

CONSTITUTION and BYLAWS



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CONSTITUTION

ARTICLE ONE:

NAME

The name of this organization shall be the MID-STATES ORGANIZED CRIME INFORMATION CENTER (MOCIC).

ARTICLE TWO:

PURPOSE AND GOALS

A. The purpose and goals of MOCIC shall be:

1. The purpose of MOCIC is to provide information, intelligence and resource support to mid-states federal, state and local law enforcement agencies to combat criminals, organized crime and narcotics trafficking that transverse jurisdictional or state boundaries. In conjunction with the other five Regional Information Sharing Systems (RISS), MOCIC will also assist and promote RISS initiatives that aid in public safety.
2. The goals of MOCIC are to reduce the crime committed by criminals, organized crime and illegal drug traffickers whose illegal activities transverse the jurisdictional and state boundaries of Kansas, Missouri, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, Wisconsin and Illinois by establishing a formal information, intelligence and resource repository that will:
 - a. Promote cooperation and information exchange among law enforcement member agencies within the mid-states region;
 - b. Receive, analyze and disseminate information and intelligence on specific subjects and activities provided by law enforcement member agencies within the mid-states region;
 - c. Make available necessary surveillance and communication equipment and monetary resources to enable law enforcement to successfully combat traveling criminals within the mid-states region; and
 - d. Provide comprehensive training to those law enforcement member agencies participating in the investigation of complex criminal conspiracies on the effective utilization of information, intelligence, equipment and monetary resources provided by MOCIC.

- B. In addition to MOCIC's mid-states coordination and analytical roles, MOCIC will maintain an effective means of interface with federal, state and local agencies concerned with the enforcement of criminal law, organized crime and narcotics trafficking across jurisdictional, state and national boundaries.

**ARTICLE THREE:
OFFICERS**

- A. The officers of MOCIC shall be:
1. Chairperson
 2. Vice Chairperson
 3. Secretary
 4. Sergeant-At-Arms
 5. Member
 6. Member
 7. Member
 8. Member
 9. Member
 10. The MOCIC Executive Director (Ex Officio – Non-voting)

**ARTICLE FOUR:
EXECUTIVE COMMITTEE**

The affairs of MOCIC shall be managed by an Executive Committee. The Officers named in Article Three of this Constitution shall constitute the Executive Committee.

**ARTICLE FIVE:
AMENDMENTS TO THE CONSTITUTION**

- A. **Executive Committee** – The Executive Committee may amend the Constitution by a two thirds (2/3) vote of the quorum.
- B. **Members** – Whenever the Executive Committee amends the Constitution, the members shall have the right to adopt or rescind such amendment or amendments. Such action shall require an affirmative vote of two-thirds (2/3) of the members voting, which vote shall be conducted by physical mail and/or electronic mail.
1. Any MOCIC member agency may propose an amendment or change to these Constitution and Bylaws immediately by submitting their proposals to the MOCIC Executive Director who will notify all members of the Executive Committee thirty (30) days prior to a regular meeting. Such proposals shall be referred to the MOCIC Executive Committee Chairperson or their designated representative.
 2. After a review of each proposed amendment or change for its propriety and feasibility, the Executive Committee Chairperson shall direct the MOCIC Executive Director to forward a copy of the proposed change, including findings from these reviews, to each agency's Executive Member for their vote.

ARTICLE SIX:
DISTRIBUTION OF PROPERTY ON DISSOLUTION

- A. The property of MOCIC is irrevocably dedicated to the purposes herein stated and no part of the net income or assets of MOCIC shall ever be used for benefit of any officer, member, director or staff thereof or to the benefit of any private persons. Upon the dissolution of MOCIC, its assets remaining after payment, or provision for payment of all debts and liabilities of MOCIC, shall be distributed in compliance with grantor guidelines and appropriate law.
- B. MOCIC files shall be maintained in such a manner as to ensure the utmost in security and professional administrative handling. The files shall be regarded as being the property of all contributing member agencies. In keeping with this policy, it shall be understood by all parties concerned that in the event MOCIC is abolished, or for other reasons becomes non-operational, all subject specific related materials will be returned to their respective contributing agencies in the most expeditious manner possible. All information and intelligence generated and/or produced by MOCIC will be destroyed.
 - 1. Should membership be voluntarily discontinued or terminated in any manner, it is the agency's responsibility to return all intelligence provided by MOCIC. Further, the agency may, at its discretion, have intelligence submitted to MOCIC returned upon the receipt of a formal request for this action.

BYLAWS

ARTICLE ONE: MEMBERSHIP AND VOTING

SECTION A Members

1. Application for full membership in the Mid-States Organized Crime Information Center (MOCIC) shall be open to all federal, state and local government law enforcement agencies, organizations and sub-organizations as recognized by federal or state statute as a bonafide law enforcement/police entity or a criminal justice agency with a primary function of apprehending, prosecuting, adjudicating, incarcerating or rehabilitating offenders within the nine (9) state, mid-states region. The final decision regarding any MOCIC membership application is at the sole discretion of the Executive Committee and will be considered and approved based on the criteria identified in Article One, Section A(3).
2. Application for limited membership shall be open to federal agencies choosing a limited membership and those Canadian law enforcement agencies whose province is geographically contiguous with that of an MOCIC member state. A limited membership agency is not eligible for the following as related to MOCIC:
 - Confidential investigative funding
 - Loan of equipment
 - To vote or hold office

Limited membership agencies do not pay an annual membership fee.

3. Acceptance of membership shall be based upon, but not limited to, size of agency, ability of agency to contribute intelligence to MOCIC, ability of agency to participate in cooperative investigations with MOCIC member agencies, ability of agency to gather intelligence, purpose of the agency, proximity of agency to existing member agencies, history of the agency's efforts in conducting intelligence functions, ability of the agency to lawfully exchange general criminal intelligence information and apply high standards of integrity, security and professionalism, and;
 - a. Certify compliance with the Criminal Intelligence Systems Operating Policies and such other guidelines as necessary to safeguard confidential intelligence information as described in Article Five and other resources provided to them by MOCIC, and;
 - b. Whose applications for membership in MOCIC are favorably accepted by the State Review Committee, Executive Committee and MOCIC Executive Director.
 - c. Multi-jurisdictional agencies applying for membership after September 25, 1987 must meet all qualifications stipulated in Article One, Section A(1) and (2).
4. All MOCIC full membership agencies paying annual membership fees shall be active members with the right to vote, hold office and participate in all general membership meetings. There shall be no proxy voting.

5. Each full membership agency paying annual membership fees shall have the right to cast one vote, to be cast by the Executive Member, or in their absence, by the Representative or Alternate Member. Member agencies that are suborganizations of a parent organization and do not pay separate annual membership fees are not entitled to a separate vote and are bound by the vote of the parent organization paying the annual membership fees.
6. The agency is responsible for returning all intelligence provided by MOCIC and may have intelligence previously submitted to MOCIC returned upon receipt of a formal request for this action.

SECTION B Representative

1. MOCIC member agencies shall have individual members designated by the agency's Administrative Head to serve in the capacities of:
 - a. **Executive Member** - As a rule, this will be the highest ranking officer of the law enforcement agency (Commissioner, Chief, Sheriff, Senior Investigator, Supervisor, etc.)
 - b. **Representative Member** - As a rule, this will be the officer-in-charge or most senior investigator engaged in intelligence and/or investigation activities directly and/or solely involving criminals, organized crime and/or narcotics trafficking.
 - c. **Alternate Member** - As a rule, this will be the second officer-in-charge or second most senior investigator or analyst engaged in intelligence and/or investigation activities directly and/or solely involving criminals, organized crime and/or narcotics trafficking.
2. The Administrative Head may, at their discretion, either appoint themselves or an executive officer as that agency's MOCIC Executive Member, plus one MOCIC Representative and up to two MOCIC Alternates.
3. The Executive Member is charged with the responsibility for implementing the purposes of MOCIC within their agency and ensuring the integrity of all the projects pertaining thereto.
4. The Representative Member is charged with the responsibility of gathering information and intelligence, maintaining the necessary compliance records within their agency, handling correspondence, formulating assistance requests for their agency and responding to requests for assistance from other MOCIC agencies.
5. The Alternate Member is charged with the responsibility of assisting the Representative Member and shall assume the responsibilities of the Representative Member in their absence.

SECTION C Applications and Admission

1. Application for membership in MOCIC shall be made by the Administrative Heads of a prospective agency on MOCIC application forms. Forms may be obtained by telephoning the MOCIC offices. Prospective applicants may use the numbers listed below:

(417) 883-4383
(800) 846-6242

2. Application forms may be obtained by written request to MOCIC.
3. When the application is complete, application forms should be returned to MOCIC.

4. The Administrative Head of the applying agency shall, at the time of application, designate their choice of Executive, Representative and Alternate Members.
5. The MOCIC Executive Director shall notify members of the Executive Committee and appropriate State Review Committee Members as soon as possible upon receipt of an application for membership.
6. The appropriate State Review Committee shall act upon the application not more than 90 days after receipt of same, and a majority vote of the members of the State Review Committee shall be required for approval. After processing by the Executive Committee, the Executive Committee Chairperson shall make a recommendation to the Executive Committee for their next regular meeting. The Executive Committee shall act upon the application at the time presented. An affirmative two-thirds (2/3) vote of the quorum shall be required to approve membership. Notification of approval or disapproval shall be made in writing to the applicant agency.
7. If for any reason any designated member from an MOCIC member agency can no longer serve, the Administrative Head of the agency shall notify the MOCIC Center and provide the name of the replacement.

SECTION D Ethical Conduct

Each MOCIC individual member shall at all times conduct themselves in such a way as to reflect credit upon themselves, the profession of law enforcement and MOCIC.

ARTICLE TWO: EXECUTIVE COMMITTEE

SECTION A Membership and Authority

1. The Executive Committee shall be composed of ten (10) officers from MOCIC member agencies as follows:
 - a. Nine (9) Members, one (1) from each of the MOCIC states as elected by majority vote of the MOCIC members from their respective states to serve three-year terms. At the First Annual Meeting, one-third (1/3) of the members will be elected for one-, two- and three-year terms. Thereafter, elections for three-year terms will be held annually as existing terms expire. The annual election will be conducted in such a manner as to permit each full member agency to cast a vote. Concurrently, one (1) Alternate from each state will be elected by majority vote to serve for the same term as the Member. The Alternate will serve in the absence of the Member and with the same powers as the Member. There will be no proxy voting. The elected Executive Committee Member and Alternate cannot be from the same MOCIC member agency.
 - b. The MOCIC Executive Director shall be an ex-officio, non-voting member of the Executive Committee.
2. The MOCIC Executive Director shall be appointed by the Executive Committee, subject to successful completion of background and physical examination and a cooperative selection and termination process approved by the MOCIC Executive Committee. The MOCIC Executive Director shall reserve the right to approve the appointment of and termination of all employees under their supervision.
3. Vacancies on the Executive Committee shall be filled as follows:

- a. In instances where an Executive Committee Member cannot serve, the elected Alternate shall serve until the next annual election, at which time they may stand for election for a new term or the unexpired term remaining, as appropriate.
 - b. In instances where both the Executive Committee Member and Alternate from a state cannot serve, an Executive Committee Member shall be appointed by that state's State Review Committee to serve until the next annual election, whereupon that state's members will select an Executive Committee Member and Alternate to complete the unexpired portion of the current three-year term remaining.
 - c. In instances where an Executive Committee Alternate from a state cannot serve, an Executive Committee Alternate shall be appointed by that state's State Review Committee to serve until the next annual election, at which time, they may stand for election for a new term or the unexpired term remaining as appropriate.
 - i. In instances where a state's State Review Committee appoints an Executive Committee Alternate, that appointment shall be made within four (4) months of the position vacancy.
 - ii. The state's State Review Committee may consider any officer in good standing from that state's member agencies for this appointment.
4. Each member of the Executive Committee shall be subject to removal from office, and upon the petition for recall of an Executive Committee member signed by a majority of the member agencies of the state concerned stating the date, time, and place, a caucus of state agencies shall be held to consider removal of the Executive Committee Member.
 - a. Such caucus shall not be held earlier than thirty (30) days after the last agency signed the petition.
 - b. Upon a two-thirds (2/3) vote of the members present and voting at said meeting, the Executive Committee Member shall be removed.
 - c. The vacant position will be filled in accordance with Article Two, Section A(3).
 5. Members of the Executive Committee shall be suspended from their Executive Committee duties upon their suspension from their agency or their agency's suspension from MOCIC, as set forth in Article Two.

SECTION B Officers

1. The elected Executive Committee will then select members from their body to hold the following offices:
 - a. **Executive Committee Chairperson** – It shall be the duty of the Chairman to preside at all meetings of the MOCIC Executive Committee. The Chairperson shall vote only in case of a tie vote. The Chairperson shall serve one-year terms and no more than three (3) consecutive one-year terms. The Chairperson shall call meetings of the Executive Committee no fewer than four (4) times per year and special meetings as occasions demand.
 - b. **Vice Chairperson** – The Vice Chairperson shall hold office for one year and shall not serve for more than three (3) consecutive one-year terms. It shall be the duty of the Vice Chairperson to preside at all meetings in the absence of the Chairman and to assist the Chairperson. In the event of a resignation, suspension or termination of the Chairperson, the Vice Chairperson shall ascend to the Chairpersonship and serve until the next meeting.

- c. **Secretary** – The Secretary shall hold office for a minimum of one year and may be reappointed from year to year. The Secretary shall keep minutes of all meetings, act as parliamentarian, issue notices of meetings and perform all other duties related to their office. The Secretary shall provide copies of the minutes of all MOCIC meetings to Executive Committee Members.
 - d. **Sergeant-At-Arms** – The Sergeant-At-Arms shall be appointed from the Executive Committee by the Executive Committee Chairperson for a one-year term and may be reappointed from year to year. The Sergeant-At-Arms shall ensure only members of good standing are present during the closed sessions of MOCIC meetings and perform other duties as may be assigned by the Executive Committee Chairperson.
2. The Executive Committee shall have the authority to select members from their body to fill vacancies in any office at any time.

SECTION C Committees

1. State Review Committees
 - a. The Executive Committee Member selected by MOCIC members from their state will be the Chairperson of that state's State Review Committee. The Chairperson will appoint at least four (4) members but no more than seven (7) from other MOCIC agencies within the state to serve on that state's State Review Committee. The Chairman will only vote in the case of tie votes. Members of these State Review Committees shall serve one-year terms, at which time they will be reappointed or replaced by the State Review Committee Chairperson.
 - b. The State Review Committee's duties will include submitting recommendations concerning applications for MOCIC membership from agencies within their state, investigating any detrimental actions of individual members and member departments from their state that negatively affect MOCIC, recommend changes in MOCIC policies and procedures to the Executive Committee and to periodically review MOCIC operating methods and records to refine and improve same for better service to member agencies within their state.
 - c. Each State Review Committee Chairperson shall have the authority to call meetings of that state's State Review Committee as occasions require. Meetings shall be held as necessary, but a minimum of one meeting shall be called each year to review participation of MOCIC member agencies within their state.
 - d. The Chairperson of each State Review Committee, in closed session at each Annual Meeting, shall discuss with state members attending, actions of their State Review Committee and other matters of concern since their last Annual Meeting.
2. Other Committees
 - a. The Executive Committee shall be responsible for the overall implementation of project activities and may from time to time appoint such other committees as may be necessary.

SECTION D Quorum

A quorum of the Executive Committee exists when six (6) Executive Committee Members, excluding the non-voting MOCIC Executive Director, are present.

SECTION E Voting Procedure

To initiate action of the Executive Committee, the following Executive Committee vote shall be required:

1. Admission of members: Affirmative vote of two-thirds (2/3) of the quorum.
2. Suspension of members: Affirmative vote of two-thirds (2/3) of the quorum.
3. Overrule previous suspension of members: Affirmative vote of two-thirds (2/3) of the quorum.
4. Termination of members: Affirmative vote of two-thirds (2/3) of the quorum.
5. Reinstatement of members: Affirmative vote of two-thirds (2/3) of the quorum. More than one negative vote is necessary to exclude.
6. Amendments to the Constitution and Bylaws: Affirmative vote of two-thirds (2/3) of the quorum.
7. On all matters not specifically designated: Simple majority of the quorum.

SECTION F Reapplication

1. Upon change of the Administrative Head, an MOCIC member agency shall reapply for membership. The appropriate State Review Committee shall be notified of the reapplication. The Executive Committee shall act on the reinstatement applications in the manner stipulated in Article One, Section C(6).
2. Upon notice of a change of a member agency's Administrative Head, the acting Administrative Head shall complete and return an Interim Membership Agreement certifying they will abide by the MOCIC Constitution and Bylaws and other operating guidelines regarding their agency's participation with MOCIC until such time as a new Administrative Head is named. This agreement, once returned, would become a part of the permanent record of the agency.

SECTION G Suspension – Pending Investigation

1. An MOCIC member agency may be suspended, pending a regular meeting, by a two-thirds (2/3) vote of the quorum for the following reasons:
 - a. Acts detrimental to MOCIC or to the law enforcement profession.
 - b. Improper or indiscreet handling of MOCIC information and/or other resources.
 - c. Lack of participation in MOCIC activities.
 - d. Failure to sign and return the reapplication agreement in a timely manner, not to exceed ninety (90) days.
2. The Executive Committee may grant the MOCIC Executive Director the authority to temporarily suspend a member agency's access to MOCIC services, pending a meeting of the Executive Committee, in limited circumstances to protect the security and integrity of the organization and with notice to the Executive Committee Chairperson and other designated Executive Committee Members.

SECTION H Appeal

1. Any suspended MOCIC member agency shall have the right to appeal and appear before the Executive Committee, State Review Committee and/or such others as may be necessary to conduct a full and complete hearing by giving written notice to the MOCIC Executive Director.
2. Such a hearing shall be held within ninety (90) days after receipt of such notice from the appealing agency. The MOCIC Executive Director shall notify the Administrative Head and Executive, Representative and Alternates of the appealing agency, all Executive Committee Members, appropriate State Review Committee Members and designated others of the date, time and place of the hearing.
3. A two-thirds (2/3) vote of the quorum will be required to overrule the previous suspension of an MOCIC member agency.

SECTION I Reinstatement

1. An agency that has been terminated from MOCIC membership may request reinstatement. Such a request shall take the form of and be processed the same as a new membership application as stipulated in Article One, Section C.
 - a. This process may be supplemented with a formal hearing as stipulated in Article Two, Section H.
2. A two thirds (2/3) vote of the quorum will be required to reinstate a member and more than one negative vote is necessary to exclude. The requesting agency will receive formal notification of the results of their application as recommended by the Executive Committee.

SECTION J Voluntary Termination

1. Agency membership in MOCIC shall be terminated upon the Executive Director's receipt and validation of written notice of resignation from the Administrative Head, Executive, or Representative of the requesting member agency

SECTION K Involuntary Termination

1. Involuntary termination of membership is a last resort. It is assured, therefore, before a problem reaches a magnitude or severity to consider termination, a discussion will be held with the member agency in question. This effort will include the Administrative Head and Executive and Representative Members from the agency, Executive Committee and State Review Committee Chairperson, the MOCIC Executive Director and such others as might be necessary to accurately determine the full extent of the problem.
2. Such discussions will be preceded by formal notification that involuntary termination is pending and why. A report of the findings will be presented to the Executive Committee by the Chairperson.
3. It shall take a two-thirds (2/3) vote of the quorum to terminate any member agency.
4. Should termination occur in this manner, the agency continues to be responsible for returning all intelligence provided by MOCIC and may elect to have intelligence submitted to MOCIC returned by making a formal request for this action.

**ARTICLE THREE:
AMENDMENTS TO THE BYLAWS**

SECTION A Executive Committee

The Executive Committee may amend the Bylaws by two-thirds (2/3) vote of the quorum.

SECTION B Members

Whenever the Executive Committee amends the Bylaws, the members shall have the right to adopt or rescind such amendment or amendments. Such action shall require an affirmative vote of two-thirds (2/3) of the members voting, which vote shall be conducted by physical mail and/or electronic mail.

1. Any MOCIC member agency may propose an amendment or change to these Constitution and Bylaws by submitting their proposals to the MOCIC Executive Director, who will forward the proposal to the Executive Committee thirty (30) days prior to a regular meeting.
2. After a review of each proposed amendment or change for its propriety and feasibility, the Executive Committee Chairperson shall direct the MOCIC Executive Director to forward a copy of proposed changes, including their findings and recommendations, to the membership for their vote.

**ARTICLE FOUR:
ANNUAL MEETINGS**

SECTION A Annual Meetings

1. MOCIC shall hold an Annual Meeting of MOCIC member agencies. The location of Annual Meetings shall be determined by the Executive Committee and announced to the membership at the close of each Annual Meeting.
2. There shall be at least one closed session at each Annual Meeting attended by members only which addresses MOCIC administrative and internal affairs. The proceedings of all closed sessions shall be confidential, and any breach of this confidence shall result in either termination of the MOCIC member agency's membership and/or individual member responsible.
3. Persons from MOCIC member agencies, prospective member agencies and others as approved by the MOCIC Executive Director may attend all open sessions and general training activities conducted at MOCIC Annual Meetings.

SECTION B Executive Committee

The Executive Committee will meet four (4) times yearly to discuss the activities of MOCIC, accept new memberships and resolve matters that require Executive Committee attention.

SECTION C State Review Committee

Each State Review Committee Chairperson shall have the authority to call meetings of their state's State Review Committee as occasions require.

Meetings shall be held as necessary, but a minimum of one (1) meeting shall be called each year to review participation of MOCIC member agencies within their state. This required committee meeting may be held in conjunction with the Annual Meeting. When held in conjunction with the Annual Meeting, expenses incurred are the responsibility of the appointed State Review Committee Members or their individual agency or department.

ARTICLE FIVE: OPERATIONS

SECTION A Criminal Intelligence Operating Procedures, 28 CFR Part 23

The Office of Justice Programs, Bureau of Justice Assistance, has adopted regulations that apply to intelligence systems funded under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. These regulations are published as Title 28, Part 23 of the Code of Federal Regulations. MOCIC will operate in compliance with these regulations.

SECTION B Requirements, Restrictions and Certifications

1. MOCIC will serve as a central depository for information received from the nine (9) mid-states consisting of Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, Illinois, and Wisconsin and any limited membership agencies. At the initiation of MOCIC, law enforcement Administrators representing the nine (9) states involved agreed the information from MOCIC would be disseminated only among authorized law enforcement agencies.
2. MOCIC member agencies will not use MOCIC equipment for surveillance purposes that is in violation of Title III of Publ. L 90-351, as amended, or any subsequent applicable federal law, or any applicable state statute related to wiretapping and/or surveillance.
3. MOCIC member agencies will be required to certify they agree to follow the procedures established in the Constitution and Bylaws. This certification shall be required at the time of an agency's membership, and upon reapplication due to change of the member agency's Administrative Head.

ARTICLE SIX: EXECUTIVE COMMITTEE RULES

The Executive Committee may from time to time make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of its Constitution and Bylaws. A copy of all rules and regulations, and amendments or rescissions thereof, shall be distributed to the MOCIC membership within a reasonable time after their adoption.