

# MINUTES

## Executive Board



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

**Second Meeting, 2020 Interim  
Monday, April 20, 2020**

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

The Executive Board was called to order by Senator Brock Greenfield at 10:00 a.m. in Room 413 of the State Capitol, Pierre, South Dakota. A quorum was determined with the following members answering the roll call via Microsoft Teams: Senators Jim Bolin, Bob Ewing, Kris Langer, Jim Stalzer, and Jim White; Representatives Spencer Gosch, Randy Gross, Chris Johnson, John Mills, Sue Peterson, Lee Qualm, and Jamie Smith; Senator Troy Heinert, Ranking Minority Member; Representative Steven Haugaard, Vice Chair; and Senator Brock L. Greenfield, Chair.

Staff members present included Sue Cichos, Interim Director; Scott Darnall, IT Manager; Tamara Darnall, Chief Fiscal and Program Analyst; David Ortbahn, Chief Research and Legal Analyst; Wenzel Cummings, Code Counsel; 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 webcast live. The archived webcast is available at the LRC website at [sdlegislature.gov](http://sdlegislature.gov).*

### **Approval of Minutes**

***A motion was made by Representative Gosch, seconded by Representative Haugaard, to approve the minutes of the April 2, 2020, Executive Board meeting. Motion prevailed on a voice vote.***

### **Executive Board Appointments**

Senator Greenfield said, as was reported at the April 2 Executive Board meeting, Senator Rusch has resigned from the Commission on Uniform Legislation due to an unforeseen scheduling conflict which prevents him from attending the annual meeting ([Document #1](#)). Tradition has been to appoint one member from the House of Representatives and one from the Senate to the Commission on Uniform Legislation, but the tradition is not a requirement. Representative Cwach and Representative Hansen are both interested in serving on this commission.

***A motion was made by Representative Qualm, seconded by Representative Gosch, to appoint Representative Jon Hansen to fill the vacancy on the Commission on Uniform Legislation.***

***A substitute motion was made by Senator Heinert, seconded by Representative Smith, to appoint Representative Ryan Cwach to fill the vacancy on the Commission on Uniform Legislation. Motion failed on a roll call vote with 3 voting AYE; 12 voting NAY. Voting AYE: Smith, Heinert, and Greenfield. Voting NAY: Bolin, Ewing, Langer, Stalzer, White, Gosch, Gross, Johnson, Mills, Peterson, Qualm, and Haugaard.***

Senator Greenfield said both candidates are capable, and he does not question the abilities of either candidate. Representative Cwach did express some concern about the time commitment.

***The original motion was made by Representative Qualm, seconded by Representative Gosch, to appoint Representative Jon Hansen to fill the vacancy on the Commission on Uniform Legislation. Motion prevailed on a***

*roll call vote with 13 voting AYE; 2 voting NAY. Voting AYE: Bolin, Ewing, Langer, Stalzer, White, Gosch, Gross, Johnson, Mills, Peterson, Qualm, Haugaard, and Greenfield. Voting NAY: Smith and Heinert.*

### **Program Evaluation Work Plan**

**Ms. Tamara Darnall, Chief Fiscal and Program Analyst,** said she and former Director Hancock discussed the possibility of putting the Program Evaluation process on pause for this year to take a closer look at the lessons learned from the evaluations that have been completed in prior years, develop policies and procedures for conducting program evaluations, review the evaluation timelines, and look at what other states are doing. The program analysts can also use this time to review what the agencies evaluated in 2018 have done regarding the suggestions made in the final evaluation reports.

Senator Greenfield said the recommendation is to delve deeper as to what the program evaluations have accomplished thus far, develop policies and procedures, and wait until next year to assign more programs to be evaluated. The general consensus of the board members regarding program evaluations is to proceed as recommended.

### **Update on South Dakota Funding for Coronavirus Pandemic**

**Ms. Tamara Darnall, Chief Fiscal and Program Analyst,** presented information regarding state funding for addressing the coronavirus pandemic ([Document #2](#)).

Ms. Darnall said Congress has passed three pieces of legislation to date allowing for aid and relief for the states during the pandemic. At this time South Dakota is estimated to receive \$1.57 billion from the various funding programs provided in the legislation. The majority of the funding is through the Coronavirus Relief Fund found in the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The State is waiting for final guidance from the U.S. Treasury on allowable uses of the funds.

### **Discuss Bill Drafting Manual Revisions**

**Mr. David Ortbahn, Chief Research and Legal Analyst,** said the current drafting manual can be found on the LRC website under Reference Materials. The drafting manual is a reference document that has been used by LRC staff and others for decades. When Mr. Ortbahn first started with the LRC the 1978 edition of the drafting manual was in use and was the 13<sup>th</sup> edition of the manual. In addition to the LRC staff using the manual, the executive branch agencies and some lobbyists also use the manual so that legislation comes to the LRC with a more uniform style and form.

The drafting manual is updated as needed. With all the changes to the bill drafting system this past session, there were many changes made to the manual and the revised version was available in September of last year. Now that the new system has been used for a full session several more revisions will be made in order to improve the manual. The manual will also be edited to address any changes the Code Commission makes regarding organizing the codified laws.

Senator White said he is chair of the Executive Board's subcommittee appointed to look at LRC practices, and he requested this topic be placed on today's agenda. The research and bill drafting process is done differently in other states and the LRC should take a look at possibly updating the South Dakota manual looking more closely at what is being done in other states.

Representative Haugaard also serves on the subcommittee and said this is a prime time for the legal and research staff to look at what improvements can be made by looking at other options. The subcommittee should meet again in the future to review any progression.

### **Finalize LRC Director Hiring**

Senator Greenfield said the Executive Board voted at the April 2, 2020, meeting to offer the LRC Director position to Mr. Reed Holwegner and voted to have the Executive Committee negotiate the salary and report back to the Board. The Executive Committee offered the LRC Director position to Mr. Reed Holwegner and Mr. Holwegner did accept the position at an agreed upon salary. Mr. Holwegner plans to begin in this position on May 4.

***A motion was made by Representative Gosch, seconded by Representative Haugaard, that the starting annual salary of the LRC Director, Mr. Reed Holwegner, be \$133,639. Motion prevailed on a roll call vote with 15 voting AYE. Voting AYE: Bolin, Ewing, Langer, Stalzer, White, Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Heinert, Haugaard, and Greenfield.***

### **Executive Session**

***A motion was made by Representative Haugaard, seconded by Representative Gosch, that the Executive Board go into executive session to discuss items relating to personnel. Motion prevailed on a roll call vote with 15 voting AYE. Voting AYE: Bolin, Ewing, Langer, Stalzer, White, Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Heinert, Haugaard, and Greenfield.***

The Executive Board went into executive session at 10:50 a.m.

***A motion was made by Senator Stalzer, seconded by Senator White, that the Executive Board come out of executive session and that the record reflect no action was taken. Motion prevailed on a voice vote.***

The Executive Board came out of executive session at 11:15 a.m.

### **Auditor General Position Vacancy**

Senator Greenfield said Auditor General Marty Guindon is retiring on June 8 and it is the responsibility of the Executive Board to hire the Auditor General's replacement.

***A motion was made by Representative Smith, seconded by Senator Heinert, to look to the Department of Legislative Audit employees for an internal hire for the Auditor General position and if the internal search is not successful then advertise the position on a nationwide basis. Motion prevailed on a roll call vote with 15 voting AYE. Voting AYE: Bolin, Ewing, Langer, Stalzer, White, Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Heinert, Haugaard, and Greenfield.***

Senator Greenfield appointed Senators Heinert, Bolin, and Ewing and Representatives Smith, Gosch, and Peterson to the Auditor General search committee. Senator Ewing is appointed to serve as Chair and Representative Peterson to serve as Vice Chair of that committee.

Senator Ewing accepted the appointment to serve as chair of the search committee and said the committee will meet on May 4, 2020, at 9 a.m.

### Other Business

Senator White said the Legislature can lead by example by eliminating any out-of-state travel for legislators for the remainder of this year. Senator Greenfield said a two-thirds vote is required to add this item to the agenda.

***A motion was made by Senator White, seconded by Senator Bolin, to add an agenda item regarding restricting Legislator out-of-state travel for the remainder of this year. The motion failed to receive a two-thirds vote with 8 voting AYE; 6 voting NAY; and 1 EXCUSED. Voting AYE: Bolin, Ewing, Langer, Stalzer, White, Peterson, Heinert, and Greenfield. Voting NAY: Gosch, Gross, Johnson, Mills, Smith, and Haugaard. EXCUSED: Qualm.***

Representative Haugaard said there are some unique issues for Legislatures to address this year that will require travel. One such issue is redistricting. It is wise to be prudent when deciding travel but there will be instances where travel will be required.

Senator Heinert said a blanket statement about travel for the full year is difficult to make at this time.

Senator Greenfield said he will be judicious in granting any travel requests for this year and asked that this item be added to the June Executive Board agenda.

Senator Heinert thanked the LRC staff and especially the IT staff for putting a system together making remote meetings available for the legislators to use as they continue to work during this challenging time.

The next Executive Board meeting will be held June 8, 2020.

### Adjourn

***A motion was made by Senator Heinert, seconded by Senator Bolin, that the Executive Board be adjourned. The motion prevailed on a voice vote.***

The Board adjourned at 12:05 p.m.