

# THE AMERICAN LEGION

DEPARTMENT OF NEBRASKA



# CONSTITUTION and BYLAWS

*Revised to August 1, 2017*

# Official

The Department Constitution and Bylaws of The American Legion, Department of Nebraska, as set out herein, are in full force and effect, and represent action taken at the Seventeenth Annual Department Convention held at Beatrice, Nebraska, August 26-28, 1935, and subsequent amendments officially approved by actions of later Department Conventions, or in the case of some changes in Bylaws, by official approval of the Department Executive Committee.

*Dave Salak*  
*Department Adjutant*

August 1, 2017

*Because the qualifying status for eligibility to be a member or officer of The American Legion is not determined by gender, any reference to a specific gender in the Constitution and Bylaws must mean both genders and therefore both documents shall be read to mean both genders and an editorial correction of the Constitution and Bylaws is hereby made by the Department Executive Committee.*

Adopted June 23, 2005

Article	Section	Description	Date	Reference
Article X	Section 7	Minimum Post Membership Change	Eff 1 June 2014	Resolution 1, 2014
Article IV	Section 6	Proof of eligibility	Eff 1 June 2014	Resolution 2, 2014
Article IV	Section 7	District Vice Commanders Proof of Eligibility	Eff 1 June 2014	Resolution 2, 2014
Article VI	Section 1	Certification of candidates	Eff 1 June 2014	Resolution 2, 2014
Article I	Section 1	Mileage and Hotel Reimbursement		Resolution 8, 2015
Article II	Section 6	American Legion Extension Institute Course		Resolution 13, 2016
Article XII	Section 2	Dues increase	Eff 1 January 2018	Resolution 1, 2017

**CONSTITUTION  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF NEBRASKA**

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**PREAMBLE**

For God and Country, we associate ourselves together for the following purposes:

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 the Great 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.

**ARTICLE I  
NAME**

*Section 1.* The name of this organization shall be The American Legion, Department of Nebraska.

**ARTICLE II  
NATURE**

*Section 1.* The American Legion is a civilian organization; membership therein does not affect nor increase liability for military or police service. Rank does not exist in the Legion; no member shall be addressed by his military or naval title in any convention or meeting of the Legion.

*Section 2.* The American Legion shall be absolutely non-political and shall not be used for the dissemination of partisan principles nor for the promotion of the candidacy of any person seeking public office or preferment.

*Section 3.* Each member shall perform his full duty as a citizen according to his own conscience and understanding.

## **ARTICLE III ORGANIZATION**

*Section 1.* The American Legion, Department of Nebraska, shall be organized into areas, districts, county organizations and posts.

*Section 2.* The Department Executive Committee shall have power from time to time to define the geographical limits of each area, district and post.

## **ARTICLE IV ELIGIBILITY**

*Section 1.* Any person shall be eligible for membership in The American Legion, Department of Nebraska, who was a member of the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and assigned to active duty during such period of time as may now or may hereafter be designated by the National Constitution of The American Legion.

*Section 2.* There shall be no form or class of membership except an active membership, and dues shall be paid annually or for life.

*Section 3.* No person may be a member at any one time of more than one post.

*Section 4.* No person who has been expelled by a post, shall be admitted to membership in another post, without the consent of the expelling post, except that where such consent has been asked for and denied by such post, he may then appeal to the State Executive Committee of the Department of the expelling post for permission to apply for membership in another post, and shall be ineligible for membership until such permission is granted.

*Section 5.* Membership in The American Legion, Department of Nebraska shall be by affiliation with a post in the Department. Persons otherwise eligible may be denied membership in any post for any cause set forth in the National or Department Constitution and Bylaws as grounds for suspension or expulsion.

*Section 6.* Legionnaires running for any office at any level within the State of Nebraska can be challenged by any other Legionnaire to show proof of eligibility. It shall be a requirement of this Department that any individual aspiring to be on the ballot for a Department Executive Committee or Department Officer position must send a valid written documents which prove eligibility of prior military service, character of his or her discharge and dates of active duty to the Department Adjutant prior to election to allow nominations from the floor of the year in which they intend to fill that office.

**Section 7.** District Vice Commanders, although not officially considered a Department Officer, are also required to provide proof of eligibility just as the District Commander must do, before he or she has the opportunity to sit and vote at any official Department Executive Committee meeting, in the absence of the District Commander.

## **ARTICLE V LEGISLATION**

**Section 1.** Legislative body of this Department shall be the Department Convention. The Department Executive Committee shall fix the site and date of the convention and the duration thereof, not exceeding three days. If the convention city fails to provide the facilities for a convention, a two-thirds majority of the Department Executive Committee may change the location of the convention.

A special convention may be called at any time either (a) by a two-thirds majority of the Department Executive Committee, or (b) by written application to the Department Commander by a two-thirds majority of the Posts in the Department. Notice of a special convention shall be given to all post adjutants at least thirty days prior to the date fixed for the special convention, at which no business shall be transacted except as specified in the call for special convention.

**Section 2.** The Department Convention shall be composed of the delegates and alternates from each post. Each post shall be entitled to such delegates as provided by the Bylaws, to be chosen by the post in such manner as each post shall determine. Each delegate shall be entitled to one vote and the vote of each post shall be the total number of delegates that each post is entitled to.

**Section 3.** All past Department Commanders and Adjutants, while in good standing in their respective posts in this Department and who attend and register as such, and all incumbent Department officers who attend and register as such, shall be delegates to the Department Convention with voice and vote to be exercised with their respective posts.

**Section 4.** Each Department Convention shall approve delegates to the next National Convention in the manner fixed by the Bylaws.

**Section 5.** A quorum shall exist at a Department Convention when 25% of the posts of the Department are represented by qualified delegates.

## **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 Alternate 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, 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) 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) 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.

## **ARTICLE VII DEPARTMENT EXECUTIVE COMMITTEE**

**Section 1.** 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, and the District Commanders.

**Section 2.** Meetings of the Department Executive Committee shall be governed by the Department Bylaws.

**Section 3.** District Vice Commanders shall be the Alternate Department Executive Committeeman for their respective districts.

## **ARTICLE VIII DISTRICT ORGANIZATION**

**Section 1.** The Department of Nebraska shall be divided into districts as provided in the Bylaws.

**Section 2.** The officers of each District shall be a Commander and a Vice Commander whose terms shall be two years, and who shall be elected at the district convention as provided in the Bylaws; and an Adjutant who shall be appointed by the District Commander for two years or during the pleasure of the Commander.

**Section 3.** The term of office of the District Commander and Vice Commander shall commence upon the adjournment of the annual Department Convention of The American Legion immediately following the District Convention at which they were elected and shall be for a term of two years. The District Commander and Vice Commander shall be installed in office immediately preceding the adjournment of the annual Department Convention in the year in which they were elected.

*Section 4.* No person shall be eligible for reelection to the office of District Commander for a second consecutive term.

## **ARTICLE IX COUNTY ORGANIZATION**

*Section 1.* A County Commander and Vice Commander shall be elected annually at a meeting to be called by the District Commander, and shall serve until the close of the next annual county meeting after their election and until their successors are elected.

*Section 2.* The County Commander shall be a member of the District executive committee, and shall have such other duties as provided in the Bylaws.

## **ARTICLE X POST ORGANIZATION**

*Section 1.* Posts shall be organized as provided in the National Constitution.

*Section 2.* The minimum membership of a post shall be determined by the Department Executive Committee.

*Section 3.* Each post shall have such officers as the Bylaws provide to be elected annually in the manner prescribed by the post.

## **ARTICLE XI PERMANENT INVESTMENT FUND**

*Section 1.* The Permanent Investment Fund of the Department shall consist of all investments and securities of the Department for which no other use or disposition is required by law or the provisions of the Constitution, together with all increments thereof arising from interest, dividends or otherwise, and all additions thereto as by this article provided.

*Section 2.* Said fund shall be kept and maintained in the custody of the Department Finance Officer, under the supervision and control of the Department Finance Committee. All authorized investments shall be made, renewed, extended, surrendered and reinvested as the Finance Committee shall direct.

*Section 3.* Surplus funds in the treasury may be transferred to the said fund and withdrawals or disbursements may be made there from, only upon the unanimous recommendation of the Department Finance Committee, when approved by the Department Convention.

## **ARTICLE XII FINANCES**

*Section 1.* The revenue of The American Legion, Department of Nebraska, shall be derived from annual membership dues and from such other sources as may be approved by the Department Executive Committee.

*Section 2.* The annual Department dues shall be sixteen dollars and fifty cents per member, with thirty-five cents per member being returned to each District as District dues effective January 1, 2018.

## **ARTICLE XIII DISCIPLINE**

*Section 1.* The Department Executive Committee may suspend or revoke the charter of any Post for violation of the National Constitution or Bylaws; or the Department Constitution or Bylaws; or for failure to discipline a member of the post for such violation.

*Section 2.* Prior to such suspension or revocation of the post charter, the post shall be given notice as provided in the Bylaws.

*Section 3.* Members of a post may be suspended or expelled from The American Legion upon a properly sustained charge of disloyalty, neglected duty, dishonesty, and conduct unbecoming a member of The American Legion, and also for violation of any of the laws of the organization. The procedure for discipline of members shall be set forth in the Department Bylaws.

*Section 4.* In any proceeding for discipline, both the complainant and the party complained against may appeal to the Department Executive Committee.

## **ARTICLE XIV AUXILIARIES**

*Section 1.* The American Legion, Department of Nebraska, recognizes an auxiliary organization to be known as the American Legion Auxiliary of The American Legion, Department of Nebraska.

*Section 2.* Membership in the Auxiliary shall be limited to persons as described in the National Constitution of The American Legion.

*Section 3.* The Auxiliary and its branches shall be organized and governed according to such rules and regulations as may, from time to time, be prescribed by the National Executive Committee of The American Legion and the Department Executive Committee.

## **ARTICLE XV**

## **BYLAWS**

*Section 1.* The Department Executive Committee, by a two-thirds vote of the membership of same, may adopt and amend Bylaws for the government and administration of the activities of the Department, not in conflict with the provisions of this Constitution, provided that the amendment has been submitted in writing at the previous regular meeting of the body which is to vote upon said amendment to the Bylaws.

The Bylaws may be amended at any Department Convention by vote of two-thirds of the delegates in attendance, provided that any proposed change is brought to the attention of all of the Posts of the Department for their consideration and study at least 30 days prior to the first day of the annual state convention of The American Legion, and provided further that the proposed amendment shall have been read at such convention at least twenty-four hours before the vote thereon, and provided further that said amendment has been presented to the Constitution and Bylaws Standing Committee on or before April 15, preceding the Department Convention..

## **ARTICLE XVI CONFORMANCE TO NATIONAL CONSTITUTION**

*Section 1.* Any and all provisions or prohibitions affecting this Department or its posts or members contained in the National Constitution of The American Legion as same may from time to time, be amended, are by reference made a part of this Constitution.

## **ARTICLE XVII AMENDMENTS**

*Section 1.* This Constitution may be amended at any Department Convention by vote of two-thirds of the delegates in attendance, provided that any proposed change is brought to the attention of all of the Posts of the Department for their consideration and study at least 30 days prior to the first day of the annual state convention of The American Legion, and provided further that the proposed amendment shall have been read at such convention at least twenty-four hours before the vote thereon, and provided further that said amendment has been presented to the Constitution and Bylaws Standing Committee on or before April 15, preceding the Department Convention.

**BYLAWS  
OF  
THE AMERICAN LEGION  
DEPARTMENT OF NEBRASKA**

**ARTICLE I  
DEPARTMENT ORGANIZATION AND  
ADMINISTRATION**

**Section 1. DUTIES OF DEPARTMENT COMMANDER.** The Department Commander shall be the executive head of The American Legion, Department of Nebraska, with full power to enforce the provisions of the Department Constitution, Department Bylaws, and the will of the Department convention. He shall be the chairman of the Department convention and of the Department Executive Committee. He shall be the chairman of the Department's delegation to the National Convention as retiring Department Commander. He shall be an ex-officio member of such subsidiary corporations as may be formed under the sponsorship of The American Legion, Department of Nebraska, to carry on such programs. He shall perform such other duties as are usually incident to the office.

**Section 2. DUTIES OF DEPARTMENT SENIOR VICE COMMANDER.** The Department Senior Vice Commander shall act as representative of the Department Commander on all matters referred to him by the Department Commander, and shall, on the request of the Department Commander, preside over meetings of the Department convention or Department Executive Committee, and perform such other duties as are usually incident to the office. The Department Senior Vice Commander, in close liaison with the Department Commander, shall have as his primary responsibility the coordination and implementation of all programs and activities of the various Department committees.

**Section 3. DUTIES OF AREA VICE COMMANDERS.** See Article VII.

**Section 4. DUTIES OF DISTRICT COMMANDERS.** See Article VIII.

**Section 5. DUTIES OF DEPARTMENT CHAPLAIN.** The Department Chaplain shall be the spiritual advisor of the Department and its members. He shall perform such divine and non-sectarian services as may be necessary, adhering to such ceremonial rituals as may be recommended by National and Department Headquarters.

**Section 6. DUTIES OF NATIONAL EXECUTIVE COMMITTEEMAN.** The National Executive Committeeman shall represent The American Legion, Department of Nebraska, at meetings of the National Executive Committee. He shall maintain close liaison with the Department Commander and Department Headquarters so that he may be informed of the position of the Department on matters of national importance. He shall report to the Department Convention and other Department meetings, as well as to the Department Executive Committee, when requested to do so, in order that there may be a general understanding of his activities at the national level.

**Section 7. DUTIES OF ALTERNATE NATIONAL EXECUTIVE COMMITTEEMAN.** The Alternate National Executive Committeeman shall render such services as may be requested from him by the National Executive Committeeman, and in the inability of the National Executive Committeeman to perform any or all of the duties assigned to him, the Alternate National Executive Committeeman shall perform such duties.

**Section 8. DUTIES OF DEPARTMENT ADJUTANT.** The Department Adjutant shall be entrusted with the keeping of the records of all official meetings of the Department and with the custody of other Department records of various kinds. He shall act as a coordinator in carrying out the policies and mandates of the Department convention, the Department Executive Committee, and the Department Commander. He shall be an ex-officio secretary of such subsidiary corporations as may be formed under the sponsorship of The American Legion, Department of Nebraska, to carry on such programs. He shall be charged with the employment of clerical and administrative help at Department Headquarters, and shall be held responsible for the faithful performance of duties by such employed personnel. He shall perform such other duties as are usually incident to the office.

**Section 9. DUTIES OF ASSISTANT DEPARTMENT ADJUTANT.** The Assistant Department Adjutant shall serve as Department Activities Director. He shall be in charge as coordinator and administrator of such programs as may be referred to him by the Department Executive Committee and the Department Adjutant. He shall assist the Department Adjutant in his work, and shall perform such other duties as are usually incident to the office.

**Section 10. DUTIES OF DEPARTMENT PUBLIC RELATIONS OFFICER.** The Department Public Relations Officer shall serve as editor of *The Nebraska Legionnaire*, prepare and distribute appropriate news releases, administer an effective Public Relations program, and perform such other duties as are usually incident to the office. He shall also administer such other programs which may be referred to him by the Department Executive Committee and the Department Adjutant.

**Section 11. DUTIES OF DEPARTMENT FINANCE OFFICER.** The Department Finance Officer shall be the custodian of the funds of the Department organization. He shall sign all checks disbursing the funds of the Department organization and shall make reports upon the condition of the Department treasury when called for by the Department Commander or the Department Finance Committee. The Department Finance Officer shall furnish a surety bond as hereinafter prescribed. He shall perform such duties as are usually incident to the office.

**Section 12. DUTIES OF DEPARTMENT JUDGE ADVOCATE.** The Department Judge Advocate shall advise the Department officers and the Department Executive Committee on all legal matters, and this shall include the construction and interpretation of the National and Department Constitution and Bylaws. He shall perform such other duties as are usually incident to the office.

**Section 13. DUTIES OF DEPARTMENT SERVICE OFFICER.** The Department Service Officer shall be in charge of the representation before governmental agencies in the claims for benefits originating from eligible veterans. He shall be responsible for furnishing advice and information to District and Post Service Officers, and assist in all possible ways in developing their efficiency. He shall work in close cooperation with the Department Rehabilitation Committee and Department Commander in matters pertaining to service work and rehabilitation. He shall perform such other duties as are usually incident to the office.

**Section 14. DUTIES OF DEPARTMENT HISTORIAN.** The Department Historian shall be charged with the maintenance of a continuing history of The American Legion, Department of Nebraska.

**Section 15. DUTIES OF DEPARTMENT SERGEANT-AT-ARMS.** The Department Sergeant-at-Arms shall be responsible for the maintenance of order at Department meetings. He shall be the custodian of the Department Colors at such meetings, and shall be in charge of the color detail during the presentation and retirement ceremonies of the Colors. He shall act under the order of the Department Commander.

**Section 16. EXPENSES OF DEPARTMENT OFFICERS.** With the exception of the Department Commander, the elective and appointive Department, Area and District officers, including the National Executive Committeeman and his Alternate, shall submit a statement of actual expenses incurred in attending authorized Department meetings or on official Department business upon vouchers provided for that purpose, so that they may be reimbursed by the Department.

Authorized expenditures shall include mileage at the rate of thirty (30) cents per mile when private conveyance is used, standard railroad, airplane, or bus fare when required; and hotel room at \$75.00 flat rate, payable only with copy of paid receipt. The Department Commander and the Department Headquarters shall each be furnished with an official vehicle, and the maintenance and operating expenses for such cars shall be paid by the Department. Should the Department Commander or other Department officers be required to attend meetings outside of the state as representatives of this Department, their actual paid out expenses for attending such meetings shall be reimbursed by the Department.

## **ARTICLE II**

### **DEPARTMENT EXECUTIVE COMMITTEE**

*Section 1.* 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.

*Section 2.* The Department Commander shall call a meeting of the Department Executive Committee at any time upon the written request of five or more members of said Executive Committee and at such other times as he shall deem necessary. Upon failure, neglect or refusal of the Department Commander to call a meeting upon such written request within five days from the receipt of same, a majority of the members of said Executive Committee may issue such a call.

*Section 3.* Fifteen members shall constitute a quorum at any meeting of the Department Executive Committee.

*Section 4.* All questions pertaining to the election or appointment, eligibility, and conduct of the Department officers shall be referred to the Department Executive Committee for settlement.

*Section 5.* The Department Executive Committee may, by a majority vote, bestow upon any individual, any honorary or complimentary title or designation, either on a member or non-member. Such honorary designation or title shall be perpetual unless rescinded by the Department Executive Committee. Rights carried with such honorary title or designation shall include the right to attend meetings and to speak, but not to make motions or vote except as provided by the Department Constitution and Bylaws unless such individual is a regular and duly qualified member of The American Legion, Department of Nebraska. Such honorary designation shall entail no duties and in no way conflict with a member's holding a regular office or being assigned any duty by the Department Commander or Department Executive Committee.



**Section 6.** All Department Executive Committee members and District Vice Commanders must have completed the American Legion Extension Institute course and the graduation date on the certificate cannot be more than five years old at the time election or appointment to respective office.

### **ARTICLE III STANDING COMMITTEES**

**Section 1.** The Department convention or the Department Executive Committee may, from time to time, authorize such standing committees as it sees fit, with such duties and powers as are provided in the action authorizing same. The Department Executive Committee shall have the power at any time to increase, decrease or abolish any committee created pursuant to this section. All committee members shall be appointed at the Department Executive Committee meeting held immediately prior to each Department Convention. The retiring Department Commander shall submit a list of recommendations for committee appointments to the Department Executive Committee members at least two weeks prior to this meeting. Committee members may be named from these recommendations or from other recommendations made by the Department Executive Committee members, all subject to approval by the Department Executive Committee. In the event that a recommendations list is not supplied before such a date by the retiring Department Commander, members of the Department Executive Committee shall be notified immediately by the Department Adjutant, and the committee vacancies will then be filled by nomination and approval of committee members by the Department Executive Committee at the meeting immediately preceding the Department Convention. With the exception of the Legislative Committee, and the Constitution and Bylaws Committee, no member of the Department Executive Committee shall serve on a standing committee.

As soon as practical following the Department convention, the incoming Department Commander, solely at his discretion, shall name the chairman of the standing committees from the previously determined membership of each committee with the exception of the Athletic Committee which shall elect its own chairman. Each Department standing committee shall select a Vice Chairman.

**Section 2.** Each Department Standing committee, except the Constitution and Bylaws Committee and the Athletic Committee, shall be required to meet within one month prior to the Department Executive Committee meeting held immediately before the Department Convention each year, and present in writing to the Department Executive Committee at its meeting a report of committee activities for the past year together with a recommended program of such committee activities for the ensuing year, and the Department Executive Committee shall take appropriate action in approving, disapproving, amending and implementing such program. Each Department standing committee, except

the Constitution and Bylaws Committee, shall meet within one month prior to the Mid-Year meeting of the Department Executive Committee and submit to that committee a report of their activities and suggested program.

This shall not be construed as a limitation on the number of meetings to be held by any standing committee.

**Section 3.** Meetings of the various standing committees shall be held at the call of the chairman, or as requested by the Department Commander or the Department Executive Committee. Any committee member that misses two consecutive meetings will be removed from that committee unless excused. The Committee Chairman will be responsible for determining whether or not any excuse offered is valid or invalid. Expenses of standing committee members incurred at such meetings shall be submitted to the committee chairman for approval, and committee members shall be reimbursed for their actual expenses in accordance with the provisions of Section 16 of Article I of these Bylaws.

**Section 4.** The Department of Nebraska shall annually prepare and distribute to all Posts a booklet incorporating proposed programs suggested by various committees and, outlining suggested programs and activities on the Post level.

**Section 5.** Each Department committee may furnish at least two articles during each year for publication in *The Nebraska Legionnaire*, concerning the activities and programs originating in that committee. Each committee shall also be charged with dissemination of information and suggested activities on its programs to the various Posts of the Department for their guidance through Department Headquarters.

**Section 6. AMERICANISM COMMITTEE.** The purpose of this committee shall be to inspire patriotism and to promote good citizenship. This shall be done by implementation of but not limited to the following:

1. Promotion of Boy Scouts of America and sponsorship of Scout Units by Posts.
2. Promotion of local community service programs and projects that lead to the betterment of local moral and spiritual values.
3. Ensure that each county conducts and carries out the activities of Cornhusker Boys and Girls County Government.
4. Initiate, promote, and carry out programs directed toward the discipline responsibilities of Law and Order.
5. Develop interest in the American Legion High School Oratorical program, supervise local and district contests, and conduct the State Oratorical Contest.

Membership on this committee shall be eight members with eight members appointed to allow two representatives from each of the four Legion areas in the state. Membership on this committee will be staggered with a maximum four year appointment for any member. The committee chairman, with the approval of the Department Commander, shall appoint one member of the committee to serve as subcommittee chairman of the Law & Order program and one member of the committee to serve as subcommittee chairman of the Oratorical program. Subcommittee chairmen may utilize other committee members as needed to fulfill the program obligations.

**Section 7. ATHLETIC COMMITTEE.** The Athletic Committee shall be composed of nine members, with one member appointed at-large and two from each Area from the Department. Members will serve terms of four years each. Chairmanship of the committee shall be determined by the members of the committee.

The Athletic Committee shall conduct at least three meetings annually. One meeting shall be held at the conclusion of the baseball season, a second meeting during the Mid-Year Conference at which time tournament bids for the coming year will be accepted, and the third meeting in June each year. Other meetings may be called by the chairman or by five members of the committee.

Chairman is director of the state final Senior Baseball tournaments. The chairman shall assign committee members to assist with tournaments as required.

The Athletic Committee Chairman will represent the Department of Nebraska at the annual American Legion Baseball Conference which is called and financed by the National organization of The American Legion.

**Section 8. CHILDREN AND YOUTH COMMITTEE.** The Children and Youth Committee shall be composed of four members with members appointed to represent each of the four Legion Areas in the Department. Membership on this committee shall be staggered with a maximum of a four-year appointment for any member.

The Department Commander of The American Legion, the Department President of the American Legion Auxiliary, the Grande Chef de Gare of the 40 and 8, the Chapeau Departmental of the 8 and 40, and the Children and Youth Chairman of the American Legion Auxiliary, the 40 and 8, the 8 and 40, the Nebraska representative on the National Children and Youth Commission, along with the Children and Youth Committee shall comprise the Coordinated Children and Youth Committee.

The primary objectives of the Children and Youth program will be (1) to insure care and protection of the children of veterans, (2) to improve conditions for all children, and (3) to include education and scholarship activities of The American Legion.

**Section 9. FINANCE COMMITTEE.** The Department Finance Committee shall be composed of four members. Each member of this committee shall serve for a period of four years. The appointments shall be made by the Department Commander with the approval of the Department Executive Committee.

The Finance Committee shall submit to the Department Executive Committee at its pre-convention meeting a proposed budget for the ensuing fiscal year. It shall give advice and make recommendations to the Department Executive Committee on financial matters of the Department.

**Section 10. LEGISLATIVE COMMITTEE.** The Legislative Committee shall be charged with the responsibility of studying legislation affecting the programs of The American Legion. It shall propose needed legislation and sponsor passage of such bills as may be approved by the Department Executive Committee. This committee likewise is charged with the responsibility of analyzing all bills introduced in the Nebraska Legislature to determine their affect upon the programs of The American Legion, and shall report recommendations with respect thereto to the Department Executive Committee.

This committee shall be comprised of the Department Commander, Immediate Past Department Commander, Department Adjutant, and one additional member.

The Department Commander shall appoint one member to the committee for a two year period.

This committee shall also serve as the Department's representatives on the Nebraska Veterans Council.

**Section 11. MEMBERSHIP COMMITTEE.** The Membership Committee shall be composed of four members, the terms of appointment for any one member not to exceed four years.

The Membership Committee shall have as its duties the administration of the permanent membership plan adopted by the Department Executive Committee and to handle all phases of the membership program in concert with the Finance Committee. It shall be the duty of this committee to furnish such reports as the Department Executive Committee may request.

The Membership Committee shall adopt such recording procedures and rules governing the administration of the permanent membership program as required for proper maintenance of the permanent membership records, such rules to be approved by the Department Executive Committee.

**Section 12. PUBLICATIONS AND PUBLIC RELATIONS COMMITTEE.** This committee shall be composed of four members and shall supervise the business affairs of whatsoever publications the Department may authorize. It shall arrange whatever contracts may be necessary with publishers and submit same to the Department Executive Committee for approval. The committee shall prepare such materials and aids which will assist posts in carrying out an effective public relations program with the media of communication in the local communities. This committee shall assist Department and District officers in preparing publicity releases and in carrying out a vigorous public relations program.

**Section 13. REHABILITATION AND EMPLOYMENT COMMITTEE.** This committee shall be composed of four members and shall provide impetus to a program of veterans rehabilitation throughout the State of Nebraska. It shall encourage active participation and coordination in the work of the Post Service Officers, District Service Officers and the Department Service Office in the established framework of the American Legion Veterans' Service System. The committee shall recommend action to the Department convention or to the Department Executive Committee, in connection with programs, policies, procedures or legislation dealing with veterans' rehabilitation. The committee shall cooperate with other organizations on service and rehabilitation matters. It shall devise and implement programs to make the service work of The American Legion in Nebraska more effective. The committee shall assist in the fostering and developing the Veterans Volunteer Representative Program in close cooperation with the Nebraska State Employment Service and the Veterans Employment Service; to assist and work with the Employment officer in each Post; to sponsor the annual American Legion Award to the outstanding employer of the physically handicapped and to cooperate with state and city committees for the promotion of employing the physically handicapped.

**Section 14. CONVENTION COMMITTEE.** This Committee shall be composed of four members who will initially be appointed to serve staggered terms from one to four years. The committee will work in cooperation between the Department and the Host Post in planning and staging the annual Department Convention and the Mid-Year Conference. The Committee will be responsible to carry out the guidelines for the convention and conference which have been adopted by the Department Executive Committee.

**Section 15. BOYS STATE COMMITTEE.** The Department Boys State Committee shall be composed of four members, originally appointed on a staggering term not to exceed four years in length. Members of the Boys State Committee shall also be members of the Board of Directors of Cornhusker Boys State Corporation.

**Section 16. DISTINGUISHED GUESTS COMMITTEE.** This committee shall consist of the National Executive Committeeman, the Alternate National Executive Committeeman and whoever else the Department Commander shall appoint. It shall greet, transport and entertain any distinguished guest that may attend the Department Convention, Mid-Year Conference or any other department function.

**Section 17. TEMPORARY COMMITTEES.** The Department Commander, with the advice and consent of the Department Executive Committee, may from time to time, appoint Temporary Committees whose functions shall terminate with the expiration of the term of the appointing Department Commander. Such Temporary Committees have such duties and powers as are provided in the action authorizing the same and shall be reimbursed according to Article I, Section 16 of the Bylaws.

**Section 18. NEBRASKA VETERANS HOME BOARD.** (Nebraska Veterans' Home) Pursuant to Neb. RRS 80-305 and the option granted therein to the American Legion to appoint two of its members to serve on the Nebraska Veterans Home Board in place of the Department Commander and immediate past Department Commander, commencing in 1982, the Department Commander, at the Department Executive Committee meeting preceding the annual Department Convention, shall appoint one member to serve on said Board for a term of four years. Every succeeding two years thereafter, one four-year term shall be made to said Board in accordance with this Section.

**Section 19. CONSTITUTION AND BYLAWS COMMITTEE.** This Committee shall be composed of four members, two of whom shall be the Department Judge Advocate and the Department Adjutant. The remaining two members will initially be appointed to serve staggered terms from one to two years. The committee shall meet annually after April 15 and prior to forty (40) days immediately preceding the annual Department Convention to review all proposed amendments to the Constitution of The American Legion, Department of Nebraska to ensure all amendments are in proper form prior to submission to the Convention Constitution and Bylaws Committee. The Constitution and Bylaws Committee shall further review all amendments to the Bylaws of the American Legion, Department of Nebraska to ensure the proposed amendments are in proper form, subsequent to their introduction and prior to their final submittal for approval. The Constitution and Bylaws Committee shall have the authority to make recommendations on all proposed amendments.

**Section 20. SCHOLARSHIP COMMITTEE.** The Scholarship Committee shall be composed of four members which may consist of members of the Department Executive Committee and will be initially appointed by the Department Commander to serve staggered terms from one to four years. This committee shall be responsible for establishing rules and regulations for the committee, subject to the approval of the Department Executive Committee, for the review of applicants; for the selection of recipients for all scholarships including but not limited to The American Legion annual scholarship and the Boschult scholarship; and will assist in the promotion of scholarships for The American Legion, Department of Nebraska. This committee will meet annually between March 1 and April 1 of each year for the purpose of reviewing all applications for scholarships and to determine the various scholarship recipients. The chairman of this committee will report to the Department Executive Committee at their meeting preceding the Department Convention.

## **ARTICLE IV DEPARTMENT FINANCES**

**Section 1.** The fiscal year of the Department shall be from August 1 to July 31.

**Section 2.** Unless otherwise ordered by the Department Executive Committee, or otherwise in the Department Constitution or Bylaws provided, Department funds shall be expended by the Department Finance Officer by checks signed by him and countersigned by the Department Commander upon vouchers approved by the Department Commander.

**Section 3.** All expenditures of the Department provided for in the current budget shall be made by the Finance Officer after approval by the Department Commander. Expenditures not provided for in the budget shall be made only in case of emergency and then only after written approval of three members of the Department Finance Committee.

**Section 4.** The books and records of the Department Adjutant, Finance Officer and all other Department officers, officials or committees handling the funds of the Department or for which the Department is responsible, shall be audited and examined annually in a manner prescribed by the Department Executive Committee.

**Section 5.** The Department Adjutant shall furnish a bond in the sum of \$50,000, the Department Finance Officer shall furnish a bond in the sum of \$50,000, the Financial Secretary at Department Headquarters shall furnish a bond in the sum of \$50,000, and the Assistant Department Adjutant shall furnish a bond in the sum of \$50,000, and all other Department officers, officials or committeemen handling funds of the Department, or funds for which the

Department is responsible, shall furnish bond in the amount as prescribed by the Department Executive Committee. The Department Executive Committee shall, in all cases, pass upon the form of the bond and sufficiency of the surety. Except as otherwise provided herein, all bonds shall be in charge of the Department Finance Committee and kept at the Department Headquarters. Premiums on the aforesaid bonds shall be paid by the Department.

## **ARTICLE V**

### **REPRESENTATION AT DEPARTMENT CONVENTIONS**

*Section 1.* In the Department convention each Post shall be entitled to two (2) delegates and to one additional delegate for each one hundred (100) members or major fraction thereof, whose current dues have been received by the Department at least forty-five days prior to the date of the convening of the Department convention. Each Post shall also be entitled to one alternate for each delegate, who shall act as delegate in his absence. Each alternate shall also have all other rights and privileges of delegates except that of voting. Delegates and alternates shall be chosen by the various Posts in such manner as each Post shall determine. Each County Commander who attends and registers as such shall be a delegate to the Department Convention, with voice and vote to be exercised with his respective Post.

*Section 2.* The vote of the Department Convention shall be polled by counties, with the exception that and District 15 shall be called for a vote separate from that for Lancaster County, other Posts in that county voting when the county is called.

The County vote shall be called in alphabetical order, within Districts, with the vote of District 1 being first called in 1985, with the other Districts being called in ascending numerical sequence; that in 1986 the vote of District 2 will be first called with the other Districts being called in ascending numerical sequence, with District 1 being last called; that this first to last rotating sequence shall be utilized for all subsequent years of the Department Convention.

*Section 3.* When a roll call vote is ordered, the County Commander or County Chairman of a delegation or the Delegation Chairman of District 15 shall announce the vote of its delegation by rising, giving his name, and the vote of his delegation. He shall also list the Past Department Commander, Past Department Adjutant, and the present Department Officers that are present and registered at the Convention and are, therefore, actually entitled to vote. County Commanders or County Chairmen or the Delegation Chairman of District 15 must cast the correct vote when called upon. Counties shall not pass and then vote at the end of voting. All County Commanders or County Chairmen or the Delegation Chairman of District 15 will receive two ballots for each elected officer, one to be given to the Convention Secretary when he gives the voice vote, and the other to be retained by the County Commander or County Chairman or the Delegation Chairman of District 15. The County Commander



or County Chairman or the Delegation Chairman of District 15 shall sign the ballot that he gives to the Convention Secretary.

**Section 4.** Within a delegation, the Posts shall not cast their votes as a unit, nor shall the county vote be cast as a unit, but the total number of votes cast for and against any proposition shall be announced by the County Commander or duly elected County Chairman or the Chairman or Acting Chairman of each delegation. A delegation is defined as a county or District and 15.

**Section 5.** When a poll of any county is demanded by a delegate of such county, the Secretary of the convention shall poll the votes in this county by Posts without debate or discussion of the question on which the vote is being demanded.

**Section 6.** Each delegate within his Post, shall be entitled to one vote. In the absence of regular delegates from any post, the delegation from such post may seat a corresponding number of duly elected alternates, and in the event any post has no regular delegates present, the duly elected alternates shall automatically become the delegates. The vote of absentee qualified delegates from a post may be cast by a majority of the delegates present from the post. The vote of absentee post or posts within a delegation may be cast by a majority of the delegates present from said delegation. In the event of a tie vote in any delegation, the vote of any post not represented by a delegate or alternate shall be disregarded.

**Section 7.** Only registered delegates or their alternates at the Department Convention will be allowed on the convention floor.

## **ARTICLE VI DELEGATES TO NATIONAL CONVENTION**

**Section 1.** The Immediate Past Department Commander, the Department Commander, and the Department Adjutant, shall each be designated by each Department Convention as one of the Department's automatic delegates to the National Convention of The American Legion following such Department Convention.

**Section 2.** The Immediate Past Department Commander shall act as Chairman of the Department's delegation in each National Convention, and the Department Adjutant shall act as secretary of the delegation.

**Section 3.** The Department's delegates to the National Convention shall be chosen at the District Convention or at a District Caucus to be held at the Department Convention in the following manner: each District shall elect one delegate for each 1,000 members or major fraction thereof. In case the duly elected delegates or alternates from any District is unable to attend the National

Convention, the Chairman of the Department delegation shall be empowered to appoint a delegate to fill the vacancy.

**Section 4.** Each delegate and alternate to a National Convention shall be required to make a deposit of \$100 with the Department when he is notified of his election as a delegate or alternate. This deposit to be a surety that such delegate or alternate will attend the convention. Reimbursement of this surety shall be made to a delegate or alternate if he notifies the Department at least two weeks prior to the National Convention that he cannot go. Otherwise, the money shall revert to the Department. Any delegate chosen to go to a National Convention who does not have both his housing questionnaire and \$100 deposit at Department Headquarters prior to the housing deadline date shall automatically be dropped from the delegate list, and an appropriate alternate shall be selected in his place.

Delegates to the National Convention shall receive \$300 each as reimbursement for expenses of attending the National Convention, except for those delegates receiving reimbursement to the National Convention from National Headquarters.

Delegates to the Convention are requested to attend the Nebraska Caucus, assigned committee meetings, participate in the Convention parade, and attend general sessions of the National Convention. A delegate shall have \$25 deducted from his expense money for each meeting he fails to attend, unless excused from such meeting by the delegation chairman.

## **ARTICLE VII**

### **AREA ORGANIZATION AND ADMINISTRATION**

**Section 1.** The Area Vice Commanders shall act as representatives of the Department Commander on all matters referred to them by him, and shall, on his request, preside over the meetings of the Department convention or Department Executive Committee, and perform such other duties as are usually incident to the office. Areas shall be composed 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.

**Section 2.** The Area Vice Commanders shall be responsible for the development of all Department programs on the Area level. They shall attend all District Conventions in their own Areas, and shall coordinate the activities of all District Commanders within their areas. They shall also cooperate with the

Department Rehabilitation Committee in the development of service and rehabilitation work within their areas.

**Section 3.** Each Area Vice Commander shall be required to submit a written report annually to the Department Convention or Department Executive Committee regarding the activities carried on by him in his Area during his term of office.

**Section 4.** Expenses incurred by an Area Vice Commander in the conduct of official business within his own Area, or when requested by the Department Commander to act as his representative at a meeting outside of his Area shall be reimbursed by the Department as provided in Section 16 of Article I of the Department Bylaws.

## **ARTICLE VIII DISTRICT ORGANIZATION AND ADMINISTRATION**

**Section 1.** The Posts of the Department shall be grouped into districts as follows:

1. District ONE shall consist of all Posts in the following counties: Sioux, Dawes, Sheridan, Cherry, Keya Paha, Brown and Rock.

2. District TWO shall consist of all Posts in the following counties: Boyd, Holt, Knox, Antelope, Pierce, Boone, Madison and Stanton.

3. District THREE shall consist of all Posts in the following counties: Cedar, Dixon, Dakota, Wayne, Thurston, Cuming and Burt.

4. District FOUR shall consist of all Posts in the following counties: Scotts Bluff, Banner, Kimball, Morrill, Cheyenne, Garden, Deuel, Box Butte and Grant.

5. District FIVE shall consist of all Posts in the following counties: Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Dawson and Perkins.

6. District SIX shall consist of all Posts in the following counties: Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Nance, Merrick and Hamilton.

7. District SEVEN shall consist of all Posts in the following counties: Polk, Butler, Colfax, Platte, Dodge and Saunders.

8. District EIGHT shall consist of all Posts in the following counties: Washington, Sarpy and Douglas.

9. District NINE shall consist of all Posts in the following counties: Chase, Dundy, Hayes, Hitchcock, Frontier, Red Willow, Gosper and Furnas.

10. District TEN shall consist of all Posts in the following counties: Phelps, Harlan, Kearney, Franklin, Adams, Webster, Clay and Nuckolls.

11. District ELEVEN shall consist of all Posts in the following counties: Fillmore, Thayer, Saline, Jefferson, Gage and York.

12. District TWELVE shall consist of all Posts in the following counties: Seward, Cass, Otoe and Lancaster, except Lincoln Post No. 3.

13. District THIRTEEN shall consist of all Posts in the following counties: Johnson, Nemaha, Pawnee and Richardson.

14. District FIFTEEN shall consist of Lincoln Post No. 3.

**Section 2.** At the annual District Convention following the Department convention in 1979 and every two years thereafter, the District Commanders and District Vice Commanders for Districts 2, 4, 5, 9, 10, 11, 13, and 15 shall be elected. At the District convention following the 1978 Department Convention and every two years thereafter, the District Commanders and District Vice Commanders for Districts 1, 3, 6, 7, 8, and 12 shall be elected. Such officers shall serve for a period of two years or until their successors are elected and qualified.

Whenever a new district shall be created, the Department Commander shall appoint a District Commander to serve until the District Convention.

**Section 3.** Each District Commander shall have charge of all activities of the Department within his district. He shall preside at all District meetings and shall be chairman and preside over all caucuses held by his district at all Department conventions. Each District Commander shall be responsible for the adoption of a District Constitution and Bylaws in his district, in conformity with the National and Department Constitution and Bylaws and shall file a copy at Department Headquarters. Each District Commander shall attend all county meetings and conventions within his district. He shall, during his tenure of office, attend either a regular meeting of each Post within his District, or a county meeting or convention held at such Post. He shall attend each Government Day held under the Cornhusker Boys' and Girls' Government program in each county in his District annually. He shall be the coordinator between all Posts and counties in his District and the Area Vice Commander for that Area and Department Headquarters.

Each District Commander shall submit an annual written report of his activities at the district convention.

Each District Commander shall appoint, upon request, a district Chairman to represent all Department committees on a district level. The duty of said district chairman shall be one of liaison between the Department chairman and the Posts as a representative of the District Commander.

Each District Commander shall file a quarterly report with Department Headquarters regarding his activities and trips within his district. Upon receipt of this report, Department Headquarters will issue to him expenses as allowed in Article I, Section 16, of the Department Bylaws.

The District Commander shall be the membership chairman for his district and be responsible for attaining the membership quotas. The District Commander shall perform such other duties usually incident to his office, or requested by the Area Vice Commander or Department Commander.

No District Commander shall call any meeting outside of his district or embracing any Posts outside thereof except as provided in Section 8, Article VIII, of the Bylaws of The American Legion, Department of Nebraska.

**Section 4.** The District Vice Commander shall perform all duties required of him by the District Commander and by the District Bylaws. In the absence or disqualification of a District Commander, the District Vice Commander shall perform the duties of the District Commander, until such disqualification is removed or such vacancy filled.

**Section 5.** Each District Commander shall appoint a District Adjutant who shall be secretary of all District meetings, conventions and caucuses, and said Adjutant shall perform such other duties as are required of him by the District Commander.

**Section 6.** A District Service Officer shall be appointed by each District Commander. The District Service Officer shall coordinate rehabilitation work in the district with the Department Service Officer. He shall visit each Post Service Officer once during each year, inspecting the supply of forms in possession of the Post Service Officer; and offering assistance in any way. Such visits to the Posts shall be in company with the District Commander whenever possible. The District Service Officer shall attend all Department Service Officer Schools. He shall file an annual report, two weeks prior to the Department Convention with the Department Rehabilitation Committee. The District Service Officer shall instruct members of the American Legion Auxiliary concerning veterans' benefits at Auxiliary meetings, whenever possible.

Expenses incurred by District Service Officers on travel in the district authorized by the District Commander shall be reimbursed by the District when proper expense vouchers are filed. Expenses incurred by the District Vice Commander and the District Adjutant will be borne by the District.

**Section 7.** The District Commander, the Immediate Past District Commander, the District Vice Commander, and the County Commanders of each district shall form the District Executive Committee.

**Section 8.** A district convention shall be held annually in each District in the Department at a time to be fixed by, and at the call of the Department Commander and the Department Executive Committee. The place of the District Convention shall be determined by the district by a vote at the previous District convention.

Provided, that should Districts 12 and 15 wish to combine for a District Convention, such action is hereby approved. Should District 15 extend an invitation to District 12 to be host to a combined convention that would be permissible, and District 12 could vote to accept such an invitation. Provided, further that in the election of officers and transaction of business pertinent only to District 12, no vote could be cast by members of District 15 in a joint convention with District 12, since 15 elects their own officers. The foregoing shall not be construed to be in violation of the last paragraph of Section 2 of Article VIII of the Department Bylaws, which states that no District Commander shall call any meeting outside of his District or embracing any Posts outside thereof.

**Section 9.** Each post shall elect delegates to the District Convention not later than the last regular post meeting prior to the District convention. Representation in the District convention shall be determined by the Department Executive Committee, and the number of delegates each post in the district is entitled to shall be stated in the Call for the convention.

**Section 10.** A District Child Welfare Officer shall be appointed by each District Commander. The District Child Welfare Officer shall serve as a liaison between the Department Child Welfare Committee and the Post and County organizations. The District Child Welfare Officer will visit each Post once during each year for the purpose of explaining the objectives of the Child Welfare program and also for giving individual training and guidance to the Post Child Welfare Officer. The visits to the Posts may be in the company with the District Commander or upon invitation from a Post, or on the initiative of the District Child Welfare Officer. The District Child Welfare Officer on travel in the District authorized by the District Commander shall be reimbursed by the

District when proper expense vouchers are filed. The District Child Welfare Officer shall assist in securing the annual Child Welfare reports from the Posts.

## **ARTICLE IX**

### **COUNTY ORGANIZATION AND ADMINISTRATION**

*Section 1.* The County Commander, in addition to being a member of the District Executive Committee shall preside at all county meetings. He shall be the membership chairman for his county and shall be responsible for attaining the membership quota. He shall be responsible for the adoption of a County Constitution and Bylaws, in conformity with the National and Department Constitution and Bylaws, copies of which shall be filed with the District Commander and at Department Headquarters. He shall call at least two county meetings each year, to be held at different posts. A county convention shall also be held prior to the district convention for the purpose of electing county officers. The County Commander shall attend all meetings of the District Executive Committee, and shall represent the county organization at all functions where his presence is requested. He shall stimulate rehabilitation work throughout the posts in his county. A written annual report shall be submitted by the County Commander at the county convention and then transmitted to the District Commander. It shall be the function of the County Commander to conduct county caucuses at each Department Convention. He shall coordinate county functions and activities with the American Legion Auxiliary. The County Commander shall have as his responsibility the carrying out of all American Legion sponsored programs on a county level, particularly Cornhusker Boys' and Girls' County Government.

*Section 2.* The County Vice Commander shall perform all duties required of him by the County Commander and by the County Bylaws. In the absence or disqualification of a County Commander, the County Vice Commander shall perform the duties of the County Commander, until such disqualifications are removed or such vacancy filled.

*Section 3.* Each County Commander shall appoint a County Adjutant who shall be the secretary of all county meetings, conventions and caucuses and said Adjutant shall perform such other duties as are required of him by the County Commander.

*Section 4.* No County Commander shall call any meeting outside of his county or embracing any Posts outside thereof.

## **ARTICLE X**

### **POST ORGANIZATION AND ADMINISTRATION**

*Section 1.* Each post shall have the following Post officers to be elected in any manner prescribed by the Post: a Post Commander, one or more Post Vice

Commanders, Post Adjutant, Post Executive Committee, Post Finance Officer, Post Chaplain, and Post Sergeant-at-Arms; (Provided, however, the Commander of a post may, if the Post Bylaws so provide, appoint a Post Adjutant, subject to the approval of the Post Executive Committee). A Post Service Officer shall be appointed by the Post Commander.

Any one member except the Post Commander may be designated as, and act as, one or more said officers.

**Section 2.** Each Post shall elect its officers for the ensuing year prior to the annual Department convention, and such officers shall assume their duties at the first regular post meeting following said convention.

**Section 3.** The fiscal year of all posts within the Department shall be from January 1 to December 31, unless otherwise provided for in the Post Bylaws.

**Section 4.** All officers of posts within the Department who handle funds of the post or funds for which the post is responsible shall be required to furnish bond in the amount and form to be determined by the Post Executive Committee.

**Section 5.** The Department Commander or the Department Executive Committee may at any time require any post within the Department to render to the Department a complete financial statement of its property, assets and liabilities, and its receipts and disbursements over any designated period.

**Section 6.** Any contemplated sale, disposal or destruction of real or personal property of any post within the Department, in excess of \$1,500.00 in value, shall be advertised to all members of the post concerned, through the medium of the local newspaper, the post newspaper or through the medium of first class mail.

**Section 7.** The minimum membership of a Post shall be 10 members by February 1 of the current year.

## **ARTICLE XI DISCIPLINE**

**Section 1.** When any cause arises for the suspension or revocation of a post charter or for the discipline of a post, upon a majority vote of the Department Executive Committee, the Department Adjutant shall send the Commander and the Adjutant of the Post in question a notice by registered mail containing the grounds of the complaint and fixing a time and place of hearing before the Department Executive Committee; at which time the post shall be given a hearing at which it may be represented in such a manner as the post may determine, either suspend or revoke the charter of the post upon a majority vote of the committee, or shall dismiss the complaint. Such decision shall be final.



**Section 2.** When there appears cause for the discipline of a member of The American Legion, any member of any post in the Department may file a written complaint under oath with the Adjutant of the Post, or Commander if the Adjutant is complained against or which the person complained against, is a member, or where he resides, stating the grounds of the complaint. The post Adjutant or Commander shall immediately notify the post executive committee of such complaint and they shall immediately fix a time and place of hearing not less than 10 days nor more than 30 days from the date of filing of the complaint, at which time a hearing shall be had before the post executive committee, who shall immediately determine by a majority vote whether to reprimand, suspend or expel the member complained against, or dismiss the complaint. Prior to such hearing the Post Adjutant, or the Commander if the Adjutant is disqualified, shall notify the person complained against, in writing by registered mail, of the substance of the charges filed against him and of the time and place of hearing, which notice shall be mailed at least 10 days prior to the date of the hearing. In the event of the disqualification of any member of the executive committee, the remaining member or members may fill the committee from members of the post.

**Section 3.** Either complainant or accused may appeal to the Department Executive Committee from the decision of the post executive committee, by giving written notice to the adverse party and to the Department Adjutant within 10 days of the date of the decision of the post executive committee, and the Department Adjutant and Commander shall fix a time and place of hearing as provided in Section 1 of this Article, and send notices thereof to each party as provided in said section and the Department Executive Committee shall hear and determine the matter on the date specified and upon a majority vote of said committee. Such decision shall be final.

**Section 4.** Hearings before the post executive committee and before the Department Executive Committee shall be conducted as nearly as practicable in the manner of the trial of civil cases in the courts of Nebraska. The Commander shall preside at the hearings and the Adjutant shall act as clerk. Either party may be represented by counsel at his own expense. Either party may make a record of the proceedings at his own expense. If the Department Executive Committee desires, a record of the proceedings and testimony may be made at the expense of the Department.

**Section 5.** Rules of Procedure for Appeals to the Department Executive Committee:

1. Procedure on Appeal:

(a) Perfecting of Appeal. Every appeal shall be deemed perfected on filing written notice of appeal with the Department Adjutant and

giving written notice to the adverse party within 10 days of the decision of the post executive committee.

(b) Docketing of cause. Upon forwarding such notice of appeal to the Department Adjutant, the Department Adjutant shall thereupon docket the case designating the party or parties having filed notice of appeal in the court below as appellant or appellants, and all other parties as appellees.

(c) Transcripts. Within one month from the date of filing of notice of appeal, the Post Adjutant or the Post Commander, if the Adjutant be disqualified, shall prepare and file with the Department Adjutant a transcript certified as true copy of the proceedings contained therein.

## 2. Transcripts.

(a) Contents. The transcript shall contain: 1. The pleadings upon which the case was tried; 2. The decision of the post executive committee; 3. Such other parts of the record as the party appealing may desire to include therein. Neither the form nor substance of such transcripts shall affect the jurisdiction of the Department Executive Committee.

(b) Supplemental Transcript. After the original transcript is filed in the Adjutant's office, any party may without leave of court file a supplemental transcript containing any matters omitted from the original transcript. All supplemental transcripts must be filed prior to the day the cause is submitted to the Department Executive Committee.

## 3. Bill of Exceptions.

(a) In all appeals where in review of some or all of the findings of fact is asked by the appellant, the Department Executive Committee shall retry the issue or issues of fact involved in finding or findings of fact complained of upon the evidence preserved in the bill of exceptions, providing such evidence has been taken and preserved, in all other cases where the evidence has not been preserved, the Department Executive Committee shall try the case as if it were an original action filed with the local post executive committee (provided further that upon 10 days written notice to adverse party and the Department Adjutant either the appellant or appellee shall have the right to introduce testimony at the appeal hearing not preserved in a bill of exceptions, said notice to give the names and addresses of the witnesses and a brief statement as to the contents of their testimony.)

(b) Filing. The bill of exceptions must be filed with the Department Adjutant at any time prior to the submission of the case.

(c) Contents. The bill of exceptions shall have:

1. An index forming the first page thereof, showing initial page of the direct, cross and further examination of each witness;
2. As to depositions and other exhibits, the initial page were identified, offered, received and found;
3. All depositions, exhibits or papers contained in the bill of exceptions must, when practicable, be inserted therein;
4. A certificate by the reporter that the foregoing is a full and complete record of all the evidence adduced, exhibits offered and other proceedings had, in the hearing naming the post and the parties and giving the date of the hearing.

#### 4. Briefs.

(a) Order and Contents of Brief. The brief shall contain the following matters in the order herein set forth:

- (1) Index
- (2) Statement of questions involved
- (3) State of the case
- (4) Assignment of errors
- (5) Propositions of law
- (6) Statement of facts
- (7) Argument

(b) Brief of Appellee.

1. Order and Contents of Brief. The brief shall contain the following matters in the order herein set forth:

- (1) Index
- (2) Statement of the questions involved, if appellant's statement thereof is not accepted as correct.
- (3) Statement of the case, if appellant's statement thereof is not accepted as correct.
- (4) Proposition of law
- (5) Statement of facts if appellant's statement is not accepted as correct.
- (6) Argument.

(c) How Prepared. All briefs may be printed, type or written in ink, on plain white paper so they are readily legible.

(d) Filing and Service.

- (1) In all appeal cases the appellant shall file his brief with the Department Adjutant and proof of service thereof on the appellee within one month from the date the transcript is filed.
- (2) Within one month after the appellant has served and filed his brief, the appellee shall serve his brief on the appellant and file the same, together with proof of service thereof, with the Department Adjutant.

(3) Brief day in any case may be extended or shortened by the Department Executive Committee by giving the parties written notice but said parties shall have a minimum of ten days in which to prepare and file briefs.

5. Defaults.

Whenever the brief of the appellant is not on file by brief day, the decision of the local post will be affirmed or the proceedings dismissed, unless on sufficient showing it is otherwise ordered by the Department Executive Committee.

6. Oral Argument.

In the Oral argument of a case, the time allowed on each side shall not exceed thirty minutes, unless the time be extended by the Department Executive Committee for special reasons.

## **ARTICLE XII BEQUESTS**

*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.