

**South Dakota Veterans Commission Meeting
January 29, 2010
Conference Call**

The conference call meeting of the South Dakota Veterans Commission was called to order at 10:15 AM (CT) on Friday, December 29, 2010, by Chairman Hubbard.

Chairman Hubbard noted that all legal requirements as outlined in SDCL1-25-1 and 1-25-1.1 were met with regarding to this conference call.

Roll Call: Chairman Hubbard asked staff to take roll call. Roll call indicated a quorum was present. Commissioners present were: Mike Birnbaum, Wade Hubbard, John Noyes, Bill Locken, Gene Murphy and Don Loudner.

Staff: General Doohen, Deputy Secretary Harding, Larry Person and Audry Ricketts.

Guests: Dale Bertsch, Rick Barg, Joel Niemeyer, Larry Bouska, Dick Amos and Ed Sandal.

Review of Agenda – Chairman Hubbard asked if there were any additions or changes for the proposed agenda. A motion was made by Commissioner Murphy, seconded by Commissioner Birnbaum, to approve the agenda as presented. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes and no nays. Motion carried.

Consideration of Director Position – Chairman Hubbard asked General Doohen and Deputy Secretary Harding to review the status of the Division Director position. Doohen and Harding provided an overview of the number of applicants, the requirements for the position and the posting and advertising of the position. General Doohen stated that he would like the Commission to forward three nominations for his review and consideration. After considerable discussion, a motion was made by Commissioner Locken, seconded by Commissioner Murphy, that staff contact all applicants that did not submit the proper documentation for the position and ask them to submit all forms required. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes and no nays. Motion carried.

The Commission then discussed the number of applicants they should interview and what timeframe would be best to conduct the interviews. After considerable discussion, the Commission determined they would review this information at their scheduled February meeting and make the final determination at that time.

Review of Legislative Initiatives - Chairman Hubbard reviewed the actions taken at the last Commission meeting with regard to Commission members being registered to lobby, and further that the Commission be limited to lobby only on topics and positions that have been approved by the majority of the Commission.

Chairman Hubbard then opened the floor for discussion on legislative initiatives. The Commission then discussed House Bill 1049, an act to revise the qualifications for the director of the Division of Veterans Affairs. After considerable discussion a motion was made by Commissioner Murphy, seconded by Commissioner Locken, that the Commission support House Bill 1049. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes and no nays. Motion carried.

Commission then reviewed House Bill 1130, an act to include the spouses of certain members of the armed forces who died in military service as eligible for gold star special license plates. Deputy Secretary Harding noted that an amendment would be offered that would extend the gold star plates to children and siblings as well. A motion was made by Commissioner Murphy, seconded by Commissioner Noyes, that the Commission support House Bill 1130 and the amendment that was reviewed by staff. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes and no nays. Motion carried.

Commission then reviewed Senate Bill 69, an act to authorize certain exceptions to the nursing facility moratorium. A motion was made by Commissioner Birnbaum, seconded by Commissioner Locken, that the Commission support Senate Bill 69. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes and no nays. Motion carried.

Commission then reviewed House Bill 1005, an act to revise certain statutes related to the Bureau of Personnel. No action was taken.

Commission then reviewed Senate Bill 76, an act to revise the composition of the State Veterans' Commission. A motion was made by Commissioner Murphy, seconded by Commissioner Loudner, that the Commission support Senate Bill 76. Roll call vote was taken = Commissioner Hubbard (nay), Commissioner Noyes (nay), Commissioner Birnbaum (nay), Commissioner Locken (nay), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated two ayes and four nays. Motion failed. A motion was made by Commissioner Locken, seconded by Commissioner Noyes, that the Commission oppose Senate Bill 76. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner

Locken (aye), Commissioner Murphy (nay) and Commissioner Loudner (nay). Roll call vote indicated four ayes and two nays. Motion carried.

Commissioner Murphy requested an objection to consideration of the motion. Chairman Hubbard overruled.

Commission then reviewed Senate Bill 150, an act to provide for an interim study of the potential creation of a Department of Veterans Affairs as a cabinet-level department. A motion was made by Commissioner Birnbaum, seconded by Commissioner Locken that the Commission opposes Senate Bill 150.

Commissioner Murphy requested an objection to consideration of the motion. Chairman Hubbard overruled.

Murphy requested a vote in support of his objection. Roll call vote was taken = Commissioner Hubbard (nay), Commissioner Noyes (nay), Commissioner Birnbaum (nay), Commissioner Locken (nay), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated four nays and two ayes. Objection failed.

Roll call vote was taken on the original motion to oppose Senate Bill 150, the vote was as follows: Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (nay) and Commissioner Loudner (nay). Roll call vote indicated four ayes and two nays. Motion carried.

Commission then reviewed House Bill 1185, an act to provide property tax benefits to the surviving spouses of certain disabled veterans. A motion was made by Commissioner Murphy, seconded by Commissioner Noyes, that the Commission support House Bill 1185. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes and no nays. Motion carried.

Commission then reviewed House Bill 1176, an act to authorize certain licensed hunters who are quadriplegic to hunt using a designated hunter. A motion was made by Commissioner Murphy, seconded by Commissioner Birnbaum, that the Commission support House Bill 1176. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes and no nays. Motion carried.

Commissioner Murphy asked the Commission to discuss Senate Bill 134, an act to provide for divestiture of state investment funds in certain companies liable to sanctions under the Iran Sanctions Act of 1996 and Senate Bill 21, an act to revise certain provisions regarding exclusive benefit requirements and the range of investments available to the South Dakota Retirement System member trust fund. Chairman Hubbard removed himself from the discussion on this legislation

and turned the chair over to Vice Chairman Noyes. A motion was made by Commissioner Murphy, seconded by Commissioner Loudner, that the Commission support Senate Bill 134. Roll call vote was taken = Commissioner Hubbard (abstained), Commissioner Noyes (nay), Commissioner Birnbaum (nay), Commissioner Locken (nay), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated two ayes, three nays and one abstention. Motion failed.

A substitute motion was made by Commissioner Birnbaum, seconded by Commissioner Locken, to defer action on Senate Bills 21 and 134 until the February 8-9 Commission meeting. Roll call vote was taken = Commissioner Hubbard (abstained), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated five ayes and one abstention. Motion carried.

Noyes returned the gavel to Chairman Hubbard.

Old/New Business – Chairman Hubbard asked if there was any old or new business. There being none, a motion was made by Commissioner Murphy, seconded by Commissioner Locken, to adjourn. Roll call vote was taken = Commissioner Hubbard (aye), Commissioner Noyes (aye), Commissioner Birnbaum (aye), Commissioner Locken (aye), Commissioner Murphy (aye) and Commissioner Loudner (aye). Roll call vote indicated six ayes. Motion carried and the meeting adjourned at 12:05 pm.

Wade Hubbard, Chairman