

MINUTES

Executive Board



Representative Hugh Bartels, Chair
Senator Lee Schoenbeck, Vice Chair
Representative Oren Lesmeister, Ranking Minority Member

**First Meeting, 2023 Interim
March 27, 2023**

**Room 414 – State Capitol
Pierre, South Dakota**

The Executive Board was called to order by Representative Hugh Bartels at 11:17 a.m. in Room 414 of the State Capitol, Pierre.

A quorum was determined with the following members answering the roll call: Representatives Randy Gross, Chris Karr, Will Mortenson, Rebecca Reimer, Mike Stevens, and Mike Weisgram; Senators Jim Bolin, Casey Crabtree, Steve Kolbeck, and Reynold Nesiba; Representative Oren Lesmeister, Ranking Minority Member; Senator Lee Schoenbeck, Vice Chair; and Representative Hugh Bartels, Chair. Senator Dean Wink was excused.

Staff members present included Reed Holwegner, Director; Justin Goetz, Code Counsel; Michelle Deyo-Amende, Administrative Specialist.

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

Senator Schoenbeck moved, seconded by Representative Mortenson, to approve the minutes of the November 15 and December 6, 2022 Executive Board Meetings. Motion prevailed on a voice vote.

Meeting Dates for the Executive Board

The Board discussed future meeting dates as proposed by the Chair and Vice Chair (Attachment I). Director Holwegner explained the purpose of each meeting. The April 20 meeting is for the appointment of members to interim study committees and clarification of the scope of each study. The May 19 meeting is for the appointment of members to the Investment Council, Code Commission, Uniform Law Commission, and Medical Marijuana Oversight Committee; set the travel budget; and to adopt the salaries Director and Auditor General. The August meeting is for approval of Legislative Budget Requests. The November meeting is for Interim Committee Reports.

Representative Karr asked about the possibility of scheduling retreat. Mr. Holwegner provided information regarding past retreats. Chair Bartels stated a discussion item would be added to the April board agenda, and the May or August meeting could possibly be extended to include a retreat.

Senator Schoenbeck moved, seconded by Representative Mortenson, to set the 2023 Executive Board meeting dates as April 20, May 19, August 7, and November 14 – 15. Motion prevailed on a voice vote.

LRC Executive Director's Report

Mr. Reed Holwegner reported that the Research Division has drafted approximately 1,435 legislative documents and staffed 235 committee hearings. The Research Division is currently developing research requests received for the interim, assisting with clarifying conference committee procedures, reviewing proposed administrative rules, and making updates to the guide to legislative drafting.

The Fiscal Division is reviewing processes and documents used during session to improve efficiency, specifically looking to improve the motions sheets, as well as working with the appropriations committee to plan and schedule biannual tours of state facilities and sites of interest and planning interim projects.

Code Council and staff are organizing, reviewing, and publishing session laws. Code commission met on March 10 and cleaned up editorial language for changes to statutes triggered by the U.S. Supreme Court decision in the Dobbs case. Code Counsel is conducting Administrative Rules training April 18 for public sector attorneys in South Dakota.

LRC has completed the RFP process to procure IT staff augmentation services. Developing Today was selected as the vendor who will be providing services on an "as needed" basis to assist LRC with software development. The IT team completed nearly 300 ad hoc support requests during session compared to 200 in the nine-month span of the 2022 legislative interim.

The Operations Division compiled the red book directory, supported 2 interim committee meetings, 3 select committees, composed and distributed 10 editions of the Legislative Update, coordinated the Legislative Memorial Service, processed 13 new Administrative Rules packets, supported 14 conference committees, created 74 daily journals including 4,785 actions, trained and managed 100 pages, prepared and filed 253 oath documents, paid 297 expense vouchers, created 670 committee room reservations, proofed 678 bills, resolutions, and commemorations, processed 907 payroll payments, processed 987 engrossments of bills and enrolled 254 bills, processed 1,224 incoming calls for a total of 61.2 hours.

Executive Board Appointments

The **Education Commission of the States** supports all 50 states and four territories. Each state appoints seven commissioners and in South Dakota the Legislature selects one commissioner from the House of Representatives and one from the Senate.

Senator Schoenbeck moved, seconded by Representative Mortenson to appoint Senator Schoenfish and Representative Stevens to the Education Commission of the States. Motion prevailed on a voice vote.

The **Dakota Corps Scholarship Board**, which was created by the Board of Regents at the request of Governor Rounds, to encourage high school graduates to obtain their postsecondary education in South Dakota; to remain in the state upon completion of their education; and to contribute to the state and its citizens by working in a critical need occupation. The board includes two legislators appointed by the Executive Board.

Senator Schoenbeck moved, seconded by Senator Bolin to appoint Representative Olson and Senator Nesiba to the Dakota Corps Scholarship Board. Motion prevailed on a voice vote.

The **Streamlined Sales Tax Governing Board** works to simplify and modernize sales and use tax for sellers and all types of commerce and to establish standards for certification of service providers and certified automated system and establish performance standards for multistate sellers. The board includes members from South Dakota including the Secretary of Revenue or the Secretary's designee and three legislators appointed by the Executive Board. All three legislators are authorized to participate beginning at the time of their appointment.

Senator Schoenbeck moved, seconded by Mortenson to appoint Senator Reed, Senator Jack Kolbeck, and Representative Drury to the Streamlined Sales Tax Governing Board. Motion prevailed on a voice vote.

The **Midwestern Higher Education Compact** brings together midwestern states to develop and support best practices, collaborative efforts, and cost-sharing opportunities for postsecondary educational institutions. The Executive Board appoints two members and two alternates to serve a term of two years.

Senator Schoenbeck moved, seconded by Senator Bolin to appoint Senator Steve Kolbeck, Representative Torsen, and alternates Representative Healy and Senator Nesiba to the Midwestern Higher Education Compact. Motion prevailed on a voice vote.

The **Extraordinary Cost Oversight Board**, which is organized within the Department of Education, for special education, reviews all school district requests for extraordinary cost funds and includes one member of the Legislature appointed by the Executive Board.

Senator Schoenbeck moved, seconded by Mortenson to appoint Representative Heermann to the Extraordinary Cost Oversight Board. Motion prevailed on a voice vote.

The **Interstate Compact for Adult Offender Supervision State Council** brings together the member states to work with offending adults to promote safety and uniform procedures. The membership of this compact includes one legislator appointed by the Executive Board.

Senator Schoenbeck moved, seconded by Mortenson to appoint Representative Reisch to the Interstate Compact for Adult Offender Supervision. Motion prevailed on a voice vote.

Executive Board Subcommittees

Motion by Senator Schoenbeck, seconded by Representative Mortensen to appoint to the Budget Subcommittee Representative Reimer, Chair; Representatives Gross and Lesmeister, and Senators Wink and Nesiba. Motion prevailed on a voice vote.

Motion by Senator Schoenbeck, seconded by Representative Mortensen, to appoint to the Technology Subcommittee Senator Crabtree, Chair; Senators Tobin and Steve Kolbeck, and Representatives Bartels and Weisgram. Motion prevailed on a voice vote.

Motion by Senator Schoenbeck, seconded by Senator Bolin, to appoint to the Investment Council Subcommittee Representative Mortenson, Chair; Representatives Karr and Stevens, and Senators Bolin and Schoenbeck. Motion prevailed on a voice vote.

Proposed Interim Study Topics

Mr. Holwegner presented the proposed interim study topics and the survey ranking results. The Executive Board also received a request from Missouri River Energy Services requesting an interim committee to study nuclear power. (Attachment II)

County Funding and Mandated Services - The scope of the study is to examine the appropriate administration and funding of certain services mandated to be provided by county governments, including, but not limited to: medical assistance for indigent persons, juror fees, elections, veteran service officers, criminal defense costs, court costs, cybersecurity costs, and mental health holds. In particular, the study will seek policies to encourage regionalization,

consolidation, or alternate provision of services to gain efficiency for county governments and taxpayers. The study will further examine the available revenue sources of county governments.

Representative Stevens moved, seconded by Representative Gross, that the Executive Board approve County Funding & Mandated Services as an interim study topic. Motion prevailed on a voice vote.

Senator Schoenbeck moved, seconded by Senator Bolin, that Representative Chase be appointed Chair, and Senator Deibert be appointed Vice Chair of the County Funding and Mandated Services Interim Study. Motion prevailed on a voice vote.

Sustainable Models for Long-Term Care - The scope of the study is to examine current and 10-year projected state of South Dakota's long-term care population, including total population, Medicaid-eligible population, geography, and services provided. The study will further identify alternate or additional care delivery models, including models that emphasize long-term care in the home, regionalization of long-term care facilities, or affordable care for long-term care patients and the state of South Dakota. Finally, the study will consider incentives for capital investment and innovation and sustainable funding mechanism for Medicaid-provided long-term care.

Senator Bolin moved, seconded by Representative Mortenson, that the Executive Board approve Sustainable Models for Long-Term Care as an interim study topic. Motion prevailed on a voice vote.

Senator Schoenbeck moved, seconded by Representative Mortenson, that Senator Hunhoff be appointed Chair, and Representative Rehfeldt Vice Chair of the Sustainable Models for Long-Term Care Interim Study. Motion prevailed on a voice vote.

Representative Mortenson stated there were a lot of good topics proposed that had the potential to become important and meaningful legislation next session. However, the two that have been chosen will be the most impactful for South Dakota citizens. Legislators are encouraged to work on draft legislation throughout the interim.

Senator Nesiba stated since the Affordable and Accessible Childcare Study was not chosen, members will continue this topic. In his community there is an ongoing crisis in this area.

Senator Crabtree mentioned other proposed studies on the list and the value of each, but agreed the correct two were chosen.

Representative Gross agreed the choices made represent key items that can be spotlighted and that the committees can do a good job with them.

Senator Schoenbeck stated interim studies should provide knowledge to prepare for and address problems that need to be solved in the next session, to get ahead of those problems. Additionally, he stated LRC staff time should be respected by limiting the number of studies and defining the topics meaningfully.

Family Support 360 and Shared Living Investigation Study

The Chair recognized Senator Jack Kolbeck who testified in support of a study of the Family Support 360 and Shared Living Program. He stated it could cost up to \$400,000, and the Governor's office would share the cost.

The South Dakota Department of Human Services, within Division of Developmental Disabilities, operates two Medicaid home and community-based services waiver programs. The Family Support 360 program serves children and adults with intellectual and developmental disabilities, assisting participants and their families in self-directing

the services. Shared Living is a residential program providing an arrangement of services for adults with intellectual and developmental disabilities in their private home or a family home.

The Legislature included an increase in the Legislative Audit budget of \$200,000 from the general fund in HB 1049 to contract for this study.

Representative Karr moved, Senator Tobin seconded, to direct the Auditor General to develop a scope of work and contract for an investigation study of the Family Support 360 and Shared Living program at DHS with a final report by December 31, 2023, and present the report to the Government Operations and Audit Committee and the Special Committee on Appropriations. Motion prevailed on a voice vote.

Executive Session for Personnel

Representative Karr moved, seconded by Senator Schoenbeck, that the Executive Board go into executive session to discuss personnel matters. Motion prevailed on a voice vote.

The Executive Board went into executive session at 12:25 p.m.

Schoenbeck moved, seconded by Mortenson that the Executive Board come out of executive session with no action. Motion prevailed on a voice vote.

The Executive Board came out of executive session at 12:46 p.m.

The next meeting of the Executive Board will be on Thursday, April 20, 2023, in Pierre.

Adjourn

Representative Karr moved, seconded by Representative Lesmeister, the Executive Board be adjourned. Motion prevailed on a voice vote.

The Executive Board adjourned at 12:46 p.m.