

BYLAWS OF THE
LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

ARTICLE I. GENERAL PROVISIONS

Section 1. Establishment:

This body is established by Act 974 of the 2010 Regular Session (R.S. 37:711.1 *et seq.*) (hereinafter “Act”)

Section 2. Name:

As provided by the Act, the name of this body shall be the Louisiana Board of Professional Geoscientists.

Section 3. Location:

As provided by the Act, the board shall be domiciled and maintain its principal office in the city of Baton Rouge and shall maintain its records at the principal office.

ARTICLE II. PURPOSE

The Louisiana Board of Professional Geoscientists was established to contribute in the protection of the health, safety, and general welfare of all those persons dealing with persons engaged in the practice of geoscience, and the affording of such persons of an effective and practical protection against the incompetent, inexperienced, unlawful, and fraudulent acts of geoscientists with whom they contract.

ARTICLE III. POWERS

As provided by the Act, the duties of the Board are the following:

A. The board shall have the power to make, adopt, amend, and promulgate bylaws not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties, and the regulation of the proceedings before it. The board shall adopt and have an official seal, which shall be affixed to all licenses and certificates issued.

B. (1) Each member of the board shall have power to administer oaths, and the board shall have power to subpoena witnesses and compel the production of books and papers pertinent to any investigation, hearing, or disciplinary or enforcement proceeding authorized by the Act, and any employee of the board engaged in such investigation, hearing, or disciplinary or enforcement proceeding shall have the power to administer oaths to and take the depositions of persons pertaining to any investigation, hearing, or disciplinary or enforcement proceeding.

(2) The board may require any law enforcement officer or any state agency, the sheriffs of the various parishes, or constables, marshals, or other law enforcement officers of any parish or municipality to serve such subpoenas and other process of said board. Whenever parish, municipal, or other local officers are required to serve such subpoenas or other process of the board, they shall be paid the same fees by the board as are provided by law for similar services under processes issued by district courts.

(3)(a) Any person who shall fail to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigations, hearings, or disciplinary or enforcement proceedings or who shall knowingly give false testimony therein shall be guilty of a misdemeanor and subject to the actions, sanctions, and penalties provided by the Act.

(b) In case of contumacy or refusal to obey a subpoena issued to any person, any district court within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found, or resides, or transacts business upon application by the board, shall have jurisdiction to issue to such person an order requiring such person to appear before the board, its member, or agent, and to produce evidence, if so ordered, or there to give testimony relating to the matter under consideration or in question; and any failure to obey such order of court may be punished by said court as a contempt thereof.

C. (1) The board shall adopt, promulgate, and enforce rules and regulations in accordance with the Administrative Procedure Act, which may be reasonably necessary for the protection of the public and proper administration of the Act. These rules and regulations shall be binding upon all applicants, licensed geologists and geologists-in-training, including all geoscience firms. These rules and regulations shall be made known, in writing, to every applicant, licensee, and certificate holder under the Act. The board may revise and amend these rules and regulations from time to time, in accordance with the Administrative Procedure Act, and shall notify each licensee and certificate holder in writing or by notice in the official journal of the board of such revision or amendment.

(2) The board may establish, adopt, promulgate, and publish rules and regulations in accordance with the Administrative Procedure Act, concerning the procurement of professional geoscientific services.

D. The board is hereby authorized in its own name to apply for relief by injunction in the established manner provided in cases of civil procedure to enforce the provisions of the Act, or to restrain any violation thereof. In such proceedings, it shall be unnecessary to allege or prove that either an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof.

E. The board may subject an applicant to such examinations as it deems necessary to determine his qualifications. In the event a question arises as to the competence of a licensee or certificate holder in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request of the licensee or certificate holder or on its own volition, may submit the licensee or certificate holder to appropriate examinations.

F. The board, by rule or regulation adopted in accordance with the Administrative Procedure Act, may create license or renewal rules for licensees and former licensees, and may establish classifications of licensure including but not limited to active, expired, inactive, and retired classifications.

ARTICLE IV. MEMBERSHIP

Section 1. Initial Membership:

As provided by the Act, the initial membership shall consist of nine members, six of whom shall be licensed geoscientists, one of whom shall be a licensed professional engineer with expertise in geotechnical engineering and geoscience, and two of whom shall be members of the public.

ARTICLE V. MEETINGS

Section 1. Conditions:

As provided by the Act, the board shall hold at least four regular meetings each year. Special meetings shall be held at such time and place as specified by a call of the chairman or secretary. Notice of all meetings shall be given in writing to each member by the executive secretary. Email shall serve as an acceptable form through which to give notice.

As provided by the Act, a quorum of the board shall be a majority of its members.

Section 2. Venue of the meetings:

The board shall hold its regular meetings in Baton Rouge, unless, in the discretion of the chairman, it is necessary or convenient to meet elsewhere. A change in domicile of the board may be made by a two-thirds affirmative vote of the entire board membership at a regular meeting.

Section 3. Voting:

A simple majority of those voting is required for adoption of any matter or action subject to a vote, except as otherwise stated in these Bylaws or the Act.

Section 4. Proxies:

Any manner of proxy voting or secret balloting shall be prohibited (R.S. 42:14 B).

Section 5. Conduct:

The latest edition of Robert's Rules of Order shall be used for the conduct of meetings unless in conflict with these bylaws. Reference to Robert's shall be made only upon the request of a Board member.

The public is invited to attend meetings of the Board and, until a vote is called on an issue, is encouraged to participate in the discussions of the Board. The Chairman has the discretion to limit discussion whenever it is in furtherance of the orderly conduct of business and progress of the meeting.

Section 6. Minutes:

As a public body, the Board will keep written minutes of its open meetings (R.S. 42:20 A). The minutes of all meetings shall include official actions of the Board. As a public body, the Board shall comply with State public records laws (R.S. 44:1 *et al*).

All meetings shall be voice recorded and a summation provided to all members. Copies of said minutes shall be transmitted to each member of the Board prior to the next scheduled meeting. The minutes shall be considered as tentative until approved by the Board at its next regular meeting.

Section 7. Board Correspondence:

All Board correspondence, written on Board letterhead, that involves a statement of policy, statement of position, or request for action shall require the approval of the majority of the entire board membership. In addition, all Board correspondence, written on Board letterhead, that involves a statement of policy, statement of position, or request for action shall require the signature of an officer (Chairman or Vice Chairman) of the Board.

Section 8. Sonic and video recordings; live broadcast

All board and committee meetings may be video or tape recorded, filmed, or broadcast live (R.S. 42:230).

ARTICLE VI. OFFICERS

The board shall elect annually from its membership the following officers: a chairman, a vice chairman, a secretary, and a treasurer. Officers are not restricted from reelection. In the event of a Chairmain or Vice Chairman being unable to complete their term, the Board will appoint a replacement to complete their term, subject to ratification by a majority vote of the Board. In the event that the Chairman and Vice Chairman are unable to attend a scheduled Board meeting, one of the members of the Board will temporarily perform those duties.

The board may appoint or employ an assistant secretary, executive secretary, treasurer, or other officers or employees not members of the board, to whom clerical and administrative duties may be assigned. The board shall fix the compensation of such persons not under the state civil service.

ARTICLE VII. COMMITTEES

Standing or special committees may be established by the Chairman or by direction of the Board. Chairs of committees so established may be appointed by the Chairman of the Board or by a majority vote of the Board. The size and membership of such committees shall be established by a majority vote of the Board. Any recommendations of a committee must be presented to and voted upon by the Board, pursuant to the general voting rules, to have force and effect.

Meeting minutes are required of all committees under La. R.S. 42:20 and La. Atty. Gen. Op. Nos. 83-728; 83-728A; 84-395; and 01-0081. The minimum requirements for such meetings are the notice provisions provided for below, a basic agenda for such meeting, and the minutes of such meetings as required by La. R.S. 42:20. Items not included on the agenda may be discussed upon a majority vote of the committee.

Pursuant to Louisiana Attorney General Opinion Number 01-0081, any and all committee meetings must be noticed in the manner provided for special meetings, pursuant to the Louisiana Open Meetings Law, La. R.S. 42:19. In the event that an emergency requires a meeting of a committee, the provisions of La. R.S. 42:19(A)(1)(b)(iv) for notice may be followed.

Section 1. Standing Committees.

The standing committees of the Board shall be as follows:

- a. Application Review
- b. License Examination
- c. Office
- d. Compliance Review
- e. Outreach

ARTICLE VIII. ACCEPTANCE, AMENDMENT AND REPEAL OF BYLAWS

These bylaws shall be adopted upon approval of 2/3 of the sitting membership of the Board. These bylaws may be amended or repealed by 2/3 of the sitting membership of the Board. Any changes voted upon at a regular meeting must have been provided to the sitting membership no later than the close of the previous regular meeting.

Adopted: November 10, 2015

Amended: March 12, 2019 and November 12, 2019

