

DEPARTMENT OF TEXAS CONSTITUTION

PREAMBLE

We, the disabled war veterans of the State of Texas, in tribute to those beloved comrades who have passed before us, and on behalf of our fellow comrades now living, and their dependents, united by strong bonds of respect and mutual suffering, do solemnly and firmly associate ourselves together in creating the Disabled American Veterans, Department of Texas.

ARTICLE I – ALLEGIANCE

This Department recognizes the National Organization known as Disabled American Veterans, Incorporated by Act of Congress, and affirms its allegiance, and subordination, to the National Organization, its Constitution, Bylaws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Department, the assets remaining after the payment of its debts shall be distributed as provided in Article 6, Section 6.4, Paragraphs 5 and 6 of the National Bylaws.

ARTICLE II - AUTHORITY

Under authority of the National Constitution and Bylaws of the Disabled American Veterans, there is hereby established the Disabled American Veterans, Department of Texas.

ARTICLE III - MEMBERSHIP

The Disabled American Veterans, Department of Texas, shall consist of all Chapters of such Department, which shall have been constituted as such, according to the provisions of this Constitution and Bylaws.

ARTICLE IV - ADMINISTRATION

There shall be a Department Executive Committee, which shall consist of the retiring Department Commander, the Department Commander, the Department Senior Vice Commander, the Department First Junior Vice Commander, the Department Second Junior Vice Commander, the Department Third Junior Vice Commander, the Department Fourth Junior Vice Commander, the Department Executive Committee person of each of the three (3) Department Districts and the Department Finance Committee person elected by the three Department Districts.

ARTICLE V - LEGISLATIVE

The Department shall have the responsibility for arranging and conducting all aspects of the annual Department Convention, including the program, entertainment, and publishing of the official program. The legislative powers of the Disabled American Veterans, Department of Texas shall be vested in the voting members registered at the annual Department Convention. The Department Executive Committee shall determine the place where the convention shall be held not less than three (3) years in advance, upon recommendations made to it by the Department Commander. Invitations from delegations or cities in the Department Districts must be submitted in advance to the Department Commander. The Department Commander or his/her designated Department officer and the Department Adjutant/Treasurer will make an on-site examination of the proposed facilities to make sure of their adequacy for holding a Department Convention. After surveying all proposals, the Department Commander will recommend a selection of the convention site to be considered by the Department Executive Committee. The Department Convention shall be held during May or June annually, unless prohibited by a national emergency.

ARTICLE VI - EXECUTIVE

The executive power of this organization shall be

vested in the Department Commander. He/She, or in his/her absence, the next highest officer, shall preside at all Department Conventions and all meetings of the Department Executive Committee.

ARTICLE VII – AUXILIARIES

The Department recognizes a DAV Auxiliary as an auxiliary unit of the Disabled American Veterans.

ARTICLE VIII - AMENDMENTS

This Constitution may be amended at any Department Convention by a three-fourths (3/4) vote of the regularly elected and registered delegates voting thereat. All proposed changes will be reported to the Convention Body on the second day of the Convention and cannot be acted upon or passed until the second reading which will be on the third day of the Convention; provided that such amendments do not become effective until approved by the National Judge Advocate.

DEPARTMENT OF TEXAS BYLAWS

ARTICLE I - DEPARTMENT CONVENTION

Section 1: Registration fees at each Department Convention shall not exceed twenty dollars (\$25.00) which shall be collected by the Department Adjutant/Treasurer and deposited by him/her in the general fund. The Department Adjutant/Treasurer will render a report of the receipts and disbursements to the Department Executive Committee within thirty (30) days after the adjournment of each convention.

Para. (a): Each chapter shall be assessed the following to be deposited in the Department Convention Fund:

\$5.00 - 100 members or less

\$10.00 - 101 to 1,000 members

\$15.00 - 1,001 to 3,000 members

\$20.00 - 3,001 members or more

Section 2: At each Department Convention, each Chapter shall be entitled to have two (2) delegates and two (2) alternates for the Chapter and one (1) delegate and one (1) alternate for each twenty-five

(25) members or major fraction thereof who are listed on the membership rolls of the National Headquarters no earlier than 15 days prior to the first business session immediately preceding the date of the Department Convention, provided however, that recognition shall not be extended to any chapter which is not in good standing with the Department. In the absence of any delegate, his/her vote shall be cast by his/her alternate. In case any delegation is entitled to cast more votes than the number of delegates present, the votes of those absent shall be cast in the same proportion as the votes of those present. No delegate shall be seated who has not been duly elected and certified by his/her Chapter.

Section 3: All Past Department Commanders, each elected member of the Department Executive Committee and each accredited Chapter delegate to the Convention shall be entitled to one (1) vote. No one shall be allowed a Chapter vote if he/she elects to vote as a Department Officer, or Past Department Commander.

Section 4: The Department Executive Committee shall have full power to provide for all needs and matters incident to the convening of the Convention.

Section 5: All business matters of the Department Convention shall be considered during the first two

(2) business sessions of the convention, amendments to the Constitution and Bylaws, final report of the Credentials Committee, and the Nomination and Election of Officers for the ensuing year shall be considered during last business session of the Convention.

Section 6: Immediately following the first session of the Department Convention, each Department Executive Committee person or his/her Alternate will call the delegates of his/her District into session; at which time there shall be (1) Finance Committee person and an alternate elected by each District. District one (1); two (2) and three (3) shall elect on EVEN numbered years a member to serve for two (2) years. Also, one (1) Department Executive Committee person and an alternate shall be elected. Districts one (1); two (2) and three (3) shall elect on ODD years a member to serve for two (2) years; to be installed at the Department Convention.

The delegates will elect three (3) members to serve on the Convention Committees, except the Nomination Committee, which shall have two (2) from each district.

No Chapter shall have more than one member on a Convention Committee until all Chapters have been given an opportunity. The Department Executive Committee person shall immediately certify on forms provided by the Department to the Department Adjutant/Treasurer the names of the duly elected Committee persons from their Districts. The Department Adjutant/Treasurer or his/her representative will post a list of all committee members elected on a bulletin board with the time and place of meeting in a prominent place as soon as the delegates are certified.

Para. (a): Should there be a contest in nominations, each Chapter will be entitled to the number of votes mentioned in Article 1, Section 2, of these Bylaws.

Section 7: The Department Convention shall elect a Department Commander, a Senior Vice Commander, a First Junior Vice Commander, a Second Junior Vice Commander, a Third Junior Vice Commander, a Fourth Junior Vice Commander a Judge Advocate, and a Chaplain. Such officers shall hold office from the time of their election and installation until their successor shall have been duly elected and installed. No Department Commander shall succeed himself/herself.

No person shall be elected to hold office in this Department unless said person is in attendance at the convention electing him/her. Upon completion

of tenure of office each Department Officer desiring to wear his/her official cap shall be required to have the word "past" on the cap; with the exception of Past Department Commanders who will wear the cap as directed by the National Constitution and Bylaws.

Section 8: Term of Office of Elected Officers: (a) In the case of the removal of the Department Commander from office, or his/her death, resignation, removal from the State, or his/her inability to serve, the duties of the office shall devolve to the Senior Vice Commander. In the case of the removal of the Department Senior Vice Commander, or his/her death, resignation, removal from the State, or his/her inability to serve, the duties shall devolve upon successive numbered Vice Commanders.

(b) Elected Department Officers and Department Executive/Finance Committee Persons may be removed from office, for cause, by a two-thirds vote of the Department executive Committee.

Section 9: Convention Rules: (a) Rule 1: Robert's Rules of Order (revised) will govern the proceedings of the convention when not covered by the DAV National or Department Constitution and Bylaws.

Rule 2: Department officers shall serve as officers of this convention.

Rule 3: Each Chapter delegation shall select a chairperson to cast votes.

Rule 4: No delegate or alternate representing any Chapter whose charter has been suspended or revoked and has not been reinstated prior to the first business meeting of the convention shall be entitled to vote.

Rule 5: When a department officer or delegate desires to be recognized, they will address the chair as "Comrade Commander." Upon being duly recognized, the officer or delegate will identify himself/herself by giving his/her name and chapter or office that he/she represents.

Rule 6: In a dispute, a delegate will be allowed one rebuttal not longer than 3 minutes on the same question. Additional recognition may be granted by a two-thirds vote of the delegates present.

Rule 7: Voting on all questions, other than the election of Department Officers will be made by voice vote, except when the delegates from at least five (5) Chapters request a roll call vote. A roll call vote on all elective officers will be held unless there is no opposition.

Rule 8: Discussion of personal grievances, local conditions, or claims concerning one individual only,

with respect to his/her personal interest, shall not be in order before the Convention, but may be discussed before the committees of the Convention with the approval of the respective committees.

Rule 9: No resolution will be discussed on the floor of the Convention until it has been reported by the committee to which it has been assigned, except by unanimous consent of the delegates. Minority reports regarding any resolution shall be in order immediately following the majority report.

Rule 10: Committees of this Convention will be those committees mentioned in the Department Bylaws, plus any other committees that the Commander deems to be necessary.

Rule 11: Convention Committees may originate, amend, or modify such resolutions as they desire to sponsor, which pertain to the subject with which they are charged.

Rule 12: The following Committees are hereby provided as the Committees of the Convention: Credentials Committee; Committee on General Resolutions, National Security, and Membership; Committee on Legislation and Veterans Rights; Committee on Constitution and Bylaws; Committee on Employment; Committee on Hospital and Voluntary Services; Committee on Nomination of Department Officers. No committees will meet

during a business session without the permission of the Chair.

Duties of these Committees are as follows:

(a): CREDENTIALS COMMITTEE: This committee will be appointed by the Department Commander, with the assistance of the Department Adjutant/Treasurer. It shall make out a roll call of all Chapters and Department Officers showing the number of votes to which each is entitled and present the same at the first business session.

(b): COMMITTEE ON GENERAL RESOLUTIONS, NATIONAL SECURITY, AMERICANISM, AND MEMBERSHIP: This committee shall consider all matters which are not covered by the resolutions referable to other committees of the Convention. It shall formulate and give expressions of thanks, appreciation, and condolences, in resolutions form, and shall consider housing problems as they may affect disabled veterans. It shall consider all matters referred to it which pertain to Citizenship, Americanism, National Defense, or the Security of the United States. It shall consider all matters concerning membership activities.

(c): COMMITTEE ON LEGISLATION AND VETERANS RIGHTS: This Committee shall consider all resolutions proposing or requiring legislation on compensation, pensions, legal and guardianship

matters and appeals, as well as on all matters of policy and procedure with the Veterans Affairs, including problems requiring legislation on compensation, pensions, legal and guardianship matters and appeals, and all other matters in which other public and private agencies charged with the rehabilitation and improvement of disabled veterans and their dependents are concerned.

(d): COMMITTEE ON CONSTITUTION AND BYLAWS: This Committee shall give consideration to those resolutions which pertain to proposed amendments to the Department or National Constitution, the Department or National Bylaws, and the National Ritual. It shall also consider all matters relative to DAV Auxiliary of the Disabled American Veterans All proposed changes shall be provided to the delegates the morning of the first day of the Convention and voting thereon shall be held prior to the election of officers.

(e): COMMITTEE ON EMPLOYMENT: This committee shall consider all matters with reference to all forms of employment of disabled veterans as well as preference rights in examination, appointment, retention, promotions or employment or re-employment rights in Federal Civil Service and in state, county, and city governments. This committee will also consider matters relating to vocational rehabilitation, education, and training, except those provided for in Title 38, U.S. Code.

(f): COMMITTEE ON HOSPITAL AND VOLUNTARY SERVICES: This committee shall consider questions concerning the standards of medical care delivery by VA hospitals and out-patient clinics, and all matters pertaining to the DAV voluntary service program.

(g) COMMITTEE ON WOMEN VETERANS RIGHTS: This Committee shall consider all resolutions proposing or requiring legislation on compensation, pensions, legal and guardianship matters and appeals, as well as on all matters of policy and procedure with the Veterans Affairs, pertaining specifically to women veteran issues.

(f): COMMITTEE ON NOMINATION OF DEPARTMENT OFFICERS: This committee shall consider and present to the Department Convention a slate of candidates which it shall nominate for department officers.

Rule 13: The election and installation of Department Officers will be the last order of business prior to adjournment of the Convention.

Rule 14: One nominating and one seconding speech will be permitted for each candidate for elective office.

Rule 15: The Department Adjutant/Treasurer or assistant has the sole authority to assign committee

rooms. Chairpersons will notify the Adjutant/Treasurer or assistant when they are through with the room.

Rule 16: Committee meetings or caucuses may be held during business sessions only with the permission of the Chair. (Article 1, Section 7)

Rule 17: All cell phones & pagers shall be silenced during business meetings. Texting should be done outside the business session.

(b) Amendment of Rules: The foregoing rules of the Convention may be amended by majority of the body during the first business session of the Department Convention.

ARTICLE II - DEPARTMENT COMMANDER

Section 1: The Department Commander in office at the time of the National Convention shall be the Department Delegate. In the event of inability of the Department Commander to attend the Convention, the next ranking elective Department Officer shall act as the Department Delegate.

Section 2: The Department Commander, with the approval of a majority of the members of the Department Executive Committee, shall have the

authority to call a meeting of said committee, or meetings may be called by request of fifty-one percent (51%) of the members of the Department Executive Committee provided however, that written notice of the time and place of the meeting shall have been given all members of the committee by the Department Adjutant/Treasurer not less than ten (10) days in advance. Such notice may be sent by E-Mail, Fax, or U.S. Mail to all Committee Members, who must acknowledge receipt of the communication.

Section 3: The Department Commander shall have the power to submit in writing to the members of the Department Executive Committee through the office of the Department Adjutant/Treasurer as a referendum ballot on any such question as may be determined. The replies received by USPS, UPS or like service, facsimile, or e-mail from same shall be considered as approval or rejection. All members of the Executive Committee shall be notified in writing how all ballots were cast and by whom. A simple majority is cause for approval or disapproval. All members shall be notified within 30 days after ballots are submitted.

Section 4: The Department Commander shall appoint a Department Adjutant/Treasurer, a Chief-of-Staff, Legislative Director, a Department Sergeant- at-Arms, a Department VAVS Chairperson and any other officers and committees he/she

deems necessary. Appointees must be members of the Department of Texas, and their appointment is subject to the approval of the Department Executive Committee. Notwithstanding anything in these Bylaws to the contrary. The Department Commander shall appoint one member to the Department Service Commission, for a term of three years. This appointee must be members of the Disabled American Veterans, Department of Texas, and their appointment is subject to the approval of the Department Executive Committee. Such appointive office holders shall have no entitlement to a vote in the Department Executive Committee or the Convention because of the appointive office.

Section 5: The Department Commander may serve as an ex-officio member of the Finance Committee should a member and the alternate be unable to serve.

ARTICLE III - DEPARTMENT FINANCES

Section 1: The revenue of the Department shall be derived from per capita tax, service fees, contributions, and ten (10%) percent of the net profits of all bingo, lounge and/or thrift store operations. All other chapter fund raising activities will be assessed five (5%) percent of the net profits, excluding Forget-Me-Nots and Veteran's Appreciation Day. Net profit shall be defined as the amount of money received from the operator, less

any funds disbursed to other Chapters and any reasonable Chapter expense directly related to the management of the operations. For those Chapters receiving funds from the operating chapters, 10% of those funds will be sent to the Department. Payments to the Department by Chapters will be made within ninety (90) days following the Chapter's fiscal year.

Section 2: A copy of the audit required by National Constitution and By-Laws Article 9, Section 9.3 Para 1 will be furnished to the Department not more than ninety (90) days following the reporting period.

Section 3: The funds of this Department shall be deposited in banks or financial institutions agreed upon by the Department Commander, Department Adjutant /Treasurer, and the Department Finance Committee.

Section 4: All monies received by the Department shall be deposited to the credit of the Department. No withdrawals, transfers or payments from these funds shall be permitted except on the basis of numbered voucher system and/or Electronic Funds Transfer (EFT), including all budget line items. Each voucher shall be signed by any two (2) of the following three (3) officials: the Department Adjutant/Treasurer, Department Commander, or Department Senior Vice Commander. All expenditures must have prior approval by the

Department Executive Committee.

Section 5, Para. (a): The Chairperson of the Finance Committee will be elected by the Finance Committee yearly from their own membership. Before the Department Convention the Department Finance Committee will meet immediately prior to the meeting of the Department Executive Committee. The Department Adjutant/Treasurer shall serve as secretary to the Department Finance Committee meetings and will maintain minutes of their deliberations.

Para. (b): It shall be the responsibility of the Department Finance Committee to establish the budget will be reported to the Department Convention.

Para. (c): It shall be the responsibility of the Department Finance Committee to ensure that the finances of the Department are handled at all times in an economical and business-like administration of its financial affairs. The Department Commander shall have the power to call special meetings of the Department Finance Committee. Nothing in this Section shall prevent the Department Finance Committee from any actions it deems necessary to carry out its responsibilities.

Para. (d): The Department Finance Committee shall have the power to call special meetings on its own initiative when any three (3) members thereof acting in concert, giving proper notice of at least ten (10) days of the time and place of said meeting to all members of said committee stating therein the business to be considered at said meeting.

Para (e): It shall be the duty of the Department Finance Committee to annually set a written policy covering the authorized expense of travel and per-diem for all elected and appointed Department Officers.

ARTICLE IV - DEPARTMENT EXECUTIVE COMMITTEE

Section 1: The Department Commander, with the approval of a majority of the members of the Department Executive Committee, shall have the authority to call a meeting of said committee, or meetings may be called by request of fifty-one percent (51%) of the members of the Department Executive Committee provided, however, that written notice of the time and place of the meeting shall have been given all members of the committee by the Department Adjutant/Treasurer not less than ten (10) days in advance. Such notice may be sent by E-Mail, Fax, or U.S. Mail to all Committee Members, who must acknowledge receipt of the communication.

Section 2: A majority of the members of the Department Executive Committee shall constitute a quorum.

Section 3: The Department Executive Committee shall meet within twenty-four (24) hours after adjournment of the Department Convention to transact such business as may properly come before it.

Section 4: All legislative, administrative, and executive matters not otherwise specifically covered by the provisions of this Constitution or by action of the Department Convention shall be determined by a majority vote of the Department Executive Committee except as otherwise provided.

ARTICLE V - ADJUTANT/TREASURER

Section 1. Para. (a): The Department Adjutant/Treasurer, subject to the instructions, decisions, resolutions and mandates of the Department Commander, Department Executive Committee, or the Department Convention, shall supervise and direct all activities of the Department.

Para. (b): In addition to the other duties and powers set forth in these Bylaws, the Department Adjutant/Treasurer shall be the Chief Executive Director and Chief Financial Officer of this

Department and shall be the Secretary of and attend the meetings of the Department Executive Committee and Department Finance Committee, with no vote. He/She shall send complete copies of the minutes of each meeting of the Department Executive Committee and Department Finance Committee to each of its members.

Para. (c): The Department Adjutant shall appoint a Department Inspector with the approval of the Department Executive Committee.

ARTICLE VI - OTHER DEPARTMENT OFFICERS

Section 1. The Department Judge Advocate shall be the legal advisor of the Department. His/her duties and responsibilities shall be identical in regard to the Department as those of the National Judge Advocate as defined in Article 7 of the National Bylaws.

Section 2: The Department Chaplain shall perform such duties as prescribed in the official ritual of the National Organization.

Section 3: The Duties of the Department Inspector shall be identical in regard to the Department as those of the National Inspector General as defined in Article 7 of the National Bylaws. The Department Inspector shall be solely responsible to and under the direct supervision of the Department Adjutant.

Section 4: The duties and responsibilities of the Department VAVS Chairperson will be as outlined in the National DAV VAVS Service Manual.

ARTICLE VII - CHAPTERS

Section 1: New members will be assigned to the Chapter whose meeting place is nearest their home unless the member requests to be assigned to a different Chapter. All members in good standing in a Chapter whose charter has been revoked will be transferred as specified in Article 6 of the National Bylaws.

ARTICLE VIII - DEPARTMENTAL

Section 1: Nepotism will not be permitted in the hiring of Department employees. The employment of the Adjutant/Treasurer will be approved by the Department Executive Committee. Department Service Program employees must be approved by the Department Service Commission. All other Department employees can be hired by the Adjutant/Treasurer in accordance with Department Policy.

Section 2: No Department officer or employee may accept long distance collect telephone calls at Department expense.

Section 3: The Department of Texas will be

responsible for the recording of the transcription of the minutes of the Annual Conventions; cost of such recordings and transcription shall be defrayed by registration fees.

Section 4: The Department shall operate under a budget which shall be prepared by the Department Finance Committee and approved by the Department Executive Committee before each Department Convention. Copies of the budget shall be provided to the convention delegates.

Section 5: The DAV Department of Texas Chief Financial Officer shall place a quarterly Financial Position on the Department webpage in accordance with the DAV National Constitution and By-Laws; Article 8; Section 8.4: Financial Records, Reports.

ARTICLE IX - DEPARTMENT DISTRICTS

* **Section 1:** The Department of Texas shall be divided into three districts; each district will include the chapters listed in tables (I) through (III) below.

* **Section 2:** The chapters will be assigned in order to distribute the voting strength in the districts as evenly as possible. In the event that a new chapter is chartered it will be added to the district with the least votes

Table (I): District I

6	16	20
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32	36	38
41	42	44
47	57	58
63	70	81
89	106	137
157	222	240

Table (II): District II

3	4	22
27	29	39
74	76	78
83	86	121
126	139	147
150	169	194
195	200	203
219	233	234
236	237	238
239	240	

Table (III): District III

5	10	14
17	25	61

95

114

128

165

187

Section 2: No more than three (3) months nor less than one (1) day prior to each annual Department Convention, the Chapters of each District, then in good standing, may meet and elect such officers as deemed necessary to conduct the business of the district.

Section 3: All District Officers may wear the standard blue and white cap available from National. When an officer's term expires, the word "Past" will appear on the cap.

ARTICLE X - JOE EARLEY DEPARTMENT SERVICE PROGRAM

Section 1: The Joe Earley Department Service Commission will, subject to supervision and control of the Department Commander and the Department Executive Committee, be responsible for the Service Program of the Department of Texas, Disabled American Veterans.

Section 2: The Commission shall each year select its own chairperson. Each commissioner shall serve until his/her successor has been appointed. Any vacancy other than expiration of term shall be filled by a second appointment by the Department

Commander. No member of the Department Service Commission shall receive a salary from the Department for fulfilling duties of that office.

Section 3: The Department Service Commission shall have exclusive authority to appoint a Department Service Director and to employ Department Service Officers. The work of such Director and Department Service Officers shall be under the direct control of the Department Service Commission and the Department Commander, provided that:

Para. (a): The Department Service Director will have direct supervision over all Department Service Officers and shall recommend the hiring or termination of Department Service Officers.

Para. (b): The National Service Officer in charge of the appropriate National Service Office shall provide training for new Department Service Officers to include schools of instruction and refresher courses, at least annually, and supervisors are asked to submit recommendations for improvement of the Joe Earley Department Service Program to the Department Service Commission.

Section 4: The Department Service Commission shall meet at the Department Convention and at District 2or at the call of the Department Commander, as required to conduct business.

Para. (a): Service Commission members will be paid travel expenses and per diem from the Joe Earley Department Service Program’s Travel fund.

Section 5: The budgetary recommendations prepared by the Department Service Director will be reviewed by the Department Service Commission and then presented to the Department Finance Committee for appropriate actions. The Commission will include in this budget such amounts as are deemed necessary for the expenses of the Joe Earley Department Service Program.

Para. (a): While the Department Finance Committee approves the budget of the Joe Earley Department Service Program, the Department Service Commission and the Department Commander shall be responsible for recommending the disbursing of funds for the service activities of the Department.

Section 6: Except as outlined in this Article, the Department Service Commission is authorized to adopt rules, regulations, procedural practices, employment, and personnel policies necessary to carry out its duties and responsibilities of the Joe Earley Department Service Program.

Para. (a): The Department Service Commission shall keep, as permanent records, full and accurate minutes of all its meetings and its authorization and directions. It shall furnish to the Department

Commander a copy of the minutes of all meetings. The Department Service Commission shall make a full and complete report of its activities to the Department Commander and to the Department Convention.

Article XI - Disabled American Veterans Department of Texas Service Foundation

Para 1: The Department of Texas recognizes the creation of a subordinate entity called DAV Department of Texas Service Foundation (hereafter "Foundation"). The Foundation shall have the sole purpose to provide a direct and substantial benefit to ill and injured veterans, their dependents, and their survivors. In addition, the Foundation shall have the purpose of supporting programs and activities sponsored by DAV National Organization, DAV Department of Texas, Department of Veterans Affairs, and other organizations supporting veterans.

Para 2: The Foundation may fundraise with the approval of, and subject to the conditions that may be imposed by, the National Bylaws, National Executive Committee Regulations, Department Bylaws, and Department Executive Committee.

ARTICLE XII- AMENDMENTS

Para. (a): These Bylaws may be amended at any Department Convention by a two-thirds (2/3) vote of the regularly elected and registered delegates voting thereat. Provided that such amendments do not become effective until approved by the National Judge Advocate.

Para. (b): To the extent to which any of the provisions of this Constitution and Bylaws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and Bylaws and lawful mandates, decisions and regulations of the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

Para. (c) Editorial changes and/or corrections that do not modify or change the content of any section may be done without requiring approval.”

I hereby certify that the Constitution and Bylaws as are contained herein are correct as amended by the Department Convention in San Marcos, Texas, June 10, 2023, and as corrected and approved by the National Judge Advocate:

Attest:



Teresa Johniken, Department Adjutant



Fred Cavazos, Department Commander

Approved:



Dennis R. Nixon, Department Judge Advocate



Michael E. Dobmeier, National Judge Advocate

I CERTIFY that the within constitution and/or by-laws does not conflict with those of the National Organization, and to that extent, is approved.

Date: 6/21/23

DAV National Judge Advocate

constitution and/or
by-laws do not conflict
with those of the
National Organization,
and to that extent is
approved.

**DEPARTMENT EXECUTIVE COMMITTEE
REGULATIONS & FINANCE COMMITTEE
ADOPTED POLICY OF THOSE USING
DEPARTMENT TRAVEL ADOPTED
6/10/2023.**

Regulation 1: All fund-raising involving contracts, sales to the general public and income over \$5,000.00 must provide ample opportunity for the DEC to provide comments and will only begin after approval of a majority of the voting members.

Regulation 2: Within sixty (60) days of the Department Convention, the Department of Texas will provide a Balance Sheet of convention income/expenses to all Chapters.

Regulation 3: The Department of Texas Staff shall observe the same holiday schedule as the Disabled American Veterans National Service Offices.

Regulation 4: When the department must conduct an audit, review the records of, and or reorganize a chapter any reasonable expense incurred as a result will be borne by the chapter and reimbursed upon receipt of request.

Regulation 5: This policy applies to members of the DEC (“Members”). Members are in a position to influence the actions of DAV with respect to matters decided by the DEC. If a member may, or will, receive a direct or indirect benefit from a particular motion decided by the Body as a whole, the Member has a conflict of interest. The benefit referred to may be financial or non-financial. An indirect benefit may be, but is not limited to, a benefit to a relative or business associate of the Member. An indirect benefit may also be one that flows to an organization in which the Member has an interest, financial or otherwise.

If a member has a conflict of interest or believes that he may have such a conflict, the Member must fully disclose the conflict, or potential conflict, to the DEC at the earliest possible time and abstain from any involvement whatsoever in the resolution issue. This means that the member may not discuss the issue with other DEC members, may not be present during Committee consideration of the Issue and may not vote on the Issue. The minutes of the Committee meeting shall reflect that all of these safeguards were observed.

It is important to note that a member should not participate in the review by the Committee of decisions of a department or chapter if the Member was directly involved in the original decision.

All Members covered by this policy should acknowledge receipt of a copy of it immediately upon assuming office and annually for as long as they serve on the DEC.

Regulation 6: Open Carry will not be permitted during any Department conducted meetings.

Regulation 7: Chapter Property

- A. Sale of Chapter property shall not be considered a fundraiser and therefore 10% is not required to be paid to the Department. However, Chapters proposing to sell real property are required to submit a written request to the Department giving sales price and terms of the proposed sale 30 days prior to entering into a contract for sale. No contract shall be entered into prior to approval of the terms by the Department. Chapter should obtain property damage insurance to protect the Chapter.

The following Declaration of Covenant shall be recorded in the public Record:

DECLARATION OF CONDITIONS, COVENANTS,
RESTRICTIONS AND RESERVATIONS

THIS DECLARATION, made this ____ day,
of _____, 20__

By _____ DISABLED
AMERICAN VETERANS, INC., Texas non-profit
corporations, hereinafter referred to as
“DECLARANT.”

WITNESSETH:

WHEREAS, DECLARANT is duly organized and existing Texas non-profit corporation: and WHEREAS, pursuant to its Articles of Incorporations, DECLARANT has duly adopted certain Bylaws which restrict DECLARANT’s power to contract for and/or to convey or encumber its property without the prior written consent of the DISABLED AMERICAN VETERANS, DEPARTMENT OF TEXAS INCORPORATED, a Texas non-profit corporations; and WHEREAS, in particular, the Bylaws of the DECLARANT provide, among other things, as follows: Upon dissolution of the Chapter, the assets remaining after the payment of all the debts shall be distributed as provided in Article 6,

Section 6.4, Paragraphs 5 and 6, of the National Bylaws; and WHEREAS, the Bylaws of the DISABLED AMERICAN VETERANS, a National non-profit 26 corporation, provide, among other things, as follows:

Upon revocation of the charter of a chapter or county or district council under the jurisdiction shall become the property of the state department; and

All contracts entered into by a subordinate unit, whether or not subject to approval by the National Executive Committee, and including, without limitations, leases, contracts for the sale or purchase of real or personal property and employment and consulting contracts, should advance and promote the purposed of DAV; and

Chapters within a state are under the jurisdiction of the State Department, State Departments are responsible not only for the enforcement of the Department and Chapter Constitutions, Bylaws, and Regulations, but also for the enforcement of the National Constitution, Bylaws and Regulations; and

WHEREAS, DECLARANT, is the owner in fee simple of the real property described on the attached Exhibit "A" (hereinafter referred to as the "Property"): and, WHEREAS, DECLARANT is desirous of subsection the Property to the restrictions hereinafter set forth, which shall apply to the Property for so long as DECLARANT shall remain the owner of the property;

NOW, THEREFORE, DECLARANT does hereby declare that the Property described herein shall be held, transferred, sold, and conveyed subject to the conditions, covenants, restrictions, and reservations hereinafter set forth:

1. The above and foregoing recitals are true, correct and incorporated herein.

2. The Property described on the attached Exhibit "A" shall not be conveyed or encumbered by a mortgage or other forms of security agreements, without the written consent of the DISABLED AMERICAN VETERANS, DEPARTMENT OF

TEXAS INCORPORATED, a Texas non-profit corporation.

IN WITNESS WHEREOF, the Declarant has hereunto set his hand and seal the day and year first above written.

Signed, sealed, and delivered

In the presence of:

DISABLED AMERICAN VETERANS, INC., a
Texas non-profit corporation

BY: _____

Print Name:

Its
Commander _____

Print Name:

STATE OF TEXAS

COUNTY OF, _____

The foregoing instrument was sworn to
and subscribed before me this day _____
of _____, 20__ by
_____, Commander
of

DISABLED AMERICAN VETERANS., Texas
non-profit corporation. He/She () is
personally known to me or () has
produced a driver's license as
identification.

Notary Public

Print Name: _____

My Commission Expires:

Commission No: _____

EXHIBIT "A"

Enter the address and legal description of the real property and the book and page number of the recorded deed.

TRAVEL POLICY

Policy 1: All travel must have the prior approval of the Department Commander or as designated by the Commander through the Department Adjutant.

Policy 2: (a) All travel, at Department expense, must be approved by the Department Commander.

(b) In the event a Department/Department Executive/Finance Committee Person, authorized to attend the Department Convention leaves office, and the next officer in line is elevated the incoming officer will be authorized one day of per diem and mileage for travel to his/her home.

Policy 3: Travel Reimbursement: Department Travel policy - the rate paid for travel mileage will be that which is set by the IRS. Other travel cost will be at the rate most advantageous to the authorized traveler. If the cost of lodging exceeds the allowable IRS rate, then actual cost will be paid. If lodging is less than the IRS rate, then the IRS rate will be paid. Each travel voucher claiming lodging is required to have attached a copy of the hotel, motel, lodging receipt, or other suitable documentation in order to be paid.

Policy 4: In the event a District Officer authorized to attend the Department Convention leaves office and the next officer in line is elevated the incoming officer will be authorized one day of per diem and mileage for travel to his/her home.

Policy 5: Special travel allowances may be authorized by the Department Commander not to exceed 1st class air travel.

Policy 6: In all cases in which travel at Department expense is authorized and two or more authorized persons travel in the same car, only one person will be authorized mileage. For those individuals who share a room, only one person will be paid lodging. The second individual will be permitted the IRS rate for meals and incidentals (M&I) only.

Policy 7: All travel vouchers must be submitted to the Department Adjutant within 45 days after completion of the travel. At the discretion of the Department Adjutant, this time limit may be extended because of extenuating circumstances. Special circumstances may also be presented to the Finance Committee for resolution.

Policy 8: Any authorized travel to National meetings by privately owned vehicle will be authorized a maximum of one day itinerant travel each way up to two days maximum at the rate

defined in paragraph 3, and the cost equivalent to round trip coach class air travel.

Policy 9: Checks issued by the Department of Texas must contain two (2) authorized signatures and be marked “Void after ninety days”.

PAST DEPARTMENT COMMANDERS

LAWRENCE R.	AUSTIN	1931-32
Department		1932-38
LAWRENCE R.		1938-39
FRED CONE †	WACO	1939-40
CONVENTION		1940-41
CHARLES GROSS †	SHERMAN	1941-42
DR. V.L. SMITH †	SAN ANGELO	1942-43
DR. V.L. SMITH †	FORT WORTH	1943-44
TOM KANE †	WICHITA FALLS	1944-45
MAJ. D.M. PERKINS †	FORT WORTH	1945-46
JAMES R. MOORE †	CORPUS CHRISTI	1946-47
W. W. MOUNT †	AMARILLO	1947-48
EARL D. WHITLEY †	GALVESTON	1948-49
DR. ALEX J. SIMON †	MINERAL WELLS	1950-51
D. W. HARREL †	FORTH WORTH	1951-52
DR. SAM	EL PASO	1952-53
H. P. HACKNEY †	ABILENE	1953-54
WARREN B. FULLER †	AUSTIN	1954-55
JOSEPH M. EARLEY †	LAREDO	1955-56
JOE F. RAMSEY, JR. †	GALVESTON	1956-57
HARRY BURGMAN †	CORPUS CHRISTI	1957-58
WILLIAM O. COOPER	DALLAS	1958-59

CLEM F. SEARLS †	ABILENE	1959-60
CARL SMITH †	LAREDO	1960-61
DURWARD BAILEY †	BROWNWOOD	1961-62
A. A. ALEXANDER †	HOUSTON	1962-63
J. H. CHILDS †	HARLINGEN	1963-64
FRANK L. WEBB	EL PASO	1964-65
P. D. JACKSON †	WICHITA FALLS	1965-66
RILEY W. TAITTE †	AUSTIN	1966-67
CONNIE SMITH †	NACOGDOCHES	1967-68
J. W. MARTIN †	LAREDO	1968-69
RICHARD L.	AMARILLO	1969-70
JOHN E. GOODMAN †	DALLAS	1970-71
CECIL FRANKLIN †	AUSTIN	1971-72
JOE T. LATHAM †	HOUSTON	1972-73
GILBERT CHAPA †	CORPUS CHRISTI	1973-74
VAUGHN COFFMAN †	EL PASO	1974-75
WILBUR JOHNSON †	FORT WORTH	1975-76
JOHNNIE HAWKINS †	AUSTIN	1976-77
A. A. HUNTER †	HOUSTON	1977-78
ERNEST O. BROCK †	MCALLEN	1978-79
ANDY WYLIE †	EL PASO	1979-80
SAM BIER †	ARLINGTON	1980-81
GORDON LEWIS †	AUSTIN	1981-82
JAMES HALL †	FORT WORTH	1982-83

CHARLES ALTMAN †	AUSTIN	1983-84
NELSON KELLEY †	AUSTIN	1984-85
J. D. FORREST †	AUSTIN	1985-86
JOHN PARKER †	ARLINGTON	1986-87
RAYMOND RAPISAND	COLLEGE STATION	1987-88
W ^m . A. "BILL" BONE	HOUSTON	1988-89
CLYDE COUCH †	SAN ANTONIO	1989-90
SAMUEL L. KING †	EL PASO	1990-91
JACK G. LEDFORD †	FORT WORTH	1991-92
ROBERT J. VAN LEER	COLLEGE STATION	1992-93
EARL D. WALKER †	HOUSTON	1993-94
ALPHONSO R. ALTIERI	CORPUS CHRISTI	1994-95
L ^e ONARD F. HUMES	LUBBOCK	1995-96
L ^e ARRY C. GEDDIE	FORT WORTH	1996-97
LUTHER C. VICTORY †	COLLEGE STATION	1997-98
KATHRYN HENSON †	HOUSTON	1998-99
MIKE BAKER †	CORPUS CHRISTI	1999-00
MANUEL F. LAZANO	MIDLAND	2000-01
CLAUDE J. BOGGS, SR.	PLANO	2001-02
E ^m ERY C. WALL †	COLLEGE STATION	2002-03
HOWARD L.	HOUSTON	2003-04
GEARLD J. C ^o WAN †	CORPUS CHRISTI	2004-05
L. "DUKE"	FORT WORTH	2005-06
REX A. LLOYD	FORT WORTH	2006-07

DOUGLAS G. HERRLE	AUSTIN	2007-08
EDGAR H. MEISER	WICHITA FALLS	2008-09
TERESA JOHNIKEN	AUSTIN	2009-10
JAMES SCOTT	AUSTIN	2010-11
JAMES K. HACKNEY	AUSTIN	2011-12
TOM PARKER	AUSTIN	2012-13
JUAN RUIZ JR.	AUSTIN	2013-14
TIM LINDSEY	AUSTIN	2014-15
JAY JOHNSON	AUSTIN	2015-16
DR. CHARLES W.	AUSTIN	2016-17
ROBERT DELGADO	CORPUS CHRISTI	2017-18
ROBERT SIMMONS †	CORPUS CHRISTI	2018-19
TOM ARCHER	CORPUS CHRISTI	2019-21
GREGGORY DUNHAM	CORPUS CHRISTI	2021-22
PERCY SPENCE III †	SAN MARCOS	2022-23

**Department Disbanded*

ANNUAL FINANCIAL REPORT

LINE 14 SCHEDULE

SERVICE

Veteran's Relief: rent, utilities, medical bills, food

VA Medical Facilities: TVs, refrigerators, medical supplies, transportation

VAVS: coffee, donuts, sandwiches, Bingo, popcorn, etc.

Scholarships: for dependents – A person who depends on the veteran or widow for more than 50% of their income. This does not apply to just any family member. If the family member does not reside in the veteran's household or is not dependent on the veterans for financial support, that person does not qualify.

Other Charities: monies to these should be earmarked for the direct and substantial benefit of veterans and dependents

Keep in mind that a donation to another charity means that the charity used the donation to support their goals and objectives, with no regard to our purpose. The money you raise in the name of the DAV should be expended in our name not another. If our supporters wanted to support VFW, AmVets,

American Legion, or Marine Corps League, they would donate to those charities. If there is a charity in your area that occasionally assists veterans, you should visit with that charity, let them know you have funds available to veterans and that you would be happy to assist on a case-by-case basis.

FRATERNAL

Everything else!

Flowers, food for meetings, Chapter/Unit activities, Veteran's Day, newsletters, awards, plaques, and the list goes on.

If it does not provide direct benefit to the veteran or his/her dependent survivors, it is fraternal.

The bottom line is funds received from Forget-Me-Not drives and Department-approved fundraisers must be spent to directly benefit veterans. All other income may be used for fraternal activities.

Protection for Good-Faith Complaints

DEPARTMENT is committed to legal compliance and exemplary integrity in its financial management and corporate governance. DEPARTMENT encourages its employees and volunteers to inform the Organization about unlawful or improper behavior including, but not limited to, any of the following:

(1) theft or improper use of assets, (2) materially misleading financial reporting, (3) violation of

DEPARTMENT's conflict-of-interest policy or other policies or procedures relating to corporate governance and (4) improper destruction of records.

Although we hope and expect that such improprieties will be extremely infrequent; it is critical that DEPARTMENT be informed of any deviations from standards of financial management or corporate governance. In such cases, a DEPARTMENT employee or certain DEPARTMENT volunteers (principally elected fraternal officials, including members of the

(DEC) may be the first to suspect a problem. We request a prompt report from anyone who has a reasonable suspicion about any illegal, unethical, or improper conduct involving the finances or governance of DEPARTMENT. Such good-faith reports can be made without fear of retaliation. Employees or volunteers making such reports will suffer no adverse actions. Naturally, given the seriousness of these matters and the effect of a careless accusation, DEPARTMENT expects employees and volunteers to use this procedure in a thoughtful, careful, and responsible way.

Reports of improprieties in financial management or corporate governance may be made to any of the persons listed below and should be made in writing. Anonymous complaints will be accepted, although, for obvious reasons, it is better for the complaining person to identify herself/himself and supply contact information. All reports will be handled on a confidential basis to the highest degree possible.

Complaints should be submitted in a sealed envelope marked “PERSONAL AND CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY” and delivered in person or by mail to one or more of the following:

Department Commander

Department Adjutant

Department Assistant Adjutant

Disabled American veterans
Department of Texas
1015 Lee Ave
Lufkin TX 75901