

SD Veterans Commission Meeting
(As approved amended 1 October 2008)
17 & 18 March, 2008 – Matthews Training Center
Pierre, 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 1:05PM, at the Matthews Training Center, by Chairman Birnbaum with the Pledge of Allegiance being lead by Commissioner Locken. Introductions were made around the room, all present were welcomed by the Commission.

Commissioner Locken moved to approve the minutes as submitted for the 22 & 23 October 2007 Veterans Commission Meeting; 2nd by Commissioner Murphy. No further discussion; all voting in favor. Minutes were approved as submitted.

Chairman Birnbaum requested the secretary keep a list of items brought up throughout the meeting so they could be reviewed at the close of the meeting. This is a way to track items needing to be discussed, or an invitation made for the following meeting and to make sure the item is on the agenda.

Minutes for the November 5, 2007 meeting were brought forward by Commissioner Murphy. He moved the "four to two vote" in the original motion be changed to read "six to zero vote".

Commissioner Evenson moved to approve the minutes as corrected. Discussion opened – Commissioner Locken asked the secretary to type the corrected motion and provide at the meeting, on Tuesday (18 March), for review. Motion tabled.

Maj. Gen. Doohen was then asked to speak. He thanked those present for attending and commented he feels he is "getting his feet on the ground" as the Adjutant General and likes the progress taking place. The following are points of positive progress and ideas being seen throughout:

- George Summerside is meeting with the C/TVSO's in order to find out how we can better serve our Veterans and how the Department/Division can help the C/TVSO's
- On going VFW trainings
- Care for the returning Veterans continues to move forward and changes are taking place as needed

Governor Rounds and Maj. Gen. Doohen consulted to make the Director of Military and Veterans Affairs position Acting Director, until some of the statutes issues are resolved.

Commissioner Murphy commented 53% of guard and reserve have PTSB issues and is wondering if and what we are doing to provide needed care. Maj. Gen. Doohen commented states can contract with local physicians out of state. The Yankton/Vermillion – Charlie Battery is holding a reunion including educators to re-educate the Unit on the available programs, these are steps in the right direction.

Todd Kolden commented PSA's are an important way to disseminate information to the community, health is important to our team.

Commissioner Evenson inquired about Todd Otterberg's position and if there has been a new director hired. Cynthia Porter, the new director, was introduced and gave a brief comment on the importance of outreach support.

It is hard to reach our soldiers who are out of the military. How do we reach these soldiers, was a question posed by Chairman Birnbaum. The following suggestions were made from attendees:

- An outreach letter be sent, depending on privacy issues
- Continued readjustment meetings
- Expand C/TVSO trainings to others
- Utilize the SD Division of Veterans Affairs Listserve
- Use databases available
- Plan outreach efforts in budget

Andy Gerlach, Deputy Secretary was asked to come forward, he reported the following:

- **HB – 1012 An Act to revise certain provisions regarding property tax exemptions for disabled Veterans.** This bill gives a better interpretation of SB – 96, provides a mechanism for Veterans who missed the deadline and includes a confidentiality clause
- **HB – 105 An Act to provide for the transfer of the state's interests in Mobridge National Guard Armory to the city of Mobridge – effective July 1, 2008**
- **HB – 1042 An Act to revise certain provisions to the definition of residency and the issuance of resident hunting, fishing, and trapping licenses.** 1) Applicants must be a resident for ninety consecutive days immediately preceding the date of license application. 2) Provides use of a military ID for verification purposes for those that do not reside in South Dakota but are members of a South Dakota National Guard or of any

other unit of a reserve component of the armed forces of the United States.

- **HB – 1224 An Act to provide for the funding of certain reduced tuition program for Veterans.** 1) South Dakota Tuition benefits at off-campus/self support institutions. 2) Undergraduate courses only. 3) Veteran will pay difference of on-campus off-campus rate.
- **SB – 7 An Act to make an appropriation for the renovation of the National Guard armory in Yankton and to declare an emergency.** 1) Appropriated from the general fund \$200,000 and \$500,000 in federal funds (or thereof as may be necessary) for the purpose of renovating the National Guard armory in Yankton.
- **SB – 140 An Act to revise the application requirements for property tax exemptions provided for dwellings owned and occupied by disabled Veterans.** In addition to HB 1012 this law exempts a 100% disabled Veteran from filing with the director of equalization for the same property each year unless its status has changed.
- **SB – 156 An Act to revise certain provision regarding special motor vehicle license plates for Veterans with a disability, prisoners of war, Pearl Harbor survivors and Purple Heart recipients.** 1) Reduces the cost of Purple Heart license plates and renewal stickers to \$10. 2) Limits the number of special license plates to a maximum of two sets per individual.
- **SB – 202 An Act to prohibit certain military sales practices for life insurance and annuities.** Sets standards for the sale of life and annuity products to military personnel who are grade E4 and below.
- **HCR – 1005 Declare March 29, 2008 as Vietnam Veterans Day in South Dakota**

Commissioner Locken asked if someone could be penalized if their VA rating changed from 100%. Mr. Gelach feels this bill would not penalize someone if a rating is changed.

Earl Schultz asked if the license plates transfer from vehicle to vehicle. Commissioner Locken asked for this to be put on the item list for addressing at the next meeting.

The Commission inquired as to a good time/month to meet to address items of concern for the next legislative session. Mr. Gerlach feels late summer/early fall would be the best time to work on suggested issues, take to the Department then forward for potential legislation. Once the bills are organized they are sent to the Governors office for review, then sent back with an idea as to what bills would be good to push forward and what bills will not be good to push forward (early December). Commissioner Locken asked legislative concerns be put on the list of items to address at the next meeting.

Commissioner Loudner asked Mr. Gerlach if anything more has been done with a National Cemetery. Mr. Gerlach commented there are federal cemeteries being built, but in areas with higher populations. Commissioner Locken suggested Commissioner Loudner continue to attend the meetings on National Cemeteries and report to the Commission on what would be the best manner to proceed with South Dakota getting a federally funded cemetery.

Some of the budget issues did not pass and will be worked on next legislative session was a comment by Commissioner Evenson. He also asked if there would be a recommendation on the C/TVSO wages. Commissioner Locken suggested the committee meet with Wayne Vetter on this issue.

Commissioner Murphy moved to recommend changes in the guidelines for VA Cemeteries in rural states, such as South Dakota, in order to help South Dakota qualify for federal funding and have Commissioner Loudner forward these recommendations to Washington. 2nd by Commissioner Locken, no discussion, motion passed, all voting in favor.

It was suggested by Earl Schultz to look at both urban and nonurban contracts when working with federal contracts.

Commissioner Evenson feels the Commission should be involved with the legislative process, to be supportive when and where needed. Todd Kolden commented on "watchdog" bills being introduced. These are bills introduced, without ones knowledge, by a legislator, on someone's suggestion and are important to be aware of.

Bill Regynski, Budget & Finance Director, for the Department, gave a brief budget overview on the following:

- Michael J. Fitzmaurice South Dakota Veterans Home
- Division of Veterans Affairs
- Department of Military and Veterans Affairs

Mr. Regynski informed the Commission a budget increase is expected for the Veterans Home and federal funds are separate as far as projects or programs. A report was provided to the Commission showing budgets for the Veterans Home, the Division and the Department showing budgetary changes for 2009 and remaining funds. See attached report for details.

Commissioner Loudner asked what needs to be done to increase the headstone setting fee of \$40.00. Mr. Regynski said the law would need to be changed.

Commissioner Murphy requested Mr. Regynski provide copies of a budget overview for each meeting. Commissioner Locken would like the Veterans Home and the Division to include the budget information in their reports and asked how

to change the budget if needed. Mr. Regynski said there is a procedure to follow by notifying him of change, in return he notifies BFM in the fiscal budget.

Director, VA Black Hills, Peter Henry reported the following:

- Great concern with vacancies
- Recent hires – Dr. Elizabeth Chandler and Mr. Bill Lanning
- Good monies for equipment – 10 major equipment purchases
- Non-VA care up 47% with use of outside local care
- Workload is on an increase
- Orthopedic care up – back-logged
- Podiatry being sent outside
- Hoping to engage vendors for primary care
- Backlog on sleep study
- SHEP – BHHCS exceeded the national average in 10 of 11 categories
- Nursing home beds at 80
- 7 new beds at Hot Springs – full
- “Community Living Centers” is the preferred title for VA Nursing Homes
- Fulltime Advanced Care Planner hired to assist Veterans and their families address important end of life issues
- Polytrauma Support Clinic Team is up and running
- A Wound Care Nurse Practitioner has been hired to assist in the care and management of patients with complex or hard heal wounds
- Mental Health Care – 12 beds, 6-8 patients, longer term care for those in need
- 2 OIF/OEF social workers
- 1 fulltime suicide preventer currently tracking 25 Veterans – working on stigma barriers
- July 10th – Rapid City – Welcome Home for Enduring Freedom/Iraqi Freedom Veterans
- Numerous events attended and scheduled for future dates listed in attached report
- Various construction project completed and up coming – see report for details

Mr. Henry explained a recently completed 3-day timeout. This was done in order to improve care given to our Veterans. Patients were given the option to go outside the VA for care or reschedule care. During this time surgical care procedures were reviewed. All patients rescheduled prior to March 31st.

Commissioner Murphy inquired about adverse effects of this exercise and how much of the budget is collections. Mr. Henry feels this was a very good exercise and has seen many improvements come out of it. About 14% of the budget is collections; other parts of the budget are funded with funds being repaid or forgiven.

Commissioner Murphy also inquired about PTSD, how often is it seen and is it treated by individual gender or in a group environment? Mr. Henry stated there are currently 10-12 individuals being treated, with treatment determined by individual case, the Poly Trauma cases are at a cost of \$500 per day.

Commissioner Loudner wanted a clarification on the "shutdown". Mr. Henry explained because of the flu, no visitors were allowed in and no patients were allowed out. New patients were accepted and scheduled patients were still being seen. Commissioner Loudner also requested a minority report, which Mr. Henry said he would provide and could have a copy of this report faxed today (fax provided). Mr. Henry also said various meetings were being attended for the American Indian Veterans.

Mr. Henry was asked how the Rapid City clinic worked within the VA Black Hills system. He commented currently Ft. Meade is doing all x-rays, ideas for clinic improvements are in the works.

Commissioner Evenson inquired on mental health monies received and are the funds overlapping? Mr. Henry said some funds overlap, but the way these funds are used is a good thing.

Chairman Birnbaum was wondering if the system partnered with other facilities, such as the VA Corner Stone Rescue Mission. Mr. Henry took some of the staff to tour the mission and the system helps with its funding.

Commissioner Locken would like to send a letter of support to add Afghanistan Veterans to the Gulf War Registry.

A fifteen minute break was taken at 3:00PM, reconvening at 3:15PM.

Todd Kolden, SD Department of Labor, was asked to speak providing the following points of interest:

- Unemployment State – Overall 3.2%; Veterans 2%
- Unemployment Nation – Overall 5%; Veterans 5.5%
- Focus on Veterans with disability or some type of barrier
- Funding increase of \$25,000
- FY 2009 – slight increase proposed
- HireVetsFirst Campaign - Job Seekers and businesses are where SD Department of Labor markets
- Veterans Only job fair in Rapid City set for June and one in Sioux Falls for August
- Workforce 2025 is being announced by the Governor in Sioux Falls on March 19th
- Work on long and short term goals (see goals in report provided)

Mr. Kolden closed with a mission statement to provide Veterans and transitioning service members with the resources and services to succeed in the 21st century workforce by maximizing their employment opportunities, protecting their employment rights and meeting labor market demands with qualified Veterans.

Commissioner Evenson asked if Mr. Kolden felt the state is friendly in receiving Veterans with service education, or does the Veteran have to “jump through hoops” when getting education in South Dakota in order to get good employment.

Mr. Kolden feels our state is friendly to truck drivers. There is a 5 state pilot program being conducted, when completed, data will be reported to the Commission. Creating a certification program is also a thought.

Chairman Birnbaum inquired on troop depression, is depression and PTSD an impediment for an employer when hiring a Veteran? Mr. Kolden said we have employers willing to work with our Veterans. These employers are recognized for hiring and supporting our Veterans.

Commissioner Locken moved to change the Congressional Representatives to present after Todd Kolden and move Earl Schultz to 18 March 2008 at 8:00AM. Motion 2nd by Commissioner Loudner, no discussion, all voted in favor, motion carried.

Darrell Shoemaker with Senator Tim Johnson’s office gave the following report:

- Senator Johnson toured the South Dakota Air National Guard facilities in Sioux Falls and met with Guard officials
- In January Senator Johnson participated in a windshield tour of Ellsworth Air Force Base
- Director Peter Henry and associate director Steve DiStasio gave the Senator a tour of the Ft. Meade VA medical facilities and received briefings on VA issues from both of them
- The South Dakota VFW, DAV and PVA officials met at Senator Johnson’s DC office to discuss Veterans issues
- Assured Funding for Veterans Health Care Act was introduced this legislation by Senator Johnson
- Concerns with the minor increase in the VA budget and cuts in medical research directly impacting PTSD and TBI
- Beneficiary travel increase from 11 cents a mile to 28 cents a mile
- Supported stimulus package which will provide checks to 20 million seniors, 250,000 disabled Veterans and survivors of disabled Veterans
- GI Bill reform was co-sponsored by Senator Johnson – this reform allows uniformed service members to transfer education funding to their spouse or children

- Senator Inhofe introduced legislation to recognize Lakota and other Codetalkers from WWI and WWII
- Senator Johnson does not support legislative efforts to strip Veterans of their disability ratings
- Senator Hutchinson and Senator Johnson introduced the Combat Veterans Debt Elimination Act – this bill honors our fallen soldiers by forgiving the debt owed to the US Department of Veterans Affairs
- MSgt. Keeble was posthumously awarded the Medal of Honor by the President on 3 March 2008
- Senator Johnson introduced legislation to grant the National American Indian Veterans Association a federal charter
- Senator Johnson re-introduced the American Veterans Disabled for Life Commemorative Coin Act

Representative John Thune's office had Benjamin Ready report the following:

- Representative Thune has met with many individual Veterans and has attended various Veteran organization meetings in the state
- Extended memorial for Disabled American Veterans
- 41.2 billion FY 2009
- Supported the Woodrow Keeble Honor and is glad to see this go through
- Would like to see the mileage for Veterans travel at 48 cents
- Possibly see funding for the VA every two years instead of every year

Maeve King with Representative Stephanie Herseth Sandlin's office gave a brief report on the following:

- Rep. Herseth Sandlin met with Veterans groups last week in Washington, DC
- Pilot program being looked at
- Home Loans
- Pleased to see Woodrow Wilson Keeble honored with the Medal of Honor

Commissioner Murphy thanked all the congressional members for their service and support.

Commissioner Loudner also thanked the congressional members and inquired as to the support of the South Dakota Tribes' Codetalker bill.

Commissioner Locken would like to see the current funding system cover the future.

Benjamin Ready replied to Mandatory Funding, saying it would probably not go through.

Commissioner Locken moved to recess at 5:15PM. Motion 2nd with no discussion; passed with all voting in favor.

Tuesday, 18 April 2008 the meeting was called to order by Chairman Birnbaum, he also led the Pledge of Allegiance.

Earl Schultz, Department of Labor gave the following report:

- Easy to work with Marshall Michaels, Lona Weins and Chris Christopherson
- Vet Job Fairs scheduled for June and August
- Sarah George will be representing Mr. Schultz at the symposium on April 30th
- Concerns about not reaching all Guard members
- Set-up with Marshall Michaels to have Guard members go through 3 day workshop
 - Includes spouse
 - Help put together resume
 - Job seeking skills
- Encourages local listing for job openings
- Homeless Veteran Stand-down working , but would like to see more done in the transition from out of service to employment

Commissioner Evenson would like to see all barriers worked on, concern with Department of Defense with civilian crossing into military, in regards to education/profession. Mr. Schultz agrees and feels a review of the pilot needs to be done.

Commissioner Murphy asked about the TAP and funding programs. Mr. Schultz said the DE TAP is run by Ellsworth AFB. He can get numbers from them, if the commission would like, he feels the federal funding is OK.

Commissioner Loudner would like a copy of the American Indian MOU. Mr. Schultz is not aware of one, but will inquire and provide a copy if available. He also feels work relation is good with the tribes, but sees a big turn over with the TVSO's.

Larry Wilcox, State Veterans Home Director, gave a report with the following points of interest:

Facility Upgrades

- New fuel woodchip boiler

Budgetary Changes FY 09

- Salary Policy - \$130,420
- Maintenance & Repair - \$50,000
- Operating Increases - \$197,844

Census

- Currently 124, would like to keep at 125 and above

Life Safety System

- 3 million dollar cost
- Includes fire codes, doors, wonder guard, stairs, etc.

Mr. Wilcox expressed concerns about the home being able to provide the needed care to Alzheimer residents and placing them in a proper facility as their disease progresses.

Commissioner Murphy moved to have Mr. Wilcox compose and send a letter to the Commission on these concerns, for the Commission to endorse, then forward to Peter Henry. Commissioner Loudner 2nd the motion, all voting in favor, motion passed.

Chairman Birnbaum inquired about the study group's findings. Mr. Wilcox stated a study was done to move beds from one area to another area with more of a need.

Commissioner Evenson would like the Commission to look into other options to help with needed upgrades at the facility. Commissioner Evenson also asked for an example of expulsion from the facility. Mr. Wilcox stated after 3 times of breaking rules/policy a resident can be expelled.

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.

There was a break of ten minutes until reconvening at 9:50AM.

Larry Person gave the following C/TVSO report (detailed report provided):

- Monthly Activity Report began as a result of the MVA Agency Review Committee 2006 summer study
- Other contacts made include VA van coordinating, taxes, ribbons/awards
- Update of new CVSO's (5)
- Counties have combined efforts for the hiring of VSO's
- Outreach and training events are being conducted by field staff
 - DeMOB attended at Ft. Carson
 - Legion Forums, Mini Conference
 - SDNG briefings and family briefings
 - Tribal Service Officer training
 - VA-VSO Congressional Forums
- Bonus's \$2.6 million to date, average of \$431 per claim, news releases being done
- Emergency Loan Program –
 - Cash Balance: June 2007 - \$96,089.76
February 2008 - \$107,717.45
 - Outstanding Loan Balance: June 2007 - \$186,639.74
February 2008 - \$184,255.91

Commissioner Clarke asked if there was a forum planned for Sanborn and Beadle counties. Mr. Person said Mike Holzhauser is in the progress of coordinating the forum with the CVSO, Mike will be present when the forum takes place.

Commissioner Evenson has concerns on hiring C/TVSO, he would like to see them stay longer in order to better serve the Veteran.

How much in write-off's are there each year with the loan program, was a question posed by Commissioner Murphy. Mr. Person said about \$154,000 is written-off as of June 2007.

Commissioner Locken expressed concerns, on the privacy of information required for the C/TVSO monthly reports, turned into the Division office. Mr. Person stated the Division office is very careful on the information given out; the information is for a report generated at the request of the legislature.

Dave Wherry, Claims Office Supervisor, Sioux Falls gave the following report:

- Jon Gohn, Veterans Benefits Representative is an active member of the Guards and will be activated in spring of 2009
- VA openings coming up could possibly effect the claims office if employees moved over to VA
- Doug Brown and Nolan Ruby are two new hires at the claims office
- Sent Doug and Nolan to the VFW training in Annapolis, MD
- Jon Gohn and Aaron Pollard will be attending the VFW training in Phoenix, AZ
- TRIP training on-line is currently taking place
- A \$500.00 American Legion outreach grant was presented to both Jon Gohn and Nolan Ruby
- Nolan Ruby attended the USD Veterans Forum in Vermillion
- Jon Gohn met with Representative Herseth Sandlin for a round table
- Up-grades with computer system continue and are needed every 3-5 years
- New C/TVSO training in June
- PMC – pension claims from St. Paul are a concern
- CY 2008 new and reopened claims processed – 258
- Total CY 2008 payments thru claims office - \$13,469,767.00

Commissioner Evenson inquired to the funding of the computer upgrades. Acting Director Summerside worked with Bill Regynski and they were able to come up with the money from the budget.

Commissioner Locken commended Mr. Wherry and his staff in doing an outstanding job for the Division and our Veterans.

At this time George Summerside introduced Cynthia Porter, Transition Assistance Advisor. Ms. Porter has taken the position previously held by Todd Otterberg. Mr. Summerside gave the following Division report:

- SAA received a SAT on its Veterans Education Self Evaluation, the highest rating
- Interviews for Education Specialist II have been completed and the successful applicant will be notified March 24th
- The new database is in the final stages; general entry and reports need to be refined
- Dave Stroh will be retiring in September of this year
- Steve Oliva has been working to set-up the Virtual VA and will be the go to person in the Pierre office
- VIMS allows information to be accessible and current to the field staff and C/TVSOs
- Promoting internet and e-mail access for the C/TVSO offices to enhance their ability in serving Veterans in today's technological world
- Teamwork with service partners provides the opportunity to discuss new ideas and methods for our Veterans and their families
- Create SDDVA Training Team to explore new and innovative ways in training and outreach efforts
- Develop comprehensive annual reporting system for the Division and C/TVSOs

How much will the upgrades for VIMS cost was a question from Commissioner Murphy. It is projected the cost will be \$1000.00 per unit and \$400.00 annually to maintain, thereafter.

Chairman Birnbaum inquired to the posting of meetings and the correct procedure. It was suggested for upcoming meetings, the information be posted/distributed in the building, sent over Division listserve, public announcement, newspaper distribution and post on Department website.

Wayne Vetter, C/TVSO Representative, was asked to come forward, he reported the following:

- Task Force Proposal Options (3)
- All options included the following and were included in the recommendation
 - Offices be handicapped accessible
 - Offices to be private and include telephone and internet service
 - Adequate travel budget
- Contact to our Washington, DC representatives were made to encourage tax refunds to Veterans and the elderly on social security

After review and discussion with the task force and C/TVSO community, Option #1 was submitted to Maj. Gen. Doohen and State Representative Gordon Pederson. No response at this time.

Chairman Birnbaum inquired as to the next steps, which need to be taken in order to implement the Task Force's proposal. If legislative action needs to be taken, visit with Mr. Gerlach in getting the process underway.

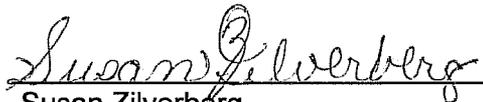
Discussion for setting up the next three commission meetings took place; it was decided to have the next meeting at Ft. Meade. Date to be determined at a later time.

Letters from some of the South Dakota Veterans organizations were brought to the attention of the Commission. It was moved the Commission to go into executive session at 11:30AM, by Commissioner Locken, motion 2nd, all in favor, motion passed.

Members reconvened at 1:15. It was moved by Commissioner Evenson to adjourn the meeting, 2nd by Commissioner Clarke, all voting in favor, motion passed.



Mike Birnbaum
Chairman



Susan Zilverberg
Recording Secretary



Date