

**RULES OF THE
DEPARTMENT EXECUTIVE
COMMITTEE**

of
The American Legion
of Montana



**Adopted by the
Department Executive Committee**

June 25, 2015

Amended October 24, 2020

KEEP AND BRING WITH YOU TO FALL CONFERENCE

RULES OF THE DEPARTMENT EXECUTIVE COMMITTEE

The following rules are based upon the report of the Resolution of the Department Executive Committee, as adopted June 2015.

Gary A White

Department Adjutant

RULE 1 SELF-GOVERNING

The Department Executive Committee of The American Legion of Montana, as provided by the Department Constitution of The American Legion of Montana, 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 of Montana and mandates of the Department Conventions.

RULE 2 OFFICERS

The Department Commander shall be the Chairman of the Department Executive Committee, and the Department Adjutant shall serve as Secretary. Any temporary vacancies, in such offices of Chairman and Secretary, shall be filled by action of the Committee, for the respective meeting in which the vacancy occurs.

RULE 3 DUTIES AND POWERS

The Department Executive Committee is specifically empowered to exercise the following powers and rights, and may delegate to any subcommittee composed of members of the Department Executive Committee authority to investigate and report back to the Committee on any of the following powers and rights:

- a. To make decisions on all matters, executive or administrative: Provided, however, that the said action so taken shall not be contrary to, nor in derogation of, actions of the Department Conventions.

That any policy adopted by the Department of The American Legion of Montana by convention action shall be a mandate during the year of its adoption and thereafter shall continue as the Department policy of the Department Organizations unless changed by subsequent Convention action or by action of the

Department Executive Committee, except that mandates pertaining to legislative action by the Legislators of the state of Montana shall be effective only to the date of final adjournment of the Legislature during which such resolutions were adopted by a Department Convention or the Department Executive Committee, except that resolutions passed at the Department Convention or the Department Executive Committee meeting preceding the convening of the new Legislature shall be effective until the adjournment of such new Legislature.

- b. To determine the number of members of the Department Committees, Subcommittees, of the Department Executive Committee created by the Department Commander not in conflict with the Constitution and By-Laws of The American Legion of Montana or the Department Executive Committee and to ratify the appointments made by the Department Commander. Such Department Committees, Subcommittees of the Department Executive Committee shall receive full instructions from the Department Executive Committee by resolution specifying their purpose, scope, function and authority, and each Department Committee of the Department Executive Committee which has met since the last meeting of the Department Executive Committee and at least three weeks prior to the next ensuing meeting of the Department Executive Committee shall prepare preliminary reports for distribution by the Department Adjutant to members of the Department Executive Committee preceding any meeting, regular or special.
- c. Upon any report made to the Department Executive Committee by any Department Committee, Department Executive Committee and containing any recommendation as to the future conduct, or as the future policy of matters within their scope, the receiving, accepting or approval of such report shall not mean the adoption of such recommendations and each specific recommendation as to future conduct or as to future policy shall be embodied in a separate resolution for the consideration and action of the Department Executive Committee.
- d. To make decisions when necessary, relative to expenditures for which appropriations have been made by the Department Executive Committee and to make emergency appropriations

necessary to implement action by the Department Executive Committee.

- e. To make appropriations from funds not otherwise appropriated of such additional amounts as may be recognized as emergency requirements.
- f. To explore matters requiring the attention of the Department Executive Committee and offer recommendations thereon to the Department Executive Committee.
- g. To advise the officers or Department Committees with regard to problems arising in the performance of their duties or functions.
- h. In general, to perform between Department Conventions any and all necessary and consistent with the exercise of administrative power by the Department Executive Committee.

RULE 4

POWERS OF THE COMMITTEE OVER ITS MEMBERS

- a. If a quorum is not present, the Department Commander may order a call of the Department Executive Committee and send for the absentees.
- b. In the case a less number than a quorum of the Department Executive Committee shall convene, those present are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized, for any and all absent members present within the city where the meeting is being held. And this rule shall apply, as well to the first meeting of the Department Executive Committee at the legal time of the meeting, as to each day of the session, after the hour has arrived, to which the Department Executive Committee stood adjourned.

RULE 5

DECORUM

- a. No member of the Department Executive Committee, or other person except the Secretary and his/her assistants, shall visit or remain by the Secretary's table while the yeas and nays are being called or counted.
- b. No member shall speak more than twice upon the same subject without leave of the Department Executive Committee; nor more than once until every member choosing to speak shall have spoken.

- c. While the Commander is reporting or putting a question, none shall entertain a private discourse, read, stand up, walk into, out of, or across the Department Executive Committee room.
- d. No question shall be debated until it has been propounded by the Chair, and then the mover shall have the right to explain his/her views, in preference to any other member.
- e. While the Commander is putting the question, any member who has not spoken before to the matter may speak to the question before the negative is put.
- f. During any debate, any member of the Department Executive Committee, though he/she has spoken to the matter, may arise and speak to the orders of the Department Executive Committee if they be transgressed, in case the Commander does not; but if the commander stands up at any time, he/she is first to be heard.
- g. Whenever a division of vote is to be determined on any question before the Department Executive Committee, the Presiding Officer may determine division by:
 - 1. Viva Voce vote, with right of recourse to a “teller vote” or “roll call vote” as hereinafter provided.
 - 2. A teller vote whereby the yeas and nays may be counted by a rising vote with recourse to a roll call vote as hereinafter provided.
 - 3. A roll call vote may be directed by the Presiding Officer to determine a division of vote on any question. A roll call vote shall be taken upon the request of three members.
 - 4. On any Viva Voce vote or teller vote, any member of the Department Executive Committee shall have his/her vote recorded upon his/her request.

RULE 6
COMMITTEE OF THE WHOLE

- a. When the Department Executive Committee shall resolve itself into the Committee of the Whole, the Commander shall leave the chair and appoint a chairman to preside over the Committee of the Whole.
- b. The Committee of the Whole shall consider and report on any such subjects as may be committed to it by the Department Executive Committee. The rules of the Department Executive Committee shall be observed in the Committee of the Whole so far as they are applicable, except the rule limiting the time of speaking, concerning

the previous question, and taking the yeas and nays. The proceedings in the Committee of the Whole shall not be recorded on the minutes of the Department Executive Committee, excepting so far as they are reported to the Department Executive committee by the chairman of the Committee of the Whole.

RULE 7
ORDER OF BUSINESS

The order of business of the Department Executive Committee shall be:

1. Salute to Colors
2. The Invocation
3. POW/MIA Remembrance Ceremony
4. Pledge of Allegiance
5. Preamble
6. Roll Call
7. Read the minutes of the former meeting
8. Dispose of letters or communications
9. Receive reports from Department Officers of The American Legion
10. Receive reports from Department Committees
11. Receive resolutions, motions and petitions
12. Act upon unfinished business of the preceding day and resolutions lying over from the previous day
13. Appointments of members of standing or special Committees
14. Miscellaneous business
15. Benediction
16. Retire the POW/MIA Flags
17. Salute to Colors

RULE 8-a
FISCAL POLICY

All matters of business affecting the fiscal policy of The American Legion, or financial matter outside the scope of mandates of the Department Convention, including the making, cancellation, abrogation or modification of any contract to which the Department is a party, shall be considered under a first and second reading, with not less than four hours intervening. The second reading of the said matter so presented shall be held not less than four hours after the first reading of

the matter under submission, and it shall be required that the subject matter, i.e., the motion or resolution or report be printed and a copy thereof placed on the desk of each Department Executive Committeeman attending said meeting, at the time of the first reading, for the purpose of consideration of such motion, resolution, or report between the first and second reading. Final action shall be taken only upon the second reading thereof; 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 said Department Finance Committee.

RULE 8-b
LEGISLATIVE PROGRAM

Any resolution adopted by the Department Convention which seeks action by the Legislature of Montana, or is a legislative policy statement of The American Legion of Montana, shall upon its adoption immediately become part of The American Legion's Legislative Program and shall remain in full force and effect only during the life of the Legislature to which it relates. The Department Legislative Committee shall compile such resolution and make the current compilation part of its report to the Department Executive Committee for the sole purpose of establishing an orderly historical record of resolution stating legislative policy and/or requiring legislative action.

RULE 9
PROCEDURE

- a. Letters and communications addressed to the Department Executive Committee or to the Department Commander, the Department Adjutant or any other Department Officer and by them referred to the Department Executive Committee shall be read (or published to the members, if such be of import) by the Department Adjutant. Such letters or communications shall be disposed of in one of the following ways:
 - 1. By a motion to accept. Such a motion shall have the effect of approving the subject matter and should include specific instructions for further disposition i.e., by directions of the Department Commander, Department Adjutant or other proper officer; by reference to an appropriate Committee or other proper instruction.

2. By a motion to receive and file. Such a motion shall denote neither approval nor disapproval of the subject matter and shall require no action on the part of Department Officers or others beyond a formal reply should such be required.
 3. By a motion to reject or decline. Such a motion shall mean disapproval and should include specific instructions for further disposition as contemplated in paragraph 1 above.
- b. Reports of officers shall be acted upon directly by the Department Executive Committee, except that by direction of the Department Executive Committee a report of any officer may be referred to a committee of the Department Executive Committee for study and report thereon: Provided, however, that such reference shall not continue beyond the meeting of the Department Executive Committee to which such officer's report is first submitted. Reports of officers shall not be altered or amended by the Department Executive Committee nor may any such report be rejected. In the event that the Department Executive Committee shall not agree with the report or any statement herein contained, then, and in such event, if the presiding officer or the Executive Committee so determines, a separate memorandum shall be prepared setting forth the objections, which such memorandum, if approved by the Department Executive Committee, shall be filed with the report. Any such memorandum, when submitted, shall be subject to amendment.
- Reports of officers shall be disposed by motion as follows:
1. To approve the report. Such action shall constitute approval of the statements made in the report.
 2. To disapprove the report. Such motion shall have the effect of disapproving any or all statements of the report, but such motion shall prevail only in the event that a memorandum setting forth the objections to such report shall have been adopted.
 3. To receive and file the report. Such action shall constitute only a routine disposition of the report. A negative vote on motions 1 and 2 shall automatically cause the report to be received and filed.
- c. Reports of Department Committees of the Department Executive Committee shall be received and shall then be subject to disposition on the following motions:

1. To approve the report. Such action shall constitute approval of the statements made in the report subject to the procedure outlined in Rule 3-c of the rules of this committee.
2. To receive and file the report. Such action shall constitute only a routine disposition of the report.
3. To re-commit the report. Such action shall return the report to the Committee of origin for further study and report and may be accompanied by specific instructions.
4. To commit the report to a special Subcommittee of the Department Executive Committee. Such action shall contemplate specific study and such Subcommittee shall return the report with recommendations.
5. To commit to the Committee of the Whole. Upon adoption of such a motion, the Department Executive Committee shall resolve itself into a Committee of the Whole and may thereafter alter or amend the report in whole or in part. The results of such action, however, shall again be submitted to the Department Executive Committee for final disposition.

A negative vote on motion 1 shall automatically cause the report to be received and filed.

- d. Any member of the Department Executive Committee shall be privileged to present a resolution in his/her own right in any of the following ways:
 1. Under a proper order of business, in which case of the subject matter thereof shall be germane.
 2. Under miscellaneous business
 3. Upon unanimous consent of the Committee at any session of the Department Executive Committee, at an appropriate interval in the order of business.
 4. Under a suspension of the rules.
- e. All Department Committees, shall be required to present in resolution form all recommendations as to their future conduct or future policy as to matters within their scope and functions upon which it is desired or required that the Department Executive Committee take action as contemplated in Rule 3 paragraph c such resolutions shall be filed with the committee on Resolutions prior to the first session of any meeting of the Department Executive Committee at which action thereon is contemplated.

The committee on Resolutions shall report such resolutions to the Department Executive Committee with appropriate recommendations

immediately following the disposition of the report of the Committee concerned.

f. Matters emanating from Posts, Districts or other sources and from the American Legion Auxiliary shall be defined and classified as:

1. LEGION-SPONSORED MATTERS

- a. Resolutions of properly constituted American Legion organizations, to wit: Posts and intermediate bodies (which have been approved by their District Convention or District Executive Committee), Department Executive Committee, Department Convention.
- b. Resolutions emanating from the Department of Montana Auxiliary or any other official component thereof.
- c. Official communications of the Departments Officers of The American Legion

2. OFFICIAL MATTERS

Official Matters are those which originate with American Legion officers or officials such as commanders or other officers of Posts, Districts, or the President of The American Legion Department of Montana Auxiliary.

3. GENERAL MATTERS

General Matters are those which originate with individual members of The American Legion, individual citizens or as a result of communications for organizations or their officials not affiliated with The American Legion or from agencies of Government.

Such matters shall be disposed of as follows:

Whenever matters or communications are received at the Department Headquarters of The American Legion of Montana, the Department Adjutant shall analyze the subject matter and take action in one or more of the following ways:

- a. Determine, in accordance with his/her good judgment whether or not such matter or communication is basically administrative in nature, and if so, refer the matter to the appropriate Chairman, Director, or Executive for disposition.
- b. If in the judgment of the Department Adjutant the subject matter be of primary concern to or related to a program or function of one of the Departments Committees he/she shall refer the same to the appropriate Committee for action or for consideration by the Committee looking

toward presentation to the Department Executive Committee.

- c. Matters which do not fall within the above classifications or which in the opinion of the Department Commander or the Department Adjutant involve questions of organizational policy of sufficient importance to be considered directly by the Department Executive Committee shall be referred to the committee on Resolutions of the Department Executive Committee for disposition.
- d. The Department Executive Committee, with the exception of the latitude in paragraph c above, will directly consider only matters which bear the prior approval of a Department Convention or Department Executive Committee, or referred to it by the Department Convention, or which may be recommended to it by the Department Commander, or be presented to it through the governing body of The American Legion Auxiliary of Montana. All other matters, as hereinbefore defined, which do not have the sponsorship specified in this paragraph, may become eligible for consideration by the Department Executive Committee only in the event that they have been recommended for approval to the Department Executive Committee by Department Committee.
- e. The Department Adjutant shall keep and maintain a register of all matters officially received from a District (i.e., from any District Convention, District Executive Committee) or sponsored by a District Commander, referred to Committee and shall report these referrals to the Department Executive Committee in written form at the regular meetings of the Department Executive Committee which occur within 45 days after the adjournment of the Department Convention (unless such time is extended by the Department Commander for sufficient reasons to him appearing upon the approval of the Department Executive Committee) and in June of each year in order that District Commanders from the respective Districts shall be informed of the referrals previously made concerning matters which originate

within their respective Districts. This register will be continuous from meeting to meeting and continue to list a subject once placed thereon until it is reported as disposed of.

- f. Department Committees when submitting their reports to the Department Executive Committee shall include therein a record of the disposition of all matters previously referred to them and shall designate each by its register number if in that category. Resolutions referred to Committees and upon which such other manner or shall satisfy the purport of the resolution need only be reported to Department Executive Committee as to disposition. Resolutions referred to Committees for study and report and referred by such Committees to the Department Executive Committee for final action shall be filed with the committee on Resolutions as contemplated in paragraph e above, with recommendation as to their disposition.

RULE 10

FORM OF RESOLUTIONS

- a. Resolutions which shall be offered as the direct action of the Department Executive Committee shall be prepared in appropriate form containing such informative preamble in the form of "Whereas" followed by statements of fact and shall conclude with Resolving clause or clauses which shall specifically set forth what statement or declaration is to receive action of the Department Executive Committee. Such Resolving clause or clauses shall contain the following leading language:

"RESOLVED, By the Department Executive Committee of The American Legion of Montana in regular (or special) meeting assembled in Helena, Montana (or other place), on (date or dates), that, etc.-and be it further "RESOLVED, That, etc."
- b. Resolutions of Posts, Districts or other officially constituted subordinate organization which shall have received favorable action by their respective District Conventions or Executive Committee and which shall have an appropriate endorsement thereof in resolution form shall be acted upon by the Department Executive Committee in the form of a final Resolving clause in the following leading language:

“And be it finally Resolved, By the Department Executive Committee of The American Legion of Montana in regular (or special) meeting assembled in Helena, Montana (or other place), on (date or dates), That, etc.”

- c. Resolutions of District Conventions or District Executive Committees shall be similarly acted upon by the Department Executive Committee in the form of a final Resolving clause as contemplated in paragraph b above.

RULE 11 COMMITTEE ON RESOLUTIONS

The Committee on Resolutions of the Department Executive Committee shall meet at least one day prior to any regular meeting of the Department Executive Committee held in October and June of each year or any adjournment thereof.

The committee shall prepare a digest and such supplements thereto as may be necessary of all resolutions considered by it and for presentation to this Committee, together with the recommendation of the committee.

The committee shall have the cooperation of all officers, employees, and members of the Committees to obtain such information, facts and advice as it may deem necessary to carry out its responsibilities and duties.

The committee shall have authority to alter, amend, redraft or substitute for any resolution submitted to it for presentation to the Department Executive Committee; Provided, however, that the committee shall report the original resolution and its reason for any change.

RULE 12 TRANSACTION OF BUSINESS BY MAIL, E-MAIL OR BY TELEPHONE

The Department Executive Committee, without meeting together, may transact business by mail or by email or by telephone on a matter of extreme urgency not involving the establishment of any new policy and on which action cannot be delayed to the next regular meeting, by voting upon proposed resolutions mailed or emailed or telephoned to them by the Department Adjutant, with the approval of the Department Commander. Ten days shall be allowed for the return, by mail, email or telephone, of the voted thereon to the Department Adjutant. The voting shall be considered closed at the end of the ten days: Provided, that three-fourths of the members of the Department

Executive Committee have returned their votes by that time, or it shall be considered closed at any time prior thereto if and when all the members shall have returned their votes: Provided, further, that in the event one-third of the committee in writing, objects to the ballot by mail, email, or by telephone, the matter shall not be decided and will be considered as the first order of business at the next regular or special meeting: Provided, further, that votes by email shall be confirmed by mail by the Department Adjutant to the Department Executive Committeeman voting and: Provided, further, that thereafter the Department Adjutant shall notify the committee of the action taken.

RULE 13

MEETING BY USE OF THE INTERNET OR VIDEO CONFERENCING

- a. The Secretary shall send by e-mail notice to every Committee Member at least eight (8) days prior to any internet or video conference meeting (“Meeting”):
 - (i) the Meeting(s) day and time;
 - (ii) the Meeting(s) connection URL and code(s); and, (iii) as an alternative and backup to the audio/video connection included within the e-mail notice, a phone number and access code(s)the Committee Member may need to participate in the Meeting by telephone. The Secretary shall also include a link to the Rules with this e-mail notice.
- b. The Secretary shall schedule the Meeting sign-on service availability for all Committee Members beginning at least 30 minutes before the Meeting scheduled start time.
- c. Upon signing into the meeting all Committee Members shall identify themselves and shall consistently maintain internet and/or audio access throughout the Meeting.
- d. The Meeting quorum number is determined based upon the Department By-Law requirements. Thereafter, the continued presence of a quorum attendance is determined by the online list of Committee Members, unless a Committee Member demands a quorum count by an audible roll call. Such a demand

may only be made following any vote for which the announced totals add to less than a required quorum.

- e. Each Committee Member is responsible for his or her audio and internet connections as no action shall be invalidated on the grounds that the loss of, or poor quality of, a Committee Member's individual connection prevented participation in the Meeting.
- f. The Chair may cause or direct the disconnection or muting of a Committee Member's connection to the Meeting. The Chair's decision to do so shall be announced during the meeting and recorded in the Meeting minutes.
- g. To seek recognition by the Chair, a Committee Member shall raise his or her hand, or utilize the method within the internet meeting service being used.
- h. A Committee Member intending to make a motion, or request, shall raise his or her hand, or utilize the method with the internet meeting service being used, and shall thereafter wait a reasonable time for the Chair's instructions before attempting to interrupt the speaker by voice.
- i. A Committee Member intending to make a motion or offer an amendment not previously provided to all Committee Members, shall, before or after being recognized, post the motion, or amendment, in writing to the online area designated by the Secretary for this purpose, along with the Committee Member's name. The use of the online area designed for this purpose by the Secretary shall be restricted to posting the text of intended motions or amendments.

RULE 14

SUSPENSION OF RULE

No standing rule or order of the Department Executive Committee shall be suspended without one hour's notice being given of the motion therefore, and no rule shall be suspended except by a vote of two-thirds of all members present.

RULE 15

ROBERT'S RULES OF ORDER TO GOVERN

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