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July 15, 2024

Mr. Hilmer P. Hermann, Adjutant  
Department of Louisiana  
Disabled American Veterans  
P.O. Box 1271  
Baton Rouge, LA 70821

EIN: 90-0677492

Dear Adjutant Hermann:

The Constitution and Bylaws for the Department of Louisiana is hereby approved as of this date.

A copy of this document is being returned to the Department and a copy is being retained in our permanent files here at National Headquarters for future reference.

Sincerely,

Michael E. Dobmeier  
National Judge Advocate

MED:js  
Enclosure

CONSTITUTION AND BYLAWS

(As Amended 2024 State  
Convention,

Approved May 19, 2024)



DISABLED AMERICAN VETERANS' DEPARTMENT OF LOUISIANA

POST OFFICE BOX 1271

BATON ROUGE, LA 70821

**CONSTITUTION  
OF THE DEPARTMENT OF LOUISIANA DISABLED  
AMERICAN VETERANS  
ARTICLE I  
ESTABLISHMENT AND JURISDICTION**

**Section 1.1:** Under the authority of the National Constitution and Bylaws of the Disabled American Veterans (congressionally chartered) and the corporation laws of the State of Louisiana, there has been and is hereby established the "Department of Louisiana, Disabled American Veterans, Inc.", with its principal office in the city of Baton Rouge, in the State of Louisiana in which is located the Office of the Department Adjutant.

**Section 1.2:** This Department shall consist of the members of all chapters existing in the State of Louisiana under the provisions of the Constitution and Bylaws of the Department and of the National Organization.

**Section 1.3:** The ABSOLUTE POWER in this Department is vested in the Department Convention.

**ARTICLE II  
PURPOSE**

**Section 2.1:** The purpose of the Department of Louisiana, Disabled American Veterans; shall be the same as that of the National Organization, namely: To uphold and maintain the Constitution and the laws of the United States: to realize the true American ideals and aims for which those eligible to membership fought: to advance the interests and work for the betterment of all wounded, gassed, injured and disabled veterans; to cooperate with the United States department of Veterans Affairs and all other public and private agencies devoted to the cause of improving and advancing the condition, health and interests of all wounded, gassed, injured and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness and comradeship among all wounded, gassed, injured and disabled veterans; to serve our comrades, our communities and our country; and to encourage in all people that spirit of understanding which will guard against future wars.

**ARTICLE III  
MEMBERSHIP**

**Section 3.1:** The membership of the Department shall all be of the active Disabled American Veterans Chapters in the State of Louisiana which have been or are hereafter chartered by National so long as such Chapters remain in good standing as determined by the National Organization.

**Section 3.2:** All applicants for membership must be eligible for membership under the provisions of the National Constitution and Bylaws.

## ARTICLE IV POWERS

**Section 4:** To have perpetual succession, with power to sue and be sued in courts of law; to receive, hold, own, use and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a constitution, bylaws and regulations to carry on its purposes, not inconsistent with the laws of the United States or any state; to establish and maintain offices for the conduct of its business; and generally to do any and all such acts and things as may be necessary and proper in carrying into effect the purposes of the corporation.

## ARTICLE V ADMINISTRATION

**Section 5.1:** The administrative affairs of this organization shall be bested in a State Executive Committee, to be composed of the State Commander, the immediate Junior Past Department Commander, the elected Department Officers and one (1) Executive Committeeman elected or appointed from each Chapter. All Past Department Commanders who have attended at least one State Convention or Department Executive Meeting within the past three (3) years or those who could not attend due to illness of self or family shall have a voice and vote in this committee.

**Section 5.2:** Each State Convention shall elect a State Commander, a Senior Vice Commander, a First Junior Vice Commander, a Second Junior Vice Commander, a Third Junior Vice Commander, a Sergeant-at-Arms, a Chaplain and a Judge Advocate.

**Section 5.3:** No person shall succeed himself as State Commander, nor shall be eligible for any elected office for a period of one (1) year.

## ARTICLE VI LEGISLATION

**Section 6.1:** The supreme legislative powers of this organization shall be vested in a State Convention, which shall be composed of the State Officers and representatives of the several Chapter organizations,

## ARTICLE VII EXECUTIVE

**Section 7.1:** The executive power of this organization shall be vested in the Department Commander.

## ARTICLE VIII AUXILIARIES

**Section 8:** This organization recognizes a DAV Auxiliary as an auxiliary unit, subject to the Department's supervision and recommendations.

## ARTICLE IX AMENDMENTS

**Section 9.1:** This Constitution may be amended at any State Convention by a two-thirds (2/3) vote of the regularly elected and qualified delegates present and voting therat. Said amendments taking effect upon approval of the National Judge Advocate.

**Section 9.2:** The masculine, whenever used in this Constitution, shall include the feminine gender.

**Section 9.3:** To the extent to which any of the provisions of this Constitution 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 either the governing State Department or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

## DISABLED AMERICAN VETERANS' DEPARTMENT OF LOUISIANA BYLAWS

### ARTICLE 1 OGANIZATION

**Section1.1:** The membership of the Department shall be all of the active Disabled American Veterans Chapters in the State of Louisiana, which have been or are hereafter chartered by National, so long as such chapters remain in good standing as determined by the National Organization.

**Section 1.2:** No chapter or member, by virtue of membership in this Department shall acquire any property rights or any present or existing right in or to the property rights or any present or existing right in or to the property which this Department may now hereafter acquire. Each Chapter of for itself or its members, agrees that upon dissolution of this Department, the assets remaining after the payment of its debts, if any shall be reduced to cash and forwarded to National Headquarters where it will be held for (18) months, after which it becomes the property of the National Organization in the event the Chapters in this state fail to reorganize a State Department within such period. Each chapter also agrees for itself and its members that no member of any chapter or any Department officer shall receive any money or other things of value from this Department because of any services rendered or to be rendered to or for this Department, unless the same is expressly authorized as herein provided.

**Section1.3:** 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 4, Paragraph 5, of the National Bylaws.

## ARTICLE 2 CONVENTION

### Section 2.1: Supreme Power

**Paragraph 1:** The Supreme power of this Department shall be vested in a State Convention, to be held not later than July 1<sup>st</sup>. of each year, at a time and place determined by the preceding State Convention: provided, however, that the State Executive Committee may change the time and place if it appears that the convention cannot be held satisfactorily at the time and place selected by the previous convention.

**Paragraph 2:** The Department of Louisiana shall sponsor an annual convention, an annual Department Executive Committee meeting, and the 8<sup>th</sup> district Conference when it is Louisiana's turn and shall be responsible for the financial obligations incurred therein.

**Paragraph 3:** The Chapter located in the convention city that will host the annual convention of this Department shall furnish one (1) person to act in the capacity of Convention Chairman, who shall work with the Department Commander and the Adjutant. He shall also act as a Liaison Officer to coordinate with the local officials and the management personnel at the hotel/motel. At each annual convention one (1) person will be elected to a two (2) year term to serve on the Convention Committee to assist the Commander, the Adjutant, and the Treasurer, without compensation.

**Section 2.2:** At each convention, each Chapter in good standing shall be entitled to one (1) delegate and one (1) alternate for each fifty (50) members or fraction thereof, whose current National and Department Per Capita tax has been remitted to National Headquarters and has been received by the Department as shown in the membership chart published thirty days prior to the scheduled date of the Department Convention. The Department Adjutant shall notify each Chapter as to the number of delegates and alternates which it is entitled to and give the time and place of such convention, in writing, not less than thirty (30) days prior thereto. All fifteen (15) days prior to the convening of the Department Convention. If the Department Adjutant has not received the registration delegate list from Chapter twenty-one (21) days prior to the Department Convention, he shall call the Chapter Commander.

**Section 2.3:** A Chapter shall not be deemed in good standing if indebted to this Department or to the National Organization in any amount, and its delegates may not be seated or vote at a Department Convention until such indebtedness is first paid.

**Section 2.4:** Each elected Department Officer and each Department Executive Committeeman, if registered as such, shall be entitled to one (1) vote.

**Section 2.5:** All Past Department Commanders, if registered as such, shall be entitled to (1) vote.

**Section 2.6:** In the absence of any delegate, his vote shall be cast by his alternate. In case any Chapter is entitled to cast more votes than the number of delegates present, the vote of those absent shall be divided equally among the delegates present representing the Chapter. An alternate becomes a delegate in the absence of a delegate. There shall be no form of unit rule or voting by proxy.

Section 2.7

**RULES OF THE CONVENTION**

- Rule 1:** Robert's Rules of Order Newly Revised will govern except as hereinafter specifically Stated.
- Rule 2:** All resolutions must be submitted to the Office of the Department Adjutant in Triplicate, double-spaced, printed or typewritten and signed by the sponsor. No Resolution shall be rejected on any technicality or for defective form. No resolution shall be accepted after twelve (12) noon of the second day of the convention, except by a majority vote of the convention.
- Rule 3:** The Department Adjutant shall deliver all resolutions to the appropriate Convention Committee(s). All chapters shall elect their members to all Convention Committees by 12:00 p.m. on the second day of the convention.
- Rule 4:** Accredited delegates, alternates, Department Officers, or Department Executive Committeemen may appear before any committee, provided they first contact the Chairman and make an appointment for such an appearance.
- Rule 5:** No resolution can be discussed by the convention until same has been reported by a Convention Committee, except by consent of two-thirds(2/3) of Convention Delegates. Resolutions not favorably reported by a committee may be called up for Consideration by the proponents at the time a motion to discharge such committee is Considered. Convention committees may originate such resolutions as they desire to sponsor which pertain to the subject with which they are charged.
- Rule 6:** Each Chapter shall elect a Chairman, who shall announce the vote of the Chapter. When a poll of any Chapter is demanded by a delegate thereof, the Chairman shall poll the Chapter without debate or discussion.
- Rule 7:** In viva voice voting on any subject before the convention, no person shall participate Except fully accredited delegates who have registered and paid their registration fee.
- Rule 8:** The Department Executive Committee shall provide for the form of convention Credentials, which shall be the type used by National and shall recommend a set of Rules for the convention. Such rules shall be subject to amendment and adoption by the convention. There shall be a registration fee per delegate as determined by the Executive Committee, which shall be paid at the time of registration.
- Rule 9:** All delegates must be registered by 12:00 noon of the day prior to the close of the convention.
- Rule 10:** The foregoing Rules of the Convention may be amended by a majority vote at the first business session of the convention.

## Section 2.8 Convention Committees

The following are hereby designated as Convention Committees. Each Convention Committee shall be composed of either a Department Officer or a Past Department Commander as Chairman, a Past Department Commander as advisor and one (1) delegate from each Chapter, if possible. The appointment of the Chairperson and advisor shall rest with the Department Commander. No Chapter shall have more than one (1) voting delegate on each Convention Committee. The Committee shall meet at the call of the convention, the Commander, or the Chairman of the Committee. Each Committee Secretary shall coordinate with the Department Adjutant as to the time and place of each meeting. Each Committee Chairman shall report the conclusions of his Committee Chairman shall present his Committee's report to the convention when called by the Chair. The report shall be signed by the Committee Chairman and include a list of Chapters present.

- A. **Committee on General Resolutions:** This committee shall consider all matters which are not covered by resolutions referable to other committees of this convention, and shall formulate and give expressions of thanks, appreciation and condolences, in resolution form, and shall consider housing problems as they may affect Disabled Veterans.
- B. **Committees on Benefits Protection Team:** This committee shall consider all matters requiring legislative action which are not covered by resolutions referable to other committees.
- C. **Committees on Department Constitution and By-Laws:** This committee shall give consideration to those resolutions which pertain to proposed additions, changes or amendments to the Department Constitution and By-Laws.
- D. **Committee on Time and Place:** This committee shall consider all applications from Chapters to host Department Conventions and 8<sup>th</sup> District Conferences and report its recommendations to the appropriate body for approval.
- E. **Committee on Civil Service, Service Officers, and Rehabilitation:** This committee shall consider and make recommendations on all matters pertaining to the Civil Service Employment for Disabled Veterans and their widows in City, State, and Federal employment, and shall consider all questions concerning regulations, policies, and procedures in connection with the Administration of Veterans Affairs and other agencies dealing with problems of disabled ex-service men and women, including all matters relating to compensation, hospitalization, rehabilitation, and employment, with the exception of matters required by legislative action. A National Service Officer, designated by the Department Commander and or the Senior National Service Officer, shall be responsible for the assembling of matters pertaining to this committee. He shall be present at its session and act as advisor in committee actions.



- F. Committee on Credentials:** This committee will make a preliminary report at the first business session of the convention, certifying for recognition delegates of those Chapter entitled to vote in the Department Convention. Thereafter, it shall provide supplementary reports as necessary. Certification by the Committee will automatically entitle delegates to vote except on a challenge supported by vote of delegates already accredited and entitled to vote.
- G. Committee on Nominations of Department Officers:** This committee shall consider and present to the Department Convention a slate of candidates which it shall nominate for Department Officer. Nominations may also be made from the floor. Each elective office shall be voted separately. The Nominating Committee may request candidates to appear before it.

### ARTICLE 3

#### DEPARTMENT STANDING COMMITTEES

**Section 3.1:** The standing committees of the Department shall be Finance and Budget; Ways and Means; Membership; and Awards and Recognition. The Standing Committees shall meet at the Department Convention in addition to other scheduled meetings. The functions of these committees shall be to collect, evaluate and present data to the convention. The Senior Vice Commander shall be the Chairman of the Finance and Budget Committee. The First Junior Vice Commander shall be the Chairman of the Membership Committee. The Second Junior Vice Department Commander shall appoint the Chairman of the Awards and Recognition Committee. The Judge Advocate shall be advisor to all Standing Committees.

#### Section 3.2: Finance and Budget Committee

**Paragraph 1:** A Finance and Budget Committee shall be appointed by the Department Commander. The Senior Vice Commander, the First Junior Vice Commander, the Adjutant and the Treasurer shall be permanent members and three members shall be appointed from the general membership. The Senior Vice Commander shall serve as Chairman.

**Paragraph 2:** The committee shall study the financial structure of the Department, will prepare a budget for the forthcoming year and present it to the Department Executive Committee at the Department Executive Committee at the Department Executive Committee at the State Convention. The committee shall have authority to adjust line items within the approved budget. The Committee shall hold no less than four (4) meetings per year.

#### Section 3.3: Ways and Means Committee

**Paragraph 1:** The Ways and Means Committee shall be formed with the Second Junior Vice Commander as the chairman, 3<sup>rd</sup>. Jr. Vice Commander, and Sgt at Arms and shall be composed of at least three (3) members of the Department. The members shall be appointed as follows: One member for three (3) years; one member for two (2) years; and one member for one (1) year.

**Paragraph 2:** The duties of the Ways and Means Committee shall be limited to the ways and means of increasing Department funds, namely fund raising. The Chairman shall make a report to the Department Standing Finance and Budget Committee at each of the Standing Finance and Budget Committee Meetings.

### **Section 3.4 Membership Committee**

**Paragraph 1:** A Membership Committee shall be formed with the First Junior Vice Commander as the Chairman. Two members from the general membership shall be appointed to the committee to serve during the term of the Department Commander.

**Paragraph 2:** The Committee shall promote membership throughout the Department area to include but not limited to recruitment of new members, starting new Chapters, promoting open meetings, assisting the National Van Program in Louisiana, and assisting local Chapters in membership recruitment.

### **Section 3.5 Awards and Recognition Committee**

**Paragraph 1:** The Awards and Recognition Committee shall be composed of all Department officers, including the Treasurer, Adjutant and Judge Advocate, and shall be chaired by the State Commander.

**Paragraph 2:** This committee shall decide on awards and recognitions to persons and/or organizations both inside and outside of the Department for presentation at the State Convention. The committee shall meet once a year unless otherwise directed by the State Commander and shall have the authority to establish criteria for said awards and enact its own operating procedures.

### **Section 3.6 Hospital Service Coordinator Commission**

**Paragraph 1:** In addition to the Standing Committees, the Department has established a Hospital Service Coordinator Commission.

**Paragraph 2:** This Commission shall be responsible for formulation of policies relative to the Hospital Service Coordinator Program. The Commission shall meet no less than four (4) times per year.

**Paragraph 3:** A Commissioner may be terminated by the Commander for non-attendance at three (3) consecutive Commission meetings without adequate justification. Any vacancy will be filled by appointment by the Commander.

**Section 3.7:** Multiple years appointment may be made by the State Commander, but each member of a Committee must be reappointed by the incoming State Commander.

## ARTICLE 4

### DEPARTMENT OFFICERS

#### Section 4.1:

**Paragraph 1:** 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 Sergeant-at-Arms, a Chaplain, and a Judge Advocate. No two of the above officers shall be elected from any one (1) Chapter during the same administration unless their offices are separated by at least two elective officers between the positions to which they would be elected, save and except the Judge Advocate and Chaplain. The Department Commander may appoint more than one officer from the same Chapter. No person shall be elected to more than one such office. The Department Commander shall not succeed himself nor shall be eligible for any elected office for a period of one (1) year.

**Paragraph 2:** The Department Commander shall appoint an Adjutant, Treasurer, Department Inspector, a member to the Hospital Service Coordinator Commission, and other Officers as deemed necessary. These appointments shall be approved by the Department Executive Committee at the Convention. When the Department Commander appoints a new Department Treasurer, the old Treasurer shall have the continued responsibility for the next Department annual audit and financial report, which must be completed and forwarded to National Headquarters. The newly appointed Treasurer shall assume his/her responsibility on July 1-first day of the new budget year.

**Paragraph 3:** For the purpose of clarification, the immediate Junior Past Department Commander is considered a de facto Officer of the Department for one (1) year after serving in the Office of Commander.

#### Section 4.2:

**Paragraph 1:** Such Officers shall hold office from the time of their election and installation until their successor has been duly elected and installed.

**Paragraph 2:** Vacancies in such offices, occurring between conventions by reason of death, resignation, or removal shall be filled by elevation of the lower elected officers to the new higher position.

**Paragraph 3:** In the event of the suspension, resignation, or removal of the Department Commander, or his inability to act, the office shall be filled by the Senior Vice Commander.

**Section 4.3:** Immediately following the adjournment of the Department Convention, the Department Commander shall appoint such committees and other officers as deemed necessary. No such appointment shall be valid or effective unless approved by the majority vote of the Department Executive Committee, except as hereinafter provided.

**Section 4.4:** The Department Commander, in office at the time of the National Convention, shall be the Department delegate to such convention and shall be Chairman of the Delegation. In the event of the inability of the Department Commander to attend such convention, the Senior Vice Commander shall serve in his stead and shall be Chairman of the Delegation.

**Section 4.5:** The Department Commander is the Presiding Officer of this Department. He, or in his absence the next highest officer present, shall preside at all State Conventions and all meetings of the Department Executive Committee. He shall maintain order and dispatch such business as may legally come before him. All checks and vouchers issued by the Department Treasurer must be countersigned by either the Department Commander or the Department Adjutant. The Department Commander shall perform such duties as may reasonably be assumed to be incident to his office and of such as are delegated to him by the preceding Department Convention or Department Executive Committee. He shall be bonded as required by National.

**Section 4.6:** The Senior Vice Commander shall serve as the Chairman of the Standing Committee on Finance and Budget.

**Section 4.7:** The First Junior Vice Commander shall serve as the Chairman of the Standing Membership Committee.

**Section 4.8:**

**Paragraph 1:** The Department Treasurer shall receive all per capita tax and/or monies due from the Chapters and shall deposit same immediately in a bank account in the name of the Department of Louisiana, Disabled American Veterans, Inc., as provided in these Bylaws. The Treasurer shall make all authorized disbursements only by pre-numbered checks supported by itemized accounts. All checks shall be countersigned by either the Department Commander or the Department Adjutant.

**Paragraph 2:** The Treasurer shall render a report of all Department Executive Committee meetings and the Department Convention. The report shall include but not be limited to a balance sheet listing all income and expenditures of the Department. The report shall be submitted to the Department Standing Finance and Budget Committee for their analysis and recommendations prior to the Department Executive Committee meetings and the Department Convention. The Treasurer shall be responsible for the assembling of matters pertaining to the Standing Finance and Budget Committee.

**Section 4.9:**

**Paragraph 1:** The Department Adjutant shall be a paid employee who manages the activities of the State Headquarters and all references to the Adjutant contained in these Bylaws refer to the Office of the Adjutant. He, by and with the consent of the Department Executive Committee, may appoint one or more Assistant Adjutants, and such other employees as may be deemed necessary to conduct the affairs of his office. He shall oversee and supervise the employees in order to verify that the directives of the Department Commander and the Department Executive Committee are enforced.

**Paragraph 2:** The Department Adjutant shall keep a true and complete record of all business conducted by the Department and the Department Executive Committee. He shall conduct all necessary correspondence, carry into effect the motions, orders, and resolutions of the Department Conventions. He shall keep a list of Chapter members and a list of all eligible for membership, together with addresses. He shall officially notify all members of the Department Executive Committees of the time and place of all regular and special meetings fifteen (15) days in advance thereof. He shall keep all members of the Department Executive Committee informed as to such action as may have been taken by the Committee. He shall attend all meetings of the Department Executive Committee, other committees as directed, and record all actions taken. He shall perform other duties as specifically assigned to him by the Department Commander or the Department Executive Committee. He shall render such service as may be incidental and necessary to increase membership and the effectiveness of the Disabled American Veterans.

**Section 4.10:** The Department Chaplain shall perform such duties as prescribed in the Official Ritual of the National Organization.

**Section 4.11:**

**Paragraph 1:** The Department Judge Advocate shall be the legal advisor of the Department. He shall, upon request of the Department Commander, the Department Executive Committee, or a Department Convention, render his opinion upon all questions directly concerning the Department and as to disputes between Chapters. The Department Judge Advocate must pass judgement on the provisions of Chapters and Department Constitution and Bylaws and amendments thereto and approve same before they can be forwarded to the National Judge Advocate for approval.

**Paragraph 2:** All Chapters desiring to incorporate must submit the proposed articles of incorporation to the Department Judge Advocate for his review. If they are in order, he shall forward the proposed articles of incorporation to the National Executive Committee for approval prior to filing and complying with State law.

**Paragraph 3:** Upon receiving the written opinion of the Judge Advocate, the Department Commander shall render a decision which shall be subject to appeal to the Department Executive Committee and, after action of that committee, to the next Department Convention and to National Headquarters, providing that written notice of intentions to appeal is given to the Department Adjutant within thirty (30) days after the decision of the Department Commander is known. In all such cases, an appeal from the decision of the Department Convention may be made to the National Organization as provided in the National Bylaws.

**Section 4.12:** The Department Inspector shall, under the supervision of the Department Commander and the Department Adjutant, investigate any alleged violations of the Department Constitution and the Bylaws, including but not limited to occurrences in any Chapter or DAV Auxiliary unit which may adversely affect the integrity or reputation of the Department. He shall report his recommendations to the Department Commander and the Department Adjutant.

**Section 4.13:** All elected Officers, except the Department Commander, Chaplain, and the Judge Advocate, will be assigned as advisors to a number of Chapters. Appointed Officers may also be assigned as advisors to a number of Chapters. The advisors' responsibilities shall include but not limited to the following: visit each assigned Chapter at least once a year with the visit being on a regularly scheduled Chapter meeting day; assist the Chapter in matters of administration, morale, and membership; and, within fifteen (15) days after his visit, he shall submit a written report to the Department Commander with his observations and recommendations.

**Section 4.14:** There shall be a meeting of the Department Officers at least quarterly at a time and place to be determined by the Department Commander for the purposes of conducting business of the Department.

**Section 4.15:** Without any restrictions upon the foregoing, each Department Officer will perform the duties of his office as prescribed by the National Ritual.

## ARTICLE 5

### DEPARTMENT EXECUTIVE COMMITTEE

**Section 5.1:** There shall be a Department Executive committee consisting of the Department Commander, who shall be the presiding officer, the immediate Junior Past Department Commander, the elected Department Officers, and one (1) Executive Committeeman elected Department Officers, and one (1) Executive Committeeman elected or appointed from each Chapter in good standing. All Past Department Commanders who have attended a convention or a Department Executive Committee meeting within the past three (3) years or those who could not attend due to illness of self or family shall have a voice and vote on this committee. The Department Adjutant shall act as Secretary of the Department Executive Committee.

**Section 5.2:** The term of a Department Executive Committeeman and alternate shall begin immediately following his installation at his Chapter and end when his successor has been installed. At the Department Convention, there shall be a formal ceremony installing the newly elected Department Executive Committeeman. The ceremony shall not affect the term of office.

**Section 5.3:** All legislative, administrative, and executive matters not otherwise specifically covered by the provisions of the Department Constitution and Bylaws or by action of the Department Convention shall be determined by majority vote of the Department Executive Committee.

**Section 5.4:** The Department Commander, upon approval of two-thirds (2/3) vote of the members of the Department Executive Committee, shall have the authority to call a meeting of the Executive Committee, providing that written notification of the time and place of the meeting shall have been made by mail, telephone, fax, or electronic submission, to all members of the committee by the Department Adjutant at least fifteen (15) days prior to said meeting. A Department Executive Committee meeting must be called upon written demand of not less than sixty (60) percent of the members of the Department Executive Committee.

**Section 5.5:** A majority of the members of the Department Executive Committee shall constitute a quorum. Each committee member present shall be entitled to one (1) vote.

**Section 5.6:** The Department Executive Committee may act between stated meetings through the Department Adjutant by means of correspondence by mail, telephone, fax, or electronic transmitted ballots. The Department Adjutant must submit to each member for their vote any matter requested by the Department Commander or by at least forty (40) percent of the members of the committee. The results of the vote on each matter so referred shall be conveyed in writing by the Department Adjutant to each member of the committee.

**Section 5.7:** there shall be two annual meetings of the Department Executive Committee. One of the meetings shall coincide with the Department Convention. The other meeting shall be called in either November, December, or January of each year on a date selected by the Department Commander to consider all business that may lawfully come before it.

## ARTICLE 6

### CHAPTERS

**Section 6.1:** Chapters shall be organized and chartered as provided in the National Bylaws.

**Section 6.2:** Each Chapter must adopt its own Constitution and Bylaws, providing that they do not conflict with provisions of the Department of National Constitution and Bylaws. All Chapter Constitution and Bylaws and all amendments thereto must be approved by the Department and National Judge Advocates prior to becoming effective.

**Section 6.3:**

**Paragraph 1:** Each Chapter shall elect annually a Commander, Senior Vice Commander, and one or more Junior Vice Commanders, and shall elect or appoint an adjutant and a treasurer during the period of January 1 through April 30. It may elect or appoint such other officers as may be necessary to operate the chapter. Appointed officers shall serve at the pleasure of the appointing power. Installation of chapter officers shall take place within thirty (30) days of the election or appointment and within ten days after the officers have been installed. Each Chapter shall file their Officer Election Report (OER) through "my dav.org." within 10 days of installation. Department Adjutant/NSO may review and print reports electronically no later than May 1<sup>st</sup>. Neither the chapter commander nor any other vice commander may serve as chapter adjutant or treasurer. Members of the chapter wishing to cast a vote during elections must be in person and there shall be no voting by proxy or absentee ballot. All other general meetings of a chapter may allow for virtual participation of its members, to include voting, so long as the active membership of any one participating virtually is validated at the beginning of each meeting and documented in the chapter minutes. Chapters that wish to allow for virtual participation of members would be responsible for facilitating such participation. In order to allow for said virtual participation as described herein above the Chapters must amend their By-Laws accordingly.

\*Authorized by Section 9.2, para. 1 of the National Constitution and By-Laws\*

**Paragraph 2:** At the Installation of the newly elected Chapter Officers, the Installing Officer shall be either a National Officer, a Department Officer, a Past Department Commander, or a Past Chapter Commander whenever possible.

**Paragraph 3:** Each Chapter shall notify the Department Adjutant in writing, the name, address, and phone number of its elected or appointed Department Executive Committeeman and alternate.

**Section 6.4:**

**Paragraph 1:** Any fundraising by a Chapter must comply with all federal, state, and local laws and must be in conformity with Article 15, Section 15.3, Para. 1 of the National Bylaws.

**Paragraph 2:** Any fundraising request utilizing an outside promoter must be reviewed by the Department Judge Advocate, approved by the Department Executive Committee and approved by National.

**Paragraph 3:** Any Chapter or Auxiliary Unit requesting permission from the Department to conduct Bingo games shall elect and abide by their choice of one of the following:

- a. Donate quarterly fifteen percent (15%) of the quarterly net Bingo profits to the Department HSC Fund.
- b. Donate a minimum of One Thousand (\$1,000.00) Dollars monthly to the Department HSC Fund; or,
- c. Conduct a "Super Bingo" game during the year, guaranteeing a minimum net profit of Twelve Thousand (\$12,000.00) to be donated to the Department HSC Fund.

**Paragraph 4:** When donations to the HSC Fund exceed \$75,000.00 Dollars, donations will be placed in the General Fund. Should the HSC program be discontinued, all HSC Funds will be transferred into the Department General Fund.

**Paragraph 5:** When the Chapter or Auxiliary Unit has agreed to one of the above conditions and then fails to comply, their permission to conduct Bingo games as a fundraiser shall be withdrawn for a period of one (1) year.

**Paragraph 6:** All Chapters not conducting Bingo games shall be assessed fifteen (15%) percent of total income minus expenses related to producing such income as defined by normally accepted accounting practices. Payment shall be due not later than ninety (90) days after the close of the financial year.

**Section 6.5:** Each Chapter shall keep records of its proceedings, which shall be open for investigation by the Department Commander or his designated representative upon the Department Commander's request and members of the Chapter when properly requested.

**Section 6.6:** In the event a Chapter or subordinate unit's charter is suspended or revoked, and the charter is not reissued within an eighteen (18) month period, all money, property, and effects of the Chapter shall become the absolute property of the Department of Louisiana, Disabled American Veterans, Inc.



## ARTICLE 7

### REVENUE

#### Section 7.1:

**Paragraph 1:** The revenue of the Department shall be derived from the State Per-Capita tax and such other sources as provided by a Department Convention or the Department Executive Committee. All revenues raised by this Department shall become the sole property of the Department.

**Paragraph 2:** Department Per-Capita tax for Life Membership shall be according to the National Constitution and Bylaws. At the first meeting, after the 1<sup>st</sup> of July each year, the Department Finance and Budget Committee shall decide on the amount of the Per Capita tax for Life Membership that shall be transferred to the Hospital Service Coordinator Commission Fund.

**Section 7.2:** All funds of this Department shall be deposited upon receipt thereof in a bank or trust company as designated by the Department Executive Committee in the name of the Department of Louisiana, Disabled American Veterans, Inc.

**Section 7.3:** The Department shall not spend any of its funds for individual relief purposes and is precluded from making loans or advance to any Chapter or individual.

**Section 7.4:** No withdrawals, transfers, or payments from such funds, as may be credited to this Department, shall be permitted except on the basis of a pre-numbered check system and shall be signed by the Department Treasurer and countersigned by either the Department Commander or the Department Adjutant.

**Section 7.5:** The financial records of the Department Treasurer, Department of Louisiana, Disabled American Veterans, Inc., shall be audited every five years by an accountant who is not associated with Disabled American Veterans. The closing date for the Department Finance Records shall be June 30<sup>th</sup> of each year, with the annual audit completed by December 31<sup>st</sup> of the audit year. The cost of the annual audit shall be included in the Department Standing Finance and Budget Committee.

#### Section 7.6:

**Paragraph 1:** At all Department Conventions, all of the elected Department Officers, the Department Adjutant, the Department Treasurer, and the Junior Past Department Commander shall be paid expenses. The Department Standing Finance and Budget Committee shall determine the rate for these expenses. The registration fee for each elected Department Officer, the Department Adjutant, and the Department Treasurer shall be paid by the Department.

**Paragraph 2:** At all Department Executive meetings between Department Conventions, the Department Executive Committeemen, the Past Department Commanders who have attended at least one (1) Department Convention or Department Executive Committee meeting with in the last three (3) years or those who could not attend due to illness or self or family, the elected Department Officers, the Department Adjutant, and the Department Treasurer shall be paid expenses at the same rate as for Department Conventions. The registration fee for each elected Department Officer, the Department Adjutant, and the Department Treasurer shall be paid by the Department.

**Section 7.7:** The Department shall operate under a budget. The budget shall be prepared by the Department Standing Finance and Budget Committee. The budget shall be submitted to the Executive Committee at the Department Convention for ratification or rejection. In the event the submitted budget is rejected, it shall be returned to the Standing Finance and Budget Committee with directions for resubmittal to the Executive Committee. The approved budget shall be submitted at the next convention. Necessary changes or modifications shall be approved at that time.

**Section 7.8:** The Department shall complete the Annual Department Officer Report NLT ten (10) days following the adjournment of the Department Convention.

**Paragraph 1:** The reporting year for the Department, Auxiliary State Department, all Chapters and any Auxiliary Unit shall be on a fiscal year, beginning July 1<sup>st</sup> and ending June 30<sup>th</sup> the following year.

**Paragraph 2:** All Chapters must file an Annual Financial Report (AFR) and include the following: Current IRS Form 990 Ne-postcard or 990-EZ, June 30 Bank Statement for the current year, all schedules of income and expenditures, your 15% percent check for required income, Secretary of State Renewal (GEAUXBIZ.GOV) to the Department of Louisiana. Failure to send the appropriate documents will constitute an invalid AFR and will be returned to the Chapter for completeness. Chapters with income of over \$25,000.01 must submit a National Financial Report to National DAV and a copy to the Department of Louisiana DAV. Each of these must be submitted by September 30<sup>th</sup> each year.

**Paragraph 3:** The Department shall prepare and submit to the National Adjutant the DAV Annual Financial Report for each calendar year.

**Paragraph 4:** No group of members of this Department other than those officially recognized in this Constitution and Bylaws shall be allowed to collect dues or conduct fund-raising campaigns. Violation of this section shall be sufficient cause for recommendation to National for expulsion from the Disabled American Veterans or its subordinate organization.



## ARTICLE 8

### AUXILIARIES

**Section 8.1:** The Department of Louisiana, Disabled American Veterans, Inc., recognizes the DAV Auxiliary as the sole auxiliary unit of the Department. No other units or organizations, other than those proscribed in this Constitution and By-Laws, shall be recognized.

## ARTICLE 9

### AMENDMENTS

**Section 9.1:** These By-Laws may be amended by any Department Convention by a two-thirds (2/3) vote of the delegates present and voting thereat. Such amendments are subject to the approval of the National Judge Advocate.

**Section 9.2:** The masculine, whenever used in this Constitution and By-Laws, shall include the feminine gender.

**Section 9.3:** To the extent to which any of the provisions of these 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 either the governing State Department or the National Organization, as now in force or as hereafter amended or adopted, this instrument shall be deemed amended as to conform thereto.

### CERTIFICATE OF ADOPTION

This Constitution and By-Laws was adopted by the Department of Louisiana, Disabled American Veterans, Inc., gathered at the 101<sup>st</sup> Annual State Convention held at the Doubletree Hotel in Kenner, Louisiana, this 19<sup>th</sup> day of May 2024.



R. Terry Waite

Department Commander

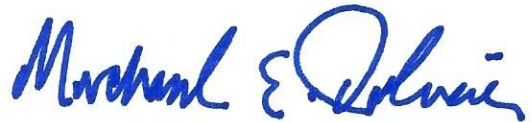


Charles "Tex" Stevenson

Department Judge Advocate



Paul Hermann, Jr.  
Department Adjutant



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: 7.15.2024  
DAV National Judge Advocate