



REPORTS AND RESOLUTIONS

Adopted by the One Hundred and Second Annual
DEPARTMENT CONVENTION

THE AMERICAN LEGION DEPARTMENT OF MINNESOTA

At Redwood Falls, Minnesota
July 15, 16, 17, 2021

FOREWORD

These are the Department Convention Committee reports and resolutions adopted by the delegates at the Department Convention held in Redwood Falls, Minnesota, July 15-17, 2021 and which constitute the recommendations upon which the 2020-2021 programs of The American Legion, Department of Minnesota will be formulated.

The Department's Constitution and By-Laws are printed in Appendix "A" of this book and correctly represent all amendments adopted through the 100th Annual Department Convention.

This booklet will be posted on the Dept of MN website at www.mnlegion.org and will be available for download at a Post's discretion. It has been prepared for the information of the membership of The American Legion; therefore, it should be filed among your permanent records for convenient use and reference in the future.

MICHAEL MAXA
Department Adjutant

Contents

2020-21 DEPARTMENT OFFICERS.....	4
EXECUTIVE COMMITTEE.....	4
AMERICANISM COMMITTEE.....	5
CHILDREN AND YOUTH COMMITTEE.....	5
CONSTITUTION AND BY LAWS COMMITTEE.....	6
CREDENTIALS.....	7
EMPLOYMENT COMMITTEE.....	8
ENERGY AND CONSERVATION COMMITTEE.....	8
LEGISLATIVE COMMITTEE.....	9
MEMBERSHIP COMMITTEE.....	9
NATL SEC/FOREIGN RELATIONS COMMITTEE.....	11
PUBLIC RELATIONS COMMITTEE.....	11
RECREATION/SPORTS COMMITTEE.....	12
REHABILITATION COMMITTEE.....	13
RESOLUTIONS COMMITTEE.....	16
SCHOOL-SAFETY PATROL COMMITTEE.....	18
TIME & PLACE COMMITTEE.....	19
2020-21 TROPHIES AND AWARDS.....	20
DISTRICT BLOOD AWARD WINNERS.....	21
AMERICANISM AWARDS.....	22
COMMUNITY SERVICE WINNERS.....	23
GOLD & SILVER BRIGADE WINNERS.....	24
APPENDIX “A”.- CONSTITUTION & BY-LAWS.....	25

2020-21 DEPARTMENT OFFICERS

DEPARTMENT COMMANDER	Mark Dvorak, LeCenter
VICE COMMANDER	Pat Logan, Bloomington
VICE COMMANDER	Harold "Hal" Meyer, Jr., Lynd
VICE COMMANDER	Teresa Ash, St. Paul
VICE COMMANDER	Tim Haugen, Moorhead
VICE COMMANDER	Bob Locker, Fridley
CHAPLAIN	Betty Jass, Lake Crystal
NATIONAL COMMITTEEMAN	William Barbknecht, Battle Lake
ALTERNATE COMMITTEEMAN	Peggy Moon, Walker
JUDGE ADVOCATE	Greg Colby, Northfield
TREASURER	William Goede, Plainview
HISTORIAN	Mike Ash, St. Paul
SERGEANT AT ARMS	Richard Skillestad, Eyota
MEMBERSHIP DIRECTOR	Sy Fix, Brownsville
SERVICE OFFICER	Jeremy Wolfsteller, St. Paul
DEPARTMENT ADJUTANT	Michael Maxa, LeCenter

EXECUTIVE COMMITTEE

District	(District Representatives)
First	Dale Wellik, Dodge Center Gary Miller, Eyota
Second	Brad Pagel, Slayton Cindy Brunk, Brewster
Third	Linda Dvorak, Le Center Carla Tappainer, Apple Valley
Fourth	Joe Jansen, New Brighton Lane Stunkel, St. Paul
Fifth	Wade Larson, Prior Lake Andrew Rose, Sr., Minneapolis
Sixth	Paul Edwards, Brainerd Richard Cross, Sauk Centre
Seventh	Dean Knutson, Marshall Jeffrey Gay, Jackson
Eighth	D. Marvin Hill, Virginia Wilbur Swanson, Duluth
Ninth	Steven Sundstrom, Detroit Lakes Lowell Philp, Shevlin
Tenth	Tom Allen, Clearwater Paul Orson, Circle Pines

AMERICANISM COMMITTEE

The Americanism Committee did not have any resolutions and therefore did not meet.

THE COMMITTEE

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Mary Hanson	Austin	570
SECOND	Steve Fosness	Fairmont	36
THIRD	Wayne Beierman	Eagan	594
FOURTH	Joe Jansen	St. Paul	406
FIFTH	Ray Eiden	Minneapolis	555
SIXTH	Rick Cross	Sauk Centre	101
SEVENTH	Rueben Nathe	Litchfield	104
EIGHTH	Larry Pocrnich	Hibbing	222
NINTH	Dick Roue	Fosston	114
TENTH	none		

CHILDREN AND YOUTH COMMITTEE

The Children and Youth Committee did not have any resolutions and therefore did not meet.

THE COMMITTEE

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Myron Ehrich	West Concord	295
SECOND	James Olson	Amboy	11
THIRD	Joe Tappainer	Apple Valley	1776
FOURTH	Russ Scheidler	St. Paul	474
FIFTH	Mike Wybierala	Roseville	548
SIXTH	Peggy Moon	Walker	560
SEVENTH	Carol Jackson	New London	537
EIGHTH	Carl Hendrickson	Cloquet	71
NINTH	Terry Buraas	Grand Forks, ND	157
TENTH	none		

CONSTITUTION AND BY LAWS COMMITTEE

The Constitution and By Laws Committee meeting was called to order at 1:05 P.M. in Salon B at Jackpot Junction in Morton, MN on July 15, 2021.

Betty Jass was elected Chairman and Larry Ryan was elected Secretary.

Districts 1-5 were present. Districts 6-10 were not present.

Resolution 10 and Resolution 15 were assigned to this committee. Both resolutions passed.

No further business was discussed.

The meeting was adjourned at 1:22 P.M.

Betty Jass, Chairman
Larry Ryan, Secretary

RESOLUTION 10

WHEREAS, the Constitution and By Laws of the American Legion Department of Minnesota, Article 7 Department Officers Section 2, the first sentence states, "The Commander, Vice Commanders, Chaplain, and SGT at Arms shall be elected annually by the Department Convention, said election shall be held on the third day of convention," and

WHEREAS, the current constitutional requirement for a 3-day convention makes it difficult for younger Legion members to participate due to work schedules, child care issues, and the costs of meals and lodging for the convention, now therefor be it

RESOLVED: by the 2021 Class of the Minnesota American Legion College that the verbiage in Article 7, Section 2 be changed to read, "said election to be held on the last day of the convention," and be it finally

RESOLVED: this resolution be forwarded to the Minnesota Department Adjutant, to be reviewed by the Resolutions Committee, for a vote at Department Convention.

RESOLUTION 15

WHEREAS, the charter of the American Legion states under § 21706. Political activities, "The corporation shall be nonpolitical and may not promote the candidacy of an individual seeking public office", and

WHEREAS, Article II, Nature, Section 2 states, "The American Legion shall be absolutely nonpolitical 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", and

WHEREAS, the American Legion uses political methods in support of its legislative agenda and priorities to support the four pillars of the American Legion, and

WHEREAS, the American Legion has Legislative Committees and Chairs at the national, department and district levels whose function it is to use political methods to work with federal and state legislators to support The American Legion's policies, legislative agenda and programs, and

WHEREAS, many Legionnaires interpret Article II, Section 2 to mean that Legionnaires are forbidden to hold or express a political opinion on any topic, and

WHEREAS, the definition and interpretation of the word "political" has changed since the Constitution was first written, now therefore be it

RESOLVED, by the members of Billie Brown Post 627 of Nisswa, MN, in regular meeting assembled on February 16, 2021, that Article II, Section 2 of the National Constitution be amended to state, "The American Legion shall use political tools and methods in pursuit of legislative action to support the furtherance of its legislative priorities and agendas but shall be absolutely nonpartisan 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" and be

it further

RESOLVED, that this resolution be forwarded to the 6th District Adjutant for presentation to the 6th District Executive Board in regular meeting assembled at Park Rapids on March 21, 2021 for consideration and action to include presentation at the 6th District Convention to be convened at Nisswa, MN on June 3 – 5, 2021, and be it further

RESOLVED, that upon approval this resolution be forwarded to the Department of Minnesota Convention to be regularly convened at Redwood Falls, MN on July 15 – 17, 2021 for consideration and action, and be it further

RESOLVED, that upon approval this resolution be forwarded to the National Adjutant for submission to the National Resolutions Committee for action and presentation at the National Convention, regularly convened at Phoenix, AZ on August 27 – September 2, 2021.

THE COMMITTEE (MEMBERS PRESENT)

<u>DISTRICT</u>	<u>MEMBER</u>	<u>HOME TOWN</u>	<u>POST</u>
FIRST	Gary Weaver	LaCrescent	595
SECOND	Betty Jass	Lake Crystal	7
THIRD	Don Walsler	Hutchinson	96
FOURTH	Larry Ryan	Oakdale	39
FIFTH	Lynne Nottage	Minneapolis	1
SIXTH	None		
SEVENTH	None		
EIGHTH	None		
NINTH	None		
TENTH	None		

CREDENTIALS COMMITTEE

The Credentials Committee met on July 15-17, 2021 at 9:00 AM each morning at the Redwood Falls American Legion, Redwood Falls, MN.

Lynne Nottage, Chairman

District	Total Posts	Posts Registered	Persons Registered	Voting Strength
First	57	13	19	47
Second	81	12	13	40
Third	64	12	36	71
Fourth	16	7	11	29
Fifth	21	8	14	29
Sixth	69	12	19	52
Seventh	75	7	12	32
Eighth	39	4	6	19
Ninth	62	8	10	40
Tenth	52	12	30	58
<hr/>				
TOTALS	536	95	170	417

EMPLOYMENT COMMITTEE REPORT

The Employment Committee did not have any resolutions and therefore did not meet.

THE COMMITTEE

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	George Gunderson	Dodge Center	333
SECOND	Jim Hunt	Slayton	285
THIRD	Dave Heidebrink	Hutchinson	96
FOURTH	None		
FIFTH	Dennis DeLong	Bloomington	435
SIXTH	Carl Moon	Walker	560
SEVENTH	Robert Lubenow	Appleton	29
EIGHTH	D Marvin Hill	Virginia	239
NINTH	Arlo Rude	Thief River Falls	117
TENTH	None		

ENERGY AND CONSERVATION

The Energy and Conservation Committee did not have any resolutions and therefore did not meet.

THE COMMITTEE (MEMBERS PRESENT)

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	None		
SECOND	None		
THIRD	Duane Anderson	Elysian	311
FOURTH	Chuck McCormick	St. Paul	474
FIFTH	Joe Bayer	Minneapolis	99
SIXTH	None		
SEVENTH	Donald Brehmer	De Graff	62
NINTH	Robert Horack	Waubun	31
TENTH	None		

LEGISLATIVE COMMITTEE

The Legislative Committee did not have any resolutions and therefore did not meet.

THE COMMITTEE (MEMBERS PRESENT)

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Mary Hanson	Austin	570
SECOND	Randy R. Olson	Winnebago	82
THIRD	Robert Hart	Oak Park Heights	48
FOURTH	None		
FIFTH	Milton Schoen	Minneapolis	1
SIXTH	None		
SEVENTH	Carl Wilson	Evansville	278
EIGHTH	None		
NINTH	Bill Barbknecht	Battle Lake	489
TENTH	Luis Campero	Sauk Rapids	550

MEMBERSHIP COMMITTEE

The Membership Committee met at 1:10 PM in Tatanka III at Jackpot Junction in Morton, MN on July 15, 2021.

Harry Lucas was elected Chairman and Gary Richardson was elected as Secretary.
All Districts were present except the eighth.
Resolution 2021-2 was assigned to the Committee. The resolution was passed.
There was discussion regarding the resolution explaining it to the committee members.
The meeting was adjourned at 1:51 PM.

Harry Lucas, Chairman
Gary Richardson, Secretary

Resolution 2

WHEREAS, The American Legion was chartered and incorporated by Congress in 1919 as a patriotic veterans’ organization devoted to mutual helpfulness; and
WHEREAS, the American Legion prides itself as the largest wartime Veteran’s organization dedicated to mentoring youth and sponsorship of wholesome programs in our communities; and
WHEREAS, membership is the backbone that allows The American Legion continued devotion to our fellow service members and veterans; and
WHEREAS, the American Legion encourages individuals to become members of the post that they desire and that can best serve both that individual’s preference and the overall goals and objectives of The American Legion; and
WHEREAS, members that are recruited through the National Direct Mail Solicitation (DMS) program and other programs (i.e., electronic sources, web sites, etc.) are retained by the National & Department Holding Posts; and
WHEREAS, National Resolution #16, dated May 4-5, 2016 stated “Departments have the ability to transfer Legionnaires from their headquarters post into a local post and give said posts credit for a new member during that

membership year, which in turn provides a huge incentive for posts to actively pursue these members...” (included for reference), and

WHEREAS, National Resolution #34, dated October 14-15, 2020 RESOLVED: “6. Departments will receive immediate credit toward its national membership goals for DMS members who have paid dues for the upcoming year and transfers into a local/traditional post on or after July 1 of each membership year;” (included for reference) and

WHEREAS, National Resolution #34, dated October 14-15, 2020 finally RESOLVED: “That all departments are strongly urged and encouraged to make a good faith effort to engage, renew or transfer as many DMS-acquired members as possible from their department headquarters posts as it is in the best interests of the entire American Legion to do so.” (included for reference), and

WHEREAS, Maryland Department Adjutant Russell Meyers discussed Department Holding Post members during his presentation on Post Administration (see video available @ Training Tuesdays | The American Legion – seen at approximately 31-minute mark) and mentioned that some departments give districts & posts credit for these state-level holding post member transfers and some departments did not give credit, and

WHEREAS, failure to give districts and posts credit under the current membership year for DMS or other MN Post 1982 (At Large) members that are transferred into local posts would in fact serve as a deterrent to actively recruit these members; and

WHEREAS, Article V Section 3 of The American Legion National Constitution states; coded DMS members acquired in each membership year shall count toward the respective department’s delegate strength 30 days out from the National Convention; and

WHEREAS, allowing districts and posts to count transferred Holding Post members in their membership counts would increase their chances of reaching their membership goals for the year; and

WHEREAS, the American Legion encourages early payment of membership dues and allows members to pay dues for the upcoming year beginning July 1 of the current year; and

WHEREAS, Districts and posts have the ability to transfer Legionnaires from their Department At Large post into a local post and give said posts credit for a new member during that membership year, which in turn provides a huge incentive for posts to actively pursue these members; now, therefore, be it

RESOLVED, by the District 7 Executive Committee of The American Legion in a meeting via electronic means on February 10, 2021, that districts and posts be afforded the same privileges with Direct Mail Solicitation (DMS) and other MN Post 1982 (At Large) member sources that are transferred into local posts through the District Revitalization Program, lists obtained from MyLegion.org or through the request of the member; and, be it further

RESOLVED, that districts and posts receive immediate credit toward its department membership goals for DMS and other MN Post 1982 (At Large) members who have paid dues for the upcoming year and transfers into a local post on or after July 1; and, be it further

RESOLVED, that no monies will be transferred to individual departments for individuals who have renewed as a first- or second-year member under the DMS Program, rendering this action, if approved, revenue neutral to the National and/or Department organizations, and thus, requiring no action from the Finance Commission; and be it finally

RESOLVED, that this resolution be forwarded to the Department Adjutant for consideration and action by the Department of Minnesota Convention regularly convened at Redwood Falls, MN on July 14-17, 2021 or the next available Department Executive Committee meeting.

MEMBERSHIP COMMITTEE

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Sylvan Fix	Brownsville	595
SECOND	Cindy Brunk	Brewster	386
THIRD	Gary Richardson	Mahtomedi	507
FOURTH	Dennis Lastine	Eagan	8
FIFTH	Andrew Rose	Minneapolis	291
SIXTH	Jim Lucas	Pine River	134
SEVENTH	David Manson	Sunburg	545
EIGHTH	Jennifer Havlick	Two Harbors	28
NINTH	Tim Haugen	Moorhead	21
TENTH	William Gordon	Albertville	567

NATIONAL SECURITY AND FOREIGN RELATIONS COMMITTEE

The National Security and Foreign Relations Committee did not have any resolutions and therefore did not meet.

THE COMMITTEE

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Gary Miller	Stewartville	164
SECOND	Dennis Strassburg	Magnolia	32
THIRD	Pat Logan	Bloomington	491
FOURTH	David Dahl	St. Paul	8
FIFTH	Curtis Norenberg	Roseville	548
SIXTH	Veronica Fernlund	St. Cloud	428
SEVENTH	Janette Ekert	South Haven	483
EIGHTH	Wilbur Swanson	Duluth	71
NINTH	Gary H. Olson	Moorhead	21
TENTH	Bonnie Hanson	Rockford	270

PUBLIC RELATIONS COMMITTEE

The Public Relations Committee meeting was called to order at 1:00 PM in Broken Arrow B at Jackpot Junction in Morton, MN on July 15, 2021.

Brad Pagel was elected Chairman and Sarah Schlicht was elected Secretary.

All districts were present except the eighth.

Resolution 9 was assigned to the committee. The resolution was passed.

There was discussion on why there was a need to dissolve the Public Relations Committee and create the Media and Communications. Funding of the committee was also discussed.

The meeting was adjourned at 1:27 PM.

Brad Pagel, Chairman
Sarah Schlicht, Secretary

Resolution 9

WHEREAS, An American Legion, Department of Minnesota 1992 Resolution established the Public Relations Committee as a permanent committee; and

WHEREAS, the Public Relations Committee has become ineffective in the role of communicating the mission of The American Legion; and

WHEREAS, the Covid-19 pandemic has spawned a stay-at-home order and caused a cessation of a great deal of activity in districts and posts within The American Legion, Department of Minnesota; and

WHEREAS, the 2019-2020 Department Commander established an Ad Hoc committee designated the COVID-19 Ad Hoc committee to facilitate post and district work electronically using the Zoom platform; and

WHEREAS, technology has progressed and increased the number of methods to provide information to our members, other Veterans and their families as well as the community; now, therefore, be it

RESOLVED, at the April 8, 2021 meeting of Christie-DeParcq Post 406, that the Public Relations Committee be dissolved in favor of the establishment of the Minnesota American Legion Media and Communications Committee; and be it further

RESOLVED, that the Media and Communications Committee be established beginning in the Legion year 2022 (2021-2022); and be it further

RESOLVED, that the Media and Communications Committee have four (4) members with 4,3,2,1 year term, Committee will elect its own chairman; and be it further

RESOLVED, the Department Commander, Department Adjutant, Department Membership Director and Department Communications Director for the Department of Minnesota American Legion shall be Ex-Officio members of the Media and Communications Committee; and be it further

RESOLVED, the Media and Communications Committee will work with the Department Communications Director/Editor of The Legionnaire to provide support for media resources; and be it finally

RESOLVED, that the budget resources for the current Public Relations Committee shall transfer to the new Media and Communications Committee.

THE COMMITTEE (MEMBERS PRESENT)

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Wayne Hammon, Jr.	Leroy	161
SECOND	Brad Pagel	Slayton	64
THIRD	Sarah Schlicht	St. Paul Park	98
FOURTH	Teresa Ash	St. Paul	406
FIFTH	Dick Ward	Minneapolis	548
SIXTH	Susan Edwards	Brainerd	627
SEVENTH	Dean Knutson	Marshall	357
EIGHTH	Jennifer Havlick	Two Harbors	28
NINTH	Steve Sundstrom	Detroit Lakes	15
TENTH	W. Lee Tallakson	St. Louis Park	282

RECREATION AND SPORTS COMMITTEE

The Recreation/Sports Committee did not have any resolutions and therefore did not meet.

THE COMMITTEE

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Charles Stone	Owatonna	77
SECOND	Michael Schaffer	Fulda	322
THIRD	Carla Tappainer	Apple Valley	1776
FOURTH	None		
FIFTH	Joel Duffina	Burnsville	5222
SIXTH	Jason Pierce	Aitkin	86
SEVENTH	Harold Meyer	Lynd	113
EIGHTH	None		
NINTH	Ron Hendrickson	Waubun	31
TENTH	None		

REHABILITATION COMMITTEE

The Rehabilitation Committee was called to order at 1:05 PM in the Cross Arrows-D room at Jackpot Junction in Morton, MN.

Wilson Spence, III was elected Chairman and Gary Munkholm was elected Secretary.

Eight of the ten districts were represented. The 6th and 9th Districts were not represented.

Resolutions 16, 18, and 19 were assigned to the committee. After some discussion, all 3 resolutions were passed as submitted.

The meeting adjourned at 1:35PM.

Wilson Spence, III, Chairman
Gary Munkholm, Secretary

Resolution 16

WHEREAS, The Veterans Health Administration (VHA) the largest integrated health care system in the United States, providing care at 1,293 health care facilities including 171 VA Medical Centers and, 112 outpatient of care of varying complexity (VHA outpatient clinics) to over 9 million Veterans enrolled in the VA health care program, and

WHEREAS, the Veterans Health Administration states during a medical emergency a veteran should immediately seek care at the nearest emergency department (ED), a medical emergency is an injury, illness, or symptom so severe that a delay in seeking immediate medical attention would be reasonably expected to be hazardous to life or health, and

WHEREAS, the Veterans Health Administration has two legal authorities under which emergency treatment in a community facility may be paid for by VA: Unauthorized Emergency Treatment (Service-connected)–Title 38 United States Code (U.S.C.) §1728 and Unauthorized Emergency Treatment (Nonservice-connected)–Title 38 U.S.C. §1725, both laws include land or air ambulance transportation in the emergency episode of emergency care for payment, and

WHEREAS, the passage of the VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 “VA MISSION ACT” gives eligible Veterans greater access to health care in the community including covering the costs for episodes of Authorized Emergency Treatment under a regulation change in Title 38 Code of Federal Regulations (CFR) §17.4020(c), although emergency medical transportation is NOT part of the emergency episode of care and is sent to the local Beneficiary Travel Office to determine eligibility for VA to pay, and

WHEREAS, the Veterans Health Administrations Beneficiary Travel eligibility states Veterans must meet the following administrative requirements to qualify for authorized transport: Have a service-connected disability or combined rating of 30% or more, or be in receipt of VA pension, or previous calendar year income does not exceed maximum VA pension rate, or projected income in travel year does not exceed maximum VA pension rate or travel is in connection with service connected disability or travel is for compensation & pension exam, or travel is to obtain a service dog, or travel relates to VA transplant care and VA clinician documents that special mode transportation is medically required, and

WHEREAS, VA’s Amended regulation changes under the MISSION ACT 38 (CFR) 17.4020(c) states that VA will determine veteran eligibility under this regulation first before considering for reimbursement under 38 (USC) 1725 or 38 (USC) 1728, with VA’s extensive community care network via Optum, majority of emergency episodes of care are authorized under this regulation leaving hundreds of thousands of veterans with unpaid emergency medical transportation bills because not all veterans are eligible for beneficiary travel, now, therefor be it

RESOLVED, that the Veterans Health Administration amend regulation 38 (CFR) 17.4020(c) to include medical emergency transportation both air and land to the episode of

emergency care, and be it further

RESOLVED, that Beneficiary Travel eligibility be removed from regulation 38 (CFR) 17.4020(c) for determining VA payment when a veteran has a medical emergency in the community that requires air or land emergency transportation and, be it finally

RESOLVED, that if passed at The Department of Minnesota Convention, July 15-17, 2021 this resolution be forwarded to The American Legion's National Convention in Phoenix, Arizona August 27-September 2, 2021 for concurring action.

Resolution 18

WHEREAS, VA presumes that certain disabilities were caused by military service, because of the unique circumstances of a specific Veteran's military service, and if a presumed condition is diagnosed or in certain instances undiagnosed in a Veteran in a certain group, they can be awarded disability compensation, and

WHEREAS, Veterans were coming back from service in the Southwest Asia theater of operations, they were experiencing unexplained illnesses and symptoms, as Congress passed.2358 - Persian Gulf War Veterans Act of 1998 directing VA to administer a presumptive list of illnesses for Gulf War veterans under 38 CFR § 3.317, and

WHEREAS, for VA purposes, the Persian Gulf War refers to service in the Southwest Asian theater of military operations beginning on August 2, 1990, at the present time, the period for the Persian Gulf War extends to December 31, 2021, which means that service members who have served in the Southwest Asia theater of military operations after September 2001 are eligible for benefits under VA's Gulf War presumption, and

WHEREAS, Veterans in the following groups may qualify for "presumptive" disability benefits, former prisoners of war who have a condition that is at least 10 percent disabling, Vietnam Veterans who were exposed to Agent Orange and served in the Republic of Vietnam between Jan. 9, 1962, and May 7, 1975, Atomic Veterans exposed to ionizing radiation and who experienced one of the following, participated in atmospheric nuclear testing, occupied or were prisoners of war in Hiroshima or Nagasaki, served before Feb. 1, 1992, at a diffusion plant in Paducah, Kentucky, Portsmouth, Ohio or Oak Ridge, Tennessee, served before Jan. 1, 1974, at Amchitka Island, Alaska, Gulf War Veterans who served in the Southwest Asia Theater of Operations that have a condition that manifested to a level of at least 10 percent disabling for a period of 6 months or longer by Dec. 31, 2021, and

WHEREAS, the only presumptive period which VA administers that has a sunset date is the Gulf War era, stating conditions must manifest to a level of 10% disabling for a period of 6 months or longer by December 31, 2021, for a veteran to receive service-connected disability compensation, now, therefor be it

RESOLVED, That VA amends 38 CFR § 3.317, removing the Gulf War presumptive sunset date and make it indefinite, and be it finally

RESOLVED, that if passed at The Department of Minnesota Convention, July 15-17, 2021, this resolution be forwarded to The American Legion's National Convention in Phoenix, Arizona August 27-September 2, 2021 for concurring action.

Resolution 19

WHEREAS, The Passage of the VA MISSION Act of 2018, Veterans now have better access and greater choice in their health care through in-network community providers via improved eligibility criteria, with the new eligibility criteria going into effect in June 2019 after final regulations were published, and

WHEREAS, VA added language in its community care regulations during the MISSION Act revisions to include authorizing emergency treatment, specifically, 38 CFR 17.20(c) which applies only to emergency treatment furnished to a covered veteran by an in-network emergency room provider and does not affect eligibility for, or create any new rules or conditions affecting, reimbursement for emergency treatment under section 1725 or 1728 of title 38, United States Code, and

WHEREAS, under the conditions set forth in this regulation VA may authorize emergency treatment after it has been furnished to a covered veteran, for purposes of this paragraph (c), “emergency treatment” has the meaning defined in section 1725(f)(1) of title 38, United States Code, VA may only authorize emergency treatment under this paragraph (c) if the covered veteran, someone acting on the covered veteran's behalf, or the eligible entity or provider notifies VA within 72-hours of such care or services being furnished and VA approves the furnishing of such care or services under paragraph (c)(3) of this section. (3) VA may approve emergency treatment of a covered veteran under this paragraph (c) only if the veteran is receiving emergency treatment from an eligible entity or provider, the notice to VA complies with the provisions of paragraph that it is submitted within 72 hours of the beginning of such treatment, and

WHEREAS, VA created a Locator Tool via website for enrolled veterans to find “in-network” community providers to help veterans find the closest place of treatment, and

WHEREAS, VA has not updated its locator tool to reflect the recent 2019 regulation changes which include in-network community emergency care providers, now, therefor be it

RESOLVED, VA should improve its transparency with veterans by adding a list of in-network emergency care providers to its locator tool website so veterans can find an in-network emergency room closest to them in case of a medical emergency knowing VA will cover the episode of care if notified within 72 hours, and be it finally

RESOLVED, that if passed at The Department of Minnesota Convention, July 15-17, 2021, this resolution be forwarded to The American Legion’s National Convention in Phoenix, Arizona August 27-September 2, 2021 for concurring action.

THE COMMITTEE (MEMBERS PRESENT)

<u>DISTRICT</u>	<u>MEMBER</u>	<u>HOME TOWN</u>	<u>POST</u>
FIRST	Richard Skillestad	Eyota	551
SECOND	Pam Krill	Blue Earth	36
THIRD	Mary Jo York	Forest Lake	225
FOURTH	John Berg	Arden Hills	8
FIFTH	Wade Larson	Prior Lake	440
SIXTH	None		
SEVENTH	Garylee Davenport	Atwater	545
EIGHTH	Wilson Spence	Duluth	71
NINTH	None		
TENTH	Gary Munkholm	Anoka	102

RESOLUTIONS COMMITTEE REPORT

The Resolutions Committee meeting was called to order at 1:10 P.M. in Grand Eagle II at Jackpot Junction in Morton, MN on July 15, 2021.

Chuck Kruger was elected Chairman and Jennifer Havlick was elected Secretary.

Districts 1, 3, 6, 7, 8, 9 and 10 were present. Districts 2, 4, and 5 were not present.

Resolutions 12, 13, 14, 17, 20 and 21 were assigned to this Committee.

Resolutions 14 and 20 were passed as submitted. Resolution 13 was passed as amended. Resolution 12 was sent back. Resolutions 17 and 21 were rejected.

No further business was discussed.

The meeting was adjourned at 2:00 P.M.

Chuck Kruger, Chairman
Jennifer Havlick, Secretary

RESOLUTION 14

WHEREAS, The American Legion, Department of Minnesota has a Training Committee divided into two sub-committees of Department Legion College and MyLegion.org sub-committees; and

WHEREAS, the Training Committee has had time to review the structure of the Training Committee and its sub-committees and found this committee structure to be too restrictive and inefficient to the training committee objectives; now, therefore, be it

RESOLVED, by the Department of Minnesota Training Committee of the American Legion in a Special Meeting assembled virtually on February 26, 2021, that the Training Committee will have seven (7) members which will be responsible for developing and administrating Department of Minnesota Legion College and MyLegion.org in addition to all other training that maybe necessary for a well-trained American Legion Membership and their mission; and, be it further

RESOLVED, that the incoming commander will appoint the members of the training committee for (1) 5-year term, (1) 4-year term, (1) 3-year term, (1) 2-year term, (3) 1-year term, with the committee electing their chairman at their organizational meeting following department convention; and, be it further

RESOLVED, the Training Committee will have the authority to maintain a list of instructors to assist them in training throughout the Department of Minnesota; and, be it finally

RESOLVED, that this resolution be forward to the American Legion Department of Minnesota Executive Committee on March 6, 2021 for concurring action.

RESOLUTION 20

WHEREAS, Robert L. Bristo, has been an active member of the Sons of The American Legion Gopher Squadron 440 since 1998 with his eligibility earned by his father, Joseph Bristo, a United States Army veteran of World War II; and

WHEREAS, Robert L. Bristo has served as Squadron Commander from 1998-1999; and

WHEREAS, Robert L. Bristo has served as 5th District Commander from 1999-2000; and

WHEREAS, Robert L. Bristo has served the Detachment of Minnesota as commander, vice commander, membership director and national executive committeeman, as well as many various committees; and

WHEREAS, Robert L. Bristo presently serves on the Minnesota American Legion Family Hospital Association: now, therefore, be it

RESOLVED, that the Sons of The American Legion Gopher Squadron 440 proudly endorses Robert L. Bristo for the high office of National Vice-Commander Central Region for the year 2022 - 2023; and be it further,

RESOLVED, that this resolution be sent to the Sons of The American Legion 5th District Convention for concurring action; and be it further

RESOLVED, that this resolution be sent to the Sons of The American Legion Detachment Convention for concurrent action; and be it further

RESOLUTION 13 (AS AMENDED)

WHEREAS, The American Legion and the Department of Minnesota wholeheartedly stands by the second clause of our Preamble that states “To Maintain Law and Order”, and

WHEREAS, the Department of Minnesota, it’s districts and posts annually seek out Law Enforcement Officers who go above and beyond the call of duty to honor at its various conventions and gatherings, and

WHEREAS, the current political climate in some cities in Minnesota, including Minneapolis and St Paul, is calling for law enforcement agencies to be defunded or disbanded altogether, and

WHEREAS, we are a Nation of Laws and where there are laws, there must be individuals whose task it is to enforce those laws and bring to justice those persons who would choose to live and act contrary to those laws, now therefore it be

RESOLVED, The American Legion Department of Minnesota reaffirms its support and expresses its gratitude to the Law Enforcement Agencies in the State of Minnesota and, be it further

RESOLVED, The Department of Minnesota encourages our Districts and Posts to recognize and support their local law enforcement agencies and, be it finally

RESOLVED, this resolution be forwarded to The American Legion Department of Minnesota Convention floor in session 15-17 July for adoption and upon adoption this resolution is distributed to every Post in the Department by the Department staff.

RESOLVED, this resolution be forwarded to The American Legion Department of Minnesota Convention floor in session 15-17 July for adoption and upon adoption this resolution is distributed to every Post in the Department by the Department staff.

better able to support those programs and policies, and

WHEREAS, American Legion College has provided an avenue for the education of American Legion members at the national and department level with great success; notably to California, New York and Wisconsin, and

WHEREAS, there is no established and consistent system present in the Department of Minnesota for the purpose of educating Legion members on the history, programs, policies and goals of The American Legion; now therefore be it

RESOLVED, That American Legion Department of Minnesota support the establishment of a Department of Minnesota American Legion College; to include administration, finance committee, instructor cadre and curriculum, as well as time and place of college sessions with future funding to be determined and be it finally

RESOLVED, That a copy of this resolution be forwarded to The Department of Minnesota 2021 convention to be held in Redwood Falls, Minnesota, July 15, 16, 17, 2021 for concurring action.

THE COMMITTEE (MEMBERS PRESENT)

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Charles Kruger	Byron	146
SECOND	NONE		
THIRD	Kelley Adelman	Pine Island	184
FOURTH	NONE		
FIFTH	NONE		
SIXTH	Paul Edwards	Brainerd	627
SEVENTH	Richard Wog	Willmar	545
EIGHTH	Jennifer Havlick	Two Harbors	109
NINTH	Tom Conway	Argyle	353
TENTH	Paul Orson	Circle Pines	303

SAFETY SCHOOL PATROL COMMITTEE

The Safety/School Patrol Committee was called to order at 1:00 P.M. in Tatanka IV at Jackpot Junction Casino in Morton, MN.

Eugene Leifeld was elected Chairman and Jamie Woods was elected Secretary.

All Districts except District 8 were represented.

Resolution #11 was assigned to the committee. After discussion, the resolution was rejected.

No other business was brought before the committee.

The meeting was adjourned at 1:15 P.M.

Eugene Leifeld, Chairman
Jamie Woods, Secretary

THE COMMITTEE (MEMBERS PRESENT)

DISTRICT	MEMBER	HOME TOWN	POST
FIRST	Eileen Chao	Austin	570
SECOND	Tom Hallett	Mankato	11
THIRD	Eugene Leifeld	Zumbrota	54
FOURTH	Mike Manske	St Paul	577
FIFTH	Jamie Woods	Minneapolis	291
SIXTH	Jim Blakesley	Aitkin	86
SEVENTH	Victor Gades	Morris	29
EIGHTH	None		
NINTH	Dennis Henkemeyer	Bagley	16
TENTH	Teresa Davis	Princeton	216

TIME AND PLACE (CONVENTION CORP)

The Convention Corporation Committee was called to order at 1:00 PM in the Thunderbird Room at Jackpot Junction Casino in Morton, MN on July 15, 2021.

Phil Bellefeuille was elected Chairman.

All committee members were in attendance. Also in attendance were Henry Haglund, John Krouth, and Karen Welander representing Post 167.

The Fall Conference is scheduled for Mahnomon, MN, hosted by the John Bridges Post 15 of Detroit Lakes, MN. The tentative dates are October 21-23, 2021.

The 2022 Department Convention is scheduled to be at Willmar and hosted by Austin F. Hanscom Post 167. The tentative dates are July 14-17, 2022.

The committee is asking for input from all members for future changes that could improve or streamline Fall Conferences and Department Conventions. There may be a survey in the Legionnaire asking for opinions.

The committee encourages posts to submit bids for meetings; 2023 and up for Department Conventions and 2022 and up for Fall Conferences.

The issue of registration booklets was discussed and it was agreed that only those who pre-register should receive a booklet. This would reduce cost and waste in throwing away unused booklets. Those who show up and register on site would only get a paper copy of the meetings and rooms. Also, instead of giving out packets, perhaps the local host could put a ticket for a door prize in your pre-registration card. Again, this would encourage pre-registration.

It was suggested to extend the convention or fall conference to Sunday, but this idea was rejected.

It was discussed that only committees with resolutions would have a meeting room, which a resolution at this Department Convention confirmed.

We will try to do a better job negotiating room costs.

It was decided that centralizing the convention or fall conference was not a good idea as it would prevent the local legion from making extra money.

It was also discussed as to whether or not the Legion should join the Auxiliary for a Family Night on Friday night instead of a Hospitality Night function. This will be one of the survey questions in the Legionnaire to come.

Phil Bellefeuille, Chairman

2021 TROPHIES AND AWARDS

Father L.J. Fortin Trophy

To the Post which contributed the most outstanding record in promotion of The American Legion's "Back To God" movement

Edward B. Cutter Post 102, Anoka

Lindell Community Service Bell

To the Post accomplishing the most outstanding single piece of community service work during the year

No Applicant

Frank J. Ring Boy Scout Trophy

To the Post with the most outstanding Boy Scout program during the year

Edward B. Cutter Post 102, Anoka

Levi M. Hall School Patrol Trophy

For outstanding School Patrol activity

Edward B. Cutter Post 102, Anoka

Joseph W. Finley Trophy

To the Post with the best all-around program of Post activities

Edward B. Cutter Post 102, Anoka

Stafford King Conservation Trophy

To the Post or individual with the best conservation program

No Applicant

Americanism Trophy

To the Post with the best Americanism program

Edward B. Cutter Post 102, Anoka

Lloyd Grossnickle

To the Post with the most outstanding single Children & Youth project

Edward B. Cutter Post 102, Anoka

Hanson Education Trophy

To the Post contributing most to the field of education

Edward B. Cutter Post 102, Anoka

2021 District Blood Award Winners

District

1	Leon J. Wetzel Post 9, Winona
1	Waseca Post 228, Waseca
1	Wells-Peterson Post 384, Dodge Center
2	Charles Flent Je Post 461, Round Lake
2	Brewster Post 464, Brewster
2	John W. Roth Post 294, Lake Crystal
3	Montgomery Post 79, Montgomery
3	Forest Lake Post 225, Forest Lake
3	Chanhassen Post 580, Chanhassen
4	North St. Paul Post 39, St. Paul
4	Rosetown Memorial Post 542, Roseville
4	St Paul Post 8, St. Paul
5	Gopher Post 440, Minneapolis
5	Minneapolis Post 1, Minneapolis
5	Viking Post 493, Minneapolis
6	Kriesel-Jacobsen Post 560, Zimmerman
6	Billie Brown Post 627, Nisswa
6	Richard Howard Ferrell Post 46, Little Falls
7	Austin F. Hanscom Post 167, Willmar
7	Minneota Post 199, Minneota
7	Henderson-Lewis Post 545, Spicer
8	Virginia Post 239, Virginia
8	Carl Anderson Post 262, Cloquet
8	Walter Riley Post 307, Nashwauk
9	Irvin Blix Post 16, Bagley
9	Warren Post 27, Warren
9	Kaleb E. Lindquist Post 24, Roseau
10	Edward B. Cutter Post 102, Anoka
10	Hansen-Hayes Post 178, Milaca
10	Coon Rapids Post 334, Coon Rapids

AMERICANISM WINNERS

CERTIFICATE OF DISTINGUISHED SERVICE
Kramer Berg Post 507, Mahtomedi

CERTIFICATE OF MERITORIOUS SERVICE
3M Post 599, St. Paul, MN

DISTRICT	POST NAME & NUMBER	LOCATION
1	Jackson O'Meara Post 90	Lewiston, MN
2	Erwin March Post 64	Slayton, MN
3	Edward Born Post 343	Norwood, MN
4	St. Paul Post 8	St. Paul, MN
5	Viking Post 493	Minneapolis, MN
6	James Kobernat Post 340	Hill City, MN
7	Victor Hegge Post 273	Garvin, MN
8	Venier Molea Post 452	Keewatin, MN
9	Irvin Blix Post 16	Bagley, MN
10	St. Michael Post 567	St. Michael, MN

CHILDREN & YOUTH AWARDS

CERTIFICATE OF EXCELLANCE

Category I	1-99 members	Erickson Strom Post 186, Olivia
Category II	100-299 members	Kaleb E. Lindquist Post 24 , Roseau
Category III	300-499 members	Richard Howard Ferrell Post 46, Little Falls
Category IV	500 & over members	Edward B. Cutter Post 102, Anoka

CERTIFICATE OF MERITORIOUS SERVICE

Category I	Not Awarded
Category II	Not Awarded
Category III	Not Awarded
Category IV	Not Awarded

JIM OLDENBURG WINNER
Not Awarded

LLOYD GROSSNICKLE AWARD WINNER
Edward B. Cutter Post 102, Anoka

2021 COMMUNITY SERVICE WINNERS

MOST DOLLARS SPENT PLAQUE WINNERS

Category I	1-100 Members	3M Post 599, St. Paul
Category II	101-250 Members	Lee C. Prectice Post, Fairmont
Category III	251-700 Members	Hutchinson Post 96, Hutchinson
Category IV	701 plus Members	No Entry

HIGHEST HOURS AVERAGE VOLUNTEERED PLAQUE WINNERS

Category I	1-100 Members	Business & Professional Post 332, Minneapolis
Category II	101-250 Members	Falldin Post 555, Minneapolis
Category III	251-700 Members	Irvin Blix Post 16, Bagley
Category IV	701 plus Members	No Entry

DISTRICT CATEGORY POST NAME AND LOCATION

First	I	Wells-Peterson Post 384, Dodge Center
	II	Adams Post 146, Adams
	III	Austin Post 91, Austin
	IV	NO ENTRY
Second	I	Brewster Post 464, Brewster
	II	Lee C Prentice Post 36, Fairmont
	III	NO ENTRY
	IV	NO ENTRY
Third	I	Prior Lake Post 447, Prior Lake
	II	Waconia Post 150, Waconia
	III	Hutchinson Post 96, Hutchinson
	IV	NO ENTRY
Fourth	I	3M Post 599, St. Paul
	II	North End Post 474, St. Paul
	III	North St. Paul Post 39, St. Paul
	IV	NO ENTRY
Fifth	I	The Hellenic Post 129, Minneapolis
	II	Art & Leonard Falldin Post 555, Minneapolis
	III	NO ENTRY
	IV	NO ENTRY
Sixth	I	William Larson Post 366, Bertha
	II	Browerville Post 293, Browerville
	III	William T. Lewis Post 12, Long Prairie Silver Star Post 428, Waite Park
	IV	NO ENTRY
Seventh	I	Erickson Strom Post 186, Olivia
	II	Eden Valley Post 381, Eden Valley
	III	Austin F. Hanscom Post 167, Willmar
	IV	NO ENTRY

Eighth	I	Walter Riley Post 307, Nashwauk
	II	Louis Lequier Post 122, Deer River
	III	Anderson-Claffy Post 109, Two Harbors
	IV	NO ENTRY
Ninth	I	Theodore Stalemo Post 242, Fisher
	II	Hans E. Lian Post 444, Middle River
	III	East Grand Forks Post 157, E. Grand Forks
	IV	NO ENTRY
Tenth	I	Chisago City Post 272, Chisago City
	II	St. Michael Post 567, St. Michael
	III	Edward B. Cutter Post 102, Anoka
	IV	NO ENTRY

SILVER BRIGADE WINNER

(Receives Certificate, Patch, and Pin)

No Entry

GOLD BRIGADE WINNER

(Receives jacket, patch, pin and plaque)

No Entry

APPENDIX "A"

CONSTITUTION

THE AMERICAN LEGION

Department of Minnesota

ARTICLE ONE

Name

The name of this organization shall be "The American Legion, Department of Minnesota." Its principal office shall be maintained in the City of St. Paul.

ARTICLE TWO

Nature

Section 1. The American Legion is a civilian organization. Membership therein shall not increase or decrease liability for military or police service. Former military or naval rank does not exist in The American Legion. No member shall be addressed by his military or naval title in any convention or meeting of The American Legion.

Sec. 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 political office or preferment.

ARTICLE THREE

Organization

Section 1. The American Legion, Department of Minnesota, is a Department of and subject to the jurisdiction of The American Legion.

Sec. 2. The American Legion, Department of Minnesota, shall be organized in units termed districts, which said districts shall correspond territorially to the Congressional districts of the State of Minnesota, as they were organized immediately prior to the reapportionment act of Congress, 1930, and of local units termed posts, except that all territory included in the present corporate limits of the City of Minneapolis and the Village of Richfield shall be included in the Fifth District of the Department. District organization shall be subject to the jurisdiction of The American Legion, Department of Minnesota. Except for the exceptions listed, the posts within each County of each district shall be organized into County Councils under the jurisdiction of the Department of Minnesota, The American Legion. A staff of officers shall be elected and regular meetings of the Council held, and in all elections and other business transacted, each post shall have an equal vote:

Exceptions:

- (1) The Fourth (4th) and Fifth (5th) Districts' Officers shall preside in their respective Counties instead of

County Officers; and

(2) Rural Hennepin County, now a part of the Tenth (10th) District, shall organize itself into a Rural Hennepin County Council and function as a County Council; and

(3) Present multi-County Organizations of less than District designation now in existence may remain and continue to function as County Councils; and

(4) Counties with three (3) or less posts within them may form a multi-County Council with immediate surrounding Counties, but in no case shall more than three (3) Counties organize into one (1) Council.

No post shall be received into this organization until it shall have received a charter from the national executive committee of The American Legion.

ARTICLE FOUR

Eligibility

Section 1. Eligibility for membership in this Department shall be governed by the provisions of the national constitution of The American Legion relating thereto.

Sec. 2. There shall be no form or class of membership except active membership as provided in the national constitution.

ARTICLE FIVE

Legislative Organization

Section 1. The legislative body of this Department shall be the department convention, which shall be held annually at such time and place as shall be fixed by the preceding convention in accordance with the national constitution. In the event that the time or place shall not be fixed by the preceding convention, it shall be fixed by the department executive committee. Each convention shall adopt its own rules of order. In the event that, due to an emergency, National or State, it is for any reason impossible to convene the annual Department Convention, the Department Executive Committee, if it can be convened, shall be the legislative body for that year-shall elect Department Officers and transact all necessary Department business and legislation.

Sec. 2. The Department Convention shall be composed of delegates from each post, members of the Department Executive Committee, The Department Chaplain, Treasurer, Historian and the District Adjutants, but only delegates from posts shall be entitled to vote at such convention.

Sec. 3. Each post shall be entitled to two delegates and to one additional delegate for each hundred members or major fraction thereof, whose department dues have been received by the Department Treasurer and whose district dues have been paid to their respective district officers 30 days prior to the convention for which they are chosen. The final voting strength of each post shall be determined 30 days prior to the convention. Each post shall choose its own delegates, who shall be members in good standing of such post. In addition, each post may

choose alternate delegates to serve in the absence of the principal delegates. The vote of each post shall be equal to the total number of principal delegates to which it is entitled. The vote of any delegate absent and not represented by an alternate shall be cast by a majority of the delegates present from that post. Alternates shall have all the privileges of delegates except that of voting. Proxies shall not be allowed. A post not represented by either delegate or alternate shall have no vote. When provided by majority vote, the voting may be by district.

Sec. 4. The convention shall be the final judge of the choice and qualification of the delegates.

Sec. 5. A quorum shall exist at a department convention when ten per cent of the posts are wholly or partially represented by duly chosen delegates or alternates.

ARTICLE SIX

Department Executive Committee

Section 1. The administrative power of the organization shall be vested in the Department Commander and the Department Executive Committee.

Sec. 2. The Executive Committee shall consist of the Commander and the Vice Commanders, the Department Chaplain, the Department Historian, the Department Sergeant at Arms, the Department members of the National Executive Committee, the immediate past Department Commander and two members from each district, who shall be the District Commander and the immediate past District Commander. A district convention shall be held in each district not more than 60 days and not less than 15 days prior to the holding of the department convention at which district convention each post shall have the representation to which it would then be entitled at a department convention and District Officers shall be selected annually, who shall assume their office at the close of the next Department Convention. In the event of a vacancy in the representation of any district on the Executive Committee, the district, in the manner provided by its constitution and by-laws, shall fill the vacancy for the unexpired term. In case of the inability of any member on the Executive Committee to attend any meeting he or she may select an alternate who shall have power to vote.

Sec. 3. The Executive Committee shall meet at the call of the Department Commander, but in no event more than 22 days after the final adjournment of the convention, and thereafter at the call of the Commander. The Commander shall call a meeting upon the written request of five or more members of the Committee.

Sec. 4. The Executive Committee may select from its membership a sub-committee of three to seven members in addition to the Commander and may delegate its power to said sub-committee. Proceedings of said sub-committee shall, however, be subject to review by the Executive Committee.

Sec. 5. The Executive Committee or the Commander, with the consent of the Executive Committee, may appoint such standing committees as may be necessary.

Sec. 6. A majority of the Executive Committee constitutes a quorum.

Sec. 7. All past National Commanders from the Department of Minnesota, while in good standing in their respective Posts in the Department of Minnesota, shall be ex officio members of the Department Executive committee with vote, and shall also be life delegates to all Department Conventions of the Department of Minnesota of The American Legion, with vote to be

exercised by them with their respective Posts.

ARTICLE SEVEN

Department Officers

Section 1. The officers of this department shall be a Commander, five Vice Commanders, Adjutant, Treasurer, Chaplain, Historian, Judge Advocate, Director of Rehabilitation, Sergeant at Arms and Membership Director.

Sec. 2. The Commander, Vice Commanders, Chaplain and Sergeant at Arms shall be elected annually by the convention and said election shall be held on the third day of the convention. The Commander, Vice Commanders, Sergeant at Arms and Chaplain elected by the convention shall not be eligible to succeed themselves in the same office.

Sec. 3. The representative on the National Executive Committee shall be elected by the Department Convention every odd numbered year for a term of two years. The Convention shall also elect an Alternate National Committeeman for the same term, who shall serve in the place of said National Executive Committeeman in case of his death, resignation, or incapacity.

Sec. 4. The Department Historian shall be elected in 1983 for a term of one year, and the Historian shall be elected by the convention each year thereafter.

In the absence of a satisfactory report the Historian shall be subject to recall at any department convention.

Sec. 5. Unless otherwise specially provided, the officers in Sections 2, 3 and 4 of this article shall serve until the adjournment of the next succeeding convention and thereafter until their successors shall have been duly chosen. A majority of all ballots cast shall be necessary for the election of the above named officers. In Elections where there are more than two candidates, the candidate receiving the fewest votes in each round of voting shall be eliminated.

Sec. 6. Except as otherwise provided, in case of a vacancy in any of the offices set forth in Sections 2 and 3, the Adjutant shall forthwith call a meeting of the Department Executive Committee and said committee shall by election fill any such vacancy, provided that a vacancy in the office of Commander shall be filled from one of the Vice-Commanders, and the vacancy thereby created thereupon filled likewise by elections.

Sec. 7. The Adjutant, Treasurer and the Judge Advocate shall be elected by the Executive Committee. In 1998, the Adjutant shall be elected to a three-year term, the Treasurer to a two-year term, and the Judge Advocate to a one-year term. On the expiration of each such initial term, each such officer shall be elected to a three-year term. Said officers may be removed from office by the Executive Committee for failure to perform job duties satisfactorily or for misconduct. The Adjutant shall be paid such sum for salary and expenses as may be determined by the said Executive Committee. The Director of Rehabilitation shall be selected by the Standing Department Rehabilitation Committee and shall be paid such salary and expenses as may be determined by said committee with the approval of the Executive Committee. The Department Membership Director shall be appointed by the Department Commander."

Sec. 8. No Legionnaire shall hold or be elected by Convention or Executive Committee to more than one elected Department of Minnesota position.

ARTICLE EIGHT

National Representation

Section 1. The delegates-at-large to which the department is entitled in the National Convention shall be elected by the convention and shall include the incoming Commander, the incoming department representative on the National Executive Committee and the outgoing Commander.

Sec. 2. Additional delegates to which the Department is entitled shall be elected by a caucus of the delegates to the Department Convention from each District or at the various District Conventions of the State of Minnesota. The number of delegates to which each District shall be entitled shall be determined by the Department Executive Committee, which shall apportion delegates as nearly as possible on the basis of paid-up members in each district.

Sec. 3. The outgoing Department Commander shall be chairman of the delegation of the department to the National Convention. In the event the outgoing Commander is unable to attend, the chairman of the delegation to the National Convention shall be elected by the majority of the delegation at their first caucus.

ARTICLE NINE

Organization

Section 1 (a). Fifteen or more persons eligible for membership in The American Legion may apply for a charter as a post thereof to the Department Commander. Such application, when approved by the Department Commander or the Executive Committee shall be forwarded to the National Executive Committee of The American Legion. Every post charter shall be countersigned by the Department Commander and Adjutant.

(b). The Department Adjutant may apply for a charter for a Department at Large Post. The Constitution and By-Laws of said Post to be subject to the approval and ratification by the Department Executive Committee and to specifically provide that said post shall not be entitled to representation at any Department Convention or meeting.

Sec. 2. No post charter in the name of any living person shall be approved.

Sec. 3. Each post shall have a Commander, one or more Vice Commanders, Adjutant, Finance Officer, Historian, Chaplain, Service Officer, Post Executive Committee, and such other officers as the post may determine and shall select such officers who shall assume office no later than the close of the next Department Convention.

Sec. 4. Each post may prescribe its own constitution and by-laws not in conflict or inconsistent with the National and Department Constitutions.

ARTICLE TEN

Finance

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

Sec. 2. The amount of such annual dues shall be determined by the Department Convention and remain in effect until changed by subsequent action of the Convention. The annual dues shall be collected by each post and the portion designated as District, Department and National dues shall be immediately transmitted to Department Headquarters. No post shall be qualified for representation at any district and/or Department Convention until all of said dues have been fully paid.

Sec. 3. The fiscal year of the Department shall be October first through September thirtieth.

Sec. 4. All department and post officers responsible for national or department funds shall furnish adequate bonds conditioned for the faithful performance of their duties.

Sec. 5. The Department Finance Committee shall be composed of seven members. The Department Commander and the Department Treasurer shall be full members of the Department Finance Committee with vote for the term of their office. The Department Commander shall appoint, subject to ratification by the Department Executive Committee, members to fill expiring terms, no two members of said Finance Committee to be appointed from the same district; who shall serve for a full five year term, or until removed by a majority vote of the Department Executive Committee. The Department Adjutant shall be ex-officio secretary of said committee. The appointed member serving their last year on the committee shall automatically become its chairman. The Department Finance Committee shall be charged with preparation and adoption of the annual budget of the Department, the handling and disbursement of funds under that budget, and such other duties as shall be prescribed by the Department Executive Committee.

Sec. 6. The sinking fund of the Department, as set up by previous convention mandate, shall be continued, and from time to time the Finance Committee may add to such fund such amounts as in their discretion may be available therefrom, and shall add to the principal thereof such amounts as may be earned as either interest or income therefrom, to such principal, provided that when such fund reached the total sum of \$200,000.00 no further additions thereto need be made, and all interest or income therefrom shall be transferred to the General Operating Fund. Except as hereinbefore provided, the principal of such fund shall not be expended, except by a two-thirds vote of the Department Convention authorizing such expenditure.

ARTICLE ELEVEN

Discipline

The provision of the National Constitution and By-Laws relating thereto shall govern the discipline of posts and members of this department.

ARTICLE TWELVE

Individual Transfers

Upon application to the Post Adjutant any member of the post desiring to transfer to another post shall be

entitled to a transfer card to such other post, provided all dues and assessments have been paid to date. Record of such transfer forthwith shall be transferred to the department headquarters.

ARTICLE THIRTEEN

Auxiliary

Section 1. The American Legion, Department of Minnesota, recognizes an auxiliary organization known as the American Legion Auxiliary.

Sec. 2. Eligibility for membership in the Auxiliary of the Department of Minnesota shall be governed by the provision of the National constitution of the American Legion relating thereto.

Sec. 3. The American Legion Auxiliary in the Department shall be governed by such rules and regulations as may be prescribed by the National Executive Committee.

ARTICLE FOURTEEN

American Legion Family Hospital Association

Section 1. Each member in good standing in this department is a member of the American Legion Family Hospital Association, which is officially sanctioned and supported by The American Legion, Department of Minnesota.

Sec. 2. Each post shall raise 25 cents annually for the American Legion Family Hospital Association for each member in good standing. The money so raised shall be remitted to department headquarters with the state and national dues and by it remitted as speedily as may be to the American Legion Family Hospital Association. No post may be qualified for representation at the department convention or shall have a vote in department affairs while any part of this support of the Hospital Association remains unpaid. The Executive Committee may at any time in its discretion cause payment to the American Legion Family Hospital Association to be suspended and report the matter to the next convention for its action.

ARTICLE FIFTEEN

Amendments

Section 1. This constitution may be amended at any convention by the vote of a majority of the total authorized representation, provided that the proposed amendment shall have been read at such convention at least twelve hours before the vote thereon.

Sec. 2. Insofar as this constitution may at any time be in conflict with the provisions of the National Constitution, the latter shall prevail.

BY-LAWS

DEPARTMENT OF MINNESOTA

THE AMERICAN LEGION

ADMINISTRATON

1. The Department Commander shall be the executive head of the Minnesota Department, with full power to enforce the provisions of the Constitution and By-Laws and will of the State Convention. He shall preside over all meetings of the Department, in Convention and meetings of the Executive Committee, and perform such other duties as custom and parliamentary uses require. He shall appoint all necessary committees, except such as are otherwise provided for by the Department Constitution.

2. The Department Vice Commanders shall act as representatives of the Department Commander on all matters referred to them by him and shall, at his request, preside over Conventions or meetings of the Executive Committee and perform such other duties as are usually incident to the office.

3. The Department Adjutant shall keep a record of all activities of the Department and Conventions and meetings of all Executive Committee. He shall at each regular Convention and meeting of the Executive Committee, read the minutes of the preceding meeting and make such corrections as may be directed unless by a majority vote of the Delegates or Executive Committee, the reading shall be dispensed with. He shall have the proceedings of each annual convention prepared and kept in permanent record. He shall cause notice to be given of all meetings of Department or Executive Committee. He shall keep a record of the membership of the local Posts. He shall collect all annual dues and pay the same to the Department Treasurer, taking a receipt therefor. He is charged with the administration of the Department Headquarters, subject to the directions of the Commander or Executive Committee, and shall perform such other duties as the Executive Committee may direct. He shall engage in no other occupation or profession during his term of office.

4. The Treasurer shall have custody of all funds of the Department, and shall deposit the same in its name in such bank or banks as the Executive Committee shall designate. He shall present his books for inspection at any meeting of the Executive Committee or the Convention upon demand of any Delegate or member of the Executive Committee. He shall give bond to the Department in such sum as the Executive Committee shall direct.

5. The Judge Advocate shall perform such duties as may be required of him by the Commander or Executive Committee and shall act in an advisory capacity to the officers and committees of the Department.

5A. The Department Director of Rehabilitation shall have charge and direction of all rehabilitation and service arising in the department and shall be the official advisor of all district and Post Service Officers. He shall perform such other service and rehabilitation duties as may be required by a Department Convention or the Department Rehabilitation Committee. He shall prepare an annual report of the activities of his office, together with recommendations which shall be printed and distributed to all department officers and posts in such manner as the Department Rehabilitation Committee may determine.

5B. The Sergeant at Arms shall perform such duties as may be required of him by the Commander or the Executive Committee.

5C. Members of the Department and national Standing Committees shall be ex-officio members of the similar convention committees.

DISCIPLINE

6. Each Post of The American Legion shall be the judge of its own membership, subject to the restrictions of the National and Department Constitutions and By-Laws.

6A. Members may be expelled from The American Legion only upon a proper showing of cause and upon one or more of the following grounds, vis.: disloyalty, neglect of duty, dishonesty and conduct unbecoming a member of The American Legion. All charges must be made under oath, in writing by the accusers, and no member in good standing shall lose his membership until given a fair trial after due notice before the Post in accordance with the procedure prescribed by the Department Executive Committee.

6B. All questions affecting the election, eligibility and conduct of the national executive committeeman, or of his alternate, or of department officers or members of the Department Executive Committee, shall be referred to and determined by the Department Executive Committee. All questions concerning the election, eligibility and conduct of Post or District officers or members of Post or District Executive Committees, shall be referred to and determined by the Executive Committee of the Post or District involved, which shall be the final authority thereon.

RULES

7. Any mandate adopted by convention action shall not be changed during the year of its adoption and it shall continue to govern the state policy of the department unless changed by convention action.

7A. Any mandate of the Department or Executive Committee, which establishes a policy of continuing nature and has the effect of governing the actions of the department, shall be set forth in a pamphlet which shall be supplemental to the Constitution and By-Laws and which shall be part of the governing rules and regulations of the department.

7B. The policy mandate pamphlet shall be kept up to date and changed as the mandates are changed.

RULES OF ORDER

8. At all Department Conventions and meetings of the Executive Committee, Robert's Rules of Order, revised 1915 edition, shall govern except when special rules shall be adopted by the convention or meeting, or wherein the same (Robert's Rules of Order) conflict with the Constitution and By-Laws.

AMENDMENTS

9. Amendments to these By-Laws may be made at any Convention by the vote of a majority of the delegates present, providing there is a quorum.