

**APPROVED**  
**South Dakota Veterans Commission Meeting**  
**October 14-15, 2010**  
**Canyon Cottage – Michael J. Fitzmaurice State Veterans Home – Hot Springs, SD**

The meeting of the South Dakota Veterans Commission was called to order at 9:00 am (CT) on Thursday, October 14, 2010, by Chairman Hubbard with the Pledge of Allegiance.

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 a quorum was present. Commissioners present were: Mike Birnbaum, Wade Hubbard, Bill Locken, Gene Murphy, John Noyes and Don Loudner.

Staff: Secretary Steven Doohen, Deputy Secretary Steve Harding, Division Director Charles Claussen, Public Information Officer Audry Ricketts, Veterans Field Supervisor Larry Person, Field Officer Paul Gremse and Director of Finance Connie Hohn.

**Review of Agenda** – Chairman Hubbard asked if there were any additions or changes for the proposed agenda. Superintendent Wilcox noted that the Quilters Guild had a presentation to make to the Michael J. Fitzmaurice Veterans Home and asked if it could be done in conjunction with this meeting. Commissioner Noyes suggested that future meeting dates be added under new business. A motion was made by Commissioner Locken, seconded by Commissioner Birnbaum, to approve the agenda with the amendments noted. Motion carried.

**Consideration of Minutes** – Chairman Hubbard asked the Commission how they wished to handle the May 18-19, 2010, Commission meeting minutes. A motion was made by Commissioner Noyes, seconded by Commissioner Locken, to approve the May 18-19, 2010, Commission meeting minutes as presented. Motion carried.

**Quilt Presentation** – Chairman Hubbard invited the representatives of the Quilters Guild to come forward to make their presentation. Members of the Guild presented Superintendent Wilcox with a patriotic quilt for the Veterans Home.

**Department Report** - Chairman Hubbard called for reports from the Department. Secretary Doohen thanked all in attendance for their ongoing support of South Dakota's troops and their families. Secretary Doohen focused most of his report on National Guard issues, and noted that Deputy Secretary Harding would update the Commission on State Veterans Home issues, legislative issues and budget issues, and that Division Director Claussen would update the Commission on claims related issues. Doohen then outlined the number of deployments and activations that are scheduled for 2011. He provided the Commission with an overview of the mission of each of the respective units. Secretary Doohen then talked about National Guard recruitment and retention and noted that it is better than it has ever been. Secretary Doohen again, extended an invitation to Don Loudner and the National Cemetery Task Force to visit South Dakota to discuss location criteria for a national cemetery. Secretary Doohen noted that he would contact Congressional offices regarding the criteria requirements for a national cemetery, as well as leaders in the

neighboring states. Commissioner Murphy noted that we need to get our national leaders to change the policy on the location requirements.

Deputy Secretary Steve Harding briefed the Commission on the status of the state veteran's home projects in eastern and western South Dakota. He noted that they are working on the RFP for the eastern home and that they are looking for a private partnership. Harding reported that several communities have been in contact with the Department with regard to this project. Harding then reported that TSP Engineering had been hired for the western state veteran's home. Harding noted that this project must be at 35% design in order to make an application to the VA. Commissioner Locken commended the staff for the work that has been done with regard to state veterans home.

Deputy Secretary Harding then reviewed the three pieces of legislation that the Department would be submitting as agency bills during the 2011 legislative session – 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. Harding then reported on budget related issues and asked that the Commission consider making changes to SDCL 33-16-6 which addresses number of commission meetings.

Director Charles Claussen briefed the Commission on the status of staffing levels, number of claims processed this month, SAA contacts and bonus monies distributed this month. Commissioner Murphy questioned whether the proposed budget cuts would impact the Department's ability to deliver services and retain staff. Deputy Secretary Harding responded to the question.

**Veterans Service Organizations Reports** – Chairman Hubbard opened the floor for reports from the Veterans Service Organizations.

DAV – Commissioner Murphy noted that his material had been distributed to all attendees. He reminded everyone of the upcoming forum with the gubernatorial candidates scheduled for October 30.

American Legion - Adjutant Denny Brenden provided the report on behalf of the South Dakota American Legion. He noted that they have been participating in a lot of outreach programs and Standdowns. He also noted that their legislative agenda has not been determined at this time and would not be finalized until November.

PVA – Commissioner Murphy briefed the Commission on PVA activities, including their upcoming pheasant hunts and referenced the change in their Government Relations division.

VFW –Adjutant Rick Barg provided the report on behalf of the South Dakota Veterans of Foreign Wars. He noted that the VFW has contributed monies for Department employees to participate in national training programs. He also noted that they purchase manuals for all VSOs and field staff. Barg thanked the Department for their support at the Fall District meetings. He also noted that the VFW has assisted with the South Dakota National Guard units when they are deployed and highlighted the VFW's on-going support of the Honor Flight program.

Tribal VSOs – Frank Marshall, Ogalala Sioux Tribal Veteran Service Officer, requested that the field officer position vacated with the resignation of Charles Quinn be filled with a tribal member who can speak the

language, as well as understand the culture. He noted that tribal leaders would be forwarding letters to the Department stating this position.

**Women Veterans Outreach Program** – Chairman Hubbard called on Diane Monahan, VA coordinator for the Women Veterans Outreach program at the Black Hills Health Care System. Monahan provided the Commission with a detailed overview of the numerous challenges faced by the female military personnel and female veterans. Monahan then provided a detailed report on the services provided by the VA for female veterans and noted numerous areas that needed to be changed and/or improved. Monahan stressed the need for female VSOs in the field.

**Congressional Reports** – Chairman Hubbard called on staff from the congressional offices to give their respective reports. Jesse Ewing (Senator Thune’s office), Joel Roberts (Senator Johnson’s office) and Tanya Shepherd (Representative Herseth Sandlin’s office) briefed the commission on legislative issues that have been introduced and the status of respective legislation. Commissioners expressed their concern with the requirements for a national cemetery.

The Commission recessed for lunch at 12:15 pm.

The Commission meeting was called back to order at 1:15 pm.

**Continued Review of South Dakota Codified Law** – Chairman Hubbard requested that the Commission continue with their review of South Dakota Codified Law. Chairman Hubbard noted that with the recent news with regard to the state veteran’s home that it might be prudent for the Commission to leave SDCL Chapter 33-18 alone at this time. Chairman Hubbard also noted that after the Commission’s actions at this meeting, that legislation would be drafted with the suggested recommendations and be submitted to the legislature. Chairman Hubbard again welcomed the representatives from the veteran’s service organizations and encouraged them to be active in this discussion and review of South Dakota statutes pertaining to veterans.

Chairman Hubbard opened the floor for discussion on SDCL 33-16-1. After considerable discussion, a motion was made by Commissioner Birnbaum, seconded by Commissioner Locken, to adopt the following proposal for SDCL-33-16-1

For the purposes of this chapter, a wartime veteran is a person who has served in the armed forces of the United States during a time when the Congress has declared a state of war to exist, who is in such wartime service, or who is a veteran as defined by § 33-17-1, who was a legal resident of South Dakota at the time of entry into service or who, following discharge, has been a resident of this state for one year. However, a nonresident in this state is entitled to any benefits available in this state to a South Dakota resident under the same conditions.

Voting “aye” in the roll-call vote were Commissioners Locken, Hubbard, Noyes, Birnbaum and Murphy. Voting “nay” was Commissioner Loudner. Motion carried.

Commissioner Locken made a motion to adopt the new language proposed for a new section to define “peacetime” veteran for Chapter 33-16. Motion seconded by Commissioner Birnbaum. Motion carried and the new section to read as follows.

For the purposes of this chapter, the term “veteran” means any person who:

- (1) Served on continuous federalized active military duty for a period of at least 90 days for reasons other than training; and
- (2) Was separated or discharged from such service honorably or under honorable conditions.

A motion was made by Commissioner Murphy, seconded by Commissioner Locken, to adopt the proposed changes to SDCL 33-16-2 as follows. Motion Carried.

The Division of Veterans Affairs of the Department of Military and Veterans Affairs shall aid in meeting the emergency needs of dependents of men and women in the armed services and shall represent the interest of veterans, and their dependents in claims they have against the federal government or other agencies growing out of the service of such veterans.

After considerable discussion, a motion was made by Commissioner Birnbaum, seconded by Commissioner Loudner, to remove the word “wartime” from the draft language for SDCL 33-16-4. Motion carried. Representatives from the veteran’s service organizations shared their concerns with the make-up of the Commission. After a considerable amount of discussion among the Commissioners, staff and the veterans service organizations, it was agreed that this issue needed to be studied further and that perhaps a task force could be appointed to study this statute as well as SDCL 33-16-8 and 33-18-4.

Chairman Hubbard then opened the floor for discussion on SDCL 33-16-4.1. After considerable discussion, a motion was made by Commissioner Locken, seconded by Commissioner Birnbaum, to propose the following language for SDCL 33-16-4.1. Motion carried.

The Veterans Commission shall be administered with the assistance of the Division of Veterans' Affairs and the director thereof, but shall retain the quasi-judicial, quasi-legislative, advisory, other non-administrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the director of veterans affairs.

The Commission then reviewed SDCL 33-16-6. A motion was made by Commissioner Murphy, seconded by Commissioner Loudner, to propose the following language for SDCL 33-16-6. Motion carried.

Meetings of the Veterans' Commission shall be held on call of the chairman, vice-chairman, director, or of any three of its members, but not less than two times in a calendar year.

The Commission then reviewed SDCL 33-16-11. A motion was made by Commissioner Murphy, seconded by Commissioner Loudner, to propose the following changes to SDCL 33-16-11. Motion carried.

The director of the Division of Veterans Affairs shall, with the approval of the Department of Military and Veterans Affairs, establish and maintain a sufficient office and field force to carry out the provisions of this chapter, including representation at the U.S. Department of Veterans Affairs facilities in this state.

Chairman Hubbard asked the Commission how they wished to proceed with SDCL 33-16-13. A motion was made by Commissioner Birnbaum, seconded by Commissioner Locken, to not propose any changes to this statute. Motion carried.

The Commission then reviewed SDCL 33-16-14. A motion was made by Commissioner Murphy, seconded by Commissioner Locken, to propose this statute be amended to read as follows. Motion carried.

The Division of Veterans Affairs shall act as the agent of any veteran, National Guard or Reserve member and their dependents of the state having a claim against the United States arising from or connected with service in the armed forces, and prosecute such claim without charge.

The Commission then reviewed SDCL 33-16-17. A motion was made by Commissioner Murphy, seconded by Commissioner Loudner, to propose this statute be amended to read as follows. Motion carried.

The Division of Veterans Affairs shall cooperate in the administration of laws relating to burial of veterans and of other state laws for veterans' benefits.

Commission reviewed SDCL 33-16-18 and a motion was made by Commissioner Murphy, seconded by Commissioner Birnbaum, to propose that the statute be amended to read as follows. Motion carried.

The Division of Veterans Affairs shall cooperate with all national, state, county, municipal, and private social agencies in securing to veterans, National Guard or Reserve members and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public or private social agencies. To that end, the division may hold schools of instruction for county service officers, or call in for instruction individual county service officers if, in the judgment of the Department of Military and Veterans Affairs, the giving of such instructions or holding of such schools is in the best interest of the work of the division. The division may pay the actual necessary expenses of any such county service officer when attending such schools of instruction away from the officer's home county, out of the funds appropriated for the administration of the Division of Veterans Affairs. The expenses may be paid out only on duly itemized vouchers presented to the state auditor and approved by the director of the division.

A motion was made by Commissioner Locken, seconded by Commissioner Murphy, to repeal SDCL 33-16-19, 33-16-20 and 33-16-21. Motion carried.

A motion was made by Commissioner Locken, seconded by Commissioner Birnbaum, to not take any action of SDCL 33-16-24. Motion carried.

A motion was made by Commissioner Murphy, seconded by Commissioner Birnbaum, to propose that statute SDCL 33-16-27 be amended to read as follows. Motion carried.

The county veterans' service officer shall be a veteran who has served in the armed forces of the United States and is a citizen of the United States.

A motion was made by Commissioner Locken, seconded by Commissioner Birnbaum, to not take any action on SDCL 33-16-27.1. Motion carried.

Commission recessed at 5:30 pm.

The Commission meeting reconvened at 8:00 am on Friday morning, October 15, 2010, and opened with the Pledge of Allegiance.

Roll call indicated all commissioners were present.

Chairman Hubbard noted that the Commission would continue with their review of South Dakota Codified Laws dealing with veterans and asked the Commission what action they wanted to take on SDCL 33-17-1. A motion was made by Commissioner Birnbaum, seconded by Commissioner Locken, to propose that the statute be amended to read as follows. Motion carried.

For the purpose of all statutes relating to rights, privileges, exemptions, and benefits (except a state bonus) of wartime veterans and their orphans and other dependents, the term, veteran, means any person who:

- (1) Has performed qualifying military service as defined in § 33-17-2; and
- (2) Has been separated or discharged from the armed forces honorably or under honorable conditions or has been released to any National Guard or Reserve component of the armed forces of the United States.

The Commission then moved on to discussion on SDCL 33-17-1.1. A motion was made by Commissioner Murphy, seconded by Commissioner Birnbaum, to propose the statute be amended to read as follows. Motion carried.

For the purpose of all statutes relating to the rights, privileges, exemptions, and benefits of veterans and their dependents, the term “veteran” means any person who:

- (1) Served on continuous federalized active military duty for a period of at least 90 days for reasons other than training; and
- (2) Was separated or discharged from such service honorably or under honorable conditions.

A motion was made by Commissioner Birnbaum, seconded by Commissioner Murphy, to propose that statute SDCL 33-17-2 be amended to read as follows. Motion carried.

Qualifications for veterans' benefits. As used in § 33-17-1, the term, qualifying military service, means:

- (1) Active duty in the armed forces of the United States for one day or more during the period from April 6, 1917, to November 11, 1918, inclusive;
- (2) Active duty for one day or more during the period from July 28, 1914, to November 11, 1918, inclusive, performed by a citizen of the United States in the armed forces of any nation that was allied with the United States during any part of the period from April 6, 1917, to November 11, 1918, inclusive;
- (3) Active duty in the armed forces of the United States for one day or more during the period from December 7, 1941, to December 31, 1946, inclusive;
- (4) Active duty for one day or more during the period from September 1, 1939, to December 31, 1946, inclusive, performed by a citizen of the United States in the armed forces of any nation that was allied with the United States during any part of the period from December 7, 1941, to December 31, 1946, inclusive;
- (5) Active duty in the armed forces of the United States for one day or more during the period from June 25, 1950, to May 7, 1975, inclusive;
- (6) Active duty in the armed forces of the United States for one day or more during the period from August 2, 1990, until the end of hostilities as determined by the Legislature;
- (7) Active duty in the armed forces of the United States for one day or more in a military action for which the veteran earned an armed forces expeditionary medal or other United States campaign, expeditionary, or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces; or
- (8) Active duty in the armed forces of the United States for one day or more if the veteran has established the existence of a service-connected disability.

Service on active duty by any Reserve or National Guard personnel for training may not be construed as service on active duty, unless the Veterans' Commission determines, by rules promulgated pursuant to chapter 1-26, that such training involved the person in direct participation in or direct support of combat operations against a hostile force.

A motion was made by Commissioner Birnbaum, seconded by Commissioner Noyes to repeal SDCL 33-17-2.1. Motion carried.

After considerable discussion, the Commission elected to not take any action on SDCL 33-17-12 and 33-17-13.

A motion was made by Commissioner Loudner, seconded by Commissioner Locken, to propose that statute SDCL 33-17-14 be amended to read as follows. Motion carried.

The provisions of subdivision 43-28-2(7) apply to certificates of discharge of all persons who are veterans as defined in Chapter 33-17. The certificates shall be recorded without charge and certified copies shall be furnished to the persons named therein or their dependents without charge if requested for the purpose of presenting or prosecuting claims for compensation or pension. Otherwise, a discharge document recorded by the recorder or a designated official may be made available only to the veteran, the veteran's parents, the veteran's next of kin, the veteran's legal representative, a county veterans service officer, a veterans' organization service officer, the Department of Military and Veterans Affairs, or the veteran's designee. Any person requesting a discharge document shall complete a form containing a statement specifying the person's eligibility to receive the document based upon this section. The Department of Military and Veterans Affairs shall provide such forms to each county register of deeds.

A motion was made by Commissioner Locken, seconded by Commissioner Murphy, to propose that statute SDCL 33-17-17.1 be amended to read as follows. Motion carried.

The Veterans' Bonus Board is abolished, and all its functions shall be administered by the Division of Veterans Affairs with oversight of the administrative rules by the Veterans' Commission.

A motion was made by Commissioner Murphy, seconded by Commissioner Locken, to propose that statute SDCL 33-17-19 be amended to read as follows. Motion carried.

The director shall appoint such officers and employ such clerks, assistants, and other help as may be necessary, with utmost regard to existing veterans' preference laws, and shall fix their bonds, salaries, and compensation.

A motion was made by Commissioner Loudner, seconded by Commissioner Birnbaum, to not take any action on SDCL 33-17-39. Motion carried.

SDCL 33-17-41 was discussed and no action was taken.

Chairman Hubbard then opened the floor for discussion on SDCL 33-16-4, 33-16-8 and 33-18.4. After considerable discussion, it was the consensus of the Commission that a task force be appointed to study and discuss SDCL 33-16-4, 33-16-8 and 33-18.4 and for that task force to forward back to the Commission language to be reviewed and considered. The task force will be comprised of two members of the Commission, two members from the South Dakota Veterans Council, Deputy Secretary Steve Harding and Division Director Charles Claussen.

Rick Barg, Adjutant for the VFW, thanked the Commission for including the veteran's service organizations in this ongoing review of statutes and noted that the last few years the veterans network has not worked in unison and it is important for all involved that we continue to find ways to work together. Denny Brendan, Adjutant for the American Legion, echoed these comments and thanked the Commission for this invitation to work together on these statutes.

A motion was made by Commissioner Murphy, seconded by Commissioner Birnbaum, to propose that statute SDCL 33-19-1 be amended to read as follows. Motion carried.

Authority of county or tribal veterans' service officer or field officer. Upon notice to the county or tribal veterans' service officer or field officer of the Division of Veterans Affairs of the death within the county of a person entitled to burial benefits under this chapter, or at the officer's own initiative in a proper case, the veterans' service officer or field officer shall implement the provisions of this chapter in reference to the burial of the deceased.

A motion was made by Commissioner Murphy, seconded by Commissioner Noyes, to propose that statute SDCL 33-19-2 be amended to read as follows. Motion carried.

Any veteran as defined by § 33-17-1, or the veteran's spouse, shall be buried at the expense of this state if:

- (1) The veteran was a citizen of the United States and a resident of South Dakota for one year preceding the veteran's entrance into military service or preceding the veteran's death;
- (2) The veteran's estate or the estate of the veteran's spouse, whether living or deceased, or the immediate family or relatives of the veteran or the veteran's spouse are unable to defray the expenses of the veteran's or the veteran's spouse's funeral; and
- (3) The surviving spouse or relatives of the deceased veteran furnish an affidavit acceptable to the county or tribal veterans' service officer or field officer of the Division of Veterans Affairs that the estate of the decedent or of his or her surviving spouse is not sufficient to defray the funeral expenses.

The Commission then reviewed SDCL 33-19-5 but no action as taken.

A motion was made by Commissioner Birnbaum, seconded by Commissioner Murphy, to propose that statute SDCL 33-19-6 be amended to read as follows. Motion carried.

All expenses incurred under the provisions of §§ 33-19-2 to 33-19-5, inclusive, shall be approved, allowed, and certified, by the county or tribal veterans' service officer or field officer of the Division of Veterans Affairs upon forms provided by the Division of Veterans Affairs. The county or tribal veteran's service officer or field officer shall

forward the forms to the Division of Veterans Affairs. The division shall certify and forward the forms to the state auditor.

Upon receipt of the certified forms, the state auditor shall draw a warrant on the state treasurer in favor of the person or persons entitled to the payment for the amount specified on the forms.

A motion was made by Commissioner Locken, seconded by Commissioner Murphy, to propose that statute SDCL 33-19-7 be amended to read as follows. Motion carried.

There is hereby annually appropriated out of the money in the state treasury a sum sufficient to carry out the provisions of §§ 33-19-2 to 33-19-6, inclusive.

The Commission reviewed SDCL 33-19-8 but had no suggestive changes.

A motion was made by Commissioner Locken, seconded by Commissioner Murphy, to propose that statute SDCL 33-19-9 be amended to read as follows. Motion carried.

Each board of county commissioners of each county of this state may, as soon as the money has been appropriated, purchase not more than ten burial plots and provide for the perpetual care of the plots.

The title to the burial plots is vested in the State of South Dakota, and permits for burial in the plots shall be issued by the county auditor of the respective county.

Chairman Hubbard then called on Sara Elton with the Black Hills National Cemetery. Elton reported on upcoming events, burials to date, burials in 2010 and projects that have been completed. Commissioners questioned of Elton with regard to a veteran's cemetery in eastern South Dakota. Elton reviewed the radius issue as well as outlined the development of cemeteries in Nebraska, Colorado and Iowa. Elton then provided an update on the tribal cemeteries.

Chairman Hubbard then reviewed SDCL 33-19-10, as well as language he had drafted with regard to funeral directors holding on to headstones provided by the federal government.

A motion was made by Commissioner Locken, seconded by Commissioner Noyes, to propose that statute SDCL 33-19-10 be amended to read as follows. Motion carried.

Any county may pay burial expense of persons described in § 33-19-8 for any such burial if the person dies in the county or has legal residence in the county at the time of death and if the relatives or friends of the deceased furnish affidavits acceptable to a circuit judge for the county that the estate of the decedent is not sufficient to defray the funeral expense.

A motion was made by Commissioner Locken, seconded by Commissioner Murphy, that the following language be added as a new section. Motion carried.

The provisions of §§ 44-11-9 or any other provision of law notwithstanding, if a funeral director, operator or cemetery, or other individual involved with the funeral or burial of a veteran is in possession of a headstone, memorial headstone, or marker provided by the United States government in memory of the veteran, the director, operator, or individual may not retain possession of the headstone, memorial headstone, or marker pending payment for property associated with the funeral or burial or for services rendered.

Chairman Hubbard then reviewed SDCL 1-46-7. After some discussion, a motion was made by Commissioner Locken, seconded by Commissioner Murphy, to propose that statute SDCL 1-46-7 be amended to read as follows. Motion carried.

Director of veteran's affairs as head of division--Appointment and tenure. The head of the Division of Veterans Affairs is the director of veteran's affairs. The director shall be nominated as provided by § 33-16-8. The director shall be appointed by the adjutant general to serve at the pleasure of the adjutant general.

The Commission the reviewed SDCL 33-1-2 and 33-1-2.2. A motion was made by Commissioner Birnbaum, seconded by Commissioner Murphy, to review the miscellaneous statutes at a later date. Motion carried.

After considerable discussion, Deputy Secretary Harding noted that he will advise other departments that the Veterans Commission has reviewed and updated their respective statutes and advise them to review the changes to see if there are any direct impacts to their respective statutes dealing with veterans.

Deputy Secretary Harding readdressed the budget process and noted that with a proposed 10% budget cut, there are no guarantees for any department, so it would not be possible to say that with a proposed 10% budget cut, that services and programs would not be impacted.

**Old Business** – Chairman Hubbard asked the Commission if they had any old business to bring before the Commission. There being no old business, the Commission moved on.

**New Business** – Chairman Hubbard noted that New Business items that needed to be addressed were future meeting dates, election of chair and vice chair and selection of Commission representation on the Task Force.

After some discussion, it was suggested that a conference call be held after the Governor's budget address – perhaps the week of December 13<sup>th</sup> and that a Commission meeting be held in February in Pierre in conjunction with the American Legion's legislative function.

Chairman Hubbard opened the floor for discussion on appointment of Commission members to the Task Force to study SDCL 33-16-4, 33-16-8 and 33-18-4. After considerable discussion, a motion was made by Commissioner Loudner, seconded by Commissioner Noyes, to appoint Commissioners Birnbaum and Murphy as the Commission's representative on the Task Force. Chairman Hubbard asked for a roll call vote. The roll call vote indicated Commissioner Locken – aye, Commissioner Loudner – aye,

Commissioner Hubbard – aye, Commissioner Noyes – aye, Commissioner Birnbaum – aye and Commissioner Murphy – aye. Motion carried six to zero.

Chairman Hubbard asked Deputy Secretary Harding to select the date for the meeting and to notify all members of the Task Force.

Chairman Hubbard then opened the floor for the election of officers. Commissioner Birnbaum suggested that Commissioner Hubbard stay in the chairman position for another year. Chairman Hubbard expressed his concerns with this and respectfully declined. After considerable discussion, a motion was made by Commissioner Birnbaum, seconded by Commissioner Murphy, that Don Loudner be appointed as chairman of the Commission. Chairman Hubbard asked for a roll call vote. The roll call vote indicated Commissioner Locken – aye, Commissioner Loudner – aye, Commissioner Hubbard – aye, Commissioner Noyes – aye, Commissioner Birnbaum – aye and Commissioner Murphy – aye. Motion carried six to zero.

Chairman Hubbard then opened the floor for nominations for vice chairman. A motion was made by Commissioner Locken, seconded by Commissioner Noyes, that Mike Birnbaum be appointed as vice chairman of the Commission. Chairman Hubbard asked for a roll call vote. The roll call vote indicated Commissioner Locken – aye, Commissioner Loudner – aye, Commissioner Hubbard – aye, Commissioner Noyes – aye, Commissioner Birnbaum – aye and Commissioner Murphy – aye. Motion carried six to zero.

Chairman Hubbard reported to the Commission that he would take the statute changes that were made by the Commission during this meeting and begin drafting legislation. He was still not sure if this would be introduced as a Commission bill, an Agency bill or a joint Commission/Agency bill.

Commissioner Murphy reminded all in attendance of the veterans gubernatorial candidate forum scheduled for October 30 in Sioux Falls.

Commissioner Loudner commended Wade for his work on the statutes.

Commissioner Murphy made a motion, seconded by Commissioner Birnbaum, to adjourn. Motion carried and the meeting adjourned at 12:00 noon.

Wade Hubbard, Chairman