

MINUTES

Executive Board



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

Thursday, April 2, 2020

Room 413 – State Capitol
Pierre, South Dakota

The Executive Board was called to order by Senator Brock Greenfield at 3:00 p.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 Jason Hancock, Director; Sue Cichos, Deputy Director; Scott Darnall, IT Manager; 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.

Approval of Minutes

A motion was made by Senator White, seconded by Representative Haugaard, to approve the minutes of the February 13, 2020, Executive Board meeting. Motion prevailed on a voice vote.

Executive Board Appointments

Senator Greenfield explained the resignation of Senator Solano from the Senate created a vacancy on the Education Commission of the States. Traditionally the Executive Board has appointed the House and Senate Education Committee Chairs to this commission, but Senator Curd indicated he does not have the time to serve on that commission and suggested the Executive Board appoint Senator Bolin.

Senator Bolin said he has served on this commission in the past and is willing to fulfill the remainder of the 2020 term.

A motion was made by Senator Stalzer, seconded by Representative Smith, to appoint Senator Jim Bolin to the Education Commission of the States. 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 said Senator Rusch has resigned from the Commission on Uniform Legislation due to an unforeseen scheduling conflict which prevents him from attending the annual meeting.

Representative Haugaard suggested the Executive Board wait until the April 20, 2020, Executive Board meeting to act on this appointment. Senator Greenfield said replacing Senator Rusch on the Commission on Uniform Legislation will be placed on the April 20 Executive Board agenda.

Executive Session

A motion was made by Representative Haugaard, seconded by Senator Stalzer, 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 3:15 p.m.

A motion was made by Senator White, seconded by Representative Gosch, 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 4:35 p.m.

LRC Director Position Vacancy

Senator Greenfield announced that with the departure of Jason Hancock, the current LRC Director, four candidates were interviewed for the position and while all four were strong candidates the final deliberation came down to two people.

A motion was made by Senator White, seconded by Senator Langer, to offer the LRC Director position to Mr. Reed Holwegner. Motion prevailed on a roll call vote with 8 voting AYE, 7 voting NAY. Voting AYE: Bolin, Langer, Stalzer, White, Gross, Peterson, Qualm, and Greenfield. Voting NAY: Ewing, Gosch, Johnson, Mills, Smith, Heinert, and Haugaard.

Representative Haugaard said his vote is based on wanting to maintain the continuity of the staff.

Senator Greenfield said he does appreciate the work Ms. Cichos has done and has the utmost respect for her.

Representative Gosch said his vote was not a vote against one candidate but in support of the other candidate.

Representative Mills said the Executive Board needs to show united support for the new director.

A motion was made by Representative Mills, seconded by Representative Gosch to extend the LRC Director position to Mr. Reed Holwegner on a unanimous vote of the Executive Board. 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 said the Executive Board would like Ms. Sue Cichos, Deputy Director, to serve as interim director until the start date for the new director and the appropriate adjustment to salary should be made.

Mr. Jason Hancock, Director, said the Deputy Director is in charge of the LRC office in the absence of the Director.

Senator Greenfield thanked all participants for the work done in completing the interview process.

Other Business

A motion was made by Senator Bolin, seconded by Representative Qualm, to add an agenda item regarding the conduct of two Senators on the 37th Legislative Day. Motion prevailed with a two-thirds vote on a roll call vote

with 11 voting AYE; 4 voting NAY. Voting AYE: Bolin, Ewing, Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Heinert, and Haugaard. Voting NAY: Langer, Stalzer, White, and Greenfield.

A motion was made by Senator Stalzer, seconded by Representative Haugaard, that the Executive Board go into executive session. 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 4:55 p.m.

A motion was made by Representative Smith, seconded by Representative Gosch, 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 5:30 p.m.

Representative Haugaard said Senator Greenfield and Senator Langer recused themselves and he will chair the remainder of the meeting.

A motion was made by Senator Bolin, seconded by Representative Qualm, to create an interim committee, the scope of which is to investigate the conduct of the Senate Pro Tempore and Senate Majority Leader during the 37th legislative day. The interim committee will consist of nine senators, five from the majority party, including the chair, all chosen by the senate majority caucus, and four from the minority party, including the vice chair, all chosen by the senate minority caucus. This interim committee is hereby granted the authority found in the Interim committees Rules of Procedure #20 and shall follow the processes and procedures found in Chapter 8 of the Senate Rules from the 2020 legislative session and shall submit its report to the Senate.

Senator Bolin said this is a matter that should be addressed by the Senate rather than the Executive Board.

Representative Haugaard said the parameters of the committee fall under Section 8 of the Rules of the Senate.

Senator Stalzer said he will vote no on this motion as Section 8 of the Rules of the Senate requires two Senators to file a written complaint to the President Pro Tempore and that has not been done.

Representative Peterson said SDCL 2-9-4 (6) states the Executive Board can appoint a committee.

Representative Haugaard added that the House members are respecting the members of the Senate to address this issue.

Representative Gosch suggested adding a date to the motion by which the committee shall report to the Senate.

A substitute motion was made by Senator Bolin, seconded by Representative Qualm, to create an interim committee, the scope of which is to investigate the conduct of the Senate Pro Tempore and Senate Majority Leader during the 37th legislative day. The interim committee will consist of nine senators, five from the majority party, including the chair, all chosen by the senate majority caucus, and four from the minority party, including the vice chair, all chosen by the senate minority caucus. This interim committee is hereby granted the authority found in the Interim committees Rules of Procedure #20 and shall follow the processes and procedures found in Chapter 8 of the Senate Rules from the 2020 legislative session and shall submit its report to the Senate, no later than June 30, 2020. Motion prevailed on a roll call vote with 12 members voting AYE; 1 member voting NAY; 2 members recused. Voting AYE: Bolin, Ewing, White, Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Heinert, and Haugaard. Voting NAY: Stalzer. RECUSED: Langer and Greenfield.

Representative Haugaard said the members of the Senate will take the lead as to who will serve on this investigative committee and asked that the Executive Board be kept apprised as to the timing of the process.

Mr. Hancock asked if the Executive Board would like to offer a salary amount for the new LRC Director at this time or enter into negotiations and then announce the amount at the April 20 Executive Board meeting.

A motion was made by Senator Stalzer, seconded by Representative Peterson, to have the Executive Committee of the Executive Board negotiate the Director's salary amount with the new LRC Director and report back to the full Executive Board at the April 20 Executive Board meeting. Motion prevailed on a roll call vote with 13 members voting AYE; 2 members EXCUSED. Voting AYE: Bolin, Ewing, Stalzer, White, Gosch, Gross, Johnson, Mills, Peterson, Qualm, Smith, Heinert, and Haugaard. EXCUSED: Langer and Greenfield.

The Executive Board members thanked Mr. Hancock for his work with the legislature as a fair and honest director and wished him well as he begins his new venture as the Deputy Secretary of State for the State of Idaho.

Mr. Hancock thanked the Executive Board members for the opportunity to serve in the position as LRC Director for the past 6 years.

The next Executive Board meeting will be held April 20, 2020.

Adjourn

A motion was made by Representative Gosch, seconded by Representative Mills, that the Executive Board be adjourned. The motion prevailed on a voice vote.

The Board adjourned at 6:00 p.m.