



THE AMERICAN LEGION  
DEPARTMENT OF MICHIGAN

DEPARTMENT EXECUTIVE COMMITTEE

RULES OF PROCEDURE

**PURPOSE:**

These Rules define the operation and procedures of the Department Executive Committee, further referenced as DEC. Expenditures of funds and the duties and responsibilities of Committee Members, Department Officers and Committees at all meetings of the DEC.

**Rule I - Self-Governing**

The Department Executive Committee of The American Legion, as provided by the Department Constitution of The American Legion, shall be a self-governing committee and transact business in accordance with the rules hereinafter set forth subject only to the Constitution and By-Laws of The American Legion Department of Michigan, the National Constitution and By-Laws and mandates of the National and Department Conventions.

**Rule 2 - Officers**

The Department Commander will be the chairman of the DEC, and the Department Adjutant will serve as secretary. Any temporary vacancy in the office of secretary shall be filled by action of the DEC for the meeting in which the vacancy occurs. A temporary vacancy in the office of chairman shall be filled by the 1<sup>st</sup> Vice Commander or the 2<sup>nd</sup> Vice Commander.

**Rule 3 – Meetings**

There shall be five (5) annual meetings of the DEC. Two (2) of these are dependent upon the time and location of the Department Convention.

The **first (1<sup>st</sup>) meeting** of the DEC shall take place within twenty-four (24) hours of the conclusion of the annual Department Convention.

The **second (2<sup>nd</sup>)** annual meeting of the DEC shall be within forty-five (45) days, and no more than fifty-five (55) days, of the adjournment of the Department Annual Convention provided, however, that the Department Commander shall have authority to extend said forty-five (45) day period for sufficient reasons to the Commander appearing, upon approval of the Department Executive Committee.

- To outline their program and policies for their year of administration;
- To receive and discuss recommendations for committee appointments;
- To hold a course of instruction on the duties and obligations of the members of the Executive Committee;
- To instruct the District Commanders and Zone Commanders to hold a School of Instruction for the officers of the various posts in their respective districts within forty five (45) days thereafter;
- To require each District Commander to submit a written report to the Department Commander for both the Fall and Winter Executive Committee Meetings covering the conditions of their district and the posts within their district. These reports will be published in the following issue of the “Michigan Legionnaire”;

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The **third (3<sup>rd</sup>)** meeting of the DEC is to be held in September or October, after the adjournment of the National Convention, during the Fall Conference at which is provided Schools of Instruction for Commanders, Adjutants, Service Officers or other topics.

The **fourth (4<sup>th</sup>)** meeting of the DEC, to be known as the Winter Meeting, is to be held within the first three (3) months of the year. Dates and locations of the third (3<sup>rd</sup>) and fourth (4<sup>th</sup>) meetings will be determined one (1) year in advance by the Department Executive Committee when assembled in Fall Conference, upon the recommendations of the Permanent Time and Place Committee.

The **fifth (5<sup>th</sup>)** and last meeting of the DEC shall be known as the Pre-Convention Meeting, taking place at the site of and just prior to the next year's convention.

In addition to the above regular meetings, special meetings shall convene upon call of the Department Commander or upon petition signed by the majority of the members of the DEC, duly filed with the Department Adjutant, setting forth the reasons therefor.

#### **Rule 4 - Transaction of Business**

The DEC shall meet in person or by mail, telephone, email, or by using remote meeting technologies and may transact business providing a quorum is present.

If an e-mail vote is implemented, each response must be forwarded to all members of the DEC. The voting will be considered closed when all of the members have returned their votes, or at the end of three (3) business days, provided a majority of the members of the DEC have returned their votes.

If a vote is implemented by standard mail, the voting shall be considered closed at the end of seven (7) business days provided a majority of members of the committee have returned to the Chairman their votes by that time, or it shall be considered closed at any time prior thereto and when all the members have returned their votes.

In the event one-third (1/3) members of the committee objects to conducting an electronic vote or specific subject, the matter shall not be decided and will be considered as the first order of business at the next regular meeting or special meeting and the Chairman shall notify the committee of the action taken.

#### **Rule 5 - Duties and Powers**

The DEC is specifically empowered to delegate to any subcommittee, composed of members of the Department Executive Committee, authority to investigate and report back to the committee.

A. To make decisions on all matters, executive or administrative provided, however, that the action taken, will not be contrary to the National or Department Conventions, except as provided by the resolution adopted at the Grand Rapids Convention in 1941 as follows:

*“Resolved, That any policy adopted by the National or Department organization of The American Legion by convention action shall be a mandate during the year of its adoption and thereafter shall continue as the policy of the Department organization unless changed by subsequent convention action or by action of the Department Executive Committee.”*

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B. To determine from time to time the creation of, or abolition of, standing Department Committees, and to determine the number of members of all committees created by the Department Commander and to ratify their appointments. Such committees will receive full instructions from the Department Commander with reference to specific desires of the DEC, and the Department.

C. Upon any report made to the DEC by any standing committee, sub-committee or special department committee, and containing any recommendation as to the future conduct of the committee, or as to future policy or matters within the scope of such committee, the receiving, filing, adoption or approval of such report will not mean the adoption of such recommendation. Each specific recommendation as to the future conduct of any committee, or as to the future policy within the scope of each committee, will be embodied in a separate resolution for the consideration and action of the DEC.

D. To make decisions when necessary relative to expenditures for which appropriations have been made by the committee, and to make emergency appropriations necessary to implement action by the committee.

E. To make appropriations, from funds not otherwise appropriated, or such additional amounts as may be recognizable as emergency requirements.

F. To explore matters requiring the attention of the committee and offer recommendations to the committee.

G. To advise the officers with regard to problems arising in the performance of their duties.

H. To perform between Department Conventions any and all actions necessary and consistent with the exercise of administrative power by the DEC.

### **Rule 6 - Reference to Committees**

Any matter presented to the Department Executive Committee within the scope of the authority of any standing or special Department Committee will first be referred to such standing or special committee for its consideration and report to this committee at its next regular or special meeting, provided, however, that by action of two-thirds of the Department Executive Committee such matter may be given immediate consideration, except that all matters dealing with the appropriation of money must first be considered by the Department Finance Committee.

## **Listing of all Standing Committees and Subcommittees**

### **Americanism Committee**

- **Scouting Sub Committee**
- **Law & Order Sub Committee**
- **Junior Shooting Sub Committee**

### **Baseball Committee**

### **Boys State Committee**

### **Children & Youth Committee**

### **Education & Scholarship Committee**

### **Finance & Personnel Committee**

### **Internal Affairs Committee**

- **Constitution & By-Laws Sub Committee**
- **American Legion Riders Advisory Sub Committee**
- **Sons of The American Legion Liaison**
- **Leadership Development Sub Committee**

### **Legislative Committee**

### **Media & Communications Committee**

### **Membership & Post Activities Committee**

- **Post Development Sub Committee**

### **National Security & Foreign Relations Committee**

- **Blood Eye & Vital Organ Sub Committee**
- **POW/MIA Sub Committee**
- **Law & Order Sub Committee**

### **Permanent Time & Place Committee**

- **Resolutions Assignment Sub Committee**

### **Reconnect Committee**

- **Homeless Veterans Task Force**

### **Veterans Affairs and Rehabilitation**

- **Heroes to Hometown Sub Committee**
- **VA/VS Sub Committee**
- **Veteran Employment & Education Sub Committee**

## **Rule 7 - Resolutions**

The five immediate Past Department Commanders shall function as the Resolutions Committee at all Fall and Winter meetings of the Department Executive Committee. (Amended July 14, 1977 D.E.C.). Copies of resolutions on hand at the time of the conference will be presented to these members when they come to the conference meeting.

It has been the procedure of the Department Headquarters to send copies of resolutions to the committee as early as possible prior to their arrival at the Fall and Winter meetings to permit study prior to meeting.

All resolutions to be passed upon at any meeting of the DEC shall be submitted in typewritten form, and will have proper Legion sponsorship by channeling from posts through the districts, so that the districts can consider the resolutions, clarify wording, simplify, or in any other way assist in the resolutions coming before the Department Executive Committee, and will be submitted not later than starting time of the first day's session and referred to the sub-committee on resolutions of this committee, provided, however, that this will in no way prevent the introduction of a resolution in the open meeting at any time by a member of the Department Executive Committee. All such resolutions will be in substantially the following form:

## **Rule 8 - Powers of the Committee Over Its Members**

A. Bylaw Article III Section 10 states, "Quorum. A quorum shall exist at any meeting of the DEC when a majority thereof shall be present, or shall have replied to letter, and/or fax or such other electronic conveyance."

If a quorum is not present, the Department Commander may order a Call of the Committee and send for the absentees.

### **Rule 9 - Roll Calls**

A. No committee member, or other person, except the secretary and their assistants will visit or remain by the secretary's table while the yeas and nays are being called and counted.

B. No member will speak more than twice on the same subject until every member choosing to speak will have spoken without the approval of the commander.

C. No question will be debated until it has been considered by the Chair, and then the mover will have the right to explain their views, in preference to any other members.

D. During any debate, any DEC member, though they have spoken to the matter, may arise and speak to the order of the committee.

### **Rule 10- Order of Business**

The Order of Business of the Committee will be:

Opening Ceremonies

The Invocation

To call the roll

To approve the minutes of the previous meetings as recorded

To receive reports from standing committees

Unfinished business

New Business

To receive resolutions, motions and petitions

Appointment of members of standing or special committees

Good of the American Legion

Closing Ceremonies

### **Rules 11 - Suspension of Rule**

No standing rule or order of the committee will be suspended without a vote of two-thirds of all the members present.

### **Rule 12 - Robert's Rules of Order to Govern**

Except as otherwise herein specifically provided, Robert's Rules of Order, Newly Revised, will govern.

We look for photos showing Legion caps in action whenever possible.

We do not need black and white photos; standard color photos are fine. Polaroid is not acceptable. Provide a good detailed description of the event.

### **Rule 13 - Fiscal Policy**

All matters of business affecting the fiscal policy of The American Legion or financial matters outside the scope of mandates of the Department Convention

Final action will be taken only upon the second reading provided, however, that matters and resolutions approved by and contained in the report of the Department Finance Committee, with favorable recommendation for immediate action, may be considered at the time of the report of the Department Finance Committee.

### **Department and National Dues distribution - UPDATED per Resolution at 2024 Convention**

The Post must remit a total of \$42.00 to the Department for each membership card received.

Department Dues	\$ 18.10
District Commander Reserve	\$ .40
Vice Commander Reserve	\$ .25
Scholarship	\$ .25
Department Total	\$ 19.00
National Dues	\$ 23.00
<b>Grand Total</b>	<b>\$ 42.00</b>

Each District Commander, by convention action, earns an expense allowance, or budget of .40 cents per member within each respective district for the District Commander's official use. Likewise, each Zone Commander earns .25 cents per member within each zone.

The Reserve Fund accumulates with the first current year's membership received at Department Headquarters. The Reserve Fund is dispersed at your discretion, providing the funds are used to carry out and develop American Legion programs within your district, or zone.

Travel and Expense Voucher Forms are to be submitted to Department Headquarters on a monthly basis. Expense reimbursement requests cannot be paid until a sufficient amount of money has accumulated in your account, per your current membership.

When submitting a voucher, please itemize the total. The monies earned can be used for such items as: travel, postage, telephone, telegraph, stationery and supplies, trophies and awards. **All expenses, except mileage, must have receipts attached.**

The sum of \$100 covering one (1) day's per diem for the next Department Convention will be charged against your total Reserve Fund.

You are encouraged to periodically contact the Department Accountant to determine actual amounts available to you from the Reserve Fund. (517) 220-2751 or [finance@michiganlegion.org](mailto:finance@michiganlegion.org) for email.

"In addition to the above regular meetings, special meetings shall convene upon call of the Department Commander or upon petition signed by the majority of the members of the Department Executive Committee, duly filed with the Department Adjutant, setting forth the reasons therefore."



“Notice of all meetings shall be given not less than five (5) days before any such meeting is held. In case a meeting convenes upon petition, the same shall be called by the Department Adjutant within (10) days after the filing of the petition.”

*To insure one hundred percent attendance at these meetings, travel and per diem expense will be allowed members of the Committee for attendance.*

**This expense will be paid upon the following basis:**

*Travel shall be at the rate of .51 cents per mile rate for travel by automobile plus bridge toll for crossing the Mackinac Straits. Travel to be figured by Google Maps. Per Diem shall be at the rate of \$100.00 for a full day. It shall not be considered as compensation for services but for expenses incurred while traveling to and from and while attending the scheduled meeting, and only upon the authority of the Department Commander.*

No expense will be allowed to Alternate Members unless representing their respective absent District Commander. We would, however, strongly urge all Alternates to attend all meetings.

**Finance Processing Procedures**

1. No member of the DEC may have expenses reimbursed out of more than one account:
2. Any expenses incurred by you in the line of duty are paid in full, up to the line of credit in each respective account with the exception that Department will deduct \$100 out of each account to apply toward convention.

### **Post Charter Cancellation Procedure**

District Commanders and their respective district officers must at times make important decisions concerning the cancellation of post charters within their districts. When it is definitely determined that a post charter must be considered for cancellation due to causes covered in the Department Constitution Article VII, Section 16, or a failure to hold the required membership of 15, the following steps should be followed by the District Commander AND following the steps outlined in the Post Cancellation Checklist.

- A. Consult with the last known Post Commander and Adjutant
- B. Consult with Department Post Development and Membership Committee
- C. Be certain that each post member on the current roster has been notified by receiving a copy of each notice of the intention to file for charter cancellation, and
- D. Make a thorough survey of the assets of the post, both real and financial. *If there is any reasonable hope that the post may be revitalized, attempt to do so.*

Upon a definite district decision to request cancellation of a post charter, the committeeman should make written notification to Department Headquarters not later than ten (10) days prior to the next official meeting of the Department Executive Committee that the District Commander recommends the consideration of the cancellation of a post charter. This will allow sufficient time for the Department Adjutant to send a letter concerning the cancellation recommendation to the last known Post Commander or Adjutant of the post in question. This action will permit the post officers to appear at the DEC Meeting to defend the charter cancellation if they desire.

The matter of post charter cancellation will be on the agenda of the next DEC Meeting and the complete file supplied for reference. The respective District Commander will be requested to supply further evidence and to make a motion for the cancellation. The action of cancellation is then provided to the National Adjutant for final cancellation by the National Executive Committee.

### **To Create a Post**

The Department's Constitution and Bylaws identifies the District Commander as the individual with this responsibility. We advise that you seek assistance and guidance from the Department Post Development Committee; their procedures for assisting the district follow this letter.

Fifteen eligible veterans may come together to form a new American Legion post in the department. When you learn of such a group, your first responsibility is to verify their eligibility for membership in The American Legion by inspecting their individual military separation documents. The next step is to assist them in selecting their temporary leadership.

Then, call the Membership Coordinator at Department Headquarters (517) 220-2749 or email [member@michiganlegion.org](mailto:member@michiganlegion.org) and request an application for a temporary charter.

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The temporary charter application is a three-part form. The original copy requires the signatures and addresses of the applicants. Copies two and three require their names and addresses to be neatly printed or typed. Use plain bond paper for the continuation of names and addresses for all three parts of the charter application.

The new Legionnaires select a name and number for their post. Please call Department Headquarters for the available numbers.

When the temporary charter application is complete, you, as the District Commander, forward it to the Department Commander at the Lansing Headquarters. When the commander approves the application, department will forward it to National Headquarters for preparation of a temporary charter.

National Headquarters will, in turn, register the new post and provide a temporary charter and a New Post Kit for the use of the temporary leaders. When the temporary charter is received, Department Headquarters will provide membership cards.

From the point of receiving the temporary charter, the new post has a six-month probationary period. During this time, they will draft, and submit for department approval, their Constitution and By-Laws, elect officers and begin participating in American Legion programs.

Before the end of the probationary period, the District Commander will make a recommendation to the DEC that the new post be accepted as a permanent post of the Department of Michigan.

### **Michigan Veterans Trust Fund Committee Appointments**

At the founding of the Michigan Veterans Trust Fund, a procedure was established by the State Board and approved by the various veterans' organizations. The American Legion's function is to provide willing and capable All War Era veterans, who are American Legion members with 180 days of active wartime service, to serve on each of the County Committees. This requires the assistance of each District Commander. The practice during the last several years has been as follows:

When a vacancy occurs on a County Committee, the District Commander is requested to secure and recommend a replacement. This is a matter of urgent business in order that The American Legion may have a capable and active member on each County Committee at all times.

Department Headquarters is notified when a vacancy occurs on a County Committee through resignation or death. The Department Adjutant then notifies, by letter, the District Commander who notifies all the posts of the district wherein the county is located, of the opening. Each post is then requested to contact the District Commander, to make a recommendation, if desired. In considering a recommendation, the nominee must:

- A. Be an active and paid-up member of The American Legion;
- B. Be a veteran with a minimum of 180 days of active duty in one or more of the All War Eras. (*Michigan Compiled Law 35.606*)

C. Be a veteran who resides within the county;

D. Be a veteran who is willing and able to accept and discharge the duties as a member of the Veterans Trust Fund County Committee. *There is a requirement of missing no more than three meetings.*

This recommendation is to be mailed to Department Headquarters (212 N. Verlinden, Lansing, MI 48915). It will then be forwarded by department to the Michigan Veterans Trust Fund for official appointment. Please do not mail directly to the Veterans Trust Fund; mail to Department Headquarters.

**Form Follows**

TO: District Commander  
FROM: Ron Runyan, Department Adjutant  
SUBJECT: County Committee Appointment Michigan Veterans Trust Fund

Your assistance in supplying information is appreciated. Thank you.

The following information is required and must accompany your letter recommending reappointment or appointment of a new representative to a Michigan Veterans Trust Fund County Committee.

To: Ron Runyan, Department Adjutant  
From: District Commander  
Subject: County Committee Appointment – Michigan Veterans Trust Fund

County \_\_\_\_\_ District \_\_\_\_\_

Name of Appointee \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

Home # (     ) \_\_\_\_\_ Cell #: (     ) \_\_\_\_\_

Email Address \_\_\_\_\_

Branch of War Service \_\_\_\_\_

Period of service, From \_\_\_\_\_ To \_\_\_\_\_

Present Occupation \_\_\_\_\_

Remarks

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed

Date

District Commander

## **APPEDDIX A.**

### **Loyalty Oath Wording /District Officers & Chairmen**

All district officers and chairmen: By action of the 32nd annual Department Convention, a resolution was adopted mandating all Department, District, and Post Officers subscribe to a loyalty oath. *Resolution on file in Department Headquarters.*

*I/we do solemnly swear that I/we will support and defend the Constitution of the United States and the Constitution and laws of the State of Michigan against all enemies foreign and domestic; that I/we bear true faith and allegiance to the same. That I/we take this obligation freely, without any mental reservation or purpose of evasion whatsoever.*

*I/we do further swear that I/we are not now, nor have ever been a member of or in active association with an organization controlled directly or indirectly by a foreign power, nor a member of or in actual association with an organization which advocates the overthrow to the American form of government by force or violence.*

*I/we will not advocate or become a member of any organization that advocates the overthrow of the American form of government by force or violence.*

*I/we do further swear that we have never used or been known by any names other than those listed below:*