



National Sons of AMVETS
David Spencer
National Judge Advocate

May 6, 2019

My fellow Sons,

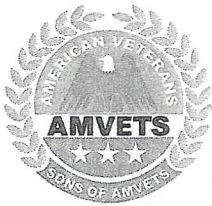
Like last year, this year, we wanted to make an effort to get you out information ahead of the final mailing for the Constitution & By-Laws Amendments for you to review earlier than normal and by having these available on the website.

There are currently 8total resolutions, as follows:

1. **Increase National Carryover**-This will authorize the National Executive Committee and the Finance Officer to raise the National Carryover to better reflect actual and budgeted expenses during the 1st part of the year
2. **990 Filing**-This will establish that 990 filings must happen every year and what needs to be submitted to State and National.
3. **Charges against Officers**-This will establish and clarify what to do with an officer who has charges but also carries significant properties of the organization, such as the checkbook.
4. **Convention Chairman**-This will add the Convention Chairman officially to the list of appointed officers and sets their duties.
5. **PNC Budgeting**-This will establish a timeline for the PNCs to notify the National Commander that they intend to come to a Spring NEC or National Convention so that all PNCs going can make a reasonable financial decision.
6. **Scholarship Applications**-This will revise the lead time for Scholarship Applications and require better record keeping.
7. **Change to CBL Timeline**
8. **Change to CBL Process**-These two resolutions feature different ways to eliminate or minimize one of our mailings every year.

These resolutions are still in flux and may or may not remain in their current wording or form all the way until National Convention. If anything changes, we will note this on the website, and will mail an updated resolution after the cut-off. More specifically, the order and/or numbering of the resolutions may change. If only the NUMBER of a resolution (or resolutions) changes, a new resolution may or may not be re-mailed.

Please keep an eye out on the website for updates to these resolutions, as well as new resolutions being posted as we move forward. We will also post additional materials on the website as we get closer.



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Please review these with your State and Squadron membership. If you are sending any delegates to the National Convention, please be sure to let them know about these in advance so that they can best represent the wishes of your Squadron.

We hope to see you soon in Louisville!

PNC David Spencer
Judge Advocate
Sons of AMVETS
National Department

Resolution #2019-01

Subject: Increasing the National Carryover

Source: National Finance Committee

WHEREAS, Each year the National Department is hamstrung by the fact dues do not come in by and large until after the 1st of the calendar year; and

WHEREAS, A count through the amounts in this year's budget that could be spent between September 1st and January 31st is over \$93,000. This amount includes payroll and related expenses for the National Headquarters, the expenses related to the Fall NEC and 2 E-Boards as well as mailings, and other expenses; and

WHEREAS, the current amount of the annual carryover is only \$60,000.00; therefore be it

RESOLVED, that the body of the 2019 National Convention hereby authorizes and directs the National Finance Committee to establish a plan to increase the annual carryover to \$100,000.00. Said plan shall be accomplished over time by utilizing funds not used in one budgetary cycle to increase the carryover into the next fiscal year. The current National Finance Officer and/or his successors shall ensure such plan is carried out subject to periodic review by the National Executive Committee.

Subject: 990 Filings

Source: National Executive Board

WHEREAS, Every Squadron, District and/or Department is required to file a tax return of some kind at least once every 3 years with the IRS to maintain their tax-exempt status; and

WHEREAS, This has not been monitored effectively by either the National or State Departments as a group, with a large majority of Squadrons, Districts and Departments are no longer exempt from Federal taxes; and

WHEREAS, The AMVETS have notified us that this needs to be fixed as soon as possible, as this may affect their own tax exempt status ; and

WHEREAS, It is well known that the more often we do something, the more likely it will get done on a regular basis; therefore be it

RESOLVED, That all Squadrons, Districts, Departments and the National Department shall be required to file the appropriate 990 form every year, regardless of how often the IRS requires it; and therefore be it further

RESOLVED, Such tax filing shall be part of the annual revalidation process; and therefore be it further

RESOLVED, That the National Constitution, Article VI, Section 6b shall be amended to read “No Department shall be seated at the National Convention without filing an annual Revalidation/Officers form on or before July 15th. Every Department shall be required to file annually a Form 990 with the IRS. All Departments must furnish a copy of their most up to date filed 990 along with their Change of Officers form. After proper notification to the AMVETS or to the Sons of AMVETS, the Department concerned must be paid in full before they may be seated at the National Convention.”; and therefore be it further

RESOLVED, That the National Constitution, Article VI, Section 6e shall be amended to read “No Squadron may be seated at their respective State Department Convention without submitting their annual revalidation seven (7) days prior to opening date of said Convention. Such revalidation shall include their Change of Officers form and their up to date Form 990 filed with the IRS. Every Squadron shall be required to file annually a 990 with the IRS. Squadrons may be approved by the Executive Board to be seated and vote at said Convention after receipt of said Revalidation.”; and therefore, be it further

RESOLVED, That the National Constitution, Article VIII, Section 4 shall be amended to read “No Squadron shall be seated at the National Convention without completing their annual Revalidation/Officers Form on or before July 15th. Every Squadron shall be required to file annually a Form 990 with the IRS. All Squadrons must furnish a copy of their most up to date filed 990 along with their Change of Officers form. After proper notification, all indebtedness to AMVETS or Sons of AMVETS must be paid in full before the Squadron concerned may be seated at the National Convention.”; and therefore be it further

RESOLVED, that the following verbiage shall be added to the National Constitution as Article VII, Section 2c, with the current 2c being renumbered as 2d: “Each State District shall revalidate with their State Department by July 15th each year. Such revalidation shall include an updated Change of Officers form and the State District’s most recently filed Form 990. Each State District shall be required to file a Form 990 annually with the IRS. Any State District that has not completely revalidated by July 15th shall be considered in bad standing until they have completed all required documentation.”;

Resolution #2019-03

Subject: Charges against an officer that carries significant properties

Source: David Spencer, National Judge Advocate

WHEREAS, Each year there are officers who are brought up on charges; and

WHEREAS, Sometimes there is a significant concern of additional malfeasance occurring prior to being able to remove the member from office and/or membership; and

WHEREAS, The Constitution & By-laws does not have a method of protecting these properties, specifically in regards to the finances; therefore be it

RESOLVED, That the following verbiage in quotation marks shall be inserted into the National Constitution as Article IX, Section 6(c) with all subsequent subsections renumbered as needed: "In the event that an elected officer who is the subject of charges also carries significant properties of the Sons of AMVETS, such as the Finance Officer, the remaining members of the Executive Board at the level may, by majority vote, require that officer to turn over all Sons of AMVETS properties to another member. Said member shall be designated by the Executive Board at that level. Upon the completion of the hearing process, if the officer is found not guilty, all said materials shall be returned to the officer in question within 2 business days. If there is an appeal, the Executive Board at that level may choose to extend the confiscation of Sons of AMVETS Properties until the conclusion of the appeal process. The Officer retains all other rights and privileges of his rank with the exception that the Commander at that level may not sit in chair of his own hearing."

Resolution #2019-04

Subject: Convention Chairman

Source: PNC Harold Collins & PNC David Spencer, National Judge Advocate

WHEREAS, Commander Barber has appointed a Convention Chairman for his term; and

WHEREAS, This has worked out exceedingly well in that we have had someone knowledgeable in the operation of mass meetings and Sons National Conventions in particular; and

WHEREAS, We do not want to reinvent the wheel every year when we begin planning the convention; therefore be it

RESOLVED, That the following verbiage be inserted into the National By-Laws as Article I, Section 10, with all succeeding sections being renumbered appropriately: "The National Commander shall appoint a Convention Chairman, who must be knowledgeable in the running of a Sons of AMVETS National Convention or in general convention planning. The Convention Chairman's duties will include working with the Convention Hotel, Headquarters Staff and other subordinate organizations to arrange all facets of the Annual National Convention, Fall NEC and Spring NEC Meetings. The Convention Chairman will also perform other duties in relation to meeting planning as assigned by the National Commander, National Executive Board and National Executive Committee. State Departments may choose to establish a similar position if they so choose."; and therefore be it further

RESOLVED, That the following verbiage shall be inserted into the National By-Laws as Article II, Section 15 with all succeeding sections being renumbered: "The Commander, with the approval of the Executive Committee, shall appoint a VAVS Coordinator, Chaplain, Communications Director, Legislative Director, Deputy Legislative Director, Inspector General, Junior AMVETS Coordinator, Webmaster and Convention Chairman. These offices shall be filled for a one (1) year term effective September 1st to August 31st of each year."; and therefore be it further

RESOLVED, The National Finance Committee shall ensure during the budgeting process that the Convention Chairman is funded appropriately to carry out the duties of their office.

Resolution #2019-05

Subject: PNC Budgeting

Source: National Finance Committee

WHEREAS, We have a very limited budget for the Past National Commanders; and

WHEREAS, For Spring NEC and some Conventions, it becomes difficult to plan not just for the National Finance Officer but for the PNCs individually as well; and

WHEREAS, We would want the individual Past National Commanders to be able to make reasonable financial decisions about whether or not they can afford to attend the Spring NEC or National Convention; and

WHEREAS, Individual PNCs should know whether they plan to attend the Spring NEC by January 1st or National Convention by May 1st; therefore be it

RESOLVED, That the National By-Laws, Article III, Section 1f, shall be amended to read: "The amount of \$.50 (fifty cents) per member shall be budgeted for the purpose of Past National Commander (PNC) per diems and lodging (or transportation not to exceed equivalent amount of lodging or voucher limits) budgeted equally for the Spring NEC meeting and National Convention. The preceding items shall be accounted for in the annual approved budget, based on total memberships as of July 31, of each fiscal year, and shall be allocated as stated in the National Department Standing Rules of Operation, not to exceed the annual budget allocation. Past National Commanders travelling to a Spring NEC or National Convention must notify the National Commander by phone or email no later than January 1st (in the case of Spring NEC) or May 1st (in the case of the National Convention) of their preliminary decision to be eligible for a full and equal share. Any Past National Commander failing to do so may still be eligible for reimbursement, but will only be eligible for funds remaining after the PNCs who observe the above notification. Any monies not expended during the Spring NEC meeting may otherwise be utilized for the National Convention."; and therefore be it further

RESOLVED, The National Commander shall keep the National Finance Officer, National Finance Committee and National Convention Chairman apprised of which PNCs are attending each meeting, and the National Finance Officer shall notify the PNCs how much they are eligible for if this will be less than 4 nights lodging and 4 days per diem.

Resolution #2019-06

Subject: Changes to the National Scholarship Program

Source: David Spencer, National Judge Advocate

WHEREAS, There is no business purpose for requiring that applications be submitted by April 1st; and

WHEREAS, A later date would allow more applications to be mailed to Headquarters already completed (including transcripts); and

WHEREAS, The scholarship winners are not selected until the National Convention; and

WHEREAS, A typical high school class graduates in early to mid June; and

WHEREAS, An individual may receive a scholarship twice, but no comprehensive list of scholarship winners exists; therefore be it

RESOLVED, that the body of the 2019 National Convention hereby authorizes and directs the National Executive Board to review all available resources to compile a list of past recipients and it shall be the responsibility of the outgoing National 2nd Vice Commander to revise that list before the end of his term each year; and therefore be it further

RESOLVED, effective with the 2020 Scholarships, that the deadline for the submission of Scholarship applications will be June 30th, and The National Webmaster shall update the Scholarship Application, subject to approval by the National Executive Committee.

Resolution #2019-07

Subject: Change to National CBL Amendments Timeline

Source: David Spencer, National Judge Advocate

WHEREAS, The National Department has continued to endeavor to shrink costs at the National Level;
and

WHEREAS, An effective National Convention Mailing needs to include as much and as accurate information as possible, and be out prior to the State Conventions; and

WHEREAS, It can only benefit discussion on the National Floor if State Departments have had time to discuss the CBL Amendments at their State Conventions as well as the Squadrons, like the AMVETS do; therefore be it

RESOLVED, That the following verbiage in quotation marks shall replace the verbiage in the National Constitution Article XIV, Section 1: "This Constitution may be amended by two-thirds (2/3) vote of the members present and eligible to vote at the annual National Convention. Any member in good standing may submit a resolution. Proposed amendments must be submitted typewritten, dated and signed. Proposals shall be postmarked (if sent via regular mail) or time-stamped (if sent via electronic mail) no later than **May 1st for consideration at the National Convention in the same calendar year** and addressed to National Headquarters. National Headquarters shall notify in writing, all Squadrons and Departments all proposed amendments, to be postmarked (if sent via regular mail) or time-stamped (if sent via electronic mail) no later than **May 31st**. The National Constitution and By-Laws Committee shall report the same for action at the annual National Convention. This Constitution may however, be amended at any National Convention without prior notice, by a unanimous vote." And therefore be it further

RESOLVED, That the following verbiage in quotation marks shall replace the verbiage in the National By-Laws Article XI, Section 1: "These By-Laws may be amended by a majority vote of the members present and eligible to vote at the annual National Convention. Proposed amendments must be submitted typewritten, dated and signed. Members (in good standing), Squadrons, Department Conventions, or Executive Committees, National Executive Committees, appointed Committees, or any National Officer may submit proposed amendments. Proposals shall be postmarked no later than **May 1st for consideration at the National Convention in the same calendar year** and addressed to National Headquarters. National Headquarters shall notify all Squadrons and Departments of any proposed amendments in writing, postmarked no later than **May 31st**. The National Constitution and By-Laws Committee shall report the same for action at the annual Convention. All properly submitted proposed amendments may be adopted by a majority vote of the eligible and present members at the annual National Convention. These By-Laws may, however, be amended at any National Convention without prior notice, by a two-thirds (2/3rds) vote."

Subject: Change to National CBL Amendments Submission Process

Source: David Spencer, National Judge Advocate

WHEREAS, The National Department has continued to endeavor to shrink costs at the National Level;
and

WHEREAS, An effective National Convention Mailing needs to include as much and as accurate information as possible, and be out prior to the State Conventions; and

WHEREAS, To comply with this timeline, the AMVETS and Ladies Auxiliary have much larger staff, and we have one staff person working part time also trying to finalize all details of the National Convention; and

WHEREAS, Restricting who can submit a resolution to these bodies then requires multiple people to have reviewed it and agree with it already, and allows the National JA to call just a handful of people to find out if anything else is coming in, allowing the final mailing out sooner; and

WHEREAS, Both the National AMVETS and the National Ladies Auxiliary already restrict Amendment submissions beyond an individual member for these very reasons; therefore be it

RESOLVED, That the following verbiage in quotation marks shall replace the verbiage in the National Constitution Article XIV, Section 1: "This Constitution may be amended by two-thirds (2/3) vote of the members present and eligible to vote at the annual National Convention. **Proposed amendments for action of the National Convention must be submitted by a Department convention, Department Executive Committee, the National Executive Committee, Standing National Committee or National Officer.** Proposed amendments must be submitted typewritten, dated and signed. Proposals shall be postmarked (if sent via regular mail) or time-stamped (if sent via electronic mail) no later than forty-five (45) days prior to the opening day of the annual National Convention and addressed to National Headquarters. National Headquarters shall notify in writing, all Squadrons and Departments all proposed amendments, to be postmarked (if sent via regular mail) or time-stamped (if sent via electronic mail) thirty (30) days prior to opening day of the National Convention. The National Constitution and By-Laws Committee shall report the same for action at the annual National Convention. This Constitution may however, be amended at any National Convention without prior notice, by a unanimous vote." And therefore be it further

RESOLVED, That the following verbiage in quotation marks shall replace the verbiage in the National By-Laws Article XI, Section 1: "These By-Laws may be amended by a majority vote of the members present and eligible to vote at the annual National Convention. Proposed amendments must be submitted typewritten, dated and signed. **Proposed amendments for action of the National Convention must be submitted by a Department convention, Department Executive Committee, the National Executive Committee, Standing National Committee or any National Officer.** Proposals shall be postmarked no later than forty-five (45) days prior to the opening day of the annual National Convention, and addressed to National Headquarters. The National Headquarters shall notify all Squadrons and Departments of any proposed amendments in writing, postmarked no later than thirty (30) days prior to the opening day of the annual Convention. The National Constitution and By-Laws Committee shall report the same for action at the annual Convention. All properly submitted proposed amendments may be adopted by a majority vote of the eligible and present members at the annual National Convention. These By-Laws may, however, be amended at any National Convention without prior notice, by a two-thirds (2/3rds) vote."