BY LAWS

HASTINGS AMERICAN LEGION POST47

DEPARTMENT OF MINNESOTA
HASTINGS, MINNESOTA

September 22, 2025

BYLAWS OF 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;
- To foster and perpetuate a 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 Post and Club existing under these By-Laws is to be known as the Nelson-Lucking American Legion Post 47, Department of Minnesota American Legion.

ARTICLE II - OFFICES

Principal Office. The principal office of the corporation shall be located inthe city of Hastings, County of Dakota, State of Minnesota.

Registered Office. The registered office of the corporation may be the same as the principal office of the corporation, but in any event must be located in the state of Minnesota, and be the business office of the registered agent, as required by the Minnesota Business Corporation Act.

ARTICLE III – POST FUNCTIONS & OPERATIONS

Post Function. Post Functions are those that are conducted by the Post Officers and Members for the purpose of benefiting the American Legion funds and local organizations. Post Functions take precedent over all Post Operations.

Post Operations. Post Operations consist of the Club, Restaurant, and Gambling. The operations are managed by the Facility Manager, Assistant Manager, and a Gambling Manager with overall supervision and control belonging to the Executive Board of the Post.

- Club Hours are from 8:00am until 12:00am Sunday through Thursday or closing earlier depending on customer traffic. Friday and Saturday hours are 8:00am through 1:00am or closing earlier depending on customer traffic. No alcohol may be served by any employee outside of those hours.
- Restaurant hours are from 8:00am until 9:00pm Sunday through Saturday.
- Gambling may only occur when there is an employee knowledgeable and available to perform gambling operations during the Post's hours of operation.
- Alcohol may only be served if a server/bartender is on duty and they have State of Minnesota certified SafeServ training. Every bartender/server taking over the shift must acquaint themselves with how many drinks have been served to the existing patrons by reviewing the computer POS (Point of Sale) system.

ARTICLE IV — OBJECTS

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

ARTICLE V — 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 his military title in any meeting at this Post.

ARTICLE VI - MEMBERSHIP
Section 1. Eligibility to membership in this Post shall be as prescribed by the National Constitution of the American Legion.
Section 2. Application for membership shall be made in writing and must be accompanied by the amount of the annual Post dues.

- 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 ID Card duty status (active, reserve, or retired) or a VA card.
- All applications for membership will be acted upon at the next Regular Membership meeting following the making of each application, and shall be accepted or rejected.
- If a majority of the Membership 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 Executive Board 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-214, Armed Forces ID Card, or a 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 anycause 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, he 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 member whose dues for the current year have not been paid by January first be classified as delinquent.

- If a member's dues are paid on or before January 31st he shallbe automatically reinstated.
- If a member is still delinquent after January 31st they shall be suspended from all privileges.
- If a member is still under suspension, membership in the American Legion shall be forfeited.

A member so suspended or whose membership has been forfeited maybe reinstated to active membership in good standing by a vote of the Membership and payment of dues for the current year in which reinstatement occurs, or for former members who have been preventedfrom payment of dues by reason of military service.
Section B. The dues of a member shall be paid for the current calendaryear in order for the member to be entitled to use the club facilities.
Section 8. 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

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 violating any of the above.

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 approval of the Executive Board.

ARTICLE VII -MEETINGS AND MEMBERSHIP

Section 1. Annual Meeting. --The Annual Meeting of the Members shall be heldon the 4th Monday in the month of April in each year, and beginning with the year 2024 at the hour of 6:00 o'clock P.M., for the election of an Executive Board and Officers and for the transaction of such other business as may properly come before the meeting. The day of the Annual Meeting of the Members shall in no event be changed within ten (10) days next preceding the date in which the Annual Meeting is to be called unless consented to in writing, or by Resolution adopted at a meeting, by all the members entitled to vote at the Annual Meeting. When the Annual Meeting has not been held, or Officers have not been elected at an Annual Meeting held for that purpose.

Section 2. Special Membership Meeting. -- Special membership meetings may be called for any purpose at any time by the Commander. Upon written request, the Adjutant shall give notice of the meeting to be held not less than ten (10) days after receiving the request.

Section 3. Regular Monthly Meetings--The regular monthly meeting of the Membership shall be held on the 4th Monday in each month at the hour of 6:00 o'clock P.M. Unless otherwise notified or posted, all Membership meetings are open to American Legion Members only.

Section 4. Place of Meeting. --Meetings of the Members are to be held at the registered office of the corporation at Hastings, Minnesota. For the purpose of confidentiality of personal information, an Executive Session may be held off site.

Section 5. Notice of Meetings of Members--Notice of the annual meeting monthly may be emailed or mailed as determined by the Executive Board. In the case of a special Meeting, thedate and time of the meeting and the purpose of the meeting shall be mailed or emailed by the Adjutant to each Member of the last known address or email address of said Member as the same appears on the books of American Legion Post 47 at least five (5) days before the meeting, excluding the day of the meeting.

Section 6. Quorum. A Quorum is necessary for the transaction af business at any meeting. A Quorum for a meeting of the Members is seven (7) members. When a quorum is not present, any meeting may be adjourned from time to time for that reason. When a Quorum has been present at a meeting and Members have withdrawn from the meeting so that less than a quorum remains, the Members still present may continue to transact business until adjourned.

Section 7. Qualification A person is qualified to become a Member of American Legion Post 47 by having served in the United States military (United States Marines, Army, Navy, Air Force, and Coast Guard), active or reserves, or the National Guard or Air Guard from 4-16-17 to a date which is still open, having received an Honorable Discharge and by having a paid-up membership.

Section 8. Voting. A Member has one vote.

Section 9. Election. All Members are to elect officers at the Annual Meeting. The Commander shall appoint the Chaplain, and Adjutant.

Section 10. Rights of Members. All Members are to have one vote and have access to the bar at all times when doors are open. If the Post facilities are closed to the membership, they are closed to the Public also.

ARTICLE VIII - 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, Post Service Officer and Sergeant-at-Arms. All officers, except for the Adjutant and Chaplin, who are appointed by the elected Commander, and approved by the Executive Board, before taking office, shall be elected by the membership. Nominations can be made from the floor for election to any of the offices. All nominations from the floor and by a Committee of at least two members, appointed by the Commander, shall be made at the regular meeting of the annual election.

Section 3. All officers shall be elected biannually and they shall hold the office until their successors are duly installed or as otherwise provided.

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 5. Election of Post Officers shall take place at the regular May Regular 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. Elected Post Officers shall take office biannually at the regular June General Membership meeting following their election or appointment. The First Vice Commander, Finance Officer, Historian, and Sergeant at Arms will be elected in opposite years from the Commander and the other Officers.

ARTICLE IX - BOARD OF DIRECTORS
Section 1. General Powers. The business, property and affairs of the corporation shall be managed by its Board of Directors. The Commander shall be the Chairman of the Board and Chief Executive Officer. The Finance Officer shall be Chief Finance Officer.
Section 2. Qualifications. The Past Commander, 1st Vice Commander, 2nd Vice Commander, 1st Member at Large, 2nd Member at Large, the Finance Officer and the Commander shall constitute the Board of Directors. All Directors shall be Nelson-Lucking American Legion Post 47 Members.
Section 3. Tenure. Each Director shall hold office until the second annual meeting of the Members following his/her nomination in the Articles of Incorporation or his/her election, as the case may be, and until his successor shall have been duly elected and qualified, or until his/her prior death, resignation or removal.
Section 4. Monthly Meetings. The monthly meetings of the Directors shall be held on the 2'^ Monday at 6:00 O'clock P.M. of each month or at such time as may beprovided by the Board of Directors. The Post Commander shall be Chairman.
Section 5. Duties. Directors shall discharge their duties in good faith, and with that diligence and care which an ordinarily prudent person in a like position would exercise under similar circumstances.
Section 6. Meetings of Board. All meetings of the Board of Directors shall be held at the registered office of the Corporation at Hastings, Minnesota. The exception to this would be a 'closed' meeting to discuss privacy and operational information which is by law required to be confidential. If the Board does not feel confidentiality can be reasonably obtained, the Board meeting can take place where privacy can be reasonably maintained.
Section 7. Vacancies. All vacancies are to be filled by office newly elected by the Members.
Section 8. Removal. The Members, by a majority vote of those entitled to vote, may, with cause, remove a director or the entire Board from office. If an Officer is removed, then the Officer is automatically removed as a director. Neither a Director nor the entire Board shall be removed from office unless notice of the meeting at which removal is to be considered states such purpose.
Section 9. Special Meetings. Special Meeting of the Board of Directors may be called by or at the request of the Commander.
Section 10. Quorum A majority of the Members of the Board of Directors (4 members) shall constitute a quorum for the transaction of business at any meeting of the board.
Section 11. Voting. Each Director has one vote. The Chairman only votes in case of a tie or to make a tie.

ARTICLE X - OFFICERS DUTIES
Section 1. Commander, The Commander shall be the principal executive officer of the Corporation and, subject to the control of the board of Directors. He/She shall in general supervise and control all of the business and affairs of the Corporation. It shall be the duty of the Commander to preside at all meetings of the Post. He/she shall approve all orders directing the disbursement of funds and shall make an annual report covering the business of the Post the year and recommendations for the ensuing year. He/she shall perform such other duties as directed by the Post. He/she shall have authority, subject to such rules as may be prescribed by the Board of Directors, to appoint such agents of the Corporation as he/she shall deem necessary to prescribe their powers and duties and to delegate authority to them. He/she shall have authority to sign, execute and acknowledge, on behalf of the Corporation, all deeds, mortgages, bonds, stock certificates, contracts, leases, reports and all other documents or instruments necessary or proper to be executed in the course of the Corporation's regular business, or which shall be authorized by resolution of the Board of Directors or which shall be authorized by the

Members. He/She will be charged with the responsibility of maintaining the Post's legal position and be familiar with. the Post's insured coverages. He/She will be the Chair of the Executive Board and the tie-breaking vote.

Section 2. 1st Vice Commander. The 1st Vice Commander shall assume and discharge the duties of the office of Commander in the absence or disability of, or when called upon by the Commander. In addition to other duties as outlined in the National Handbook. He/She will be a voting member of the Executive Board.

Section 3. 2nd Vice Commander. The 2nd Vice Commander shall assist the 1st Vice Commander in his/her duties and, if necessary, shall assume and discharge the duties of the office of Commander in the absence or disability of the Commander and 1st Vice Commander, or when called upon by the Commander. In addition to other duties as outlined in the National Handbook. He/She will be a voting member of the Executive Board.

Section 4. Adjutant. The Adjutant shall take meeting minutes and the official business records. They are also responsible for complete and objective record keeping. The Adjutant shall have the charge over and maintain a correct record of all proceedings and at all meetings, The Adjutant shall keep such record as the department and national organizations may require, render reports of membership annually or when called upon at a meeting, and under direction of the Commander handle all correspondence of the Post.

Section 5. Finance Officer. The Finance Officer of the Post shall have charge of all finances and see that they are safely deposited in some local bank or banks and shall report once a month to the members as to the condition of the finances of the Post, with such recommendations as he/she may deem expedient or necessary for raising funds with which to carry on the activities of the Post. He/she shall sign all checks disbursing the monies of the post. He/she shall furnish such surety bonds in such sum as shall be fixed by the Board of Directors. All checks and withdrawals must be signed by two officers and all deposits only require one signature. He/She will be a voting member of the Executive Board.

Section 6. Historian. The Post Historian shall be charged with individual records and incidents of the Post and Post Members, and shall perform such other duties as may properly pertain to the office as may be determined by the Members or the Board of Directors.

Section 7. Chaplain. The Chaplain shall be charged with the spiritual welfare of the Post comrades and shall offer divine but no sectarian service in the event of dedications, funerals, public functions, etc., as here to such ceremonial rituals as are recommended by the National or department headquarters from time to time.

Section 8. Sergeant-at-Arms. The Sergeant- at-Arms shall present order at all meetings and shall perform such other duties as may be from time to time assigned to him/her by the Board of Directors.

Section 9. Post Service Officer. The Service officer shall be charged with all matters relating to the physical and mental welfare and health of the Members.

Section 10. Members-at-Large Two members-at-large will be nominated and elected by the membership to serve as voting members of the Executive Board.

Section 11. Past Commander The most recent Past Commander will serve as a voting member of the Executive Board.

Section 12. Audit. At the February meeting the Commander shall appoint a three-person committee or the Post's Contracted Accountant to audit the Post funds.

Section 13. Removal. The members, by a majority vote of those entitled to vote, may,with cause, remove an officer. An Officer shall not be removed from office unless notice of the meeting at which removal is to be considered states such a purpose. When an Officer has been removed a new Officer shall be elected at the same meeting.

Section 14. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by an election of the Members for the unexpired portion of the term.

Section 15. Meeting Minutes Meeting minutes for Executive Board and Membership meetings shall be taken by the Post Adjutant. They should include the pertinent information of the meeting, but not discussions of the Post employees or Post operations which are private. They must include whether a Quorum is present, for an Executive Board meeting that must be a number, not a yes or no. The minutes must also include the Gambling monetary totals for the month. All Committee and Manager Reports must be attached to the minutes. Meeting minutes must be kept and filed at the Post. The format will be determined by the Commander following these guidelines.

ARTICLE XI – MANAGER REPORTS

Section 1. All Managers must submit written reports at the monthly Executive Board meetings.
Section 2. The Managers must be present at the Regular Membership meeting to present an oral report to the membership.
Section 3. The various reports may be given by either the appropriate Manager or a designee, a representative must be present at each Executive and Membership meeting. This does not have to be the same person who presented the written report at the Executive Board meeting.
Section 4. The written Managers reports for each operation must be attached to the Executive Board meeting minutes.

ARTICLE XII - 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 January 1 of each year through the following December 31".

ARTICLE XIII GAMBLING COMMITTEE

Section 1. The Gambling Committee shall be the Executive Board and shall administer operations of the Post gambling. The Gambling Manager shall be appointed by the Post Commander in accordance with state law.
Section 2. Duties of the Gambling Manager are to oversee the operation of the Gambling, internal audits. recommendations for disbursements and any other activities that will insure legal and efficient gambling operations. The Gambling Manager will also review games and develop plans to promote gambling at the facility and post activities. The Gambling Manager shall prov ide for proper bonding and insurance of the employees and insure the business-like operation of the gambling. The Executive Board along with the Post Commander shall ensure that the gambling is conducted in accordance with" The Gambling Control Board Rules of the State of Minnesota." The Gambling Manager will bring to the Executive Board actionable items such as but not limited to hiring employees, audits, changes to process, and auditor issues.
Section 3. The Gambling Manager shall make reports to the Executive Board at each monthly meeting. The Gambling Manager shall provide and additional reports at the monthly post meeting as directed by the Executive Board or Post Commander.

ARTICLE XIV - CEREMONIES

Section 1. 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.

ARICLE XV- AMERICAN LEGION FAMILY

Section 1. This Post recognizes the Auxiliary, the Sons of the American Legion, and the Legion Riders Organizations as part of the American Legion family.
Section 2. Membership in the Auxiliary, the Sons of the American Legion, and the Legion Riders shall be as prescribed by their National Constitutions.
Section 3. The American Legion family members may attend meetings of the American Legion Post 47 and speak at these meetings following the agenda for the meeting. Appearances that cause disruptions will not be tolerated.

Article XVI CODE OF CONDUCT

Section 1. The American Legion (TAL) Post 47 Code of Conduct describes the principles of good behavior expected of all members. Membership is defined as Legionnaires, Sons of the American Legion,the Auxiliary and approved guests.
Acceptance into the Post and inclusion in American Legion activities is a privilege, not a right.
Section 2. Every member, Legion employee, and patron of this establishment is expected to understand and abide by the Code of Conduct. You are expected to exemplify the code's spirit and principles and to fosterand sustain a spirit of goodwill within the American Legion family.

Section 3. By renewing membership or applying for membership, Members and employees agree to abide by the principles of good behavior described therein, and understand that violation of any part of the Code of Conduct may result in disciplinary action as allowed under the by-laws of the Post. As a patron or a guest, you are expected to abide by the same. Guiding Principles underlying the Code of Conduct include: Honesty, integrity, Dignity, Respect, and Responsibility.

Section 4. Members and employees will adhere to the following:

- Members and employees represent the Post their behavior, inside or outside the Post, reflects upon the Legion Family at all levels.
- Members and employees agree to adhere to the highest ethical standards to earn and protect the public's trust in carrying out the American Legion mission.
- Members and employees agree to be good stewards of Post resources.
- Members and employees will conduct themselves with dignity, display good manners, and good morals.
- Members and employees will respect the dignity of all persons. Bullying, physical, mental, or psychological abuse of any person will not be tolerated.
- Members and employees will demonstrate high regard for The American Legion mission, rendering quality service to Veterans, our military, their families, the community, and The Legion Family at all levels.
- Racism, sexism, ageism, and religious discrimination will not be tolerated and Members and employees will be kind, considerate, and welcoming to all.
- Members and employees will be a good citizen and a good neighbor by obeying local, state, and federal lawsand regulations
- Members and employees will abide by all governing documents of the American Legion and Post 47.
- Members and employees will respect the property of the Post and The Legion Family, to include the propertyof staff, volunteers, members, and other patrons. These people will not abuse nor tolerate the abuse of property. Any violation is expected to be reported immediately
- Members and employees will not abuse or tolerate the abuse of alcohol
- Members and employees will not use illegal drugs or tolerate the use of illegal drugs on Post property.
- Members and employees will honor and fulfill commitments and financial obligations to the Post in a timely manner.
- Members and employees will be honest, helpful, and not undermine Employees, Staff, Executive Board, or the Post.
- We treat **ALL** persons with respect.
- We recognize the diversity of opinion regarding veterans' issues as well as politics; religion;race; gender; management of the Post and Clubroom; and other topics. We discuss topics with mutual respect, even when our views differ significantly.
- We do not raise our voices in anger or create a disturbance.
- We create and maintain a friendly, supportive environment.
- We provide constructive criticism and, when possible, offer suggestions. We provide suggestions for the management of the Post 47 Facilities, Operations, and property to the Facility Manager,Bar manager, or Post Executive Committee and do so in a respectful, constructive manner either in a Post 47 meeting or in private manner.
- We graciously accept the decisions made even if our suggestions are not adopted.
- Members and employees will challenge each other to abide by this Code and appropriately address those who violate the Post Code of Conduct.

Article XVII SEXUAL HARRASSMENT POLICY

Section 1. American Legion Post 47 strongly disapproves of, and will not tolerate harassment of any nature on Post premises. All employees will avoid offensive or inappropriate sexual behavior in the work place and will be responsible for ensuring that the work place is free from sexual harassment at all times. While they are present on the premises.

Section 2. Post policy prohibits unwelcome sexual advances of every nature including but not limited to:

a) Requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions.
b) Other verbal or physical contact of a sexual nature which has the purpose or effect of adversely affecting an employee's work performance or which creates a hostile or offensive work environment

Section 3. Examples of prohibited conduct includes, but are not limited to:

- Loud or sexually suggestive comments
- Off color language or jokes of a sexual nature
- Slurs and other verbal, graphic, or physical conduct relating to an individuals or ethnic background
- Any display of sexually explicit pictures, greeting cards, books, magazine photos or cartoons.

Section 4. Any employee that feels they have been subject to sexual harassment must promptly report the incident or complaint to the operational manager, the Post Commander, or the Executive Board.

Section 5. Complaints of sexual harassment will be brought to the attention of Post Management within 24 hours and the Manager so informed will report the incident to the Executive Board. The Executive Board must convene within the week of notification and a prompt investigation of the complaint will be conducted. Pending completion of the investigation, the Executive Board will inform all parties of the nature of the allegations, what is being done to come to a resolution, and when a resolution (or further information) can be expected. As required or as determined by the Executive Board, management will take such actions necessary to ensure that the situation does not deteriorate further.

Section 6. When the investigation is completed, the Executive Board will review the findings with the complainant and Management and inform all parties of the decisions resulting from the investigation. If the investigation reveals the complaint to be valid, immediate, and appropriate corrective action will be taken to assure that the complainant's claim is resolved. This includes but is not limited to suspension and termination. All parties are to be reacquainted with, and fully understand the Post's sexual harassment policy by Management.

Section 7. American Legion Post 47 will not tolerate discrimination of any kind. This includes discrimination based on sex, gender, race, ethnicity, age, religion, or any other legally protected personal characteristics.

ARTICLE XVIII – Disciplinary Procedures

Section 1. The Policies and Procedures contained herein are not in any way meant to limit the responsibilities of bartenders, bar manager, facility manager, or Post Officers or to supersede Minnesota State Law or the By-Laws and Constitution of American Legion Post 47 nor are they all encompassing. Theyare only meant provide guidance for Post bartenders, the Post bar manager, Post facility manager and Post Officers in dealing with patrons or members who display disruptive or abusive behavior toward other patrons, Post employees or members; are excessively intoxicated; who physically or orally harass other patrons, Post employees or members or otherwise display conduct unbecoming to other patrons, Post employees or members or their guests.

Section 2. Definition of terms

Facility Manager: Paid employee hired by the Post to manage the day-to-day operation of the Post Club Room/Bar/Kitchen;

Assistant Facility Manager: Paid employee hired/appointed by the Post to manage the day-to-day operation of the Club Room/Bar In the absence of the Facility Manager, he/she takes over the Facility Manager duties

Kitchen Manager: Paid employee hired by the Post to manage the day- to-day operation of the

Kitchen.

Assistant Kitchen Manager: Paid employee hired by the Post to assist the kitchen manager in manageing the day-to-day operation of the Kitchen.

Bartender: Either a paid employee or volunteer that is serving patrons/members in the Club Room, Pull Tab Room, or Hall areas.

Executive Board: As stated in the Post 47 Constitution and By-Laws, (Post 47 Constitution, Article V) the government and management of this Post, all Post property, and all Post activities shall be under the supervision of the Executive Board.

Disciplinary Board/Review Committee: The Disciplinary Board/Review Committee shall consist of the Post 47 Commander (or the most recent Past Post 47 Commander, in the event the Post Commander is unavailable); and four (4) other individuals plus two (2) alternates, consisting of members in good standing of the Post 47 American Legion, Unit 47, Auxiliary or Squadron 47, Sons of the American Legion. Members of the Board/Review Committee shall be selected by the most recent Post Commander (or most recent Past Commander in the event that the currentCommander is unavailable) and shall serve for one year. The term of the Disciplinary Board/Review Committee shall begin on July 1" of the current year and end on June 30th of the following year.

Habitual Offender: Any patron or member who has received three (3) or more disciplinary actions for any reason within a five (5) year period.

Member: Active member of Post47, American Legion; Unit 47, Auxiliary; or Squadron 47, Sons of the American Legion;

Offender: Any patron, member or guest of member that exhibits excessive intoxication, disruptive or abusive behavior toward other patrons, Post employees, or members or their guests; that physically or orally harasses other patrons, Post employees, or members or their guests; or any person that in the opinion of the bartender/bar manager/facility manager/post officers exhibits conduct unbecoming to other patrons, Post employees, members, or their guests.

Repeat Offender: Any patron or member who has received two or more disciplinary actions for any reason in the past twelve (12) months.

Patron: Any individual that is not a member of Post 47, American Legion; Unit 47, Auxiliary; or Squadron 47, Sons of the American Legion (i.e. member of the public).

Post Employee: Any person employed by in any capacity or volunteering for a Post function.

Section 3. Scope: Authority for any disciplinary action against any patron or member unless otherwise described below, falls upon the Facility Manager, Assistant Facility Manager, or the Executive Board. This document is to be used **as a guide in determining appropriate disciplinary action.** It is not all encompassing and in no way is intended to supersede Minnesota State Law or the Constitution and Bylaws of Nelson-Lucking American Legion Post 47

Section 4. State Law:

Excessive Intoxication: Minnesota Statutes, Section 340A.502 makes it unlawful for any bartender or server to serve another alcoholic beverage to an obviously intoxicated person. Minnesota Statutes, Section 340A.704 makes it a Gross Misdemeanor, punishable by up to a year in jail and up to a $3,000.00 fine for violating Section 340A.502. Minnesota DramShop Law defines Obviously Intoxicated Persons as follows:

- A person under the influence is not necessarily an obviously intoxicated person.
- An individual is obviously intoxicated when the seller, "using his/her reasonable powers of observation can see or should see that such person has become intoxicated."
- Obvious intoxication is measured by the alleged intoxicated person's loss of control of his or her mental or physical faculties to a degree which can be reasonably observed.

Disorderly Conduct: Minnesota Statutes, Section 609.72 makes it unlawful for anyone who does any of the following in a public or private place. knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger, or disturb others or provoke anassault or breach of the peace: is guilty of disorderly conduct, which is a misdemeanor:

- Engages in brawling or fighting: or

- Disturbs an assembly or meeting. not unlawful in its character; or
- Engages in offensive. obscene. abusive, boisterous, or noisy conduct or in offensive. obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.
- Anyone who engages in any of the above-described behavior is guilty o1 disorderly conduct. a misdemeanor, punishable by up to ninety (90) days in jail and a $l ,000.00 fine.

Section 5. Trespass Notices and Orders for Protection: Nothing in these rules or the By-Laws of Post 47 and Post 47 family membership can override the effect of a Criminal Trespass Notice or an Order of Protection. If any person has received a criminal trespass notice from the property, they will be arrested if they come on the property. Membership in the Post Legion is not a defense.

Section 6. Constitution: Article IV, Section 9a of the Post 47 Constitution states: "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. In support of creating and maintaining a family friendly, supportive environment, Article XVI Code of Conduct of the Post 47 Bylaws are hereby adopted. Any violations of them shall be quickly and efficiently administered for the betterment of the Post.

Section 7. Serious Offenses: In the event that a patron or member commits any of the following offenses, at the discretion of the Facility Manager, Assistant Facility Manager, or Executive Committee, that patron/member shall be barred from the club room, halls and all recreational Post activities (such as Bingo/playing pull tabs...etc.) a minimum of thirty (30) days (except as stated for physical assault below) or for repeat offenders, as directed by the Disciplinary Board. These offenses include but are not limited to:

- Physical or verbal assault of another patron/member or Post employee anywhere on the premises of the Post or the premises of a Post function if not being held at the Post. (In the event of physical assault, a trial may be held to determine permanent expulsion of the member from the Post).
- Physical or verbal harassment of another patron / member or Post employee anywhere on the premises of the post or the premises of a Post function if not being held at the Post.
- Any type of threat, either verbal or physical toward another patron, member, or Post employee while on the premises of the Post or on the premises of a Post function if thefunction is not being held at the Post;
- Any crime (as defined by Minnesota Statutes) committed against the Post or a patron, member or Post employee on the premises of the Post or at the premises of a function of the post if not being held at the Post, not otherwise described herein.

Section 8. Offenses: Anytime any patron or member, in the opinion of the bartender or any Manager, displays excessive intoxication, or engages in disruptive behavior (e.g. taking over the television remotes,foul language, loud and obnoxious conversation), or conduct unbecoming of a patron or member, the following action shall be taken.

- The bartender or any Manager shall immediately stop serving any patron / member that exhibits, in the bartender's or Manager's opinion, excessive intoxication as per State Law.
- For other offenses listed above, the bartender or Manager shall ask the patron/memberto stop the behavior immediately. Should the patron/member fail to stop the behavior orstop for a period of time and then begin the behavior again, the bartender or Manager shall stop service for the patron/member and ask them to leave the premises, If the patron/ member fails to leave, the bartender or Manager shall call the police to assist in the removal of the patron/member.
- Anytime a member is asked to leave the premises due to any of the behavior listed aboveat the discretion of the Facility Manager, Assistant Facility Manager, or Executive Committee, the patron/member shall bebarred from the club room, Halls and any off-site Post activities (as described above) as outlined below.

Timetable Chart:

Offender (1st time offense)	Up to 14 days	Non-Appealable
Repeat Offender	Up to 30 days	Non-Appealable
Serious Offenses	Minimum of 30	Non-Appealable

	days (unless physical assault) and may be increased by Disciplinary Board	
Habitual Offender (3" or more offenses in a five-year period)	Minimum 60 days or more as determined by the Disciplinary Board	Appealable to Disciplinary Board

Section 9. Notification Requirements:

a) Anytime a patron/member are to receive a disciplinary action, he/she is to be notified within five (5) business days after the Facility Manager or Assistant Facility Manager have been notified of the offense. In the event that a Discipline Board is to be convened, the patron/member is to be notified within five (5) business days by the Facility Manager, Assistant Facility Manager or the Executive Committee of the intent to convene a Disciplinary Board.

b) Post Commander: The Post Commander shall be notified within seventy- two (72) hours of any disciplinary action that takes place. The Commander shall notify the Post Adjutant and the Judge Advocate within seventy-two (72) hours of the Commander being notified.

c) In the event of a referral to the Disciplinary Board, the Judge Advocate shall notify the board within five (5) business days of the need to convene a Board and schedule a meeting of the board as soon as practical thereafter. In any event, at no time should the convening of the Disciplinary Board take longer than ten (10) calendar days to be convened.

Section 10. Appeals

a) For all appealable disciplinary actions, the patron/member has seventy-two (72) hours from the time of notification of the disciplinary action of his/her intent to appeal.

b) **If they do not appeal within seventy-two hours, he/she gives up his/her right of appeal**.

c) In the event of an appeal, the Disciplinary Board shall convene within ten (10) calendardays of the request for appeal.

d) The Post Commander shall preside over the hearing to ensure that both sides have had an opportunity to be heard.

e) The patron is allowed to have witnesses appear on their behalf. Legion Post 47 will be represented by the current Commander of the Post.

f) The accuser must be in attendance (this would include the bartender, Facility Manager, or Bar Manager who initiated the disciplinary action).

g) All evidence shall be heard by the Disciplinary Board.

h) A decision shall be made by written vote of all five (5) members of the Disciplinary Board.

i) The disciplinary board shall have the authority to reduce or enhance a disciplinary action. However, the Disciplinary Board does not have the power to permanently expel a member.In the event there is a recommendation of permanent expulsion, the Disciplinary Board shall refer the matter to trial in accordance with set triai rules.

j) The Disciplinary Board shall render the decision within twenty-four (24) hours of the hearing on the matter.

k) The Disciplinary 8oard shall notify all parties, appellant, Facility Manager, Assistant Facility Manager, Executive Committee, Post Adjutant and Post Commander of the decision immediately in writing.

l) A permanent record shall be kept of all appellate procedures.

m) There are no appeals for any appellate procedures.

n) Trials: All Trial procedures shall be conducted as prescribed by the American Legion Officers Guide which is adopted by American Legion National and State Departments.

Section 11. Record Keeping: All records shall be kept indefinitely and may be referred to at any time in the

future for determining a disciplinary action.

Section 12. Post, Auxiliary, Sons of American Legion, Legion Riders Rights

The ability to use Post facilities is not guaranteed to any person-including Post, Auxiliary, Sons of American Legion, and Legion Riders-and can be suspended or revoked for violating our standards of conduct. All members, even if otherwise banned from the property as outlined above, may attend their respectful monthly membership meeting, as applicable, being escorted by an officer of their organization, as applicable, from their vehicle to the meeting no more than 10 minutes before the scheduled start time and escorted to their vehicle immediately after the meeting.

All American Legion, Legion Auxiliary, the Sons of the American Legion, and Legion Riders have the right to to attend the monthly membership meeting or the Executive Board meeting with the exception of:

a) Formal disciplinary action undertaken following the applicable By-Laws and excorted as described above
b) Not being a member in good standing with any of the aforementioned American Legion organizations
c) An Executive Session of the Executive Board (where privacy information, disciplinary information, or sensitive Post information will be discussed)

Section 13. Non-Member (public) rights

This is a Veterans Service Organization for the benefit of our members. While we greatly appreciate the support of our guests and supporters, non-members have no inherent right to use Post Facilities, Clubs or Halls and may be asked to leave or banned from returning at any time.

ARTICLE XIX - AMENDMENTS

Section 1. These By-Laws, as adopted, are 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. The Constitution or Bylaws may be amended at any regular meeting by the vote of amajority 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 notice shall have been given to all members at least a month 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. The time between two Regular Membership meetings shall suffice as a month.

ARTICLE XX – RATIFICATIONS

Section 1. These By-Laws, as adopted, are 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 these Bylaws to the extent of such a conflict.

Section 2. The Bylaws 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.

Section 3. The Bylaws 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 Bylaws 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.

ARTICLE XXI – INSURER & AMERICAN LEGION DEPARTMENT OF MINNESOTA—Must be accomplished

Section 1. Annually, the Post's insurer and the American Legion Department of Minnesota will be contacted by the Commander or a designated Executive Board Member to discuss any changes necessary in Post operations or the Post's governing documents.

Section 2. If changes are required by the Insurer or the Department, those changes will be undertaken through either the amendment or ratification process, whichever is appropriate.

Section 3. Copies of those updated documents will be sent to the Department of Minnesota Adjutant's Office and the Post's Insurer

ARTICLE XXII - FISCAL YEAR

Section 1. Year. The Nelson-Lucking American Legion Post 47 shall operate on a fiscal year from July to June..

ARTICLE XXIII DELEGATES

Section 1. Delegates and Alternates to Department and District Conventions shall be elected by ballot by the post at the March meeting. They are to represent the Post at both conventions. Registration fees and expenses tor duly authorized delegates shall be as established by the Executive Board and approved by the post membership for each convention each year.

Section 2. The number of delegates and attenuates shall be as authorized by the Department.

Section 3. Department Fall Conference delegates shall be selected at the September Meeting. Their' expenses shall be handled as in Section 1 above.

Section 4. Delegates io conventions and conferences shall represent the post at business sessions in order to claim their expense money. The Delegation chairperson shall determine that delegates have fulfilled their responsibilities.

Section 5. The Commander shall he chairperson of the delegation. In the absence of the Commander. the next senior Post Officer shall be the chairperson

A RTICLE XXIV APPOINTMENTS

Section 1. The Commander, immediately upon taking office, shall appoint the following standing committees: Membership, Finance, Americanism, Public Relations, Program, and Children and Youth. The Commander may also appoint such other committees as he/she finds necessary or as directed by the Post. Standing Committees shall consist of such members and the chairperson thereof, as shall be designated by the Post Commander or as provided in the Bylaws.

Section 2. Americanism Committee

The Americanism Committee shall he charged with the inspiration of patriotism and good citizenship by arrangements for proper observance of patriotic occasions; encouragement of patriotic and civic phases of instruction in schools; Americanization of Aliens and Immigrants; combating anti-American propaganda by education of the general public in American ideals through public forums, etc., and activities for community and civic betterment. The Second Vice Commander shall be chairperson of the committee.

Section 3. Finance Committee

The Finance Committee shall be charged with the administration of the financial policy, preparation of a budget, developing fund raising programs, recommendations and supervision of receiving, disbursing and accounting of all Post funds. The Commander shall be the Chairperson or they may appoint a chairperson of the committee.

Section 4. Membership Committee/

The membership committee shall have charge of all matters pertaining to the membership of the Post. This includes the signing of new members, renewals, and checking/verifying the eligibility of members. The First Vice Commander shall be the chairperson of this committee.

Section 5. Nominating Committee

The nominating committee shall be composed of five (5) members. One shall be appointed by the Commander, one shall be selected by the Executive Board, two shall be selected by the Membership, and the Chairperson shall be the Past Commander. In the event that a person cannot fulfill their obligation, then the body that selected them shall select another member.

Section 6. Public Relations Committee

The Public Relations Committee shall be charged with promoting local publicity of Post programs and activities and, where applicable, in the *"Minnesota Legionnaire"* and the American Legion Magazine.

Section 7. Program Committee

The Program Committee shall be charged with providing programs for post meetings. They shall also be responsible for making arrangements for dinner meetings or for lunch after meetings working with the

Facility Manager. They should consider appointing a post member to provide a program for each post meeting. The chairperson shall be appointed by the Commander.

Section 9. Children and Youth Committee

The Children and Youth committee shall be charged with aid and service to the children of veterans: to promote the betterment of child conditions, to act as intermediary for the needy children of a veteran in obtaining necessary services and to promote activities in the community such as the school patrol in meeting these goals.

Section 10. WiFi/Software/POS/Internet Committee

The WiFi/Software/POS/Internet Committee shall be charged with maintaining the Post Facility's Internet infrastructure. The Committee shall consist of at least an Executive Board member and the Facility Manager or the Assistant Facility Manager. They shall notify the Executive Board of unhealthy out of date conditions of equipment and/or services. They shall accomplish requests of the Executive Board or notify the Executive Board why certain requests cannot be accomplished. They shall furnish timelines and status reports on progress.

ARTICLE XXV RESOLUTIONS

Section 1 . All resolutions of state or national scope presented to this Post by a member or reported to the Post by a committee shall merely embody the opinion of this post on the subject and a copy of such a resolution shall be forwarded to the District and the Department Conventions for approval before any publicity is given or any action other than passage by the Post is taken.

ARTICLE XXVI POST 47 HALL RENTAL

Section 1. Legion Halll rental is established at $300 per event for everyone including any vendors wishing to use the Hall (Craft shows, Conceal and Carry, Insurance, Finance, etc....). If the prospective renter is a veteran, they can Appwar before the Post 47 Executive Board and negotiate their rental to a minimum or $150. If the prospective renter is a member of the Post 47 Legion family, (Legion, Auxiliary, Sons, or Riders), the renter may come before the Executive Board and negotiate their rent down to $0. A mitigating factor in the rental negotiations will be if the renter is charging people to attend their event.

Section 2. The rental fee is in addition to any catering charges that are being charged by our Post. The rental fee will be deposited in the Post account or given to the Finance Officer for deposit. All rentals for the reporting period will be reported on the Facility Manager's Club/Facility report at the Executive Board and Membership meetings. All rental fees received will be reported on the Finance Officer's report at these meetings.

Section 3. Any rentals for which no rental fees were received or negotiated will cause the full $300 rental fee to be transferred from the Business account to the Post account.

Article XXVII - SPECIAL PROVISIONS

Section 1. The Post shall purchase for the incoming Commander an American Legion jacket and slacks of the type the incoming Commander selects.

Section 2. A "Post Officer's Guide" shall be provided for all elected officers who do not already have one.

Section 3. A Past Commander's pin shall be presented to the outgoing Commander at the conclusion of the Commander's term and a picture of him/her shall be laced in the meeting room.

Section 4. All Post Officers shall serve without compensation. Annually, during its organizational meeting, the Executive Board shall review the duties and responsibilities of all elected positions.,

ARTICLE XXVIII NOTICES

Section 1. Every member shall furnish the Post Adjutant with their address, their current telephone/cell phone numbers, and a current email address for communication purposes.

Section 2. The Post Adjutant shall cause notice of the annual election to be given at least ten (10) days prior thereto.

ARTICLE XXIX NEPOTISM

Section 1. No family may supervise another family member, spouse, partner, or in-law.

Section 2. If there is such a relationship occurring, then within two weeks discovering or being brought to Management or the Executive Board the involved parties must decide to eliminate the supervision issues by terminating employment. Either party in the relationship may make the decision to terminate.

ARTICLE XXX RULES OF ORDER

Section 1. All proceedings of this Post shall be conducted under the **Robert's Rules of Order**, except as herein provided and as prescribed by the National Convention, which takes precedence and sets the version of Robert's Rules of Order to follow.

ARTICLE XXXI LIMITATION OF LIABILITY

Section 1. This Post shall not incur, or cause to be incurred, any liability or obligations whatever, which shall subject to liability any other post, subdivision, group of men, member of the American Legion, or other individuals, corporations, or organizations

Article XXXII BYLAW REVIEW

Section 1. Review. These By-Laws will be reviewed annually at the June Executive Board meeting. Any changes caused by changes in laws or National and State American Legion constitutional changes will be open at this time. Notification of changes will be posted for the membership so that discussions may occur at the next monthly Membership meeting.

These By-Laws were adopted as and for the By-Laws of Hastings American Legion Post No. 47, Inc., A Minnesota Corporation, at a Meeting of the Incorporators on **10/13/2025**, at the Meeting of the Board of Directors on **10/13/2025**, and at the Meeting of the Members on **09/22/2025**.

Commander

1st Vice Commander

VACANT
2nd Vice Commander

Finance Officer

1st Member-at-Large

2nd Member-at-Large

VACANT
Past Commander