



Department
Of
Tennessee

Constitution
&
By-Laws

With Changes
In **Red**

Ammended 6/15/2017



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July 10, 2017

Mr. Donald L. Samuels, Adjutant
Department of Tennessee
Disabled American Veterans
P.O. Box 296
Lawrenceburg, TN 38464

EIN: 62-6074303

Dear Adjutant Samuels:

The Constitution and Bylaws for the Department of Tennessee, 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:kgb
Enclosure

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DEPARTMENT OF TENNESSEE

CONSTITUTION

ARTICLE 1

NAME

The name of this organization shall be "Disabled American Veterans Department of Tennessee".

ARTICLE 11

PURPOSE

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 interest 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 111

AUTHORITY

Para. 1: This Department is established under the authority of the National Organization of the Disabled American Veterans and the laws of the State of Tennessee.

Para. 2: This Department recognizes the National Organization known as the 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 payments of its debts shall be distributed as provided in Article 6, Section 6.4, and Paragraph 5 and 6 of the National Bylaws.

ARTICLE IV

AMENDMENTS TO THE CONSTITUTION

The Constitution may be amended at any State Convention, by a vote of two-thirds of the total vote cast by regular elected and qualified delegates thereat, if and when three-fourths of the several Chapters then in existence and in good standing shall have ratified the proposed amendments, which ratification must take place prior to the next Department Convention : Amendments will then become effective upon the approval of the National Judge Advocate on any proposed amendment, provided that the proposed amendment shall have been read to such convention at least twenty-four hours or one calendar day before the final vote thereon.

ARTICLE V AUXILIARY UNITS

The Department recognizes auxiliary organizations known as the "Disabled American Veterans Auxiliary" and the "National Order of Trench Rats" as units of the Disabled American Veterans, subject to its supervision and recommendations.

DEPARTMENT BYLAWS

ARTICLE 1 STATE CONVENTION

Section 1.1: Objective

The Disabled American Veterans shall hold an annual state convention at least thirty days prior to the convening of the National Convention at a place to be selected by, and in the manner provided for, by each preceding State Convention. The purpose shall be for hearing and acting upon the report and recommendations of the State Commander, the Department Finance & Budget Committee, the Chairman of the State Legislative Committee, the Chairman of the State Rehabilitation Committee and the State Officers as hereinafter provided; for the purpose of adopting policies and procedures for the administration of this organization, locally and for the purpose of deliberating and deciding upon the future progress of the organization pertaining to the protection and advancement of the interest of disabled ex-service personal. The Department will be solely responsible for the Department Conventions.

Section 1.2: Delegates

At each State Convention, each Past Department Commander and each Elective State Officer shall be a delegate. Each Chapter shall be entitled to one delegate and one alternate and in addition thereto, one delegate and one alternate for each ten members or major fraction thereof, for whom per capita tax has been paid to the National Organization, and for whom State per capita tax has been received by the Department Adjutant or Treasurer at least three days prior to the opening date of said State Convention; provided, however, that recognition shall not be extended to the designated delegates of any Chapter which is indebted to the National Organization or to the State Department in any amount. District meetings shall observe the above delegate and voting provisions.

Section 1.3: Delegate Votes

The State Commander and each Elective State Officer and each Past Department Commander and each delegate to the State Convention shall be entitled to one vote except as provided in Section 2.2, Para. 2. The votes of any Chapter delegate absent shall be cast in the same proportion as of those present. An alternate becomes a delegate in the absence of a delegate. An alternate shall have all the privileges of a delegate except the privilege of voting.

Section 1.3(a): Delegate Roll Call

Roll Call votes taken at the Department Conventions must be alternately taken in Chapter number order on even numbered years and reverse Chapter number order on odd numbered years.

Section 14: Credentials

Para. 1: The State Executive Committee shall have full power to provide, in the call for the State Convention, the form of credentials and all other matters with respect to the convening of such convention, which are not specifically covered by these Bylaws. The State Executive Committee shall prepare and present to the first session of delegates at the State Convention, the rules of such Convention, for its approval.

Para. 2: The State Commander shall appoint the State Convention Credentials Committee of not less than three members which shall, with the assistance of the State Adjutant, make out a roll call for all Chapters and State Officers showing the number of votes to which each is entitled and shall present same at the first session of the convention and officially extend voting privileges to the delegates of those units which have complied with the provisions of Section 1.2 hereof, provided that at subsequent sessions during the convention, the Credentials Committee shall report and extend official recognition to the delegates of those units, which may in the meantime, have complied with provisions of Section 1.2 hereof.

Para. 3: Delegates to the Convention are the ultimate authority within this organization. Action taken by this body in full session shall not be abridged by any other Department authority.

Section 1.5: Rules of Order

Robert's Rules of Order, Latest Edition shall govern in all matters related to the conduct of meetings of this organization to which they are applicable and in which they are not inconsistent with provisions of National or Department Constitution and Bylaws or directives approved by the Department Executive Committee pertaining to the conduct of such meetings.

Para. 1: A motion from the floor shall require a majority vote of the Convention delegates then present and in regular session and shall be subordinate to, and in compliance with the Articles of the Constitution and Bylaws. Such motions, if affirmed, shall expire at the opening gavel of the next Convention.

Section 1.6: Resolutions

Para. 1: Resolutions intended to amend the Constitution or Bylaws must be typed or hand printed and submitted to the Judge Advocate in triplicate not later than the opening session of the Convention. Resolutions submitted by Chapters will be signed by the Chapter Commander and Adjutant and dated at the time the resolution was passed and entered into the minutes of the submitting Chapter. Resolutions submitted out of Committees will be signed by the Committee Chairman and the name of each Committee Member will be listed. All resolutions will be

reviewed by the Department Constitution and Bylaws Committee for form and content and will be presented to the Convention with a Pass, No Pass recommendation. In addition;

a. Changes, addition or deletions to the Department Constitution must not conflict with Article IV of said document. Articles of Constitution shall remain in effect until amended by two-thirds majority vote of delegates voting at the convention then in session and ratified by three-fourths of all the Department Chapters prior to the next Convention.

b. Changes, additions or deletions to the Department Bylaws must not conflict with the provisions of Article 9 of said document. Bylaws remain in effect until amended by two-thirds majority vote of delegates voting at the current Convention.

c. Referenced amendments must be read to the convening Convention at least twenty-four hours or one calendar day before the final vote is taken. Amendment to either the Constitution or the Bylaws shall not become effective until approved by the National Judge Advocate.

Para. 2: Resolutions may not be discussed on the Convention floor until after the second reading. Prior to the call for a vote, proponents of such resolutions will be recognized upon request, and allowed three minutes to speak on behalf of the resolution. Opponents will be allowed equal time. There shall be no rebuttal.

ARTICLE 2 DEPARTMENT OFFICERS

Section 2.1: Election Requirements

Para. 1: Prior to the adjournment of each State Convention, the accredited delegates shall elect a Department Commander, a Senior Vice Commander, three Junior Vice-Commanders, a Judge Advocate, and a Treasurer. Vacancies in such offices occurring between State Conventions by reason of death, resignation, or indefinite absence from the state and not otherwise provided for in Section 2.2, Para 3 of this Article, shall be filled by the Department Commander, with approval of the State Executive Committee. All other officers and/or Committee Chairman shall be appointed by the Department Commander with the approval of the Executive Committee.

Para. 2: Subject to the provisions of Article 16 of the National Bylaws, any officer of this Department or any member of any Chapter of this Department, who has, heretofore, or may hereafter be found guilty in any court or whose personal bondsman has to pay money to any Chapter of the State Department or to the National Organization, or any Chapter thereof, shall forever be barred from holding any office elective or appointive in this department or in any Chapter under the jurisdiction thereof.

Para. 3: Prior to the start of each State Convention each District will meet and elect a District Executive Committee Person and the names of the elected given to State Headquarters. In the event, there are no chapters located in a District, no District Executive Committeeman shall be elected from that District.

Para. 4: All officers shall be members in good standing of the Department of Tennessee, Disabled American Veterans

Para 5: Any member of this Department and any Chapter seeking elective office requiring check signing privileges must undergo a thorough criminal background check conducted by an independent agency so that the assets of this Department are safeguarded and avoid fraud and abuse.

Section 2.2: Term

Para. 1: A, "Term", is defined as that period of time following the installation of an officer at one convention, until a succeeding officer is duly elected and installed at an ensuing convention, usually one year. All Department, elective offices, and District Executive Committee Persons are designated, "One Term."

Para. 2: With the exception of the office of the Department Commander, no provision of these Bylaws shall be interpreted so as to prevent any other officer from seeking or serving consecutive terms in any other office within the Department. No person shall succeed himself or herself as Department Commander except by approval of a majority of the votes cast of the Chapters Present. Each Chapter shall have only one vote.

Para. 3: In the event of the death, resignation, or removal of the Department Commander, the Senior Vice-Commander elected at the last State Convention shall succeed to the office of the Department Commander until the next Department Convention.

Para. 4: In the event of the elevation of the Department Senior Vice Commander, he or she shall be succeeded by the Department Junior Vice Commander in the following order: first, the Department 1st Junior Vice Commander, second, the Department 2nd Junior Vice Commander, third, the Department 3rd Junior Vice Commander.

Para. 5: In the event of the death, resignation, or removal of the Department Senior Vice Commander, he or she shall be succeeded by the Department Junior Vice Commander in the following order: first, the Department 1st Junior Vice Commander; second, the Department 2nd Junior Vice Commander; third, the Department 3rd Junior Vice Commander.

ARTICLE 3
ELECTED OFFICERS

Section 3.1: Department Commander

Para. 1: The Department Commander is the Executive Officer of this Department. He or she, or in his or her absence, the next highest officer, shall preside at all State Conventions and at all meetings of the State Executive Committee. He or she shall maintain order and dispatch such business as may legally come before him or her at such meetings.

Para. 2: The Department Commander in office at the time of the National Convention shall be the Department Delegate to such Convention to represent the Department of Tennessee. In the event of the inability of the Department Commander to attend such Convention, the Department Senior Vice-Commander shall attend. The expense of such delegates shall be borne by the State Department.

Section 3.2: Senior Vice Commander

The Senior Vice-Commander shall perform the duties of his or her station as set forth in the Official DAV Ritual. Subject to the direction of the Commander, he or she shall act as Chairman of membership solicitation activities to the end that every eligible veteran may become a member.

Section 3.3: Junior Vice-Commanders

1ST, 2ND, & 3RD

The duties of the Junior Vice-Commanders and the **District Executive Committee Person** shall be to correspond with and/or visit with the Chapters in their Districts and to hold at least one meeting a year **30 days prior to State Convention**. They will assist the Chapter Commanders in the conduct of their responsibilities and will serve as liaison between such Commanders and Department Headquarters. Junior Vice Commanders and District **Executive Committee Person** will serve on the Department Executive Committee. The Junior Vice Commanders will also be members of the Budget and Finance Committee. Each District **Executive Committee Person** shall have an alternate who shall assume the responsibilities of the **Primary Committee Person** in the event of his or her resignation or inability to carry on the duties of his or her office. Such alternate shall be selected by **their District** at the same time as the **primary Committee Person** is elected.

Section 3.4: Treasurer

The Department Treasurer **and** Department Commander shall receive all monies due the Department and shall deposit same in the name of the Department of Tennessee, Disabled American Veterans.

Para. 1: He or she shall make authorized disbursements only by voucher or check, and said voucher or check must specify, in detail, the object for which drawn. These must be countersigned by the Department Commander or the Senior Vice-Commander. He or she will issue a numbered receipt for all monies received

Para. 2: He or she shall keep a system of accounts approved by the Department Executive Committee and shall preserve all receipts and vouchers for payment made.

Para 3: He or she will keep the Department financial records on an up-to-date accounting system, such as QuickBooks, approved by the Department Executive Committee and will preserve all receipts and vouchers for payment made.

Para. 4: He or she will, with the approval of the Department Executive Committee, contract assistance from an independent bonded bookkeeping firm to perform any of the required duties of the Treasurer as long as the contract is under the direct supervision of the Department Treasurer.

Para 5: He or she will distribute to the Executive Committee monthly bank statements and financial reports. These documents will also be distributed to Past Department Commanders, upon their request

Para 6: He or she shall receive and audit all Chapter Financial Reports, resolve any discrepancies with the submitting Chapter and report any situations inconsistent to the Department Commander with the Provisions of the National Constitution and Bylaws.

Para 7: He or she will secure the Department's assets with a separate fidelity bond in the amount of \$200, 000 at the Department's expense.

Para 8: He or she will present next year's budget to the Finance and Budget Committee and membership at the State Convention, along with the current year's benchmarks.

Section 3.5: Judge Advocate

The Department Judge Advocate shall be the constitutional advisor to the organization. He or she will rule on all disputes concerning the Constitution and Bylaws and Rules of Order. Upon receiving an opinion by the Judge Advocate, the Commander render a decision, which shall be binding unless further protest is declared. In this event the question will be resolved by majority vote of the Executive Committee. The Judge Advocate must pass judgment on the provisions of Chapter and Department Constitutions and Bylaws before they are forwarded to National Headquarters for final approval.

ARTICLE 4

APPOINTED OFFICERS

The Department Commander shall appoint a Department Adjutant, a Department Inspector, a Department Sergeant-at-Arms and a Department Historian **and other appointed positions as needed**. All appointments shall become effective upon the approval of the newly elected Department Executive Committee and shall run concurrent with the term of the appointing authority. The Department Commander, with approval of the Executive Committee, may remove or replace any appointed offices when he or she deems it necessary for the conduct of his or her responsibilities.

Section 4.1: Adjutant

The Department Adjutant shall keep a true and complete record of all business conducted by the Department of Tennessee Executive Committee. He or she shall conduct all Necessary correspondence, carry into effect the motions, orders, and resolutions of the Department Convention and the State Executive Committee not otherwise assigned. He or she shall also officially notify, in writing, all members of the State Executive Committee of the time and place of regular or special meetings thereof. He or she shall perform other duties specifically assigned to him or her by the Department Commander and shall render such services as may be incidental and necessary to help increase the membership activities, service and effectiveness of the Disabled American Veterans: provided that the Adjutant shall not make membership records available for commercial or political purposes.

Section 4.2: Department Inspector

Para. 1: The Department Commander Shall appoint, with the approval of the Executive Committee, a Department Inspector. The Department Inspector shall, under the supervision and direction of the Department Commander, investigate any alleged violation of Chapter, Department, or National Constitution and Bylaws, including but not limited to occurrences, which may impugn the integrity or reputation of the Organization.

Para. 2: The Department Inspector, at the direction of the Department Commander, shall inspect and/or audit the books, records and accounts of a Chapter.

Para. 3: Upon completion of an investigation, inspection or audit, the Department Inspector shall render a written report of his or her findings and recommendations to the Department Commander.

Para 4: When the Department Inspector is given a task by the Department Commander, and this task necessitates the assistance of an expert(s) or extra personnel to accomplish the task, the Department Inspector will select those persons who will assist the Inspector in the completion of the investigation and preparation of the report. Any person selected to assist the inspector in an

investigation, is bound by secrecy, and can only discuss any matters concerning the incident, investigation and or the report with the Inspector.

Section 4.3: Sergeant – At - Arms

The Department Sergeant-At-Arms shall be responsible to the Department Commander for those in attendance at a meeting of the State Convention as to eligibility to participate therein, and shall report to the Department Commander as to visitor's present. They shall obey and enforce the orders of the Department Commander in preserving order at meetings of the State Convention and other such duties as may be assigned to them by the State Commander. Expenses and duties to be delegated by the Commander and the Executive Committee.

Section 4.4: Historian

The Department Historian shall be the publicity officer of the Department and shall regularly furnish publicity material for the Department to the National Organization and to newspapers in the state with approval of the Department Commander. He or she shall also serve as Hospitality Director for the Department.

Section 4.5: Employment Chairman

The Department Commander shall appoint an Employment Chairman who shall be the retiring Past Commander.

Section 4.6: Honorary Staff

The Department Commander shall be empowered to appoint a Chief of Staff and make other Honorary staff appointments concurrent with the approval of the Executive Committee. Expense shall not be allowed except where the Commander, with the Executive Committee concurring, shall authorize same.

Section 4.7 Hospital Service Coordinator and Committee

Para. 1: The Department Commander shall appoint, with the approval of the Department Executive Committee, a Hospital Service Coordinator Director (hereafter known as HSC Director). The HSC Director, with the assistance of the National Service Officer Supervisor (hereafter known as NSC Supervisor), shall be the Director of the Department Service Coordinators and Department Service Officers (hereafter known as HSC's/DSO' s).

Para 2: The Hospital Service Coordinators Committee (hereafter known as the I-ISC Committee) shall consist of the Department Commander, the Department Senior Vice Commander, the Department Treasurer, the Department HSC Director, the NSO Supervisor or the Assistant NSC Supervisor with the Department Adjutant serving as an ex-officio member to be the recorder of all sessions.

a: The actions of the HSC Committee will be reported to and subject to the approval of the Department Executive Committee.

b: The HSC Committee will evaluate any requests for salaries and employee benefits received from the HSC Director and before submitting evaluated request (s) to the Department Finance and Budget Committee for review and presentation to the Department Executive Committee.

c: The HSC Committee will evaluate any grievance received and forward the facts only to the Department Executive Committee for resolution.

Para. 3: The duties of the HSC Director shall be as follows:

a. The HSC Director shall be responsible for recommending the hiring and releasing all HSC's/DSO' s to the Department Executive Committee.

b: With the approval of the HSC Committee, the HSC Director shall be responsible for the training, setting specific guidelines, policy and addressing all the needs of the HSC' s/DSO' s.

c: The HSC Director shall present the Department Executive Committee for consideration, his or her recommendations concerning the HSC's/DSO's.

d: The HSC Director shall provide input to the HSC Committee concerning all salaries and employee benefits.

e: The HSC Director shall immediately forward any grievance received to the HSC Committee without any action or input.

Para. 4: All travel, lodging, per diem and office expenses shall be approved by the Department Commander and Department Treasurer.

Section 4.8 Department Chaplain

Para. 1: The Department Commander shall appoint, with the approval of the Executive Committee, a Department Chaplain. The Duties of the Chaplain are prescribed by the Official Ritual of the National Organization.

ARTICLE 5 COMMITTEES

Section 5.1: Executive Committee

Para. 1: There shall be a Department Executive Committee, which shall consist of all of the elected officers, and the retiring Department Commander. The Department Adjutant shall act as Secretary of the Executive Committee.

Para. 2: A majority of the members of the State Executive Committee shall constitute a Quorum to conduct such business as may come before any of its meetings.

Para. 3: All local matters, in which there may be reasonable doubt, may be referred either by the Department Commander or the Department Adjutant to the Department Judge Advocate, who shall thereupon furnish his or her reaction thereto in writing, providing, however, that final authority shall rest with the State Executive Committee.

Para. 4a: Within twenty-four hours after adjournment of a State Convention, the said Executive Committee shall meet in the city in which the State Convention was held to determine, in as much as possible, policies to be adhered to by the Executive Committee Officers of the Department until the time of the next annual State Convention, or until such policies may be modified by a subsequent meeting of the State Executive Committee. Administrative matters between meetings shall be resolved by the State Executive Committee, provided however, that it shall not initiate any policy or take any action which may be inconsistent with the provisions of this Constitution and Bylaws, or inconsistent with resolutions which may have been taken by the entire State Executive Committee. The Department Adjutant shall keep a complete record of the proceedings and all such actions as may be taken by this Executive Committee, and shall report same in full at the next succeeding meeting.

b: Between State Conventions, all legislative, administrative, and executive matters, not otherwise specifically covered by provisions of this Constitution and Bylaws, or by resolutions adopted at the preceding State Conventions, shall be determined by a majority vote of the Department Executive Committee.

c: The Department Commander or a majority of the members of the State Executive Committee shall have the authority to call a meeting of the entire Executive Committee any time between State Conventions: provided, however, that written notices of the time and place thereof, shall be given to all members of the State Executive Committee five days in advance thereof. This meeting shall be called not later than thirty days after a requested majority vote of the State Executive Committee.

d: The Department Commander or the Department Adjutant shall have the power to submit, in writing to the members of the state Executive Committee, a referendum on any questions which such officer may deem of sufficient importance to be so referred, and any such questions as may be determined on the basis of written ballot from a majority of the members of the State Executive Committee shall be considered as having been adopted and approved by the State Executive Committee, and the Executive Officers of this Department shall thereon be guided accordingly. The result of votes on any referendum and ballot shall be conveyed in writing by the Department Adjutant to all members of the State Executive Committee.

e: Authority granted to the Commander by an Executive Committee referendum, shall expire upon the election and installation of officers for the succeeding year. If there is a need to carry over the authority of a specific referendum, a resolution may be presented to the convening Convention for approval or a referendum may be submitted to the incoming Executive Committee for approval.

f: The Executive Committee provided for herein shall constitute the Board of Directors under the Articles of Incorporation under the laws of the State of Tennessee.

Section 5.2: Department Finance and
Budget Committee
(See Article 8.6)

Section 5.3: Other Committees

Subject to the Approval of the Executive Committee, The Department Commander shall have the power to appoint Committees to function in matters which he or she may deem necessary but, in no case, is such committee to give publicity to any of its findings or recommendations without the consent of the Department Commander, nor shall such committees incur any expense without prior authorization from the State Executive Committee. All appointed committee members serve at the pleasure of the Commander and may be removed and/or replaced at his or her discretion, pending Executive Committee approval.

ARTICLE 6
CHAPTER ORGANIZATION

Section 6.1: Charters

Para. 1: Charters for new Chapters of the Organization shall be issued in accordance with the procedure as provided for in Article 6 of the National Bylaws as amended.

Para. 2: All Chapter Officers shall be elected in conformity with their Constitution and Bylaws and may be duly installed, as long as those Chapter Bylaws do not conflict with Department or National Constitution and Bylaws.

Para. 3: No duly elected Chapter Commander can succeed him or herself except by approval of two-thirds of votes cast on first ballot of members present. Then if not successful the remaining candidates will participate in a run off excluding the Commander.

Para. 4: Chapter officers elected for a full term must be installed and assume the authority of his or her office concurrently, at the first regular meeting after the State Convention. Officers who are elected or appointed to fill a vacated position shall be installed and assume office immediately upon being elected or appointed. Officer Reports must be mailed to the applicable addressees within ten days following installation. (See National By-laws, Article 9.1)

Para. 5: Chapter adjutants will report the names of elected commanders, adjutants and treasurers to Department Headquarters as soon as possible after election but no later than the beginning of the Department Convention. This is in addition to requirements in Section 6.1, Para. 5 above.

Section 6.2: Chapter Constitution & By-Laws

Each Chapter, under the jurisdiction of the Department, must adopt its own Constitution and Bylaws and determine its own dues providing that same not be in conflict with the provisions of the Bylaws or any action taken by a State Convention, nor any of such provisions be inconsistent with the Constitution of the National Organization or of any action taken by its National Conventions. Each Chapter shall submit this Constitution and Bylaws, and any subsequent changes thereto, to the Department Judge Advocate for approval.

Section 6.3: Fundraisers

No Chapter shall conduct any fundraising project or activity without the prior approval of the State Department except as provided in the National Constitution and Bylaws, Article 15, Section 3.

Section 6.4: Financial Reports

Each Chapter shall submit an annual financial report on forms provided by National Headquarters. Reports shall be submitted within ninety days after the close of the accounting year, which shall be the membership year, commencing on July 1 and ending June 30. (See Article 9; Section 9.3 Para. I of the National By-Laws).

Para. 1: When gross receipts, excluding dues, exceed \$10,000, reports will be filed as follows: Mail copy one to National Headquarters, mail Copy two to Department headquarters and retain Copy three for Chapter records.

Para. 2: When gross receipts are less than \$10,000, mail copy one and two to Department Headquarters and retain copy three for Chapter records.

Section 6.5: Disciplinary Action

(See Article 16 of the National Bylaws)

ARTICLE 7 DEPARTMENT

Section 7.1: Officer Recall

Any Department Officer may be recalled upon the written demand of three-fourths of the local chapters under the jurisdiction of this Department, providing that the number of votes combined, to which such chapters may have been entitled at the time of the last preceding State Convention, was equal to more than one-half of the total number of votes to which all Chapters in this Department were then entitled; in the event that any Department Officers shall have been so recalled, such vacancy shall be filled by a majority vote of the members of the State Executive Committee or as provided for in this Constitution.

Section 7.2: Department Employees

The Department Adjutant, with the approval of the Executive Committee, will have the authority to hire additional employee's necessary to conduct the department business and programs, providing funds are available to budget full time, part time, or temporary.

Section 73: Department Travel

The Department Commander will recommend approval of travel to the Department Executive Committee for approval, providing funds are available.

ARTICLE 8

FINANCES

Section 8.1: Sources

The revenue of this Department shall be derived from any such source as may have been approved by the preceding State Convention and/or by the State Executive Committee and then approved by the National Executive Committee.

Para. 1: Department Financial Records and Reports, refer to Article 8, Section 8.4: of the National Bylaws to insure proper and timely reports and maintenance of the Department Financial Records.

Section 8.2: Per Capita Tax

The amount of per capita tax paid to the Department shall be determined by each State Convention for the ensuing year.

Section 8.3: Loans and Advances

This State Department shall not spend any of its funds for direct relief purposes and is, therefore, precluded from making any loans or advances to any of its Chapters or to any individual.

Section 8.4: Bank Deposits

The funds of this Department shall be deposited in the bank or trust company which shall have been agreed upon by a majority of the members of the State Executive Committee and such depository shall be informed in writing by the Department Commander or Department Treasurer.

Section 8.5: Withdrawals

No withdrawal or transfers of payment from such funds as may have been credited to this Department shall be permitted except on the basis of voucher or check, which shall be signed by the two designated officers.

Section 8.6: Department Finance & Budget Committee

The Department's budget, salaries and employee benefits shall be established by this committee. Such committee shall be composed of the Department Commander, Past Department Commander Senior Vice-Commander, Department Judge Advocate, Treasurer and the three Junior Vice-Commanders. The Department Adjutant will be an ex-officio member, without the right to vote. The Adjutant will keep accurate records of the Finance and Budget Committee meetings. All checks or vouchers issued will be signed by the Department Commander and Treasurer or Senior Vice-Commander. No ex-officio member can sign checks or vouchers.

To decrease the risk of undetected errors and irregularities and to avoid unauthorized spending, the Finance and Budget Committee will actively review and monitor budget requirements, make appropriate revisions, and recommend approval of the budget to the membership or the Executive Committee.

The budget will be entered into an appropriate bookkeeping system and periodically reports comparing actual to budgeted amounts will be monitored

The Finance and Budget Committee will meet before and after the State Convention and Mid-Winter Conference, and at other times when requested to do so.

Section 8.7: Department Audit Committee

Financial records of the Department shall be reviewed and verified by an Audit committee appointed by the Department Commander or by a Certified Public Accountant. If the total gross income of the Department exceeds \$300,000.00 the Department financial records shall be reviewed and verified by a Certified Public Accountant at the end of each fiscal year. The accountant's statement and a completed financial report prepared by the accountant shall be mailed to National Headquarters.

The Audit committee shall consist of three (3) members appointed by the Department Commander, excluding the Department Commander, Department Senior Vice , Commander Department Treasurer, Department Adjutant and members of the Department Finance Committee.

Any Department Chairman collecting funds for special programs shall be required to give an accounting of all funds. The books of such special funds shall be audited when the Treasurer's books are audited. All funds shall be kept in a bank account in the name of the Tennessee Department, Disabled American Veterans.

All members of the Audit committee shall be present when reviewing or verifying the Department's financial records at the close of each year. The Financial Report Form provided by national Headquarters shall be completed by the Department Treasurer or the Audit committee and sent to National Headquarters.

The Annual Financial Report, verified and signed by the Audit committee, or the Accountant's Statement, and completed Annual Financial Report shall be adopted by the State Convention delegates.

ARTICLE 9

AMENDMENTS

The By-Laws herein may be amended at any State Convention by a vote of two-thirds of the total votes cast on any proposed amendment, provided that the proposed amendment shall have been read to such convention at least twenty-four hours or one calendar day before the final reading and vote thereon. Such amendments shall become effective upon approval of the National Judge Advocate.

Section 9.1:

To the extent to which any of the provisions of this Constitution and By-Laws are, or may at any time become, inconsistent or in conflict with the provisions of the Constitution and By-Laws 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.



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: 7-10-17
DAV National Judge Advocate