

**BY-LAWS
OF THE
DEPARTMENT OF TEXAS**



**VETERANS OF FOREIGN WARS
OF THE UNITED STATES**

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VETERANS OF FOREIGN WARS OF THE UNITED STATES**

PREAMBLE

Reverently invoking the blessings of the Almighty God and the sanction of the entity of the Veterans of Foreign Wars of the United States, and seeking the concurrence of all men who consecrate their persons and consciences to the precepts of the Veterans of Foreign Wars of the United States, a majority of the members of the Department Encampment duly assembled hereby declare and adopt the following as its By-Laws:

ARTICLE I

The Congressional Charter, By-Laws and Ritual of the Veterans of Foreign Wars of the United States are hereby adopted and made a part hereof for their respective intents, purposes and enforcement with such additions as are herein contained.

The Veterans of Foreign Wars of the Department of Texas operates as a chartered part of the Veterans of Foreign Wars of the United States under the terms of the charter issued by the Congress of the United States.

It is the liaison between County Councils and Posts established by the Veterans of Foreign Wars of the United States in order to carry out the terms of the charter. It establishes Districts to assist in carrying out the terms of the charter.

It does not operate or receive any funds from Post homes, bars, or other forms of businesses operated by Posts, County Councils, or Districts.

There is only one (1) class of membership and that is a membership in the VFW or lawfully created Auxiliaries thereof. Qualifications for membership are determined by the charter and enlarged from time to time by the Department of Defense.

The Veterans of Foreign Wars, Department of Texas, does not own or operate any bar or canteen nor does it finance, extend credit, or guarantee directly or indirectly any mortgage, note, or evidence of liability or debt issued or received by any Post, Auxiliary, Home Association, or any subsidiary or any operation conducted in any way with any Post, District, or County Council nor does it profit there from.

It does insist that all operations of a Post be available only to members (as herein defined) and that it be operated in accordance with the laws of the United States, any foreign country, the State of Texas, local laws, mandates of the National Veterans of Foreign Wars, and Department resolutions in which the Post operates.

If the VFW determines that violations of any of the above terms are being committed, it may institute discipline as provided in the By-Laws and Manual of Procedure or take appropriate action in any court having jurisdiction thereof for the purpose of protecting the Veterans of Foreign Wars and the membership thereof.

ARTICLE II

NAME

The name of this organization shall be **VETERANS OF FOREIGN WARS OF THE UNITED STATES, DEPARTMENT OF TEXAS.**

ARTICLE III

DEPARTMENT HEADQUARTERS

The principal office and place of business of this organization shall be maintained at 8503 North IH-35, in the city of Austin, Travis County, Texas, or at such other locations within the State of Texas as a majority of the members

duly assembled at any Department Convention or Department Council of Administration meeting may designate in accordance herewith. The principal office and place of business of this organization shall hereafter be known and designated as Department Headquarters.

ARTICLE IV DEPARTMENT COMPOSITION

This Department shall consist of all Posts, County Councils and Districts of the Veterans of Foreign Wars of the United States located within the territorial limits of the State of Texas and such other Posts as may be attached in accordance with Section 502 of the National By-Laws that are currently abiding by all rules and regulations of the Veterans of Foreign Wars of the United States and this Department.

ARTICLE V DEPARTMENT CONVENTION

GOVERNING BODY. All business of the Department of Texas shall be determined, controlled, transacted, and pursued in accordance with the terms and provisions hereof by the Department Convention; such determinations, controls, transactions, and pursuits made or activated at any Department Convention shall remain in full force and effect until amended, changed, or deleted by a subsequent Department Convention acting in accordance with the terms and provisions hereof.

COMPOSITION.

- 1) The Commander-in-Chief and past Commanders-in-Chief who are members in good standing in a Post within the Department.
- 2) The National Council Member, the Department Commander, all past Department Commanders who are members in good standing in a Post within the Department, all elected officers of the Department, Chief-of-Staff, Inspector, and the Adjutant.
- 3) All District Commanders throughout the Department. In the absence of the District Commander, the District Senior Vice Commander or, in his absence, the District Junior Vice Commander, may be registered and function as a member of the Convention.
- 4) All Post Commanders throughout the Department. In the absence of the Post Commander, the Post Senior Vice Commander or, in his absence, the Post Junior Vice Commander, may be registered and function as a member of the Convention.
- 5) Delegates duly elected by the Post.
- 6) All County Council Commanders throughout the Department. In the absence of the County Council Commander, the County Council Senior Vice Commander or, in his absence, the County Council Junior Vice Commander, may be registered and function as a member of the Convention.

QUORUM. Twenty-five (25) Posts in good standing in accordance with the terms and provisions hereof having at least one (1) delegate each at the annual meeting of a Department Convention shall constitute a quorum for the transaction of Convention business.

VOTING. Department Officers shall be elected by roll call vote. The vote may be by District or Post. If voting by District, the District Commander shall be vested and directed to cast the entire voting strength of only the Posts within his District, subject to the will of the delegation present at the Department Convention as reported by the Chairman of the Credentials Committee. The delegate or delegates of a Post present at the Convention with

credentials registered shall be entitled to vote the full delegate strength to which the Post is entitled. Should there be a division among the delegates representing the Post, each delegate present shall be entitled to vote his pro rata share of the total delegate strength to which the Post is entitled. These votes shall be duly reported to the District Commander who will then cast them during the roll call. Delegates must be on the floor during each roll call for their votes to count. Voting procedure, whether by Post or by District roll call, will be determined at the beginning of each Department Convention.

ARTICLE VI DEPARTMENT COUNCIL OF ADMINISTRATION

COMPOSITION. The Department Council of Administration shall consist of the Department Commander, Department Senior Vice Commander, Department Junior Vice Commander, Department Adjutant, Department Quartermaster, Department Judge Advocate, Department Chief-of-Staff, Department Inspector, Department Surgeon, Department Chaplain, all District Commanders of the Department, and the retiring Department Commander until such time as a succeeding Department Commander retires. In the event the Retiring Commander is unwilling or unable to serve on the Department Council of Administration, his place shall be filled by the last Retired Past Department Commander who is ready, willing, and able to serve.

DUTIES. The Department Council of Administration shall, when the Department Convention is not in session, determine, control, transact and pursue all Department business in accordance with the terms and provisions hereof and the dictates established by the Department Convention and perform such other duties as required by the National By-Laws of the Veterans of Foreign Wars of the United States, and such determinations, controls, transactions and pursuits shall remain in full force and effect until amended, changed or deleted by the Department Council of Administration or Department Convention in accordance with the terms and provisions hereof.

REGULAR SESSIONS. The Department Council of Administration shall meet in at least four (4) regular sessions each fiscal year. The first regular session of each year shall be held immediately after the Department Convention has formally closed at the place where such convention was in session. The second regular meeting shall be held within forty-five (45) days of the close of the Department Convention. The third regular meeting shall be held at a time and place to be determined by the Department Commander. The fourth regular meeting shall be held at the place of and immediately preceding the next ensuing Department Convention.

SPECIAL SESSIONS. Special sessions of the Council of Administration may be called or had in accordance with the terms and provisions of the National By-Laws of the Veterans of Foreign Wars of the United States.

EXPENSES. Each member of the Department of Texas Council of Administration shall receive per diem at such rate as may have been budgeted by the Council of Administration for his attendance at any regular or special meeting of the Council of Administration and in addition thereto, shall receive travel expense at such rate as may have been budgeted per mile or otherwise by the Council of Administration to and from his home for attending such council meeting.

The Department Quartermaster, with the approval of the Budget & Finance Committee, will present to the Council of Administration at their first meeting for their approval a written policy concerning per diem and travel expenses for the incoming year, such written guidelines forwarded to the incoming members of the Council of Administration at least ten (10) days prior to the first scheduled meeting. This policy statement will set a rate for mileage, spell out the conditions under which expenses are paid, and the limitations of such payment and provide a means of advance authorization. Deviation from this established policy must be approved in advance by the Department Commander. All Past Department Commanders present and attending the Council of Administration meeting prior to the Department Convention and who shall remain in attendance throughout the Department

Convention and who are members of the Department Convention shall automatically be entitled to file a claim for and receive payment of per diem and travel expense in the same manner and in the same amount as if they were members of the Council of Administration, but only on the same conditions as apply to Council members.

The foregoing per diem rate and travel expense allowance provided for members of the Council of Administration shall also apply to payment made to Department Officers or other members of the Department of Texas when traveling on official Department business, provided, however, the Council of Administration may authorize payments of per diem or travel allowance for the Department Commander at such rate as the Department budget may justify, provided, however, that any such payments shall never in their aggregate exceed the amount annually budgeted therefor.

EXPENSE ACCOUNTS. No expense of any Council member or any Past Department Commander who may be entitled thereto under the terms of the preceding paragraph shall be paid unless such Council member or Past Department Commander answers roll call at the Council meeting. All Council members, Past Department Commanders, Department Officers, and/or other members of the Department who may be entitled to claim payments under any provisions of the preceding paragraph must submit a completed and signed claim for reimbursement to the Department Adjutant within fifteen (15) days of the adjournment of the Council meeting. Standard forms provided by Department Headquarters must be used.

QUORUM. The majority of the members of the Council of Administration at any regular or special session of the Council of Administration shall constitute a quorum for transaction of Council business.

VOTING.

1. Each member of the Department Council of Administration present at a meeting shall be entitled to one vote. On matters requiring action by the Department Council of Administration between stated meetings, the State Commander may direct the Department Adjutant to conduct mail, email or fax ballots; the results of such ballots shall be reported for the record at the next stated meeting.
2. Any valid action taken by the Department Council of Administration in the performance of its duties shall be effective upon passage and shall remain in effect until such time as it may be terminated or superseded by the Department Convention acting within the limits of its own authority.

ARTICLE VII DEPARTMENT OFFICERS

OFFICERS. This Department shall have such officers as are designated by the National By-Laws of the Veterans of Foreign Wars of the United States, together with such additional officers, tenure, duties and responsibilities as herein contained.

REPLACEMENT. Vacancies and expirations in offices shall be filled in accordance with the National By-Laws of the Veterans of Foreign Wars of the United States and the provisions herein contained. Officers incapable of acting may be replaced in accordance with the provisions of the Constitution and By-Laws of the Veterans of Foreign Wars of the United States and the provisions herein contained.

ELECTION. All elective Departmental Officers shall be elected in accordance with the National By-Laws and the provisions of the Department By-Laws herein contained.

APPOINTMENTS. When each Department Commander leaves his office, appointed Department offices shall become vacant of personnel. The Department Commander will fill vacancies as necessary by appointment.

ADDITIONAL DUTIES: In addition to the duties imposed upon the Department Commander, Department Adjutant, and Department Quartermaster as set forth in the Constitution and By-Laws of the Veterans of Foreign Wars of the United States, the Department Commander with the joinder of the Department Adjutant and Department Quartermaster shall make, enter into and execute any and all contracts, instruments and releases of every nature and kind pertaining to the business of this organization which is necessary to carry forth the purposes of the majority vote of the Department Convention or Department Council of Administration in accordance with the terms and provisions hereof.

SPECIAL DUTIES. The Department Adjutant, with the approval of the three (3) Chair Officers, unless otherwise limited or restricted by the Council of Administration, shall employ and terminate Department Headquarters office personnel as and when he deems necessary for the furtherance of Department business and affairs.

Additionally, the Department Adjutant will enforce a strict nepotism policy preventing employment of any Department Employee's family members to include, spouses, parents, brothers, and sisters. The Department Adjutant will ensure that if a marriage occurs between two Department employees, that one of those employees must terminate their employment within 30 days of the marriage.

DEPARTMENT QUARTERMASTER. The Department Quartermaster shall have prepared a budget for each ensuing year to be mailed to all incoming Council of Administration members no later than ten (10) days prior to the first Council of Administration meeting for the new year for approval by the incoming Council of Administration at the first meeting.

DEPUTY STATE INSPECTORS. The Department Commander may, immediately after having been installed, shall appoint Department Deputy State Inspectors to perform those duties as determined by the State Commander. The Department shall reimburse each Department Deputy State Inspector for expenses incurred in performance of official duties as designated by the Department Commander on the same basis as other Department Officers are reimbursed for expenses when performing official Department duties, subject to the limitations of the approved budget.

PROOF OF ELIGIBILITY. Department Officers, elected and appointed, shall submit proof of eligibility for the files of the Department Adjutant prior to their installation following their election or appointment. Such proof of eligibility shall be open to the Department Commander, Department Adjutant, and Department Quartermaster. Department Officers, elected and appointed, shall not be installed or assume the duties of their office until such proof of eligibility is in the files of the Department Adjutant.

ARTICLE VIII VOTING

Any constituent member of a committee, subordinate unit of the Department, Department Council of Administration or Department Convention present at any session thereof shall have the right and privilege to vote in accordance with the purposes of such session and the National By-Laws of the Veterans of Foreign Wars of the United States. No proxy vote shall be recognized or authorized at any session of the Department Convention, Department Council of Administration or of any subordinate unit of the Department of Texas, whether incorporated or unincorporated, or at sessions of subordinate committees of the foregoing.

ARTICLE IX MAJORITY VOTE

A majority vote, as used herein, shall mean the vote of a majority of the constituent members present at any regular or special session of any committee, subordinate unit of the Department, the Council of Administration, or a Department Convention. A majority vote shall be required to substantiate any action taken by any committee, subordinate unit of the Department, Council of Administration or Department Convention unless otherwise provided for herein.

ARTICLE X CHECKS AND VOUCHERS

All funds of this organization shall be deposited in the Department depository under the name and in such accounts as determined by the Council of Administration and checks drawn against such funds shall be signed by the Department Quartermaster. All checks and vouchers shall be numbered in sequence. Such vouchers shall be approved by the Department Adjutant and issued by the respective body requesting such expenditures.

ARTICLE XI NOTICES

Any notices required to be given by these By-Laws may be given by mailing the same through the authorized medium herein set forth to the person or body entitled thereto at his or its address shown on the organizations books, and such notice shall be deemed to have been given at the time of mailing or telegraphing.

ARTICLE XII RESOLUTIONS AND CERTIFICATES

All resolutions certifying the action of any member or body of this organization or the official capacity of any member of body hereof shall be signed by the Department Commander and Department Adjutant and have placed thereon the official seal of this organization.

ARTICLE XIII COMMITTEES

DEPARTMENT PUBLICATION. The Department periodical newspaper shall be known and designated as the *VFW News*. All Department orders, bulletins, and other notices of every nature shall be posted on Department website. The Department Commander shall appoint each year an Editor and an Associate Editor. The Editor and Associate Editor shall present to the Council of Administration meeting in conjunction with the first Council of Administration meeting held immediately following the installation of the officers for their approval or disapproval all business matters concerning the operation and publication of the *VFW News* for that VFW Year. These items shall include, but not be restricted to, the number of issues to be published, the price of advertising per column inch to be charged, the subscription rate to be charged non-members of the Veterans of Foreign Wars, and the contract for printing and mailing of the *VFW News*.

CREDENTIALS COMMITTEE. This Committee shall be appointed by the Department Commander and consist of not less than three members who must be entitled to vote as a member at the Department Convention for which appointed to act; provide, however, that no two members of this Committee shall be from the same

District in the Department. This Committee shall examine and report to the Department Convention upon the credentials of members present and entitled to participate in the Department Convention

RESOLUTIONS COMMITTEE. The resolutions committee shall consist of not less than three nor more than five members appointed by the Department Commander. The Department Judge Advocate shall be Ex Officio member and chairman of the committee.

DEPARTMENT BUDGET AND FINANCE COMMITTEE.

(a) This Committee shall consist of six members in good standing with this organization. This Committee shall be an advisory Committee to the Commander, Quartermaster and the Council of Administration in matters pertaining to the Department budget and finances. The Committee shall meet with the Quartermaster during the preparation of the annual budget for advice and counsel. The Committee shall meet at Department Headquarters prior to each Council meeting to review the receipts and expenditures of the Department budget and be available for advice to the Council of Administration at the Council meetings. The secretary of the committee shall prepare a written report of the January and June meeting for the Department Commander with copies to the other chair officers and Department Quartermaster and Adjutant. The Department Commander, Department Senior Vice Commander and Department Junior Vice Commander shall be Ex-Officio members of this Committee.

(b) **COMPOSITION.** The members of the Budget and Finance Committee shall be divided by lot into three classes. The tenure for the first class shall be for one year and shall be composed of the Past Department Commander of the year 1970-71 and one member appointed by the Department Commander. The tenure for the second class shall be for two years and shall be composed of the Past Department Commander of the year 1971-72 and one member appointed by the Department Commander. The tenure for the third class shall be for three years and shall be composed of the immediate Past Department Commander and one member appointed by the Department Commander. Thereafter the immediate Past Department Commander shall be a three year member of the Budget and Finance Committee and one member shall be appointed by the Department Commander at the First Council of Administration. The Department Commander shall designate the Chairman of the Committee. Should a member be unable to act, that office shall be declared vacant by the Department Commander and a new member shall be appointed to fill that vacancy in that class by the Department Commander

TIME AND PLACE COMMITTEE. The Department Commander, when deemed necessary, shall appoint three (3) members to serve on the Time and Place Committee. The Department Commander will determine the Chairman of the Committee.

The Department Senior Vice Commander and Department Junior Vice Commander shall serve as Ex-Officio members of the Time and Place Committee. The Department Adjutant shall serve as an Ex-Officio member with the right of voice but without the right of vote.

Guidelines and minimum requirements needed shall be established by the Department of Texas and furnished to all members of the committee and anyone wishing to bid on future conventions.

After the Time and Place Committee has duly and thoroughly considered such bids, it shall file its report to the State Convention and names those cities that are eligible according to the Time and Place guidelines and

recommend to the Convention one or more these cities. The Convention floor shall then select the host city for the year in question from among those cities designated as eligible. Host cities selected and approved by the Convention floor shall be subject to review once definite room rates and prices of such things as banquets are available.

GENERAL COMMITTEE RULES

- (a) The Department Commander shall, unless otherwise provided herein, appoint such personnel to such committees as created by the Department Convention and the Department Council of Administration.
- (b) Special committees may be appointed by the Department Commander at any time he deems necessary. Such special committees may be appointed for any special purpose and for any length of time as desired by the Department Commander and upon such terms and conditions as necessary in the furtherance of the desire and will of the majority of the Department Convention or Department Council of Administration; provided, however, the duties of no special committee shall be the same or conflict with those of any committee designated or created by Department Convention or Department Council of Administration.
- (c) Recommendations, requests or resolutions may be submitted in writing by any Department officer or Department committee to a Department Convention or Department Council of Administration, during the meeting of either, and such recommendations, requests or resolutions as submitted in writing shall be considered for acceptance, amendment or rejection without motions or seconds; provided, further, that any past Department Commander may initiate propositions, actions or requests to the Department Council of Administration by submitting the same in writing, and such propositions, actions or requests as submitted in writing by a past Department Commander shall be considered by the Council for acceptance, amendment, or rejection without motions or seconds.
- (d) Committee Chairmen appointed by and directed by the Department Commander to make reports at a Council meeting or at the Department Convention will be authorized expenses as approved by the Council of Administration for other officers.
- (e) Each committee, except committees appointed to function as Department Convention committees, shall appoint its chairman from a member thereof unless otherwise specifically provided herein. Each committee shall, with the approval of the Department Commander, make such expenditures of Department funds as necessary in performing the respective duties of each committee, making such expenditures subject to policies formulated and limitations made by the Department Convention or Council of Administration.
- (f) Unless otherwise provided for herein, when each Department Commander leaves his office, his committee appointees shall automatically cease to act as such, and each committee shall become vacant of personnel. The successor in office to the Department Commander shall appoint such personnel for committees and name his appointees therefor as herein set forth. Each successor shall perform likewise as regards appointments in personnel to committees.

- (g) Should any committee desire more personnel than the minimum number herein specified, it shall recommend such desired excess personnel to the appointing authority who shall appoint the same in accordance with the provisions hereof.

ARTICLE XIV SEAL

The official seal of this organization shall be in circular form and contain the words **VETERANS OF FOREIGN WARS OF THE UNITED STATES, DEPARTMENT OF TEXAS** and the Department Adjutant is directed to have a seal in the form indicated prepared, and to keep the same in his possession and to affix and impress the same upon any instrument requiring such seal.

ARTICLE XV DISTRICTS

- (a) **FORMATION AND EXISTENCE.** Districts in the Department shall be created, exist, possess officers and perform duties and activities in accordance with the terms and provisions of the National By-Laws and Ritual of the Veterans of Foreign Wars of the United States and the provisions herein contained. (Copy of District boundaries is attached as Addendum A.)
- (b) **DISTRICT MEETINGS.** Each District within the Department shall hold at least three (3) regular meetings each year, one (1) of which will be a school of instruction and one (1) of which will be the District Convention. Each District shall hold an annual convention for the purposes of electing District officers and for the transaction of business. Such convention to be held no less than ten (10) days nor more than seventy-five (75) days prior to the convening of the Department Convention. Schools of Instruction will be conducted under the supervision of the District Commander and pertain to the Operational Procedures for Texas VFW Posts, as contained in the yearly Texas Standard Operation Procedures for Texas VFW Posts and to Article XVII, POSTS, paragraph (e). Special meetings will be called in accordance with the By-Laws of the Veterans of Foreign Wars.
- (c) **DUES.** Delegates assembled at any District Convention may assess annual dues or Per Capita Tax upon Posts within the District in any amount not to exceed the maximum authorized by the National By-Laws provided, however, that no District levying such annual dues or Per Capita Tax shall impose any penalty upon member Posts for the nonpayment thereof unless such penalty be specifically authorized by the National By-Laws.
- (d) **REDISTRICTING.** A Redistricting Committee shall be appointed for the purpose of re-establishing boundaries of any or all Districts in the Department of Texas:
1. When the Department Commander feels it is necessary.
 2. When a District or Districts, by a two-thirds majority vote, at any Special Called District Meeting for such specified purpose or at a Regular District Convention, requests this be done.
 3. When the Council of Administration, by at least a two-thirds majority vote, directs this be done.
 4. When the Convention Delegates assembled at a Department Convention, by a majority vote, directs this be done.

When one (1) of the above criteria is met, the Department Commander shall appoint a Redistricting Committee, consisting of not less than five (5) members in good standing to review the boundaries of the District or Districts in question.

The Redistricting Committee shall report to the succeeding Department Convention which shall have the sole prerogative, by a two-thirds majority vote, to adopt or reject the recommendations of the Redistricting Committee.

No District or Districts shall be divided where the establishment of a new District with less than twelve (12) Posts and a minimum aggregate of one thousand (1,000) members immediately after division exists.

ARTICLE XVI COUNTY COUNCILS

There will be no County Councils chartered in the Department of Texas Veterans of Foreign Wars.

ARTICLE XVII POSTS

- (a) **FORMATION AND EXISTENCE.** Posts in the Department shall be created, exist, possess officers and perform duties and activities in accordance with the terms and provisions of the National By-Laws and Ritual of the Veterans of Foreign Wars of the United States and the provisions herein contained.
- (b) **MEETINGS.** Each Post within the Department shall hold at least one stated meeting each month.
- (c) **SPECIAL MEETINGS.** Special meetings of Posts may be called or held in accordance with the National By-Laws and Ritual of the Veterans of Foreign Wars of the United States and conditions herein contained.
- (d) **BONDS.** Each accountable officer of a Post, including any person in charge of or responsible for the operation or maintenance of a club room or other recreational facilities of a Post, shall be bonded with an indemnity company as surety in a sum at least equal to the amount of funds and value of property which so far as can be anticipated he may be accountable for and have in his possession; such bond shall be made payable to such Post and the Department of Texas, as their respective interests appear. The bond premium shall be paid from the funds of the Post to which the officer is primarily accountable. The Post Commander shall approve the bond of the Post Quartermaster as to amount and surety, and the Post Commander shall be responsible for the proper and adequate bonding of such quartermaster in accordance herewith. A majority of the Elected Post Officers shall approve the bond of any person or persons in charge of or responsible for the operation or maintenance of a club room or other recreational facilities of the Post as to amount and surety.
- (e) **MINIMUM REQUIREMENTS.** During the period July 1 through June 30 of each VFW fiscal year, each Post in the Department must:
 - (1) Register a Post Service Officer by September 1st of each year.
 - (2) Submit to the Department Adjutant a quarterly audit of Post finances and assets no later than 30 days after the end of the reporting quarter.

(3) Submit a Post election report by May 30th of each year.

(4) Conduct, document and submit to the Department Adjutant on the appropriate form a minimum of twenty (20) community service projects, nine (9) Americanism and six (6) youth projects by March 31st of each year.

(5) Participate and submit a Military Assistance Program (MAP) activity report to the Department Adjutant as established in the Department Standard Operating Procedures for the current year by December 31st of each year.

(6) Provide a minimum financial donation of \$25.00 to the Department Quartermaster specifically marked for the "Texas House" at the VFW National Home for children by December 31st of each year.

(7) Order and pay for at the minimum, 500 Buddy Poppy's by December 31st of each year.

(8) The Post Commander or their designated representative will attend all properly called District training, conventions or meetings.

(9) Submit to the Department Adjutant an Indemnity Bond on at least the Post Quartermaster in accordance with Subsection (d) of this Article by September 1st of each year.

(10) Submit to the Department Adjutant a copy of the Post Internal Revenue Service Form 990 Return of Organization Exempt from Income Tax as required by the Department Standard Operating Procedures for the current year.

(11) Any Post owning property and/or operating any facility or business concern must maintain general liability insurance, including, if necessary or appropriate, liquor liability insurance in an amount of one million dollars (\$1,000,000.00). Such insurance must name, as additional insured's, the "National Veterans of Foreign Wars of the United States" and the "Department of Texas Veterans of Foreign Wars of the United States." Submit to the Department Adjutant a copy of this insurance by December 31st of each year. It is desirable that Posts not owning property have the same coverage in the event of injury at a Post sponsored activity as a subsequent lawsuit may subject all assets of the Post and each individual member to a court ordered judgment.

(12) Submit to the Department Adjutant payment for Post Delegate fees for Department Convention for the current fraternal year not later than fifteen (15) days from the convening of the Department Convention.

TITLE TO PROPERTY. Unincorporated Posts shall hold title to property in the names of the duly acting trustees and their successor in office. Posts incorporated under the laws of the State of Texas shall hold title to property in the corporate name of the Post.

COMMITTEES. Committees of the Post may be appointed or created in accordance with the duly approved By-Laws of such Post or, if no Post By-Laws exist, by the Post Commander. Should there be no Post By-Laws providing for committee appointments and the Post Commander fails to create or select a committee in accordance with the desires of the majority of members present at any meeting, the Post, by vote, may create and fill a committee.

DEPARTMENT CONVENTION DELEGATES. Each Post, in accordance with Section 222 of the National By-Laws, shall elect delegates for the next ensuing Department Convention.

Each Post shall pay a fee of three dollars (\$3.00) for each and every delegate to which such Post is entitled. Such delegate registration fee of Posts shall be placed in the Department Convention Fund as received by the Department Quartermaster and used to help defray expenses incurred by the Department at said Convention in accordance with the National By-Laws.

Any Post failing to comply with Section 222 of the National By-Laws concerning delegate registration shall be considered delinquent and in arrears and shall not be entitled to delegate vote at the Department Convention so long as delinquent and in arrears.

**ARTICLE XVIII
AMENDMENTS**

These By-Laws may only be amended by the Department Convention and then only by a two-thirds vote of the members present at any duly assembled meeting thereof; provided, that such amendments have been forwarded, through channels, in accordance herewith, and have been proposed by a Post, County Council, District or Council of Administration or have been recommended by a Department Officer or Department Committee and written notice thereof, together with copy of such proposed amendment has been posted at the official web site for the Department of Texas VFW, www.texasvfw.org, under the title "Proposed By Law Changes" at least 30 days before assembling of the Department Convention; amendments adopted at any Department Convention in accordance herewith shall take effect simultaneously with the formal adjournment of the Department Convention at which adopted, subject only to the approval of the Commander-in-Chief. A copy of these By-Laws and amendments hereafter adopted must be furnished each Post Commander by the Department Adjutant within ninety (90) days after approval.

**ARTICLE XIX
LADIES AUXILIARY TO THE DEPARTMENT**

The Ladies Auxiliary to this Department, as heretofore organized and now existing, is recognized in its entity by this organization, and its continued entity is hereby sanctioned as long as such Auxiliary pursues the purposes and objects of the Ladies Auxiliary in accordance with the National By-Laws, Ritual, Rules and Regulations of the Ladies Auxiliary and fully complies with the Congressional Charter, By-Laws and Manual of Procedure of the Veterans of Foreign Wars of the United States and the By-Laws of this Department and orders of the Department Council of Administration.

**ARTICLE XX
MILITARY ORDER OF THE COOTIE**

The Grand Pup Tent of the Military Order of the Cootie to this Department, as heretofore organized and now existing, is recognized in its entity by this organization, and its continued entity is hereby sanctioned so long as such Grand Pup Tent pursues the purposes and objects of the Military Order of the Cootie in accordance with the National By-Laws, Ritual, Rules and Regulations of the Military Order of the Cootie and fully complies with the Congressional Charter, By-Laws and Manual of Procedure of the Veterans of Foreign Wars of the United States and the By-Laws of this Department and orders of the Department Council of Administration and the Department Commander.

**ARTICLE XXI
MENS AUXILIARY TO THE DEPARTMENT**

A Post in the Department of Texas may form a Mens Auxiliary in accordance with Article 13 of the National By-Laws and Manual of Procedure of the VFW. The Department of Texas Guidelines for Mens Auxiliaries will govern the continuance of the Mens Auxiliary. The State Commander, with the approval of the District Commander, may order the cancellation of any Mens Auxiliary for failure to comply with the approved guidelines.

AMENDMENTS. Guidelines governing Mens Auxiliary may be amended by a two-thirds (2/3) vote of the Department of Texas Council of Administration.

PER CAPITA. Per capita for all Mens Auxiliary members will be established by majority vote of the Council of Administration.

ARTICLE XXII TEXAS VFW MOTORCYCLE GROUP

FORMATION. A chartered VFW Post in Texas may form a motorcycle unit in accordance with the By-Laws of the Texas Motorcycle Group. No unit shall be formed unless approved by a two-thirds (2/3) vote of the Post membership present at a regular or special meeting, due notice of the proposed formation of the unit having been given the entire membership in writing at least one week prior to a regular meeting, or special meeting called for the aforementioned purpose.

GOVERNANCE. The VFW Motorcycle Group to the Department and the VFW Motorcycle Unit to the District or Post shall be subject to the jurisdiction of the Department of Texas VFW and the District/Post whose affiliation the unit bears, as well as the By-Laws to the Texas VFW and the By-Laws of the Motorcycle Group.

SUSPENSION AND DISCONTINUANCE.

1. The State Commander in consultation with the President of the VFW Motorcycle Group may direct the suspension of any chartered motorcycle unit in Texas for a definite or indefinite period of time. The State Commander may order the cancellation of any motorcycle unit if, with the approval of the Council of Administration, he believes the conduct of the motorcycle unit or its officers is detrimental to the best interest of the Texas VFW.
2. A Post may, by a two-thirds (2/3) majority vote of its members, present at a meeting following a printed or written notice mailed or delivered to each member of the Post in good standing at least ten (10) days before said meeting, vote to cancel its affiliation of such unit.
3. Any affiliated motorcycle unit, after cancellation, will have a period of ninety (90) days in which to apply to another VFW Post for affiliation in accordance with the guidelines under "Formation" above. The Department of Texas VFW will hold, in trust, any monies or property for a period of ninety (90) days. If the unit affiliates with another Post, the monies or property held in trust by the Department will be returned. After ninety (90) days, if the unit has not affiliated with a Post, any monies or property will be forfeited to the Department.

DISPOSITION OF PROPERTY. Upon cancellation, all monies and other property shall immediately become the property of the Department of Texas, to be held in trust in accordance with number 3 above.

REPORTS. The President of each motorcycle unit affiliated with a Post or District will, within thirty (30) days of induction into office, provide to the Commander of the respective Post or District an itemized report of the financial and membership status of the motorcycle unit over which he is presiding. The Texas VFW Motorcycle Group will provide the same report to the Department Commander and the VFW Special Events Coordinator. Such reports will be acknowledged by the Commander and may be read at the next regular meeting.

SOLICITATION. No Texas VFW Motorcycle Unit or the Motorcycle Group may conduct any kind of solicitation/fundraiser without the prior written approval of either the Department, District or Post to which it is affiliated.

**ARTICLE XXIII
DEFINITIONS**

He, his, him as used in these By-Laws shall include both male and female persons.

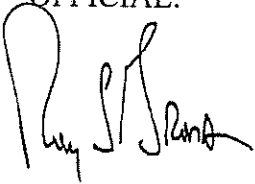
The foregoing By-Laws of the Veterans of Foreign Wars of the United States, Department of Texas, is a true and correct copy of such By-Laws as adopted by a majority of the members of the Department Encampment duly assembled on the 5th day of July, 1950.

This further certifies that the amendments to the By-Laws of the Veterans of Foreign Wars of the United States, Department of Texas, have been passed by at least a two-thirds majority of delegates assembled at Annual Department Conventions since that time and which have been duly reviewed by the responsible Commander-in-Chief of the Veterans of Foreign Wars of the United States.

Wherever these By-Laws or subsequent amendments may be found to be in conflict with the present or any future National By-Laws, the latter shall prevail and be binding upon this Department as though written herein.

TO CERTIFY WHICH, witness our hands and seal of this Department this 1st day of July, 2010.

OFFICIAL:



Roy J. Grona
Department Adjutant/Quartermaster

Wayne Depute
State Commander

Veterans of Foreign Wars

JUL 06 2010

Administrative Operations

**REVIEWED JUL 23 2010
FOR THE COMMANDER-IN-CHIEF**

JOHN M. SPOFFORD, JR.
ASSISTANT ADJUTANT GENERAL
BY KEVIN G. JONES, DIRECTOR
ADMINISTRATIVE OPERATIONS