

VII
adopted 11.5
11/5/67

RESOLUTION TO AMEND THE BY-LAWS OF
THE SECTION OF ENVIRONMENTAL LAW

WHEREAS, pursuant to Article X of the Section By-Laws, the Council, by majority vote, proposed the following amendment to the By-Laws of the Section for consideration by the membership of the Section, and

WHEREAS, by mail ballot, a majority of the Section membership voting agreed to amend the Section By-Laws to read as follows (new wording is shown by underlined italics):

"ARTICLE II

MEMBERSHIP AND DUES

* * *

Section 2. Dues for membership in this Section shall be ~~\$15.00~~ \$20.00 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the judiciary shall not be obligated to pay dues."

NOW, THEREFORE, BE IT RESOLVED, that the By-Laws of the Section of Environmental Law be amended as set forth above.

RESPECTFULLY SUBMITTED

By: M. Dwayne Johnson
M. Dwayne Johnson, Chairman of
the Section of Environmental Law

LOUISIANA STATE BAR ASSOCIATION
BY-LAWS OF THE SECTION OF ENVIRONMENTAL LAW¹

ARTICLE I

NAME AND PURPOSE

Section 1. This Section shall be known as the Section of Environmental Law.

Section 2. The purpose of this Section shall be to encourage and foster discussions and research in the field of environmental law in Louisiana; to contribute and to provide opportunities for the continuing education of the attorney who practices in the environmental field; to promote interest in and study of the existing statutes and jurisprudence, both state and federal, which govern this field; to contribute to the improvement of the body of environmental law; to diffuse knowledge thereof among members of the legal profession, business community and system of legal education; to develop and encourage the publication of legal writings on environmental law among members of the Association; and to cooperate and establish liaison with the Louisiana State Bar Association, American Bar Association and the legal academic community to achieve these purposes whenever possible in a manner not otherwise inconsistent with these By-Laws.

ARTICLE II

MEMBERSHIP AND DUES

Section 1. Any member in good standing of the Louisiana State Bar Association shall, upon request to the Secretary of the Association, be enrolled as a member of the Section. Members so enrolled and whose dues are paid shall constitute the membership of this Section.

◆ *As amended May 8, 1980; July 1, 1992; June 10, 1993; June 9, 1994; June 6, 1996 and June 5, 1997*

Section 2. Dues for membership in this Section shall be \$20.00 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the judiciary shall not be obligated to pay dues.

Section 3. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member of this Section. Only Section members in good standing, with dues paid, shall be eligible to vote, hold any Section office, or receive Section publications.

ARTICLE III

OFFICERS

Section 1. The general officers of this Section shall be a Chairman, a Vice-Chairman, a Secretary, and a Treasurer. The officers shall serve ex-officio as members of the Council. The Vice-Chairman, who also serves as Chairman-Elect, shall automatically succeed to the office of Chairman for the next fiscal year upon the expiration of the term of office of the current Chairman; the Secretary shall automatically succeed to the office of Vice-Chairman for the next fiscal year upon the expiration of the term of office of the current Vice-Chairman; and the Treasurer shall automatically succeed to the office of Secretary for the next fiscal year upon the expiration of the term of office of the current Secretary. The Treasurer shall be elected annually from the membership as provided under Article VII.

Section 2. Each officer shall hold office for a term of one year, to begin with the commencement of the next fiscal year of the Louisiana State Bar Association following the member's election and to end at the close of that fiscal year, or until such time as a successor shall have been elected.

Section 3. Upon ratification of the Section By-Laws and adoption of the Resolution creating a Section of Environmental Law by the membership of the Association, the first Chairman, Vice-Chairman and Secretary-Treasurer shall be appointed by the President of the Louisiana State Bar Association to serve for two years. Thereafter, the officers shall be elected by the Section membership in the manner hereinafter set forth.

ARTICLE IV

DUTIES OF THE OFFICERS

Section 1. Chairman. The Chairman, or the Vice-Chairman in the absence of the Chairman, shall preside at all meetings of the Section and the Council. On consultation with the Council, the Chairman shall establish such committees as are deemed necessary and appoint the chairman and members thereof who are to hold office during the Chairman's term. The Chairman shall plan and supervise the program of the Section and the performance of all activities of the Section. The Chairman shall keep the Council informed and carry out its decisions. The Chairman shall formulate and present a report of the work of the Section for the year at each annual meeting of the Louisiana State Bar Association, and shall perform such other acts as usually accompany the office.

Section 2. Vice-Chairman. The Vice-Chairman shall assist the Chairman, performing such tasks as shall be assigned by the Chairman. In the absence of the Chairman, or upon the death, resignation or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the term of office; provided that, in the case of disability, the Vice-Chairman shall act only during the pendency of the disability.

Section 3. Secretary. The Secretary shall be the custodian of all books, papers, documents and other property of the Section, and shall keep a true record of the proceedings of all meetings of the Section and of the council, whether assembled or acting under submission. With the Chairman, the Secretary shall prepare a summary or digest of the proceedings of the Section at its annual meeting for publication in the Annual Report of the Louisiana State Bar Association. The Secretary, in conjunction with the Chairman as authorized by the Council, shall attend generally to the business of the Section.

Section 4. The Treasurer shall maintain the accounts of Section funds and shall sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond, however, shall not be borne by the officer, but shall be an expense of the Section and paid from the funds of the Section.

ARTICLE V
THE COUNCIL

Section 1. The Council of the Section shall be composed of (a) the officers, who shall have the same rights and privileges as elected members of the Council, (b) six members of the Section elected as voting members of the Council by Section membership, and (c) the immediate past Chairman, who shall be a non-voting member for one year following retirement. None of the members of the Section who shall be elected as voting members of the Council by the Section membership may serve more than two (2) consecutive terms as a member of the Council in a non-officer position.

Section 2. The Council shall have general duties and control as necessary for the administration of the affairs of the Section subject to the provisions of the Constitution and By-Laws of the Louisiana State Bar Association and the By-Laws of this Section.

Section 3. The Council of the Section is authorized to take action in the name of the Section during intervals between meetings of the Section. All binding actions of the Council shall be by majority vote of the whole council.

Section 4. The Council, during the interim between annual meetings of the Section may, with the concurrence of the Chairman, fill vacancies in its own membership or in the offices of the Vice-Chairman, Secretary or Treasurer and, in the event of vacancies of the offices of both Chairman and Vice-Chairman, then also in the office of Chairman. Members of the Council and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 5. Members of the Council shall vote in person when present at a meeting of the council. When members contemplate absence, they may communicate their vote on any proposition to the Secretary and have it counted with the same effect as if cast personally at such meeting.

Section 6. The Chairman of the Section may submit or cause to be submitted in writing to each of the members of the council any proposition upon which the Council may be authorized to act, and the members of the Council may vote such propositions as submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary, who shall record upon the minutes

each proposition so submitted, when, how and at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Council so recorded shall be in favor of such a proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council. The Council of the Section may take action in the name of the Section whenever proposals are brought before the Council for an expression of views and recommendations to the Board of Governors of the Association.

Section 7. The transition rule for the increase in Council membership from three to six is as follows. Sitting Council members with remaining terms of office of two or three years, at the time of the enactment of this amendment of the By-Laws, shall be deemed to be Council members for two full fiscal years following the amendment of Section 1 of this Article by the 1992 annual meeting; the Council member with a remaining term of office of one year shall be deemed to be a Council member for one full fiscal year following the amendment of Section 1 of this Article by the 1992 annual meeting. The Council shall appoint two additional members to term of office of one year each and one member to a term of office of two years, each new member's term to commence at the next full fiscal year following the 1992 annual meeting. Thereafter, Council members shall be elected as provided in Article VII of these By- Laws.

Section 8. Members of the Council may participate in and hold a meeting of the Council by means of conference telephone or similar communications equipment provided that all persons participating in the meeting can hear and communicate with each other. Participation in a meeting pursuant to this Section 8 of Article V of these By-Laws shall constitute presence in person at such meeting.

ARTICLE VII

NOMINATION AND ELECTION OF OFFICERS AND COUNCIL MEMBERS

Section 1. Each year the current officers and the immediate past Chairman shall serve on a Nominating Committee to make recommendations to the Council for nominations of individuals for the office of Treasurer and each Council position which is to be filled by election in that year. No less than sixty (60) days prior to the commencement of the annual meeting of the Section, the Council shall meet and make one nomination for each office and Council position which is to be filled by election in that year. Notice of these nominations which includes a brief statement of the activities undertaken by each nominee in the Section and in the legal profession shall be mailed to each member of the Section. Any member of the Section who presents a nomination petition for an office or Council position signed by at least ten (10) members of the Section shall be included as a nominee on the election ballot. Nominations shall close thirty (30) days following the date on which the notice of nominations made by the Council is mailed to Section members.

Section 2. If only one person is nominated for an office or Council position and the period for making nominations has closed, the person shall be declared elected to office. If two or more persons are nominated for an office or Council position, the nominee receiving a plurality of the votes cast shall be elected.

Section 3. Voting shall be by mail ballot. Ballots in such form as determined by the Section Council shall be placed in the mail to all members of the Section. Each mailing shall contain the names of all nominees and shall be accompanied by a brief biographical statement about each nominee. Each mailing shall include an envelope addressed to the Secretary of the Section and identified on the outside as containing a member's ballot. The Section Council shall prescribe the method and timing of mailing and return of ballots to insure completion of the election no less than fifteen (15) days prior to the commencement of the annual meeting of the Louisiana State Bar Association.

ARTICLE VIII

MEETINGS

Section 1. The Section shall hold a meeting at least annually, with such meeting to be held during the annual meeting of the Louisiana State Bar Association, or at such other time and place as the Council may designate consistent with Section 2 below, with such program and order of business as may be arranged by the Council.

Section 2. Special meetings of the Section may be called by the Chairman upon approval of the Council, at such time and place as the Council and Chairman may determine.

Section 3. The members of the Section present at any meetings shall constitute a quorum for the transaction of business, and the Section shall be bound by a majority vote of the members present at such meeting.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 1. The fiscal year of the Section shall be the same as that of the Louisiana State Bar Association.

Section 2. All bills incurred by the Section shall, before being paid, be approved by the Chairman or Vice-Chairman and the Treasurer, or otherwise as the Council may direct, and checks for all disbursements shall be signed by the Treasurer or such other office as the Council may authorize except as to funds appropriated by the Board of Governors which shall be disbursed only by the proper officers of the Louisiana State Bar Association on bills approved by the Council.

Section 3. No salary or compensation shall be paid to any officer, committee or council member.

Section 4. These By-Laws shall become effective immediately upon approval thereof, as required by the Articles and By-Laws of the Louisiana State Bar Association.

Section 5. All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Counsel of the Louisiana State Bar Association.

ARTICLE X
AMENDMENTS

Section 1. These By-Laws may be amended at any meeting of the Section called for that purpose, by a majority vote of the members of the Section present and voting, or mail ballot, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Section 2. The Council may propose amendments by majority vote of the Council. Amendments also may be proposed by submission in writing to the Council in the form of a petition signed by at least ten (10) members of the Section in time for it to be considered by the Council at its last regular meeting before any meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meeting and shall prepare recommendations thereon. The recommendations, together with a complete and accurate text of said proposed amendment, shall be disseminated to the members of the Section by the Secretary prior to the meeting of the Section at which they will be voted upon. At the option of the Council, voting shall be by mail ballot. Ballots in such form as determined by the Section Council shall be placed in the mail to all members of the Section. Each mailing shall contain a complete and accurate text of said proposed amendment, together with the recommendations of the Council. Each mailing shall include an envelope addressed to the Secretary of the Section and identified on the outside as containing a member's ballot. The Section Council shall prescribe the method and timing of mailing and return of ballots to insure completion of the election no less than fifteen (15) days prior to the commencement of the annual meeting of the Section.