

**MONTANA ASSOCIATION FOR HEALTH, PHYSICAL EDUCATION,  
RECREATION AND DANCE**

**CONSTITUTION**

**ARTICLE I – NAME**

The name of this organization is the MONTANA ASSOCIATION FOR HEALTH, PHYSICAL EDUCATION, RECREATION AND DANCE *MTAHPERD* (therein referred to as the Association).

**ARTICLE II – PURPOSE**

Section 1. To promote sound programs for public school teachers and professional in Higher Education of Montana in areas of Health, Physical Education, Recreation, and Dance.

Section 2. To consider issues critical to programs represented by the Association for appropriate action.

Section 3. To provide an opportunity for an exchange of ideas and programs among Association members.

Section 4. To cooperate and collaborate with other professional organizations/agencies in furthering the advancement of these fields.

Section 5. The Montana Association for Health, Physical Education, Recreation, and Dance actively promotes the respect for and value of human diversity within its membership through professional services and activities provided by or for its members. In recognition of the basic tenet, the *MTAHPERD* prohibits discrimination on the basis of race, color, religion, creed, gender, age, marital status, sexual orientation, national origin, disability, and veteran status in the treatment of, participation in, access to, or content of its programs and activities. The *MTAHPERD* does not make, condone or tolerate remarks of inferences, which reflect disrespect for individuals based upon physical or cultural bias.

Section 6. To maintain an effective liaison with American Alliance for Health, Physical Education, Recreation, and Dance (AAHPERD) and the Northwest District Association (*NWD*).

### **ARTICLE III – MEMBERSHIP**

Section 1. The Association shall be a corporation without stockholders but it shall have members. The classes of members, the manner of election or appointment, and the qualifications and rights of the members of each class shall determined in accordance with the Bylaws. The right of members to vote shall be determined in accordance with the Bylaws.

### **ARTICLE IV – GOVERNMENT**

Section 1. The business of the Association shall be conducted at the annual Business Meeting and by the Board of Directors, each constituted as hereinafter provided. The number of members of the Board of Directors, their qualifications, the manner of their election or appointment, and their terms of office shall be fixed by the Bylaws.

Section 2. The officers shall consist of President, President-Elect, Immediate Past President, Treasurer, Vice-Presidents for Health, Physical Education, Recreation, Dance, and Student Representative. All are elected as hereinafter provided. In addition to the elected officers, a secretary and Executive Director(s) shall be appointed.

### **ARTICLE V – DISPOSAL OF ASSETS**

Section 1. In the event of dissolution of Montana Association for Health, Physical Education, Recreation and Dance, whether voluntary or involuntary, any unencumbered assets shall be turned over to such nonprofit organizations qualifying as exempt from federal tax under Section 501 © (3) of the Internal Revenue Code of 1954 or any successor provision thereto as the then officers shall elect.

### **ARTICLE VI – NO PERSONAL LIABILITY**

Section 1. Neither the officers nor members of the Association nor their property shall be subjects to or chargeable with the payment of the corporate debts or obligations of the Association.

### **ARTICLE VII – AMMENDMENTS**

Section 1. All proposed amendments to the Constitution and/or Bylaws shall be first presented to the Board of Directors, advertised through a membership mailing, after which they shall be presented at the next annual Business Meeting. In the event of an emergency, the Board of Directors, at the request of the President, may resort to a main vote of the *MTAHPERD* members.

Section 2. A two-thirds majority of the members in good standing attending the annual business meeting shall be necessary for adoption.

#### **ARTICLE VIII – LEGACY ACCOUNT**

Section 1. The Association established a Legacy Account in the amount \$40,000 (1990) with monies from Jump Rope for Heart. The Legacy Account will be managed in a fiscally responsible method by the *MTAHPERD* Board of Directors, in a manner that will secure the future of the organization as well as meet the needs of the membership.

Section 2. The interest income from the Legacy Account shall be used to support yearly gross operating expenses of the *MTAHPERD* (i.e. to supplement and or replace Jump Rope/Hoops for Heart income, which may fluctuate each year).

#### **ARTICLE IX – RESTRICTION ON ACTIVITIES**

Section 1. No part of the net earnings of the Association shall inure to the benefit of any member, sponsor, donor, creator, director, officer, employee, or without limitation, any other private individual or to the benefit of any corporation, organization, any part of the net earnings of which insure to the benefit of any private individual; provided, this shall not prevent payment of reasonable compensation for services actually rendered to of for the Association and affecting its purposes.

Section 2. The Association shall not divert any part of its income or corpus to any member, sponsor, donor, creator, director, officer or employee; by lending any part of its income or corpus without receipt of adequate security and a reasonable rate of interest; by paying any compensation in excess of reasonable allowance for salaries, or other compensation for personal services actually rendered; by making any purchase of security or other property for more than adequate consideration for money or money's worth; by selling any substantial part of its securities or other property for less than adequate consideration for money or money's worth; or by engaging in any other transaction which either, directly or indirectly, results in such diversion of it income or corpus. The Association shall not make any accumulation of its income, unreasonable in amount or duration, or use any income for purposes other than the objectives hereinbefore set forth or invest any income in any manner as to jeopardize the fulfillment or carrying out of its objectives. The Association shall not devote a substantial portion of its activities to carrying on propaganda or otherwise attempting to influence legislation, and in no event shall the Association engage in any legislation activities other than those in direct furtherance of the Association's stated objectives. The Association shall not participate in or intervene in any political campaign on behalf of any candidate for

public office. In general, the Association shall not act in any way or engage in any activity which might affect its right to full tax exemption or the right of donors to the Association to full tax deduction for their contributions to the Association, and the Alliance shall be so operated as to be entitled to and receive all tax exemptions, federal or local, which may from time to time be granted to charitable, scientific, or educational associations or foundations.

Section 3. No part of the net earnings of the Association shall be used for the benefit of, or to the advantage of any member, sponsor, donor, creator, trustee, officer, employee, or without limitation, any other private individual. No part of the net earnings shall be used for the benefit of any corporation or organization in which any private individual might benefit, or in which a substantial part of the activities of such corporation or organization is the carrying on of propaganda or otherwise attempting to influence legislation, provided that this restriction shall not prevent payment of reasonable compensation for services actually rendered to or for the Association in effecting its purpose.