

**SD Veterans Commission Meeting**  
(As approved amended 1 October 2008)  
**26 & 27, June 2008 – Building 145 Rm 108**  
**Ft. Meade, South Dakota**

Members present: Chairman Mike Birnbaum, Commissioner Bill Locken, Commissioner Gene Murphy, Commissioner Paul Evenson, Commissioner Don Clarke and Commissioner Don Loudner.

The meeting was called to order at 10:00 AM (MT), at Ft Meade, Building 145 Room 108, by Chairman Birnbaum, with the Pledge of Allegiance being lead by Commissioner Locken. Chairman Birnbaum welcomed all audience members.

Minutes of the March meeting were discussed. A motion was made to amend the minutes, by adding, on page 10 after the 4<sup>th</sup> paragraph; Commissioner Loudner and Mr. Wilcox are to meet and discuss the policy on how a Veteran qualifies to be a resident of the State Veterans Home. Motion 2<sup>nd</sup> by Commissioner Evenson, with all members voting in favor, motion passed to amend the March minutes.

Conference call minutes were discussed. Don Clarke moved to show the meeting adjourned at 11: 25 AM; 2<sup>nd</sup> by Commissioner Locken. Motion passed with all members voting in favor.

Commissioner Loudner requested the minutes of each meeting be sent out ahead of the upcoming meeting for the Commission's review. It was brought to the Commission's attention the minutes are included in the Commission Packet sent out approximately two to three weeks before each meeting. In the future conference call minutes will be sent as soon as one of the members has them typed and ready.

Chairman Birnbaum made contact with the Attorney Generals Office for information on the rules and laws for open meetings.

Michelle Leach, Indian Health Services (IHS), came forward to explain the purpose and policies of IHS. Robert McSwain is the Director and Charlene Red Thunder is Director of Patient Care.

IHS provides two types of services.

1. **Direct Service** – care is provided at the facility
  - Regarded by community in which he/she lives
  - Prove enrollment – descendant
  - Resides on tax-exempt land or owns restricted property
  - Actively participates in tribal affairs
  - Other reasonable factors indicative of Indian descent

2. **Contract Health Services** – sent to contract facility for care not able to treat/provide at a Direct Service facility
- Members of federally recognized tribes who reside on or near the reservation
  - Reside within the contract health service delivery area (CHSDA)

If a Veteran goes to an IHS facility for care (Contract Health) the Veteran has to apply to the VA or alternate resources. In case of emergent care the Veteran will be treated and IHS will ask for the VA to help with the expense.

If the Veteran goes in for Direct Care they can be seen. Satellite clinics are encouraged for Veterans to use.

Commissioner Locken suggested an IHS facility always provide care to the Native American Veteran when needed.

Commissioner Loudner is with the understanding a Veteran was told he could not receive care at an IHS facility. Commissioner Loudner would like a signed statement stating a Native American Veteran can be seen at an IHS facility.

Commissioner Locken asked who would be the best person to contact when the Commission receives a complaint in order for the complaint to be resolved. Ms. Leach said if she was contacted she would do the “leg work” and forward to the correct person or resolve the issue herself.

Commissioner Locken invited Ms. Leach to attend the C/TVSO training in August to present information on this issue to the C/TVSO's. Red Vetter and Larry Person explained the training to Ms. Leach. Larry Person will contact Ms. Leach to work out details.

IHS and the Commission concede to work together, in order to provide health care to the Native American Veterans, it is important to help advise and guide our Veterans.

Commissioner Loudner informed the group currently there is a study being done to decide where a Veteran wants care – the VA or IHS. This study will help IHS to receive reimbursement costs from the VA.

Commissioner Evenson asked Ms. Leach to explain the work she has done in the past with Peter Henry. Ms. Leach informed the Commission IHS is buying services from the Hot Springs and Ft. Meade facilities. It was also asked if there are VA clinics on the reservations. Ms. Leach said at one time there were satellite clinics that came to the reservations to provide care.

Communication is important for the VA and IHS to maintain as part of resolving these issues was a statement by Commissioner Clarke. Commissioner Loudner feels Veterans are denied care at IHS facilities.

Ms. Leach stated education for all parties involved is an important key for understanding and issue resolutions.

Commissioner Locken inquired to the time period it takes to verify eligibility for a Veteran to be provided care at an IHS facility. Ms. Leach replied the verification is done while the Veteran is there (this is for Direct Care).

Ms. Leach can be reached at (605) 228-6957.

Chairman Birnbaum stated 25% of Veterans use the VA health care facilities. Is there a percentage of Veterans that use IHS care, which can be provided to the Commission?

Priority 1 is not paid by IHS, was information from the C/TVSO's, given to Commissioner Murphy.

It is requested a representative with IHS attend a meeting once a year to update and inform the Commission.

KC Russell, Indian Health Care Initiative (IHCI) Director, reported:

- In 2007 the SD Health Commission began looking at ways to address the numbers of uninsured and underinsured South Dakotans
- The Zaniya report had several recommendations dealing with the huge health disparities among American Indians in the state
- Governor Rounds asked Mr. Russell to develop an initiative for partnerships to address the health disparities
- Need to indentify providers and resources and seek solutions from Tribal, Federal, State and Private providers
- The initiative will continue to focus on partnerships and gather solutions that can be carried on for the long term

Chairman Birnbaum inquired if deaths because of disparity are a certain group or various groups. Deaths because of disparity are in all areas was Mr. Russell's comment.

Commissioner Clarke asked what organizations Mr. Russell works with. Mr. Russell said all organizations are included.

Commissioner Evenson inquired as to how many reservation Veterans use the VA vans. Mr. Russell said the vans run in the Sisseton, Ft. Thompson and Pine Ridge areas.

Indian Health Care Initiative is currently an on going study funded by grants.

Earl Schultz came forward to present the following:

- Veterans' Preference Laws and special appointing authorities help the federal government maintain a high record of employing Veterans
- The Office of Personnel Management dictates hiring system
- Mr. Schultz is contacted about Veterans needing jobs
- Veterans Employment Opportunities Act of 1998 gives Veterans access to federal jobs that might be otherwise closed to them
- If a Veteran is 30% disabled, a letter needs to be written telling why the Veteran was not hired

A short discussion at this time took place on recommendations to the Governor's office and the various options of hiring a Veteran. Chairman Birnbaum questioned if BOP should be involved if it was decided to take action. Todd Kolden (SD DOL) stated he had previously discussed changes to the state's Veterans' preference policy.

Commissioner Murphy made the following motion. The Commission composes a letter, with the help of Earl Schultz, for the state to Direct Hire all qualified South Dakota Veterans, with emphasis on a 30% or higher disability rating. Then forward the letter to Governor Rounds to establish a policy or resolution for the State of South Dakota. Motion 2<sup>nd</sup> by Don Loudner, motion passed with all members voting in favor.

Commissioner Murphy moved the Commission contact Rep. Herseth-Sandlin, Sen. Johnson and Sen. Thune to support and co-sponsor HR 6272 for reauthorizing funding. 2<sup>nd</sup> by Commissioner Evenson, with all members voting in favor, motion passed.

Mr. Schultz told the Commission the budget looks good. Mr. Schultz took on two more states that will affect the budget for next year.

Chairman Birnbaum asked for a report on the Job Fair currently going on in Rapid City. Mr. Kolden said an after action report could be sent next week.

Commissioner Loudner gave an updated report on the State Cemetery Initiative. Commissioner Loudner attended a meeting in West Palm Beach and explained to the members/attendees the importance for South Dakota to have a cemetery in the east part of our state. He explained the travel distance and cost from the east to west part of the state and asked for the law to be reviewed in order to help accommodate states like South Dakota to qualify for a federal cemetery. A study is being done for the committee; if findings are in support of request then congress would have to change the law.

Meeting was recessed for lunch at 12:07 PM (MT) and reconvened at 1:04 PM (MT).

The Commission asked Larry Wilcox, SD State Veterans Home Director to present his report. Mr. Wilcox reported the following:

- Census is at 129
- 180 day extension for Life Safety Grant to utilize monies remaining
- A study on the need for State Veterans home services across the state should be completed this coming September
- The research firm will use data recently collected in a study on the long term health care needs for all South Dakotans
- The firm plans to work with Veterans Organizations and stake holders

Chairman Birnbaum informed the members the Adjutant General would be asking 1 or 2 members of the Commission to be on this study committee and would like to appoint these members now. By doing this the Commission will be prepared when called upon.

Chairman Birnbaum stated he would like to appoint Bill Locken and Paul Evenson to be on this committee. All other members agreed on these appointments.

Mr. Wilcox told Commissioner Murphy and members the budget is "OK" with the following additional comments:

- Looking at ways to help off-set the cost of fuel
- National Guard is working on improvements to the grounds
- Cemetery is kept mowed and weeded, no watering
- Burial listing records are kept
- Waiting on study for bio-fuel – monies are better spent on residents

Commissioner Locken asked about job vacancies. Mr. Wilcox will be advertising an opening on Monday for a Service Officer at the home.

Commissioner Evenson inquired if Medicare paid any costs for residents and Commissioner Loudner asked to the number of Native American residents. Medicare will help with costs and there are currently 3 Native American residents. One of them is in the hospital in critical condition.

George Summerside, SD Division of Veterans Affairs, Acting Director, thanked those in attendance and the presenters for their time in briefing the Commission. Mr. Summerside provided the following information:

- Spring Mini-conferences were held in Rapid City, Pierre, Mitchell and Watertown in April 28 – May 1
- C/TVSO School Orientation was held in Sioux Falls on June 2-4

- Staff Training included four service officers attending the National VFW Service Officer School in Phoenix, AZ and three field officers attending NACVSO Training School in Charleston, SC
- Annual Service Officer Benefit School will be held August 25-28, 2008 in Pierre, SD
- Trip Training will provide field staff and local C/TVSO's with online access to VA claim information
- VIMS Software is being explored for the field staff and Pierre office staff
- C/TVSO Online Access is encouraged in each county to enhance their ability to keep pace with the rapidly moving world we live in today
- Faces of Freedom is the public service announcement on Post Traumatic Stress
  - Announcement will air April through September
  - Other states are using this announcement for PTSD as a prototype for their state
- SD DVA/CTVSO Leadership Team will explore new and innovative ways to enhance training, technology and outreach efforts
- Continue to work towards a comprehensive reporting system
- Work Study Committee – Veterans Preference in Hiring
  - Final Report includes three addendums
    1. February 1, 2007 Meeting Minutes
    2. SD Codified Laws
    3. Survey Results
  - Definition of Veteran – The recommendation to the SD Veterans Commission is to keep the laws as written
  - Veterans Preference – Members felt the laws are sound as written with the exception of 3-3-3
    - Members felt this should include a non-judicial option for the Veteran who fees he/she were not allowed preference
  - Survey – Results show many counties and cities need to address this issue either on their employment application, hiring policy or both
  - The tribes that responded were found to be in compliance (8 of 10 tribes responded)

Commissioner Clarke inquired as to the number of C/TVSO positions vacant. All are currently filled or covered.

Commissioner Evenson asked what is suggested when dealing with the issue of Veterans' Preference and not changing SDCL 3-3-3. Mr. Summerside explained many of the cities and counties asked for a good example to appropriately include Veterans Preference on their applications. In many respects these issues were taken care of by doing the study. Also, continue to educate the county and city personal on this issue, is a way to make a change.

Commissioner Locken asked if another study could be done to see how many counties and cities have updated their applications. It was thought this compliance issue could be handled by our field staff and CVSO's. Jerry Lolley, Meade County CVSO, stated he contacted the county and city personal during this study and they updated the applications being used in order to be in compliance. He feels it is appropriate for the CVSO's to help with this issue; awareness and education is a factor to make this change at the county and city levels.

It is recommended by the Commission Mr. Person and Mr. Summerside includes some type of awareness and education at the annual C/TVSO training, in August, to address this issue.

Commissioner Murphy asked about the Definition of a Veteran and Commissioner Locken had concerns about a Veteran having to be "war time". Commissioner Birnbaum recommends the Commission review the study booklet and then discuss these issues at the next commission meeting.

Commissioner Murphy asked about the license plate issue. It was found out the license plates will stay with the owner, under the new law to take effect July 1, 2008.

Sarah Elton, Black Hills National Cemetery, Director introduced herself and gave a short background. Ms. Elton gave the following report:

- 12% of Veterans utilize the National Cemeteries
- 2% of SD Veterans utilize the cemeteries
- Employees at the SD BHNC are Veterans
- Walk-ins are taken
- BLM land next to cemetery is in process to acquire

Commissioner Murphy asked if the funding for travel and cemetery budget is adequate. Ms. Elton stated travel funds are limited. Budget information could be provided at future meeting. Currently the cemetery has 15 full time employees and is authorized for 16.

Commissioner Birnbaum would like to see restroom accommodations built closer to the burial shelter. During discussion it was brought out, due to engineering funding it is difficult to build restrooms and when many of the national cemeteries were built it was with the understanding restrooms would not be built near shelters in order to keep burials running smooth and on schedule.

Todd Kolden, SD Department of Labor, provided a report. The report included the following:

- 5,000 Veteran job-seekers registered and receiving services from SD DOL
- Veterans Employment Entered Rate – 68% - 4<sup>th</sup> in the country
- Veterans Employment Retention Rate – 83% - 4<sup>th</sup> in the country

- May 2008 unemployment rate in SD is 2.5
- Veterans unemployment rate in SD is 2.0
- Nationally unemployment is 5.5
- Nationally Veteran unemployment rate is 4.0
- SD DOL works with the SD DVA, US VA and Veteran Service Organizations as key components in serving our Veterans
- Job seekers most in need include special-disabled, disabled, and newly separated
- Estimated funding for program will receive a slight increase for FY 2009
- REALifelines program continues to expand
  - Provides Veterans and transitioning service member wounded and injured, and their family members resources needed to succeed
  - Developed by the US Department of Labor's Veterans' Employment and Training Service
  - One service member in SD participating in program
- HireVetsFirst campaign continues in SD and nation wide
  - Marketed for both job-seekers and businesses
  - November 2007 was proclaimed Hire Veterans First Month in SD
- Veterans Only Job Fair held in Sioux Falls October 2007
- Veterans Only Job Fair for 2008 to be held in Rapid City June 26 and Sioux Falls August 13
- Workforce 2025 announced by the Governor in Sioux Falls on March 19 including five components
  - Dakota Roots – recruitment
  - Live Dakota – retention
  - Dakota Seeds – internships
  - Build Dakota – industry initiative
  - Grow Dakota – high school
- Goals include
  - Improve transition services provided
  - Improve and focus intensive services to those in most need
  - Continue outreach to partners and stakeholders
  - Continue education and enforcement of USERRA and Veterans' Preference
  - Continue the marketing campaign

Mission Statement – Our mission is to provide Veterans and transitioning service members with the resources and services to succeed in the 21<sup>st</sup> century workforce by maximizing their employment opportunities, protecting their employment rights, and meeting labor market demands with qualified Veterans.

Chairman Birnbaum asked if the job fairs are successful. Mr. Kolden feels they are a great success. Online career fairs are being looked at for future use. REALife is geared for all interested parties, was explained to Commissioner Murphy. Mr. Kolden also informed the Commission internships usually go to 2<sup>nd</sup>

and 3<sup>rd</sup> year college students. Commissioner Evenson is looking forward to a report on the job fair currently being held in Rapid City.

Jerry Lolley asked if the Direct REALife would be networked or names of Veterans provided to the CVSO. The Veteran will be asked to make the contact to the CVSO.

Pete Henry Director of the VA Black Hills Health Care System reported the following:

- Position for Chief of Staff needs to be filled
- DOM Chief is leaving
- FTEE going up
- DAV provided 2 vans – thank you
- Patients are sent outside the system if need be to meet timeline
- 2 problem areas
  - Short one sleep lab tech – this position is traditionally difficult to recruit
  - Oncology not able to renew contract because of Dr. Ebbert's retirement (new staff may not be hired for sometime, not able to take on new patients)

Commissioner Murphy inquired about TBI screening. Mr. Henry explained all OEF/OIF's are screened. 2<sup>nd</sup> level of screening is more precise. Deb Dobson will send numbers screened to Mr. Summerside. Commissioner Murphy asked about the suicide hotline and was told the case management is 26-27. There is an increase in mental health FTE's.

Commissioner Loudner asked for Stand-down dates to be provided and Commissioner Evenson asked Mr. Henry if he felt there was any IHS issue in his area that needed to be addressed. Mr. Henry feels the communications are good in the west river area and sees relations to improve. VISN23 grant was applied for to provide a Rural Health Coordinator. One grant was received for Omaha, Minneapolis and Fargo.

Break was taken at 3:24 PM – 3:40 PM

Jesse Ewing, Senator John Thune's Office reported the following:

- Working to provide adequate funding to Veterans
- 205,000 sought treatment
- 87.5 billion dollars for 2008
- Mandatory Funding introduced by Senator Johnson, Co-sponsored by Senator Thune
- Veteran history project on Senator Thune's website – links to Library of Congress

Darrell Shoemaker, Senator Tim Johnson's Office gave the following points of interest:

- National Cemetery – Senator Johnson will take a look at needs regarding this issue
- Pro-active on VA Office of Rural Health
- Currently debating a House Bill so action on the supplemental is fluid at this time
- Veteran Mental Health and Care
  - Passed Senate on June 4<sup>th</sup>
  - Beefed up treatment and services to Veterans with a substance abuse
  - Provides short term counseling, intensive outpatient or residential care, relapse prevention, ongoing aftercare and outpatient counseling, opiate substitution therapy and pharmacological treatments
- Drug Therapy Tests
  - Concerns about reports in the media regarding Veterans being used as “guinea pigs” for drug therapies at VA hospitals
  - If any South Dakota Veteran feels they are a victim of neglect or mistreatment, notify Senator Johnson's office
- Economic Stimulus Payment
  - Senator Johnson's office is working to notify over 11, 000 South Dakotans who are eligible
  - Asks all Veterans' organizations and officials to help educate eligible Veterans on stimulus payments

Tinia Schepper reported the following for Rep. Herseth Sandlin's office:

- On June 19<sup>th</sup> the House passed a \$161.8 billion supplemental spending bill
- June 26<sup>th</sup> the Economic Opportunity Subcommittee is scheduled to mark up bills and move them to the Veterans' Affairs Committee for consideration
- Effective August 1, 2008 the existing MGIB will provide a 20% increase of basic education entitlements for Veterans not covered under the supplemental
- H. R. Bill provides establishment of Epilepsy Centers of Excellence at each of the five polytrauma rehabilitation centers within the VA

Commissioner Murphy asked why there is not more of an effort in reaching out to the Korean and WWII Veterans. He also inquired on four issues he sent to the Aberdeen offices and has not heard a response on.

The Commission would like to pass on information from the Veterans Organizations; the organizations would like the Mandatory Funding pushed.

Darrell Shoemaker commented Mandatory Funding would give the VA time to plan ahead, would like to see a 2 year funding program.

Commissioner Murphy would like to see Advanced Appropriations or Mandatory Funding cosponsored by our Washington Representatives. Tinia Schepper said Rep. Herseht Sandlin had addressed this issue.

H. R. 6272 passed today and will move to full committee was reported by Tinia Schepper.

Commissioner Loudner thanked Senator Johnson for reintroducing the Codetalker Bill.

Commissioner Locken commented he is glad our representatives in Washington keep tabs on bills with flaws and act accordingly. Darrel Shoemaker and the others rely on and look to the organizations, division and department to be up to date and to be aware of the feelings of our Veteran community.

A reminder from Commissioner Clarke, benefits are a part of the cost of war. Commissioner Evenson expressed the SD Representative do well with the VA budget; he would like to see a better timeline on funding matters.

Jim Huls with the American Legion provided the Commission with a list of adopted Resolutions at their 90<sup>th</sup> Annual Convention. Mr. Huls also expressed concerns in regards to the Division Directorship. On July 15<sup>th</sup> the Flight to WWII program will be in Sioux Falls, funding help by TREA and PBS.

John Hebrard, Disabled American Veterans reported on the 6 new vans purchased at a cost of \$136,000 and the areas they serve. The DAV convention was held in Aberdeen in May. The DAV opposes lawyers doing services for Veterans' claims.

Paralyzed Veterans of America, Ryan Green and Andy Watson were present to introduce themselves to the Commission.

TREA, Dave Jungemann, reported 2 Pearl Harbor Veterans are being remembered and in regards to the definition of a Veteran – a Veteran is a Veteran whether war time or not.

Bill Barlow, Veterans of Foreign Wars, reported the VFW held their convention June 5-8, 2008. The VFW would like to see a Director for the Division appointed in a timely manner and they feel the discharges for this type of appointment should be honorable.

Chairman Birnbaum posed the question as to what is the next step for state level to take on this issue. Commissioner Murphy would like to see the support of the Adjutant General, Department and other organizations to take to Legislature.

Chairman Birnbaum explained his belief on being a member of the Commission. He explained he feels it is his job to listen to the various organizations and take their thoughts and feelings to the Governor's office, but it is not his place to tell the Governor or Adjutant General what to do. He feels it is his obligation to inform and be informed as a Commission member – to work in the best interest of the Veteran(s).

Commissioner Murphy feels it is his place to support the organizations.

Commissioner Locken stated he will not go against the decision of the Governor, who appointed him.

To serve at the pleasure of the Governor was Commissioner Evenson's comment and feelings; to serve or represent the Veteran(s) by law.

Commissioner Clarke feels his job is to inform the Governor of issues and concerns and feels he has worked hard as member of this Commission.

Wayne Vetter, CVSO Organization, asked the Commission to explain their purpose as members and feels the Directorship is a concern that needs to be resolved. Mr. Vetter would like to meet with Maj. Gen. Doohen and the study committee in late July to discuss salary supplement.

Commissioner Locken as a CVSO asked Mr. Vetter if the letter sent previously to the Governor could be changed and resent. He feels the letter finger points and does not appropriately state the issue and feels there should be an apology to parties concerned. Commissioner Evenson feels the letter is well written.

Commissioner Loudner was asked to speak on behalf of the American Indian Veterans. Mr. Loudner was able to attend the Memorial Day Service in Washington and was honored to be a participant at Arlington Cemetery. He is also encouraging our Washington representatives to pass the Codetalker Bill. Senator Reede will be testifying for the American Indian Veterans. Mr. Loudner also attended the ceremony for Woodrow Keeble at the state capitol in Pierre and is hoping to see the BLM land near the Black Hills National Cemetery moved upon for acquiring.

Chairman Birnbaum informed those in attendance the Commission had voted to nominate and send forward Todd Kolden for the Division Director. July 3<sup>rd</sup> is the date set to meet on this issue. Chairman Birnbaum also announced there would be a WWII Veteran receiving an award at Mt. Rushmore on July 3<sup>rd</sup>.

Commissioner Murphy inquired as to a list of items to address. Discussion took place on the person/persons responsible for addressing these items and reporting back to the Commission. The following are items Commissioner Murphy feels need addressing for the next meeting:

- License plate transfer
- Legislative concerns
- Letter of support for registry
- TAP and funding programs (Pg 9)
- Add Native American concerns in regards to State Home in minutes
- Send meeting notification to media
- Letters from organizations published in minutes
- Letter from Larry Wilcox to be addressed

It was moved by Commissioner Murphy to include all letters concerning the Division Directorship from the Veterans Organizations in the minutes. 2<sup>nd</sup> by Commissioner Loudner. 2 votes no, 4 votes yes. Motion passed.

Commissioner Clarke would like to be on the agenda list for the next meeting.

Meeting dates were discussed. It was decided the next meeting would be held in Sioux Falls on August 14 & 15, 2008. Meeting place is to be determined at a later time.

Commissioner Murphy made a motion to adjourn, 2<sup>nd</sup> by Commissioner Locken, motion passed with all voting in favor.

Meeting adjourned at 5:55 PM (MT)



Mike Birnbaum  
Commission Chairman



Susan Zilverberg  
Recording Secretary