

CONSTITUTION, National Guard Association of South Dakota
(Revised: April, 2011)

CONSTITUTION
NATIONAL GUARD ASSOCIATION of SOUTH DAKOTA
(Revised: April, 2011)

ARTICLE I

NAME

The name of the Association shall be "The National Guard Association of South Dakota".

ARTICLE II

PURPOSE

1. The purpose of the National Guard Association of South Dakota shall be:
 - a. To promote and support adequate State and National Security, and
 - b. To foster, promote, improve, and retain the National Guard of South Dakota and the National Guard of the United States as a distinct component of the Armed Forces of the United States, and
 - c. To promote those actions, both Federal and State, as shall aid the National Guard of South Dakota, and of the United States, and
 - d. To encourage friendly social relations among the military officers and members of the Association.

ARTICLE III

LIMITATIONS

1. This Association, in order to carry out the purpose for which it is organized and exists, shall have the power to contract, to sue and be sued; to acquire, hold, sell, dispose of lease, pledge, mortgage or otherwise alienate or encumber any property, movable or immovable, corporeal or incorporeal, subject to any limitations prescribed by law; to borrow money and to mortgage or pledge its property to secure its indebtedness, to receive and collect dues and accept gifts and contributions; and generally to do any and all other acts, and things, and exercise any and all other rights and powers necessary to carry out the purposes of the Association. All income or increases, whatever the source derived, shall be used exclusively to promote the purpose for which the Association is organized.

ARTICLE IV

MEMBERSHIP

1. The membership of this Association shall consist of the following classes:
 - a. Active Members. The Active membership of this Association shall consist of Federally recognized Officers and Warrant Officers of the South Dakota National Guard, upon payment of annual dues of such amounts as may be from time to time fixed by the By-Laws.
 - b. Active Life Members. Any Active Member or Honorary Life Member shall be eligible for Active Life Membership in this Association upon payment of such amount as may from time to time be fixed by the By-Laws. An Active Life Member shall have all the privileges of an Active Member.
 - c. Honorary Life Members. All Honorary Life Members heretofore designated, and living at the time of the adoption of this Article; and in addition, and Honorary Member hereafter elected to such membership by the Executive Council. An Honorary Life Member shall continue to be eligible to

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serve on the Emergency Executive Council even though he may have taken out a Life Membership in the Association.

- d. Honorary Members. The Governor or any former Governor of the State and any former Adjutant General or Officer or Warrant Officer of the South Dakota National Guard who shall have served honorably shall be carried on the rolls as an Honorary Member of this Association
- e. Associate Members. Associate Membership of this Association shall consist of active Armed Forces Officers and Warrant Officers and Retired Officers and Warrant Officers who are not eligible for Active Membership or Life Membership in the Association.

ARTICLE V

OFFICERS

1. The Officers of the Association shall be:

- a. President
- b. First Vice President
- c. Second Vice President
- d. Secretary
- e. Treasurer

2. The duties of the Officers shall be as prescribed in the By-Laws of the Association and those usually performed by officers in similar organizations.

3. Such Officers shall serve without compensation. Members are eligible for reimbursement of approved expenses. The Secretary of the Association is authorized to draw on the funds of the Association for expenses incurred in operation of the elected Officers of the Association, the President is hereby authorized and empowered to appoint a Chaplain and a Judge Advocate to serve as the pleasure of the President for the purpose of advising and assisting the Association and the Officers and Committees thereof. The Officers thus appointed shall not be deemed members of the Executive Council.

ARTICLE VI

ADMINISTRATION

1. The affairs of the Association shall be directed by an Executive Council in keeping with directives and policies as set forth by the Active Membership and adopted at any Annual or Special Conference.

2. The Executive Council shall consist of the following:

- a. The Officers of the Association as set forth in Article V above.
- b. The Immediate Past President.
- c. Representatives from each of the units in the State, not to exceed thirteen (13) in number, as further provided in the By-Laws.
- d. One (1) Retired Officer who is an Active or Life Member, either Army or Air National Guard elected from the retired membership.
- e. One (1) Junior Officer Member, elected by the Jr. Officer Caucus.
- f. One (1) Warrant Officer Member, elected by the Warrant Officer Caucus.

3. The Executive Council is hereby empowered to appoint an Executive Director of the Association to assist the Officers thereof and to provide liaison duties between this Association, the National Association, and the Office of the Adjutant General. The Executive Director shall serve at the pleasure of the Council and perform such duties as the Council may direct.

ARTICLE VII

ELECTION OF OFFICERS AND MEMBERS OF THE EXECUTIVE COUNCIL

1. Units which are entitled to representation on the Executive Council as provided in the By-Laws shall choose such representative or representatives by a method to be determined by majority vote in each such unit. The names of the representatives chosen will be forwarded to the Association by the Commanding Officer of the unit immediately following the election. The terms of office of representatives on the Executive Council shall be as prescribed in the By-Laws. Members of the Executive Council may be elected to succeed themselves. Representatives of units selected in accordance with the provisions of this Article may be removed from the Executive Council only by request of the unit which originally chose them. Request for removal from the Executive Council will originate in the same manner and by the same method as that prescribed for election to the Council. Provided, however, that should any unit or units entitled to representation on this Council be called or ordered into whatsoever, the unit or units so entitled to representation shall, from among the Honorary Life Members only, select an Emergency Interim Successor, who for the period of such emergency shall be vested with the same rights, powers, privileges and responsibilities as an Active Member of this Association, and he shall forthwith serve on such Council for the duration of the term for which appointed, or until the termination of the emergency, whichever is sooner. In the event of the death or resignation of any Emergency Interim Successor, a replacement shall be appointed by the Executive Council from among the remaining Honorary Life Members only.

2. The Retired Officer member of the Executive Council, representing the retired membership, will be elected at the Annual Conference of the Association every third year by caucus of the Retired Officers. The Junior Officer member of the Executive Council, representing the Junior Officers of the Association, will serve a term as determined by the current revision of the By-Laws of the Association. The Warrant Officer member of the Executive Council, representing the Warrant Officers of the Association will serve a term as determined by the current revision of the By-laws of the Association.

3. Nominations of any eligible Active Members of the Association for any of the offices listed in Article V shall be made by the Nominations Committee hereinafter provided for and in addition may be submitted to the Association accompanied by the written consent of the nominee, not later than ten (10) days prior to the date of the Annual Conference.

4. Additional nominations for any of the offices listed in Article V may be made from the floor of the Annual Conference provided that the party nominated must be present at the Annual Conference and signify to the Conference his acceptance for such nomination.

5. Officers of the Association shall be elected at the regular Annual Conference of the Association and shall hold office for one (1) year or until their successor or successors shall have been duly elected, qualified, and seated. An exception to this will be if the President chooses not to run for reelection, the First Vice President will automatically become President of the Association at the close of the meeting, and the Second Vice President will become the First Vice President.

6. In the event of the death or resignation of any Officer, except the Secretary and/or President, his successor shall be chosen by the Executive Council from one (1) of the members thereof to fill the unexpired term of said Officer. In the case of a vacancy of the Office of the Secretary, his successor shall be appointed by the President for the balance of the unexpired term, and in the case of a vacancy of the Office of the President, the First Vice President shall assume the Presidency for the balance of the unexpired term.

7. In the event of the death or resignation of any Unit Representative on the Executive Council, his successor shall be chosen by the unit concerned from the roster of Active Members of the unit for the balance of the unexpired term. The Association shall be notified of the name or names of such representatives as provided in Section 1 of this Article.

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8. All voting or elections of officers shall be by secret ballot. This Section may be suspended by a 2/3 vote of members present at any Annual Conference.

ARTICLE VIII

COMMITTEES

1. Standing Committees of the Association shall be:

- a. Credentials
- b. Resolutions
- c. Time and Place
- d. Legislative
- e. Audit
- f. Nominations
- g. Honors and Award
- h. Junior Officers
- i. Warrant Officer
- j. Retired Officer
- k. Membership

2. The membership of the several committees shall be as provided for in the By-Laws of the Association.

3. The President may appoint Special Committees as he deems necessary. The membership thereof shall consist of such members as the President may determine will democratically represent the Active Membership.

4. Duties of the Standing Committees. The duties of the Standing Committees shall be as prescribed in the By-Laws of the Association.

ARTICLE IX

CONFERENCES

1. A regular Annual Conference of the Association shall be held at a time to be fixed by the preceding Conference. Special Conferences may be called by the President and a majority of the Executive Council.

ARTICLE X

VOTING RIGHTS

1. The voting rights of this Association are vested solely in the Active Membership present at any meeting, except that absentee ballots will be accepted from members on Active Duty at any meeting called for the purpose of amending the Constitution and/or By-Laws.

2. Thirty (30) days prior to any meeting held, the Adjutant General of the State shall be requested to certify to the Association a list of the Federally Recognized Officers and Warrant Officers on the Active

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list, and the Treasurer shall certify from this list those who have paid their dues and are Active Members of the Association entitled to cast a vote.

3. In the selection of all Officers, the candidates receiving the majority vote of those present and voting of each ballot shall be declared elected.

ARTICLE XI

QUORUM

1. Executive Council. A Quorum shall exist at any meeting of the Executive Council when at least fifty (50) percent of the members of said Council, including one (1) of the Constitutional Officers are present. A majority of those present concurring in a proposal shall constitute a valid and binding decision of the Council.

2. Conferences or meetings of the Active Membership. A Quorum shall exist at any conference or meeting of the active membership when not less than thirty (30) Active Members are present representing fifty (50) percent of the Army TOE, TDA Units and Air UNID Units. A majority of the Quorum concurring in a proposal shall constitute a valid and binding decision of the conference or the meeting.

ARTICLE XII

EMERGENCY EXECUTIVE COUNCIL

1. Notwithstanding any other or contrary provision of this constitution, whenever a war or other emergency has been declared by the Congress, or any action has been taken by the President as a result of which the National Guard or the State of South Dakota, or any part thereof, is ordered or called into the Active Military Service of the United States, so that there are at the time of the call of any Annual or Special Conference, fewer than fifty (50) percent of the Army and Air Guard Morning Report units existing as of 30 September 1961; excluding Air Staff and Army Medical Detachment not in the Active Service of the United States, then the Executive Council of the Association is authorized and empowered to carry on and conduct the business of the Association during the period of such war, emergency or active duty. In so carrying on the business of this Association under these conditions, the Executive Council may take any and all actions necessary for the continued welfare and retention of the National Guard and this Association as expressed in Article II hereof, except the following. No amendment of the Constitution having to do with eligibility for membership; unit representation of Executive Council; Quorums; or Continuing Membership, may be adopted by the Council, and any amendment adopted in violation of this Article shall be null and void.

ARTICLE XIII

AMENDMENTS

1. This Constitution may be amended by a 2/3 vote of the Active Members present at any Annual Conference or any Special Conference or any meeting called for that purpose by the President and the Executive Council or the Association, provided that a notice in writing and a copy of the proposed amendment shall be mailed to each member of the Association at his last known military address at least ten (10) days prior to the meeting at which such amendment is to be considered. Absentee ballots from members on Active Duty will be counted as if the members were present and voting. Ballots will be mailed to Active Duty members far enough in advance of the meeting so that under prevailing mail schedules a reply may reasonably be expected from them as of the meeting date.

ARTICLE XIV

CONTINUING MEMBERSHIP

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1. Active Members involuntarily recalled to Active Duty shall continue to be Active Members so long as they continue to pay due. They will retain all rights accorded to Active Members not on Active Duty.

ARTICLE XV

EFFECTIVE TIME

1. This Constitution shall become effective immediately following the Conference at which it is adopted. The Constitution shall be supplemented by By-Laws which shall be effective immediately following the Conference at which they are adopted.

END OF CONSTITUTION

MIKE OSTER
LTC, SDANG
President, NGASD

BRYAN JACOBSON
MAJ, SDARNG
Secretary, NGASD

(Revised April 2011, Sioux Falls, South Dakota)