



Marine Corps League
Department of North Carolina
Office of the Department Judge Advocate

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29 April 2018

To: Department of North Carolina Bylaws Committee
From: Dennis Mathias, Department Judge Advocate

Subj: Proposed Department Bylaws Amendment – ARTICLE FOUR

In accordance with the Bylaws and Administrative Procedures, Article Eight, Section 800, the following is submitted for consideration by the body assembled at the 2018 North Carolina Department Convention.

CURRENT:

ARTICLE FOUR

SECTION 400 - BY-LAWS - A Department Convention may adopt Department Bylaws and Administrative Procedures which are consistent with the National Charter or the National Bylaws and Administrative Procedures, provided they have been approved by the Department Judge Advocate and subsequently by the National Judge Advocate, and provided further, that a copy of such approved Bylaws and Administrative Procedures shall be on file at National Headquarters. **(CH 9-09)**

SECTION 405 - OFFICERS - A Department may have such elected and appointed officers as required by its Department Bylaws or in the absence of Department Bylaws as its Department Convention desires. Each Department, however, must elect a Commandant, Senior Vice Commandant, Junior Vice Commandant and Judge Advocate. The Commandant shall appoint a Chaplain, Sergeant-at-Arms, Adjutant, Paymaster or an Adjutant/Paymaster and other such officers as are deemed necessary to conduct the business of the Department. The standard Report of Officer Installation detailing the new Department Officers must be filed with National Headquarters no later than 31 July annually.

SECTION 410 - MEETINGS - The Department shall hold one Convention each year between 1 May and 15 June. A report of Installation of Officers will be forwarded to National no later than July 1 annually. Department Staff meetings may be held as desired. Department meetings may be

held during the months of September/October and March/April following adjournment of Department Convention, for transaction of official business of the Staff Officers, Department Committees and the Department for the transaction of such other business as may come before it. The Department Charter or copy, the National Colors, and Bible should be displayed at all business meetings. **(CH 9-09) (CH 6-12) (CH 2 & 3-17)**

- A. The hosting Detachment of the Quarterly meeting may charge a registration fee of \$10.00 **(CH 2-17)**

SECTION 415 - TRUSTEES - The Department Board of Trustees shall consist of the elected officers of the Department, the Junior Past Department Commandant or any appointed Past Department Commandant, and the Commandant of each Detachment. **(CH 6- 14)**

SECTION 420 - DEFAULT - A Department which is in default of payment of monies from any source due National Headquarters or fails to submit its Department Officers Installation Report as of 31 July prior to the ensuing National Convention, such fact shall be reported to the National Convention Credentials Committee. The Department and its officers who do not comply with Article one, Section 105 (c) of the National Bylaws will not be recognized at the National Convention.

SECTION 425 - FREEDOM OF ACTION - Unless expressly forbidden by any Section of these Bylaws, a Department Convention and/or a Department Staff meeting shall be free to take such action and engage in such activities as are not in violation with Federal, State, County or Municipality Laws and Ordinances.

SECTION 430 - CHARTER SUSPENSION, REVOCATION - When a Department

Charter is suspended or revoked, the National Board of Trustees upon written authorization by the National Commandant, certified by the National Adjutant/Paymaster, shall have the authority to assume the custody of the affected Department assets, both real and personal. These Properties and assets shall be turned over to the National Adjutant/Paymaster. The affected properties and assets will devolve to be control of the National Board of Trustees until a new Department is formed at which time the affected properties and assets revert to the newly formed Department.

SECTION 435 - QUORUM- The quorum for Department Conventions and Department Staff meetings may be set by the Department Bylaws or in the absence thereof, by the Department Convention. (See section 225 of these By-laws.) The quorum for Department Quarterly meetings shall consist of at least two (2) of the five (5) Department Officer Board of Trustee members and at least one Elected Officer from at least 40% of the Department's active Detachments in attendance on the meeting floor. **(CH 6-12)**

SECTION 440 - BONDING - All Department Officers handling Department monies shall be bonded. The Department Commandant and the Department Adjutant/Paymaster (or Department Paymaster as applicable) are covered under a blanket bond held and paid for by National Headquarters. The bonding of additional Department Officers, when necessary, in compliance

with this section, shall be arranged for by the Department at the expense of the Department. (Article Eight, Section 815 applies).

CHANGE RATIONALE:

Article Four was initially copied from the National Bylaws and were the rules by which all departments will operate. They read from the perspective of the National Bylaws. The proposed changes (~~deletions~~ and adds) make this article read from the perspective of the department. There were no changes of intent, only perspective.

PROPOSED VERBAIGE CHANGE: The proposed text added is underlined and proposed ~~text deleted is struck out~~. The full ARTICLE FOUR without editing marks follows.

ARTICLE FOUR

GOVERNANCE

SECTION 400 - BY-LAWS – ~~A~~ The Department Convention ~~may~~ will adopt Department Bylaws and Administrative Procedures which are consistent with the National Charter or the National Bylaws and Administrative Procedures, provided they have been approved by the Department Judge Advocate and subsequently by the National Judge Advocate, and provided further, that a copy of such approved Bylaws and Administrative Procedures shall be on file at National Headquarters. **(CH 9-09)**

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PROPOSED VERBAIGE CHANGE: Below is the complete ARTICLE FOUR without edits.

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Respectfully Submitted,

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