

The American Legion
Department of Nebraska

RESOLUTION

Resolution No. 1

Subject: Area Commander Seniority
Ranking

Submitted by: D3, D8, D11

Referred to:
(1) Constitution & Bylaws CMTE
(2) DEC

WHEREAS, Article VI, Section 4, of the Department Constitution states; that the Senior Vice-Commander succeeds to the office Department Commander "At the first meeting following the Department Convention, The Department Executive Committee shall designate the seniority of the Area Vice Commanders, and they shall in the order designated, in the event of the death, resignation or permanent incapacity of the Department Commander and the Department Senior Vice Commander, succeed to the office of the Department Commander, or in the event of the temporary absence, incapacity or disability of the Department Commander and the Department Senior Vice Commander, the Area Vice Commanders, in the order designated shall assume and have the Department Commander's responsibilities, power, and authority"; and

WHEREAS, that portion of the Department Constitution does not provide any criteria for seniority designation of the Area Vice-Commanders; now therefore be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That Article VI, Section 4, be rewritten as follows:

"At the first meeting following the Department Convention, The Department Executive Committee shall designate the seniority of the Area Vice Commanders, and they shall in the order designated, in the event of the death, resignation or permanent incapacity of Both the Department Commander and the Department Senior Vice Commander, succeed to the office of the Department Commander, or in the event of the temporary absence, incapacity or disability of Both the Department Commander and the Department Senior Vice Commander, the Area Vice Commanders, in the order designated shall assume and have the Department Commander's responsibilities, power, and authority Until such time as the Commander and Vice-Commander can resume their duties".

Immediately after the completion of the Department Convention, the four Area Vice-Commanders shall meet and determine their seniority based on:

- 1. One point for each year of membership in The American Legion, totaling no more than 20 points;**
- 2. Ten points for each District Vice-Commander or Commander, Area Vice-Commander, or Senior Vice Commander position held, totaling no more than 40 points;**
- 3. Five points for each Department Committee Chair or National Committee or Commission membership I held, totaling no more than 15 points; and**
- 4. Five points for each year member served as either alternate or delegate to the National Conventions, totaling no more than 25 points.**
- 5. In the event of a tie among two or more, then seniority goes to the Area-Vice Commander with the longest membership in The American Legion.**

Department score sheets will be provided to each of the Area Vice-Commanders to determine their total score. At this meeting, the four Area Vice-Commanders will agree on seniority based on the above scoring and will recommend their seniority to the first Department Executive Committee held after the Department Convention. The Department Executive Committee will designate seniority based on the Area Vice-Commanders recommendations unless it can be shown by evidence that scoring is incorrect.

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 2

Subject: Bequests

Submitted by: Finance Committee

Referred to:
(1) DEC

WHEREAS, The American Legion, Department of Nebraska, Bylaws state in Article XII, "Section 1. The American Legion, Department of Nebraska, is empowered to accept and receive gifts, devises or bequests of funds, chattels, money or real estate, or the income there from.

Section 2. The property shall be administered by trustees hereinafter designated as hereinafter provided. All funds received by the said trustees shall be held in trust for The American Legion, Department of Nebraska, and all moneys, securities, or other chattel property shall be deposited by the Department Finance Officer of The American Legion, Department of Nebraska, in a suitable and responsible depository; and the bond of said Department Finance Officer shall cover said trust fund deposits.

Section 3. The trustees shall use due diligence to invest promptly and keep invested any and all moneys belonging to the principal of said trust in interest bearing bonds or obligations of the United States of America, or of a state or any political subdivision thereof; or in first mortgages on improved Nebraska real estate, in an amount not over 40% of the appraised value thereof.

Section 4. The trustees shall make an annual report to the Department Convention of The American Legion each year of the receipts and expenditures of all sums and items of property; and shall, at the request of the Department Executive Committee of The American Legion, Department of Nebraska, make such special reports to said committee as it shall request.

Section 5. In instances where the donor or donors of any gifts, devises or bequests shall expressly direct the purpose for which the same shall be used, or the manner of the use thereof, such directions shall be followed by the trustees. In all other instances the Department Executive Committee of The American Legion, Department of Nebraska, shall by resolution provide for the use of such moneys.

Section 6. The trustees shall be the Department Finance Committee as now existing and their successors in office.

Section 7. The title of all property of the trust hereby created shall be vested in said trustees or their successors, and in case of property, real or personal, the trustees shall have the power to sell, lease, transfer or exchange all or any part of said property; and to execute as trustees, good and sufficient deeds of conveyance thereof, unless alienation of said property is restricted by the original gift or devise.

Section 8. The trustees shall serve without compensation and only the necessary expense of administering said trust shall be deducted therefrom.”; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That the Bylaws Article XII be changed effective June 28, 2021, to read:

“Section 1. The American Legion, Department of Nebraska, is empowered to accept and receive gifts, devises or bequests of funds, chattels, money or real estate, or the income there from.

Section 2. The property shall be administered by trustees the Department Finance Committee (DFC) hereinafter designated as hereinafter provided and their successors in office. All funds received by the said trustees DFC shall be held in trust for The American Legion, Department of Nebraska, and all moneys, securities, or other chattel property shall be deposited by the Department Finance Officer of The American Legion, Department of Nebraska, in a suitable and responsible depository; and the bond of said Department Finance Officer shall cover said trust fund deposits.

Section 3. The trustees DFC shall use due diligence to invest promptly and keep invested any and all moneys belonging to the principal of said trust in interest bearing bonds or obligations of the United States of America, or of a state or any political subdivision thereof; or in first mortgages on improved Nebraska real estate, in an amount not over 40% of the appraised value thereof all bequests including renewing, extending, surrendering or reinvesting as the DFC shall direct.

Section 4. The trustees DFC shall make an annual report to the Department Convention of The American Legion each year of the receipts and expenditures of all sums and items of property; and shall, at the request of the Department Executive Committee of The American Legion, Department of Nebraska, make such special reports to said committee as it shall request.

Section 5. In instances where the donor or donors of any gifts, devises or bequests shall expressly direct the purpose for which the same shall be used, or the manner of the use thereof, such directions shall be followed by the trustees

DFC. In all other instances the Department Executive Committee of The American Legion, Department of Nebraska, shall by ~~resolution~~ majority vote, provide for the use of such moneys.

~~Section 6. The trustees shall be the Department Finance Committee as now existing and their successors in office.~~

~~Section 7. The title of all property of the trust hereby created shall be vested in said trustees or their successors, and in case of property, real or personal, the trustees shall have the power to sell, lease, transfer or exchange all or any part of said property; and to execute as trustees, good and sufficient deeds of conveyance thereof, unless alienation of said property is restricted by the original gift or devise.~~

Section 8-6. The trustees DFC shall serve without compensation and only the necessary expense of administering said trust Bequest Fund(s) shall be deducted therefrom."

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 4

Subject: NEC/ANEC on DEC

Submitted by: D3, D6

Referred to:

(1) Constitution & Bylaws CMTE

(2) DEC

WHEREAS, The National Executive Committeeman and the Alternate National Executive Committeeman are an important link between the National Executive Committee and the Department Executive Committee; and

WHEREAS, There had always been an agreement that the National Executive Committeeman and the Alternate National Executive Committeeman were seated at Department Executive Committee meetings with voice and no vote; and

WHEREAS, For some reason that agreement was broken; and

WHEREAS, At the Department Executive Committee on January 8, 2020 in Kearney, NE a motion was made seconded and passed to seat the National Executive Committeeman and Alternate National Executive Committeeman at Department Executive Committee Meetings with voice and no vote; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That the National Executive Committeeman and Alternate National Executive Committeeman shall have voice but no vote on the Department Executive Committee; and, be it further

RESOLVED, That Article VII Section 1 of the Department Constitution read “The executive and administrative authority of the Department shall be vested in the Department Executive Committee as herein otherwise provided. The Department Executive Committee shall be composed of the Department Commander, the three immediate Past Department Commanders, the Department Senior Vice Commander, the Area Vice Commanders, the District Commanders, the National Executive Committeeman, and the Alternate National Executive Committeeman. All the aforementioned shall have voice and vote except the National Executive Committeeman and Alternate National Executive Committeeman who shall have voice only.”; and, be it finally

RESOLVED, That the last sentence of Article III Section 1 of the Department Bylaws be changed to read “With the exception of the Legislative Committee, the Constitution and Bylaws Committee, and the Distinguished Guest Committee, no member of the Department Executive Committee shall serve on a standing committee.”

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 3

Subject: Department Officer Succession

Submitted by: D6

Referred to:
(1) Constitution & Bylaws Committee

WHEREAS, Article VI of the The American Legion, Department of Nebraska Constitution provides for election and appointment of designated officers of the department, and the process for filling vacancies during a term of service; and

WHEREAS, confusion has been created by disregarding the established succession to office when filling a vacancy in the office of the Department Senior Vice Commander; and

WHEREAS, the assumed ascension of responsibility from Area Vice Commanders to Senior Vice Commander, and to Commander, is not specifically defined; and

WHEREAS, the assignment of seniority of the Area Vice Commanders is not specifically defined; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That, Article VI of the Constitution of The American Legion, Department of Nebraska, be amended to read as appended hereto.

**THE AMERICAN LEGION
DEPARTMENT OF NEBRASKA**

CONSTITUTION

**ARTICLE VI
DEPARTMENT OFFICERS**

Section 1. The Department Convention shall elect a Department Commander, one Department Senior Vice Commander, four Area Vice Commanders, and in each even numbered year a National Committeeman and an Alternate National Committeeman, all of whom shall be members of Posts within the Department of Nebraska. All Legionnaires on the ballot must be certified by the Department Adjutant prior to election using a valid document of proof. It is further provided that the Department Commander, Senior Department Vice Commander, National Committeeman, and the Alternate National Committeeman, shall be voted upon by all delegates accredited to the Department Convention, and further provided that the Area Vice Commanders shall be members of a Post within the Area which they represent and shall be nominated and voted upon only by delegates representing the Posts in the Area to be served by such Area Vice Commander.

Said areas shall be comprised of the following Districts of the Department.

Area A – Districts 3 and 8

Area B – Districts 2, 6 and 7

Area C – Districts 10, 11, 12, 13 and 15

Area D – Districts 1, 4, 5 and 9

All of the aforesaid officers, excepting the National Committeeman and the Alternate National Committeeman, shall be installed either in person or by proxy, immediately prior to the adjournment of the convention.

Section 2. No person shall be eligible for reelection to the office of Department Commander or Department Senior Vice Commander. Persons shall be eligible for reelection to the office of Area Vice Commander, provided they are not serving a consecutive term in that office.

Section 3. The Department officers mentioned in Section 1 shall serve until the adjournment of the annual Department Convention succeeding their election, or approximately one year and until their successors are elected and qualified, except that the Department National Committeeman and Alternation National Committeeman shall serve until the second annual National Convention after their election or approximately two years, or until their successors are elected and qualified.

Section 4. The Department Commander shall appoint, subject to approval of the Department Executive Committee, a Department Adjutant, Assistant Department Adjutant, Department Public Relations Officer, Department Chaplain, Department Judge Advocate, Department Historian, Department Sergeant-at-Arms, and Department Service Officer. The Department Service Officer may be one and the same persons as one of the Nebraska State Service Officers under the State Department of Veterans Affairs. The Department commander may appoint, subject to the approval of the Department Executive Committee, an Assistant Sergeant-at-Arms.

The Department Chaplain, Department Judge Advocate, Department Sergeant-at-Arms, Assistant Department Sergeant-at-Arms, Department Public Relations Officer, Department Historian, and Department Service Officer shall hold office during the term of the Department Commander, and until their successors are appointed. The Department Adjutant and Assistant Department Adjutant shall, following appointment by the Department Commander and approval of the Department Executive Committee and after serving the period of probation determined by their employment agreement, have tenure of office and continue to serve in the office to which they were appointed until such time as they may retire or are removed from office for malfeasance or nonfeasance of duties. They may be removed from office by a two-thirds vote of the Department Executive Committee at any regular meeting or special meeting called for that purpose.

At the first meeting following the Department Convention, the Department Executive Committee shall designate the seniority of the Area Vice Commanders, **commencing in 2021 with the Area A Vice Commander and continuing annually in an alphabetic ascending rotation.** ~~and they shall in the order designated, in the event of the death, resignation or permanent incapacity of the Department Commander and the Department Senior Vice Commander, succeed to the office of Department Commander, or in the event of the temporary absence, incapacity or disability of the Department Commander and the Department Senior Vice Commander, the Area Vice Commanders, in the order designated shall assume and have the Department Commander's responsibilities, power and authority.~~

Section 5. Vacancies in all Department offices occurring between Department Conventions, shall be filled by the Department Commander, subject to the approval of the Department Executive Committee at its next meeting after such appointment, provided

(a) the vacancy in the office of Department Commander shall be supplied ~~first~~ by the Department Senior Vice Commander, ~~and secondly by the Area Vice Commanders in the order of their seniority;~~

(b) the vacancy in the office of Department Senior Vice Commander shall be supplied by the Area Vice Commanders in the order of their seniority;

~~(b)~~ **(c)** when the office of the National Committeeman becomes vacant, the Alternate National Committeeman shall become the National Committeeman for the full unexpired term and the Department Commander, with the approval of the Department Executive Committee, shall appoint an Alternate National Committeeman;

~~(c)~~ **(d)** when there is a vacancy in the office of any Department Executive Committeeman, the Vice Committeeman shall serve until the next district convention, when a successor shall be elected. When there is a vacancy in the office of any District Vice Commander, the position of Vice Commander shall be filled by the District Executive Committee and shall serve until the next District Convention when a successor shall be elected. Action is to be taken within 30 days of this vacancy. In case of a vacancy in the office of both District Commander and District Vice Commander in the same District, the Department Commander shall appoint such officers to serve until the next district convention.

Section 6. The Department Executive Committee shall, at its first meeting following the Department Convention, appoint a Department Finance Officer to serve for the term of one fiscal year of the Department and until his successor is appointed, and he shall be treasurer of the Department.

Section 7. The Department Executive Committee may, by a two-thirds vote, fix and pay a salary or other compensation to any Department officers, official, or member of a standing committee when in its judgment it is to the interest of the Department that same be paid.

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 5

Subject: Parliamentary Procedures

Submitted by: D11, D3, D8

Referred to:

(1) Constitution and By-Laws

(2) DEC

WHEREAS, The American Legion is a Veterans' organization chartered by Congress in which all members are equals; and

WHEREAS, The National American Legion, The Department of Nebraska, and all Posts operate using their Constitution and By-Laws; and

WHEREAS, Decisions made at all of The American Legion meetings are by vote after presentation and discussion by members present; and

WHEREAS, While The American Legion, Department of Nebraska, usually use Roberts Rules of Order for Parliamentary Procedures, it is not referred to in the Department Constitution and By-Laws; and

WHEREAS, Many Posts and Districts do not refer to a set of rules for Parliamentary procedures; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That the Constitution and By-Laws of The American Legion, Department of Nebraska be amended by adding Article V, Section 6 "Roberts Rules of Order, as amended, will be used for parliamentary procedures at all Department, Area, and District meetings except when superseded by the current Department Constitution and By-Laws"; and be it

Resolved, That all Districts within the Department of Nebraska will also amend their Constitution and By-Laws, if necessary, to include "Roberts Rules of Order, as amended, will be used for parliamentary procedures at all District meetings except when superseded by current District Constitution and By-Laws"; and be it further

Resolved, That all Posts within the Department of Nebraska be encouraged to amend their Constitution and By-Laws, if necessary, to include "Roberts Rules of Order, as amended, will be used for parliamentary procedures at all District meetings except when superseded by current District Constitution and By-Laws".

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 6

Subject: Room Rate & Mileage

Submitted by: D1

Referred to:

(1) Finance CMTE

(2) C&BL's CMTE

WHEREAS, There are different committees and Department officers, in the Department of Nebraska American Legion; and

WHEREAS, They attend the Department Mid-Winter Conference and the Department State Convention, and other functions for the Department of Nebraska American Legion; and

WHEREAS, They are given 75% of their room rate and 30¢ a mile for their mileage, when they attend their meetings; and

WHEREAS, The Prices of room have greatly increased, and the price of fuel is unsteady, since the Department of Nebraska American Legion has set their rates; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That the Department of Nebraska American Legion increase their rates to 100% for room rates and 40¢ per mile for mileage.

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 7

Subject: Succession Change

Submitted by: District 1

Referred to:

- (1) DEC
- (2) C&BL's CMTE

WHEREAS, The vacancy of the Senior Vice Commander has come under question and confusion; and

WHEREAS, The seniority of the Area Commanders is also under question; and

WHEREAS, the vacancy of the Alternate National Executive Committeeman is also under question; now, therefore, be it

RESOLVED, that the First District of Nebraska American Legion in Convention at Chadron, Nebraska on April 10, 2021 approve the following changes to the Constitution of the Nebraska American Legion and upon approval forward the changes to the DEC and the Constitution & By-Law committee, at the Department Convention of the Nebraska American Legion in session at the Lincoln Cornhusker Marriott, Lincoln, Nebraska, June 24, 25,26,and 27, 2021 as Follows,

**Article VI
Department Officers**

Section 4, 3rd paragraph. At the first meeting following the Department Convention, the Department Executive Committee shall designate the seniority of the Area Vice Commanders beginning in 2021 with the Area A Vice Commander and Continuing with Area B in 2022, Area C in 2023, and Area D in 2024 following on a rotation basis and they shall in the order designated, in the event of the death, resignation or permanent incapacity of the Department Commander and / or the Department Senior Vice Commander, succeed to the office of Department Commander, or in the event of the temporary absence, incapacity of disability of the Department Commander and /or the Department Senior Vice Commander, the Area Vice Commanders, in order designated shall assume and have the Department Commander's responsibilities, power and authority.

Section 5, Vacancies in all department offices occurring between Department Convention, shall be filled by the Department Commander, subject to the approval of the Department Executive Committee at its next meeting after such appointment provided (a) the vacancy in office of Department Commander shall be supplied first by the Department Senior Vice Commander; and secondly by the Area Vice Commanders in the order of their seniority (b) when the office of

the National Executive Committeeman becomes vacant, the Alternation National Executive Committeeman shall become the National Executive Committeeman for the full unexpired term and the Department Commander, with the approval of the Department Executive Committee, shall appoint an Alternate National Executive Committeeman who has been a Department commander, (c) when there is a vacancy in the office of any Department Executive Committeeman, the Vice Committeeman shall serve until the next district convention, when a successor shall be elected. When there is a vacancy in the office of any District Vice Commander the position of Vice Commander shall be filled by the District Executive Committee and shall serve until the next District Convention when a successor shall be elected. Action is to be taken within 30 days of the vacancy. In case of a vacancy in the office of both District Commander and District Vice Commander in the Same District, the Department Commander shall appoint such officers to serve until the next district convention.

**The American Legion
Department of Nebraska**

RESOLUTION

Resolution No. 8

Subject: Virtual Department Meetings

Submitted by: D3, D4, D8, D11

Referred to:

(1) Constitution & Bylaws CMTE

(2) DEC

WHEREAS, Article VII, Section 2, of the Department Constitution says, "Meetings of the Department Executive Committee shall be governed by the Department Bylaws."; and

WHEREAS, Article II, Section 1, of the Department Bylaws; state when the meetings are to held but doesn't elaborate on the "how"; and

WHEREAS, COVID Virus demonstrated that there are rare occasions when the DEC is unable to meet face-to-face and that alternative means of conducting business must be addressed for future occurrences that may prevent face-to-face meetings; and

WHEREAS, Many avenues exist to conduct formal meetings electronically using an array of webhosting platforms; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That Article II, Section 1, of the Department Bylaws be expanded from, "The Department Executive Committee shall meet immediately upon adjournment of the Department Convention; a second meeting shall be held prior to March 1, and a third meeting immediately prior to the annual Department Convention." to read, "The Department Executive Committee shall meet immediately upon adjournment of the Department Convention; a second meeting shall be held prior to March 1, and a third meeting immediately prior to the annual Department Convention. In most cases, meetings will be conducted in-person but on those rare occasions when uncontrollable, catastrophic circumstances prevent in-person meetings, the Department Commander is authorized to conduct the DEC meeting, or any other committee meeting, electronically and all business of the Nebraska American Legion can be administered provided the necessary quorum is present."

The American Legion
Department of Nebraska

RESOLUTION

Resolution No. 9

Subject: National Appointments

Submitted by: D3, D4

Referred to:
(1) DEC

WHEREAS, Every appointment made at the Department level must be approved by the Department Executive Committee; and

WHEREAS, National appointments to committee, commissions, and other boards on the National arena are provided to the National Staff for consideration during each Fall Meeting in October; and

WHEREAS, National appointments to committees, commissions, and other boards on the National arena have been at the sole discretion of the National Executive Committeeman without any input from the Department Executive Committee; and

WHEREAS, The Legionnaires serving in these highly touted and very limited National positions are a direct reflection of this Department and should therefore be under the same, if not greater, scrutiny than those Legionnaires seeking appointments at the Department level; and

WHEREAS, The small circle around a single National Executive Committeeman creates a perception that a National appointment is unattainable unless you are in that circle; now, therefore, be it

RESOLVED, By The American Legion, Department of Nebraska, in regular convention assembled in Lincoln, Nebraska, on June 24, 25, 26, 27, 2021, That the National Executive Committeeman be required to advertise in the Nebraska Legionnaire, each January issue, the National positions that are up for reappointment in October due to resignation, death, expiration of term, transfer, or other circumstance, so that Legionnaires throughout Nebraska have the opportunity to apply; and, be it further

RESOLVED, That the National Executive Committeeman provide a complete list of all those that applied for a future National appointment, along with the recommended appointments, at each Department Executive Committee meeting during the annual Department convention; and, be it finally

RESOLVED, That the Department Executive Committee approve all recommendations from the National Executive Committeeman for National appointments before such appointment is forwarded to National.