

NATIONAL ENVIRONMENTAL
LABORATORY ACCREDITATION
CONFERENCE

DRAFT

CONSTITUTION AND BYLAWS

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CONSTITUTION

ARTICLE I - GENERAL

This Association shall be known as "The National Environmental Laboratory Accreditation Conference" (NELAC) and is sponsored by the United States Environmental Protection Agency (U.S. EPA) as a voluntary association of State and Federal Officials for the purpose of establishing standards to consolidate and make more uniform the laboratory accreditation process.

ARTICLE II - OBJECTIVES

The objectives of the National Environmental Laboratory Accreditation Conference are:

A. Forum

To provide a national forum for the discussion of all questions related to standards for environmental laboratory accreditation by officials of the Federal Government and regulatory officials of the States, Commonwealths, Territories and Possessions of the

United States, their political subdivisions, and the District of Columbia.

B. Mechanism

To provide a mechanism to establish policy and coordinate activities within the Conference on matters of national and international significance pertaining to environmental laboratory accreditation standards.

C. Consensus

To develop a consensus on uniform standards, laws, regulations and specifications for laboratory inspections, procedures, criteria, personnel qualification, testing, administrative procedures and enforcement.

D. Uniformity

To encourage and promote uniformity of requirements and methods among jurisdictions.

E. Cooperation

To foster cooperation among regulatory officers and between them and the manufacturing, industrial, business, academic, consumer, and other interests affected by their official activities.

ARTICLE III - MEMBERSHIP

Membership consists of two classes:

Active Membership Active membership is limited to officials actively engaged in accreditation of environmental laboratories or environmental program officials who are in the employ of the Government of the United States, the States, the Commonwealths, the Territories, or the Possessions of the United States, or the District of Columbia.

Contributors Contributors comprise representatives of laboratories, manufacturers, industry, business, consumers, academia, laboratory associations, industrial associations, laboratory accreditation associations, and other persons who are interested in the objectives and activities of the Conference.

ARTICLE IV - OFFICERS

SECTION 1 - EX OFFICIO OFFICERS

A. Director

The Director of the Environmental Protection Agency National Environmental Laboratory Accreditation Program is the ex officio Director of the Conference.

B. Executive Secretary

The Director of the Environmental Protection Agency National Environmental Laboratory Accreditation Program designates a senior member of the Environmental Protection Agency who is thoroughly conversant with laboratory accreditation to serve the National Conference as its Executive Secretary.

SECTION 2 - ELECTIVE OFFICERS

The Elective officers of the Conference shall be:

Chair,

Chair - Elect,

Past-Chair,

Treasurer, and

6 members-at-large to serve on the NELAC Board of Directors.

The consecutive reelection of a Chair-Elect is prohibited; the Chair-Elect shall not serve on any committee other than the Board

of Directors. Should the Chair-Elect for any reason be unable or unwilling to be installed as Chair, his/her successor shall be elected in the manner prescribed. In this event, the newly elected Chair-Elect shall be installed as Chair.

A. Eligibility

1. Any Active Member in good standing shall be eligible to hold any office provided that the individual meets the other requirements set forth in the Constitution and Bylaws.
2. The Chair-Elect will be elected at the Annual Meeting one year prior to the term of service as Conference Chair. After serving one year as Chair-Elect, the incumbent will succeed to the office of Conference Chair. Only a state official is eligible for election to Chair-Elect.

B. Nominations and Elections

1. Nominating Committee

The Chair shall appoint a Nominating Committee consisting of the most recent active Past Chair as Committee Chair and six (6) active members, to be geographically representative insofar as possible.

2. Nominations

a. The Nominating Committee shall submit one name for each elective office and present its recommendation as a slate to the Conference.

b. Additional nominations for officers may be made from the floor at the Annual Meeting provided that prior consent of the nominee has been obtained in writing and presented to the presiding officer at the time of the nomination.

3. Elections

Officers shall be elected during a designated session of the Annual Meeting by a formal recorded vote of the members in attendance and eligible to vote on Conference motions.

4. Terms of Office

a. The Chair, Chair-Elect, and Past Chair, shall serve for a term of one year or until their successors are respectively qualified and elected or appointed.

b. The Treasurer will serve a term of three years.

c. The six Board of Directors members-at-large shall serve for 3-year terms; two elected each year.

d. All officers shall take office immediately following the close of the Annual Meeting at which they were elected.

5. Filling Vacancies

In case of a vacancy in any of the elective offices, the Board of Directors shall fill the office by appointment.

ARTICLE V - APPOINTIVE OFFICIALS

SECTION 1 - OFFICIALS, SPECIFIC

The Conference Chair with the approval of the Board of Directors will appoint the following officials:

Parliamentarian

Assistant Treasurer

A. Appointment

The Conference Chair shall appoint other officials to conduct Conference activities. See Bylaws, Article V - Duties of the Officers and Article VI - Committees.

B. Assumption of Office

All appointive officials shall take office immediately following appointment and will serve through the subsequent Annual Meeting of the Conference unless otherwise specified by the Conference Chair, Constitution or Bylaws.

ARTICLE VI - MEETINGS OF THE CONFERENCE

A. Annual Meeting

The Annual Meeting of members shall be held each year. The agenda for this meeting shall include the election of officers, reports from the various committees, task forces, study groups, and the Treasurer, other items pertinent to the Conference, and presentation to the Membership of pending issues requiring action by vote.

The Annual Meeting may include the presentation of technical papers, discussions, displays, or other events at the discretion of the Board of Directors.

B. Interim Meeting

The Interim Meeting of the Board of Directors and those Standing Committees designated by the Chair shall be held annually, approximately six months prior to the Annual Meeting to develop the agenda and committee recommendations for presentation to and action by the membership at the Annual Meeting. Draft resolutions and standards regarding environmental laboratory accreditation which have been published in the Federal Register and commented upon are discussed and modified as appropriate in the Interim Meeting.

C. Special Meetings

1. The Conference Chair is authorized to order a meeting of the Board of Directors at any time deemed necessary by the Chair to be in the best interest of the Conference.
2. Other Committees of the Conference are authorized to hold meetings at times other than the Annual Meeting or Interim Meeting provided that:
 - a. such meeting or meetings have been funded in the Conference budget approved by the Board of Directors,
or

- b. such meeting or meetings are approved by the Chair and funding is available within the approved budget or can be made available.
3. A quorum shall consist of a majority of the eligible voters.

D. Rules of Order

The rules contained in Robert's Rules of Order (Revised) shall govern the Conference in all cases to which they are applicable, and in which they are not inconsistent with the Constitution or Bylaws or the special rules of the Conference.

ARTICLE VII - FEES AND DUES

The annual Membership fees and the registration fees for the Annual Meeting are recommended by the Conference Management and Funding Committee and shall be approved (and may be revised) by a majority vote of the Board of Directors at any official meeting of that Committee.

ARTICLE VIII - AMENDMENTS TO THE CONSTITUTION

This Constitution may be amended, added to, or repealed at any Annual Meeting of the Membership under normal Conference procedures. Proposed changes must be included in the agenda of the Board of Directors for the Interim Meeting, published in the Recommendations of the Board of Directors in its Tentative Report, and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes will be voted upon. Amendments to the Constitution must be approved by a minimum of a two-thirds vote in both the House of Representatives and the House of Delegates.

ARTICLE IX - BYLAWS

SECTION 1 - SUPPLEMENTATION OF CONSTITUTION

This Constitution shall be supplemented by Bylaws which shall detail the methods of operation of the Conference. Such Bylaws shall not be inconsistent with the provisions of the Constitution.

SECTION 2 - AMENDMENTS AND REPEALS OF THE BYLAWS

The Bylaws may be amended or repealed in the same manner as prescribed for the Constitution (See Article VIII).

SECTION 3 - RENUMBERING

The Executive Secretary is authorized to renumber the Articles and Sections of the Constitution or Bylaws to accommodate any changes made.

BYLAWSARTICLE I - APPLICATION FOR MEMBERSHIPSECTION 1 - FORM OF APPLICATION

Each application for membership or contributorship shall be submitted to the Executive Secretary. The application shall be accompanied by the Membership or Contributor fee. The successful applicant's name will be added to the Conference mailing list. Confirmation of Member or Contributor status will be mailed.

ARTICLE II - FEES, MEMBERSHIP RECORDSSECTION 1 - FEES

The fees for annual Membership, Contributorship, as well as the registration fee for the Annual Meeting, are established by the Conference Management and Funding Committee and are subject to approval and revision by the Board of Directors.

SECTION 2 - MEMBERSHIP YEAR

Annual membership fees shall be payable by July 1 of each year and will cover the period July 1 to June 30 of the following year.

SECTION 3 - BILLING

The Executive Secretary shall bill each Member and Contributor for yearly dues 2 months prior to the expiration of the current membership year.

SECTION 4 - EVIDENCE OF MEMBERSHIP OR CONTRIBUTORSHIP

Membership certificates and cards of suitable design, bearing the insignia of the Conference shall be issued to the Members.

Contributor certificates of a noticeably differing design shall be issued to the Contributors. The Executive Secretary shall advise the Treasurer of the count of new Members and Contributors and will forward the membership monies for deposit in the Conference Account.

ARTICLE III - USE OF THE INSIGNIA

The insignia of the Conference may be used or displayed only by members of the Conference unless expressly authorized in writing by the Conference.

ARTICLE IV - BOARD OF DIRECTORSSECTION 1 - MEMBERSHIP

- A. The Board of Directors consists of the Director, Executive Secretary, Chair of the Conference, Chair-Elect, the most recent still active Past Chair of the Conference, the Treasurer, and the six at-large members.
- B. The Nominating Committee in recommending candidates for the Board of Directors shall consider regional representation.
- C. The term of the Board of Directors runs from the adjournment of the Annual Meeting at which its members are elected (or appointed) through the succeeding Annual Meeting of the Conference.

SECTION 2 - DUTIES

- A. The Board of Directors has leadership responsibility for the conference and is charged with guiding the Conference in its primary mission of establishing standards for the accreditation of environmental laboratories.

- B. It generates the constitution and bylaws of the Conference, presents amendments, proposes changes in organizational structure, and defines roles and responsibilities as appropriate, for approval of the membership.
- C. It establishes administrative procedures and policy on internal matters and serves as the policy and coordinating body in matters of national and international significance.
- D. It holds accountable, reviews, and approves actions of all Committees.
- E. It utilizes the Standing Committees to resolve technical criteria issues regarding laboratory accreditation.
- F. It acts for the Conference in all routine or emergency situations.
- G. It authorizes interim meetings of Conference Committees as necessary.
- H. It fills any vacancy in any elective office of the Conference caused by death, resignation or retirement from active official service.

- I. It brings recommendations to the Conference for consideration and action as appropriate.

ARTICLE V - DUTIES OF THE OFFICERS

SECTION 1 - CHAIR

The Conference Chair is the principal presiding officer at the meetings of the Conference and of the Board of Directors, makes appointments to the several standing and administrative committees, and appoints other Conference officials to serve during his or her term of office. All appointments will be made with the consent of the Board of Directors.

SECTION 2 - CHAIR-ELECT

The Chair-Elect will:

- A. serve as acting Chair of the Conference and the Board of Directors in the event that the Chair is unable to carry out the duties of that office;
- B. perform other duties assigned by the Conference Chair, including presiding over sessions of the meetings of the

Conference as assigned by the Conference Chair and assisting the Chair in the discharge of his or her duties.; and

C. serve on the Board of Directors.

SECTION 3 - PAST CHAIR

The most recent still-active Past Chair will serve on the Board of Directors and as Chair of the Nominating Committee and perform such duties as may be assigned by the Board of Directors. The Conference Past Chair may preside over sessions of the meetings of the Conference as assigned by the Conference Chair and assist the Chair in the discharge of his or her duties.

SECTION 4 - EXECUTIVE SECRETARY

The Executive Secretary acts as the executive officer of the Conference, the secretary and executive officer of the Board of Directors, and the non-voting secretary to each standing committee; keeps the records of the proceedings of the meetings and manages the conference administration as prescribed in its administrative procedures.

SECTION 5 - TREASURER

The Treasurer receives and accounts for all monies collected and pays all Conference bills certified by the Conference Management and Funding Committee as correct. The Treasurer is an ex officio member of the Conference Management and Funding Committee.

SECTION 6 - ASSISTANT TREASURER

The Assistant Treasurer shall assist the Treasurer in the discharge of his or her duties.

SECTION 7 - PARLIAMENTARIAN

The Parliamentarian shall assist in assuring meetings of the Conference are conducted according to Robert's Rules of Order and any special rules adopted by the Conference.

ARTICLE VI - COMMITTEES

SECTION 1 - GENERAL

Each administrative committee will consist of five Active Members (except the Contributors Committee) appointed by the Chair of the Conference to serve appropriate terms on a rotating basis or until a successor is appointed. All committee members will be

appointed the initial year for appropriate staggered terms to allow for subsequent appointment to full terms.

Except for the Nominating Committee, whose chair will be the Conference Past-Chair, each committee annually selects one of its members to serve as its chair, who may succeed himself or herself.

Each standing committee will consist of five members elected from the Active membership of the Conference to serve 5 years with one member being elected each year. All committee members shall be elected during a designated session of the Annual Meeting by a formal recorded vote of the members in attendance and eligible to vote on Conference motions.

When necessary, an appointment will be made to any of the standing committees to fill a vacancy caused by death, resignation or retirement from active service by a committee member. The appointment is for the unexpired portion of the member's term.

SECTION 2 - ADMINISTRATIVE COMMITTEES

A. Terms

1. Conference Management and Funding Committee. The term of service will be three years; two members to be appointed each of two years and one the third year.
2. Nominating Committee. The chair shall be the Conference Past Chair. Four members shall be appointed annually to serve one year.
3. Membership Committee. The term of service will be two years. Two members will be appointed one year and three the alternate year.
4. Auditing Committee. The term of service will be three years. Two members are to be appointed in each of two years and one in the third year.
5. Liaison Committee. The term of service will be three years. Two members are to be appointed in each of two years and one in the third year.
6. Contributors's Committee. This committee will consist of five contributors to serve two years. Three members will be appointed one year and two in alternate years.

B. Duties

1. Conference Management and Funding Committee. This committee prepares the annual budget for approval by the Board of Directors, sets and collects annual membership fees and conference registration fees, selects the place and dates of each Annual and Interim Meeting of the Council and manages the logistic details of the Interim and Annual meeting, certifies to the Treasurer the correctness of bills submitted to the Conference for payment, and publicizes the Annual and Interim Meetings. The Treasurer is an ex-officio member of this committee.
2. Nominating Committee. This committee presents a slate of nominees for all elective offices at the Annual Meeting. The names of these nominees shall appear in the report of the Nominating Committee and be published in the Conference Announcement.
3. Membership Committee. This committee initiates membership invitations and publicizes the Conference to prospective members. This committee also provides coordination and participation of Contributors in all affairs of the Conference.
4. Fiscal Auditing Committee. This committee arranges for annual audits of the Conference books. This committee

reviews audit reports to the Board of Directors with recommendations as necessary to resolve discrepant audit findings or recommendations.

5. Liaison Committee. This committee provides liaison with international organizations, federal agencies, other groups and organizations. This committee provides and solicits information and develops a spirit of cooperation between NELAC and other organizations.
6. Contributor's Committee. This committee serves as the focal point for the Contributors. It solicits information from and provides feedback to the Contributors and acts as liaison to the Board of Directors on Contributor matters.

SECTION 3 - STANDING COMMITTEES

A. General

Standing Committee members serve for five years, one member being appointed annually.

B. Duties

1. Program Structure Committee. This committee shall develop modifications to the scope, structure, and requirements to the tiers and fields of testing.
2. The Accrediting Authority Committee. This committee provides the standards used by EPA to approve state authorities.
3. Quality Systems Committee. This committee establishes and keeps current the key elements of QA/QC, including record keeping and staffing requirements. The committee also defines uniform standards for each of the elements of QA/QC.
4. Performance Evaluation Testing Committee. This committee determines the requirements for the Performance Evaluation Program, generates the standards for the Performance Evaluation samples, provides criteria for selection of the provider of the Performance Evaluation samples and provides and updates the protocol for the use of the Performance Evaluation Program in the accreditation of laboratories.
5. On-Site Assessment Committee. This committee determines the training and experience requirements of the assessors, establishes the frequency of inspection, generates the procedures for on-site visits and publishes these standards in a National Environmental Laboratory Accreditation Manual.

6. Accreditation Process Committee. This committee generates and develops modifications for the accreditation process of environmental laboratories, including the requirements for accreditation, procedures for suspension, revocation and denial of accreditation, relative roles and responsibilities of laboratories and appeal processes. This committee considers matters concerning reciprocity of accreditation and establishes the process for the approval of state/federal accrediting authorities.

7. Regulatory Committee. This committee provides the Standing Committees with current information on federal regulations that impact laboratory testing. This committee annually presents a report for conference action. Its scope embraces all matters regarding the development and interpretation of uniform laws and regulations, the study and analysis of bills for legislative enactment, and the establishment and maintenance of published guidelines and other effective means of encouraging uniformity of interpretation and application of laboratory requirements. The Regulatory Committee shall also provide uniform language to assist states in adopting the standards in state statutes.

SECTION 4 - SPECIAL COMMITTEES, TASK FORCES AND STUDY GROUPS

Special committees, task forces, and study groups may be established by the Conference Chair as the need arises or as requested by the Conference. Members will be appointed from the Active Members for as long as deemed appropriate. Upon completion of its assigned task, such bodies shall be dissolved by the Chair of the Conference.

SECTION 5 - SUBCOMMITTEES

Upon request of a committee, the Conference Chair may appoint a subcommittee(s) to assist the committee in fulfilling its responsibilities.

ARTICLE VII - VOTING SYSTEM

All questions before a meeting of the Conference that are to be decided by a formal recorded vote of the Active Members are voted upon in accordance with the following voting structures and procedures.

SECTION 1 - HOUSE OF REPRESENTATIVES

A. Official Designation

This body of officials shall be known as the "House of Representatives."

B. Composition

1. Each State is authorized one official to serve as its representative at the annual meeting of National Environmental Laboratory Accreditation Conference. The state representative shall be the Director of the State Environmental Laboratory Accreditation Program or the highest level technically competent scientist knowledgeable about environmental laboratory analysis and accreditation, or his/her designee.
2. Each of seven EPA Assistant/Associate Administrators (OSWER, OAR, ORD, OW, OPPTS, OECA, and OROSLR) or his or her designee may appoint two members, one from headquarters and one from an EPA region.
3. Each other participating federal agency with responsibilities in the environmental laboratory field is authorized to appoint one official to the House of Representatives.

C. Method of Designation

Each representative is specified annually to the Board of Directors 120 days before the NELAC Annual Meeting. Accommodation may be made for exceptions to this deadline. An alternate should be named prior to the Annual Meeting in case the designated representative cannot attend.

SECTION 2 - HOUSE OF DELEGATES

A. Designation

All other State and Federal environmental officials (those not sitting in the House of Representatives) are grouped as a body known as the "House of Delegates". The number of potential members is not limited.

B. Requirements

No other special requirements apply.

SECTION 3 - VOTING RULES

A. Proxy Votes

Proxy votes are not permitted. Since issues and recommendations in the committees' interim reports are often modified and amended

at the Annual Meeting, the attendance of officials at the NELAC Annual Meeting and voting sessions is vital.

B. Method

All voting is by show of hands, standing vote or machine (electronic). There shall be no voice voting. No abstentions are permitted. NELAC Annual Meeting and voting sessions are mandatory.

C. Timing

Voting by both Houses is simultaneous.

D. Recording

The voting system is designed to record the votes of the Representatives whether an electronic system, show of hands, standing vote or other method capable of being tallied is used.

E. Applicability

These procedures (rules) apply only to the Annual Meetings of NELAC. However, only active members are permitted to vote in committee or other meetings.

SECTION 4 - COMMITTEE REPORTS

Alternatives that may be used in voting on the reports:

- A. vote on the entire report;
- B. vote on grouped items or sections; or
- C. vote on individual items, according to
 - 1. committee discretion, or
 - 2. on request by a voting delegate, with the support of 10 others.

SECTION 5 - FLOOR AMENDMENTS

A. Amendments

Committee chairs are allowed to offer amendments on the day of voting to make editorial changes in their final reports.

B. Changes

Substantive changes can be made at the request of House of Representatives or House of Delegates members and:

1. a majority of the voting delegates of each House must vote favorably before a proposed amendment can be accepted for debate.
2. a two-thirds favorable vote of each House on the amendment is required for passage (the requirement for the minimum number of votes in both Houses also applies).

SECTION 6 - SEATING

A. Arrangement

The seating arrangement for voting sessions is shown in Figure 1.

B. Supervision

The members of the Board of Directors will control placement and movement of delegates. The Executive Secretary will count votes.

SECTION 7 - VOTING

At the conclusion of debate on a motion, there shall be a call for the vote by a show of hands, standing, electronic count, or other tally method.

A. Minimum Votes

1. House of Representatives. A minimum of one-half the participating agencies must cast their votes in favor of, or in opposition to an issue for the vote to be considered official.
2. House of Delegates. A minimum number of votes, equivalent to one-half the number of participating agencies, must be cast in favor of, or in opposition to an issue for the vote to be considered official.

B. Motion Accepted

1. if the minimum number of members of the House of Representatives votes Yea;

and if
2. a majority of the members of the House of Delegates votes Yea (the minimum number of Yea votes required). If the

minimum number of votes required to pass or fail an issue is not cast in the House of Delegates, the issue will be determined by the vote of the House of Representatives.

C. Motion Rejected

1. if the minimum number of members of the House of Representatives votes Nay.

and if

2. a majority of the members of the House of Delegates votes Nay (the minimum number of Nay votes required). Should a tie vote occur, or if the minimum number of votes required to pass or fail an issue is not cast in the House of Delegates, the issue will be determined by the vote of the House of Representatives.

D. Split or Tie Vote

When the two Houses split on an issue or the minimum number of votes supporting or opposing an issue is not obtained in the House of Representatives, the issue is returned to the standing committee for further consideration.

The committee may drop the issue or reconsider it for submission the following year. The issue cannot be recalled for another vote at the same Annual Meeting.

SECTION 8 - PROCEDURES

The Conference officers and committees observe in all procedures the principles of due process -- the protection of the rights and interests of affected parties; specifically, they (a) give reasonable advance notice of contemplated committee studies, items to be considered for committee action, and tentative or definite recommendations for Conference action, for the information of all parties at interest, and (b) provide that all interested parties have an opportunity to be heard by committees and by the Conference.

SECTION 9 - CHANGES IN ORGANIZATION AND PROCEDURE

Proposals for changes in organization or procedure of the Conference are not acted upon until the Annual Meeting of the Conference following the Annual Meeting at which such proposals are made.

FRONT OF ROOM

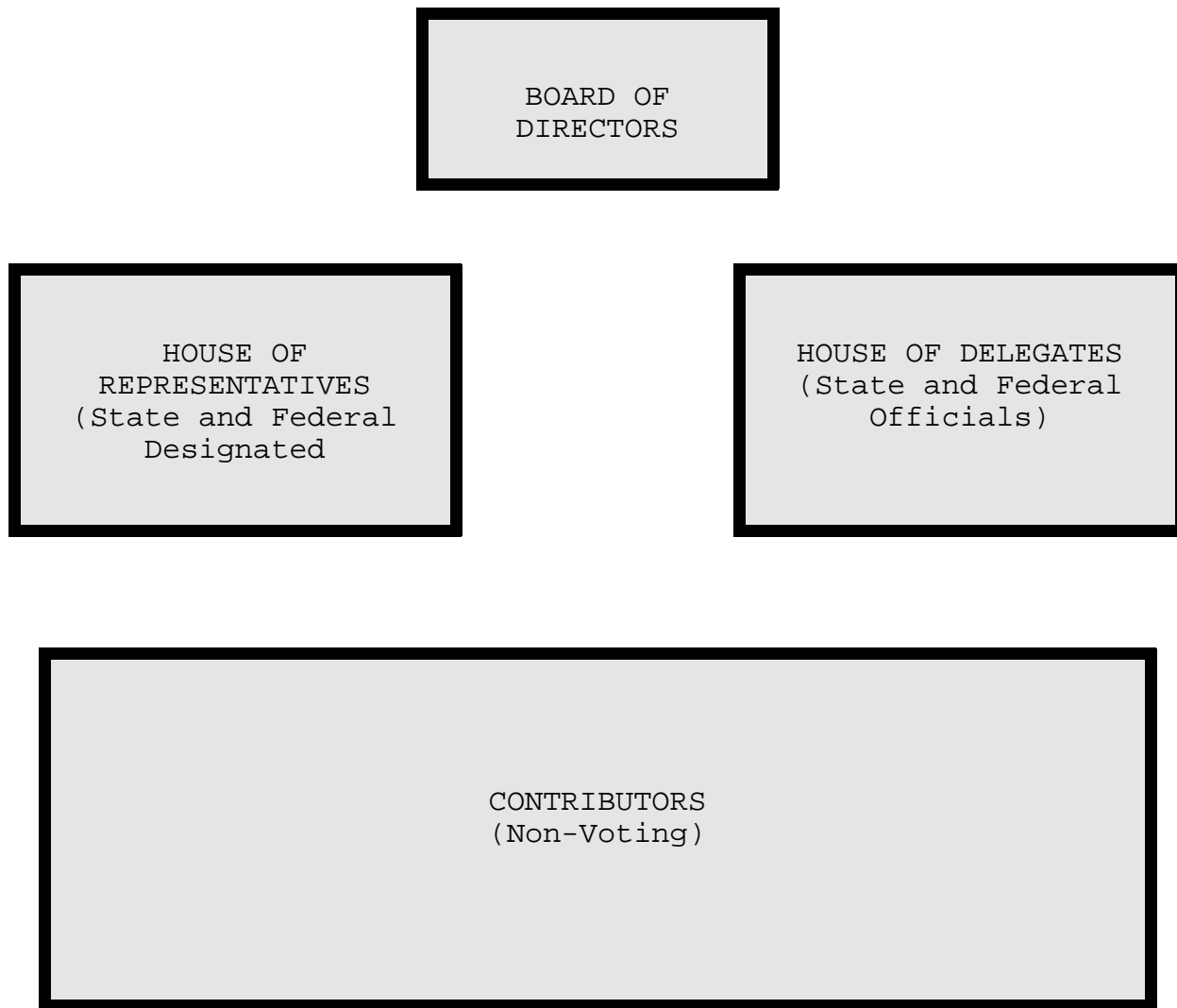


Figure 1. Seating Arrangement