FYI: this BRIEF version of proposed changes to the Bylaws (streamlined) shows all text/Sections that are proposed as MOVED from the Constitution and citations for text that is MOVED to the Standing Rules or Board Regulations; see text in brackets on right-hand side. New text is either bold and underlined or sometimes just underlined; deleted text is crossed out. The expanded version that shows details of all moved text is available at www.acs.org/bulletin5.

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BYLAWS

BYLAW I
(Constitution, Article I)
Colors and Insignia

Sec. 31. [MOVED from Article I, Sec. 3]
The colors of the SOCIETY shall be cobalt blue and gold.

Sec. 42. [MOVED from Article I, Sec. 4]
The SOCIETY’s insignia shall be square with one of the points forming the top and another the bottom of the emblem; the upper half of the square so placed, triangular in shape, shall contain the figure of a phoenix rising from the flame, typical of chemical activity and of the birth of new substance through the energy of chemical change; the lower half of the square shall contain the letters ACS and a small Liebig bulb. When used in the form of a pin, the insignia shall be finished with cobalt blue enamel and gold.

BYLAW II §
(Constitution, Article IV)
Membership

Section 1.
The Council Committee on Membership Affairs shall elect all members of the SOCIETY of whatever classification. It shall have the power to interpret and apply the requirements for membership, including those for applicants educated in foreign countries. (6/11/10)

[Bylaw I, Secs. 2-5 MOVED to Standing Rules: Membership Function]
[Bylaw II, Secs 1-4 MOVED to Standing Rules: Membership, Local Sections, and Divisions Functions]
[Bylaw II, Sec. 5 MOVED to Standing Rules: Membership Function]

BYLAW III
(Constitution, Article VI §44)
Council

Section 1.
Voting Councilors must be members of the SOCIETY as set forth in the Standing Rules.

Sec. 2.
a. The Council shall establish committees to facilitate its operations, including but not limited to the following Functions:

(1) Membership Function
(2) Council Executive Function
(3) Committees Function
(4) Elections Function
(5) Constitution and Bylaws Function
(6) Meetings Function
(7) Units Function

b. The Council may establish other committees for particular purposes for the SOCIETY.

c. The Council and the Board of Directors may jointly establish other committees for particular purposes for the SOCIETY.

[Bylaw III, Sec. 1 (original) MOVED to Standing Rules: Council Executive Function]
Sec. 3. The Council shall hold not fewer than two meetings annually, one of which shall be held in connection with the annual meeting of the SOCIETY. The Council may hold additional meetings on reasonable notice, upon the call of the President of the SOCIETY, the Chair of the Board of Directors, or the Council Policy Committee committee responsible for the Council Executive Function. In any session of the Council, 33 1/3 percent of the voting Councilors shall constitute a quorum. (7/2/57)

Sec. 4. a. Any Local Section chartered in accordance with the provisions of this Bylaw and/or Standing Rules which fails to maintain a membership as provided in the Bylaws and/or Standing Rules shall automatically forfeit its charter. (7/2/62)
b. A Local Section may be dissolved by the Council for good and sufficient reasons.

Sec. 5. a. Each Local Section shall be governed by bylaws, as provided in the Bylaws and/or Standing Rules of the SOCIETY. (1/1/64)
b. A Local Section shall elect its own officers, Councilors, and Alternate Councilors. All selections for office and changes in office shall be certified promptly by the Secretary of the Local Section to the Executive Director Chief Executive Officer of the SOCIETY. (11/23/74)
Sec. 6.
No Local Section or committee thereof or Local Section official acting in an official capacity shall issue any resolution or statement on public matters except as provided in the Bylaws and/or Standing Rules. *(11/13/78)*

Sec. 7.

a. Local Sections shall receive a share of the annual SOCIETY dues of SOCIETY members and Affiliates, as provided in the Standing Rules, elsewhere in this Constitution and as determined by provisions described in the Bylaws. *(6/23/03)*

b. A Local Section may assess dues and raise or collect funds to be expended for local purposes in harmony with the provisions of the Charter of the SOCIETY and may have the entire management and control of said funds.

c. A Local Section may receive donations or bequests made to said Local Section, and may expend or invest the same in the interest of said Local Section at the discretion of its governing body.

d. Each Local Section shall prepare an annual report as specified in the Bylaws and/or Standing Rules. *(11/12/79)*

[Bylaw VII, Secs. 1-14 MOVED to Standing Rules: Units (Local Sections) Function]

Sec. 8 45.
Bylaws of each Local Section shall provide that, upon the dissolution of the Local Section, any assets of the Section remaining thereafter shall be conveyed to such organization then existent, within or without the territory of the Local Section, as is dedicated to the perpetuation of objects similar to those of the AMERICAN CHEMICAL SOCIETY, or to the AMERICAN CHEMICAL SOCIETY, so long as whichever organization is selected by the governing body of the Local Section at the time of dissolution shall be exempt under Section 501(c)(3) of the Internal Revenue Code of 1954 as amended or under such successor provision of the Code as may be in effect at the time of the Section’s dissolution. *(9/5/61)*

BYLAW VIII 45
*(Constitution, Article XIII)*

Divisions

Section 1.
Members of the SOCIETY with a common interest in a particular field of SOCIETY interest upon authorization of the Council may organize a group to be known as a Division of the SOCIETY. *(1/1/63)*

Sec. 2.

a. Each Division shall be governed by bylaws, as provided in the Bylaws and Standing Rules of the SOCIETY. *(1/1/68)*

b. A Division shall elect its own officers, Councilors, and Alternate Councilors. All selections for office and changes in office shall be certified promptly by the Secretary of the Division to the Executive Director or Chief Executive Officer of the SOCIETY. *(11/23/71)*

Sec. 3.
No Division or committee thereof or Division official acting in an official capacity shall issue any resolution or statement on public matters except as provided in the Bylaws and Standing Rules. *(11/13/78)*

Sec. 4.

a. Divisions shall receive a share of the annual SOCIETY dues of SOCIETY members and Affiliates, as provided elsewhere in this Constitution the Standing Rules, and as determined by provisions described in the Bylaws. *(6/23/03)*

b. A Division may assess dues and raise or collect funds to be expended for its own purposes in harmony with the provisions of the Charter of the SOCIETY and may have the entire management and control of said funds.
c. A Division may receive donations or bequests made to said Division, and may expend or invest the same in the interest of said Division at the discretion of its governing body.

d. Each Division shall prepare an annual report as specified in the Bylaws. Standing Rules. 

Sec. 5

a. Any meeting of a Division held as part of a national meeting of the SOCIETY, with the exception of a business meeting, shall be open to all members of the SOCIETY on the same basis as to the members of the said Division. (1/1/63)

b. Any Division sponsoring a meeting held apart from a national meeting of the SOCIETY shall have the privilege of offering reduced registration fees to members of the said Division. At each such meeting, each member of the SOCIETY, not at the time a member of the Division, who desires to register shall be informed of this regulation and before registration shall be offered the opportunity of becoming a member of the Division upon payment of dues to the Division at the existing rate for Division members. (11/18/91)

Sec. 6

Any Division may be dissolved by the Council for good and sufficient reasons.

Sec. 7

Bylaws of each Division shall provide that, upon dissolution of the Division, any assets of the Division remaining thereafter shall be conveyed to such organization then existent as is dedicated to objects similar to those of the Division and the AMERICAN CHEMICAL SOCIETY, or to the AMERICAN CHEMICAL SOCIETY, so long as whichever organization is selected by the governing body of the Division at the time of dissolution shall be exempt under Section 501(c)(3) of the Internal Revenue Code of 1954 as amended or under such successor provision of the Code as may be in effect at the time of the Division’s dissolution. (9/5/61)

Sec. 8

A Division may incorporate under the laws of the District of Columbia or of any appropriate state or commonwealth. Proposed Articles of Incorporation or proposed amendments to Articles of Incorporation shall first be submitted by the executive committee or equivalent of the Division to the Committee on Constitution and Bylaws through the Executive Director of the SOCIETY for determination that the proposals are not inconsistent with the Charter, Constitution, or Bylaws of the SOCIETY. Upon such finding, the Division may present the proposals to its membership for adoption and may incorporate or amend if they are adopted. The Articles of Incorporation or amendments thereto shall then be submitted to the Committee on Constitution and Bylaws, which Committee, acting for the Council of the SOCIETY, may confer final approval, whereupon said articles or amendments shall become part of the bylaws of the Division. (11/23/71)

BYLAW VI 4X

International Chemical Sciences Chapters

Upon the written request of not fewer than 25 members of the SOCIETY residing in a defined geographic area outside the United States of America, the Board of Directors with the approval of the Council may authorize formation of an International Chemical Sciences Chapter, hereinafter referred to as an “International Chapter”. The criteria for the formation and review of an International Chemical Sciences Chapters of the SOCIETY are provided in the Bylaws Standing Rules. (11/18/91)
BYLAW VII  X
(Constitution, Article XV)
Student Chapters

Section 1. [MOVED from Article XV]
Student Chapters may be formed as authorized by the Council, provided in the Bylaws. (6/30/09)

[Bylaw X, Secs. 1-2 MOVED to Standing Rules: Council Executive Function]
[Bylaw XI, Secs. 1-2: MOVED to Board Regulations]
[Bylaw XI, Sec. 3 MOVED to Standing Rules: Units (Local Sections and Divisions) Function]
[Bylaw XI, Secs. 4 and 5: MOVED to Board Regulations]

BYLAW VIII  XIX
(Constitution, Article VIII, Article XII, Article XIII)
Position Statements

Any statement on a public matter to be initiated by a Local Section, Division, or other SOCIETY unit or other body must adhere to the following procedure: (9/30/11)

Section 1. [MOVED to Board Regulations]
No SOCIETY unit or other body may issue a statement on a public matter that is in conflict with existing Board of Directors’ approved policy or positions. (9/30/11)

Sec. 2. [MOVED to Board Regulations]
No SOCIETY unit or other body other than the Board of Directors may pre-empt the policymaking authority of another SOCIETY body, or issue a statement that is reasonably likely to impact the mission or activities of another SOCIETY body without the express, written approval of that SOCIETY body. (9/30/11)

Sec. 43.
All SOCIETY units or other bodies are subject to the SOCIETY position statement process approved by the Board of Directors as set out in the Regulations. (9/30/11)

[Bylaw XII, Sec. 3: MOVED to Board Regulations]

BYLAW IX  XIX
(Constitution, Article XI XVII)
Finances

Section 1.
All income to the SOCIETY shall be collected by such officer or officers as the Board of Directors may designate for that purpose.

Sec. 2.
The Board of Directors is authorized and empowered on behalf of the AMERICAN CHEMICAL SOCIETY to receive, by devise, bequest, donation, or otherwise, either real or personal property and to hold the same absolutely or in trust, and to invest, reinvest, and manage the same and to apply said property and the income arising therefrom to the Purposes objects of the SOCIETY. The Board of Directors also shall have power to allocate the funds of the SOCIETY for the purpose of carrying out the Purposes objects of the SOCIETY.

[Bylaw XIII, Sec. 3, a - c: MOVED to Standing Rules: Council Executive Function]
[Bylaw XIII, Sec. 3, d-m and Sec. 4 MOVED to Standing Rules: Membership Function]
[Bylaw XIII, Sec. 5: MOVED to Board Regulations]

[BYLAW X MOVED from Article XVIII; amended for the Bylaws]

BYLAW X  XIX
(Constitution, Article XIII XVIII)
Amendments to the Bylaws
Section 1.

The Bylaws may be amended by the Council in the manner provided herein. Any petition for amendment of the Bylaws and the reasons therefor shall be submitted in writing to the Council, through the Executive Director-Chief Executive Officer of the SOCIETY, over the signatures of not fewer than 10 voting Councilors or not fewer than 25 members of the SOCIETY. The petition may include a recommended effective date. (11/23/74)

Any petition for amendment of these Bylaws shall be subject to the same procedure as is specified in Article XVIII, Section 1 and Sec. 2, a. e., inclusive, in the Constitution for petitions to amend for amendment of the Constitution. (11/12/79)

Sec. 2.

a. Each petition for amendment shall be considered for the first time at that meeting of the Council which follows by not less than sixteen weeks receipt of the petition by the Executive Director-Chief Executive Officer of the SOCIETY. The Executive Director-Chief Executive Officer shall refer the petition to the Committee responsible for the Constitution and Bylaws Function and, with the advice of the Council and the Committee responsible for the Committee on Committees Function, to other appropriate Standing Committees of the Council as defined by the Standing Rules and/or Society Committees. One committee shall be designated by the Chief Executive Officer as having primary substantive responsibility. The substance of the petition shall appear on the open meeting agenda of these Committees for discussion, and the petition shall appear on the Council agenda for consideration. Except as provided below, the petition shall not be voted on at the first Council meeting at which it is considered. (11/12/79)

b. Within thirty days following the Council meeting at which a petition was presented for consideration or was acted upon by recommittal to the committee with primary substantive responsibility or referral to other committee(s), an original petitioner or the chair of the committee assigned primary responsibility for substantive review may notify the Council-Committee on Constitution and Bylaws Function, through the Executive Director-Chief Executive Officer, of a recommendation that the petition be withdrawn. If the committee responsible for the Constitution and Bylaws Function concurs, then not less than twelve weeks prior to the Council meeting next following, that the Committee on Constitution and Bylaws shall report its recommendations and rationale to the Executive Director-Chief Executive Officer of the SOCIETY who shall transmit them to each petitioner. A signed request for withdrawal must be received by the Executive Director-Chief Executive Officer at least eight weeks prior to the Council meeting for a petitioner’s name to be removed from the list. If the number of remaining petitioners falls below 50 percent of the original number, and if this remaining number no longer satisfies the requirements specified in Section 1 of this Article above, the petition shall be considered withdrawn and shall not be included for action in the agenda of the Council meeting. (11/14/84)

c. Not less than twelve weeks prior to the Council meeting next following that at which the petition was first considered, the Committee responsible for the Constitution and Bylaws Function shall report its recommendations to the Executive Director-Chief Executive Officer of the SOCIETY who shall transmit them to the petitioners directly or, if more than 50 signatures appear on the petition, through the official organ of the SOCIETY. The form of the petition so recommended shall be placed on that next Council agenda for vote, and shall stand in place of the original petition. The original petition, unchanged or modified to include any of the recommended changes only, also shall be placed on the Council agenda for vote, and shall stand in place of the original petition. Should the Council not adopt the recommendations of the Committee on Constitution and Bylaws, it shall act immediately upon the original petition. (6/26/73)

d. Within thirty days after the Council meeting at which a petition to amend the Constitution and/or Bylaws has been presented for consideration, opponents of the proposed petition may submit written arguments to the chair of the committee which has been assigned primary substantive
responsibility; the chair shall prepare summaries of these arguments and of any rebuttals by proponents, for inclusion, in association with the proposed amendment, in the agenda of the Council meeting at which action is to be taken. The Chair of the Society Committee responsible for finances on Budget and Finance Function shall prepare a financial impact statement which also shall appear in the Council agenda when action is to be taken on the petition. (11/12/79)

e. The petition may be voted on at the first Council meeting at which it is considered, as a matter of urgency. Each petition to be presented for urgent action must be so designated in the agenda for that Council meeting. Such immediate action may be taken only if the Council determines by a three-fourths (3/4) vote that sufficient urgency exists. In taking immediate action, the Council shall act on the original petition unless the Committee responsible for the Constitution and Bylaws Function shall submit to the Council an alternate proposal, in which case the Council shall act first upon the alternate proposal. (7/17/68)

Sec. 3 2

Each petition for amendment of the Bylaws shall require a two-thirds (2/3) vote of the Council for approval. The Chief Executive Officer Executive Director of the SOCIETY shall send transmit the fact of each such approval to the Board of Directors, for such action as may be provided by the Constitution of the SOCIETY. Each amendment shall become effective when confirmed by the Board of Directors unless a later date is specified. (11/23/71)

BYLAW XI
Amendments to the Standing Rules

To be adopted, any amendment(s) to the Standing Rules must be approved by a majority of the Councilors voting and confirmed by the Board of Directors. Such amendment(s) may come before Council in one of the following ways:

Section 1.

The committee shall approve the proposed amendment(s) by two-thirds (2/3) affirmative vote followed by Council action as noted above.

Sec 2.

Ten voting Councilors or 25 members shall submit to the committee responsible for the Function, by written petition, with at least five weeks prior notice to the committee’s meeting at the SOCIETY’s national meeting. That committee must approve the amendment(s) by at least two-thirds (2/3) vote. After the national meeting, the committee shall send the amendment(s) to the Council for action.

Sec 3.

If the amendment(s) are not approved by the committee responsible for the Function, the decision may be appealed to the committee responsible for the Council Executive Function by written petition of 25 voting Councilors at least eight weeks prior to the next Council meeting. If two-thirds (2/3) of the committee responsible for the Council Executive Function approves, the amendment(s) shall go before Council for action.

Sec 4.

If the committee responsible for the Council Executive Function does not approve the amendment(s), an appeal may be brought to the Council floor for action if three-tenths (3/10) agree to its consideration.