CBL AMENDMENT 14-01

SUBJECT: VARIOUS UPDATES TO THE AMVETS NATIONAL BYLAWS

SOURCE: AMVETS NATIONAL CBL & POLICY REVIEW COMMITTEE

WHEREAS, AMVETS National Bylaws have not been completely evaluated since 2002; and

WHEREAS, several articles have since been amended which affects other articles; and

WHEREAS, some articles need to be updated; now, therefore, be it

RESOLVED that the following amendments be made to AMVETS National Bylaws:

ARTICLE I: NATIONAL EXECUTIVE COMMITTEE

Section 2(b)(1)

Existing:
The national vice commanders, national judge advocate, national finance officer, national chaplain, national provost marshal, national district commanders and national executive committee members shall receive round trip air coach travel expenses to all meetings, plus the sum of $300 for each duly called meeting; expenses in conjunction with the national convention will include the aforementioned round trip air coach travel plus the sum of $600.

Proposed:
The national vice commanders, national judge advocate, national finance officer, national chaplain, national provost marshal, national district commanders and national executive committee members shall receive round trip air coach travel expenses to all meetings, plus the sum of $400 for lodging and meals for each duly called meeting; expenses in conjunction with the national convention will include the aforementioned round trip air coach travel plus the sum of $800 for lodging and meals.

Comment: Clarify that these payments are to offset lodging and meal expense. Amended

ARTICLE III: DUTIES OF OFFICERS

Section 3:

Existing:
National Executive Director. The national executive director shall be charged with the administration of the policies and mandates of the national convention, the National Executive
Committee and the national commander shall supervise the activities of all departments at National Headquarters, issue such directives as may be necessary to such departments and posts; act for the national commander during the national commander’s absence from National Headquarters and perform such other duties as are usually incident to the office. The national executive director shall serve as the secretary of the national department. The national executive director shall serve at the pleasure of the national commander and the National Executive Committee. The national executive director shall be the personnel officer for all employees at National Headquarters.

Proposed:
National Executive Director. The national executive director shall be charged with the administration of the policies and mandates of the national convention, the National Executive Committee and the national commander and shall supervise the activities of all departments at National Headquarters, issue such directives as may be necessary to such departments and posts; act for the national commander during the national commander’s absence from National Headquarters and perform such other duties as are usually incident to the office. The national executive director shall serve as the secretary of the national department. The national executive director shall serve at the pleasure of the national commander and the National Executive Committee. The national executive director shall be the personnel officer for all employees at National Headquarters.

Comment: Correct wording.

Section 6:

Existing:
National Service Director. The national service director shall be the service and welfare officer of the national organization. The national service director shall be responsible for the proper handling of claims of veterans and their dependents or survivors before the Department of Veterans Affairs; employment problems; the prosecution of rights under the Servicemen’s Readjustment Act and the Selective Training and Service Act; civil service questions, and other legislation concerning veterans affairs; and the answering of individual requests for assistance or information from members, posts and departments. It shall be the duty of the national service director to formulate a rehabilitation program and to direct the activities of staff members charged with implementing the program. A part of this program shall be the formation of a staff of trained national service officers and their assignment to the various regional offices of the Department of Veterans Affairs, subject to the approval of the national executive director and the national commander. The national service director shall serve at the pleasure of the national commander and the National Executive Committee.

Proposed:
Delete

Comment: National Service Director reports to the NSF.
Section 8:

Existing:  
**National Programs Director.** The national programs director shall be responsible for the administration and coordination of national programs, projects and campaigns of AMVETS, exclusive of responsibilities of the national service director, the national legislative director and the national membership director; for developing ideas for local programs suitable for post projects; and for the dissemination of information regarding such projects to departments and posts. The national programs director shall serve at the pleasure of the national commander and the National Executive Committee

Proposed:  
**National Programs Director.** The national programs director shall be responsible for the administration and coordination of national programs, projects and campaigns of AMVETS, exclusive of responsibilities of the national legislative director and the national membership director; for developing ideas for local programs suitable for post projects; and for the dissemination of information regarding such projects to departments and posts. The national programs director shall serve at the pleasure of the national commander and the National Executive Committee

Comment: Eliminate reference to national service director.

Section 13:

Existing:  
**National Finance Director.** The national finance director, who should be a certified public accountant, shall be the chief fiscal officer of the organization. The national finance director shall prepare financial statements, interim reports and budgets, and shall be responsible for carrying out the fiscal policies, plans, budgets and directives of the National Executive Committee, National Finance Committee and the national convention. The national finance director shall supervise and account for all receipts and disbursements. It shall be the national finance director's responsibility to keep the national commander, the finance officer, the national executive director, service director, legislative director, program director, membership director, public relations director and the National Finance Committee informed as to the current status of budgeted income and expenses with periodic statements as to the current financial condition of the national organization. The national finance director shall serve at the pleasure of the national commander and the National Executive Committee

Proposed:  
**National Finance Director.** The national finance director, who should be a certified public accountant, shall be the chief fiscal officer of the organization. The national finance director shall prepare financial statements, interim reports and budgets, and shall be responsible for carrying out the fiscal policies, plans, budgets and directives of the National Executive Committee, National Finance Committee and the national convention. The national finance director shall supervise and account for all receipts and disbursements. It shall be the national finance director's responsibility to keep the national commander, the finance officer, the national executive director, legislative director, program director, membership director, public relations director and the National Finance Committee informed as to the current status of budgeted income and expenses with periodic statements as to the current financial condition of the national organization. The national finance director shall serve at the pleasure of the national commander and the National Executive Committee
director and the National Finance Committee informed as to the current status of budgeted income and expenses with periodic statements as to the current financial condition of the national organization. The national finance director shall serve at the pleasure of the national commander and the National Executive Committee.

Comment: Eliminate reference to service director.

Section 15:

Existing:
Deputy National Judge Advocate. The deputy national judge advocate, during incapacity of the national judge advocate, shall perform all duties incidental to the office of the national judge advocate. The deputy national judge advocate shall be a member in good standing of the bar of a state, territory or the District of Columbia and shall serve without compensation.

Proposed:
Deputy National Judge Advocate. The deputy national judge advocate, during incapacity of the national judge advocate, shall perform all duties incidental to the office of the national judge advocate. The deputy national judge advocate must have served at least one term as an AMVETS National, National District or Department Commander or be a licensed or retired attorney and must have been in practice for a period of not less than five years.

Comment: Correct qualifications for office.

Section 16:

Existing:
Deputy National Service Director. The deputy national service director shall be under the supervision of the national service director and shall supervise the operations of the field cadre, ensuring adherence to AMVET and national service program policies; maintain all records pertinent to the field operation; advise the national service director on all aspects of the field operation; represent AMVETS at appropriate events and meetings; and fulfill other duties as required.

Proposed:
Delete
Renumber remaining sections as needed.

Comment: Deputy National Service Director reports to NSF.

ARTICLE IV: CHARTERS
Section 3(a)

Existing:
On revocation or cancellation [or suspension] of the charter of a post in any department of AMVETS, said post shall immediately cease operation and, on revocation or cancellation, turn over its charter and assets to its department commander or department executive committee. The department executive committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said post. So much of the said assets as are required for the purpose shall be applied to any indebtedness of said post, provided, however, that nothing contained herein shall be construed as requiring any department to take over or to assume any financial responsibility of such post. Assets are to be held in trust for a period of 12 months and in the event the post charter is not reissued within the 12-month period, said property, money and effects shall become the absolute property of the state department.

Proposed:
On revocation or cancellation of the charter of a post in any department of AMVETS, said post shall immediately cease operation and, on revocation or cancellation, turn over its charter and assets to its department commander or department executive committee. The department executive committee is authorized, empowered and directed by and through its duly authorized agent to take possession, custody and control of all records, property and assets of said post. So much of the said assets as are required for the purpose shall be applied to any indebtedness of said post, provided, however, that nothing contained herein shall be construed as requiring any department to take over or to assume any financial responsibility of such post. Assets are to be held in trust for a period of 12 months and in the event the post charter is not reissued within the 12-month period, said property, money and effects shall become the absolute property of the state department.

Comment: Remove suspension; if post cannot conduct business it cannot correct deficiencies.

Section 3(d)

Proposed new paragraph:
If the charter of a post is suspended, the post may operate only to address the issues which caused the suspension. When the issues have been corrected and approved by the suspending authority a revalidation certificate will be issued, at which time the post can resume full operation.

Comment: Allow post to correct deficiencies for revalidation.

ARTICLE VII: MONIES AND COLLECTIONS

Section 3. (c)
Existing:
Any post operating a clubroom as mentioned in Section 3(b) hereof shall be required to carry workers’ compensation insurance (in accordance with the law of the state in which the post is located) and public liability insurance, including product liability and personal injury coverage, with a minimum single limit of $300,000. Posts that maintain a building primarily for meeting purposes shall be required to carry public liability insurance, including product liability and personal injury coverage with a minimum single limit coverage of $100,000 or the minimum local amount prescribed by state law. The AMVET state department and the national department shall be included as additional insured in all policies and a certificate of said insurance shall be furnished to the state department and to National Headquarters.

Proposed:
Any post operating a clubroom as mentioned in Section 3(b) hereof shall be required to carry workers’ compensation insurance (in accordance with the law of the state in which the post is located) and public liability insurance, including product liability and personal injury coverage, with a minimum single limit of $500,000. Posts that maintain a building primarily for meeting purposes shall be required to carry public liability insurance, including product liability and personal injury coverage with a minimum single limit coverage of $300,000 or the minimum local amount prescribed by state law. The AMVET state department and the national department shall be included as additional insured in all policies and a certificate of said insurance shall be furnished to the state department and to National Headquarters.

Comment: Increase liability insurance amounts.

Section 8.

Existing:
For each annual member who joins through either direct mailing or piggyback as a member-at-large in a recognized department, National Headquarters will retain $11.00, and the remaining $9.00 will be placed in a special fund for each recognized department.

Proposed:
For each annual member who joins through the national website, direct mailing or piggyback as a member-at-large in a recognized department the minimum dues shall be $30.00. National Headquarters will retain $15.00, and the remaining $15.00 will be placed in a special fund for each recognized department.

Comment: Add national website; correct dues amount.

Section 10.

Existing:
National Headquarters will, within thirty (30) days of receipt, disburse the proper amount of funds ($9.00 for annual and $75.00 for life) from the special account for each new annual and
each new life member who joined as a member-at-large, by either direct mailing or piggyback during the past fiscal year, to each respective department.

Proposed:
National Headquarters will, within thirty (30) days of receipt, disburse the proper amount of funds ($15.00 for annual and $125.00 for life) from the special account for each new annual and each new life member who joined as a member-at-large, through the national website, direct mailing or piggyback during the past fiscal year, to each respective department.

Comment: correct dues amounts; add national website.

Appendix A: Revocation, Cancellation or Suspension of Post Charters

UNIFORM CODE OF PROCEDURE FOR THE REVOCATION, CANCELLATION OR SUSPENSION OF POST CHARTERS

Section 13.

Existing:
Any post whose charter is revoked or suspended may appeal to the National Executive Committee by notifying the national executive director by registered mail of its desire to appeal. The action of the National Executive Committee shall be binding, pending appeal to the next national convention.

Proposed:
Any post whose charter is revoked or suspended may appeal to the National Executive Committee by notifying the national executive director within 15 days by certified mail of its desire to appeal. The action of the National Executive Committee shall be binding, pending appeal to the next national convention.

Comment: Establish time limit for appeal; change registered to certified.

ARTICLE XV: POLICY

Proposed new section:
Section 3. AMVETS shall not be discriminatory on the basis of race, color, religion, gender, sexual orientation or national origin.

Comment: Establish non-discriminatory policy.

Appendix B: Suspension or Expulsion of Members

UNIFORM CODE OF PROCEDURE FOR THE
SUSPENSION OR EXPULSION OF A MEMBER

Section 2.

Existing:
Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser.

Proposed:
Any member of AMVETS may prefer charges against any other member, alleging any of the foregoing causes for suspension or expulsion. Such charges shall be made under oath, setting forth the time and place of the offense or other basis for the charges, as near as may be practicable, and signed by the accuser. Filing of charges determined by the hearing authority to be frivolous shall constitute conduct unbecoming an AMVET.
Comment: Prevent filing of frivolous charges.