

Proposed Amendment to MDTA Constitution  
July 2007

Article II – Purposes

Existing language:

Section A: To promote and upgrade educational-competitive debate in the state of Minnesota by the promulgation of training through experiences which can:

1. Contribute to the total growth of the student.
2. Insure increased speaking skills in the individual.
3. Provide essential theory, principles and specialized technique of debate that are directly essential in our democracy.
4. Develop skill in critical thinking, reasoning, analysis and the use of evidence.
5. Develop the ability to work cooperatively with others.

Section B: To work for the welfare of school children, the advancement of education and the improvement of instructional opportunities.

Section C: To develop and promote the adoption of such ethical practices and standards of preparation and participation as mark a professional association.

Proposed language:

Section A, Charitable and Educational Purpose: This association is organized and shall be operated exclusively for charitable and educational purposes within the meaning of Sections 170(c), 501(c)(3) and 2055(a) of the Internal Revenue Code of 1986, as amended (the “Code”). Within the framework and limitations of the foregoing, the specific primary purpose of this association will be to promote and support academic debate in the State of Minnesota by various means, including but not limited to providing a professional organization for debate coaches and administrators, as further described in this Constituion and the Bylaws of the association.

For such purposes, and not otherwise, this association shall have and may exercise all powers that are afforded to this association by the Minnesota Nonprofit Corporation Act and by any future laws amendatory thereof and supplementary thereto; provided, however, that this association shall not carry on any activity not permitted to be carried on by a corporation that is exempt from federal income tax under Section 501(a) of the Code as an organization described in Section 501(c)(3) of the Code or by a corporation that is described in, and contributions to which are deductible for federal income and estate tax purposes under, Sections 170(c) and 2055(a) of the Code.

All references in this Constitution to a particular section of the Code shall include the corresponding provisions of any future federal tax law.

Section B, Prohibited Activities: No part of the net income or earnings of this association shall, directly or indirectly, inure to the benefit of any person having a personal and private interest in the activities of the association, but this association may pay reasonable compensation for services rendered to this association in furtherance of its purposes set forth in Article II hereof. No substantial part of the activities of this association shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, except pursuant to an election under, and as permitted by, Section 501(h) of the Code, and this association shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of, or in opposition to, any candidate for public office. Except as permitted by applicable law, this association shall not lend money to, or guarantee the obligation of, any director or officer of this association.

Section C, Mission: It shall be the overall mission of this association to pursue the following goals:

Subsection 1: To promote and upgrade educational-competitive debate in the state of Minnesota by the promulgation of training through experiences which can:

- a. Contribute to the total growth of the student.
- b. Ensure increased speaking skills in the individual.
- c. Provide essential theory, principles and specialized techniques of debate that are directly essential in our democracy.
- d. Develop skill in critical thinking, reasoning, analysis and the use of evidence.
- e. Develop the ability to work cooperatively with others.

Subsection 2: To work for the welfare of school children, the advancement of education and the improvement of instructional opportunities.

Subsection 3: To develop and promote the adoption of such ethical practices and standards of preparation and participation as mark a professional association.

Summary of Changes and Rationale:

This amendment is necessary to further the MDTA's application for tax-exempt (501(c)(3)) status, which in turn is necessary to gain meaningful use of funds held by the foundation. The primary intent of the amendment is to insert into the Constitution the operative language regarding charitable and educational purposes that complies with federal and state law.

Section A: This is a completely new section and is the primary language needed to effectuate the 501(c)(3) application. The intent is to express that the primary purpose of the organization is charitable and educational, as is required for tax-exempt status.

Section B: This is also a new section, and is also intended to further the application. It prohibits the association from engaging in activities that would jeopardize tax-exempt status.

Section C: This section incorporates the existing language regarding organizational purpose, with a couple of typo/word usage corrections.