

# Veterans of Foreign Wars of the United States

## Department of Nevada

### Preamble

The Department of Nevada, Veterans of Foreign Wars of the United States, adopts, publishes and declares the following as the Bylaws governing said Department.

#### **Sec. 230101 – Organization.**

- a. This subdivision of the Veterans of Foreign Wars of the United States shall be known as the Department of Nevada, Veterans of Foreign Wars of the United States, hereinafter referred to as the Department.
- b. The jurisdiction of the Department shall conform to the territorial limits of the State of Nevada.
- c. The location shall be the Department Adjutant's address, or as designated by the Department Commander.

**Sec. 230102 – Purpose.** The purposes of this corporation are fraternal, patriotic, historical, charitable, and educational, and are:

1. To preserve and strengthen comradeship among its members;
2. To assist worthy comrades;
3. To perpetuate the memory and history of our dead, and to assist their surviving spouses and orphans;
4. To maintain true allegiance to the Government of the United States, and fidelity to its Constitution and laws;
5. To foster true patriotism;
6. To maintain and extend the institutions of American freedom; and
7. To preserve and defend the United States from all enemies;
8. To coordinate the work of the Districts and Posts of the Veterans of Foreign Wars of the United States operating within the State of Nevada;
9. To supervise and direct the affairs of said Districts and Posts through the Department Commander and District Commanders in accordance with the Congressional Charter, Bylaws, Manual of Procedure, and Ritual of the Veterans of Foreign Wars of the United States.

**Sec. 230103 – Membership.** An individual is eligible for membership in the Corporation if the individual served honorably as a member of the Armed Forces of the United States:

1. In a foreign war, insurrection, or expedition in service that:
  - a. Has been recognized as campaign– medal service; and
  - b. Is governed by the authorization of the award of a campaign badge by the United States government;
2. On the Korean peninsula or in territorial waters for at least thirty (30) consecutive days, or a total of sixty (60) days, after June 30, 1949; or
3. In an area which entitled the individual to receive special pay for duty subject to hostile fire or imminent danger under Section 310 of Title 37.

**Sec. 230104 – Powers.** The supreme power of this Department shall be vested in the National Convention of the Veterans of Foreign Wars of the United States and shall at all times be governed by the Congressional Charter, Bylaws, Manual of Procedure and Ritual as adopted by the National Convention, mandates of the National Council of Administration and orders of the National Commander-in-Chief.

Subject to provisions of the Congressional Charter, Bylaws, Manual of Procedure and Ritual this Department shall be governed by the Department Convention, Department Council of Administration and Department Commander subordinate to the authority listed above.

### **Article I – Bylaws**

**Sec. 101 – Bylaw Approval.** The Department Convention may fix Department Bylaws not in conflict with the National Bylaws, provided such Bylaws are submitted to the Commander-in-Chief for review.

**Sec. 102 – District and Post Bylaws Approval.** Bylaws for the Districts and Posts within the Department of Nevada will be sent to the Commander for approval provided they are not in conflict with the National and Department Bylaws. After approval by the Department Commander and attested by the Department Adjutant, they will be forwarded to the Commander-in-Chief for final review.

**Sec. 103 – Consolidation.** Consolidation of two (2) or more Posts within the Department of Nevada will be in accordance with Article II, Section 209, of the National Bylaws and Manual of Procedure of the Veterans of Foreign Wars of the United States.

### **Article II – Organization**

**Sec. 201 – Organizational Units.** The constituted bodies of this Organization shall be subordinate to and governed by the Congressional Charter, Bylaws, Manual of Procedure and Ritual, Department Convention and lawful orders of this Department and the Department Commander and shall consist of the following: All Chartered Posts and approved Districts of the Veterans of Foreign Wars of the United States within the State of Nevada.

### **Article III – Meetings**

**Sec. 301 – Convention.** The Department shall hold one (1) Convention each year, in accordance with Section 601 of the Department Bylaws, and in accordance with Section 503 of the National Bylaws.

**Sec. 302 – Council of Administration.** The Department Council of Administration shall meet in regular session at least two (2) times each year.

- a. **Composition.** The Council of Administration shall consist of the Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain, Judge Advocate, Surgeon, Adjutant, Chief of Staff, Inspector, Junior Past Commander, and the District Commanders.

- b. **Disciplinary Action Appeal.** The Council shall consist of each District Commander, less the District from which the appeal originates, and three (3) members appointed by the Department Commander.

**Sec. 303 – Special Meetings.** The Department Commander may call a special meeting of the Council of Administration whenever in his/her judgment the same may be necessary for the welfare of the Department. The Department Commander shall call a special meeting upon written request signed by a majority of the members of the Department Council of Administration. Should the Department Commander refuse to call a special meeting after such a meeting has been requested in writing by a majority of the members of the Department Council of Administration, the Department Council of Administration may proceed to hold such a meeting, due notice of which shall be sent to all members of the Council by the Adjutant not later than ten (10) days prior to the date of the said meeting.

#### **Article IV – Quorum**

**Sec. 401 – Convention.** The minimum number of delegates required to constitute a quorum for the transaction of business at the Department Convention shall be not less than one (1) delegate from ten (10) Posts in the Department.

**Sec. 402 – Council of Administration.** A majority of the members of the Council of Administration shall constitute a quorum for the transaction of business.

#### **Article V – Revenue**

**Sec. 501 – Per Capita Tax.** The annual per capita tax for the Department shall be Ten Dollars (\$10.00) per member effective 1 July 1998. The per capita tax for the National Organization will be paid in accordance with the provisions of the Congressional Charter, Bylaws, Manual of Procedure and lawful orders.

**Sec. 502 – Fee.** Each Post shall pay to the Department a fee of One Dollar (\$1 .00) for every five (5) members of the Post membership based on the ending count of the membership report of April 30 of each year. All fees collected may be used towards defraying the expense of the Department Convention as incurred by the Department.

**Sec. 503 – Budget.** The Department Quartermaster shall prepare, with the assistance of the Budget Committee composed of:

1. Department Quartermaster
2. Senior Vice Commander
3. Junior Vice Commander
4. Adjutant
5. Assistant Quartermaster,

a budget for the financial operation of the Department for the ensuing year. The budget shall be on forms prescribed by the National Organization, or computerized print out, and shall set forth all estimated revenue and anticipated expenditures. Restricted funds shall be identified and budgeted within the budget and the budget must balance. The budget will be presented to the Department Council of Administration ten (10) days prior to the Department Convention and the budget should be approved at the first meeting of the Council of Administration following the Department Convention. Action must be taken to adopt the budget at this first Council of Administration meeting as it shall be the revenue and expenditure guide for the year. One (1) copy of the budget must be forwarded to the Adjutant General's Office for review.

## **Article VI – Department Meetings**

**Sec. 601 – Department Convention.** The Department shall hold one (1) Convention each year, which shall begin no earlier than ninety (90) days prior to the convening of the National Convention and shall be concluded no less than thirty (30) days prior to the conclusion of the National Convention per **Section 503** of the National Bylaws.

- a. **Selection of Time and Place.** The selected time shall be recommended by the Time and Place Committee two (2) years in advance of the Convention in compliance with Section 503 of the Congressional Charter, Bylaws, Manual of Procedure, and Ritual, and Section 601 of the Department Bylaws, and approved on the floor in accordance with Section 1601 of the Department Bylaws. The time and place in which each Department Convention will be held will be voted on by the delegates at the Department Convention on a bid for the Convention that will be held three (3) years in advance of the Present Convention.
- b. **Change of Time or Place of the Convention.** In the event that a bid is returned to the Department, nothing in this Article shall prevent the Department Council of Administration between Conventions from changing the time or location as designated by the delegates to the Convention, in accordance with **Section 601** of the Department Bylaws, should in the opinion of the Council, it be deemed for the interest of the Department.
- c. **Composition.** Composition of the Department Convention will be in accordance with **Section 504** of the Congressional Charter, Bylaws, Manual of Procedure, and Ritual of the Veterans of Foreign Wars of the United States.
- d. **Ratio of Delegates.** Delegates are elected by the Posts at a ratio of one (1) for each thirty (30) members or a fraction thereof. The Post delegate voting strength is determined by the total membership of the Post as of March 31<sup>st</sup> each year.
- e. **Time Set for Joint Opening.** Opening time for the Joint Opening of the Convention shall be 9:00 a.m. on the first day of the Convention.
- f. **Voting Procedures.** The voting strength of the Department Convention will be in accordance with **Section 521** of the Congressional Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars. A member absent at the meeting shall not be permitted to vote by proxy.
- g. **Council of Administration Vote.** Each member of the Council of Administration present at the Department Convention or at a Council Meeting will be entitled to one (1) vote.

- h. **Delegate Voting Strength.** For the purpose of determining delegate strength at the Department Convention for voting purposes, the cutoff date will be Post membership as of April 30<sup>th</sup> of each year. This will give the Department Quartermaster time to present the total voting strength to the Credentials Committee at the Convention thereby eliminating last minute changes.
- i. **Members of At Large.** Members of the At Large will not have any voting privileges at the Department Convention.

**Sec. 602 – Department Mid-winter Conference.** The Department shall hold one (1) Conference annually, on the second or third Saturday in January, for review of progress to date, to honor Department Voice of Democracy and Patriots Pen contestants, and to announce Citizenship Teacher of the Year winning entries. The State Commander shall have the sole authority to select time and place for the Mid-Winter Conference.

**Sec. 603 – Registration Fee.** The Post or Auxiliary hosting the Department Convention or the Department Mid-Winter Conference may charge up to a five dollars (\$5.00) registration fee to those registering for the meeting.

## **Article VII – Control and Oversight**

**Sec 701 – Canteen Operations.** All Posts operating a canteen for the benefit of their Members and Auxiliary must comply with all local and Nevada State Liquor Laws and Regulations and all Internal Revenue Service requirements. All Posts operating a canteen must have a set of canteen Bylaws that meet or exceed the minimum Department of Nevada guidelines for Standard Operating Policy of the canteen. An approved copy of canteen Bylaws for each Post operating a canteen must be on file with the Department Adjutant/Quartermaster.

### **Sec 702 – Audit of State Adjutant and Quartermaster Records.**

1. The State Commander shall appoint a member to the Department Audit Committee for a three-year term to replace the committee member who has completed their term. The Audit Committee shall consist of three members serving three year staggered terms. The initial committee members shall be assigned to 1, 2, and 3 year terms.
2. The State Adjutant/Quartermaster shall provide by electronic means to the Audit Committee members a monthly financial statement by the 10<sup>th</sup> working day after the end of the month to be audited. The statement shall include:
  - a. A financial summary statement for the month
  - b. The month's general ledger
  - c. A budget versus actual income and outgo statement, detailed by line item
  - d. Financial institution monthly statements
  - e. Credit card statements for all credit cards
  - f. Other financial information that would benefit the committee members' audit of the records
3. The Audit Committee members shall independently complete a thorough and complete audit by the 20<sup>th</sup> working day of the Month. Any questions that arise will be resolved between the committee member and State Quartermaster by the 25<sup>th</sup> working day of the month.
4. The Audit Committee members shall independently certify that the Audit was performed and the results presented to the Council of Administration by the 30<sup>th</sup> working day of the month for their information and records.

5. The Audit Committee shall meet at the State Convention to prepare a summary statement of the monthly audits of the Department's financial records and then select one of its members to present the summary statement to the convention body.
6. Any irregularities or issues not resolved between a committee member and the State Adjutant/Quartermaster shall immediately be raised to the State Commander.

### **Article VIII – Solicitation of Funds**

**Sec. 801 – Fund Raisers.** All fund raising projects or solicitations for donations conducted by the Department will be done in accordance with Section 514 of the Manual of Procedure and Ritual.

### **Article IX – Disciplinary Procedure and Appeals**

**Sec. 901– Disciplinary Procedure.** Disciplinary procedure shall be in accordance with Article IX of the National Bylaws, Manual of Procedure, and Ritual of the Veterans of Foreign Wars of the United States.

**Sec. 902 – Appeals.** Except with respect to those matters for which other provisions for appeal are made in Article IX – Discipline, of the National Bylaws and Manual of Procedure, any member, Post, District or Department aggrieved by any acts or decisions may appeal, by the rights afforded by the National Bylaws, to the next higher authority as prescribed in Section 109 of the Manual of Procedure.

### **Article X – Eligibility to Office**

**Sec. 1001 – Eligibility.** Any member in good standing in a Post in the Department shall be eligible to any office, provided no member shall hold two (2) elected Department offices but may hold one (1) elected and one (1) or more appointed offices.

**Sec. 1002 – Eligibility of Department Officers.** Department Officers, elected or appointed, may be eligible to hold office to a higher or lower body and may be held concurrently.

### **Article XI – Department Officers**

**Sec. 1101 – Elected and Appointed Officers.** Elected Officers shall be a Commander, Senior Vice Commander, Junior Vice Commander, Quartermaster, Chaplain, Judge Advocate, and Surgeon. The Department Commander shall appoint an Adjutant, Chief of Staff, Inspector, and Officer of the Day. Elected and appointed Officers, appointed Chairmen and Committees will be in accordance with Section 516 of the Congressional Charter, Bylaws, Manual of Procedure, and Ritual of the Veterans of Foreign Wars of the United States.

**Sec. 1102 – Officer Payments.** Payment for officers and committee chairmen will be paid by the Department Quartermaster upon receipt of an Expenditure Sheet with receipts for actual and reasonable expenses. If a private automobile is used for travel U.S. General Services Administration POV current mileage reimbursement rates apply. However, the aggregate amount paid by the Quartermaster shall not exceed the amount of the specified line item in the Budget, without approval of the Council of Administration.

**Sec. 1103 – National Appointment.** In the event that one of Department Officers receives a National Appointment and receives an allowance to attend the National Convention or the Washington Conference, that officer is entitled to collect actual and reasonable expenses upon submitting an Expenditure Sheet with receipts, up to the amount authorized by the Department Budget, to attend the Conference, less the National Allotment and the actual value of the airline or other travel means.

## **Article XII – Nominations, Elections, Installation and Term of Office**

The nominations, election, installation and term of office will be in accordance with Section 517 of the National Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars.

## **Article XIII – Officer and Chairmen Duties**

**Sec. 1301 – Duties.** The Department Officers, elected and appointed powers and duties will be in accordance with Section 518 of the Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States.

## **Article XIV – Vacancies and Removal of Elected Officers**

**Sec. 1401 – Vacancies.** All vacancies in the elected offices and the removal of elected officers will be in accordance with Section 520 of the Congressional Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States.

## **Article XV – Council of Administration**

**Sec. 1501 – Duties and Powers.** The Department Council of Administration powers and duties will be in accordance with the Congressional Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States.

**Sec. 1502 – Payment for COA Members.** Payment for the Council of Administration members attending Council of Administration meetings will be paid by the Department Quartermaster upon receipt of an Expenditure Sheet with receipts for actual and reasonable expenses. If a private automobile is used for travel, U.S. General Services Administration POV current mileage reimbursement rates apply.

## **Article XVI – Convention Bids**

**Sec. 1601 – Bids.** All Bids will be submitted at the Department Convention to the Time and Place Committee who will meet and select the next city to host the Convention two (2) years in advance of the present Convention.

**Sec. 1602 – Time and Place Committee.** The Time and Place Committee shall meet to review all compliant bids and select the next place to host the Convention three (3) years in advance of the present Convention. The Committee shall recommend its selection to the body of the Convention. The Committee shall also select a time for the Convention that complies with Section 503 of the National Bylaws and Section 601 of the Department Bylaws.

- a. The Committee's recommendation shall be brought to the Convention floor for approval or rejection. If the Committee's recommendation is rejected, the Committee shall reconvene to select another place.
- b. The Time and Place Committee will consist of the District Commanders and a Chairman assigned by the State Commander.

**Sec. 1603 – Non-compliant Bids.** Bids that are not submitted in writing at least two weeks before the Convention start shall be considered non-compliant and shall not be considered by the Committee.

**Sec. 1604 – Withdrawn Bids.** Bids awarded and then withdrawn will be reopened at the next Convention. If a bid is withdrawn less than one (1) year before the Convention the place shall be decided by the Department Council of Administration after soliciting and receiving bids. The Council of Administration shall consider the bids by a special meeting, mail, telephone, email or fax ballot.

## **Article XVII – Department Districts**

**Sec. 1701 – Districts.** The Department of Nevada, Veterans of Foreign Wars of the United States, is hereby divided into six (6) Districts.

- District 1:     Post 3630 Topaz  
                  Post 3726 Carson City  
                  Post 8071 Virginia City  
                  Post 8084 Yerington  
                  Post 8583 Gardnerville  
                  Post 8660 Dayton
- District 2:     Post 2350 Elko  
                  Post 3547 Ely  
                  Post 7114 Caliente  
                  Post 8194 Eureka  
                  Post 9165 Battle Mountain  
                  Post 12116 Winnemucca
- District 3:     Post 3396 Sparks  
                  Post 9211 Reno  
                  Post 10247 Fernley  
                  Post 10053 Verdi
- District 4:     Post 1002 Fallon  
                  Post 1103 Tonopah  
                  Post 2313 Hawthorne  
                  Post 2668 Mina  
                          Post 6825 Schurz
- District 5:     Post 983 Henderson  
                  Post 6826 Amargosa Valley  
                  Post 10054 Pahrump

District 6: Post 12101 Las Vegas  
Post 12093 Las Vegas  
Post 12108 Beatty  
Post 12156 Las Vegas  
Post 36 Boulder City  
Post 243 Laughlin  
Post 3848 Henderson  
Post 7385 Mesquite  
Post 8336 Moapa Valley  
Post 10047 Las Vegas  
Post 10468 Searchlight  
Post 12119 Las Vegas

**Sec. 1702 – District Officer Powers and Duties.** District Officer powers and duties shall be in accordance with Article IV, Section 418, of the Congressional Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States.

**Sec. 1703 – Additional Duties.** In addition to Article IV, Section 418, of the Congressional Charter, By Laws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States, it shall be within the powers of the District Commander and responsibility to set the time and place of the District Meetings and District Convention.

**Sec. 1704 – Post Delegates at District Meetings.** Post Delegates at District Meetings and District Convention will be at a ratio of one (1) delegate and one (1) alternate for each thirty (30) members or fraction thereof. At all District Meetings and Convention, Members at Large shall not have any voting privileges.

## **Article XVIII – Order of Business**

**Sec. 1801 – Order of Business.** The Order of Business at the Department Convention shall be:

1. Opening of the Convention in Due Form
2. Roll Call of Officers and Posts
3. Appointment of Committees
4. Officer and Program Chairmen Reports Beginning with the Commander
5. Report of Committees
6. Unfinished Business
7. New Business
8. Election and Installation of Officers
9. Closing the Convention in Due Form

The Order of Business may be suspended at any time by a two-thirds (2/3) vote of the delegates present, to be taken without debate.

**Sec. 1802 – Rules of Order.** Rules of Order for all meetings will be in accordance with Article X, Section 1001, of the Congressional Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States.

**Sec. 1803 – Rituals.** The Rituals used by this Department and subordinate bodies shall be as prescribed by the Congressional Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States.

#### **Article XIX – Miscellaneous**

**Sec. 2001 – Matters Not Covered.** All matters not specifically mentioned in these Bylaws shall be governed by the Congressional Charter, Bylaws, Manual of Procedure and Ritual of the Veterans of Foreign Wars of the United States.

#### **Article XX – Amendments**

**Sec. 1901 – Amendments.** Wherever these Bylaws or subsequent amendments may be found to be in conflict with the present or any future National Bylaws, the latter shall prevail and be binding upon this Department as though written herein.

These Bylaws changes were presented on the Department Convention floor on June 15, 2019, and received unanimous "Do Pass" votes on the amendments.

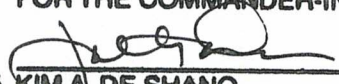
BY COMMAND OF  
State Commander  
Anthony Yarbrough

OFFICIAL:

Richard Gardner  
State Adjutant/Quartermaster



REVIEWED **AUG 06 2019**  
FOR THE COMMANDER-IN-CHIEF

  
KIM A. DE SHANO  
ASSISTANT ADJUTANT GENERAL  
BY JOHNATHAN R. DUNCAN, DIRECTOR  
ADMINISTRATIVE OPERATIONS