

**BYLAWS OF THE
ENVIRONMENTAL LAW SECTION
INDIANA STATE BAR ASSOCIATION**

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**BYLAWS OF THE
ENVIRONMENTAL LAW SECTION
INDIANA STATE BAR ASSOCIATION**

ARTICLE I. NAME, DIVISIONS AND PURPOSE

Section 1. NAME: The Section shall be known as the “Environmental Law Section” of the Indiana State Bar Association.

Section 2. PURPOSE: The purpose of the Section shall be to promote the objects of the Association within the field of Environmental Law and to promote and increase dialogue between legal practitioners in that field. In the furtherance of its purpose, the Section shall consider all matters of legal interest relating to the various subjects within the field of Environmental Law and shall hold a meeting at the Annual Meeting of the Association.

ARTICLE II. MEMBERSHIP

Section 1. MEMBER: Any member in good standing of the Association shall be eligible for membership in the Section.

Section 2. ADMISSION: Admission to membership shall be:

- (a) By application upon forms provided by the principal office of the Association, and
- (b) Upon payment of annual dues as hereinafter provided by these Bylaws.

Section 3. ROSTER: The Secretary of the Section shall establish and maintain at the principal office of the Association a roster of all members, which shall include the name and address.

Section 4. COMMITTEE MEMBERSHIP: Any member of the Section may participate in the activities of any Committee of the Section which is duly established by the Council as provided in Article X.

ARTICLE III. MEETINGS

Section 1. SECTION ANNUAL: The Section shall have an Annual Meeting which shall be held at the same general time and place as the Annual Meeting of the Association at which Annual Section Meeting beginning in 1990 the election of officers and Committee Chairmen shall take place. At each such joint meeting the Committee Chairmen shall report to the Section on their Committee’s activities during the previous year.

Section 2. DIVISION ANNUAL: Each Committee shall have an Annual Meeting to be held at the same general time and place as the Spring Meeting of the Association.

Section 3. OTHER SECTION MEETINGS: The Section may have such other meetings as it deems appropriate.

Section 4. OTHER COMMITTEE MEETINGS: Each Committee may have such other meetings as it deems appropriate.

ARTICLE IV. OFFICERS AND COUNCIL

Section 1. SECTION OFFICERS: The Officers of the Section shall be the Chairman, Chairman-Elect, Vice Chairman, Secretary and Treasurer.

Section 2. COUNCIL: There shall be a Council consisting of the Officers of the Section, the immediate Past Chairman of the Section, and the Chairman of each Committee of the Section.

Section 3. PAST SECTION CHAIRMEN: Past Chairmen of the Section, who are not otherwise members of the Council, shall become honorary members of the Council. As such they shall be given notice of and shall have the right to attend any and all meetings of the Council and may participate in any discussion, but shall not have a voting right at any such meeting.

ARTICLE V. NOMINATION AND ELECTION

Section 1. FIRST SECTION OFFICERS: The first Section officers shall be appointed by the President of the Association and shall serve until their successors are duly elected and qualified.

Section 2. SUBSEQUENT SECTION OFFICERS: At the Annual Meeting in 1990 and at each Annual Meeting thereafter, the Section Officers shall be elected pursuant to the nomination and election procedures established in this Article.

Section 3. SECTION NOMINATING COMMITTEE: The Chair of the Section and each Committee Chair shall constitute the Section Nominating Committee. If the Chair has established no Committees, or if there are fewer than three (3) Committees, the chair shall appoint Section members to the Section Nominating Committee so that the Nominating Committee has at least four (4) members. The Chair-Elect shall serve as Chair the following year. The Section Nominating Committee shall nominate one candidate for each of the Section offices of Chair-Elect, Vice Chair, Secretary, and Treasurer.

Section 4. NOMINATING COMMITTEE REPORTS:

(a) The Section Nominating Committee shall submit a report of its candidates to the Section in a published report contained in the Summer Issue of the Environmental Law Section Newsletter or by a special mailing to all members to be sent no later than August 15.

(b) the Section Nominating Committee shall submit a report of its candidates and of each additional candidate nominated in accordance with Section 5 by 3 or more section members to the section at the annual meeting of the section and by publishing the list of candidates in the Fall Issue of the Environmental Section Newsletter. The Newsletter will contain a clip out ballot for Section Members to vote absentee, if the Section member will not be able to attend and vote in person at the annual meeting.

Section 5. OTHER NOMINATIONS: Any Section member may nominate a Section member for the Office of Chair-Elect, Vice Chair, Secretary or Treasurer by sending a written notice of nomination to the Section Chair no later than September 1.

Section 6. COMMITTEE NOMINATING COMMITTEE: The Council shall constitute the Election Committee for the Chairs of such Standing Committees as the Council shall establish as provided in Article X. The Council shall elect Standing Committee Chairs by majority vote of the Council at the Section Annual Meeting. Standing Committee Chairs shall be elected annually by the Council and may serve no more than three (3) consecutive terms.

Section 7. SECTION ELECTIONS: Whenever 2 or more persons are nominated for a Section office, election shall be by a majority vote of Section members sending in absentee ballots in advance of the Section Annual Meeting and the vote of the Section members present at the Annual Meeting and voting. Voting shall be in a secret ballot, except that unopposed candidates may be elected by voice vote.

Section 8. RESTRICTIONS ON OFFICE: No 2 Section level offices may be held by the same person. No person may be simultaneously a Section Chair and a Committee Chair.

ARTICLE VI. VACANCIES

Section 1. DEFINITION: Resignation or expulsion, delinquency in dues in the Association or Section, death or written notice of incapacity, of a Section Officer, Committee Chairman, Secretary or Treasurer shall create a vacancy in that office.

Section 2. SECTION CHAIRMAN: In the event of a vacancy in the office of Section Chairman, the Chairman-Elect shall automatically become Chairman, and shall serve for the remainder of the vacated term, plus the duration of his own term as Chairman. The office of Chairman-Elect shall remain vacant until the next Annual Meeting.

Section 3. SECTION CHAIRMAN & CHAIRMAN-ELECT: In the event of dual vacancies in the offices of Section Chairman and Chairman-Elect, the Vice Chairman shall automatically become Chairman, and shall serve as such for the remainder of the vacated term. The offices of Chairman-Elect and Vice Chairman shall remain vacant until the next Annual Meeting, at which time a Chairman-Elect and a Vice Chairman shall be elected pursuant to Article V.

Section 4. SECTION CHAIRMAN, CHAIRMAN-ELECT & VICE CHAIRMAN: In the event of triple vacancies in the offices of Section Chairman, Chairman-Elect and Vice Chairman, the Council shall select, by vote of the majority of the Council, a Chairman to serve until the next Annual Meeting of the Section. In such event a Chairman, Chairman-Elect and Vice Chairman shall be elected at the next Annual Meeting.

Section 5. SECTION SECRETARY OR TREASURER: Vacancies in the offices of Section Secretary or Treasurer shall be filled by the Chairman for the unexpired term of such office.

Section 6. STANDING COMMITTEE CHAIRMAN: In the event of a vacancy in the office of Standing Committee Chairman, the Council shall select, by vote of the majority of the Council, a new Standing Committee Chairman to serve until the next Annual Meeting of the Section.

ARTICLE VII. DUTIES OF SECTION OFFICERS

Section 1. CHAIRMAN: The Chairman shall preside at all meetings of the Section and of the Council, and shall have such other powers and shall perform such other duties as usually pertain to the office of the presiding officer. He shall prepare and present an annual written report of the work of the Section to the Board of Managers of the Association and the House of Delegates of the Association. He shall prepare and present such interim reports to the Board of Managers of the Association as may be determined by the Council.

Section 2. CHAIRMAN-ELECT: The Chairman-Elect shall preside at all meetings in the absence of the Chairman. He shall supervise all appointed committees (both Standing and Ad Hoc) keeping in touch throughout the year with the Committee Chairmen to determine that the Committees are functioning, to encourage the Committees in their work, and to keep abreast of Committee activities. He shall keep the Council informed of the plans and activities of the Committees. He shall perform such other duties as may be designated by the Council.

Section 3. VICE CHAIRMAN: The Vice Chairman shall preside at all meetings in the absence of both the Chairman and Chairman-Elect. He shall serve as Chairman for arrangements for the Spring Meeting and the Annual Meeting of the Section. He shall perform such other duties as may be designated by the Council.

Section 4. SECRETARY: The Secretary shall be the custodian of all books, documents, papers and other property of the Section, except money. He shall keep a true record of the

proceedings of all meetings of the Section and Council. He shall establish and maintain a roster of all members of the Section, with the assistance of the Treasurer.

Section 5. TREASURER: The Treasurer shall supervise the handling of all Section funds in accordance with the procedure established by the Association. The dues of this Section shall be billed and collected by the Association, and all collected dues and other funds of the Section shall be deposited and maintained by the Association. No disbursement of the funds of the Section shall be made without authorization from either the Chairman or Chairman-Elect and Vice Chairman of the Section, or Executive Director of the Association or his designated assistant. The Association shall keep accurate and current records of all funds of the Section.

ARTICLE VIII. DIVISIONS

Section 1. ESTABLISHMENT OF SECTION DIVISIONS: It shall be within the Council's discretion to establish permanent Divisions of the Section, by majority vote, if, in the council's judgment, the purposes of the Section will be better served thereby. If the council decides to establish Divisions, Division officers shall be elected at the next Annual Section Meeting. Each Division shall have a chairman, a Chairman-Elect, a Secretary, and a Treasurer. The Council shall constitute the Nominating committee for division officers.

Section 2. AMENDMENT OF BYLAWS AFTER THE ESTABLISHMENT OF DIVISIONS: If the Council establishes permanent Divisions of the Section, these Bylaws shall be amended pursuant to Article XIII to establish rules and procedures governing Division membership; Division meetings; the nomination, election and duties of Division officers; filling vacancies among Division officers; and such other matters as the Section members deem appropriate.

ARTICLE IX. DUTIES OF COUNCIL

Section 1. SECTION POLICY: The Council shall determine and control policy of the Section, except that any policy determination made, and any action voted to be taken, must be approved by the Association before the same is given publicity or becomes effective as the action of an organ of the Association. The Council shall have supervision and control of the affairs of the Section, including expenditure of Section funds, subject to the Articles and Bylaws of the Association. The Council shall have such other powers and duties as are enumerated elsewhere in these Bylaws.

Section 2. QUORUM: A quorum for the transaction of business of the Council shall be 5 Council members.

Section 3. VOTING: All binding action of the Council shall be by majority vote of the Council members present and voting on the question, provided a quorum is present.

Section 4. TRANSACTING BUSINESS BY TELEPHONE: In the event the Council cannot attain a quorum in a face-to-face meeting, the Council may, in the discretion of the Section Chairman, meet by telephone conference.

Section 5. LAW SCHOOL REPRESENTATIVES: The Section Chairman, with the approval of the Council, may appoint a representative of each of the 4 law schools in Indiana to act in an advisory capacity to the Council. Said advisors need not be members of either this Section or of the Indiana State Bar Association.

ARTICLE X. COMMITTEES

Section 1. NOMINATING: There shall be a Nominating Committee as provided in Article V.

Section 2. MINERAL LAW: There shall be a Mineral Law Committee and the initial membership of the Mineral Law Committee shall be composed of those persons who on April 12, 1989, were members in good standing of either the Oil and Gas Law Division or the Mining Law Division of the Natural Resources Section of the Association.

Section 3. SECTION: There shall be such other committees, both Standing and Ad Hoc, of the Section as may be appointed by the Chairman, with the approval of a majority of the Council, having such powers and duties as may be designated from time to time by the Council as are deemed necessary to carry out the activities of the Section.

Section 4. ELECTION AND DUTIES OF STANDING COMMITTEE CHAIRMEN: Standing Committee chairmen shall be elected by the Council pursuant to Article V, Section 6. The Chairman shall preside at all meetings of the Committee, shall be a member of the Council, shall have such other powers, and shall perform such other duties as usually pertain to the office of a Committee presiding officer, and shall be responsible for the work, plans and activities of the Committee. The Standing Committee Chairman may utilize the services of Section members in implementing the program and work of his Committee. He shall prepare and present an annual written report of the work of the Division to the Section at the Annual Section Meeting. He shall prepare and present such interim reports as may be determined by the Council.

Section 5. AD HOC COMMITTEES: Ad Hoc Committees shall differ from Standing Committees only in that they shall be established for a limited period of time to carry out specific tasks deemed necessary by the Chairman, with the approval of a majority of the Council. Ad Hoc Committees shall be dissolved when their assigned task is completed to the Council's satisfaction.

Section 6. AD HOC COMMITTEE CHAIRMEN: Ad Hoc Committee Chairmen shall be appointed by the Council at the same Council meeting at which the Ad Hoc Committee is established. The duties of the Ad Hoc Committee Chairmen are the same as the duties of Standing Committee Chairmen, as set forth in Article X, Section 3.

ARTICLE XI. DUES

Section 1. MEMBERSHIP: Payment of annual dues shall be a prerequisite for membership in this Section.

Section 2. DELINQUENCY: Membership in the Section shall terminate in accordance with procedures established for termination of delinquent members of the Association.

Section 3. AMOUNT: The amount of annual dues shall be established by the Council and shall be \$20.00 per year until raised or reduced by the Council.

Section 4. PAYMENT: Dues shall be paid to the principal office of the Association, to be maintained on behalf of the Section in accordance with Article VII, Section 5.

ARTICLE XII. RESIGNATION

Section 1. SECTION: A member may resign from Section membership at any time by written resignation directed to the Section Secretary, with a copy to the Executive Director of the Association.

Section 2. ASSOCIATION MEMBERSHIP: Termination of membership in the Association shall automatically terminate membership in the Section.

ARTICLE XIII. AMENDMENT OF BYLAWS

Section 1. AMENDMENT: These Bylaws may be amended at any Regular Meeting of the Section called with 30 days advance written notice, which notice and the nature of the proposed amendment shall be mailed to all Section members. A two-thirds majority vote of the members of the Section present and voting at such meeting shall be required to amend these Bylaws and no such amendment shall be effective until reviewed and approved by the Board of Governors and House of Delegates of the Association. In the event Divisions are established pursuant to Article VIII, these Bylaws shall be amended pursuant to the above procedure in accordance with Article VIII Section 2.

ARTICLE XIV. ADOPTION OF BYLAWS

Section 1. OPERATION: These Bylaws became effective upon their approval by the Board of Governors and House of Delegates of the Association.

Section 2. NO CONFLICT: Nothing in these Bylaws shall conflict with the Bylaws of the Association.