

AMVETS Department of Texas

Constitutions and By-Laws As of June 2016

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Preamble

We, the American Veterans of World War II, Korea, and Vietnam, believe that no group has a greater stake in the present and future of America than the millions of men and women who served in the armed forces. A large percentage of our local, state, and national leadership will undoubtedly come from this group. The character of that leadership, in terms of integrity and ability, will have much to do with the advancement to the finest that can be America. We shall strive to develop to the utmost these qualities in our members, and bring realization of their responsibilities toward the community, state, and national to the member's attention our slogan, "Citizen First, Veteran Second".

Article I – Name

The name of the organization shall be **AMVETS, AMERICAN VETERANS OF WORLD WAR II, KOREA, and VIETNAM, DEPARTMENT OF TEXAS INC.**, and it shall be hereinafter referred to as '**AMVETS**'

Article II –Objectives

1. Provide the veteran a place and a medium by which his voice can be heard on matters that affect him as such.
2. Serve our country in peace as in war; to build and maintain the welfare of the United States of America toward lasting prosperity and peace for all its inhabitants.
3. Encourage, in keeping with the policies of our Government, the establishment of a concrete plan to secure permanent international peace, and assist in the maintenance of international peace.
4. Inspire in our membership a sense of responsibility, and to develop leadership for the preservation of our American way of life.
5. Help unify divergent groups in the overall interest of American democracy.
6. Train our youth to become purposeful citizens with full knowledge of the responsibilities as well as the privileges of citizenship.
7. Cooperate with all duly recognized existing veteran organizations in the furtherance of the aims of veterans.
8. Insure the orderly return of the veterans to civilian life; protect his rights as an individual, while he is still in uniform.
9. Act as liaison agent between the veteran and the Government.
10. Expedite and assist in the rehabilitation of the veteran by maintenance of employments services, sponsoring educational opportunities and providing counsel on insurance, housing, personal problems, recreation, hospitalization and veteran's benefits.
11. Keep the public forever reminded that the veterans served to preserve peace, liberty, and democracy for their nation.

12. Provide an active program of forums, debates, lectures, and other means available to inform our membership on matters pertaining to veterans' affairs and general citizenship.
13. Help bring an understanding of patriotism and comradeship to America through programs that reward participation.
14. Every chartered post organization has the ability to create and maintain a post home for it and its subordinate organizations.

Article III – Organization

Section 1. There shall be a Department Headquarters designated and established by the Executive Committee.

Section 2. There shall be Officers, Committees, Annual Convention, Executive Committee, County and City Councils, and local posts as provided herein.

Article IV- Membership

Section 1. Any person who served in the Armed Forces of the United States of America, at any time after September 15, 1940 is eligible for regular membership in AMVETS provide such services, when terminated by discharge or release from duty, be by honorable discharge or honorable separation. No person who is a member of, or who advocates the principles of any organization believing in or working for, the overthrow of the United States Government by force, and no person who refuses to uphold and defend the Constitutions of the United States shall be privileged to become, or continue to be, a member of this organization. Members of the National Guard or of the Reserve Forces shall be eligible for AMVETS, providing they have been honorable discharge or presently serving.

Section 2. Honorary memberships shall not be granted. In lieu thereof, certificates of merit may be awarded by a suitably inscribed award given to those rendering distinct service to the community and the veterans of World War II, Korea, and Vietnam. Such awards may be made by posts, intermediate administrative groups, state department, the state executive committee or state convention. Awards by posts and intermediate administrative groups must be approved by the department executive committee. No member of AMVETS shall be entitled to receive a certification of merit.

Section 3. There shall be but one form of membership and that shall be active, regular membership.

Section 4. A person may be a member of only one post at a time. No person expelled by a post shall be eligible for membership; in any other post without the consent of the expelling post or the consent of the Department Executive Committee, after hearing an appeal.

Section 5. All correspondence regarding membership shall go through the State Department

to National Department.

Article V- Department Convention

Section 1. A Department Convention shall be held annually at a place and time fixed by the preceding Convention or by the Executive Committee in the absence of Convention action, and shall constitute the legislative body of the Department. One Convention Body may select a Convention site in advance for more than one year, but no more than three years. In the event the date or place selected by a Convention Body becomes unavailable, the State Executive Committee shall select the time and place such Convention.

Section 2. The Convention shall be comprised of each member of the State Executive Committee and entitled to one (1) vote each. Post delegates are entitled to one (1) vote each, provided his post meets the requirements of Section 10, of this Article. Each of the above members in their capacity shall be entitled to one vote, except the Department Commander, who shall only vote in case of a tie, and except that the Past Department Commanders present and voting shall have but one (1) vote divided equally among them and such fraction of one vote shall be cast on an individual basis by each Past Department Commander at his discretion. Post alternates may only vote in the absence of their respective delegate.

Section 3. Each local Post shall be entitled to two delegates and two alternates for its ten (10) members. Thereafter, the Post shall be entitled to one delegate and one alternate for each additional ten (10) members of major fraction thereof.

Section 4. The Department Commander may vote only in case of a tie. No proxy voters shall be allowed and no post delegates may vote unless the Post they represent is fully paid up in all accounts with the AMVETS Department of Texas.

Section 5. The Executive Committee shall prescribe a system for processing and certifying credentials of the delegates and alternates. A majority of qualified registered voters when present and voting constitutes a quorum of the Convention.

Section 6. Delegates to the State Convention may pre-register with State Headquarters provided they are members in good standing and provided that the conditions of Constitution Article V, Section 10 Article IX, Section 7 have been met.

Section 7. Posts must be chartered prior to May 1 to be eligible to vote at a State Convention.

Section 8. Memberships must be postmarked or in the hands of the Department Executive Director at least thirty (30) days prior to the State Convention in order to be a delegate or

alternate at the State Convention.

Section 9. No delegate of accredited Posts shall be seated at the State Convention unless their respective Posts shall be fully paid up in all their accounts with the State Department thirty (30) days prior to State Convention. No Posts delegate or Alternate shall be permitted to register as such unless he shall have been a member in good standing on State rolls for at least thirty (30) days prior to the opening of said Convention. Each delegate or alternate must present a membership card or other satisfactory evidence identifying him a member of the Post from which he is registering. Further, no Post shall seat its delegates at a State Convention unless it shall have complied with the requirements to renew its charter for that year, as in Section 7, Article IX hereof.

Article VI – Officers

Section 1. It shall be the duty of the Department Officers to aid in the organization and maintenance of local Posts and to carry out the policies and plans of the National Organization, Department Constitutions and By-Laws.

Section 2. Any Member in good standing is eligible for one elective or appointed office of the Department at any one time.

Section 3. The Department Convention shall elect for a term for one year the following: Commander, 1st Vice Commander, 2nd Vice Commander, Finance Officer, Judge Advocate, Provost Marshal, National Executive Committeeman and his alternate shall agree with the National Convention. The Department Commander may not succeed himself unless he is serving and unexpired term of office. No elected Vice Commander shall succeed himself more than once in each respective office, unless he is filling such office by succession or election to a vacancy occurring between State Convention.

Section 4. The Department Commander with the consent and approval of the State Executive Committee shall appoint the Executive Director. His tenure of Office, after six (6) months probationary period, shall be permanent, subject to removal for cause in accordance with National and Department of Texas and By-Laws, provided that no person may serve in the position of Executive Director of the Department of Texas AMVETS, who is not at the time of his appointment a member of AMVETS in good standing with his local Posts.

Section 5. The Department Commander, with the approval and consent of the State Executive Committee, shall appoint the following: Executive Director, Chaplain, Service Officers, Program Director, Public Relations Officer, Historian, and Legislative Director. Majority confirmation by the State Executive Committee must be obtained before such officers may act in said officers and should approval fail; the same name shall not be presented for appointment for a period of eight months following such action.

Article VII – Vacancies in Office

Section 1. In the event of the death, resignation or disability of the Department Commander, one of incumbent Vice Commanders shall be chosen as his successor. Unless the State Executive Committee is in session at the time of, or scheduled to be in session within thirty (30) days of vacancy, a mail ballot shall choose the successor. In the event of each vacancy, the State Executive Committee by certified mail and enclose a ballot. Each member of the State Executive Committee shall mail his ballot to the State Executive Director within ten (10) days of the date of mailing. The State Executive Director shall count the ballots and notify the State Executive Committee of the results and shall preserve the ballots for inspection by the State Executive Committee at its next meeting.

Section 2. In the event of vacancy in any Department office other than Commander, for any reason the Commander shall fill such office by appointment for the remainder of the unexpired term, subject to the approval of the State Executive Committee at its next meeting after said appointment.

Section 3. All elected and appointed officers of the Sate Executive Committee assume the obligation to attend the meeting of the State Executive Committee.

Section 4. When any member of the State Executive Committee fails to attend a State Executive Committee meeting after being duly notified by the giving of two weeks notice in advance o said meeting by United States mail at his current address, such member shall advice the State Commander and/or the State Executive Director in within of his inability to attend said meeting and request to be excused from attendance at said meeting. Said request to be made within ten (10) days after said meeting.

Section 5. In the event said request is denied, said requesting officer shall have the right to appeal such denial to the entire State Executive Committee at its next meeting.

Section 6. In the event of serious illness or injury, notice from another party will be acceptable.

Section 7. Failure to comply with the above provisions automatically suspends such officer and leaves his office open to appointment of a new officer by the State Commander, subject to the approval of the State Executive Committee at its next meeting after said appointment.

Section 8. In the event a person is relieved from office because of a failure to attend, he shall be denied the privilege to refer t o himself as a Past Officer In that capacity and/or to exhibit any insignia that would indicate former service in that office.

Article VIII- Post Organization

Section 1. Local Posts may be formed by any ten (10) eligible Veterans by making applications to the Commander, AMVETS Department of Texas, provided, however, if there exists in the country where said local Post is being formed any other AMVET Post or Posts, said Post or Posts shall be notified of said application. The State Executive Committee shall require no action on said application unless objection to the information of the Post is field or a request for consideration is field with the State Executive committee before said Charter is delivered, then the State Executive Committee shall consider the same and shall not forward the Charter to the newly formed Post unless it shall approve same. Each Charter shall be signed by the National Commander and the National Executive Director and countersigned by the State Commander and State Executive Director.

Section 2. Any Post which does not maintain the minimum of the members upon its rolls within final date for renewals has set forth by the National Department, shall be required to surrender its Charter.

Section 3. (a.) No public fund-raising project or program of any kind or character shall be undertaken by or on behalf of any Post or combination of Posts or Subordinate's thereof unless the contract agreement or other arrangement under which such a project or program is to operate has been submitted for the prior approval of the Department Judge Advocate, and to the State Executive Committee. A public fund-raising project is defined as any project or program involving a solicitation or request to non-members of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, gaming, or any advertising matter of any kind or character. Any fund-raising project or program conducted by a Post or any combination of Posts or Subordinate thereof in which there is no other person, firm or corporation involved, and in which such fund-raising project or program is conducted solely by the Post, shall not be deemed to be within the purview of this Section, provided that the anticipated gross receipts from such fund-raising project or program do not exceed the sum \$2,500; in the event is anticipated that the gross receipts will exceed \$2,500.00 in any fiscal year then said project or program shall be submitted to the State Judge Advocate and the State Executive Committee for prior approval In accordance with this section. All federal or State reports require to the field by said Post or combination of Post or Subordinate thereof pursuant to Federal or State legislation for a administration regulations pertaining to fund-raising or the disposition of any of the assets of a Post or a combination of Post or a combination of Posts or Subordinate thereof, shall, at least fourteen (14) days prior to filling with any Federal or State agency, be submitted to the State Executive Committee for preliminary review and recommendation concerning the preparation and filling thereof. All fund-raising projects or programs that gross in excess of \$2, 5000.00 annually shall remit to the State Finance Officer one percent (1%) of the gross receipts of each fiscal year or one thousand dollars (\$1,000.00) whichever is the lesser, unless exempted from this payment by

the State Executive Committee. The money will be deposited in the AMVETS Department of Texas Service Foundation account of investment. Failure of a Post or combination of Post or any subordinate hereof to adhere to the provisions of this Section shall be considered ground for disciplinary action.

(b) Whenever Post club rooms are maintained and operated for convince of and for the pleasure of its member and the name AMVETS or its insignia are displayed or used, a board of trustees shall be elected from among its members of the Post to supervise its activities, operation an finances.

(c) Any Post operation a Post club room that is mentioned in Section (b) hereof shall be required to carry Workmen's Compensation Insurance in accordance with the law of the State in which the Post is located an Public Liability Insurance, including products liability and personal injury coverage, with a minimum single limit of \$3000,000.00. Posts which maintain a building primarily for meeting purposes shall be required to carry Public Liability Insurance, including products liability and personal injury coverage with minimum single limit coverage of \$100,000.00 or minimum legal amount prescribed by state law. The AMVETS State Department and the National Headquarters shall be included as an additional insured in all policies and certificate of said insurance shall be furnished to the State Department and to National Headquarters.

(d) The one percent (1) gross receipts assessment (limited to a maximum of \$1,000.00) on Post fund-raising projects by the AMVETS Department of Texas becomes due and payable at the time any tax reports required by the State of Texas on said fund-raising projects, are filed with the State of Texas.

(e) Any Post failing to comply with this provision shall be deemed to have violated the State By-Laws and the charter of said Post shall, in accordance with the adopted procedures, be subject to suspension on revocation.

Section 4. The annual membership dues for each member shall not be less than nineteen dollars (\$19.00). Each local Post shall remit annually to the AMVETS Department of Texas, the sum of seventeen (\$17.00) dollars for each member of the Post. The Post shall retain any balance over this for their annual fee.

Section 5. Life membership shall be not less than one hundred fifty dollars (\$150.00), non – refundable, payable to the Post, of which fifty percent (50%) shall be forwarded to National Headquarters, and twenty five percent (25%) to the Department Headquarters. The Department's share of the life membership funds shall be held in a special trust fund and only the income derived from said fund shall be transferred to the general fund for budget use.

Section 6. Posts shall be governed locally by their own officers chosen according to their

own Constitutions and By-Laws, except that election of officers shall be held annually between May 1, and May 31, and said officers shall be installed and assume office no later than July 15, thereafter. The Posts shall be subject and subordinate, however, to the jurisdiction of the National and State Department Headquarters; and any of this Constitution shall be null and void. Officer of Posts shall use the equivalent titles provided for State officers in this Constitution.

Section 7. Every Post shall be required to revalidate its charter annually prior to June 1st in order to revalidate such charter and to receive appropriate evidence of revalidation, each Posts, aside from any other requirements imposed in the Constitution and By-Laws, shall: (1) Furnish Department Headquarters with a certified list of current post officers; (2) File internal Revenue Form 990 for the Post calendar or fiscal year with the United States Internal Revenue Services if required by current Internal Revenue Services regulations, and send a copy to State Headquarters; if a form 990 is not required to field, a letter certifying that fact must be sent to State Headquarters; (3) Furnish State Headquarters with a copy of the Post's current Constitutions and By-Laws or a certification stating that copy previously submitted has not been amended; (5) If required, has complied with Section 3 (c) of Article IX of the State Constitution, and (6) have at least ten (10) members in good standing at the time of revalidation.

Section 8. In order to open a Post clubroom, a Post must have a minimum of fifty (50) members and be legally incorporated in the State of Texas. After being in operation for a period of one (1) year, a minimum of fifty (50) members shall be required to sustain such a club room. Posts with club rooms are not able to meet these membership requirements may appeal to the State Executive Committee in seeking relief from these requirements. Decisions of the SEC in these cases shall be final.

Section 9. When a Post, or a Subordinate Organization of the AMVETS Department of Texas, desires to open a Club Room within a five (5) mile radius of an existing Post or Subordinate Club Room, prior approval for a new Club Room must be obtained from the Post and or State body.

Section 10. A Club Room is defined as; "A place that has an Alcoholic Beverage License or a place where Bingo is played, and is licensed to do so by the State of Texas."

Section 11. Each Post with a Club Room shall be required to send one (1) Delegate to the State Executive meeting and at least one (1) Delegated to the State Department annual Convention, with a written report of Community Services and Post activities.

Article IX- Executive Committee

Section 1. The administration power between Department Conventions shall be vested in the Department Executive Committee, which shall be composed of the State Commander, Past

State Commanders, State 1st Vice Commander, 2nd Vice Commander, Executive Director, Past Executive Directors with more than five years service, Finance officer, Judge Advocate, Provost Marshal, National Executive Committeeman, Alternate National Executive Committeeman, and Post Commanders from each organized Post complying with all of the requirements of this Constitution and By- Laws. Post Commanders only may designate an alternate to act in their absence, or when the Post Commander is performing the duties of an Elective State Office, provided such alternate show proper credentials and authority from the Post Commander he represents. Each of the above members in their capacity shall be entitled to one (1) vote, except the Department Commander, who shall only vote in the case of a tie, and except that the Past Department Commanders present and voting shall have but one (1) divided equally among them and such fraction of one vote shall be cast on an individual basis by each Past Department Commander at this discretion.

Section 2. The Executive Committee shall meet at least two (2) times between Conventions, at a time and place determined by the previous meeting, provided the meeting convened immediately following the Convention shall not count as one of the two (2). Meetings of the Executive Committee shall be conducted according to Section 4 and 7, Article V.

Section 3. The State Executive Committee shall provide for the appointment and employment of such subordinate Officer and Employees as may be needed for the administration of the affairs of the AMVETS, and prescribe their duties and compensation.

Section 4. Any elected or appointed State Officer may receive compensation for his activities on behalf of the organization. The amount of such compensation shall be fixed by vote of the State Executive Committee.

Section 5. The members of the State Executive Committee required to submit reports at State Executive Committee meeting shall do so by certified mail, return receipt requested, or by facsimile (fax) thirty (30) days prior to each said meeting as directed by the State Department. Failure to comply shall result in forfeiture of payment of expenses for that meeting.

Section 6. Special Meetings; (a) By Call of the Department Commander, (b) By written request to the Department Commander by at least two-thirds of the Posts regularly chartered in the Department. The Commander may set the exact time and place; (c) Notices of special meeting shall be mailed to the members of the Executive Committee at their last known place of address not less than ninety-six hours In advance of the meeting. In no case shall such a meeting be held at a place where insufficient travel time remains, after delivery of notices as prescribed herein, for any member to attend the meeting.

Article X – Restricted use of Organization

Section 1. As provided by the National Charter, no part of the activities of AMVETS shall

consist of carrying on propaganda.

Section 2. All members of AMVETS are urged to study the processes and principles of democracy, and how they may best be made to work. Members are in no way restricted in their political thinking or activities, as long as such activities do not violate treason statutes of the United States and the State of Texas. However, the Officers and Committees and Employees, such as shall not contribute to, or other neither support any political party or candidate nor shall the name of AMVETS be used therefore. It is emphasized that this section is not intended to prevent members from exercising their constitutional rights, as citizens, to participate in political meeting so long as such meeting are no AMVETS meetings, or the individually support parties and candidates. All members are urged to maintain status as qualified voters.

Section 3. Nothing in the foregoing sections, however, shall be constructed as prohibiting formulations of programs for veterans' assistance, including proposed legislation, and activities in furtherance thereof such powers being granted by Federal Charter.

Article XI- Finances

Section 1. All State Finance of AMVETS Department of Texas shall be under the control of the State Executive Committee, which shall delegate sufficient general and specific authority to the Finance Committee to carry out the usual duties of such a Committee.

Section 2. The Finance Committee shall consist of seven (7) members composed as follows:

1. The State finance Officer who shall be the chairman
2. The State Commander
3. The State Judge Advocate
4. The President of the State Service Foundation
5. The retiring Finance Officer
6. & 7 Two members to be elected by the State Executive Committee from among its membership to serve for a term of one year. Such vote shall take place individually during the Fall S.E.C.

In the event of any of the foregoing members of the Committee, other than the President of the State Service Foundation, or the two members elected by the State Executive Committee, are unable to serve on the Committee for any cause whatsoever, then and in that event, the State Commander may appoint another member of AMVETS to serve in the place of said member unable to serve. In the event the President of the State Services Foundation is unable to serve for any cause whatsoever, then and in that event, the State Commander is authorized to name a substitute to serve on said Finance Committee, provided that said substitute is selected from among the elected trustees of the State Service Foundation. Both of the aforesaid appointments require approval of the State Executive Committee.

Section 3. In the case of delinquencies in payments due Department and National Headquarters, the commander and Judge Advocate shall take action at once to bring about immediate and complete settlement and, if necessary, legal proceedings are authorized.

Section 4. The Department shall accept no gifts or donations, either real or monetary, for which any favors, commitments, or intent to influence this Department or units thereof, may either be specified or implied with the only exception be that a local individually chartered AMVET Post may financially assist another local individually chartered AMVET Post.

Section 5. Revenue may be derived from annual dues and from such other sources as may be provided herein and approved by the Convention or the Executive Committee after processing by the Finance Committee.

Section 6. An annual budget shall be proposed by the newly elected Commander, submitted to the Finance Committee, the presented to the first regular meeting of the Executive Committee for approval.

Section 7. The Commander and Finance Committee Chairman, with the approval of the Executive Committee, shall sign all contracts for goods and services.

Section 8. The Finance Officer shall be chairman of the Finance Committee and shall sign all checks disbursing funds of the Department and shall make an annual report to the Convention and reports to each regular meeting of the Executive Committee.

Section 9. The Finance Committee shall seek ways and means of financing this Department and shall process all financial plans and report on same to the Executive Committee before they may be adopted.

Section 10. Any resolution from State Convention involving the expenditure of funds or any financial commitment shall be referred to the State Financial Committee for determination as to the availability of the funds. In the event the Financial Committee disapproves the expenditure, then and in that event, such disapproval must be submitted to the next meeting of the State Executive Committee of ratification or rejection.

Section 11. All monies received by this organization shall be strictly an accurately accounted for and a report shall be made available annual to all members, showing the source of all income and expenditures thereof. All Post and Department account shall be kept in accordance with generally accepted accounting procedures.

Article XII- Publications

Section 1. Publications (a) Newspapers, newsletters, magazines or other such media published in the name of this Department of AMVETS shall adhere to the policy as established in the

section above. (b) A Publication Committee consisting of three (3) members, elected by the Executive Committee for 3-years term, staggered, shall supervise the publication of the Department.

Section 2. All money accruing to the publications of the Department from advertising, subscriptions, or donations, shall be placed in a separate fund. The Executive Committee may transfer surplus funds accruing to publications, when not needed to operate the publications, to the Department general fund.

Article XIII- Policy

Section 1. Department policy shall be fixed by (a) Convention, (b) Executive Committee, (c) Respective officers and Committees within their areas, when not in conflict with (a) of (b). No member of AMVETS shall represent or purport to represent any unit of the Department of its subordinates, in opposition to policy so determined.

Section 2. Membership lists, minutes of all business meetings, and any other documents and records involving the business of AMVETS Department of Texas and/or any subordinate organizations of the AMVETS Department of Texas are private and confidential.

Article XIV – Subordinate Organizations

Section 1. A subordinate organization of the Department may be established only by a provision of this constitution.

Section 2. Constitutions and By-Laws of all subordinate organization shall be governed by the applicable provision of the National Constitution and By-Laws and shall be submitted for the approval of the Department Executive Committee.

Section 3. The Department recognizes the subordinate organization known as the AMVETS Ladies Auxiliary.

Section 4. The Department recognizes the subordinate organizations known as the AMVETS Sad Sacks.

Section 5. The Department recognizes the subordinate organization known as the AMVETS Department of Texas Services Foundation. Said service foundation shall report on its activities, for approval, at each SEC Meeting and Convention.

Section 6. The Department recognizes the subordinate organization known as the AMVETS Department of Texas Convention Corporation.

Section 7. The Department recognizes the subordinate organization known as the Junior

AMVETS Department of Texas.

Section 8. The Department recognizes the subordinate organization known as the Sons of AMVETS Department of Texas.

Section 9. The Department recognizes the subordinate organization known as the AMVETS Department of Texas Ladies Auxiliary Service Foundation.

Section 10. The Department recognizes the subordinate organization known as the Council of Past Department Commanders, said Council to be chaired by the immediate Past Department Commander. Said Council will meet the call of the Chairman and shall present annually a written report to the State Commander.

Article XV- Amendments

Provided proposed amendments are submitted by a Post, member, or Committee in good standing, and circulated among all Post Department Officers at least thirty (30) days prior to the Convention which shall act thereon, this Constitution may be amended by a two-thirds affirmative vote of the regular Department Convention provided it meets all the qualifications thereof provided herein.

By- Laws of AMVETS AMVETS Department of Texas

Article I- General

Section 1. These By-Laws supplement and amplify the Department Constitution for the guidance of all concerned with the government of the Department.

Section 2. The powers of the Department Conventions, the power and duties of the Officers, and the Executive Committee shall be such as given to each respectively.

Section 3. The National Constitution and By-Laws contain many provisions governing department and post activities and shall be consulted and followed on same.

Section 4. The ritual of AMVETS and the names of persons rejected for membership and all allegations surrounding such rejection, shall not be made public, but shall be confined within the AMVETS unit concerned.

Article II- Committees

Section 1. The following committees are hereby provided standing committees of each State to

each committee as are necessary to accomplish its Objectives.

- (1) Resolutions Committee – This committee shall be responsible for the identification and final assignment of all resolutions considered by the State Convention. Any resolutions not specifically falling within the jurisdiction of other standing committees shall be considered by the Resolution Committee.
- (2) Credentials Committee – To supervise the registration of delegates, alternates members and guest at the State Convention and set forth the voting strength of the convention in accordance with the provisions of the State Constitution and By-Laws.
- (3) Auxiliary Committee – To consider all matters relative to the Auxiliary and its relations to the Department.
- (4) Americanism Committee – To receive and consider all resolutions related to citizenship, the promotion of American way of life and other related subjects

Section 2. Honors and Awards Committee – This Committee shall be of the State Commander and all past recipients of the Texas AMVETS of the Year Award. The committee shall function on a continuing basis at the call of the State Commander who shall also be Committee Chairman. The Honors and Awards Committee shall be charged with the responsibility of promulgating and maintaining the uniform procedure of soliciting entries for all State Awards of the AMVETS Department of Texas. It shall select by majority vote the nominees for State Awards. No member of the Honors and Awards Committee shall be eligible to receive the Texas AMVETS of the Year Award during the time of service on this committee.

Section 2 (a). In addition to the above committee, an award known as The Charles "Chuck" Hutchings Award shall be awarded to an AMVET as a "Lifetime Achievement" Award, and a \$250.00 check will accompany this award. This honor will be given on a as needed basis. Selected by the State Commander, the two immediate Past State Commanders, along with any past recipients of this award.

Section 3. Membership Committee – To consider all matters relating to the development of AMVETS through membership activities. The Membership Committee shall consist of the past four 1st Vice State Commanders and retain the current 1st Vice State Commander as Committee Chairman.

Section 4. Programs Committee – The Chairman of the Committee shall be the State 2nd Vice Commander. The Programs Committee shall have the responsibility of implementing and executing all State Programs.

Section 5. Constitution and By-Laws Committee – To receive and consider all suggested amendments to the State Constitution and By-Laws and to report their recommendations thereon to State Convention. The State Judge Advocate will be the Chairman of the Constitution and By-Laws Committee.

Section 6. The Commander may appoint other Committees, as he deems necessary to the proper conduct of organization affairs, subject to the approval of the State Executive Committee. Such appointees shall serve during the term of the administration appointing them and shall terminate upon the expiration of the term of the appointing administration.

Section 7. The Executive Committee shall establish, as needed, such committees as Services, Public Relations, Grievance, and Legislative, which serve to further the objectives of this Department. Members to such committees shall be appointed by the Commander subject to the Executive Committee confirmation.

Article III – Duties of Officers

Section 1. The Department Commander shall be the Executive Head of the Department, and shall perform as provided In Article VI, Section, of the Constitution. He shall rule upon all points of order, upon which he shall have the advice of the Judge Advocate, and his ruling shall be final, except as provided by Article IV, Section 1. The Department Commander shall be the State Delegate to the AMVETS National Convention.

Section 2. The State 1st Vice Commander shall act as representative of the State Commander in all matters referred to him by the Department Commander, and shall, upon his request, provide over the meeting of State Convention or the State Executive Committee.

- A. The State 1st Vice Commander shall coordinate all district and post membership directors or vice commanders in charge of membership. He shall also;
1. Correlate the Convention mandates on membership between the State Department and Posts.
 2. Review and re-evaluate the present membership programs and report his recommendations to the State Commander and subsequently to the State Executive Committee.
 3. Endeavor to create and present new membership incentives to the State Commander and the State Executive Committee.
 4. Be informed as to the membership strength of the State Department and of all the Post in the Department of Texas. He shall be charged with the responsibility to see that this information is circulated monthly to all Post Commanders and Post Adjutants.
 5. He shall perform such other duties in connection with membership, as the State Commander shall direct.

Section 3. The State 2nd Vice Commander shall act as a representative of the State Commander I all mutters referred to him by the Department Commander, and shall, upon his requested, preside over the meeting of the State Convention or the State Executive Committee.

A. The State 2nd Vice Commander shall coordinate all Post program chairmen. He shall also:

1. Review and re-evaluate the existing programs and report his recommendations to the

State Commander and to the State Executive Committee.

2. Coordinate all programs between State and Post levels.

3. Be charged with the responsibilities of studying and recommending new programs to the State Commander and the State Executive Committee.

4. Be indoctrinated on all programs instituted by the National Organization and its subsidiaries, especially those involving contact with the general public.

5. He shall perform such other duties in connection with AMVETS program at the State Commander shall direct.

Section 4. The Executive Director shall be charged with the administration of policies and mandates of the Department Convention, the State Committee and the Department Commander. He shall supervise the activities of the Department Headquarters and the Service Personnel. He shall issue such directives as maybe necessary to Posts, and perform such other duties as are usually incident to the office. He shall be the personnel officer for the headquarters staff and service personal.

Section 5. The Executive Director shall also coordinate activities for forming new Posts and reactivating old Posts. He will work with other Department Officers and Service Officers and other interested parties for the formation or re-activation of Posts.

Section 6. The Executive Director shall keep and preserve the minutes of all proceedings of the Convention and Executive Committee, preserving separate, permanent records for each, and transmit such records to the successor. He shall further assist the Commander and shall keep a list of names of all AMVETS members within the Department, such names being tabulated by Posts. He shall officially attest all orders, resolutions, and official acts of the Department and in the event a seal is adopted, shall affix same to the proper papers and documents.

Section 7. The Finance Officer shall receive all moneys, keep adequate records of same, and serve as described in the Constitution.

Section 8. The Judge Advocate shall advise the Department Officers, Convention, Executive Committee, and all other Committees on all legal matters. He shall act as Parliamentarian of the Convention and Executive Committee. He shall assist advise in the matters o discipline, shall review the records of same whether taken by the Department of appealed to the Department, and shall render interpretations of the Constitutions and By-Laws.

Section 9. The Provost Marshall shall preserve order at all Conventions and Executive Committee meetings and shall enforce the rules thereof and rulings of the Chairman of such meetings. At Conventions he shall be privileged to appoint such number of assistance as the Commander may designate, and perform such other functions appropriate to the office as the Commander may designate.

Section 10. National Executive Committeeman: The National Executive Committeeman shall

be charged with representing the Department on the National Executive Committee, and shall maintain close liaison between the National Organization and the Department.

- A. It shall be his responsibility to provide adequate information when requested by individual members, Posts, or the Department.
- B. He shall serve in close cooperation with the Department Commander and the State Executive Committee shall cast his vote at the direction of the State Executive Committee, and in absence of direction, shall use his discretion in casting his vote to carry out the Policies of the Department. He shall perform such other duties as are usually incident to the office and as may, from time to time, be delegated to him by the Department Commander or the State Executive Committee.

Section 11. Alternate National Executive Committeeman: The Alternate National Committeeman shall serve as assistance to the National Executive Committeeman in such capacity shall keep informed on all matters and work in close harmony with the National Executive Committeeman. He shall perform such other duties as are usually incident to the Office and may, from time to time, be delegated to him by the Department Commander of the State Executive Committee, and shall act as the National Executive Committeeman in the absence of the National Executive Committeeman.

Section 12. The Chaplain shall perform such divine services as may be appropriate, adhering to ceremonials and rituals provided by National and Department Units.

Section 13. The Historian shall compile from year to year all records of historical value and interest to the Department, and to affect this purpose, he shall have full cooperation of Department Officers, and shall serve a term of one (1) year.

Section 14. The duties of the Service, Public Relations, and Legislative Directors shall be such as commonly assigned such officers, using their counterparts on the National level as guides, and as specifically provided by Convention and Executive Committee action, duly recorded in the minutes thereof.

Article IV- Discipline

Section 1. The Department Commander may temporarily suspend the Charter of any Post of cause. Any Post so suspended may appeal to the Executive Committee as provided herein for appeals. In any case, such suspension shall be acted on by the Executive Committee after fair and hearing.

Section 2. The Department Commander or Executive Committee may initiate suspension or Activities of internal group such has Districts and Committees. Appeals shall be to the Executive Committee, or the Convention, action of which shall be final.

Section 3. The Commander may suspend any elected or appointed Officer for cause, until the

next meeting of the Executive Committee. Producers and appeals to be followed as described herein. Special representative and employees shall be considered appointed Officers.

Section 4. The Elected Department Officers, singly or together, may initiate removal from office proceeding against any elected officers, as many as five members of the Executive Committee.

Section 5. The Department Executive Committee shall hear all appeals from actions resulting from Sections 1,2,3, and 4 above and from all members who have been suspended or expelled from local Posts, subject to applicable provisions of the National Constitutions and By-Laws, "Uniform code of procedure" for the Suspension or Expulsion of a member.

Article V- Meetings

Section 1. All meetings o AMVETS bodies provided herein shall be conducted according to Roberts Rules of Order, Newly Revised. However, when a ruling on a question of order is contested or disputed, a member may appeal from the ruling of the Chair and the presiding officer shall call some impartial person to the chair to preside until the assembly decides the question of appeal, after which the presiding officer resumes the Chair.

Section 2. The word "He" wherever it shall appear within the Constitution or By-Laws of the AMVETS shall be considered as referring to both sexes.

Article VI-Amendments

Provided proposed amendments are submitted by a Post, Member, or Committee in good standing, an circulated among all Posts and Departments Officers at least thirty (30) days prior to the Convention which shall act thereon, This Constitution may be amended by a majority affirmative vote of the regular Department Convention provided it meets all the qualifications thereof provided herein.

We here-by attest this Constitution and By-Laws of the AMVETS Department of Texas, at last amend at the AMVETS Department of Texas annual Convention held June, 1997 to be true and correct.

Article VII- Post Organization

Section 1. Local Posts may be formed by any ten (10) eligible Veterans by making applications to the Commander, AMVETS Department of Texas, provided, however, if there exists in the country where said local Post is being formed any other AMVET Post or Posts, said Post or Posts shall be notified of said application. The State Executive Committee shall require no action on said application unless objection to the information of the Post is field or a request for consideration is field with the State Executive committee before said Charter

is delivered, then the State Executive Committee shall consider the same and shall not forward the Charter to the newly formed Post unless it shall approve same. Each Charter shall be signed by the National Commander and the National Executive Director and countersigned by the State Commander and State Executive Director.

Section 2. Any Post which does not maintain the minimum of the members upon its rolls within final date for renewals has set forth by the National Department, shall be required to surrender its Charter.

Section 3. (a.) No public fund-raising project or program of any kind or character shall be undertaken by or on behalf of any Post or combination of Posts or Subordinate's thereof unless the contract agreement or other arrangement under which such a project or program is to operate has been submitted for the prior approval of the Department Judge Advocate, and to the State Executive Committee. A public fund-raising project is defined as any project or program involving a solicitation or request to non-members of AMVETS for a donation or pertaining to the sale of merchandise, goods, tickets, gaming, or any advertising matter of any kind or character. Any fund-raising project or program conducted by a Post or any combination of Posts or Subordinate thereof in which there is no other person, firm or corporation involved, and in which such fund-raising project or program is conducted solely by the Post, shall not be deemed to be within the purview of this Section, provided that the anticipated gross receipts from such fund-raising project or program do not exceed the sum \$2,500; in the event it is anticipated that the gross receipts will exceed \$2,500.00 in any fiscal year then said project or program shall be submitted to the State Judge Advocate and the State Executive Committee for prior approval in accordance with this section. All federal or State reports required to be filed by said Post or combination of Post or Subordinate thereof pursuant to Federal or State legislation for administrative regulations pertaining to fund-raising or the disposition of any of the assets of a Post or a combination of Post or a combination of Posts or Subordinate thereof, shall, at least fourteen (14) days prior to filing with any Federal or State agency, be submitted to the State Executive Committee for preliminary review and recommendation concerning the preparation and filing thereof. All fund-raising projects or programs that gross in excess of \$2,500.00 annually shall remit to the State Finance Officer one percent (1%) of the gross receipts of each fiscal year or one thousand dollars (\$1,000.00) whichever is the lesser, unless exempted from this payment by the State Executive Committee. The money will be deposited in the AMVETS Department of Texas Service Foundation account of investment. Failure of a Post or combination of Post or any subordinate hereof to adhere to the provisions of this Section shall be considered ground for disciplinary action.

(b) Whenever Post club rooms are maintained and operated for the convenience and for the pleasure of its members and the name AMVETS or its insignia are displayed or used, a board of trustees shall be elected from among its members of the Post to supervise its activities, operation and finances.

(c) Any Post operation a Post club room that is mentioned in Section (b) hereof shall be required to carry Workmen's Compensation Insurance in accordance with the law of the State in which the Post is located an Public Liability Insurance, including products liability and personal injury coverage, with a minimum single limit of \$3000,000.00. Posts which maintain a building primarily for meeting purposes shall be required to carry Public Liability Insurance, including products liability and personal injury coverage with minimum single limit coverage of \$100,000.00 or minimum legal amount prescribed by state law. The AMVETS State Department and the National Headquarters shall be included as an additional insured in all policies and certificate of said insurance shall be furnished to the State Department and to National Headquarters.

(d) The one percent (1) gross receipts assessment (limited to a maximum of \$1,000.00) on Post fund-raising projects by the AMVETS Department of Texas becomes due and payable at the time any tax reports required by the State of Texas on said fund-raising projects, are filed with the State of Texas.

(e) Any Post failing to comply with this provision shall be deemed to have violated the State By-Laws and the charter of said Post shall, in accordance with the adopted procedures, be subject to suspension on revocation.

Section 4. The annual membership dues for each member shall not be less than nineteen dollars (\$19.00). Each local Post shall remit annually to the AMVETS Department of Texas, the sum of seventeen (\$17.00) dollars for each member of the Post. The Post shall retain any balance over this for their annual fee.

Section 5. Life membership shall be not less than one hundred fifty dollars (\$150.00), non – refundable, payable to the Post, of which fifty percent (50%) shall be forwarded to National Headquarters, and twenty five percent (25%) to the Department Headquarters. The Department's share of the life membership funds shall be held in a special trust fund and only the income derived from said fund shall be transferred to the general fund for budget use.

Section 6. Posts shall be governed locally by their own officers chosen according to their own Constitutions and By-Laws, except that election of officers shall be held annually between May 1, and May 31, and said officers shall be installed and assume office no later than July 15, thereafter. The Posts shall be subject and subordinate, however, to the jurisdiction of the National and State Department Headquarters; and any of this Constitution shall be null and void. Officer of Posts shall use the equivalent titles provided for State officers in this Constitution.

Section 7. Every Post shall be required to revalidate its charter annually prior to June 1st in order to revalidate such charter and to receive appropriate evidence of revalidation, each Posts, aside from any other requirements imposed in the Constitution and By-Laws, shall:

(1) Furnish Department Headquarters with a certified list of current post officers; (2) File internal Revenue Form 990 for the Post calendar or fiscal year with the United States Internal Revenue Services if required by current Internal Revenue Services regulations, and send a copy to State Headquarters; if a form 990 is not required to field, a letter certifying that fact must be sent to State Headquarters; (3) Furnish State Headquarters with a copy of the Post's current Constitutions and By-Laws or a certification stating that copy previously submitted has not been amended; (5) If required, has complied with Section 3 (c) of Article IX of the State Constitution, and (6) have at least ten (10) members in good standing at the time of revalidation.

Section 8. In order to open a Post clubroom, a Post must have a minimum of fifty (50) members and be legally incorporated in the State of Texas. After being in operation for a period of one (1) year, a minimum of fifty (50) members shall be required to sustain such a club room. Posts with club rooms are not able to meet these membership requirements may appeal to the State Executive Committee in seeking relief from these requirements. Decisions of the SEC in these cases shall be final.

Section 9. When a Post, or a Subordinate Organization of the AMVETS Department of Texas, desires to open a Club Room within a five (5) mile radius of an existing Post or Subordinate Club Room, prior approval for a new Club Room must be obtained from the Post and or State body.

Section 10. A Club Room is defined as; "A place that has an Alcoholic Beverage License or a place where Bingo is played, and is licensed to do so by the State of Texas."

Section 11. Each Post with a Club Room shall be required to send one (1) Delegate to the State Executive meeting and at least one (1) Delegated to the State Department annual Convention, with a written report of Community Services and Post activities.

Article VIII- Proof of Service

All Veterans must provide proof of military service before being added to the Post or Department rolls.

Article IX - Department Convention

Section 1. A Department Convention shall be held annually at a place and time fixed by the preceding Convention or by the Executive Committee in the absence of Convention action, and shall constitute the legislative body of the Department. One Convention Body may select a Convention site in advance for more than one year, but no more than three years. In the event the date or place selected by a Convention Body becomes unavailable, the State Executive Committee shall select the time and place such Convention.

Section 2. The Convention shall be comprised of each member of the State Executive Committee and entitled to one (1) vote each. Post delegates are entitled to one (1) vote each, provided his post meets the requirements of Section 10, of this Article. Each of the above members in their capacity shall be entitled to one vote, except the Department Commander, who shall only vote in case of a tie, and except that the Past Department Commanders present and voting shall have but one (1) vote divided equally among them and such fraction of one vote shall be cast on an individual basis by each Past Department Commander at his discretion. Post alternates may only vote in the absence of their respective delegate.

Section 3. Each local Post shall be entitled to two delegates and two alternates for its ten (10) members. Thereafter, the Post shall be entitled to one delegate and one alternate for each additional ten (10) members of major fraction thereof.

Section 4. The Department Commander may vote only in case of a tie. No proxy voters shall be allowed and no post delegates may vote unless the Post they represent is fully paid up in all accounts with the AMVETS Department of Texas.

Section 5. The Executive Committee shall prescribe a system for processing and certifying credentials of the delegates and alternates. A majority of qualified registered voters when present and voting constitutes a quorum of the Convention.

Section 6. Delegates to the State Convention may pre-register with State Headquarters provided they are members in good standing and provided that the conditions of Constitution Article V, Section 10 Article IX, and Section 7 have been met.

Section 7. Posts must be chartered prior to May 1 to be eligible to vote at a State Convention.

Section 8. Memberships must be postmarked or in the hands of the Department Executive Director at least thirty (30) days prior to the State Convention in order to be a delegate or alternate at the State Convention.

Section 9. No delegate of accredited Posts shall be seated at the State Convention unless their respective Posts shall be fully paid up in all their accounts with the State Department thirty (30) days prior to State Convention. No Posts delegate or Alternate shall be permitted to register as such unless he shall have been a member in good standing on State rolls for at least thirty (30) days prior to the opening of said Convention. Each delegate or alternate must present a membership card or other satisfactory evidence identifying him a member of the Post from which he is registering. Further, no Post shall seat its delegates at a State Convention unless it shall have complied with the requirements to renew its charter for that year, as in Section 7, Article IX hereof.

