolution wish to distribute what they view as desirable informative printed material for the benefit of the House. Delegates are free to mail such material to House members prior to the House meeting. Distribution at the reference committee meeting requires permission of both the Speaker of the House and the Chair of the reference committee; distribution on the floor of the House requires permission from the Speaker.

Testimony by Experts:

If a delegate wishes to arrange for expert testimony to a resolution before the reference committee and the expert is not an MMA member, permission must first be obtained from the Speaker and from the chair of the committee.

Role of the Speaker:

The Speaker and Vice-Speaker will make themselves available for consultation to anyone wishing to introduce a resolution. The Speakers will review all resolutions as they are submitted and will assign them, according to subject matter, to various reference committees. Prior to the reference committee meetings, the Speakers will introduce the resolutions to the House by number and title only, and will not allow for their discussion at that time, unless the House votes to set aside rules. Once a resolution has been introduced to the House, it is the Speaker's obligation to impartially see to it that the will of the House be done. However, the Speaker and the Vice-Speaker are entitled to vote, and may use their votes to create or to break a tie vote. If a Speaker creates a tie vote, the resolution loses.

Sample Resolution:

A sample resolution is attached and may serve as a guide to the required format.

**RESOLUTION WRITING
SAMPLE FORM FOR RESOLUTIONS**

*FOR ASSISTANCE WITH WRITING RESOLUTIONS, PLEASE CONTACT THE LEGAL DEPARTMENT AT
THE MINNESOTA MEDICAL ASSOCIATION HEADQUARTERS*

Title of Resolution: _____
Title Should Reflect the Subject and the Requested Action

Sponsor: _____
MMA Delegates and Constituency Groups Can Be Sponsors

The Whereas Clause(s):
Give reasons for seeking a position or action by listing existing policy (for assistance with existing policy please contact the MMA), concerns, facts, potential effects upon physicians, patients, practice of medicine, etc. Try to keep each fact/thought within a separate "whereas"

Whereas, _____

_____ ; and

Whereas, _____

_____ ; therefore be it

The Resolved Clause(s):
State the position(s) or actions(s) you wish the MMA to take on the issue. The Resolved Clause is the only portion on which the House of Delegates will act. The Resolved Clause should stand alone and not contain external references.

RESOLVED, that the Minnesota Medical Association _____

_____ ; and be it further

RESOLVED, that the Minnesota Medical Association _____

_____.

Fiscal Note: