

MINUTES

Executive Board



Representative Steven Haugaard, Chair
Senator Brock L. Greenfield, Vice Chair
Senator Troy Heinert, Ranking Minority Member

**Second Meeting, 2019 Interim
Tuesday, April 23, 2019**

**Room 413 – State Capitol
Pierre, South Dakota**

The second meeting of the Executive Board for the 2019 Interim was called to order by Representative Steven Haugaard at 11:15 a.m. in room 413 of the State Capitol, Pierre, South Dakota. A quorum was determined with the following members answering the roll call: Representatives Spencer Gosch, Randy Gross, Chris Johnson, John Mills, Sue Peterson, Lee Qualm, and Jamie Smith; Senators Jim Bolin, Bob Ewing, Kris Langer, Jim Stalzer, and Jim White; Senator Brock L. Greenfield, Vice Chair; and Representative Steven Haugaard, Chair. Excused: Senator Troy Heinert, Ranking Minority Member.

Staff members present included Jason Hancock, Director; Sue Cichos, Deputy Director; Doug Decker, Code Counsel; David Ortbahn, Chief Analyst for Research and Legal; Tamara Darnall, Chief Fiscal and Program Analyst; Scott Darnall, Information Technology Manager; Hilary Carruthers, IT Support Specialist; Brandon Hartman, Lead Software Engineer; Wenzel Cummings, Senior Legislative Attorney; and Cindy Tryon, Senior Legislative Secretary.

NOTE: For purpose of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents distributed at the meeting are attached to the original minutes on file in the Legislative Research Council office. This meeting was web cast live. The archived web cast is available at the LRC web site at sdlegislature.gov.

Approval of Minutes

A motion was made by Representative Gosch, seconded by Senator Greenfield, to approve the minutes of the Friday, March 29, 2019, Executive Board meeting. Motion prevailed on a voice vote.

Board Papers Training

Ms. Hilary Carruthers, IT Support Specialist, provided training regarding the use of Board Papers to provide the Executive Board members better access to meeting materials.

Management Reports

Ms. Sue Cichos, Deputy Director, said the Legislator Update newsletter is returning to a monthly publication schedule. A new section has been added to the newsletter featuring LRC staff, which is intended to help build even better relationships between the legislators and their staff. The 2019 legislator travel policy remains the same as the 2018 policy, and access to the travel form has been simplified. The travel policy information continues to be included in the Legislator Update each month. All session travel reimbursement has been processed. Rhonda Purkapile, Text Editor, is working with Doug Decker on the 2019 Session Laws, as well as working on the administrative rules database. Rachael Person and Kelly Thompson, Senior Secretaries, have completed the House and Senate Journals. LRC staff members have been assigned to monitor executive and judicial branch boards, agencies, and committees, so if you have any questions about those meetings, you can contact the LRC for information. The LRC will continue with ergonomic workspace evaluations for staff work areas.

Mr. Doug Decker, Code Counsel, is working on the 2019 Session Laws with Ms. Purkapile, which includes assigning chapter numbers to each of the bills passed during the legislative session. Mr. Decker works with West Publishing in assigning those chapter numbers. Mr. Decker is following the Supreme Court appeal regarding the publishing of state code and if parts of the code are copyrightable.

Mr. David Ortbahn, Chief Research and Legal Analyst, said the research and legal staff is involved in the rules review process by conducting legal and style and form reviews of all the proposed rules. The staff is also responsible for reviewing all proposed initiated measures. There have been seven proposed initiated measures submitted to the LRC office so far this year. As these measures are available for public review, they are posted on the Secretary of State's website. With today's Executive Board decisions, the research and legal staff will begin preparing for the Interim Study Committee meetings.

Ms. Tamara Darnall, Chief Fiscal and Program Analyst, said they have been conducting interviews of applicants for the three vacant fiscal and program analyst positions. Ten applicants were chosen for interviews and six of those are in the process of completing writing samples. The three new employees should be hired within the next few weeks. The fiscal staff has been working on Letters of Intent that will need to be approved at the next Joint Committee on Appropriations meeting. The staff is also developing the process for the next program evaluations and preparing for training the new employees.

Mr. Scott Darnall, Information Technology Manager, said the Lawmaker rewrite is the big project the IT staff is working on this year. **Mr. Brandon Hartman, Lead Software Engineer**, introduced himself. Mr. Hartman started with the LRC five months ago and is the lead on the Lawmaker rewrite project. Mr. Darnall said the IT staff is also working on the legislator portal, server updates, web reconstruction, and updating equipment in rooms 423 and 464. In response to a question, Mr. Darnall explained that the need to update equipment is based on the end date of the warranty.

Mr. Jason Hancock, Director, said he had looked into who in South Dakota is working on the precinct boundaries being mapped accurately, as is needed to be completed every 10 years, and found the person at SDSU who had worked with the census bureau no longer has time to work on this specific project. Mr. Hancock has a few staff people working on collecting this information, as the census needs this information by May 31, 2019.

LRC Staffing Update

Mr. Decker had announced his June retirement as Code Counsel at the March Executive Board meeting. Mr. Hancock said that position will be advertised on various job listing sites. The hiring of that position is the responsibility of the Executive Board and Mr. Hancock will work with the Executive Committee to develop the process that will be used to make the final selection.

Mr. Hancock announced that Emily Kerr, Legislative Attorney, has accepted a position with the Secretary of State's office and today is her last day with the Legislative Research Council. Kris Schneider, Business Manager, will be retiring in June. Both of those positions will also be advertised soon.

Program Evaluation Process Discussion and Program Selection

Ms. Tamara Darnall, Chief Fiscal and Program Analyst, gave an overview of the Legislative Program Evaluation process ([Document #1](#)). 2019 is the second year for this program. Legislators were asked to suggest programs that should be evaluated at the end of session. Three program suggestions were submitted: Dual Credit, Community Development Programs, and South Dakota Developmental Center ([Document #2](#)).

All legislators were surveyed regarding these three topics, and the results showed an overwhelming preference for the Dual Credit topic. The Developmental Center topic was second and the Community Development Program was a close third.

Senator Bolin said the dual credit program is a big issue and is in favor of evaluating it. When narrowing the scope, Senator Bolin would like to know which subject areas are seeing the most amount of growth.

Senator White said this program is very well received especially in the smaller schools, and we need to look at how the state should adjust to the next step and the growing cost to the state.

Ms. Darnall said the scopes of the evaluations will be finalized at the ad hoc May Executive Board meeting. Once the scope is determined for each program selected, the staff will determine if outside contractors will need to be hired to help with the evaluations.

Mr. Hancock suggested selecting two programs this year due to the hiring of new staff but thought the staff could do up to three evaluations each interim in the future.

Senator Greenfield said the Developmental Center has rigid procedures and a variety of clients and levels of seriousness to each case. These factors would make this not a good option for a program evaluation. Representative Hugaard commented that the Developmental Center will most likely be a part of the mental health interim study.

Representative Sue Peterson said she would like to see the dual credit program used as a way to make sure students attend South Dakota colleges.

A motion was made by Senator Bolin, seconded by Representative Smith, to accept the Dual Credit and the Community Development Programs as the two Program Evaluation topics for 2019. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Hugaard. Excused: Heinert.

Interim Study Committees/Task Forces Scopes

Mr. Hancock presented the information regarding the interim study committees and task forces including the statutory language or suggested scope for each [\(Document #3\)](#).

Special Education Interim Legislative Committee is created in SB3 and is designed to take an in-depth look at the Special Education system in South Dakota. Senator Bolin urged the board to keep the scope that is outlined in the language of SB3.

Electric Services in an Annexed Area Interim Legislative Committee is created in SB66 and is designed to study issues related to electric services in an annexed area.

Offenses Regarding Controlled Substances Interim Legislative Committee is created in SB167 and is designed to study and evaluate alternatives to prison for controlled substance convictions and possible funding alternatives.

At the March Executive Board meeting, the members suggested a subgroup to this study to focus on fighting methamphetamine addiction based on suggested Study G.

Representative Sue Peterson suggested an alternative scope of study for the subgroup, "The subgroup would study the adequacy and effectiveness of South Dakota's prevention, intervention, and law enforcement efforts relating to the issue of methamphetamine addiction. The subgroup would also examine all state government resources

currently devoted to fighting the methamphetamine addiction problem in the state to determine whether any of the state's efforts are duplicative, as well as which efforts are succeeding, and which are not. In addition, the subgroup would evaluate how the problem is being addressed on the local level and consider whether community support providers are able to adequately address the problem, and if not, how their efforts might be enhanced, or if there is a better approach. Finally, the subgroup would examine the availability and effectiveness of rehabilitation services at the state's prison and changes or enhancements that could be made. The sub group would make recommendations to the legislature as a part of the report submitted by the legislative study created by SB167."

A motion was made by Representative Smith, seconded by Representative Peterson, to adopt the proposed scope for the Study on Fighting Methamphetamine Addiction subgroup of the SB167 committee. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

Industrial Hemp Interim Study Committee was the first choice of the Legislature in the survey results and was selected by the Executive Board at the March meeting.

Five interim task forces were established in SCR2 with the intention of looking at sustainable improvements to the continuum of mental health services in South Dakota. The scope for each task force is included in the resolution and can be found in the list of interim study committees document.

Representative Haugaard said the scopes were accepted as found in Document #3 except for Representative Peterson's change to the scope for subgroup G – Study on Fighting Methamphetamine Addiction.

Interim Study Committees Member Appointments

Interim Committee SB3 – Special Education Interim Legislative Committee

A motion was made by Senator Greenfield, seconded by Representative Peterson, that the following members be appointed to serve on interim committee SB3: Representative Rasmussen, Chair; Senator Bolin, Vice Chair; Representatives Deutsch, Sue Peterson, Ring, and Mr. John Hamilton. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

Interim Committee SB66 - Electric Services in an Annexed Area

A motion was made by Senator Greenfield, seconded by Representative Smith, that the following members be appointed to serve on interim committee SB66: Senator Solano, Chair; Representative Brunner, Vice Chair; Representatives Bordeaux, Chaffee, Gosch, and Reed; Senators Schoenbeck, Wismer, and Youngberg. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

A motion was made by Senator Greenfield, seconded by Senator Langer, that the Interim Legislative Committee to study issues related to Electric Services in an Annexed Area be authorized to begin meeting prior to July 1, 2019. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

Interim Study SB 167 – Offenses Regarding Controlled Substances

A motion was made by Senator Greenfield, seconded by Representative Gross, that the following members be appointed to serve on interim study SB167: Representative Haugaard, Chair; Senator Kennedy, Vice Chair; Representatives Hammock and Duba; Senators Partridge and Stalzer; Mr. Greg Sattizan, UJS; Judge Reipel, UJS; Mr. Gary Jaeger, Deuel County Commissioner; Mr. Gary Drewes, Pennington County Commissioner; with the remaining two appointments made by the Governor. Motion prevailed on a roll call vote with 14 voting AYE,

1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

SB167 also includes three ex officio members: Greg DeSautel, Secretary, Department of Social Services; Mike Leidholt, Secretary, Department of Corrections; and Jason Ravnsborg, Attorney General.

Interim Study Subgroup G – Study on Fighting Methamphetamine Addiction

A motion was made by Senator Greenfield, seconded by Representative Gosch, that the following members be appointed to Subgroup G: Senator Heinert, Chair; Representative Jensen, Vice Chair; Representatives Greenfield, St. John; and Senator Maher.

Representative Mills suggested adding Representative Post who would add a unique perspective as he is a foster parent who has taken in children of meth addicts.

A substitute motion was made by Representative Gosch, seconded by Representative Johnson, to have Subgroup G consist of seven members, adding Representative Post and Senator Steinhauer to those in Senator Greenfield's motion. Representative Gosch withdrew the substitute motion with the consent of Representative Johnson.

A substitute motion was made by Representative Peterson, seconded by Representative Gosch, to appoint seven members to Subgroup G, Fighting Methamphetamine Addiction: Senator Heinert, Chair; Representative Jensen, Vice Chair; Representatives Greenfield, Howard, Post, St. John; and Senator Maher. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

Interim Study – Industrial Hemp Study

A motion was made by Senator Greenfield, seconded by Representative Smith, that the following members be appointed to the Industrial Hemp Interim Study: Representative Qualm, Chair; Senator Blare, Vice Chair; Representatives Bordeaux, Goodwin, Gross, Lesmeister, York; and Senators Foster, Klumb, Nesiba, and Youngberg.

Senator Bolin pointed out that this would mean Senator Youngberg would serve on this committee and SB66. Representative Gross suggested appointing Mr. Ken Meyer, Winfred, as a member of the industry to the committee. Representative Haugaard said the focus for the Industrial Hemp Study is appointing legislators to the committee and then inviting industry representatives to take part in the committee meetings. Senator Greenfield said in addition to inviting Mr. Meyer to work with this committee, Mr. Tim Bratland, Willow Lake, should also be asked to take part in the meetings.

A substitute motion was made by Senator Greenfield, seconded by Representative Smith, that the following members be appointed to the Industrial Hemp Interim Study: Representative Qualm, Chair; Senator Blare, Vice Chair; Representatives Bordeaux, Glanzer, Goodwin, Gross, Lesmeister, York; and Senators Foster, Klumb, and Nesiba. Motion prevailed on a roll call vote with 13 voting AYE, 1 voting NAY, and 1 EXCUSED. Voting AYE: Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Voting NAY: Gosch. Excused: Heinert.

Representative Haugaard said the board will appoint the Legislators who will serve on the SCR 2 Task Forces today and the non-legislative members will be appointed in May.

A motion was made by Senator Greenfield, seconded by Representative Smith, that the following members be appointed to the SCR2 – Task Force 1 – Redefine Acute Mental Health Hospitalization Interim Study: Representative Diedrich, Chair; Senator Langer, Vice Chair; Representative Johns, and Senator Kennedy.

Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

A motion was made by Senator Greenfield, seconded by Representative Smith that the following members be appointed to the SCR2 – Task Force 2 – Reduce the Overall Use of Acute Mental Health Hospitalizations Interim Study: Senator Solano, Chair; Representative Healy, Vice Chair; Representative Haugaard, and Senator Sutton. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

A motion was made by Senator Greenfield, seconded by Senator Langer, that the following members be appointed to the SCR 2 – Task Force 3 – Leverage Telehealth and Telemedicine Interim Study: Senator Sohlt, Chair; Representative Herman Otten, Vice Chair; Representative Duba, and Senator Stalzer. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

A motion was made by Senator Greenfield, seconded by Representative Smith, that the following members be appointed to the SCR 2 - Task Force 4 – Redefine Nursing Home Criteria and Build Capacity Interim Study: Representative Hunhoff, Chair; Representative Reimer, Vice Chair; Senators Blare and Wismer. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

A motion was made by Senator Greenfield, seconded by Senator Bolin, that the following members be appointed to the SCR 2 – Task Force 5 – Increase Community Services and Caregiver Supports Interim Study: Representative Reed, Chair; Senator Steinhauer, Vice Chair; Representative Perry and Senator Foster. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

Issue Memos Topic Selection

Mr. David Ortbahn presented the Potential Issue Memo Topics for board consideration ([Document #4](#)). Mr. Ortbahn suggested just picking a couple of the topics for this interim, as there are a large number of interim study committees this year that require a lot of background information gathering.

A motion was made by Representative Gosch, seconded by Representative Johnson, to adopt the following three issue memos to be written during this interim: the need for a brain injury grant; federal grants; and the use of sales taxes collected from sellers located outside SD. Motion prevailed on a roll call vote with 13 voting AYE, 1 voting NAY, and 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Voting NAY: Bolin. Excused: Heinert.

Executive Board Appointments

Ms. Sue Cichos, Deputy Director, presented information regarding appointments the Executive Board needs to make; one appointment to the Interstate Compact for Adult Offender Supervision State Council and one appointment to the Extraordinary Cost Oversight Board ([Document #5](#)).

Ms. Cichos said she did send an email to all legislators regarding interest in these appointments as Representative Peterson had suggested at the March meeting.

A motion was made by Senator Bolin, seconded by Senator Stalzer, to reappoint Representative Doug Barthel to the Interstate Compact for Adult Offender Supervision State Council. Motion prevailed on a roll call vote with

14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

A motion was made by Representative Peterson, seconded by Representative Gosch, to appoint Representative Lana Greenfield to the Extraordinary Cost Oversight Board. Motion prevailed on a roll call vote with 14 voting AYE, 1 EXCUSED. Voting AYE: Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Bolin, Ewing, Langer, Stalzer, White, Greenfield, and Haugaard. Excused: Heinert.

Lawmaker Rewrite and Process Improvements

Mr. Wenzel Cummings, Senior Legislative Attorney, and Mr. Scott Darnall, IT Manager, gave an update on the Lawmaker rewrite project ([Document #6](#)). This project was approved by the Executive Board in November of 2018. The project includes a thorough examination of the current bill drafting system and proposals for changes to improve and streamline the process. Mr. Darnall said he is happy with where the IT staff are right now in preparing for the new system to be in place for the 2020 legislative session.

Representative Gosch asked Mr. Darnall about the costs of this project if hiring an outside company compared to in-house design. Mr. Darnall said the estimates were between \$5 million and \$12 million. The estimated cost for the project being completed in-house is \$600,000. Part of that cost is the hiring of a full-time staff person, Brandon Hartman, and contracting with a part-time consultant.

Representative Gosch asked about the LRC being short one FTE needed for this project. Mr. Hancock explained that the Executive Board authorized moving ahead with this project in November last year. There was an unfilled Legislative Audit FTE that could be used at the time, so Mr. Hartman was hired, and the LRC was to request funding for an additional FTE as a part of the budget request. The Appropriations Committee chose not to fund that additional FTE. Representative Gosch asked how that funding denial can be corrected. Mr. Hancock said the General Appropriations bill is adjusted every year and it would be possible for the Legislature to make the adjustment at that time.

Representative Gosch said this update to the bill drafting system is something the legislature needs and by designing the system in-house the LRC is spending 10% of what it would cost to bring in an outside company. Representative Gosch urged all legislators to support the addition of the needed FTE and support the additional funding requested from the Appropriations Committee.

In response to a question from Senator Bolin, Mr. Darnall said Ms. Hilary Carruthers, IT Support Specialist, will oversee teaching the legislators how to use the new bill drafting system. Representative Haugaard said he would like to have it mandatory that all legislators take part in the training and be able to pass a check list of items they need to know about the new system.

Discussion of Reimbursements for Commissioners on Uniform Legislation

Senator Greenfield said there are about six South Dakota attorneys who the Executive Board selects to attend the National Uniform Laws Commission meetings as representatives of our state. Current policy allows for these representatives to be reimbursed not more than \$2500 for expenses. Senator Greenfield said the members should be allowed to submit expense vouchers and be reimbursed in total. The National Uniform Laws Commission meets in Alaska this year and expenses will far exceed the \$2500. Those travelling to represent us should not have to do so at their own expense.

Representative Haugaard said there are a number of these types of policies that need to be revisited and asked that the LRC put this information together for action at the next regular meeting.

Mr. Hancock said the budgeted amount for the Uniform Laws travel is \$2500 per person and the budget will need to be adjusted if the expenses are allowed to exceed that amount.

Other Business

Senator Langer asked about the plans for the upcoming Executive Board retreat in Oacoma. Representative Haugaard said there will be a brief ad hoc public meeting for the purpose of taking action on some of the committee appointments and a few other housekeeping items.

Mr. Hancock explained the plans for the day and a half retreat adding that the LRC staff always finds these meetings extraordinarily useful.

Future meeting dates are June 10 at the Investment Council office in Sioux Falls, August 26 in Pierre, and November 18 in Pierre. The Executive Board retreat is scheduled for May 20-21 in Oacoma.

Adjourn

A motion was made by Senator Greenfield, seconded by Senator Ewing, that the Executive Board be adjourned. The motion prevailed unanimously on a voice vote.

The Board adjourned at 3:45 p.m.