

# CONSTITUTION & BYLAWS OF THE

Disabled American Veterans



Department of Wisconsin, Inc.

*As adopted at State Convention at Green Bay, WI on June 11, 2011*

## ARTICLE I Establishment and Jurisdiction

SECTION 1. Under the authority of the Constitution and Bylaws of the National Department of the Disabled American Veterans (congressionally chartered) and of the corporation laws of the State of Wisconsin, there is established the "Disabled American Veterans, Department of Wisconsin, Inc." with the principal office in such city in the state of Wisconsin in which is located the office of the Department Adjutant.

SECTION 2. This Department shall consist of the members of all chapters existing in the state of Wisconsin under the provisions of the Constitution and Bylaws of the Department and of the National organization.

SECTION 3. Recognizing itself as a subordinate unit, the Department of Wisconsin acknowledges its allegiance to, and subscribes to the jurisdiction of the National organization of the Disabled American Veterans.

SECTION 4. The ABSOLUTE POWER in this Department is vested in the department convention.

## ARTICLE 11 Purpose

SECTION 1. The purpose of the Disabled American Veterans, Department of Wisconsin, Inc., 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 Veterans Administration 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 Chapter Membership

SECTION 1. Qualification for membership in any chapter under the jurisdiction of this Department shall be as prescribed in the National Constitution and Bylaws at the time of application.

SECTION 2. An applicant for membership in any chapter shall submit evidence of eligibility. Where no official notation has been made of a qualifying disability, an applicant may be, nevertheless, declared eligible if the facts submitted are sufficient to cause the members of a chapter to be of the opinion that such applicant is eligible.

SECTION 3. No chapter within the jurisdiction of the Department shall have honorary members. All veterans accepted for membership must be qualified as described in this article, or as more fully described in the Constitution and Bylaws of the National organization at the time of application.

SECTION 4. For sufficient cause a member may be expelled from any chapter. Such action, however, shall not be effective until charges have been preferred in writing, a fair trial has been conducted, and a sufficient opportunity to appeal to superior governing bodies has been given to such member. Each step, which shall be taken in a case of expulsion, shall be in conformity with the provisions of the Constitution and Bylaws of the National Department of the Disabled American Veterans.

SECTION 5. Any member in good standing at the time of application may transfer his membership to another chapter upon notification to the National Department and with the consent of the receiving chapter. No transfer shall affect the voting strength of any chapter within the jurisdiction of the department until the beginning of a new fiscal year, nor shall there be any refund of dues to the receiving chapter.

SECTION 6. Any member who has been expelled from chapter membership because of the misuse of chapter or department funds or because of misconduct sufficiently serious for deprivation of existing membership, shall not be eligible to membership in any chapter within the jurisdiction of this department until he has been reinstated in the chapter from which he has been deprived of membership. Such action shall be subject to the approval of the National Executive Committee.

#### **ARTICLE IV Department Districts**

SECTION 1. For the purpose of administration and membership organization, the Department of Wisconsin shall be divided into districts and numerically identified to include the following districts:

DISTRICT 1—Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha (7).

DISTRICT 2—Columbia, Dane, Green, Iowa, Jefferson, LaFayette, Rock and Sauk (8).

DISTRICT 3—Brown, Calumet, Dodge, Door, Fond du Lac, Kewaunee, Manitowoc, Outagamie, Sheboygan and Winnebago (10).

DISTRICT 4—Ashland, Barron, Bayfield, Burnett, Chippewa, Douglas, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer and Washburn (15).

DISTRICT 5—Adams, Clark, Green Lake, Marquette, Portage, Waupaca, Waushara and Wood (8).

DISTRICT 6—Florence, Forest, Iron, Langlade, Lincoln, Marathon, Marinette, Menominee, Oconto, Oneida, Price, Shawano, Taylor and Vilas (14).

DISTRICT 7—Buffalo, Crawford, Grant, Jackson, Juneau, LaCrosse, Monroe, Richland, Trempeleau and Vernon (10).

SECTION 2. All District Commanders shall call at least one District Conference each year during their term of office. No District Conference shall be recognized by the department unless first approved by the department.

(a) Each District Commander shall form his own Advisory Committee to consist of the District Vice Commander, Immediate Past District Commander, District Membership Committeeman, District Legislative Officer, and any or all chapter commanders from his district. He shall, within sixty (60) days following a department convention, call an Advisory Committee meeting to promote membership and organization of new chapters within his district. No funds will be disbursed to the District Commander unless he/she has formed an Advisory Committee and has complied with the aforementioned Advisory Committee requirement. An annual written report will be presented at the District Conference and the Department Convention by the District Commander. This report will include his/her Advisory Committee members and the committee's accomplishments during the year, as well as the District Commander's accomplishments in complying with ARTICLE VI, Section 8 (a).

(b) Should the District Commander's office become vacant, the District Vice Commander will assume his duties, at which time the district chapters will elect a new District Vice Commander.

**ARTICLE V**  
**Qualification for Office**

SECTION 1. Any person who is a member of the department in good standing shall be eligible to hold any elective or appointive office within his chapter or this department, except as otherwise provided in this Constitution and Bylaws.

SECTION 2. If any chapter or department officer fails to remain a member in good standing in this department during his term of office because of non-payment of chapter dues, including state and national per capita tax, the office to which he was elected or appointed shall immediately become vacant until a successor has been validly elected or appointed.

**ARTICLE VI**  
**Department Elective Officers**

SECTION 1. On the first day of each convention the prospective candidates for new offices will be introduced with nominations to be made immediately prior to the election of officers. Prior to the adjournment of each annual state convention, the accredited delegates and all officers privileged to vote shall elect a Commander, Senior Vice Commander, Junior Vice Commander, Judge Advocate and Legislative Director.

Each district shall elect (as directed in Article VI, Section 8) a District Commander, District Vice Commander, District Legislative Officer, District Nominating Committee member and Alternate District Nominating Committee member at a district conference prior to the annual state convention. Such elected District Commander, District Vice Commander, District Legislative Officer, District Nominating Committee member and Alternate District Nominating Committee member shall be presented to the annual state convention for confirmation. The District Vice Commander shall assist the District Commander at his request.

SECTION 2. The term of all elective officers shall expire as soon as their successors have been elected and installed. Vacancies in an elective office by reasons of death, resignation, indefinite absence from the state, or for any other reason shall be filled for the period of vacancy by a majority vote of the members of the Department Executive Committee.

SECTION 3. The Department Commander shall be the Executive Officer of this department. As such, he, or in his absence the next highest officer, shall preside at all Department Executive Committee meetings and be responsible for the maintenance of order and for the dispatch of department business; shall countersign all checks for the legitimate disbursement of funds; shall perform the duties of his office as indicated by convention mandates, by Department Executive Committee action, by Department or National Constitution and Bylaws provisions, and by the existence of any necessity requiring the head of the organization to act.

No elected Department Commander shall succeed himself in office.

SECTION 4. The Senior Vice Commander shall assist the Commander upon request in his administrative duties; and in the event of death, resignation, removal, or inability of the Commander to discharge his duties, he shall assume the duties of Commander for such period of vacancy or inability to act. He shall be the Membership Chairman.

SECTION 5. The Junior Vice Commander shall act as Department Historian. He shall assume the duties of the Senior Vice Commander during any period in which such officer is unable to act and shall perform such other duties as the Commander or Department Executive Committee may direct.

SECTION 6. The Department Judge Advocate shall be the advisor of the organization. He shall, upon request of the Department Commander, of the Department Executive Committee, or of the department convention, render his opinion upon all questions arising out of the department, including its subordinate organizations. If the department shall receive a request from any chapter for an interpretation of any part of its Constitution and Bylaws, the Commander shall refer such question to the Department Judge Advocate for his written

opinion. All opinions rendered by the Department Judge Advocate are to be understood to be advisory only, and not mandatory.

The Commander may direct the Department Judge Advocate to act as parliamentarian of all sessions of the department convention.

SECTION 7. The Legislative Director shall represent the Department as assistant to the Commander in promoting state and national legislation beneficial to the welfare of veterans disabled in wartime service. In the absence of the Department Commander, it shall be his duty to advise the members and committees of legislative bodies regarding the needs of eligible members. He shall keep the Commander informed of important developments in legislative activity and shall make a report of his work at the department convention.

(a) Immediately following the department convention, the department Legislative Director shall acquire all resolutions relating to veterans legislation and shall forward same to the Council on Veterans Programs to be promoted through the Wisconsin legislature and through the Wisconsin Department of Veterans Affairs as part of their legislative programs to the Wisconsin Legislature.

(b) The Legislative Director shall actively endorse the bills introduced by the Council on Veterans Programs and also bills endorsed by the Wisconsin Department of Veterans Affairs, unless clearly against DAV policies and convention mandates.

SECTION 8. Each District Commander, District Vice Commander, District Legislative Officer, District Nominating Committee member and Alternate District Nominating Committee member of the odd-numbered districts shall be elected for a two (2) year term commencing with the 1975-1976 membership year and commencing with the 1976-1977 membership year each District Commander, District Vice Commander, District Legislative Officer, District Nominating Committee member and Alternate District Nominating Committee member of the even-numbered districts shall be elected for a two (2) year term.

(a) Each District Commander shall represent the Department Commander when called upon to do so. He will be the first to respond to problems and/or complaints from within his district, on behalf of the department, and if further assistance becomes necessary, he will advise the Department Commander of the need. His efforts to assist chapters within his district will be by, but not limited to, advice and assistance in: conducting meetings and other services as described in the Official Ritual of the DAV; promote membership through open meetings, possible organization of new chapters, and working with the Department Membership Committee; and responding at all times when requested to promote and publicize the name of the Disabled American Veterans in the best interest of the organization. He shall make every effort to visit each of the chapters within his jurisdiction at least once, and as early as possible within the fiscal year, and as requested thereafter.

(b) Each District Commander shall submit a report in writing to the Department Adjutant by May 15th listing his/her activities for the past year. Only business within the physical boundaries of his/her district as defined in Article IV, Department Districts, Section 1, shall be contained within the District Commander's annual report. Reporting of Department Conventions, Executive Committee meetings and the annual Fall Conference shall not be reported as a function of the District Commander for the purpose of reimbursement, but shall be considered as business of the Executive Committee.

No District Commander shall be reimbursed for expenses, without a complete report submitted in writing.

The Department Executive Committee, monthly, shall consider the amount to be reimbursed to each District Commander on a per mile basis, consistent with the department rate as paid to the other members of the Department Executive Committee for that year.

SECTION 9. Any officer elected by the department convention may be recalled upon a written demand by any group of chapters whose combined delegate votes of the preceding annual convention would have constituted a majority of the department delegate votes, provided such a group also constitutes a majority of the department chapters represented at such convention.

**ARTICLE VII**

**Department Committees and Appointed Officers**

SECTION 1. There shall be eight (8) standing committees in the Department: Membership, Publications, Constitution and Bylaws, Finance, Rehabilitation and Hospital, Legislative, Nominating, and, Human Resources.

(a) The Department Commander, subject to the approval of the Department Executive Committee, shall have the power to appoint such other committees and department officers as may seem advisable, but such appointed members shall not incur any expense without prior authorization of the Finance Committee.

(b) No member of any committee shall give any publicity to the findings of that committee without the prior consent of the Department Commander.

SECTION 2. Unless otherwise provided in this Constitution and Bylaws, the Commander, with the approval of the Department Executive Committee, shall appoint the chairman and the members of the committees. The term of the members of the committees shall not exceed that of the Administration unless otherwise specified herein. The Department Commander with the approval of the Department Executive Committee may replace any member of any committee.

(a) In the event the duties of any standing committee are not sufficiently defined by the Constitution and Bylaws, the Commander, or a sub-committee of members of the Department Executive Committee appointed by the Commander, shall be authorized to outline the duties of such committee.

(b) The chairman of each committee may furnish the Department Commander a list of potential committee members who have had valuable experience and training in the work to be performed. Any member of this department in good standing shall be considered for all committees.

SECTION 3. The duties of the Department Chaplain, Officer of the Day, Chief of Staff, Sergeant-at-Arms, Webmaster, or other appointed officers, shall be as indicated in the Official Ritual and as usually performed by such officers, or as the Commander may request.

SECTION 4. The number of persons required for the Department Membership Committee shall be determined annually, based on the programs and suggestions of the Membership Chairman who will be the Department Senior Vice Commander. It is recommended that the Department Junior Vice Commander and a member of the National Service Office be a part of this committee. The funding for this committee is set forth in Article XII, Section 4.

A Membership Subcommittee shall be formed in each district consisting of the District Commander, District Vice Commander and two (2) members of each district to serve during the term of the District Commander.

(a) The duties of this committee will be the promotion of membership throughout the department area. This includes, but is not limited to: recruitment of new members, starting new chapters, promoting open meetings, assisting the National Van program in Wisconsin, and assisting local chapters in membership recruitment.

SECTION 5. The Publications Committee shall be composed of the Department Commander, Immediate Past Commander and three (3) members of the department in good standing appointed by the Department Commander, subject to approval of the Department Executive Committee for staggered terms of three (3) years each.

(a) The duties and responsibilities of the committee will be to promote the Disabled American Veterans, Department of Wisconsin, throughout the state and other areas, which may have an effect on the membership of our state. This will be done through, but not limited to, all forms of media, (i.e. TV, newspaper, and radio).

SECTION 6. The Constitution and Bylaws Committee shall be composed of at least five (5) members, one of which shall be the Immediate Past Commander.

(a) The duties of this committee shall include, but not limited to, considering all proposed amendments to this document as shall have been referred to it by convention mandate or as shall be further authorized by constitutional provisions. It shall have

the additional duty of preparing proposed amendments for the removal of conflicts caused by changes in the National Constitution and Bylaws.

(b) This committee shall act as the Constitution and Bylaws Committee at the department convention and the Commander shall be empowered to fill all vacancies because of absence from the state convention of any members.

SECTION 7. The Department Finance Committee shall be composed of five (5) members of the department. The members shall be appointed as follows: one member for four (4) years, one member for three (3) years, one member for two (2) years, and one member for one (1) year, and the Department Commander. The member appointed for one year will act as chairman. The Department Adjutant, the Immediate Past Commander and the Treasurer shall be ex-officio members without a vote.

(a) The Finance Committee shall prepare for approval of the Department Executive Committee, a budget of department funds for general and rehabilitation purposes. The committee shall arrange a depository of department funds.

(b) The Finance Committee shall make recommendations to the Department Executive Committee as to reasonable salary and shall annually recommend the salary of the Department Adjutant. The salary to be approved by a two-thirds (2/3) vote of approval of the Department Executive Committee.

(c) The Finance Committee shall recommend to the Department Executive Committee any needed expense accounts for the Department Adjutant that may be necessary to promote the welfare of the Disabled American Veterans.

(d) The Finance Committee shall conduct quarterly audits. The Committee shall monitor the department budget to insure that prior notification is given to the Department Executive Committee of any accounts that may exceed its proposed annual budget.

(e) The Finance Committee shall provide a written approval of payment of all bills of expense and shall perform such duties as may be delegated by the Department Executive Committee.

SECTION 8. The Rehabilitation and Hospital Committee shall be composed of eight (8) members of the department. The members shall be appointed as follows: the State VAVS Chairman, a VAVS representative from each of the four (4) Veterans Administration Medical Centers (Madison, Tomah, Milwaukee, Twin Ports), the associate VAVS representative from the Veterans Administration Medical Centers at Minneapolis, Minnesota and Iron Mountain, Michigan, Liaison Officers of the State Veterans Homes at King and Union Grove and the Department Service Director. The National Service Officer Supervisor or his/her assistant or associate at the VA Regional Office in Milwaukee, and the chairman of the Tomah Christmas Store, appointed by the Auxiliary Department Commander, to serve on the committee in an advisory capacity as non-voting members. The state VAVS chairman shall be the chairman.

(a) The duties and responsibilities of this committee shall be, but not limited to, to survey and recommend to the Department Executive Committee advisable actions, and programs to promote the welfare of hospitalized veterans and their dependents, and outline programs of service work in the department. The committee shall meet immediately prior to the department convention, at Department Fall Conference, or at the call of the chairman with the approval of the Department Executive Committee. The Iron Mountain, MI VAVS Representative will be considered annually, when setting the budget, for travel to and from these meetings, at the recommendation of the VAVS Chairman.

(b) The state VAVS chairman shall be recognized as the Department Liaison between the Veterans Administration hospitals and the department and shall comply with all regulations from the National VAVS representative. The chairman shall be someone that is knowledgeable in the duties of VAVS, but shall not be a VAVS representative or deputy.

(c) In the appropriate years, the Department Commander may recommend for certification to the National VAVS Program Director and the National Commander, the name of a member of this Department to be considered for the position of State VAVS Chairman. The state VAVS chairman will be responsible for coordinating the VAVS program in the department and educating the DAV units as to their responsibilities in the

hospital program. He or she will be responsible for seeing that each VA hospital within the state is properly covered by a VAVS representative, shall recommend to the National VAVS representative the name or names of prospective hospital representatives and shall require that each VAVS representative submits a monthly activities report to the National VAVS representative with copies to the state VAVS chairman and the Department Adjutant.

The state VAVS chairman shall impress upon department officials, chapter, officers and DAV members the importance of complete cooperation with hospital VAVS representatives, both financially and in service rendered. He or she shall visit each VA hospital in Wisconsin at least once a year to evaluate our organization's participation in the hospital voluntary program. Mileage and per them shall be provided by the Department Finance Committee.

SECTION 9. The Legislative Committee shall be composed of the Department Legislative Director and the District Legislative Officer from each district within the Department. The Department Legislative Director shall be the chairman.

(a) The duties and responsibilities of this committee shall be, but not limited to, the active endorsement of all resolutions approved by the department convention pertaining to veteran's legislation, both at the state and national levels.

(b) This committee may actively endorse all bills introduced by the Wisconsin Veterans Council and all bills endorsed by the Advisory Committee to the Department of Veterans Affairs, unless clearly against Disabled American Veterans policies and Executive Committee mandates.

SECTION 10. The Nominating Committee shall be composed of seven members. Each District shall elect one person to serve on the committee. The committee will elect its own chairman. Each district shall also elect an alternate to serve in the event that the elected Nominating Committee member is unable to perform his duties.

(a) The duty of the Committee is to seek out qualified members to serve the Department in the elective offices as outlined in Article VI, Section I of the Department Bylaws. The members elected to the Nominating Committee shall be elected at their respective Spring District Conferences, the odd numbered districts shall elect in the odd numbered years, and the even numbered districts shall elect in the even numbered years.

(b) The term of all new Nominating Committee members shall run in conjunction with that of the District Commander, assuming office at the close of the annual Department Convention.

(c) The District's elected member of the Nominating Committee will present a preliminary report, consisting of the recommendation for the position of Department Commander, Department Senior Vice Commander, Department Junior Vice Commander, Department Judge Advocate and Department Legislative Director, at his/her respective District Conference.

The Committee may hold additional interviews during the State Convention, but will make final recommendations before the election of officers.

SECTION 11. The Human Resources Committee shall be composed of at least seven (7) members of the department, in good standing, four of whom shall be the Commander, Senior Vice Commander, Immediate Past Commander, and the Chairman of the Finance Committee. The Commander will appoint the remaining members, one of whom will be the Chairman. The Department's Legal Advisor will serve as an advisor to the committee. All expenses relating to this committee shall be considered annually when determining the Department's budget. The duties and responsibilities of this committee are to develop and recommend personnel policies and procedures for Department employees.

SECTION 12. The Transportation Committee shall be composed of five Hospital Service Coordinators (HSCs) from the following VA Medical Centers (VAMCs) or Community Based Outpatient Clinics (CBOCs): Milwaukee, Madison, Tomah, Appleton/Green Bay, and Superior. The committee chairman will be the Department Service Director (DSD).

The duties of this committee will include assisting veterans with transportation needs to get to their scheduled appointments at VAMCs or CBOCs or related government VA travel. This will be accomplished by determining appropriate routes to and from these facilities, including various pick-up and drop-off points. The HSCs need not be members of the DAV or DAV Auxiliary. The HSCs

are responsible for the recruitment of drivers and volunteers for their offices. They shall be responsible for the out-stationing of vans as deemed necessary. HSCs activities are under the supervision of the DSD and will coordinate their activities with the VA Volunteer Services Coordinator at their respective VAMC or CBOC.

#### **ARTICLE VIII**

##### **Department Adjutant, Treasurer, Office Manager and Department Inspector**

SECTION 1. The Department Adjutant and a Deputy Adjutant shall be appointed by the Department Commander promptly upon his/her assuming office unless the previous Department Adjutant shall hold over by reason of a contract. His/her appointment must be confirmed by the Department Executive Committee. If the Adjutant is given a contract extending for more than one year, such contract must be approved by the Department Convention. The Adjutant shall serve until his/her successor is appointed and confirmed. An Office Manager may be appointed if the position becomes vacant during the Commander's term of office. This appointment must be confirmed by the Department Executive Committee. The Department Finance Committee can, in lieu of a contract, fix the salary of the Adjutant and the Office Manager or fix the payment for the operation of the office of the Adjutant. The Executive Committee shall have the right to prescribe a manual of operation of the Adjutant's office including, among other things, vacation, sick and personal time off, and such other items as are not specifically set forth in these Bylaws. The Adjutant and the Deputy Adjutant shall be a member in good standing of the Disabled American Veterans. The Office Manager may be a member of the Disabled American Veterans, but such membership is not required.

The Adjutant shall be the Executive Secretary and manager of the business and administrative affairs of the Disabled American Veterans, Department of Wisconsin, and among other duties that might from time to time be prescribed by the Constitution and Bylaws, Commander, Department Executive Committee and convention mandates, he/she shall perform the following:

- (a) Act as corresponding secretary of the Department of Wisconsin, Disabled American Veterans.
- (b) Notify all members of the Department Executive Committee (or any sub committees) at least five days in advance of meetings.
- (c) He shall send out mail ballots to the members of the Department Executive Committee on request of the Commander. Inform the members of the Department Executive Committee of action taken through mail ballots on questions submitted by the Commander.
- (d) Record all action taken by the conventions, by the Department Executive Committee and the Finance Committee.
- (e) Immediately following the department convention, the Adjutant shall forward all resolutions pertaining to veterans welfare on a national level to the DAV National Headquarters for introduction at the next national convention of the Disabled American Veterans and shall provide copies of all resolutions pertaining to veterans legislation on a state level to the Legislative Director to be forwarded to the Wisconsin Department of Veterans Affairs and to the Council on Veterans Programs.
- (f) Assemble and reproduce for distribution in the department the minutes of the action taken by the department convention, all reports submitted at the convention, the department roster, the amended Constitution and Bylaws.
- (g) Keep the membership records of the department and in cooperation with the Department Membership Chairman endeavor to increase the membership of the department.
- (h) Be subject to call, with reasonable written notice, to appear before any group to promote the welfare of the disabled veteran, the stature and growth of the Department of Wisconsin, Disabled American Veterans.
- (i) The Office Manager will be an employee of the Department.

(j) The Office Manager will not exempt the Department Adjutant from any of his/her duties, but specific duties may be assigned from time to time to the Office Manager by the Adjutant.

(k) From time to time, the Department Adjutant, with the approval of the Department Executive Committee, shall prepare a Manual of Operation for the Office Manager.

(l) Subject to the approval of the Human Resources Committee, the Department Adjutant is authorized to formulate, effectuate and amend manuals for employment for the Department of Wisconsin which shall be in writing and distributed to all employees.

SECTION 2. TREASURER. The duties of the Department Treasurer shall be to deposit department income received from all sources; shall issue checks for authorized disbursements; shall keep a record of accounts according to a system approved by the Department Executive Committee; shall preserve all papers indicating department indebtedness and payment thereof; shall render a quarterly financial report to the members of the Department Executive Committee and to all chapters of the department, an annual report to the department convention and such other reports as the Department Executive Committee or National Department may require.

SECTION 3. DEPARTMENT INSPECTOR. The Department Commander shall appoint a Department Inspector. This appointment shall be subject to the approval of the Department Executive Committee and shall be for the term of the Department Commander.

(a) 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.

(b) The Department Inspector, at the direction of the Department Commander, shall inspect and/or audit the books, records, and accounts of a chapter. He shall insure that all fund raising and expenditure of said funds are in accordance with applicable State and Federal Laws.

(c) Upon the completion of an investigation, inspection or audit, the Department Inspector shall render a written report of his findings and recommendations to the Department Commander.

(d) The Department Finance Committee shall recommend a travel allowance for the Department Inspector, using the formula as set forth in Article XIV, Section 4, Department of Wisconsin Constitution and Bylaws.

## **ARTICLE IX**

### **Department Executive Committee**

SECTION 1. The Commander, Senior Vice Commander, Junior Vice Commander, Judge Advocate, Legislative Director, all District Commanders and Immediate Past Commander shall form a corporation board of directors, which shall be known as the Department Executive Committee. The Department Adjutant shall act as Secretary without a vote on questions before the committee.

SECTION 2. All members of the board shall have a vote on all questions decided by the Department Executive Committee. A quorum shall consist of a majority of the members privileged to vote.

SECTION 3. One state meeting shall be held immediately following the adjournment of the convention in the convention city and any business that cannot be completed at this meeting shall be completed by mail at a later date, and one shall be held within forty-eight hours preceding the opening of the convention. For vital reasons as stated in a written notice at least ten days in advance of the meeting date to all members of the committee, the Commander, or any five members may call a special meeting of the Department Executive Committee, provided a majority of such committee shall indicate in writing their intentions of attendance. Members who are unable to be present at such special meeting shall have the

privilege of submitting their vote on the question by mailing their ballot to the Department Adjutant.

SECTION 4. At its first meeting, the Department Executive Committee shall outline policies as a guide for executive administration; shall act on the confirmation of all appointed officers and members of standing committees not otherwise provided for in the Constitution and Bylaws; and shall initiate proceedings to carry out all convention mandates and all provisions of the Constitution and Bylaws.

SECTION 5. Between conventions, all administrative, legislative, and executive matters not otherwise regulated by convention action shall be determined by a majority vote of the Department Executive Committee. Any member may submit questions which he deems to be of sufficient importance for mail referendum, and with the Department Commander's approval, the Adjutant shall prepare the ballot and notify all members of the vote on each question submitted.

SECTION 6. The Department Executive Committee shall require an audit by a certified public accountant, who lives where the department depository is located, for the purpose of determining the correct cash balance, legality of expenditures, outstanding indebtedness, and to file a tax return.

## **ARTICLE X**

### **Department Conventions**

SECTION 1. The legislative powers of this department shall be vested in the annual department convention, which shall be held in the month of June. Except as otherwise provided herein or provided by the convention delegation in its adopted rules, the latest edition of Robert's Rules of Order, as revised, shall be used as a guide in the conduct of convention business.

SECTION 2. Each chapter of not less than ten members in good standing shall be entitled to one delegate and one alternate in addition to one delegate and one alternate for each twenty-five members, or a major fraction thereof, for who state and national per capita tax has been received by the national department at least fifteen days prior to the opening of the convention; provided, however, that recognition as a delegate shall not be extended to members of a chapter which is indebted to the department.

Their respective chapters shall elect such delegates and alternates, and each chapter adjutant shall make a correct report of the election to the department adjutant at least fifteen days prior to the convention.

SECTION 3. An alternate becomes a delegate in the absence of a delegate, but, unless he is acting as a delegate, he shall not be allowed the privileges of voting and, except by consent of the convention, shall not be allowed the privilege of speaking before the convention. With one or more delegates or acting delegates present from a chapter, such delegation shall have power to cast the full number of votes of the chapter represented, and to cast such votes as each of those present desires. The votes to which the chapter is entitled to, shall be divided equally among those delegates present. Membership figures upon which voting is based shall be verified in writing by national headquarters in advance of the state convention.

SECTION 4. All elected department officers, all elected District Commanders, and the Immediate Past Department Commander shall be recognized as convention delegates.

Unless otherwise disqualified by provisions in this Constitution and Bylaws and except for the privilege of committee appointments, a Past Department Commander of this department, who is not an elected delegate, shall have the privilege of voting upon all questions before a department convention of this department.

SECTION 5. Delegates from a majority of all active chapters within the jurisdiction of this department shall form a quorum for convention business.

SECTION 6. The rules in force at the close of a department convention shall be the rules of a succeeding convention until amended by the convention body.

SECTION 7. In the call for a department convention, the Department Executive Committee shall have full power to provide the form of credentials necessary for recognition as delegates and may recommend rules and regulations for the conduct of the convention

business. A special department convention shall be called between annual conventions upon a written demand of a majority of the chapters within the jurisdiction of this department and after fifteen days notice to all chapters of the department; at a special department convention the rules and voting strength shall remain the same as were in force in the last annual department convention.

SECTION 8. Not later than the first business session, the Department Commander shall announce the appointment of convention committees and their temporary chairman, for the consideration of resolutions designed to benefit the organization or to promote the welfare of eligible veterans.

(a) No committee shall consist of less than three delegates, not more than one of whom may be from any one chapter. Each such committee shall meet as soon as practical after appointments, at the call of the temporary chairman and elect a secretary and permanent chairman. The committee secretary shall promptly report the elections of the committee to the Department Adjutant. Each such committee shall then be ready to consider all resolutions which may be properly referred to it by the Department Adjutant or by the convention, and it shall report its recommendations to the convention.

(b) All committees shall exist for the duration of the convention. Convention committees shall be designated as Credentials, Rules, Resolutions, Finance and Dues, and such other committees as may be appropriate to consider questions of legislation, place of convention, promotion of publicity, auxiliary coordination, rehabilitation (which committee shall have two members of the standing committee as members) and/or other proper objectives.

(c) With the assistance of the Department Adjutant, the Credentials committee, which shall be composed of one member from each district, shall make out a roll call of delegates and of officers and past commanders privileged to vote. The committee shall determine ineligibility because of chapter indebtedness or other causes and shall determine the total number of votes to which each chapter is entitled. The Credentials committee shall meet as necessity arises to consider the seating of delegates who claim a right to be seated. A discredited delegate shall have the right to appeal from action of the Credentials committee through consideration of his cause by the convention body.

(d) The Rules committee shall consider possible improvements in rules which were used in the conduct of business at the preceding convention, and it shall report its recommendations to the convention as soon as practicable for adoption by the convention body.

(e) The Resolutions committee shall consider all resolutions to which no special committee has been appointed. Unless otherwise provided, it shall draft resolutions concerning appreciation, condolences and similar courtesies.

(f) The Constitution and Bylaws committee shall report to the convention all resolutions which aim to alter the Constitution and Bylaws for a first reading at least six hours before such committee makes its final recommendation to the convention body.

(g) The Finance and Dues committee shall consider all resolutions relating to state department finances. Upon such questions as affects the Constitution and Bylaws, it shall promptly report its findings to the Constitution and Bylaws committee. Otherwise it shall make its recommendations to the convention body.

(h) Except as otherwise provided herein, all convention committees shall follow the procedures as contained in the rules adopted by the convention.

SECTION 9. Nothing in this Constitution and Bylaws shall be construed to give any person the right to participate in any department convention unless he is a member in good standing of a chapter under the jurisdiction of this department unless he has fulfilled his financial obligations to the Department of Wisconsin, Inc.

## **ARTICLE XI**

### **Chapter Organization**

SECTION 1. Charters for new chapters within the jurisdiction of this department shall be issued in accordance with the provisions of the National Constitution and Bylaws.

SECTION 2. Local chapters may adopt such provisions in their Constitution and Bylaws as its members deem advisable; provided, however, that no provision therein may be in conflict with the National Constitution and Bylaws nor with those of this department. Each chapter shall submit its Constitution and Bylaws or any amendments thereof to Department and National Headquarters for their approval.

SECTION 3. The charter of any chapter of this department may be revoked by or with the approval of the National Executive Committee.

SECTION 4. The annual membership dues collected by each chapter shall not be less than the minimum amount prescribed for department and national per capita tax and service fees.

It shall be the policy of the Department of Wisconsin to encourage life membership among its members.

## ARTICLE XII

### Finances

SECTION 1. The revenue of the department shall be derived from distributions from the National organization from Membership dues and Fundraising programs, interest, grants from the Wisconsin Department of Veterans Affairs, chapter service fees, conventions and conferences and such other sources as defined in the annual budget of the department.

SECTION 2. To promote department activities and assist in the production of the *Wisconsin DAV News*, each chapter shall pay a service fee of \$1.50 per member, .25c to be used for membership promotion, .75c to be used for department administration, and .50c to assist in the publishing of the Department publication *Wisconsin DAV News*, except for those members for which we did not receive the per capita distribution from the National Headquarters. (Mandatory that this service fee be paid to department by May 15th of each year and shall be based on the membership report of April 30.

Each chapter or other unit shall advise the State Department in advance of the inclusive dates to be covered in each such annual Forget-Me-Not drive. Each annual Forget-Me-Not drive shall not exceed seven (7) days, without the consent of the State Department. Permission must be obtained from the National Executive Committee and the Department Commander before a chapter or other subordinate unit may engage in a fund-raising campaign or business venture. No prior approval shall be required for a finance-raising project where it is expected that the gross receipts will be less than \$1,000.00, where no commissions are to be paid, and solicitation of funds shall be only by personal contact of friends of members. Violation of this restriction shall subject such organization to revocation of its charter.

SECTION 3. All financial receipts of the department shall be deposited in a bank selected by the Finance Committee with the approval of the Department Executive Committee, and such depository shall be informed by letter, over the signature of the Treasurer and Commander, that withdrawals shall be only upon the basis of checks bearing those signatures.

SECTION 4. The approval of a majority of the members of the Department Executive Committee is necessary in order to borrow money for use by the department, but in no case shall the amount borrowed exceed the remaining estimated receipts of the annual budget by more than \$200.00. The voting of a salary to the Department Commander is prohibited by every departmental authority, nor shall any expenses be allowed which may take the place of a salary.

SECTION 5. All officers and committees shall be prohibited from rendering bills of expense to the department after May 31st, except that such as may be specifically authorized by the Department Commander during that period of time.

SECTION 6. All chapters of the Department of Wisconsin are required to file an annual Financial Report with the department, and shall do so in the time frame, which is consistent with that of the National Organization (ninety days after the close of the accounting year).

**ARTICLE XIII**  
**Policy**

SECTION 1. This organization shall be non-political and non-sectarian, and the name of this organization or any unit thereof shall not be used in representing the desires or wishes of its membership in any political, sectarian, or labor dispute, except as hereinbefore provided.

Nothing in this section shall prohibit this organization or any unit thereof from participating in political issues, which have a direct bearing upon the welfare of eligible war veterans.

SECTION 2. In accordance with Section 163.01, Wisconsin Statutes, this organization may conduct bingo games, provided that the net proceeds of this fund raising activity are used for the promotion of social welfare, and/or payment of a mortgage and not net income inured to the benefit of a private individual.

SECTION 3. This Corporation is not organized for profit. It shall issue no stock. No part of its earnings shall inure to the benefit of any individual. No member shall have any pecuniary interest in any income, earnings, assets or property of the Corporation, nor shall any part thereof be withdrawn or distributed to any of its members.

**ARTICLE XIV**  
**Department Official Representation**

SECTION 1. The Department Commander, or in the event that he is unable to attend, the Department Sr. Vice Commander, shall be the delegate of the Department of Wisconsin, at the National Convention of this organization. In the event that neither the Commander nor the Sr. Vice Commander is able to attend the National Convention, the Department Executive committee shall, by mail ballot, elect an official department delegate.

The Department Executive Committee shall appropriate an amount sufficient to reimburse the official delegate to the National Convention for the necessary expense incurred by his attendance.

SECTION 2. The Commander, the Immediate Past Commander and the Legislative Director shall be the representative of this department at the meetings of the Wisconsin Veterans Council, or any three alternates appointed by the Commander and approved by the Department Executive Committee may be representatives.

SECTION 3. Representatives of the department who attend meetings of advisory boards to state governmental agencies and who receive mileage fees from the state government for such attendance shall be appropriated only per diem allowance from our department, when overnight accommodations are required and are not reimbursed for such expenses by the state agencies.

SECTION 4. The Department Finance Committee shall recommend to the Department Executive Committee, on an annual basis, the amount to be paid for reimbursement for out of pocket expenses incurred as a result of duties performed for the Department at its request. Consideration shall be given to the available resources of the Department at the beginning of each fiscal year, as well as the current average cost of travel and lodging.

**ARTICLE XV**  
**Uniform Regulations**

SECTION 1. During their term of office, all elected and appointed officers, of the Department of Wisconsin shall be entitled to wear a white cap with the name of the office inscribed thereon. The Department Headquarters shall furnish these caps.

SECTION 2. All District Commanders will wear a cap style-overseas color-white crown, blue sides and gold lettering with gold piping during their term of office only.

SECTION 3. Past Department Commanders in good standing and within the jurisdiction of this department shall wear a blue and gold cap as prescribed by the National Constitution and Bylaws.

**ARTICLE XVI**

### **Amendments**

SECTION 1. This Constitution and Bylaws may be amended at any department convention by a vote of a two-thirds majority of the registered delegates on the convention floor at the time of voting and a quorum is present, provided, the proposed amendments shall have been submitted to the department adjutant prior to May 10th, who in turn will submit copies of each such resolution to each member of the standing committee on Constitution and Bylaws by May 15th, and said resolutions shall have been read at least six hours before the final vote thereof.

Amendments submitted after May 15th to the department adjutant must have three-fourths vote of the convention body before such amendments can be read and approved by the convention.

SECTION 2. If at any time there shall be a conflict between any section of this document with the provisions of the National Constitution and Bylaws, department officers, committees and members shall be guided by provisions of the National Department. It shall be the policy of the department standing committee on Constitution and Bylaws to provide proper resolutions for the removal of such conflict by a department convention at the earliest opportunity.

No amendments will take effect until such time as the National Judge Advocate has approved them.

### **ARTICLE XVII**

#### **Auxiliaries**

SECTION 1. This department recognizes the need of assistance in carrying out the objectives of the national organization of the Disabled American Veterans and encourages the establishment of units of the state department of Disabled American Veterans Auxiliary. The membership of such units shall consist of the wife, widow, mother, sisters, daughters, grandmothers, granddaughters and great-granddaughters of anyone who was injured or disabled in line of duty while in service in the Armed Forces of the United States of America, during time of war. Gold Star relatives of persons who were killed or have since died of a disability, daughters, granddaughters and great-granddaughters of members of the auxiliary and any woman who is eligible for membership in the Disabled American Veterans.

SECTION 2. The department shall recognize units of the National Organization of Trench Rats, the members of which must be members in good standing in a chartered chapter of the Disabled American Veterans.

SECTION 3. This department shall also recognize all other auxiliaries or other subordinate units established through the authority of the National Constitution and Bylaws.

SECTION 4. All officially recognized auxiliary or subordinate organizations or units shall make a report at the annual convention, including a financial statement, and shall be subject to department mandates and Constitutions and Bylaws.

SECTION 5. No groups of members of this department other than those officially recognized in this Constitution and Bylaws shall be allowed to collect dues or conduct finance raising campaigns. Violation of this section shall be sufficient cause for recommendation to National Department for expulsion from the Disabled American Veterans or its subordinate organizations.

### **ARTICLE XVIII**

#### **Parliamentary Rules**

SECTION 1. In the absence of any specific rule of procedure, Robert's Rules of Order (Latest revision) shall be used as a guide by the Department Executive Committee, by a department convention and by any group authorized to act for the department.

### **ARTICLE XIX**

#### **Department Publication**

SECTION 1. The Department of Wisconsin shall have published an official publication. The publication shall be under the control of the department and the responsibility shall be

with the Publication Committee. This committee shall be in direct charge of the day-to-day operation, and shall, through its best efforts, promote funding for the continuation of the publication. All funds shall be deposited through the department treasurer in the general account and the department adjutant shall be fully advised as to all activities of the committee. Except for the clipping service, postage, telephone expense and stationary, the committee shall not be paid.

## **ARTICLE XX**

### **Department Meetings, Conventions, and other functions**

SECTION 1. All meetings, Conventions and other functions that take place within the Department of Wisconsin and involve more than one Chapter and/or Unit, will be held at a location that is accessible to all members of our Department and Auxiliary. Access will include entrance and bathrooms.

## **ARTICLE XXI**

### **Bar or Lounge Operations and Ancillary Income**

SECTION 1. The Department has the authority to approve the revenue of all its Chapters in accordance with Article 15, Section 15.3, Para. 1 of the National Bylaws.

SECTION 2. Since the need to assist disabled veterans and their families is greater than ever, Bar or Lounge Operations of our Chapters have the capacity and potential to earn funds for their betterment.

SECTION 3. Additionally, Ancillary Income of our Chapters, i.e. video games, property rentals, miniature golf courses, driving ranges, bingos, raffles, etc. also have the capacity and potential to earn funds for their betterment.

SECTION 4. Income derived from Chapter Bar or Lounge Operations and/or Ancillary Income, approved by the Department, shall be used to support DAV programs that provide a direct and substantial benefit to disabled veterans, their dependents and survivors in accordance with National Executive Committee or NEC Regulation 5.

SECTION 5. Since the betterment of disabled veterans and their families is paramount to our mission, the gross income of all Chapter Bar or Lounge Operations and Ancillary Income will be divided as follows:

- (a) A third of the net income will go towards Disabled American Veterans, Department of Wisconsin projects and programs, i.e. New Van Fund, Hospital Fund, Transportation Fund, Child Welfare, DAV News, Christmas Store, King Day, etc.
- (b) A second third of the net income will stay in the Chapter to support DAV programs that provide direct and substantial benefits to disabled veterans, their dependents and survivors, i.e. veteran programs at VA Medical Center in Milwaukee, Madison, Tomah, Minneapolis, and Iron Mountain; and veteran programs at the State of Wisconsin Veterans Homes at King and Union Grove.
- (c) The last third of the net income may be used for operating expenses.

SECTION 6. The division, described in Section 5, of net income derived from Bar or Lounge Operations and Ancillary Income will begin on July 1, 2011.

SECTION 7. Chapter Bar or Lounge Operations may not operate at a loss; be subsidized by the Chapter with assessments of members or by income derived for the purpose of rendering service to disabled veterans and their dependents. This is in accordance with NEC Regulation 4 entitled Bar, Lounge or Bingo Operations.

SECTION 8. After July 1, 2011, all Chapter Bar or Lounge Operations and Ancillary Income will be considered a fund-raiser and will need Department approval annually for each subsequent Fiscal Year, July 1 – June 30.

- (a) Annual Department approval will be based on the Annual Financial Report filed with the Department within ninety (90) days after the close of Fiscal Year, June 30<sup>th</sup>, as stipulated in Article 9, Section 9.3, Para. 1 of the National Bylaws.

- (b) Failure of a Chapter with a Bar or Lounge Operation and/or Ancillary Income to divide net income, as directed in Section 5, will result in the review of said Chapter's Charter by the State Commander and/or National Commander; or the revocation of said Chapter's Charter by the National Commander in accordance of Article 6, Section 6.4 of the National Bylaw.
- (c) Chapter Bar or Lounge Operations are subject to annual audit and inspection as directed by the Department Commander.

**ARTICLE XXII**

**Gender**

The masculine, whenever used in the Department Constitution and Bylaws, shall include the feminine gender.

This Constitution and Bylaws adopted by the Department of Wisconsin, Inc., Disabled American Veterans in convention assembled in LaCrosse, Wisconsin, June 20 to 23, 1946, and as amended in convention assembled each year thereafter up to and including 2011.

*Respectfully submitted,  
Kenneth L. Kuehn, Jr.  
Department Adjutant  
June 11, 2011*

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