

PROPOSAL TO AMEND
CONSTITUTION
JOSEPH A. HOLMES SAFETY ASSOCIATION

ARTICLE 1
NAME

Section 1:

This organization shall be known as the Joseph A. Holmes Safety Association, as stated in its certificate of incorporation filed pursuant to the laws of the District of Columbia, dated the 19th day of February 1926. The duration of this corporation shall be perpetual.

ARTICLE II
PURPOSE SHEET

Section 1:

- A. The Joseph A. Holmes Safety Association is organized exclusively for charitable, educational and scientific purposes, including, the making of distributions to organizations under Section 501 (c)(3) of the Internal Revenue Code (or the corresponding section of any future Federal tax code).
- B. The Joseph A. Holmes Safety Association, in accordance with applicable law, may accept tax deductible contributions from individuals, corporations and associations in the mineral extractive industries for the purpose of funding any scholarship program established or supported.
- C. No part of the net earnings of the Joseph A. Holmes Safety Association shall inure to the benefit of, or be distributable to its members, trustees, directors, officers or other private persons, except that the association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of Section 501 (c)(3) purposes. No substantial part of the activities of the association shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the association shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office.
- D. Notwithstanding any other provision of these articles, the Joseph A. Holmes Safety Association shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from Federal income tax under Section 501 (c)(3) of the Internal Revenue Code (or the corresponding section of any future Federal tax code) or (2) by a corporation, contributions to which are deductible under Section 170 (c)(2) of the Internal Revenue Code (or the corresponding section of any future Federal tax code).

- E. Dissolution. Upon dissolution of the Joseph A. Holmes Safety Association, assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c)(3) of the Internal Revenue code (or the corresponding section of any future Federal tax code) or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

ARTICLE III
OBJECTIVES

Section 1:

The object of the Joseph A Holmes Safety Association, founded in the year nineteen hundred and sixteen, shall be to commemorate and perpetuate the safety efforts of Joseph A. Holmes, the first Director of the Bureau of Mines, United States Department of the Interior, and originator of the slogan "SAFETY FIRST."

Section 2:

The Association promotes the development of safety methods in the mineral-extractive industries, by:

- A. Making awards to individual persons, corporations or associations, who originate, develop or install meritorious safety methods, appliances or devices in the mineral-extractive industries;
- B. Making awards to operating personnel, companies and others who attain meritorious safety records;
- C. Making special awards to individuals in recognition of personal heroism in the face of grave personal risk in saving or attempting to save lives of others in the mineral-extractive industries; and;
- D. Establishing and supporting scholarship programs at accredited educational institutions for undergraduate students enrolled in mining technology and mine safety programs.

Section 3:

The Association shall arrange and hold safety meetings, conduct safety campaigns, and provide for organized cooperative effort to encourage:

- A. The prevention of fatalities and injuries and the improvement of the health conditions of all persons connected with mining, metallurgical, petroleum, natural gas, quarrying, and allied industries whether at work, in and about their homes, on public highways, or in public places.

- B. The dissemination of information and instruction on subjects related to the promotion of health and safety in the prevention of plant or mine fires, explosions, or disasters from other causes.
- C. The promotion of training in first aid, self-contained breathing apparatus, and other forms of protection and rescue and recovery operations.
- D. The closest cooperative relations with existing organizations, including labor, management, and state and federal agencies that promote health and safety in the mineral and allied industries.
- E. The promotion of educational, social and recreational activities in the mineral and allied industries, including cooperation with local and state school authorities, and other institutions in the advancement of health and safety education.

ARTICLE IV
PLAN OF ORGANIZATION

Section 1:

The Joseph A. Holmes Safety Association shall consist of a National Council, state councils, district councils, and local chapters.

Section 2:

State councils shall be assisted and directed by the National Council, state councils may adopt their own bylaws which shall not conflict with this constitution nor the bylaws of the National Council and they shall adopt the name of the state in which they are established.

Section 3:

District councils which are formed in a state having a state council shall be directed and assisted by the state council. Where there is no state council, the National Council shall render such assistance as is practicable. District councils may adopt their own bylaws which shall not conflict with this constitution nor the bylaws of the state council to which it is subordinate nor the bylaws of the National Council. Each district council shall adopt a suitable name.

Section 4:

Local chapters that are formed in a territory in which there is a district council shall be aided and advised by the district council. Where there is no district council, the state council or National Council shall render such assistance as is practicable. Local chapters may adopt their own bylaws, which shall not conflict with the constitution nor the bylaws of the district and/or state council to which they are subordinate nor the bylaws of the National Council. Each chapter shall adopt a suitable name.

ARTICLE V
JURISDICTION

Section 1:

State and district councils and local chapters shall be subject to the policies established by the National Council. No activity, other than those stated in Article II and Article III, shall be engaged in by state or district councils or local chapters, except upon approval of the National Council of the Joseph A. Holmes Safety Association.

Section 2:

Financial commitments of the local chapters and district councils shall be the sole responsibility of those subordinate units. The National Council shall not direct or control the expenditure or such funds nor shall the National Council be accountable for such monies. Each subordinate unit shall be responsible to comply with the laws of the state in which it is located and comply with any federal tax or other laws governing their activities. The tax exempt status of the Joseph A. Holmes Safety Association shall not be conveyed to any subordinate unit of this Association.

ARTICLE VI
REVOKING CHARTERS

Section 1:

The National Council shall have power to revoke any charter for just and sufficient cause and decide all disputed questions submitted to it.

ARTICLE VII
AMENDMENT TO THE CONSTITUTION

A. ***Amendment Proposal.*** The Constitution may be amended by submitting proposals and supporting rationale to the National Secretary before the National Meeting. All proposed amendments must include an endorsement by a member of the Executive Committee or receive official support of the Executive Committee or receive official support of a District Council with copies of the minutes sent to the National Secretary/Treasurer. All proposed amendments must reach the National Secretary/Treasurer by January 31 of each year. The Secretary shall mail copies of such proposals with a response form to the members of the Executive Committee and officers. The response form shall provide a means of showing support for or against the proposal, space for comments and be returned to the National Secretary/Treasurer by a specified date. If a majority of at least 20 of the responses show support for the proposal, the National Secretary/Treasurer shall cause the proposal to be

published in the Holmes Safety Bulletin for two consecutive months before the National Meeting to allow comments from the membership. All comments received shall be copied and distributed to the members of the Executive Committee and officers at or before the Executive Committee session of the National Meeting. After any needed discussion, the President shall call a for a vote of the Executive Committee. With a majority vote of the Executive Committee, the proposal shall be recommended for a vote by the members present at the National Council meeting.

- B. ***Voting of the Membership.*** Proposals recommended by the Executive Committee by paragraph (a) shall be accepted upon a two-thirds majority vote of those present at the annual meeting if at least 20 members of the Executive Committee are present. Such results shall be published in the next edition of the Bulletin.

This proposal must be signed by at least ten (10) members of the Joseph A. Holmes Safety Association, presented to the Board of Directors at least thirty (30) days before the annual meeting and passed by a majority vote of the Board of Directors present at the Board of Director's meeting.

The Board of Directors will then present the approved proposed amendment to the Council at the next annual meeting for vote. A majority vote of the council will adopt the amendment to take effect immediately.

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