

Legislator Update

November 2019



*An informational publication of the Legislative Research Council
for members of the South Dakota Legislature.*



IN THIS ISSUE

FEATURED STAFF – Jeff Mehlhaff and Michael Loesevitz

LRC STAFF UPDATES – New staff member earns promotion; baby Mehlhaff

NOTEWORTHY NUGGETS – Final Page Application Deadline Approaches; Governor’s Budget Message; New Chief Clerk of the House; Legislator Salary and Per Diem; Legislative Housing List.

MYLRC+ FEATURE PREVIEW

INTERIM MEETING REPORTS – Redefine Nursing Home Criteria and Build Capacity, Redefine Acute Mental Health Hospitalizations, Industrial Hemp Study Committee, Code Commission; Reduce the Overall Use of Acute Mental Health Hospitalizations, Offenses Regarding Controlled Substance, Leverage Telehealth and Telemedicine, Ag Land Assessment Task Force, and Government Operations and Audit all met in October.

OTHER MEETING REPORTS – Summit on Protecting Children from Sexualization; Value Voters Summit; 2019 NCSL Fiscal Analysts Seminar; 2019 NCSL NALIT Professional Development Seminar; Community-Based Providers Shared Savings Workgroup

REPORTS, NEWS, AND HIGHLIGHTS – Senator Solano Resigns; Senator Lake Takes Oath of Office; District 23 House Appointment; 2019 Statistical Comparison Available Online; Issue Memos/White Papers

CONDOLENCES



UPCOMING MEETINGS AND EVENTS

| Date | Committee/Meetings | Location |
|------------|--|----------|
| 11/01/2019 | Offenses Regarding Controlled Substances | Room 414 |
| 11/04/2019 | Rules Review Committee | Room 414 |
| 11/04/2019 | Increase Community Services and Caregiver Supports | Room 362 |
| 11/06/2019 | Electric Services in an Annexed Area | Room 414 |
| 11/06/2019 | Leverage Telehealth and Telemedicine | Room 412 |
| 11/07/2019 | Fighting Methamphetamine Addiction Subgroup | Room 362 |
| 11/12/2019 | State-Tribal Relations | Room 362 |
| 11/13/2019 | Special Education | Room 413 |
| 11/15/2019 | Ag. Land Assessment Task Force | Room 413 |
| 11/18/2019 | Executive Board | Room 413 |
| 12/2/2019 | Industrial Hemp Study | Room 413 |





FEATURED STAFF

Each monthly issue of the *Update* features two LRC staff members. We welcome Legislators to stop in the LRC at any time to visit with staff and discuss legislative issues.

[Jeff Mehlhaff](#), Senior Fiscal & Program Analyst



Born and raised in Mitchell, Jeff is a lifelong resident of South Dakota. He graduated from USD earning a BS in Political Science and Criminal Justice, and then a Master's in Public Administration. Prior to joining the LRC, Jeff was involved with legislative session as a lobbyist for a number of years. This year will be his fourth legislative session with the LRC. When he's not at work, Jeff is probably at the gym, building something unique, working on a project of some sort, out on the river fishing, or spending time with his wife and three children, the youngest of whom was born last month.

On his time with LRC: "I've really enjoyed providing the Legislature with revenue forecasts and seeing the outcome because I strive to provide an accurate revenue forecast each year. The revenue forecast sets the tone for spending and I am thrilled to be a key part of the process."

Fun Fact: Jeff and his parents were the main crew on the build of Jeff's parents' new house in the Ft. Pierre area along the river. Very little work was contracted out, which resulted in the build taking longer than normal because only three of them were working on the house most of the time.

[Michael Loesevitz](#), Senior Legislative Attorney



Michael started in August as a Senior Legislative Attorney. Prior to joining the LRC, Michael worked as a senior tax manager for the public accounting firm, Brady Martz & Associates, in Grand Forks, North Dakota where he spent most of his time researching complex tax issues and resolving tax account issues or controversies with the IRS. Michael's assigned committees with the LRC are the Ag Land Assessment Task Force, Senate Health & Human Services, Senate Commerce and Energy, and House

Taxation. Outside of work Michael can be found spending time with his wife and three children, watching professional sports (mostly baseball), and working out.

On what he's most excited about in his new role: "I find research and mastering subject areas to be intellectually stimulating. I believe my skillset aligns with the work I will be doing for the LRC and engaging in public service for federal or state government is something I have desired for over 10 years. I am very excited to fulfill this desire with the LRC."

Fun Fact: Michael met his wife of nearly 17 years, Lillie, during a two-year proselyting mission for The Church of Jesus Christ of Latter-Day Saints in Las Vegas from 2000-2002.



LRC STAFF UPDATES

[Matt Frame](#), who started with the LRC in August as a Legislative Analyst, passed the Bar exam and was promoted to Legislative Attorney.

Congratulations, Matt!

Jeff and Brittany Mehlhaff welcomed Wyatt Jeffery into their family on October 21, weighing 7lbs 12oz. Wyatt joins big brothers Carter and Mason.

Congratulations to the Mehlhaff family!



NOTEWORTHY NUGGETS

► **The Clock is Ticking....Final Page Application Deadline Approaches:** The final deadline for Page applications is **November 12**. Please encourage students to get their application submitted before the deadline. For more information on the Legislative Page program, visit the [LRC website](#) and click on the Students tab.

► **Access to the Capitol Building – [Change Notice](#):** In the coming weeks, the Department of Public Safety and the Bureau of Administration will implement additional security measures which include a security screening room to be constructed at the Capitol's north entrance. Construction is expected to be completed before the start of the 2020 Legislative Session.

The public access doors located at the north entrance will remain open and accessible during business hours throughout construction. When completed, there will be an "Employees Only" entry for all employees [legislators] who have a key card and you will not be routed through the security screening.

To avoid security, Legislators will need their key card for access through the "Employees Only" entry. If this card is lost or damaged, please contact LRC for a replacement.



► **Governor's Budget Message:** Per SDCL 4-7-9 (below), the Governor must present her budget "not later than the first Tuesday after the first Monday of December." The date falls on December 3 this year.

Preparation and submission of budget report to Legislature. The Governor, through the Bureau of Finance and Management, shall prepare and submit a budget report to the Legislature, and copies thereof shall be transmitted to each member of the Legislature, not later than the first Tuesday after the first Monday of December immediately preceding the session for consideration. The Governor may present such report to the Legislature in person.

► **New Chief Clerk of the House of Representatives:** Mary Lou Goehring has accepted the position of Chief Clerk of the House of Representatives. Mary Lou has three years of experience as the Journal Clerk in the House.

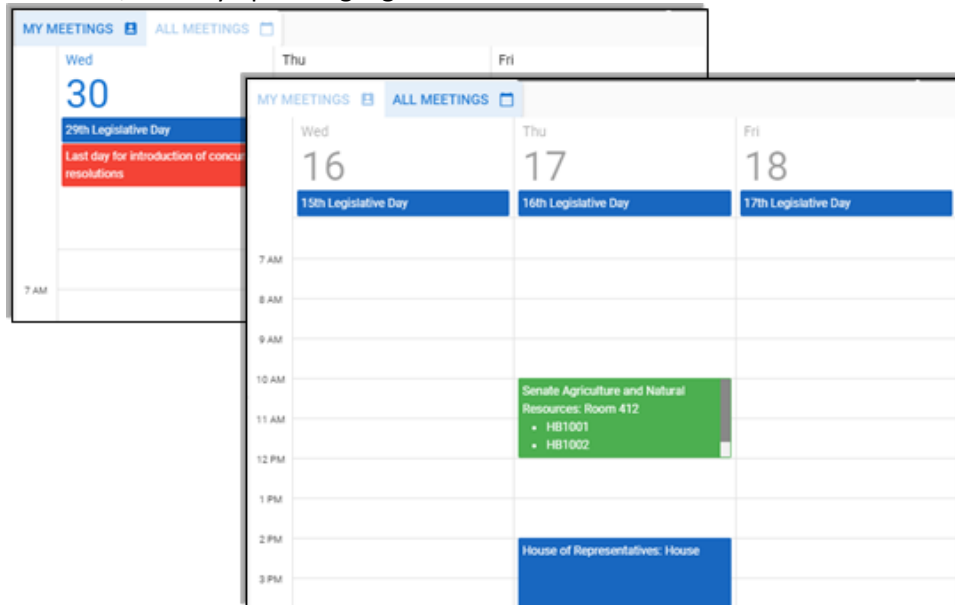
Legislator Update – November 2019

- ▶ **Legislator Salary and Per Diem:** Effective October 1, your new per diem (during session) and salary (during the interim) changed from \$149 to \$151 per day in accordance with [SDCL-2-4-2\(2\)](#).
- ▶ **Legislative Housing List:** The LRC keeps a list of housing available during session for Legislators and Legislative Interns. If you would like a copy of that list, contact [Cindy Tryon](#) at the LRC office.

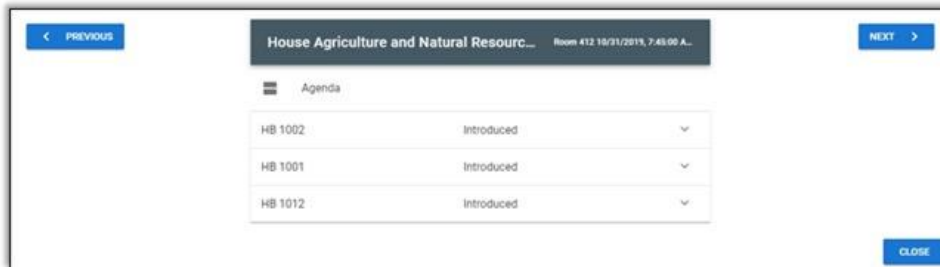


MyLRC+ FEATURE PREVIEW

MyLRC+ will feature a new Meetings Dashboard. In a calendar format, Meetings will display your upcoming legislative day including agendas for your committees and committees hearing your prime sponsored bills (spindled agendas), floor calendars, and any upcoming legislative deadlines.



From this calendar, you can access the interactive Committee and Chamber dashboard. Like a committee binder, you can view the scheduled bills with their distributed, in-line amendments and other supporting documents (Fiscal Notes, Prison /Jail Population Cost Estimates, etc.). Notes can be taken on these documents.



MyLRC+ will also feature Resources & Forms. This handy one-stop shop will house all the forms and resources you use as a South Dakota Legislator. You'll find everything from payroll processing, travel, business cards, and links to session rules!

Legislator Update – November 2019

Upcoming MyLRC+ Required Training Schedule

| Date | Time | Location | Address |
|-------------------------|----------------------------|-------------|---|
| Friday, November 1 | 1:00 pm – 6:00 PM (CST) | Sioux Falls | Holiday Inn Express Empire Sioux Falls – Barnes Room 2501 S. Shirley Ave Sioux Falls, SD 57106 |
| Saturday, November 2 | 9:00 AM – 2:00 PM (CST) | Sioux Falls | Holiday Inn Express Empire Sioux Falls – Barnes Room 2501 S. Shirley Ave Sioux Falls, SD 57106 |
| Sunday, November 3 | 1:00 PM – 6:00 PM (MST) | Rapid City | Fairfield Inn & Suites Marriott – Aquarium Room 1314 N Elk Vale Rd. Rapid City, SD 57703 |
| Monday, November 4 | 9:00 AM – 2:00 PM (MST) | Rapid City | Fairfield Inn & Suites Marriott 1314 N Elk Vale Rd. Rapid City, SD 57703 |
| Friday, November 15 | 9:00 AM – 2:00 PM (CST) | Aberdeen | Northern State University – Maroon Room in the Student Center 1200 S Jay St. Aberdeen, SD 57401 |
| Sunday, November 17 | 1:00 PM – 6:00 PM (CST) | Pierre | Room 362 Capitol Building |
| Tuesday, November 19 | 9:00 AM – 2:00 PM (CST) | Pierre | Room 362 Capitol Building |
| Friday, November 22 | 9:00 AM – 2:00 PM (CST) | Sioux Falls | Holiday Inn Express Empire Sioux Falls – Barnes Room 2501 S. Shirley Ave Sioux Falls, SD 57106 |

Refresher MyLRC+ training sessions will be held the week of the Governor’s Budget Address in Pierre. These trainings will be also available through Skype for Business for those wishing to attend remotely. Staff contact: [Hilary Carruthers](#)



INTERIM MEETING REPORTS

REDEFINE NURSING HOME CRITERIA AND BUILD CAPACITY – The second meeting of the Redefining Nursing Home Criteria Task Force was held October 1 and 2 in Yankton. During the first day, Amy Iversen-Pollreis from the Department of Social Services and Yvette Thomas from the Department of Human Services provided information regarding the cost of the HSC geriatric unit and reimbursement rates for a community-based nursing home. Sarah Peterson from Codington County, along with Lucy Lewno, chair of the Yankton Mental Health Board, provided an overview of the commitment process and other information from county government and mental health board perspectives.

On the second day, Tom Stange from Lewis and Clark Behavioral Health Services and Lindsey McCarthy from Southern Plains Behavioral Health Services explained the services offered to their residents through crisis teams and telehealth. Chris Qualm from the Department of Health provided information regarding the facility surveys and common deficiencies found among facilities with behavioral health units. Thomas Otten, Behavioral Health Service Line Administrator at Avera

Legislator Update – November 2019

Health, explained the importance of HSC from a private nursing home perspective and offered potential legislation.

The third meeting of the Redefining Nursing Home Criteria Task Force was held October 30 in Pierre. Amy Iversen-Pollreisz and Jeremy Johnson from the Department of Social Services provided information regarding the Human Services Center's number of residents who can be discharged but have no placements and the Medicaid eligibility determination process. Yvette Thomas from the Department of Human Services provided follow up information regarding reimbursement rates for community-based nursing homes and the information updating process at Dakota at Home. The task force decided on several recommendations including the Preauthorization of Medicaid for eligibility determination, availability and access to Telehealth 24/7, and a Request for Information in providing a specialized unit for placement for HSC residents who can be discharged. Staff contact: [Sakura Rohleder](#)

REDEFINE ACUTE MENTAL HEALTH HOSPITALIZATIONS – The Redefine Acute Mental Health Hospitalization task force held its final meeting in Pierre on October 29. The task force looked at a definition of acute treatment in the mental health realm and concluded that a statutory definition would usurp what has traditionally been a clinical determination. The task force embraced the concept of providing mental health services in regional and in some cases local settings and recommended various steps that will lead to several pilot projects, as precursors to the ultimate implementation of regionalized care. Staff contact: [L. Anita Thomas](#)

INDUSTRIAL HEMP STUDY COMMITTEE – The third meeting of the Industrial Hemp Study took place on October 7 in Pierre. The members of the study heard from Mr. Anthony Cortilet, Hemp Program Supervisor, Department of Agriculture, about Minnesota's hemp program. Major Aaron Hummel, North Dakota Highway Patrol (NDHP), gave testimony that the NDHP has not had any issues arise relating to hemp, nor have they added additional resources or staff due to the introduction of hemp. The committee heard from Glanbia Nutritionals, a company that produces a variety of plant-based ingredients, such as flax seed, chia seed, and other plant protein ingredients but would like to expand into hemp seed production. Purple Scientific, spoke about their product called Purpl Pro, a handheld THC testing device. The device can instantaneously measure the THC levels above 2%, determine if a plant is hemp or cannabis and measure for CBD content.

On October 29, 2019, the USDA published the draft of the federal regulations regarding the Domestic Hemp Production Program. The draft regulations are available on the USDA website or the link below.

https://www.ams.usda.gov/sites/default/files/media/AMS_SC_19_0042_IR.pdf

The committee will hold its last meeting in Pierre on December 2. Staff contact: [Amanda Marsh](#)

CODE COMMISSION – The Code Commission met in Pierre on October 16 to consider [recommendations by the Code Counsel](#) for the general improvement of the South Dakota Codified Laws. The commission agreed to allow the Code Counsel not to codify statements of legislative findings or intent, and instead to

leave those statements in the Session Laws. The Commission did not act upon other recommendations regarding potential conflicts in the law from initiated measures and the overall organization and structure of the Code. The Commission instead directed the Code Counsel to solicit feedback from members of the State Bar. The Commission also received a presentation from the State Library regarding the digitization of legislative documents dating back to statehood to be made available on the Library's website. Finally, the Commission considered a request from the Governor's office to put notations on specific sections of the Code on the LRC website informing the public that those sections may not be enforceable due to court-imposed injunctions. The Commission instead directed the Code Counsel to draft a general disclaimer for the website stating that some provisions of the Code may not be enforced. Staff contact: [Wenzel Cummings](#)

REDUCE THE OVERALL USE OF ACUTE MENTAL HEALTH HOSPITALIZATIONS

TASK FORCE – The Reduce the Overall Use of Acute Mental Health Hospitalizations Task Force met in Pierre on October 21. The task force recommended changes to the statutes governing the involuntary commitment of severely mentally ill persons, including: providing a process by which the Department of Social Services may designate mental health facilities as "appropriate regional facilities" where individuals who are awaiting involuntary commitment hearings may be admitted; requiring follow-up examinations every twenty-four hours of individuals awaiting involuntary commitment hearings; providing for notification to the chair of a county board of mental illness whenever an individual is in violation of an outpatient commitment order; extending civil immunity to qualified mental health professionals at appropriate regional facilities; and allowing qualified mental health professionals at appropriate regional facilities to initiate a 24-hour hold of an individual who needs immediate intervention. The task force will review final bill drafts of their recommendations and will schedule another meeting only if any members of the task force would like to discuss specific issues with the bill drafts. Staff contact: [Wenzel Cummings](#)

OFFENSES REGARDING CONTROLLED SUBSTANCES – The Offenses Regarding Controlled Substances Interim Study Committee met for the third time on October 22 in Pierre. At this meeting the committee received information regarding drug treatment services offered in South Dakota by the federal government and additional information regarding the other drug treatment options available in the state. The committee began the discussion of possible recommendations. Among the possible recommendations discussed were: increasing the number of probation officers and parole officers, requiring assessment and evaluation of persons arrested for the possession or ingestion of drugs, providing a diversion program from prosecution for certain drug offenses, and reducing the penalty for the ingestion of drugs. Additional information was requested regarding the costs that might be associated with these possible recommendations. The committee will hold its last meeting in Pierre on November 1 to finalize its recommendations to the Legislature. Staff contact: [Dave Ortbahn](#)

LEVERAGE TELEHEALTH AND TELEMEDICINE TASK FORCE – The fourth meeting of the Leverage Telehealth and Telemedicine Task Force was held on October 23. Senator Soholt, the task force chair, was happy to inform the members about a \$4.3 million grant that Avera eCARE received from the Helmsley Charitable Trust to establish and launch a national telehealth certificate program. The aim of the program is to elevate the level of care provided through telehealth platforms, and it is the first of its kind in the nation. The task force reviewed the information gathered at prior meetings and began formulating the recommendations they will present to the full Legislature. Task force members also reviewed and discussed two bill drafts. One would allow for the use of electronic communications in the emergency commitment process, and the other one would revise certain provisions regarding the utilization of telehealth. Both bill drafts will be acted upon at the final meeting of the task force set for November 6 in Pierre. The meeting will be held via remote conferencing. Staff contact: [Clare Charlson](#)

AG LAND ASSESSMENT TASK FORCE – The Agricultural Land Assessment Implementation and Oversight Advisory Task Force met for the first time on October 24 in Pierre. Russ Hanson and Wendy Semmler presented the Department of Revenue's findings and analysis from studying the impact of changes to the methodology of rating soils for purposes of assessing agricultural land, as mandated by [SB4](#) (2019). The committee is scheduled to meet for the second time on November 15 in Pierre to discuss potential legislation to address issues with the current methodology being utilized to assess agricultural land. Staff Contact: [Michael Loesevitz](#)

GOVERNMENT OPERATIONS AND AUDIT COMMITTEE (GOAC) – The Government Operations and Audit Committee met October 30 in Pierre. The Board of Regents reported on the implementation of [HB1087](#) (2019). The Department of Education presented their revised performance management indicators. The Department of Agriculture discussed a customer satisfaction performance measure recommended by the committee. The committee heard from Game, Fish and Parks (GFP) regarding an update on the implementation of the Second Century Habitat Fund for the protection and enhancement of wildlife habitat across the state. GFP also explained recent proposed changes to licenses, and park and camping fees that will yield an additional \$3 million in revenue to the Department. The Department of Human Services provided information on the impact to South Dakota nursing homes from the additional funding provided by the 2019 Legislature and provided an update on the rate setting methodology for Community Support Providers. The Attorney General's Office discussed the sources and uses of funds in the Law Enforcement Officers Training Fund and the 911 Telecommunicator Training Fund. The committee also discussed the 2019 GOAC annual report draft and authorized the Chair to finalize the report after the last meeting. Staff contact: [Tim Flannery](#)



OTHER MEETING REPORTS

SUMMIT ON PROTECTING CHILDREN FROM SEXUALIZATION – Representative Deutsch attended The Heritage Foundation's Summit on Protecting Children from

Sexualization October 9 in Washington, DC. Key issues covered included medical, social, cultural, and educational layers to transgender ideology; the emergence of healthcare and costs of transgendered people; and the close relationship between pornography and sex-trafficking. Representative Deutsch said an idea or solution discussed at the meeting that could benefit South Dakota was to establish legislation to criminalize doctors that provide sex change operations in children.

VALUE VOTERS SUMMIT – Representative Deutsch also attended the Value Voters Summit October 11-13 in Washington, D.C. Key topics covered at this year’s summit were traditional marriage, pro-life, Second Amendment rights, free speech, limited government, religious liberty, and strong families.

2019 NCSL FISCAL ANALYSTS SEMINAR – [Sakura Rohleder](#), Fiscal and Program Analyst, attended The National Conference of State Legislatures (NCSL) National Association of Legislative Fiscal Officers (NALFO) seminar in Columbus, Ohio October 9 - 11. The seminar provided an overview of the federal budget, economic outlook, and national demographic outlook as well as specialized training including how to utilize major data sources, revenue estimation, and opioid costs. The seminar also provided opportunities to network with legislative employees from other states who provide research, bill drafting, and fiscal analysis, and learn from how other states are handling similar issues that SD faces.

2019 NCSL NALIT PROFESSIONAL DEVELOPMENT SEMINAR – [Scott Darnall](#) and [Tyler Haddix](#) attended the NALIT Professional Development Seminar in Boise, Idaho October 1-4. The seminar brings together state legislative IT professionals who are interested in advancing the effectiveness and efficiency of state legislatures through technology. Scott presented at both the Bill Drafting and IT Marketing sessions. He said it is interesting to see what other states are doing and how the LRC IT team can use those ideas to make South Dakota’s system better. Tyler presented the ACTS system during a session highlighting the software systems of eight different states.

COMMUNITY-BASED PROVIDERS SHARED SAVINGS WORKGROUP – The Community Based Providers Shared Savings Workgroup meeting was held October 1 in Pierre. Updates were given on the 100% federal funding policy for Medicaid services received through an Indian Health Service (IHS) facility. Thus far for FY2020, there has been a total of \$2.2 million in general fund savings. The monthly savings reports are published on the DSS [website](#).

Health care innovation grants, which were funded by [SB173](#) (2019), have all been awarded. DSS received four proposals for the primary and prenatal care innovation grants and on September 23 awarded three grants in the amount of \$333,000 each to Native Women’s Health Care, Avera Health, and the Center for Family Medicine. The Department of Human Services (DHS) received 56 applications for nursing facility innovation grants and awarded 25 grants to nursing facilities on October 24. The next meeting is scheduled for December 8 at 9:00am in Pierre. Staff Contact: [Amanda Doherty-Karber](#)



REPORTS, NEWS, AND HIGHLIGHTS

Senator Solano Resigns: State Senator Alan Solano resigned his seat in the South Dakota Senate effective November 30, 2019. Solano has represented District 32 in the State Senate since 2014.

At the end of the 2019 legislative session, Solano began employment as the President and CEO of a South Dakota-based private foundation. At that time, it was unclear if the change would impact his service to the state and the residents of District 32.

He currently serves as Chair of the Electric Services in an Annexed Area, Reduce the Overall Use of Acute Mental Health Hospitalizations, and Rules Review Committees.

Solano said, “Although this work has been rewarding to me personally, it has also demonstrated the difficulty of balancing my legislative responsibilities with my professional responsibilities. It has been a pleasure to serve this great state and the people of District 32.”

Senator Lake Takes Oath of Office: The Oath of Office was administered to Senator John Lake on Tuesday, October 15, 2019 at 11:00 a.m. in the Senate Chamber by Chief Justice Gilbertson.

District 23 House Appointment: On October 22, Governor Noem announced that she appointed James “JD” Wangness to represent District 23 in the South Dakota House of Representatives. The vacancy was created after Rep. John Lake was appointed to the District 23 Senate seat.

2019 Statistical Comparison Available Online: The Statistical Comparison for the Ninety-Fourth Legislature is available online. The document compiles miscellaneous facts and figures for the Ninety-Fourth Legislature and compares them with previous Legislatures. The information found in the Statistical Comparison includes 2018 Election Results, facts on the Ninety-Fourth Legislature, Legislative Committee statistics, Disposition of Bills and Resolutions, Special Session information, and the General Appropriations Act. The current edition can be accessed [here](#).

Issue Memos/White Papers: Each year LRC staff research topics of particular interest to the legislature. The Executive Board selects the topics based on input from both legislators and staff. These Issue Memos provide non-partisan background information on selected topics. Check out the full list on the LRC website. 2019 memos will be posted following the November 18 Executive Board meeting.



CONDOLENCES

Our condolences to the family of former legislator

Joyce Hodges

who passed away October 9.