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September 30, 2008

Mr. James E. Prochnow, Commander
Lone Star Chapter #4
Disabled American Veterans
2109 Willow Way
Round Rock, TX 78664-7715

Dear Mr. Prochnow:

The enclosed Constitution and Bylaws for Lone Star Chapter #4, Department of Texas, is hereby approved with the following changes:

Constitution, Article VII: Delete "changed (not amended)" and insert "amended". Also, delete words "change" on lines three and four and insert "amendment".

Bylaws, Article XI, Section 1., Para. 1.: Delete "(New)" and insert "and Bylaw amendments".

A copy of this document is being returned to Chapter #4, a copy is being sent to the Department of Texas, and a copy is being retained in our permanent files here at National Headquarters for future reference.

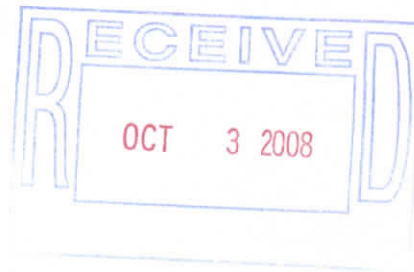
Sincerely,

COPY

MICHAEL E. DOBMEIER
National Judge Advocate

MED:as
Enclosure

c: Department of Texas ✓



CONSTITUTION AND BY-LAWS OF LONE STAR CHAPTER #4
Austin, Texas.

Constitution:

Article I - Name

The name of this chapter shall be Lone Star, Chapter #4, Disabled American Veterans, Inc.

Article II - Purpose

The purpose of this Chapter is to support the program of the Disabled American Veterans as defined in the National Constitution and By-laws.

Article III - Membership

Membership in this Chapter shall conform with the requirements as set forth in the National Constitution and By-laws.

Article IV - Administration

Section 1. The administrative affairs of this Chapter shall be vested in the Executive Committee in times of emergencies only. All other actions of the Executive Committee must be ratified by a simple majority vote of the Chapter in session.

Section 2. The Executive Committee shall be composed of the Commander, Senior Vice Commander, Treasurer and Chaplain. The Adjutant shall act as Secretary for this committee and keep its minutes but without vote.

Section 3. At a specified time, the Chapter shall elect a Commander, Senior Vice Commander, Junior Vice Commander, Treasurer and Chaplain.

Article V - Executive

The executive power of this Chapter shall be vested in the Chapter Commander.

Article VI - Auxiliary

This Chapter recognizes the DAV Auxiliary as amended by the National Constitution and By-laws, subject only to such supervision as conforms with the National and Department Constitution and By-laws of both organizations.

Article VII - Changes

This Constitution may be ^{AMENDED} ~~changed (not amended)~~ at any Chapter meeting by a two-thirds majority vote of those present and voting, subject to approval of the Department and National Judge Advocate and effective only after date of this approval - provided the ^{AMENDMENT} ~~change~~ is read at three (3) meetings and that all members were notified of the proposed ^{AMENDMENT} ~~change~~ prior to each of the three (3) meetings.

MLO

BY-LAWS:

ARTICLE I - ORGANIZATION

- Section 1.** The governing body of this Chapter shall be the Chapter in session, except as provided in the Constitution.
- Section 2.** Records of the proceedings of the Chapter and Executive Committee shall be kept and made open for inspection to any member in good standing.

ARTICLE II - CHARTER

The charter of this Chapter, issued by the National Department, is its authority to function and shall be displayed behind the Commander's station at all regular meetings.

ARTICLE III - EXECUTIVE COMMITTEE

- Section 1.** The Executive Committee shall be composed of the Commander who shall be the presiding officer, Senior Vice Commander, Treasurer and Chaplain. The Adjutant shall act as Secretary for this committee and keep the minutes but without vote.
- Section 2.** Meetings of the Executive Committee will be called by the Commander or at the written request of a majority of its members.
- Section 3.** Appointed officers, Committee Chairmen, and Lay members may attend the Executive Committee meetings but without the right to vote.
- Section 4.** A majority of the members shall constitute a quorum.
- Section 5.** The Executive Committee may act for the Chapter only in emergencies and at all other times shall recommend courses of action to the Chapter in session.

ARTICLE IV - OFFICERS

- Section 1.** **Para 1.** The Chapter shall annually elect a Commander, Senior Vice Commander, Junior Vice Commander, Treasurer and Chaplain.
- Para 2.** The Commander shall appoint the Adjutant, Committee Chairmen and members, and such other officers as are necessary to carry out the business of the Chapter.
- Section 2.** **Para 1.** The Commander shall be the presiding officer and in his/her absence the duty will fall to the next highest officer in line of succession who is present.
- Para 2.** The Senior Vice Commander shall be the Membership Chairman and as such is responsible for campaigns to increase membership.
- Para 3.** The Treasurer shall keep an accurate record of all moneys and disbursements and shall deposit any moneys received as soon as possible. They shall make a report on finances at each meeting and records shall be open to any member when a request is made in writing through the Executive Committee. An annual financial report, as of 30 June, shall be sent to the Department Headquarters not later than 1 September.

ARTICLE V - QUALIFICATIONS

Any person who is a member in good standing shall be eligible to any elective or appointive office in this Chapter.

ARTICLE VI - TENURE OF OFFICE

Section 1. Nomination to office shall be made during the January meeting and again immediately prior to the election process. It shall require a majority of votes to elect a candidate to any office. Officers shall be elected and installed annually in February.

Section 2. Elected and appointed officers shall be installed prior to the Department Convention each year and serve until newly elected officers have been installed.

Section 3. Para 1. Unexcused absence of any officer from three (3) consecutive meetings shall be cause for removal and the Commander is empowered to appoint a member to serve the unexpired term with the approval of the Chapter.

Para 2. In the event the office of Commander shall be vacated for any reason, the Senior Vice Commander shall be elevated to Commander; the Junior Vice Commander to Senior Vice Commander and the vacancy filled as outlined in Para 1.

ARTICLE VII - MEMBERSHIP

Section 1. Applicants for membership shall be presented to the Chapter in Session.

Section 2. The Chapter will vote on acceptance and obligation may be made at the same meeting or at a later date.

Section 3. The same procedure shall apply to transferees.

Section 4. Only members in good standing are eligible to vote on any motion or election.

ARTICLE VIII - FINANCES

- Section 1.** The Treasurer shall deposit all moneys in the name of the Chapter. All checks shall require the Commander and Treasurer's signatures. In the absence of the Commander, the Senior Vice Commander is authorized to sign checks.
- Section 2.** The Treasurer shall be charged with handling normal finances in the operation of the Chapter.
- Section 3.** Dues for FULL LIFE MEMBERSHIP will be as prescribed by our National Headquarters. Partial payments may be accepted towards life membership.
- Section 4.** This Chapter recognizes the National Organization known as Disabled American Veterans, Incorporated by Act of Congress, and affirms its allegiance, and subordination to the National Organization, By-laws and all rules, mandates and regulations promulgated pursuant thereto. Upon dissolution of the Chapter, 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 By-laws as stated below:

National Constitution and By-Laws / Article 8; Section 8.5; Para 2;

Each state department shall include the following provision in its Bylaws unless prohibited by the charitable trust laws of its particular state: "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, Paragraph 5, of the National Bylaws."

National Constitution and By-Laws/ Article 6, Section 6.4, Paragraph 5 and Paragraph 6

Paragraph 5: Upon revocation of the charter of any chapter or county or district council where no state department exists, or upon revocation of any charter of a state department, all property, money and effects of said state department, chapter or county or district council shall revert to the National Organization, there to be held in trust for eighteen months. In the event the state department, chapter or county or district council's charter is not reissued within the eighteen-month period, the said property, money and effects shall become the absolute property of the National Organization. Disposition of assets of units of the DAV Auxiliary and the National Order of Trench Rats are controlled by the appropriate provisions of their Constitution and Bylaws.

Paragraph 6: Upon revocation of the charter of a chapter or county or district council under the jurisdiction of a state department, all property, money and effects of the chapter or county or district council shall become the property of the state department. Disposition of assets of units of the DAV Auxiliary and the National Order of Trench Rats are controlled by the appropriate provisions of their Constitution and Bylaws.

ARTICLE IX - MEETINGS

Section 1. Chapter meetings shall be held at least once each month. Meeting dates are to be set by majority vote of the Chapter in Session.

Section 2. Place and time of meetings shall be determined by the desires of the Chapter.

Section 3. Rules of the Chapter meetings shall be as follows:

Rule 1. A quorum shall consist of five (5) members in good standing.

Rule 2. Robert's Rules of Order (Revised) will govern, except as hereafter specifically stated.

Rule 3. Discussion of personal grievances will not be in order on the floor unless presented by the Grievance Committee.

Rule 4. Matters concerning one individual only, with respect to his/her own personal interest, shall not be in order but may be taken before the proper committee.

Rule 5. Voting shall be via voice, unless otherwise requested by at least five (5) members.

ARTICLE X - COMMITTEES

Section 1. All committees will meet at the call of the Chairman or Commander.

Section 2. Committees shall consist of not less than three (3) nor more than five (5) members including the Chairman, and shall be appointed by the Commander with approval of the Chapter.

Section 3. The Chapter Commander shall be an Ex-Officio member of all committees.

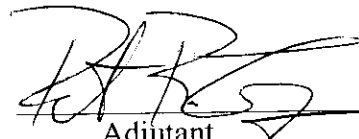
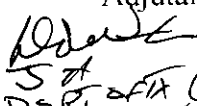
ARTICLE XI - MISCELLANEOUS

Section 1. Para 1. All Constitutions ^{AND By Law AMENDMENTS} (New) shall be subject to approval of the Department and National Judge Advocate and shall be effective only after the date of such approval.

Para 2. A copy of this Constitution and By-laws shall be properly affixed to the back of the framed Charter to prevent its loss and in order that it may always be available for reference. MCO


Para 3. To the extent to which the provision of this Constitution and By-laws are or may at anytime become inconsistent with the provisions of the Constitution and By-laws and lawful mandate, decision and/or regulations of either the State or National Headquarters now in force or as hereafter amended or adopted, the instrument shall be deemed amended so as to conform thereto.

Attest: _____ Adopted after this third and final meeting
day of _____ 2008


Adjutant

S.A.
D2P. DPA
9/15/08


Commander

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. ^{subject to my letter of September 30, 2008.}
DATE: 9-30-08


Michael E. Johnson
DAV National Judge Advocate