



**MANUAL**

**HOUSE OF DELEGATES**

**TEXAS DENTAL ASSOCIATION**

*Revised May 2014 (Updated May 2017)*

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**INTRODUCTION**

The House of Delegates, as the legislative and governing body, is the supreme authority in the Texas Dental Association. As such, it speaks for the members of the Association and for the dental profession in the State of Texas. This material has been prepared that all who participate in the annual sessions of the House of Delegates may have a better understanding of -the methods and rules under which it operates.

Since the House of Delegates meets only once a year in regular session, many important problems must be considered and decisions taken at that time. The variety and complexity of the issues which are placed before the House make it impossible to handle them without having a well established routine for the conduct of business. This routine demands the close cooperation of all participants if the House is to function effectively in the difficult process of making decisions which lead to the establishment of policy for the Texas Dental Association.

**COMPOSITION OF THE HOUSE OF DELEGATES**

The house is composed of the Board of Directors of the Association, the Speaker of the House of Delegates and the delegates elected by the 26 component societies of the Texas Dental Association. Allocation of delegates is based upon the total active, life and retired members of the component society, with one delegate elected for each eighty members, or parts thereof, as of December 31, preceding the annual session. Thus, each component society is assured of one delegate or more, based proportionately upon its membership of the Texas Dental Association. Each Dental School in Texas will be represented by one (1) student delegate as a non-voting member of the House of Delegates.

**GENERAL INFORMATION FOR DELEGATES AND ALTERNATES**

Official credentials are mailed in advance of the annual session to all officially certified delegates and alternates. Certification occurs when a Component sends a roster of delegates and alternates delegates to the TDA Secretary-Treasurer and their membership status is verified. If a delegate cannot attend a meeting of the House, he/she must so inform the Chairman of his delegation, or if there is none, the President of his component society who shall inform the appropriate alternate who shall then advise the Secretary of the Association of the change.

Before the annual session, the Secretary of the Association will also send each delegate and alternate a copy of the annual report. In it will be found all pertinent information concerning the current annual session of the House, including a schedule for meetings of the House, the composition and schedule of the reference committees and a preliminary agenda for each reference committee based upon the reports and recommendations of the various agencies of the Association which have been referred to the House for study and possible action. Each delegate and alternate should become thoroughly familiar with this material.

A final agenda for the reference committees will be prepared subject to reports received after distribution of the delegate book or to resolutions introduced at the first meeting of the House.

The *Bylaws* provide that all new business must be introduced at the first meeting of the House, except by unanimous consent.

## QUORUM

A majority of the total voting membership of the House constitutes a quorum.

## FLOOR OF THE HOUSE OF DELEGATES

The Secretary determines the seating on the floor of the House of Delegates, providing for an equitable annual rotation of the delegations. Each individual delegate is designated an area where he/she is to be seated. All delegates shall be seated with their delegation unless otherwise directed by the Secretary.

Except during executive sessions, anyone may attend meetings of the House, but visitors are not permitted access to the floor of the House unless requested by the Speaker with consent of the House and must be seated in the section reserved for visitors. Alternate delegates also have separate seating, and have access to the floor only when conferring with or replacing a delegate.

**ACCESS TO THE FLOOR.** Access to the floor of the House of Delegates is limited to officers and delegates and alternate delegates of the House of Delegates, the elective and appointive officers of the Association and past presidents, ADA 15th District Trustee, Parliamentarian, Executive Director, Legal Counsel, Editor and staff members designated by Executive Director. The chair and members of councils may only have access to the floor when participating in debate on the floor of the House regarding their respective reports or when requested by the Speaker.

**PRIVILEGE OF THE FLOOR.** Privilege of the floor shall be defined as allowing participation into debate.

Officers and those members seated as delegates have access to the floor, privilege of the floor, may propose motions and vote. The Secretary and Speaker of the House do not have voting privileges.

Past Presidents of the Association have access to and privilege of the floor, but are without voting privileges. They may not present resolutions or motions on the floor of the House unless seated as a Delegate.

Alternate delegates have access to the floor of the House but are without voting privileges and may not present resolutions or motions or enter into debate on the floor of the House unless seated as a Delegate.

Student delegates shall have access to and privilege of the floor, but are without voting privileges. They may not present resolutions or motions on the floor of the House.

Council or committee chairmen and members may participate in the debates on the floor of the House regarding their respective reports, but are without voting privileges and may not present resolutions or motions on the floor of the House unless seated as a Delegate.

From the TDA *Bylaws*: "Chapter IV, Section 80. **Privileges of the floor of the House:**

- A. Past Presidents of this Association shall have the privilege of the floor of the House of Delegates but no other privileges unless they are duly elected delegates.
- B. All members of councils and committees of this Association shall have the privilege of the floor of the House of Delegates and of entering in debate on their respective reports only but shall have no other privileges unless they are duly elected delegates.
- C. Student delegates shall have the privilege of the floor of the House of Delegates but may not present resolutions or vote.
- D. Others may have the privilege of the floor of the House at the invitation of the Speaker and with consent of the House.

### **MEETINGS OF THE HOUSE OF DELEGATES**

Each annual session is composed of several meetings of the House. These meetings are scheduled as follows:

**OPENING MEETING OF THE HOUSE:** is held on the first day of the annual meeting of the Association. The date, time and location of the opening meeting is included in the delegate book under the schedule of House meetings.

This meeting is devoted to matters relating to organization of the House, the President's address, receiving visitors and the presentation of supplemental reports. It is at this meeting all remaining new business, including possible amendments to the *Bylaws* must be introduced. The final agenda for the reference committees is prepared and the location and hearing hours of the individual reference committees announced.

**SUBSEQUENT MEETINGS OF THE HOUSE:** the date, time and location of these meetings are in the schedule of House meetings or will be announced in the House by the Speaker of the House.

These meetings are devoted to receiving the reports of the several reference committees, deliberation and action upon these reports by the House, the election of officers of the Association, election of delegates and alternate delegates to the American Dental Association, electing council members and council chairmen, and the installation of officers of the association, all in accordance with the *Rules of the House* or *Bylaws*.

**CLOSED (EXECUTIVE) MEETING.** A closed meeting is any meeting or portion of a meeting of the House of Delegates with limited attendance in order to consider a highly confidential matter. A closed meeting may be held if agreed upon by general consent of the House or by a majority of the delegates present and voting at the meeting at which the closed meeting would take place. In a closed meeting, attendance is limited to members of the House, alternate delegates, and general counsel of the Association. The Speaker may invite other persons necessary for consideration of the proposed subject matter to remain during the closed meeting with the approval of the House. Any member may request the Speaker to invite a particular person or group of persons, and with the approval of the House, that person or group shall be allowed to remain until the end of the closed meeting, or until a motion and vote of the House requires them to leave.

No house action may be taken on items of business during a closed meeting, except Attorney-Client meetings. Items of business are defined as those functions given to the House of Delegates by Chapter IV, Sections 30, 120, 140 and 160 of the *Bylaws*.

**ATTORNEY-CLIENT MEETING.** An Attorney-client meeting is a form of closed meeting during which legal advice is sought from an attorney representing the Association as client, and the communications relating to that purpose are made in confidence by the client or attorney. For attorney-client meetings, the Speaker and Secretary shall consult with the General Counsel of the Association regarding attendance during the meeting and any House action. Any necessary House action may be taken during an attorney-client meeting.

### **OPERATION OF THE HOUSE OF DELEGATES**

The House of Delegates has two officers, the Speaker and the Secretary. The Speaker is the presiding officer of the House and presides at all meetings. In the absence of the Speaker, the Parliamentarian presides. The Secretary of the Association is the Secretary of the House and serves as recording officer and custodian of the records.

All proceedings of the House are recorded for transcription and shall be preserved until the official minutes of these proceedings are approved. Each delegate, when addressing the House on any matter, should give their name and district. Any others addressing the House on any matter, should give their name and designation that allows them privilege of the floor of the House of Delegates.

All the reports to be considered by the House are either sent to the delegates and alternates prior to the annual session or are distributed before consideration by the House. A thorough advance study of the various reports and resolutions will provide an essential background for a full understanding of the activities as they occur in the House.

### **COMMITTEE ON CREDENTIALS, RULES, AND ORDER**

As an order of business the Speaker will call upon the Committee on Credentials Rules and Order for a special report on the eligibility of the nominees for election to offices at the opening of the House meeting just after caucus meetings. (116-1991-H). All candidates for nomination for President-elect, Secretary-Treasurer, Speaker of the House and Editor shall be required to present a current and concise biographical resume of themselves to the House of Delegates. If no such written resume is available, the candidates shall present before the House an oral resume. In the event of contested election for President-elect, Secretary-Treasurer, Speaker of the House or Editor, there will be a Candidates Forum placed on the agenda.

### **ORIGIN AND DISPOSITION OF RECOMMENDATIONS & RESOLUTIONS**

Recommendations and resolutions which involve Association policy come to the House of Delegates from several different sources: the President of the Association; the Board of Directors; the councils, committees, and component societies of the Association; the delegates of the House of Delegates; and, occasionally, from other sources at the discretion of the Speaker. In these various ways, the House of Delegates receives many recommendations and resolutions for consideration each year and its task is to act on them in the best way to meet the changing needs of the Association, the

profession and society.

All resolutions from any of the above sources other than the Board of Directors, Reference Committees, and resolutions presented by delegates at the opening meeting of the House of Delegates shall be sent to the Secretary of the Association for consideration and mandatory action by the Board of Directors. The resolutions along with Board action shall be transmitted to the House of Delegates in their original form and language along with any amended Board substitute resolutions. Resolutions received after the Board's final meeting of the year shall carry an attached notation that no Board action was taken because of time restraints.

Resolutions empowered to the Board of Directors in Chapter V, Section 40 of the Bylaws shall be declared "board property" or "board policy" and do not become the property of the House of Delegates.

## **RULES OF THE HOUSE OF DELEGATES**

The following are the Standing Rules of the House of Delegates:

**ORDER OF BUSINESS:** The order of business shall be:

- Roll Call - Quorum
- Reading of minutes - Introductions
- Reports
- Unfinished business
- New business
- Election of Officers
- Installation of Officers
- Announcements

The Speaker of the House of Delegates is authorized to rearrange the order of the agenda as deemed necessary in order to expedite the business of the House of Delegates. Any changes in the agenda are subject to approval of the House of Delegates.

The order of business shall be that order of business adopted by the House of Delegates in conformity with Section 110A and Section 150 of this Chapter; except that a proposed amendment of these Bylaws or TDA policy effecting a change in the dues of active members shall be considered after all other resolutions with financial implications have been disposed of (36-2005-CS3-H).

**STANDING RULES:** The House of Delegates may adopt Standing Rules but they shall apply to procedural or parliamentary matters only, and shall require a two-thirds (2/3) vote for adoption.

**SEATING OF DELEGATIONS:** The Secretary shall arrange for the seating of delegates in the House of Delegates in accordance with the following formula: the delegates shall be seated by division in accordance with the number assigned to their component society in Chapter III of the *Bylaws*. Beginning with the division of which the President is a member being seated at the right front quadrant facing the podium, divisions shall be reassigned to a different quadrant at the beginning of each business day thereafter. Student Delegates shall be seated as a group within one of the Divisions at the discretion of the Speaker.

**RULES OF ORDER:** The rules contained in the current edition of *The Standard Code of Parliamentary Procedure* govern the deliberations of the House in all cases in which they are applicable and not in conflict with the *Standing Rules* or the *Bylaws*.

**ITEMS OF BUSINESS:** An item of business becomes the property of the House and subject to House action in accordance with the appropriate order of business and agenda schedule when such an item is received in writing by the Secretary of the Association (Secretary of the House).

**REPORTS:** All reports of councils and committees, except supplemental reports, are sent to each delegate and alternate at least 30 days in advance of the opening of the annual session. All supplemental reports are distributed to each delegate before such report is considered by the House.

**REFERRAL OF REPORTS AND RESOLUTIONS:** Prior to each session of the House, the Speaker of the house shall prepare a list of recommended referrals to reference committees, such list to be available at the opening meeting of the House and subject to amendment or approval by the House of Delegates prior to the hearings of the reference committees. The Speaker of the House of Delegates, when making such referrals, shall rule which resolutions, in his/her opinion, are subject to the powers, duties and authority of the House of Delegates. This list of recommended referrals is ultimately subject to revision and approval by the House of Delegates before meetings of the Reference Committees at the House of Delegates. This revision and approval by the House will be an agenda item at the opening meeting of the Annual Session of each House of Delegates.

**RESOLUTIONS OF THE APPROPRIATION OF FUNDS:** Any resolution proposing an appropriation of funds, except those relating to the annual budget, may not be acted upon without first being referred to the Budget Committee for approval as to the availability of funds for the purpose specified.

**CONSIDERATION OF THE BUDGET:** The annual budget shall be submitted to the House at the opening meeting of the annual session. In the event the budget, as submitted, is not approved, all recommendation for change shall be referred to the Board of Directors to prepare and present a revised budget. This procedure shall be repeated until a budget for the ensuing fiscal year shall be adopted.

**VOTING AND DEBATE:** Majority vote shall mean a majority of the votes cast and, except as provided otherwise in the Bylaws any action receiving a majority vote shall be approved. No member shall speak longer than ten (10) minutes until all present have and an opportunity to be heard. A secret ballot may be called for by any member of the House of Delegates subject only to disapproval by majority vote of the House.

**INTRODUCTION OF NEW BUSINESS:** Any officer or delegate on the floor may present an item of new business at the first meeting of the House. No new business shall be introduced after the first meeting of a session of the House of Delegates except by unanimous consent. Reference committee recommendations shall not be deemed new business.

**PRESENTATION OF RESOLUTIONS AND OTHER ITEMS OF BUSINESS:** Resolutions or lengthy amendments are preferred to be presented in writing to facilitate presentation to the House of Delegates. Resolutions which merely reaffirm or restate existing Association policy shall not be introduced in the House of Delegates.

**DISTRIBUTION OF MATERIAL IN HOUSE OF DELEGATES:** No material may be distributed in the House of Delegates without obtaining permission from the Secretary of the House. Material to be distributed must relate to subjects and activities that are proposed for House action or information.

**SECONDING OF MOTIONS:** Following the proper movement of a motion, a second is not required.

**ACTION ON MOTIONS RECOMMENDED BY REFERENCE COMMITTEES:** A reference committee request for action on an item of business (resolution) shall be brought to the floor of the House for debate in the form of a main motion. The main motion may be the resolution in its original form as presented to the reference committee with a recommendation to adopt or defeat. Any other action recommended by the reference committee shall be brought forth in a main motion, such as to amend, refer, or substitute or any other action that reflects the consensus of the reference committee on that particular resolution.

Following the presentation of a main motion by the chairman of the reference committee, the motion is subject to all specified rules which govern main motions as outlined in the parliamentary authority of the House of Delegates (*The Standard Code of Parliamentary Procedure*).

To avoid confusion, it must be emphasized that motions usually considered to be subsidiary may be, and are in fact, main motions when presented by reference committee chairmen in cases such as those outlined in the previous paragraphs.

If a main motion to adopt a resolution passes or fails, the vote of the House disposes of the resolution.

If a main motion other than to adopt is presented and it passes, the resolution is disposed of in the manner presented (such as Not Adopt, referred to a committee, or whatever).

If a main motion other than to adopt is presented (such as a motion to "refer", etc.) and it fails, a motion to adopt the resolution is then in order and is usually made by a delegate who favors adoption of the resolution. This resolution is now before the House for debate, amendment, and action.

## **REFERENCE COMMITTEES OF THE HOUSE OF DELEGATES**

**REFERENCE COMMITTEES:** The reference committees of the House of Delegates consists of at least four members of the House appointed by the Speaker in consultation with the President, President-elect, and Immediate Past-president as provided in Chapter IV, Section 110 of the *Bylaws*. The number of reference committees and the scope of the committees vary from year to year depending on the issues which are before the House. The scope of the committees will vary somewhat from year to year on the basis of the assignments which are made to them by the House. The Speaker will have a meeting of the reference committee members prior to the reference committee hearings.

**DUTIES:** The primary duty of a reference committee is to recommend to the House an appropriate course of action on matters which have been placed before it. This duty can best be discharged by evaluating all resolutions which it has received from the councils, committees, the

Board of Directors and other agencies, by basing its recommendations on the best information and advice which is available and by making its decision in the best interest of the public, the Association and the dental profession.

It is not the duty of the reference committee to attempt to prevent the House from taking action on any motion which has been presented. Nor is it the committee's duty to accept automatically and without deliberation the opinions of its own members or, on the other hand, the opinions of those who have testified.

The reference committee fulfills its duty when it takes into consideration all of these factors and advises the House to adopt, amend, defeat or refer a resolution which has been placed before it.

The reference committee has the final duty of taking action on all matters assigned to it. A reference committee may not "pigeon-hole" any item but must refer it to the House for final disposition.

**AUTHORITY:** Reference committees have a good deal of authority but must act within the *Standing Rules* of the House and within the framework of the *Constitution* and *Bylaws*. The reference committees may not only act on resolutions before them but may also propose resolutions on their own initiative. They may call upon the officers, members of the Board of Directors and councils and committees and the members of the staff when they desire to gain information. They may make an explanation of the committee's decision before recommending to the House that a resolution be adopted, referred, amended, postponed or replaced by a substitute resolution.

**REFERRAL OF ITEMS OF BUSINESS TO REFERENCE COMMITTEES:** The reference committees receive items of business for consideration by referral from the House. The Secretary of the House, in consultation with the Speaker, prepares a preliminary list of referrals prior to the opening meeting of the House. This preliminary list of referrals, together with other items of business referred to a reference committee at the opening meeting of the House, constitutes the final agenda for the meetings of the reference committees.

**STAFF SUPPORT:** Each reference committee will be provided with a staff support person, computer and printer. This person will have a complete set of instructions so that they may be of the greatest possible assistance to the Committee. They will have been instructed not to participate in any way in reaching committee decisions or to take verbatim minutes since there is no time to transcribe these. The reports will be entered in a standard format and the reference committees should not urge new styles and formats for the reports. Finally, the staff support person will have been instructed to hold all committee deliberations/decision in the strictest confidence.

**CONDUCT OF HEARINGS:** The primary duty of a reference committee is to receive and evaluate opinions so that it may present a well-informed recommendation to the House. Opinions are received during the open hearing conducted by the reference committee and later evaluated in an executive meeting at which time the committee's decisions are made. Members of reference committee are not to enter into debate as this is a hearing only; however, they may question the person testifying. No vote of any nature is authorized.

The chairman of the reference committee should preside at both the hearing and the executive meeting. The chairman should carry out the usual duties of a presiding officer in maintaining

order, facilitating the transaction of business and in ruling on length and pertinence of discussion.

The chairman should insure that all who want to be heard but should be watchful against prolonged holding of the floor by one or more persons at the expense of others who may wish to counsel with the committee.

The chairman, with the consent of the committee, may place reasonable limitations on discussion and debate.

All members of the Texas Dental Association have the right to attend reference committee hearings and participate in the discussion, whether or not they are members of the House of Delegates. Non-members of the Association may participate in the discussion at hearings only at the invitation of a majority of the reference committee. Prior to consideration of any business of the reference committee, the chairman shall ask non-members of the Association to identify themselves and indicate who they are representing.

Reference committees are expected to be available during the announced hours of a hearing.

**CONDUCT OF EXECUTIVE MEETING:** After evidence and information have been received at the open hearing, the committee may retire to an executive meeting where only the members and the committee secretary may be present. At this meeting, the committee reaches its decisions and prepares its report. They may call any individual board or staff member before the committee for explanation, clarification or additional information needed.

**AMENDMENTS TO THE BYLAWS:** A reference committee may be asked to consider an amendment of the *Bylaws*. The determination of whether or not the policy involved in the proposed amendment is desirable must be made by the reference committee which received the referral. The wording of all proposed amendments, however, must have the approval of the Committee on Constitution and Bylaws of the House.

A draft of the amendment should be submitted and, when the language of the amendment is approved by the Committee on Constitution and Bylaws, the reference committee will then incorporate the approved text of the amendment in its report, indicating that the approval of the Committee on Constitution and bylaws has been received and that the amendment will require a two-thirds (2/3) vote.

The purpose of this procedure is to give the individual reference committees the opportunity of determining whether the policy of an amendment is desirable, while reserving the technical wording of the amendment to the Committee on Constitution and Bylaws.

**PREPARATION OF REPORT:** The report of the reference committee to the house is nothing more than the comment and the recommendation of the committee on the material which it has had under consideration. Each member of the reference committee shall sign the final report.

All recommendations to the House must be placed in the standard resolution form. Except in very unusual cases, the use of preliminary and explanatory "whereas" clauses is not permitted. The committee should place this prefatory material in its comment on the resolution in the general text of its report or in a background statement. Resolutions that amend the bylaws shall be presented to the House of Delegates in specific bylaws form and language.

Resolutions should be worded with the utmost clarity and must contain only a single topic. All resolutions referring to previous resolutions have the previous resolutions printed in their entirety within the body of the pending resolution (74-1991-H). Resolutions containing more than one topic must be divided so the House can vote intelligently on a single question. The wording of a resolution is most important, since an improperly worded resolution will not give the delegates a clear and immediate idea of the question on which they are being asked to take a vote. A resolution should stand on its own, which means when taken out of context with previous resolutions, background statements or financial implications, the meaning and intent of the resolution is clear.

If the report of a council or a committee contains no resolution, the reference committee should merely state that it has noted the report and make such comment as it may desire. It is not proper to recommend that the report be "received", "approved" or "adopted". If the reference committee wishes to adopt or approve some item in the report, it must draft a suitable resolution.

All Reference Committees must use the Consent Calendar as defined in *The Standard Code of Parliamentary Procedure* in presenting their reports to the House (191-1995-H).

#### **Consent Agenda (Calendar)**

Organizations having a large number of routine matters to approve often save time by use of a consent agenda, also called a consent calendar or unanimous consent agenda. This is a portion of the printed agenda listing of matters that are expected to be noncontroversial and on which there are likely to be no questions. Before taking the vote, the chair allows time for the members to read the list to determine if it includes any matters on which they would like to discuss or oppose. Any member has a right to remove any item from the consent agenda, in which case it is transferred to the regular agenda so that it may be considered and voted on separately. The remaining items are then unanimously approved *en bloc* without discussion, saving the time that would be required for individual votes. (*The Standard Code of Parliamentary Procedure*)

The report should be as brief as possible. Long sections of material which the delegates already have before them should not be repeated.

**MAJORITY AND MINORITY REPORTS:** Every effort should be made by the members of a reference committee to reach unanimous agreement. If this is not possible, majority and minority reports may be presented. The report receiving the most support from members of the committee is presented as the "committee report."

**COPIES OF REPORTS TO THE HOUSE:** The reports of the reference committees are presented by their chairmen. The order in which the reports will be called for is determined by the Speaker. The Secretary of the House will attempt to advise the reference committee chairmen of the order and time when they will be called.

Reports are presented from the front of the house. They should be read slowly and clearly, directly into the microphone, since the proceedings are being recorded. The House will act on the report section by section and the Speaker will indicate when the chairman is to continue with the next section of the report. Page numbers and other citations should not be read since all members of the House will have copies of the reports before them.

In the event of debate or discussion, the chairman and members of a reference committee are free to reply to any questions or to comment. If the chairman desires, he may request the speaker to recognize a member of a council, committee, Board of Directors or staff to supply the information requested. The chairman of the committee, however, should be prepared to comment on the position which his/her committee has taken.