

Bylaws
MSBA Administrative Law Section
As amended 11/19/83, 9/17/99, 12/03/04

ARTICLE I. Name

This section of the Minnesota State Bar Association shall be known as the Administrative Law Section.

ARTICLE II. Purpose

The purposes of this Section are:

To provide a forum and to afford the means whereby all interested members of the Association may join in furthering the objectives and work of the Association in the field of administrative law, in recognition of the fact that the field of administrative law is one of great and growing importance and influence which possesses characteristics and peculiarities of practice, rules, regulations, procedures, functions, jurisdiction, and powers which inhere in agencies of the executive branch of our government, as to which the judicial branch has a special relationship and exercises powers and controls peculiar to that relationship, by:

- a. Joining together and meeting at convenient times for discussion of problems, ideas and knowledge of mutual benefit;
- b. Informing one another of significant, specific and general developments in legislative and judicial fields affecting aspects of their practice involving administrative law;
- c. Providing opportunities for scrutiny, discussion and review of administrative agencies' powers, affairs, practices and procedures, including rules and rule making, policy making, enforcement and adjudicatory functions;
- d. Promoting legislation, seminars, courses of instruction, the participation by knowledgeable persons at Section meetings, and the dissemination of information and noteworthy news to the members through appropriate media.

ARTICLE III. Membership

Section 1. All members of the Minnesota State Bar Association in good standing shall be eligible for membership in this Section.

Section 2. Any member of the Minnesota State Bar Association, upon request to the Secretary-Treasurer of the Section and upon payment of dues for the current year, shall be enrolled as a member of this Section. Thereafter, said dues shall be paid in advance each year, beginning on July first next succeeding such enrollment. Any member of this Section whose annual dues shall be more than six months past due shall thereupon cease to be a member of this Section. Members so enrolled and whose dues are so paid shall constitute the membership of this Section and are entitled to receive the benefits extended by said Section to its members.

Section 3. Each member of the Section shall pay to the Secretary-Treasurer of the Section, annual dues in the amount of ten dollars (\$10).

ARTICLE IV. Officers

Section 1. The officers of the Section shall consist of a Chair, Vice-Chair, and Secretary-Treasurer, who shall be elected at the annual meeting of the Section and hold office until their successors are elected and take office.

Section 2. There shall be a Council, which shall consist of the Chair, Vice-Chair, Secretary-Treasurer, and Immediate Past Chair, together with six other members to be elected by the Section as hereinafter provided, and the President of the Minnesota State Bar Association.

Section 3. The Chair, Vice-Chair, and Secretary-Treasurer shall be nominated and elected in the manner hereinafter provided, at the annual meeting of this Section, to hold office for a term of one year and until their successors shall have been elected and qualified.

Section 4. Council members who are not officers shall be nominated and elected in the manner provided in Article V to hold office for a term of two years. Three Council members shall serve terms beginning and ending in odd-numbered years and three Council members shall serve terms beginning and ending in even-numbered year. New Council positions created by amendment of these By-Laws may be filled by vote of the Council pursuant to Article VI.

ARTICLE V. Nomination and Election of Officers

Section 1. Nomination. Prior to each annual meeting of the Section, the Chair shall appoint a Nominating Committee of three members of the Section, at least two of whom shall not be members of the Council, which committee shall make and report nominations to the Section for the officers of Chair, Vice-Chair, Secretary-Treasurer and members of the Council, to succeed those whose terms will expire at the close of the then annual meeting and to fill vacancies then existing for unexpired terms. Additional nominations for the same offices may be made from the floor.

Section 2. Elections. All elections shall be written ballot unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

ARTICLE VI. The Officers

Section 1. Chair. The Chair shall preside at all meetings of the Section and of the Council. The Chair shall formulate and present to the Assembly, prior to April 1 of each year, a report of the work of the Section for the then past year. The Chair shall be responsible for the executive of the annual program of work as laid out by the Council at its meetings and shall perform such other duties and acts as usually pertain to the office.

Section 2. Vice-Chair. Upon the death, resignation or during the disability of the Chair, or upon the Chair's refusal to act, the Vice-Chair shall perform the duties of the Chair for the remainder of the Chair's term, except in the case of the Chair's disability and then only for so much of the term during which the disability continues.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents, and other property of the Section. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under commission, and with the Chair, shall prepare a summary or digest of the

proceedings of the Section prior to its annual meeting for its report to the Minnesota State Bar Association, as required by the By-Laws of the Association. The Secretary-Treasurer, in conjunction with the Chair, as authorized by the Council, shall attend generally to the business of the Section. The Secretary-Treasurer shall also receive, disburse and account for all moneys of the Section and keep accurate records thereof, and at least one month prior to the annual meeting, file a report of the finances of the Section with the Treasurer of the Minnesota State Bar Association, which report shall be subject to audit. The Secretary-Treasurer may serve without bond unless directed to provide the same by the Council or Assembly, at the expense of the Section.

ARTICLE VII. Duties and Powers of the Council

Section 1. The Council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Constitution and By-Laws of the Minnesota State Bar Association and the By-Laws of this Section. It shall especially authorize all commitments or contracts which shall entail the payment of money, and shall authorize the expenditure of all moneys appropriated for commitments or contracts which shall entail the payment of more money during any fiscal year than the amount which shall have been previously appropriated to the Section for such fiscal year, added to the cash on hand in the Section.

Section 2. The Council may authorize the Chair to appoint committees from Section members to perform such duties and exercise such powers as the Council may direct, subject to the limitations of these By-Laws and the By-Laws of the Minnesota State Bar Association.

Section 3. Except as specifically limited by these By-Laws and except as specific powers and duties may be granted solely to other persons in the Section, the Council shall have full power and authority, in the intervals between meetings of the Section, to do all acts and perform all functions which the Section itself might do or perform. Such action of the Council may be reviewed and changed by the Section acting at its annual meeting following the action of the Council.

The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the office of the Secretary-Treasurer, or in the event of a vacancy in both the offices of Chair and Vice-Chair, then in the office of Chair. Members of the Council and officers so selected shall serve until the close of the next annual meeting of the Section.

Section 3b. Officers and council members who have three (3) consecutive unexcused absences from section council meetings shall be deemed to have resigned effective the day following the third missed meeting. An absence is excused if an officer or council member notifies the council chair that he or she will be absent from the meeting before the meeting. If it is impossible or impractical to notify the council chair before the meeting the absence may be considered excused at the discretion of the council chair. The council shall fill the vacancy as soon as practicable.

Section 4. All binding action of the Council shall be by a majority vote of those present.

Section 5.

a. The Council shall meet at least once between the end of an annual meeting of the Minnesota State Bar Association and its next annual meeting.

b. Special meetings of the Council may be held upon the order of Chair, or upon the Chair's absence the Vice-Chair, or upon the written request of any three members of the Council.

ARTICLE VIII. Meetings

Section 1 Special meetings of the Section may be called by the Chair, at such time and place as the Chair may determine. Written notice shall be mailed to the members at least one week in advance of the meeting.

Section 2. The members of the Section present at any meeting shall constitute a quorum for the transaction of business.

Section 3. All binding action of the Section shall be by the majority vote of the members present.

ARTICLE IX. Miscellaneous

Section 1. The fiscal year of the Section shall be the same as that of the Minnesota State Bar Association, namely July 1 to June 30.

Section 2. Any action by this Section must be approved by the Minnesota State Bar Association before the same becomes effective as the action of the Minnesota State Bar Association. Any resolution adopted or taken by this Section may on request of the Section be reported by the Chair of the Section to the annual meeting of the Minnesota State Bar Association for the Association's action thereon. This Section shall not publicly advocate any recommendations in the name of the Association unless specifically authorized by the Assembly, and any action taken by the Section which is to be publicized in the name of the State Association shall first be authorized by the Assembly.

Section 3. This Section shall not represent the Association in the Legislature, in any Court, or in a controverted procedure before any other governmental body unless authorized so to do by the Assembly, the Association, or in case of an emergency, by the President of the Association, except that the Section may, to the extent permitted by the MSBA's Articles, By-Laws and Rules or other MSBA policy, present its own point of view only before committees and subcommittees of the Minnesota Legislature, when approved by a majority of the Section Council.

Section 4. Article 10 of the Constitution of the Minnesota State Bar Association consisting of sections 10.11 through 10.14, and Article 23 consisting of sections 23.1 through 23.7, of the Minnesota State Bar Association By-Laws, are expressly made a part of these By-Laws.

Section 5. These By-Laws shall become effective upon the approval thereof by the Assembly of the Minnesota State Bar Association.

Section 6. The By-Laws of this Section may be amended only at any annual or special meeting thereof, provided written notice of the time, place and purpose of the meeting and the text of the proposed amendment is mailed to all members of the Section in good standing, at least 10 days prior to the date of the meeting. Any amendment shall be submitted to the Assembly and become effective when approved by that Board.