CONSTITUTION OF HASTINGS AMERICAN LEGION POST 47

DEPARTMENT OF MINNESOTA

HASTINGS, MINNESOTA

Approved September 23, 2024

CONSTITUTION of HASTINGS AMERICAN LEGION POST 47

PREAMBLE

- For God and Country, we associate ourselves together for the following purposes:
- To uphold and defend the Constitution of the United States of America;
- To maintain law and order and follow all laws whether National, State, or Local,
- To foster and perpetuate one-hundred percent Americanism;
- To preserve the memories and incidents of our associations in all wars;
- To inculcate a sense of individual obligation to the Community, State and Nation;
- To combat the autocracy of both the classes and the masses;
- To make right the master of might;
- To promote peace and goodwill on Earth;
- To safeguard and transmit to posterity the principles of justice, freedom and democracy;
- To consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

ARTICLE I - NAME

The name of this organization shall be Nelson-Lucking American Legion Post 47, Department of Minnesota.

ARTICLE II - OBJECTS

The objects and purposes of this Post shall be to promote the principals end policies as set forth in the foregoing Preamble, and the National and Departmental Constitutions of the American Legion.

ARTICLE III - NATURE

Section 1. This Post is a civilian organization and membership herein does not affect or increase liability for military or police service.

Section 2. This organization shall be absolutely non-political and shall not be used for the dissemination of partisan principles, or for the promotion of the candidacy of any person seeking public office or preferment.

Section 3. Rank does not exist in the American Legion; no member shall be addressed by their military title in any meeting at this Post.

Section 4. The Post takes precedent over any ancillary operations that take place in the Post's facility(s). The Post must be capable of operating with the necessary Officers and Committees.

ART1CL£ IV - MEMBERSHIP

Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of the American Legion.

Section 2.

a. Application for membership shall be made in writing and must be accompanied by the amount of the annual Post dues.
b. The receipt shall be a provisional card entitling the applicant to use the Post facilities, but not privileges of membership. Membership is provisional upon presentation of a DD-214, military lD Card showing duty status (including active, reserve, or retired status), or a VA card showing eligibility**.**
c. All applications for membership will be acted on at the next Regular Membership meeting following the making of each application, and shall be accepted or rejected.
d. lf a majority of the Regular Membership in attendance vote is against the acceptance of such an application then such application shall be recorded as rejected, and dues refunded.

Section 3. Applications accepted by the Membership shall be recorded as such, but no membership card shall be issued until an Executive Board member has found that the applicant is duly qualified by presentation of

their DD-2l4, Armed Forces ID Card, or VA card.

Section 4. Any member of this Post may be expelled for cause after charges are preferred under oath in writing, and a fair trial had upon the same pursuant to the Constitution and By-Laws of the Department of Minnesota American Legion.

Section 5. A member who has been expelled or suspended from this Post for any cause may be reinstated to membership by a majority vote of the membership present in a Post meeting, and payment of current dues for the year in which reinstatement occurs.

Section 6. No person who has been expelled by another Post shall be admitted to membership in this Post without the consent of the expelling Post. Exception is that where such consent has been asked for and denied by such Post, they may then appeal to the Executive Committee of the Department of the expelling Post for permission to apply to this Post and shall be ineligible for membership until such permission is granted.

Section 7.

a. A member whose dues for the current year have not been paid by January 31, shall be classified as delinquent.
b. If a member is still under suspension on July 1 of such year, their membership in the American Legion shall be forfeited.
c. A member so suspended or whose membership has been forfeited may be reinstated to active membership in good standing by a vote of the Executive Board and payment of dues for the current year in which reinstatement occurs, or for former members who have been prevented from payment of dues by reason of military service.

Section 8. The dues of a member shall be paid for the current calendar year in order for the member to be entitled to use the club facilities.

Section 9.

a) The privilege of use of the club facilities may be revoked or suspended for any reason deemed detrimental to the interests of the Post. This shall include, but not be limited to excessive intoxication, disruptive behavior, physical or oral harassment, conduct unbecoming to other members or their guests, or by violation of any By-Laws or Standing Rules
b) The Commander, the Executive Board, General Manager, and designated door persons and bartenders have the responsibility of obtaining the eviction from the Club any person who in their judgment, is in violation of any of the above.
c) Any member evicted from the Club or Post facilities shall be subject to disciplinary action, or may be restored to good standing in accordance with the then current Standing Rules

ARTICLE V - OFFICERS

Section 1. The administrative affairs of this Post shall**,** except as may otherwise be provided for by the By-Laws, be under the supervision of the Executive Board which shall consist of the Post Officers and the immediate Past Commander. The Post, by its By-Laws, may provide for such additional members to the Executive Board or other standing committees as the business of the organization may require.

Section 2. The Officers of this Post shall be a Commander, First Vice Commander, Second Vice Commander, Adjutant, Finance Officer**,** Chaplain. Historian, Service Officer and Sergeant at Arms. All officers, except for the Adjutant, who is appointed by the elected commander, and approved by the Executive Board, before taking office, shall be elected by the membership, from a slate that is drawn up by the Nominating Committee. Nominations can be made from the floor for election to any of the offices. All nominations from the floor and the Nominating Committee shall be made at the regular meeting preceding the annual election, and again at the election meeting.

Section 3. All officers shall be elected biannually and they shall hold the office until their successors are duty installed or as otherwise provided. Any officer or Executive Board member may be removed for inefficiency by the Executive Board. A majority vote of said Board being necessary to affect such removal. The First Vice Commander, Finance Officer, Historian, and Sergeant at Arms will be elected in opposite years from the Commander and the

other Officers.

Section 4. The duties of the Officers and Executive Board members shall be those usually pertaining to such officers or Board members and as further provided by the By-Laws.

Section S. Election of Post Officers and Executive Board members shall take place at the regular May General Membership meeting each year. All officers and Board members elected shall be installed at the regular June General Membership meeting.

Section 6. All duly elected and appointed officers of the Post shall take the oath of office as prescribed in the Manual of Ceremonies adopted by the American Legions Officers Guide, before assuming their duties.

Section 7. All elected Post Officers and Executive Board members shall take office annually at the regular June General Membership meeting following their election or appointment.

ARTICLE VI - FINANCE

Section 1. The revenue of this Post shall be derived from annual membership dues and from other such sources as may be approved by the Executive Board.

Section 2. The amount of annual dues to be charged each member shall be determined by the Executive Board with approval from general membership.

Section 3. The fiscal year of the Post shall be from June 1 of each year through the following May 31".

Section 4. The Post shall pay to Department Headquarters, the National, Department, District and Hospital Association annual membership dues for every member of this Post.

ARTICLE VII – TRAINING & CONVENTION TRAVEL

Section 1. All travel on behalf of Nelson-Lucking American Legion Post 47 must be approved at a Regular Membership Meeting or the Executive Board Meeting by a majority of the attending Executive Board members prior to travel being taken. Any paid travel is if Post funds are available. The costs/fees paid by the American Legion Third District of Minnesota, and the American Legion Department of Minnesota cannot be included in any paid travel. The Officer or Member must disclose any funds for lodging or air fare that they will receive from Department or District sources.

Section 2. Officers and Members so approved will receive $500 for District and Department of Minnesota training and convention travel plus lodging. If lodging is paid by the Post (for training), District, or Department, then you only receive $500 from the Post. If you receive lodging funds, a receipt for the stay must be submitted to the Post Finance Officer.

Section 3. Officers and Members so approved will receive $1100 for National training and convention plus air fare at the YCA rate for the city pair. If the air fare is paid by the National, District, or Department, then you only receive $1100 from the Post. If you receive air fare funds, a receipt for the flight must be submitted to the Post Finance Officer.

Section 4. The funds for local travel $500 or for national travel $1100 may be advanced in the week prior to travel. Lodging or air fare cannot be advanced without Executive Board approval, a receipt must be provided.

Section 6. Cost of an approved training class will be paid by the Post. A failure to attend a pre-paid class will be brought to the Executive Board for discussion and decision. A person failing to attend can be restricted from attending other events. Timely notice must be given to the Post so that adjustments can be made.

Section 7. The Post Commander is considered by the District and the Department to be a Post Delegate and the Chair of the Post's delegation at Conventions. Therefore, the Post Commander is ***always*** considered approved for travel to training and conventions as the only delegate or one of the delegates. The Commander's decision to attend training or conventions must be notated in the minutes of an Executive Board or Regular Membership meeting.

Section 8. The Post may send up to three members to a District or Department event on paid travel or up to four members on paid travel to a National event as Post funds permit.

ARTICLE VIII -TRANSFER OP MEMBERSHIP

Upon application to the Post Adjutant or assigned Membership Chairman, any member of the Post desiring to transfer to another Post shall be entitled to a transfer their card to such other Post, provided all dues and assessments have been paid to date. Record of such transfer shall forthwith be transferred to the

Department Headquarters.

ARTICLE IX - CEREMONIES

The Manual of Ceremonies adopted by the American Legion Officers Guide shall be followed whenever the Post acts as a unit or bodies comprised of members are duly authorized to act for the Post

ARTICLE X— CHARTER MEMBERS

Members who joined this Post prior to the issuance of a charter shall be known as charter members.

ARTICLE XI – AMERICAN LEGION AUXILIARY

Section 1. This Post recognizes on Auxiliary Organization to be known as the Auxiliary Unit of Hastings Post 47.

Section 2. Membership in the Auxiliary shall be as prescribed by the National Constitution of the American Legion Auxiliary.

Section 3. The Auxiliary is part of the American Legion family.

ARTICLE XII - SONS OF THE AMERCAN LEGION

Section 1. This Post recognizes the Sons of the American Legion to be known as SAL Squadron 47 of Hastings.

Section 2. Membership in this organization shall be as prescribed by the National Constitution of the Sons of the American Legion.

Section 3. The Sons of the American Legion are part of the American Legion family.

ARTICLE XIII — AMERICAN LEGION RIDERS

Section 1. This Post recognizes the American Legion Riders to be known as Post 47 American Legion Riders.

Section 2. Membership in this organization shall be as prescribed by the National Constitution of the American Legion Riders.

Section 3. The American Legion Riders are part of the American Legion family

ARTICLE XIV— AMENDMENTS

Section 1. This Constitution, as adopted, is subject to the provisions of the National Constitution of the American Legion and the Department Constitution of the Department of Minnesota. Any amendment to said National or Department Constitution, which is in conflict with any provisions hereof, shall be regarded as automatically repealing or modifying the provisions of this Constitution to the extent of such a conflict.

Section 2. This Constitution may be amended at any regular meeting by the vote of a majority of the members of said Post attending such regular meeting, providing that the proposed amendment shall have been submitted in writing and read at the next regular meeting of such Post. Providing further that written notice shall have been given to all members at least thirty (30) days in advance of the date when such amendment is to be voted upon; notifying said members that at such a meeting, a proposal to amend the Constitution is to be voted upon.

Section 3. The Constitution shall be considered to be in a ratification process when 5 or more articles have changes that amount to more than a sentence in two articles. The Constitution must be ratified at any regular meeting by the vote of a majority of the members of said Post attending such regular meeting. Once the ratification process is open, amendments may be discussed as necessary and incorporated into the document or not by a simple majority vote in any Post meeting, Executive Board or Regular Membership. The Constitution must remain in the ratification process for two months prior to a ratification vote being taken at a Regular Membership meeting. The time between two Regular Membership meetings shall suffice as a month; the time between three Regular Membership meetings shall suffice as two months.

This Constitution was adopted as and for the Constitution of Nelson-Lucking American Legion Post 47, Hastings, Minnesota at a Meeting of the Incorporators on October 14, 2024, at the Meeting of the Board of Directors on October 14, 2024, and at the Meeting of the Members on September 23, 2024.

Commander

1st Vice Commander

VACANT
2nd Vice Commander

Finance Officer

DEPLOYED
1st Member-At-Large

2nd Member-At-Large

UNAVAILABLE
Past Commander