



# Up To Now!



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## ENCLOSED FOR ADJUTANTS

Enclosed for Adjutants with this edition of the *Up To Now* is a Post-by-Post report of the latest statistics on 2009 membership.

## HATS IN THE RING

Higgins-Jessen Post 88 in White has endorsed Ron Tolrud of White for the office of Alternate National Executive Committeeman for The American Legion Department of South Dakota.

## COMMANDER HULS ANNOUNCES APPOINTMENT

Department Commander Jim Huls has announced that he has appointed Paul Karst of Peever to replace Dale Kurth of Claremont as a member of the South Dakota American Legion Athletic Commission. Karst is appointed to fill the remainder of the unexpired term of Kurth who announced his desire to resign his appointment at the winter meeting of the commission in January. Karst's appointment will expire in 2011.

The Department wishes to express its deep appreciation for Dale Kurth's many years of dedicated and devoted service during his tenure on the Department Athletic Commission. Kurth was first appointed to the Athletic Commission in 2001 and has served since that time. Thank you Dale – for all you have done for American Legion Baseball and the youth of South Dakota.

## 2009 LEGISLATIVE RECEPTION

The 2009 SD American Legion Legislative Reception will be held at the Pierre American Legion Post Home on Tuesday, February 10. The reception will commence at 5:30 p.m. and continue until approximately 9:30 p.m. State Commander Jim Huls has called for an Official Meeting of the Department Legislative Committee at 11:00 a.m. on that day. The meeting is open to all members of the Legion Family who wish to attend.

Legion Family members from all across South Dakota are encouraged to come to Pierre on Tuesday, February 10. It is a great opportunity to witness government in action. Various Legislative Committees will be holding meetings during the morning and both the House of Representatives and Senate will have regular afternoon sessions. If you come to Pierre, you are encouraged to visit the capitol and speak with your legislators and extend your personal invitation to them to attend the Legislative Reception that evening to visit with you and other members of the Legion Family on issues of importance to veterans and veteran service organizations.

## FROM PIERRE

The Eighty-fourth Session of the SD Legislature has gotten off to a slow start due to the uncertainty surrounding the current budget crisis. Governor M. Michael Rounds presented his proposed budget to the legislature and the state on December 2, 2008; and during the State of the State Address on January 13, 2009 announced that he was revising that proposed budget due to the worsening of the financial situation in the state's budget. In his revised budget address, Governor Rounds reported that the shortfall of \$26.8 million for the FY 2009 budget which he had reported in December had grown to \$52.2 million after the revised data from an additional quarter had been compiled. For the FY 2010 budget year, they were estimating that the \$32.4 million shortfall that had originally been reported had increased to an estimated \$81.6 million shortfall. The revised FY 2010 budget did not indicate any appreciable difference for the Department of Military and Veterans Affairs from what had been shown in the original FY 2010 budget proposal.

Due to these shortfalls in projected revenue you will notice that most bills that are requesting any type of appropriation will have final action deferred until late in the session.

The following bills are being followed by your Legislative Lobbyists:

**HB 1001** – This bill would allow service-connected totally disabled veterans, veterans with a "K" Award from the VA, former POWs, free admission to any SD state park or recreation area and 50% discount on any camping fees or associated electrical service fees associated with utilization of the camping facilities. Those qualifying would be issued a lifetime park entrance license by the Department of Game, Fish and Parks. *This bill received a DO PASS AMENDED recommendation from the House Agriculture and Natural Resources Committee (12-0) on 01/29/09 and is now waiting to be heard on the floor of the House of Representatives.*

**HB 1025** – This bill would revise the basic salary schedule for county veteran's service officers to:

- For counties with populations of 50,000 or over - \$18,500
- For counties with populations of 20,000-50,000 - \$17,500
- For counties with populations of 10,000-20,000 - \$15,000
- For counties with populations of 5,000-10,000 - \$11,250
- For counties with populations of less than 5,000 - \$7,500.

*This bill has had its initial hearing in the House Appropriations Committee and has been deferred for additional hearing(s).*

**HB 1031** – This bill would increase the maximum allowable benefit for erecting veteran's grave markers of headstones from the current \$40 to \$100. *This bill has had its initial hearing in the House Appropriations Committee and has been deferred for additional hearing(s).*

**HB 1237** – This bill would make an appropriation of \$800,000 to fund property and sales tax refunds for elderly persons and persons with disabilities. *The American Legion was instrumental in the original passage of this act many years ago and will monitor the status of the bill during this legislative session.*

**SB 9** – This bill would have authorized veterans who have special Purple Heart license plates on their motor vehicles and who have physical disabilities to park in those parking spaces normally reserved for persons with disabilities without displaying an additional handicap placard. *The bill received a DO PASS recommendation (4-3) from the Senate Transportation Committee on 01/28/09, but failed to pass (11-24) on the Senate floor on 01/29/09.*

**SB 43** – This bill was introduced to "repeal the sales and use tax exemptions for certain amateur sports officials and rodeo services." However, at the initial hearing in the Senate Taxation Committee (01/28/09) the Secretary of the Department of Revenue immediately proposed an amendment repealing the sales and use tax exemptions on the dues collected by all membership organizations as well. **This would include The American Legion and would require the Legion to collect sales tax on our membership dues.** *The Committee Chairman of the Senate Taxation Committee deferred action on the bill and scheduled additional hearing(s) to enable more testimony on this bill prior to determining its disposition. Your Legislative Lobbyists will testify against this bill and every member of The Legion Family should contact his/her Legislators and request that they OPPOSE the passage of this bill.*

**SB 111** – This bill would authorize unemployment benefits for the spouses of military personnel who leave employment due to the necessity to relocate to a new residence to accompany a spouse who is on active military duty and reassigned to another military duty station. *This bill is awaiting hearing(s) in the Senate Commerce Committee. The*

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American Legion is watching this bill.

**SB 138** – This bill would require the Director of the Division of Veterans Affairs, all other employees of the Division of Veterans Affairs who are veterans, and all county veteran service officers who are veterans, to have honorable discharges from all periods of service in the Armed Forces of the United States. *This bill is awaiting hearing(s) in the Senate State Affairs Committee. This is a revision and reintroduction of HB 1298 that we tried to get through last year and has been revised to include persons other than just the Director. Your Legislative Lobbyists will testify in support of this bill and every Legionnaire should contact his/her Legislators and request that they SUPPORT passage of this bill.*

**SB 151** – This bill would authorize the parents of a member of the Armed Forces of the United States who died while in service to this country or who died as a result of the service, to receive a maximum of two sets of special license plates which honor the parent as a Gold Star parent. *This bill is awaiting hearing(s) in the Senate Transportation Committee. Your Legislative Lobbyists will testify in support of this bill. All members of The American Legion Family should contact their Legislators and request that they SUPPORT passage of this bill.*

**SB 167** – This bill would create a National Guard Commission the seven members of which would be appointed by the Governor to serve under the administrative direction and supervision of the Department of Military and Veterans Affairs. The purpose of the commission would be to advise the Governor on matters pertaining to the SD National Guard. *This bill is awaiting hearing(s) in the Senate State Affairs Committee. Your Legislative Lobbyists are watching this bill.*

#### **NATIONAL COMMANDER SENDS LETTER TO SPEAKER OF THE HOUSE**

The following letter was sent by the National Commander of The American Legion to the Speaker of the US House of Representatives on January 23, 2009.

Dear Speaker Pelosi:

As you and your colleagues consider the American Recovery and Reinvestment Plan, The American Legion offers its full support for those provisions which would invest in America's service members, veterans and their families.

The American Legion applauds the efforts of the leadership to invest \$6 billion for military construction and \$1 billion for much needed Department of Veterans Affairs (VA) facilities and cemeteries. This package will address military construction projects such as military hospitals and ambulatory centers, barracks and dormitories, and child development centers on military installations. The bill also provides funding to address repairs to VA medical facilities and monument/memorial repairs in cemeteries across the nation.

Nothing will help "jump start" the national economy more than construction and employment programs within the veterans' community. The American Legion would encourage Department of Defense and VA to aggressively award these projects to veteran-owned small businesses, especially those small businesses owned by disabled veterans in local communities across the country, in accordance with Public Law 107-288, the Jobs for Veterans Act of 2002.

Once again, The American Legion supports timely passage and enactment of the American Recovery and Reinvestment Plan.

Thank you for your continued commitment to America's veterans and their families.

#### **MIDWINTER CONFERENCE**

The 2009 South Dakota American Legion MidWinter Conference will be held Friday-Sunday, February 13-15, 2009 at the Cedar Shore Resort in Oacoma. A brief summary of the schedule is as follows:

##### **Friday, February 13**

12:00 noon Registration Desk Opens

1:00 p.m. Executive Committee Meeting

7:00 p.m. Joint Legion/Auxiliary/SAL Banquet

##### **Saturday, February 14**

8:30 a.m. Joint Opening Session

10:30 a.m. Close Joint Session – Legion/Auxiliary/SAL to separate

meetings

10:30 a. m. Legion General Session

6:00 p.m. Go Getters Cocktail Reception/ Smorgasbord

9:00 p.m. Hospitality Rooms for Candidates

##### **Sunday, February 15**

8:30 a.m. Non-denominational Service

After Service - Department Finals American Legion High School

Oratorical Scholarship "Constitutional Speech Contest"

#### **MIDWINTER CONFERENCE BANQUET TICKETS**

Ticket for the MidWinter Conference Joint Banquet will be by advanced sales only. The deadline date for requesting your ticket is February 6, 2009. No tickets will be available at the event. The Joint Banquet will be held Friday, February 13, 2009 at 7:00 p.m.

Tickets are \$30.00 each and can be obtained by sending \$30.00 per ticket requested to Potter American Legion Post 3, PO Box 348, Chamberlain, SD 57325.

#### **JACKRABBITS TO HOST MILITARY APPRECIATION DAY**

Military Appreciation Day – To honor those currently serving and those who served our country in the past, the South Dakota State Athletic Department would like to offer two free tickets to all military personnel for the men's basketball game against Southern Utah on Thursday, February 12.

Veterans and current service members with valid military I.D., copy of their DD form 214, or with a V.A., V.F.W. or American Legion membership card can pick up their two free tickets on the night of the game at the ticket window in Frost Arena. The doors open at 6:00 p.m., with tip-off scheduled for 7:00 p.m. For more information please call 1-866-465-2257.

#### **STATE CHAMPIONSHIP ORATORY CONTEST**

The state finals for the South Dakota American Legion Oratorical Scholarship High School Constitutional Speech Contest will be held in conjunction with the 2009 South Dakota American Legion MidWinter Conference on Sunday, February 15, 2009 at the Cedar Shore Resort in Oacoma, SD.

The winner of the State Contest will receive a \$1,000 scholarship. The second place winner will receive a \$500 scholarship, the third place winner will receive a \$300 scholarship, and the fourth and fifth place winners will each receive \$100 scholarship.

The state champion will continue on into the national level competition which will be held in Indianapolis, IN in April. The prizes at the national level include an \$18,000 scholarship for first place, a \$16,000 for second place and a \$14,000 scholarship for third place. Contestants in the national competition also receive a \$1,500 scholarship for participating in each level of competition leading to the national finals.

The State Finals Contest will commence after the Non-denominational service on Sunday and will feature the following area contest winners who have advanced to the state finals:

Area 1 (District 1 and 7) – Meg Henrickson – Yankton

Area 2 (Districts 2,5 and 6) – Ryan Zobel – Arlington

Area 3 (Districts 3, 4 and 14) – Haley Hardie – Watertown

Area 4 (Districts 8, 9 and 13) – Candace Shippy – Colome

Area 5 (Districts 10, 11 and 12) – Jenae Logan – Gettysburg

#### **MEMBERSHIP UPDATE**

2009 Department membership stands at 22,204, or 88.57% of the 2009 national goal.

All Posts are requested to make sure that all 2009 membership is turned in to Department Headquarters or at the membership session at the MidWinter Conference in Oacoma on Saturday, February 14, 2009.

The Department is currently in 3<sup>rd</sup> position in the nation in membership. But we have a ways to go yet to meet Department Commander Huls pledge of 92.75% by the Legion Birthday National Membership Target Date. We can still make it –but we need everyone's assistance.

Make sure your Post is involved in recruiting and retaining the members we need to make this target. As Membership Chairman LaVaun Holan says, "Thousands would if they could and thousands could if they would".