

**APPROVED**  
**South Dakota Veterans Commission Meeting**  
**December 16, 2010**  
**Conference Call**

The conference call meeting of the South Dakota Veterans Commission was called to order at 10:05 am (CT) on Thursday, December 16, 2010, by Chairman Hubbard.

Chairman Hubbard noted that all legal requirements as outlined in SDCL 1-25-1 and 1-25-1.1 were met with regard to this meeting.

**Roll Call** - Chairman Hubbard asked staff to take roll call. Roll call indicated five Commissioners were present for the conference call meeting. Commissioners present were: Mike Birnbaum, Wade Hubbard, Bill Locken, Gene Murphy and John Noyes. Commissioner Murphy noted that Ken Loughlin, from the PVA, and Derek Douglas from the State Director of Student Veterans of America were participating in the call as well.

Staff: Deputy Secretary Steve Harding, Division Director Charles Claussen, Public Information Officer Audry Ricketts, and Veterans Field Supervisor Larry Person.

Chairman Hubbard suggested that the Commission recognize Don Loudner for his years of service to the Commission at their February Commission meeting.

**Review of Agenda** – Chairman Hubbard asked if there were any additions or changes for the proposed agenda. Hubbard suggested that the gavel be turned over to vice chairman elect Mike Birnbaum and that under old business the item be amended to read “selection of vice chairman. A motion was made by Commissioner Murphy, seconded by Commissioner Locken, to transfer chairmanship to Mike Birnbaum and to approve the agenda with the amendment of selection of vice chairman under old business. Roll call vote indicated: Birnbaum – aye, Hubbard - aye, Locken – aye, Murphy – aye and Noyes– aye. Ballot vote indicated five ayes and 0 nays. Motion carried.

**Consideration of Minutes** – Chairman Birnbaum asked the Commission how they wished to handle the October 14-15, 2010, Commission meeting minutes. A motion was made by Commissioner Locken, seconded by Commissioner Noyes, to approve the October 14-15, 2010, Commission meeting minutes as presented. Roll call vote indicated: Birnbaum – aye, Hubbard - aye, Locken – aye, Murphy – aye and Noyes– aye. Ballot vote indicated five ayes and 0 nays. Motion carried.

**Legislative Review** – Chairman Birnbaum called on Deputy Secretary Harding for an update on the Department’s legislative issues. Deputy Secretary Harding noted that the Department had three bills that have been submitted as agency bills - bonding authority for State Veterans Home in western South Dakota, closing of the Sisseton Armory, and broadening the scope of the state veterans home life safety grant to include funding of engineer costs for the Veterans Home projects. Discussion ensued with regard to the Commission’s review of SDCL and if the proposed legislation would go in as an Agency bill or a Commission bill. Deputy Secretary Harding noted that it would go in as an Agency bill, but that during the process the Commission would be recognized for their year-long efforts in reviewing the statutes. Commissioner Locken noted that when this bill is introduced that we also note that we worked closely with

the veterans service organizations. In light of Governor Elect Daugaard's announcement to split the Military and Veterans Affairs into two separate departments, Commissioners discussed concerns introducing this legislation now or consider submitting it after Daugaard's direction for the split has been made public. Commissioner Hubbard noted that he had discussed this issue in detail with staff and with LRC and that LRC informed him that there would be two ways to update these statutes once the plan is implemented – 1) the Code Commission could authorize LRC staff to make changes or a bill could be submitted in 2012 that would address statutes that reference Division and Department.

A motion was made by Commissioner Locken, seconded by Commissioner Hubbard to move the Commission's draft bill forward in 2011 as an Agency bill.

Commissioner Hubbard shared concerns that staff had shared with regard to the need to add "tribal" to lines six and nine of 33-16-18. Commissioners and staff then reviewed SDCL 33-16-28.1 addressing tribal references.

Commissioner Hubbard made a motion to adopt changes and then withdrew his motion.

Discussion ensued with regard to repealing SDCL 33-16-21. After considerable discussion, it was the consensus of the Commission to not repeal SDCL 33-16-21 at this time.

A substitute motion was made by Commissioner Murphy, seconded by Commissioner Hubbard, to amend Commissioner Lockens motion to approve the draft bill with the respective amendments. Roll call vote indicated: Birnbaum – aye, Hubbard - aye, Locken – aye, Murphy – aye and Noyes– aye. Ballot vote indicated five ayes and 0 nays. Motion carried.

Chairman Birnbaum then requested Deputy Secretary Harding provide the Commission with an update with regard to the Department's budget proposal for FY2012. Deputy Secretary Harding noted that the budget is an ever changing item. He reported that the Department submitted a request for additional monies for travel and training. He also noted that the department was asked to find 15% cut in the budget. Harding commented that the budget will be ever changing until Daugaard makes his budget proposal and until the Appropriations Committee has met. Harding stated that once we know what cuts will be placed in the budget, he will brief the Commission on how the cuts will impact the Department.

Chairman Birnbaum then requested Deputy Secretary Harding to provide the Commission with an update on the Advisory Task Force conference call held this week and any recommendations the Task Force may have suggested. Harding reported that Task Force members Steve Harding, Charles Claussen, Mike Birnbaum, Gene Murphy, Rick Barg and Denny Brenden met via conference call on Monday, December 13. The Task Force discussed SDCL 33-16-4, 33-16-8, 33-18-4. It was the consensus of all six Task Force members that in light of Governor-Elect Daugaard's directive to create two Departments (Military/Veterans) that perhaps action on these three statutes should be tabled until we know the Governor's direction. Representatives from the service organizations agreed to take back this recommendation to their respective groups and encourage them to support this recommendation. Commissioner Birnbaum noted that he was pleased that the groups were openly talking about these issues. Commissioner Locken expressed his gratitude that the players were willing to wait to see what direction Daugaard has for the Department(s).

Harding also noted that once we have all the final costs in our legislation for the western Veterans Home, that the information would be shared with the service organizations and the Commission.

Chairman Birnbaum asked the Commission to discuss the Commission's lobbyist representation for the 2011 legislative session. A motion was made by Commissioner Locken, seconded by Commissioner Noyes, to register all commissioners as lobbyists for the 2011 legislative session and that all commissioners be directed to support the bills per Commission direction. Roll call vote indicated: Birnbaum – aye, Hubbard - aye, Locken – aye, Murphy – aye and Noyes– aye. Ballot vote indicated five ayes and 0 nays. Motion carried.

**Old Business** – Chairman Birnbaum informed the Commission that they would need to select a new vice chairman for the Veterans Commission. A motion was made by Commissioner Locken, seconded by Commissioner Hubbard, to elect John Noyes as vice chairman of the South Dakota Veterans Commission. Roll call vote indicated: Birnbaum – aye, Hubbard - aye, Locken – aye, Murphy – aye and Noyes– aye. Ballot vote indicated five ayes and 0 nays. Motion carried.

**New Business** – Chairman Birnbaum noted that the New Business item that needed to be addressed was the February membership meeting. The next Commission meeting is scheduled for February 1-2, 2011, in Pierre and much of the agenda would focus on legislative issues. Discussion ensued regarding a potential meeting in the first two-weeks of May. Commissioners requested that a half hour of the February agenda be set aside to discuss future meeting content.

Deputy Secretary Harding thanked Commissioner Hubbard for his leadership this past year in working with the Department and LRC to move legislation forward as well as the review of the statutes.

Chairman Birnbaum asked if there was any further business to come before the Commission. There being none, the conference call adjourned at 11:25 am.

Mike Birnbaum, Chairman