

CONSTITUTION
and
BYLAWS
THE AMERICAN LEGION HOME ASSOCIATION
OF
RAPID CITY, SOUTH DAKOTA

Revised April 20, 2022

I. Name

The name of this Post is the Rapid City Post of the American Legion, Department of South Dakota, Post No. 22.

II. Objects

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 good will 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.

III. Nature

Section I. The American Legion is a civilian organization; membership therein does not affect or increase liability for military or police service. Rank does not exist in the American Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.

Section II. The American Legion 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. No candidate for incumbent of a salaried elective public office shall hold any office in The American Legion.

Section III. Each member shall perform his duty as a citizen according to his own conscience and understanding.

IV. Eligibility for membership

Section I. An individual is eligible for membership in The American Legion only if the individual –

- (1) Has served in the Armed Forces of
 - a. The United States at any time during –
 - i. The period of April 6, 1917, through November 11, 1918; or
 - ii. Any time after December 7, 1941; or
 - b. A government associated with the United States Government during a period or time referred to in subsection (A) of this section and was a citizen of the United States when the individual entered that service; and
- (2) Was honorably discharged or separated from that service or continues to serve honorably during or after that period or time; provided, however, that such service shall have been terminated by honorable discharge or honorable separation, or continued honorably during or after any of said periods; provided further, that no person shall be entitled to membership who, being in such service during any of said period, refused on conscientious, political or other grounds to subject themselves to military discipline or unqualified service.

Section II. There shall be no form or class of membership except an active membership and dues shall be paid annually or for life.

V. Headquarters

This Post is located in the City of Rapid City, County of Pennington, State of South Dakota, and the headquarters and principal office of this Post is situated and located at 818 E. Saint Patrick Street, in the City of Rapid City, County of Pennington, State of South Dakota.

We the undersigned hereby certify that the foregoing is a true and correct copy of the Constitution of Rapid City Post of the American Legion, Department of South Dakota, Post No. 22 as adopted at a duly called and constituted meeting of said Post held at Rapid City in the County of Pennington and State of South Dakota on the 12th of September, 1919.

BY-LAWS
OF
THE AMERICAN LEGION HOME ASSOCIATION
OF
RAPID CITY, SOUTH DAKOTA

April 20, 2022

I. NAME.

1. The Post existing under these by-laws is the Rapid City Post of the American Legion, Department of South Dakota, Post 22.
2. The objects of this Post are as set forth in the Constitution.

II. MANAGEMENT.

1. The government of Post 22 is entrusted to an Executive Committee of 7 members, to be known as the Executive Committee.
2. The Executive Committee shall consist of 4 members to be elected at the Annual Meeting of the Post, in addition to the Post 22 Commander, Adjutant and Finance Officer. All must be members of Post 22 in good standing. All other members of the Post are recognized as ex-officio members of the Executive Committee.
3. No employee of the Post can serve on the Executive Committee or hold an office in Post 22.
4. A vacancy existing in the Executive Committee from any cause other than the expiration of the term shall be filled by a majority vote of the entire committee. A person so appointed shall hold office for the remainder of the unexpired term of the member whom he or she succeeds.

III. POWERS OF THE EXECUTIVE COMMITTEE

1. The Executive Committee shall have charge of the government and management of the Post home and shall direct such sub-committees as may be appointed. It may expel or suspend any member of the post by a two-thirds vote of the whole committee for any violation of the by-laws or rules or conduct improper and

prejudicial to the welfare of the Post or American Legion. But no member shall be suspended or expelled without being given one week's written notice of the charges against him or her and the time when he or she can submit to the Committee a written answer to such charges.

2. The Executive Committee shall prescribe the rules for the use of Post Headquarters and any other buildings used by the Post home and modify or revoke the same; it shall fix penalties for violation of the rules.
3. The Executive Committee shall prescribe all rules to pertain to the paid employees of the Post home.

IV. DUTIES OF OFFICERS.

1. Duties of **Post Commander**: It shall be the duty of the Post Commander to preside at all meetings of the Post and Executive Committee meetings.
2. Duties of First **Vice Commander**: The Vice Commander shall assume and discharge duties of the Office of Commander in the absence or disability of, or when called upon by, the Post Commander.
3. Duties of **Second Vice Commander**: The second vice commander is responsible for building an atmosphere in which Legionnaires have fun while accomplishing the mission of Post 22.
4. The **Adjutant** shall give notice of all meetings of the Post and shall keep minutes of Post 22 meetings. He or she, shall conduct the correspondence and keep records of the Post including lists of the names, addresses and previous military or naval organization of the members.
5. The **Finance Officer** shall be charged with the collection and custody of the funds of Post 22, including all dues; shall issue membership cards therefore and shall keep its accounts and make financial report thereon to the Post at each regular meeting thereof. The Finance Officer shall ensure payment of all bills when audited and approved as the membership shall prescribe. The Finance Officer shall secure and pay for, out of the Post funds, a surety bond for the Finance Officer that exceeds the amount of funds he is entrusted with.
6. Duties of Post **Historian**: The Post Historian shall be charged with the 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 Post 22 membership.

7. **Post Chaplain:** The Post Chaplain shall be charged with the spiritual welfare of the Post comrades and will offer divine but non-sectarian service in the event of dedications, funeral, public functions, etc., and adhere to such ceremonial rituals as are commended by the National or Department Headquarters from time to time.
8. **Sergeant-At-Arms:** The Sergeant-At-Arms shall preserve order at all meetings and shall perform such other duties as may be from time to time assigned to him/her by the Post Commander.

V. MEMBERSHIP.

1. All persons shall be eligible to membership in this Post who are eligible to membership in the American Legion under the Constitution of the Department of South Dakota of the American Legion.
2. Any person eligible to membership as aforesaid may become a member of this Post upon payment of dues for the current year.
3. At the regular meeting, August 28, 2019, the following amendment was adopted; “That Section V, Article 3 of the By-Laws, be amended to read: ‘**Honorary Life Memberships:** If a member of the Post is nominated for and receives a two-thirds vote of the members in good standing at the annual (April) membership meeting, they may be designated an Honorary Life Member. The Post must have the funds available and purchase a Paid Up For Life (PUFL) membership for this member so as not to obligate future members to pay for Honorary members for an undefined number of years.’”

VI. DUES.

1. The dues of members shall be a minimum amount as prescribed by the Department of South Dakota American Legion, any additional amounts to be voted on by the membership. Dues shall be due by the 20th day of October of each year.
2. A member failing to pay his or her dues to the Post within ninety days after due, forfeits his or her membership.

VII. DELEGATES.

1. Delegates and alternates to represent the Post at the Department Conventions shall be elected at a meeting of the members of the Post held at least 60 days before the Department Convention which they are to attend.

VIII. MEETINGS OF THE POST.

1. There shall be a regular meeting of the Post on the third Wednesday of each month at six (6) P.M.
2. At the regular meeting, May 28, 1941, the following amendment was adopted; "That Section VIII, Article 2 of the By-Laws, be amended to read: 'The annual meeting of the Post shall be held at the Regular meeting immediately preceding the State Convention.' "
3. Four (4) days previous notice shall be given of all meetings of the Post.
4. The Commander or majority of the Executive Committee shall have the power to call a meeting of the Post at any time.
5. Upon the written request of twenty (20) members, the Commander shall call a meeting of the Post.
6. Ten (10) members shall constitute a quorum at any meeting of the Post.

IX. MEETING OF THE EXECUTIVE COMMITTEE.

1. The Executive Committee shall meet once a month. Such meetings may be called by the Commander or on written notice of at least five (5) members of the Executive Committee.
 - a. There shall be a regular meeting of the Executive Committee on the third Saturday of each month at nine (9) A.M.
2. Five (5) members shall constitute a quorum of the Executive Committee.

X. ELECTIONS.

1. The post Officers and members of the Executive Committee shall be elected at each annual meeting of the Post by secret ballot and installed at the same meeting. A majority of all votes cast at such meeting shall be necessary to elect an officer or member of the Executive Committee.
2. The Post Adjutant shall hold a roll call of officers' at all regular meetings, and upon the absence of any officer from three (3) consecutive Post meetings, shall give notice to the membership, who may then call for an election to fill the unexpired term. An Officer who has been absent three (3) consecutive meetings may present his/her reasons at a regular meeting of the membership and if considered to be good reasons, the membership may withhold action.

XI. LIMITATIONS AND LIABILITIES.

1. This Post can incur no obligations or liabilities of any kind whatsoever which shall subject to liability of any other Post, subdivision, organization, committee, or group members of the American Legion.
2. (As per a vote taken at the October 2020 Executive Committee meeting to sponsor the Post 22 baseball home team dugout) Post 22 signed a contract with Black Hills Sports, Inc., on March 15, 2022 to be a committed donor to Post 22 baseball.
 - a. Donation Amount and Term: Donor agrees to make a donation to BH Sports in the amount of \$25,000.
 - b. Donor will pay said amount in the following manner: Donor will pay in 10 installments. The first installment shall be for \$2,500 in its inaugural year (2021), and \$2,500 each year thereafter for an additional nine (9) years until 2031.
 - c. Each annual payment shall be made on or before the 1st day of May of each year beginning in 2021.
 - d. In the event any installment is not paid on or before the date it is due and payable, the amount will be delinquent. Delinquent amounts will bear interest from the date of delinquency to the date full payment is received at a rate equal to the prime rate (published in Wall Street Journal or similar publication) plus 1%, but in no event greater than the maximum amount permitted by South Dakota law.

XII. RULES.

1. Rules of procedure at meetings of the Post shall be as set forth in Roberts Rules of Order, except as otherwise expressly provided.

XIII. AMENDMENTS.

1. Amendments to these by-laws may be made at any meeting of the Post by a vote of two-thirds of the members present.

XIV. ELECTIONS.

1. The Post Officers and members of the Executive Committee shall be elected at each annual meeting of the Post by secret ballot and installed at the same meeting.

XV. MANAGEMENT.

The Government of the Post Home is entrusted to an Executive Committee of seven (7) members to be known as the Executive Committee.