

**APPROVED**  
**South Dakota Veterans Commission Meeting**  
**February 1-2, 2011**  
**Holiday Inn Express and Suites – Fort Pierre, SD**

The meeting of the South Dakota Veterans Commission was called to order at 1:00 pm (CT) on Tuesday, February 1, 2011, by Chairman Birnbaum.

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

President Birnbaum called on Deputy Secretary Harding to introduce new Commissioner KC Russell.

**Roll Call** - Chairman Birnbaum asked staff to take roll call. Roll call indicated five Commissioners were present. Commissioners present were: Mike Birnbaum, Wade Hubbard, Bill Locken, Gene Murphy and KC Russell. Commissioner Noyes was excused.

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

**Review of Agenda** – Chairman Birnbaum asked if there were any additions or changes for the proposed agenda. Commissioner Locken made a motion, seconded by Commissioner Hubbard, to approve the agenda with the following additions: Report from Secretary Doohen, Presentation by Governor Daugaard and Lt. Governor Michaels. Motion carried.

**Consideration of Minutes** – Chairman Birnbaum asked the Commission how they wished to handle the December 16, 2010, Commission meeting conference call minutes. Commissioner Murphy pointed out that the spelling of Derek Douglas on Page one of the minutes should be corrected and then moved the approval of the minutes as amended. Motion was seconded by Commissioner Locken and motion carried.

**Secretary Doohen's Report** – Chairman Birnbaum called on Secretary Doohen. Secretary Doohen reported on the Department's budget presentation before the Joint Appropriations Committee. Major General Doohen then noted that he would be retiring this spring after 40 years of service. He thanked the Commission for their ongoing dedicated service and commended the veteran network for all their efforts. He stated, "We're all old warriors and don't want to back down from a battle but it is important to stay focused on our veterans. Major General Doohen then presented the Commission members with his respective coin.

**Department Report** – Chairman Birnbaum called on Deputy Secretary Harding for an update on the Department's legislative issues. Deputy Secretary Harding noted that the Department had submitted four agency bills –

SB-6: An act to provide for the transfer of the state's interests in the Sisseton National Guard Armory to the city of Sisseton.

SB-51: An act to revise certain provisions relating to a previous appropriation for renovation of the nursing care building on the South Dakota Veterans' Home campus and to declare an emergency.

SB-52: An act to authorize the South Dakota Building Authority and the Department of Military and Veterans Affairs to provide for the design, construction, and equipping of the veterans home near Hot Springs and to declare an emergency.

SB-53: An act to revise certain provisions relating to the Veterans Commission and to veterans' rights, benefits, and services.

Deputy Secretary Harding encouraged the Commission and all veterans' service organizations to support these bills. He noted that if Senate Bills 51 and 52 fail, the western Veterans Home would be on hold for another year.

Deputy Secretary Harding then provided the Commission with an update on the status of the western and eastern Veterans Home projects, the proposed Department Budget for FY12, Medicaid Certification for Michael J. Fitzmaurice Veterans Home and the Governor's Executive Order to create a Department of Military and a Department of Veterans Affairs. Considerable discussion ensued with regard to the proposed budget cuts. Commissioners voiced concern with the cuts to the salary and travel reimbursement to the counties and the DAV/PVA grant.

In light of the budget deficit, Commissioner Murphy made a motion, seconded by Commissioner Russell, that the Commissioners forego their stipend for this two-day meeting and that the funds be contributed to the DAV transportation fund. Chairman Birnbaum called for a roll call vote. The roll call vote indicated one aye (Murphy), one abstention (Hubbard) and three nays (Birnbaum, Locken, and Russell). Motion failed.

**Legislative Review** – Chairman Birnbaum then called on Commissioner Hubbard for a review of other legislation that pertains to veterans. It was noted that the Commissioners Hubbard and Birnbaum were registered to lobby on behalf of the Commission.

SB 56 – An act to revise the qualifications of a county veterans' service officer. The Commission asked Commissioner Hubbard to testify that it's a good bill but that this language is already contained in the Commission's Bill – SB 53.

SB 69 – An act to repeal certain provisions relating to county veterans memorials. A motion was made by Commissioner Hubbard, seconded by Commissioner Locken, to authorize Commissioner Hubbard to testify on behalf of the Commission in support of Senate Bill 69 as amended. Motion carried.

HB 1083 – An act to revise certain state education benefits for veterans. A motion was made by Commissioner Hubbard, seconded by Commissioner Murphy, to authorize Commissioner Hubbard to testify on behalf of the Commission in support of House Bill 1083. The vote was two ayes and three nays. Motion failed.

HB 1125 – An act to increase the amount of certain veterans' bonus payments. After considerable discussion it was the consensus of the Commission that although conceptually House Bill 1125 is a good idea, the timing does not align with the State's budget deficit. The Commission decided collectively to take no action on this bill.

HB 1126 – An act to revise the salary schedule for veterans’ service officers. A motion was made by Commissioner Murphy, seconded by Commissioner Russell, to authorize Commissioner Hubbard to testify on behalf of the Commission in support of House Bill 1126. Chairman Birnbaum called for a roll call vote. The vote indicated 4 ayes (Russell, Hubbard, Birnbaum, Murphy) and one abstention (Locken). Motion carried.

HB 1163 – An act to allow certain disabled veterans to obtain a disabled hunter permit. After considerable discussion, the Commission agreed not to take any action with regard to House Bill 1163.

HB 1196 – An act to provide for the establishment of veterans resource centers at certain state colleges and universities. After considerable discussion, the Commission agreed that due to the budget deficit there would not be monies to support this bill and took no official action on House Bill 1196.

HB 1245 – An act to revise and repeal certain provisions regarding the salary and travel reimbursement for county veterans’ service officers. Although the Commission was quite concerned with the permanent deletion of the statute addressing reimbursement to counties, they decided not to take action on House Bill 1245.

SB 73 – An act to establish a preference for veterans and disabled persons when leasing residential property owned by counties. Although the Commission discussed the concept of the legislation, Commissioner Hubbard pointed out that the bill failed to receive support on the Senate Floor.

SB 139 – An act to exempt from state regulation certain medical foster home care for veterans. A motion was made by Commissioner Murphy, seconded by Commissioner Hubbard, that the Commission support Senate Bill 139. Chairman Birnbaum requested a roll call vote. The roll call vote indicated 5 ayes (Russell, Hubbard, Birnbaum, Locken and Murphy) and no nays. Motion carried.

Senate Bills 51, an act to revise certain provisions relating to a previous appropriation for renovation of the nursing care building on the South Dakota Veterans Home campus and to declare an emergency, and 52, an act to authorize the South Dakota Building Authority and the Department of Military and Veterans Affairs to provide for the design, construction, and equipping of the veterans home near Hot Springs and to declare an emergency were discussed. A motion was made by Commissioner Locken, seconded by Commissioner Murphy, that the Commission support both Senate Bill 51 and Senate Bill 52. Motion carried.

SB 161 – An act to prohibit certain unfair or discriminatory practices based on age and veterans or military status. A motion was made by Commissioner Murphy, seconded by Commissioner Hubbard, to support Senate Bill 161. Motion carried.

Senate Bill 188 – An act to revise certain provisions regarding the eligibility of National Guard members for certain graduate tuition reductions. No action was taken

SB 58 – An act to provide tuition benefits to certain National Guard members attending tribal colleges. After considerable discussion, a motion was made by Commissioner Murphy, seconded by Commissioner Russell, that the Commission support Senate Bill 58. Motion carried.

The Commission then broke from their legislative review and welcomed Governor Daugaard and Lt. Governor Michaels. Governor Daugaard thanked the Commission for their work and reviewed with them his proposed budgets to the two departments, the executive order creating two new departments – Department of Military and the Department of Veterans Affairs, staff contacts for each department, the State Veterans Home, and House Bill 1245. The Governor then reviewed his goal and expectations for the Commission.

Meeting recessed at 4:55 pm.

The Commission meeting reconvened at 8:00 am on Wednesday morning, February 2, 2011, and opened with the Pledge of Allegiance.

Roll call indicated five commissioners were present - Commissioners: Birnbaum, Hubbard, Murphy, Locken and Russell.

**Veterans Service Organization Reports** - Chairman Birnbaum called on the representatives of the veterans service organizations for their reports. Denny Brenden, state adjutant for the American Legion briefed the Commission on sporting programs, Boys State, oratory programs, mid-winter conference, legislative conference, district meetings, state convention, and contributions made to support Honor Flight. Commissioner Hubbard asked Brenden to brief the Commission on their legislative agenda. Brenden then requested that the County VSOs and the Department's Field Officers help man the booth at the State Fair. Many times when veterans come through there is no one in the booth that can answer the questions or guide the veteran to a contact.

Gene Murphy reported on behalf of the DAV. Murphy briefed the Commission on their upcoming state convention, groundbreaking for the national memorial, vans purchased, state and national legislative issues and grants.

Ken Laughlin reported on behalf of the PVA. Laughlin reported on their recent reorganization of staff and duties, conference and convention dates, and upcoming sporting events.

**Congressional Reports** – Chairman Birnbaum noted that none of the congressional offices had representation at the meeting, but that Senator Thune had provided a written report and that his report was forwarded to all Commissioners and had been posted on the Department's web page for the Commission. Commissioner Locken expressed his concerns with Congresswoman Noem's failure to have staff present at some of their events in western South Dakota.

**Old Business** – Chairman Birnbaum asked if there was any old business. There being none, the Commission moved on to "new business".

**New Business** – Chairman Birnbaum noted that the New Business items that needed to be addressed were future meeting dates and content for meeting agendas. The Commission discussed the concept of having part of their meeting in the evening to allow for working veterans to participate in the meetings. Although no official action was taken, the Commission was in agreement for the Commission to meet via conference call in May and a face-to-face meeting in September in western South Dakota.

Commissioner Murphy asked the Commission to discuss Senate Bill 123 – an act to allow military spouses to receive unemployment compensation if they leave their jobs due to a spouse’s military transfer. The Commission took no action on this bill.

Deputy Secretary Harding then distributed an outline of the budget cuts for the Department of Veterans Affairs. Commissioner Murphy reiterated his concern with the cut in the DAV/PVA transportation grant.

Chairman Birnbaum asked if there was any further business to come before the Commission. There being none, the meeting adjourned at 9:30 am to go to the Capitol and testify in support of Senate Bill 139 on behalf of the Veterans Commission.

Mike Birnbaum, Chairman