

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 16, 2022

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Deacon Kris Wollman, followed by the Pledge of Allegiance led by House pages Olivia Rink and Kinsey Schuchhardt.

Roll Call: All members present except Rep. Ernie Otten who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 23rd day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Spencer R. Gosch, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1075, 1078, and 1085** were delivered to her Excellency, the Governor, for her approval at 1:05 p.m., February 16, 2022.

Respectfully submitted,
Spencer R. Gosch, Chair

MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1207 and 1309** which were deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1252, 1303, and 1304** which were tabled.

Also MR. SPEAKER:

The Committee on House Education respectfully reports that it has had under consideration **HB 1302** and returns the same with the recommendation that said bill be amended as follows:

1302C

On page 1, line 1, of the Introduced bill, after "in " delete "residential "

On page 1, line 2, of the Introduced bill, delete "centers" and insert "facilities"

On page 1, after line 2, of the Introduced bill, insert: "

Section 1. That § 13-28-10 be AMENDED:

13-28-10. ~~If Except as otherwise provided in this section, if a school age child resides in a home other than the residence of his-the child's parents, guardian, or noncustodial parents, on a temporary or permanent basis, the school residency of the child is where the parents, noncustodial parents, or guardian reside unless, upon request of the person with whom the child is living, the local school board of the school district accepts the child as a resident of that school district.~~

If the ~~school~~board rejects the request, the person who made the request may, within fifteen days after receipt of the rejection, ~~appeal to~~petition the ~~school~~board for a hearing. The decision of the ~~school~~board, ~~after the hearing is final and,~~ may be appealed to the circuit court.

~~However, a~~A school age child is a resident of the school district ~~where the school age in which the child is placed by the Unified Judicial System, the Department of Corrections, or entities approved by the Department of Human Services, or the Department of Social Services, including a foster home.~~

On page 1, line 4, of the Introduced bill, delete " residential treatment center or an intensive residential treatment center" and insert " facility"

On page 1, line 6, of the Introduced bill, delete " residential treatment center or intensive residential treatment center " and insert "facility "

1 On page 1, line 9, of the Introduced bill, after "placed" delete ", or recommended for
2 placement,"

3 On page 1, line 14, of the Introduced bill, after "or " delete "any entity approved by "

4 On page 1, line 15, of the Introduced bill, delete "Social " and insert "Human "

5 On page 1, line 15, of the Introduced bill, after "Services" delete the period

6 On page 1, line 16, of the Introduced bill, delete "Terms used in this section mean:

7 (1) Intensive residential treatment center, a center that is licensed by the Department of Social
8 Services to care seven or more children, and which provides more intensive and frequent services
9 and supervision of children and individualized treatment to prevent runaway behavior, rage and
10 physical aggression, and the likelihood of children injuring themselves or others;

11 (2) Residential treatment center, a center licensed by the Department of Social Services to
12 care for seven or more children who have behavioral or emotional problems requiring intensive
13 professional assistance and therapy in a highly structured, self-contained environment; and

14 (3) State " and insert ", provided the placement is:

15 (1) In a residential treatment center;

16 (2) In an intensive residential treatment center;

17 (3) In a group care center;

18 (4) In an intermediate care facility; or

19 (5) With a community services provider.

20 For purposes of this section, the term, school district, means a political subdivision of this state
21 created in accordance with chapter 13-5.

22 For purposes of this section, the term, state "

23 On page 2, line 1, of the Introduced bill, after "is, " insert "means "

24 On page 2, after line 3, of the Introduced bill, insert: "

25 **Section 3. That § 13-28-39 be AMENDED:**

26 **13-28-39.** The Department of Social Services shall pay tuition costs and related service costs
27 for students in residential treatment centers, intensive residential treatment centers, or group care
28 centers for minors who are under the care and custody of the Department of Social Services, ~~the~~
29 ~~Unified Judicial System, or other entities approved by the secretary of~~ or the Department of Social
30 ~~Services~~ Corrections.

31 The Department of Social Services ~~will have~~ has rate setting authority for tuition costs and
32 related service costs.

33 The ~~secretary of the~~ Department of Social Services ~~may~~ shall promulgate rules, pursuant to
34 chapter 1-26, pertaining to:

35 (1) The amount, scope, and duration of services;

36 (2) The basis for and extent of provider payments;

- 1 (3) The method and amount of payment;
- 2 (4) The methods of recoupment or recovery of overpayments;
- 3 (5) Administration, record keeping, and audit requirements;
- 4 (6) Compliance monitoring;
- 5 (7) Reporting ~~requirement~~requirements; and
- 6 (8) Such other standards and requirements as ~~may be~~ necessary to ensure the efficient
- 7 operation and administration of the program."

8 On page 2, after line 3, of the Introduced bill, insert: "

9 **Section 4. That § 13-28-52 be AMENDED:**

10 **13-28-52.** The South Dakota Board of Education Standards may promulgate rules, pursuant
 11 to chapter 1-26, regarding services provided and tuition paid for children residing in ~~residential~~
 12 ~~treatment centers or intensive residential treatment centers~~ a facility, as provided in §§ 13-28-11
 13 and 13-13-87, including:

- 14 (1) The scope, duration, and requirements of enrollment for purposes of qualifying for and
- 15 calculating rates and payments;
- 16 (2) The amount, scope, and duration of services;
- 17 (3) The basis for, extent of, and timing of payments;
- 18 (4) The method and amount of payment;
- 19 ~~(5)~~The methods of recoupment or recovery of overpayments;
- 20 ~~(5)~~~~(6)~~ Reporting requirements;
- 21 ~~(6)~~~~(7)~~ Designation of additional state operated schools referenced in § 13-28-11; and
- 22 ~~(7)~~~~(8)~~ Other standards and requirements as may be necessary to ensure the efficient operation
- 23 and administration of the program."

24 And that as so amended, said bill do pass.

25 Respectfully submitted,
 26 Lana Greenfield, Chair

27 MR. SPEAKER:

28 The Committee on House Commerce and Energy respectfully reports that it has had under
 29 consideration **HB 1322** and returns the same with the recommendation that said bill be amended
 30 as follows:

31 1322D

32 On page 1, line 15, of the Introduced bill, delete "4 " and insert "3 "

33 On page 1, line 16, of the Introduced bill, after "Act." delete "Section 2. That chapter 34-18 be
 34 amended with a NEW SECTION:

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On page 1, line 17, of the Introduced bill, after "SECTION:" delete "A person selling food or any food product, as authorized in § 34-18-35, shall register with the department and submit an annual fee in the amount of fifteen dollars. The department shall forward any fees collected under this section to the state treasurer for deposit in the general fund.

The department shall promulgate rules in accordance with chapter 1-26, to provide for an annual registration process."

On page 3, line 5, of the Introduced bill, delete "4 " and insert "3 "

On page 3, line 29, of the Introduced bill, after "venue;" insert " or"

On page 3, line 30, of the Introduced bill, after "buyer" delete the semicolon

On page 3, line 31, of the Introduced bill, after "buyer;" delete "(6) The food is sold to the buyer and thereafter delivered to the buyer by mail or other delivery service; or

(7) The food is non-temperature controlled, advertised on a website that contains the labeling information required by § 34-18-37, sold online, and delivered to the buyer by mail or other delivery service"

1322F

On page 1, line 14, of the Introduced bill, after "goods" insert " prepared at a residence"

On page 1, line 15, of the Introduced bill, after "product" insert " prepared at a residence and"

On page 1, line 15, of the Introduced bill, delete "4 " and insert "3 "

On page 1, line 16, of the Introduced bill, after "Act." delete "Section 2. That chapter 34-18 be amended with a NEW SECTION:

"

On page 1, line 17, of the Introduced bill, after "SECTION:" delete "A person selling food or any food product, as authorized in § 34-18-35, shall register with the department and submit an annual fee in the amount of fifteen dollars. The department shall forward any fees collected under this section to the state treasurer for deposit in the general fund.

The department shall promulgate rules in accordance with chapter 1-26, to provide for an annual registration process."

On page 2, line 5, of the Introduced bill, delete "and may not cost more than one hundred" and insert

On page 2, line 6, of the Introduced bill, after "hundred" delete "dollars"

On page 3, line 5, of the Introduced bill, delete "4 " and insert "3 "

On page 3, line 13, of the Introduced bill, remove the overstrikes from "primary "

On page 3, line 13, of the Introduced bill, after "residence" insert ", in accordance with § 34-18-35, "

On page 3, line 15, of the Introduced bill, remove the overstrikes from "(1) The non-temperature-controlled baked goods meet "

- 1 On page 3, line 15, of the Introduced bill, delete "non-temperature-controlled baked goods
2 meet " and insert "food meets "
- 3 On page 3, line 15, of the Introduced bill, remove the overstrikes from "the requirements of
4 § 34-18-37;"
- 5 On page 3, line 17, of the Introduced bill, remove the overstrikes from "(2) The non-
6 temperature-controlled baked goods are "
- 7 On page 3, line 17, of the Introduced bill, delete "non-temperature-controlled baked goods are
8 " and insert "food is "
- 9 On page 3, line 17, of the Introduced bill, remove the overstrikes from "sold in the seller's
10 physical presence at:"
- 11 On page 3, line 19, of the Introduced bill, remove the overstrikes from "(a) The seller's primary
12 residence;"
- 13 On page 3, line 20, of the Introduced bill, remove the overstrikes from "(b) A farmer's market;"
- 14 On page 3, line 21, of the Introduced bill, remove the overstrikes from "(c) A roadside stand;
15 or"
- 16 On page 3, line 22, of the Introduced bill, remove the overstrikes from "(d) Other temporary
17 sale venue; and"
- 18 On page 3, line 23, of the Introduced bill, remove the overstrikes from "(3) The seller, or a
19 person residing at the seller's primary residence, personally delivers the non-temperature-controlled
20 baked goods "
- 21 On page 3, line 24, of the Introduced bill, delete "non-temperature-controlled baked goods "
22 and insert "food "
- 23 On page 3, line 24, of the Introduced bill, remove the overstrikes from "to the buyer at the
24 completion of the sale"
- 25 On page 3, line 26, of the Introduced bill, after "sale" delete "(1) The food is sold at the seller's
26 primary residence;
- 27 (2) The food is sold at a farmer's market;
- 28 (3) The food is sold at a roadside stand;
- 29 (4) The food is sold at any other temporary sale venue;
- 30 (5) The food is sold by the producer directly to the buyer;"
- 31 On page 3, line 31, of the Introduced bill, after "buyer;" delete "(6) The food is sold to the
32 buyer and thereafter delivered to the buyer by mail or other delivery service; or
- 33 (7) The food is non-temperature controlled, advertised on a website that contains the labeling
34 information required by § 34-18-37, sold online, and delivered to the buyer by mail or other delivery
35 service"
- 36 And that as so amended, said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under
 3 consideration **SB 160 and 171** and returns the same with the recommendation that said bills do
 4 pass, and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
 6 Rhonda Milstead, Chair

7 MR. SPEAKER:

8 The Committee on House State Affairs respectfully reports that it has had under consideration
 9 **HB 1124, 1125, 1126, and 1127** and returns the same with the recommendation that said bills
 10 do pass.

11 Also MR. SPEAKER:

12 The Committee on House State Affairs respectfully reports that it has had under consideration
 13 **HB 1210** and returns the same with the recommendation that said bill be referred to the House
 14 Committee on Appropriations with a Do Pass recommendation.

15 Also MR. SPEAKER:

16 The Committee on House State Affairs respectfully reports that it has had under consideration
 17 **HB 1258** and returns the same with the recommendation that said bill be amended as follows:

18 1258A

19 On page 1, line 1, of the Introduced bill, delete "prohibit obtaining an individual's COVID-19
 20 vaccination status without the consent of the individual" and insert "protect an individual's
 21 conscience from entities requiring the COVID-19 vaccine"

22 On the Introduced bill, delete everything after the enacting clause and insert:

23 "

24 **Section 1.** This Act shall be referred to as the COVID-19 Vaccine Freedom of Conscience Act.

25 **Section 2. That a NEW SECTION be added to title 34:**

26 For the purpose of this Act, the term, conscience, means a person’s inner conviction of what is
 27 right or wrong in the person's conduct.

28 **Section 3. That a NEW SECTION be added to title 34:**

29 A person has the right to be exempt from any COVID-19 vaccination mandate, requirement,
 30 obligation, or demand on the basis that receiving a COVID-19 vaccination violates the person's
 31 conscience. A person may exercise the right to be exempt under this Act orally or in writing.

32 **Section 4. That a NEW SECTION be added to title 34:**

33 No person may be subjected to any disciplinary action; being terminated, demoted, or losing
 34 employment status in any way; loss of student status, including status in a particular study program;
 35 nor may any person be denied access to any business premises as a result of the person's decision
 36 to decline to receive a COVID-19 vaccination on the basis of conscience.

37 **Section 5. That a NEW SECTION be added to title 34:**

1 Any entity or agent of any entity that mandates or requires any person to receive a COVID-19
2 vaccination or conditions any person's job or student status upon receiving a COVID-19 vaccination
3 must inform the person of the right to the conscience exemption under this Act.

4 **Section 6. That a NEW SECTION be added to title 34:**

5 A civil action for damages or injunctive relief, or both, may be brought by any person for any
6 violation of any provision of this Act. A person aggrieved by any violation of this Act who commences
7 a civil action is entitled, upon the finding of a violation, to recover threefold the actual damages
8 sustained, along with the costs of the action and reasonable attorney's fees.

9 **Section 7. That a NEW SECTION be added to title 34:**

10 A health care facility, as defined in § 34-12-1.1, is exempt from this Act during any period of
11 time that compliance would result in a violation of regulations issued by the centers for medicare
12 and medicaid services or the centers for disease control and prevention."

13 And that as so amended, said bill do pass.

14 Also MR. SPEAKER:

15 The Committee on House State Affairs respectfully reports that it has had under consideration
16 **HJR 5003** and returns the same with the recommendation that said resolution be amended as
17 follows:

18 HJR5003A

19 On page 1, line 12, of the Introduced bill, delete " each member of the species homo sapiens,
20 at all stages of life, including the moment of fertilization or cloning, or other moment at which a
21 member of the species comes into being" and insert " an individual living member of the species of
22 Homo sapiens, including the unborn human being during the entire embryonic and fetal ages from
23 fertilization to full gestation"

24 And that as so amended, said resolution do pass.

25 Also MR. SPEAKER:

26 The Committee on House State Affairs respectfully reports that it has had under consideration
27 **HB 1261** which was deferred to the 41st Legislative Day.

28 Also MR. SPEAKER:

29 The Committee on House State Affairs respectfully reports that it has had under consideration
30 **HB 1141 and 1326** which were tabled.

31 Respectfully submitted,
32 Kent Peterson, Chair

33 MR. SPEAKER:

34 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
35 under consideration **HB 1112** which was deferred to the 41st Legislative Day.

1 Also MR. SPEAKER:

2 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
3 under consideration **HJR 5002** which was tabled.

4 Respectfully submitted,
5 Marty Overweg, Chair

6 MR. SPEAKER:

7 The House Committee on Appropriations respectfully reports that it has had under
8 consideration **HB 1030 and 1034** and returns the same with the recommendation that said bills
9 do pass.

10 Respectfully submitted,
11 Chris Karr, Chair

12 MR. SPEAKER:

13 The Joint Committee on Appropriations respectfully reports that it has had under consideration
14 **HB 1013, 1018, 1019, and 1020** and returns the same with the recommendation that said bills
15 do pass.

16 Respectfully submitted, Respectfully submitted,
17 Chris Karr, Co-Chair Jean Hunhoff, Co-Chair

18 **MESSAGES FROM THE SENATE**

19 Mr. SPEAKER:

20 I have the honor to return herewith **HCR 6001 and 6003** in which Senate has concurred.

21 Also Mr. SPEAKER:

22 I have the honor to inform your honorable body that the Senate has concurred in House
23 amendments to **SB 10**.

24 Also Mr. SPEAKER:

25 I have the honor to transmit herewith **SB 52, 64, 67, 154, 157, 197, and 203** which have
26 passed the Senate and your favorable consideration is respectfully requested.

27 Respectfully,
28 Kay Johnson, Secretary

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MOTIONS AND RESOLUTIONS

Rep. Aylward moved that **HB 1052** be deferred to Thursday, February 17, 2022, the 25th legislative day.

Which motion prevailed.

Rep. Cwach moved that **HB 1222** be deferred to Tuesday, February 22, 2022, the 26th legislative day.

Which motion prevailed.

Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 1:30 p.m. on Thursday, February 17, 2020, the 25th legislative day.

Which motion prevailed.

Rep. Kent Peterson moved that **HB 1335** be placed to follow **HB 1017** on today's calendar.

Which motion prevailed.

SCR 603: A CONCURRENT RESOLUTION, to raise awareness about tardive dyskinesia.

Was read the second time.

Rep. Rehfeldt moved that **SCR 603** as found on page 235 of the House Journal be concurred in.

The question being on Rep. Rehfeldt's motion that **SCR 603** be concurred in.

And the roll being called:

Yeas 68, Nays 0, Excused 2, Absent 0

Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Karr, Keintz, Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

Excused: Chris Johnson and Ernie Otten

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **SCR 603** was concurred in.

Rep. Randolph moved that the Committee on State Affairs be instructed to deliver **HB 1260** to the floor of the House, pursuant to JR 7-7.

Which motion was not supported.

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CONSIDERATION OF REPORTS OF COMMITTEES

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Rep. Kent Peterson moved that the reports of the Standing Committees on

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Taxation on **HB 1045** as found on page 294 of the House Journal; also

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Health and Human Services on **HB 1283 and 1285** as found on page 292 of the House Journal; also

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Health and Human Services on **HB 1292** as found on page 293 of the House Journal; also

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8

Agriculture and Natural Resources on **HB 1325** as found on page 293 of the House Journal; also

9

State Affairs on **HB 1311 and 1329** as found on page 291 of the House Journal; and

10

Local Government on **HB 1255** as found on page 290 of the House Journal be adopted.

11

Which motion prevailed and the reports were adopted.

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Rep. Haugaard moved that **HB 1255** be placed on the calendar of February 17, 2022, the 25th legislative day with a do pass recommendation, pursuant to JR 6F-6.

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The question being on Rep. Haugaard's motion that **HB 1255** be placed on the calendar of February 17, 2022, the 25th legislative day with a do pass recommendation, pursuant to JR 6F-6.

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And the roll being called:

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Yeas 40, Nays 28, Excused 2, Absent 0

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Yeas: Aylward, Beal, Blare, Chaffee, Dennert, Derby, Deutsch, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Howard, Kevin Jensen, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Pourier, Randolph, Schneider, Jamie Smith, Soye, St. John, Stevens, Vasgaard, Weis, Wiese, and Speaker Gosch

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Nays: Anderson, Bartels, Barthel, Bordeaux, Chase, Cwach, Davis, Drury, Duba, Fitzgerald, Healy, Jamison, Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson, Reed, Rehfeldt, Reimer, Thomason, Tidemann, Weisgram, Willadsen, Wink, and York

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Excused: Chris Johnson and Ernie Otten

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So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed and **HB 1255** was so placed.

29

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

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The Speaker declared that **HB 1135, 1212, 1247, and 1262** were withdrawn at the request of the prime sponsors pursuant to JR 6B-1.1.

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FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

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SB 157: FOR AN ACT ENTITLED, An Act to exempt the sale of certain goods related to information technology from a gross receipts tax.

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Was read the first time and referred to the Committee on Commerce and Energy.

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SB 52: FOR AN ACT ENTITLED, An Act to make an appropriation for the replacement of the Richmond Lake spillway, for the general maintenance and repair of other state-owned dams, and to declare an emergency.

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SB 64: FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment fund and its revolving fund subfunds for various water and environmental purposes and to declare an emergency.

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SB 67: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game, Fish and Parks to improve and repair infrastructure around Lake Alvin and Newell Lake and to declare an emergency.

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SB 154: FOR AN ACT ENTITLED, An Act to revise criteria for the South Dakota freedom scholarship.

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SB 197: FOR AN ACT ENTITLED, An Act to require the POW/MIA flag be displayed in the Senate and House of Representative chambers.

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SB 203: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding utility facilities and revenue bonds.

19

20

Were read the first time.

21

SECOND READING OF CONSENT CALENDAR ITEMS

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Rep. Aylward requested that **HB 1155** be removed from the Consent Calendar.

23

HB 1282: FOR AN ACT ENTITLED, An Act to allow inpatient psychiatric facility placement alternatives for certain patients.

24

25

Was read the second time.

26

The question being "Shall **HB 1282** pass?"

27

And the roll being called:

28

Yeas 68, Nays 0, Excused 2, Absent 0

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Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Karr, Keintz, Koth, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer,

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1 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,
2 Wiese, Willadsen, Wink, York, and Speaker Gosch

3 Excused: Chris Johnson and Ernie Otten

4 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
5 declared the bill passed and the title was agreed to.

6 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

7 **HB 1153:** FOR AN ACT ENTITLED, An Act to revise the number of class hours required to
8 obtain a responsible broker's license.

9 Was read the second time.

10 The question being "Shall **HB 1153** pass?"

11 And the roll being called:

12 Yeas 55, Nays 13, Excused 2, Absent 0

13 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
14 Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman,
15 Jamison, Kevin Jensen, Keintz, Koth, Ladner, Lesmeister, Marty, May, Milstead, Miskimins, Mulally,
16 Odenbach, Olson, Overweg, Perry, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie
17 Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen,
18 Wink, and York

19 Nays: Aylward, Dennert, Fitzgerald, Howard, Phil Jensen, Karr, Mills, Mortenson, Sue Peterson,
20 Pischke, Randolph, Soye, and Speaker Gosch

21 Excused: Chris Johnson and Ernie Otten

22 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
23 declared the bill passed and the title was agreed to.

24 **HB 1270:** FOR AN ACT ENTITLED, An Act to require a defendant in a criminal proceeding to
25 be physically present during the reading of victim impact statements.

26 Was read the second time.

27 The question being "Shall **HB 1270** pass?"

28 And the roll being called:

29 Yeas 28, Nays 40, Excused 2, Absent 0

30 Yeas: Aylward, Barthel, Blare, Bordeaux, Cwach, Davis, Drury, Duba, Fitzgerald, Lana
31 Greenfield, Healy, Hoffman, Jamison, Kevin Jensen, Keintz, Lesmeister, Marty, May, Mulally, Olson,
32 Sue Peterson, Pourier, Randolph, Rehfeldt, Jamie Smith, Thomason, Wink, and York

33 Nays: Anderson, Bartels, Beal, Chaffee, Chase, Dennert, Derby, Deutsch, Finck, Goodwin,
34 Gross, Hansen, Haugaard, Howard, Phil Jensen, Karr, Koth, Ladner, Mills, Milstead, Miskimins,

1 Mortenson, Odenbach, Overweg, Perry, Kent Peterson, Pischke, Reed, Reimer, Schneider, Soye, St.
2 John, Stevens, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, and Speaker Gosch

3 Excused: Chris Johnson and Ernie Otten

4 So the bill not having received an affirmative vote of a majority of the members-elect, the
5 Speaker declared the bill lost.

6 **HB 1272:** FOR AN ACT ENTITLED, An Act to revise provisions related to counseling for
7 domestic abuse defendants.

8 Was read the second time.

9 Rep. Reimer moved that **HB 1272** be amended as follows:

10 1272A

11 On page 1, line 8, of the Introduced bill, after "counseling" delete " must cover"

12 On page 1, line 8, of the Introduced bill, after "cover " insert "includes "

13 On page 1, line 9, of the Introduced bill, after "regulation," delete " and"

14 On page 1, line 9, of the Introduced bill, after "and " insert " or "

15 On page 1, line 10, of the Introduced bill, delete " Individual counseling meeting the
16 requirements of domestic abuse counseling is acceptable. Additionally, the " and insert " The "

17 On page 1, line 11, of the Introduced bill, after "recommend " insert "individual or "

18 Which motion prevailed.

19 The question being "Shall **HB 1272** pass as amended?"

20 And the roll being called:

21 Yeas 65, Nays 4, Excused 1, Absent 0

22 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
23 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen,
24 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
25 Koth, Ladner, Lesmeister, Marty, Mills, Miskimins, Mortenson, Mulally, Odenbach, Olson, Overweg,
26 Perry, Kent Peterson, Sue Peterson, Pischke, Poirier, Randolph, Reed, Rehfeldt, Reimer, Schneider,
27 Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese,
28 Willadsen, Wink, and York

29 Nays: Fitzgerald, May, Milstead, and Speaker Gosch

30 Excused: Ernie Otten

31 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker
32 declared the bill passed and the title was agreed to.

33 **HB 1014:** FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for
34 elderly persons and persons with a disability and to declare an emergency.

35 Was read the second time.

1 The question being "Shall **HB 1014** pass?"

2 And the roll being called:

3 Yeas 67, Nays 0, Excused 3, Absent 0

4 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
 5 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Lana Greenfield, Gross, Hansen,
 6 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
 7 Koth, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson,
 8 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer,
 9 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,
 10 Wiese, Willadsen, Wink, York, and Speaker Gosch

11 Excused: Goodwin, Ladner, and Ernie Otten

12 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,
 13 the Speaker declared the bill passed and the title was agreed to.

14 **HB 1016:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
 15 disasters in the state and to declare an emergency.

16 Was read the second time.

17 The question being "Shall **HB 1016** pass?"

18 And the roll being called:

19 Yeas 67, Nays 0, Excused 3, Absent 0

20 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
 21 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Lana Greenfield, Gross, Hansen,
 22 Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz,
 23 Koth, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson,
 24 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer,
 25 Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram,
 26 Wiese, Willadsen, Wink, York, and Speaker Gosch

27 Excused: Goodwin, Ladner, and Ernie Otten

28 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,
 29 the Speaker declared the bill passed and the title was agreed to.

30 **HB 1017:** FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
 31 suppression of wildfires in the state and to declare an emergency.

32 Was read the second time.

33 The question being "Shall **HB 1017** pass?"

34 And the roll being called:

35 Yeas 65, Nays 0, Excused 5, Absent 0

36 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Bordeaux, Chaffee, Chase, Cwach, Davis,
 37 Dennert, Derby, Deutsch, Drury, Duba, Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard,
 38 Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth,

1 Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Overweg,
 2 Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider,
 3 Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese,
 4 Willadsen, Wink, York, and Speaker Gosch

5 Excused: Blare, Finck, Goodwin, Ladner, and Ernie Otten

6 So the bill having received an affirmative vote of a two-thirds majority of the members-elect,
 7 the Speaker declared the bill passed and the title was agreed to.

8 **HB 1335:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
 9 expenditure of moneys allotted to the state by the United States of America.

10 Was read the second time.

11 The question being "Shall **HB 1335** pass as amended?"

12 And the roll being called:

13 Yeas 30, Nays 39, Excused 1, Absent 0

14 Yeas: Aylward, Beal, Dennert, Deutsch, Finck, Gross, Hansen, Haugaard, Howard, Kevin
 15 Jensen, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Perry,
 16 Sue Peterson, Pischke, Randolph, Soye, St. John, Vasgaard, Weis, Wiese, and Speaker Gosch

17 Nays: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
 18 Drury, Duba, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Chris Johnson, Keintz,
 19 Koth, Lesmeister, Miskimins, Mortenson, Olson, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer,
 20 Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, Wink, and York

21 Excused: Ernie Otten

22 So the bill not having received an affirmative vote of a majority of the members-elect, the
 23 Speaker declared the bill lost.

24 **HB 1336:** FOR AN ACT ENTITLED, An Act to make various clarifying changes to the state
 25 budgeting process.

26 Was read the second time.

27 The question being "Shall **HB 1336** pass?"

28 And the roll being called:

29 Yeas 32, Nays 37, Excused 1, Absent 0

30 Yeas: Aylward, Beal, Dennert, Deutsch, Finck, Lana Greenfield, Gross, Hansen, Haugaard,
 31 Hoffman, Howard, Kevin Jensen, Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally,
 32 Odenbach, Overweg, Perry, Pischke, Randolph, Soye, St. John, Vasgaard, Weis, Wiese, York, and
 33 Speaker Gosch

34 Nays: Anderson, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
 35 Drury, Duba, Fitzgerald, Goodwin, Healy, Jamison, Chris Johnson, Keintz, Koth, Lesmeister,

1 Miskimins, Mortenson, Olson, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer,
2 Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Weisgram, Willadsen, and Wink

3 Excused: Ernie Otten

4 So the bill not having received an affirmative vote of a majority of the members-elect, the
5 Speaker declared the bill lost.

6 Rep. Kent Peterson moved that the balance of the calendar including **HB 1113, 1116, and**
7 **1308** be deferred to Thursday, February 17, 2022, the 25th legislative day.

8 Which motion prevailed.

9 There being no objection, the House reverted to Order of Business No. 5 - Reports of Standing
10 Committees.

11 **REPORTS OF STANDING COMMITTEES**

12 MR. SPEAKER:

13 The Committee on House Judiciary respectfully reports that it has had under consideration
14 **HB 1008 and 1199** which were deferred to the 41st Legislative Day.

15 Also MR. SPEAKER:

16 The Committee on House Judiciary respectfully reports that it has had under consideration
17 **HB 1287** and returns the same with the recommendation that said bill do pass.

18 Also MR. SPEAKER:

19 The Committee on House Judiciary respectfully reports that it has had under consideration
20 **HB 1289** and returns the same with the recommendation that said bill be amended as follows:

21 1289A

22 On page 4, line 10, of the Introduced bill, remove the overstrikes from ", but subject to the
23 rights of any prior lienholder unless the personal property is consumer goods as defined in"

24 On page 4, line 12, of the Introduced bill, after "§ 57A-9-109(1)" insert " § 57A-9-102"

25 On page 4, line 12, of the Introduced bill, remove the overstrikes from the comma

26 On page 4, line 19, of the Introduced bill, delete " two" and insert " three"

27 On page 4, line 21, of the Introduced bill, delete " Must" and insert " must"

28 On page 4, line 21, of the Introduced bill, after "remitted" delete " to the unclaimed refund
29 amount"

30 On page 4, line 29, of the Introduced bill, after "discretion" insert ";

31 (13) If the personal property subject to a lien under § 44-14-2 is a titled motor vehicle, boat,
32 or trailer, and rent or other charges under the rental agreement remain unpaid for sixty days, the
33 personal property is considered abandoned. The owner shall dispose of the personal property using
34 the process prescribed in §§ 32-36-8 to 32-36-11, inclusive. The Department of Revenue shall

1 provide the owner with the last known address of the record holder of title and any readily
 2 identifiable lien holders free of charge. An owner may not be held liable for damage incurred to an
 3 occupant’s motor vehicle, boat, or trailer after the owner relinquishes possession of the personal
 4 property and the personal property is removed from the self-service storage facility."

5 On page 5, line 14, of the Introduced bill, after "property." delete "Section 8. That chapter 44-
 6 14 be amended with a NEW SECTION:

7 "

8 On page 5, line 15, of the Introduced bill, after "SECTION:" delete "If the personal property
 9 subject to a lien under § 44-14-2 is a motor vehicle, watercraft, or trailer, and rent or other charges
 10 under the rental agreement remain unpaid for sixty days, the owner may have the motor vehicle,
 11 watercraft, or trailer towed from the self-service storage facility. An owner may not be held liable
 12 for damage incurred to an occupant’s motor vehicle, watercraft, or trailer after the owner
 13 relinquishes possession of the personal property and the personal property is removed from the
 14 self-service storage facility."

15 On page 5, line 22, of the Introduced bill, delete "9" and insert 8

16 On page 5, line 27, of the Introduced bill, delete " 10" and insert 9

17 1289B

18 On page 4, line 10, of the Introduced bill, remove the overstrikes from ", but subject to the
 19 rights of any prior lienholder unless the personal property is consumer goods as defined in"

20 On page 4, line 12, of the Introduced bill, after "§ 57A-9-109(1)" insert " § 57A-9-102"

21 On page 4, line 12, of the Introduced bill, remove the overstrikes from the comma

22 On page 4, line 19, of the Introduced bill, delete " two" and insert " three"

23 On page 4, line 21, of the Introduced bill, delete " Must" and insert " must"

24 On page 4, line 21, of the Introduced bill, after "remitted" delete " to the unclaimed refund
 25 amount"

26 On page 4, line 29, of the Introduced bill, after "discretion" insert ";

27 (13) If the personal property subject to a lien under § 44-14-2 is a titled motor vehicle, boat,
 28 trailer, snowmobile, or off-road vehicle, and rent or other charges under the rental agreement
 29 remain unpaid for sixty days, the personal property is considered abandoned. The owner shall
 30 dispose of the personal property using the process prescribed in §§ 32-36-8 to 32-36-11, inclusive.
 31 The Department of Revenue shall provide the owner with the last known address of the record holder
 32 of title and any readily identifiable lien holders free of charge. An owner may not be held liable for
 33 damage incurred to an occupant’s motor vehicle, boat, or trailer after the owner relinquishes
 34 possession of the personal property and the personal property is removed from the self-service
 35 storage facility"

36 On page 5, line 5, of the Introduced bill, after "property." delete "Section 6. That chapter 44-
 37 14 be amended with a NEW SECTION:

38 "

39 On page 5, line 6, of the Introduced bill, after "SECTION:" delete "The owner may charge a
 40 late fee of twenty dollars or twenty percent of a delinquent monthly rent payment due under the
 41 rental agreement, whichever is greater, for each delinquent payment of rent, fees, or other charges
 42 due under the rental agreement."

1 On page 5, line 14, of the Introduced bill, after "property." delete "Section 8. That chapter 44-
2 14 be amended with a NEW SECTION:

3 "

4 On page 5, line 15, of the Introduced bill, after "SECTION:" delete "If the personal property
5 subject to a lien under § 44-14-2 is a motor vehicle, watercraft, or trailer, and rent or other charges
6 under the rental agreement remain unpaid for sixty days, the owner may have the motor vehicle,
7 watercraft, or trailer towed from the self-service storage facility. An owner may not be held liable
8 for damage incurred to an occupant's motor vehicle, watercraft, or trailer after the owner
9 relinquishes possession of the personal property and the personal property is removed from the
10 self-service storage facility."

11 And that as so amended, said bill do pass.

12 Also MR. SPEAKER:

13 The Committee on House Judiciary respectfully reports that it has had under consideration
14 **HB 1328** and returns the same with the recommendation that said bill be amended as follows:

15 1328A

16 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. An Act to require
17 law enforcement to report certain seizures of property."

18 On page 1, line 5, of the Introduced bill, after "SECTION:" insert "For any property seized or
19 forfeited under this chapter, a law enforcement agency shall issue a report to the attorney general
20 within a time specified and in a form prescribed by the attorney general, containing information
21 about the property seized or forfeited as listed in section 2 of this Act and in rule promulgated by
22 the attorney general. A law enforcement agency shall make a null report if it did not engage in
23 seizures or forfeitures under this chapter during the fiscal year."

24 On page 1, line 6, of the Introduced bill, after "SECTION:" insert "The attorney general shall
25 establish and maintain a searchable public website or electronic spreadsheet that includes the
26 following information about each property seized and forfeited:

27 (1) Name of the law enforcement agency that seized the property or, if seized by a
28 multijurisdictional state task force, the name of the lead state agency;

29 (2) Forfeiture case file number;

30 (3) County;

31 (4) Arresting agency;

32 (5) Seizure date;

33 (6) Location of the seizure, whether a residence, business, event, or traffic stop;

34 (7) If a traffic stop on an interstate or state highway, the direction of the traffic flow, whether
35 eastbound, westbound, southbound or northbound;

36 (8) Type and amount of controlled substance;

37 (9) Original criminal charge;

38 (10) Final criminal charge;

39 (11) Date of summons and complaint filed;

-
- 1 (12) Date of summons and complaint served or last date of publication;
 - 2 (13) Whether the defendant or property owner defaulted on the forfeiture complaint, and if
 - 3 no default occurred, the date of civil answer filed by the defendant or property owner;
 - 4 (15) Whether an innocent-owner claimant or creditor moved to regain the property;
 - 5 (16) Date of default civil judgment;
 - 6 (17) Date of summary judgment;
 - 7 (18) Date of civil dismissal;
 - 8 (19) Date of order of civil forfeiture;
 - 9 (20) Dollar amount of seized currency;
 - 10 (21) Description of seized property, other than currency, including make, model, and year;
 - 11 (22) Estimated value of seized property other than currency;
 - 12 (23) Date of case completion;
 - 13 (24) Dollar amount of forfeited currency after case completion;
 - 14 (25) Description of forfeited property, other than currency, after case completion;
 - 15 (26) Estimated value of forfeited property, other than currency, after case completion;
 - 16 (27) Whether the property was returned to the defendant or property owner, returned to the
 - 17 innocent-owner claimant or creditor, bought back, sold, destroyed, retained or disbursed to law
 - 18 enforcement agency, or pending disposition; and
 - 19 (28) Case comments."

20 On page 1, line 7, of the Introduced bill, after "SECTION:" insert "The attorney general, no
 21 more than 120 days after the close of the fiscal year, shall post on a searchable public website and
 22 submit a report to the speaker of the House of Representatives, president pro tempore of the Senate,
 23 and Governor, containing an itemized list of each property seized and forfeited for the preceding
 24 fiscal year as provided in section 2 of this Act.

25 The attorney general shall include in the report an itemized list of the expenditures and
 26 disbursements made by the attorney general under §§ 23A-49-20 and 34-20B-64.

27 The attorney general may include in the report recommendations to improve statutes, rules,
 28 and policies to better ensure that seizure, forfeiture, and expenditures are done and reported in a
 29 manner that is fair to crime victims, innocent property owners, secured interest holders, citizens,
 30 law enforcement and taxpayers.

31 The data and report compiled hereunder are public records under chapter 1-27."

32 On page 1, line 8, of the Introduced bill, after "SECTION:" insert "If a law enforcement agency
 33 fails to file information within thirty days after the due date specified by the attorney general and
 34 there is no good cause as determined by the attorney general, the attorney general shall impose on
 35 the agency a civil fine payable to the general fund of five hundred dollars or the equivalent of one-
 36 quarter of the forfeiture proceeds received by the agency, whichever is greater."

37 On page 1, line 9, of the Introduced bill, after "SECTION:" insert "At the request of an elected
 38 official of the jurisdiction whose law enforcement agency seized or obtained forfeiture of the

1 property, the state auditor shall perform an audit under generally accepted government auditing
 2 standards of records submitted to the attorney general related to inventory of seized property. A
 3 copy of the final audit report must be submitted to the attorney general no later than ninety days
 4 after the end of the fiscal year and made public."

5 On page 1, line 10, of the Introduced bill, after "SECTION:" insert "The attorney general may
 6 recoup its costs under this Act by charging a fee to the law enforcement agency filing a report. The
 7 fee must be deposited in the general fund.

8 The law enforcement agency may use forfeiture proceeds to pay the costs of compiling and
 9 reporting data under this Act, and to pay any fees imposed by the attorney general under this Act."

10 On page 1, line 11, of the Introduced bill, after "SECTION:" insert "The attorney general shall
 11 promulgate rules, in accordance with chapter 1-26 establishing:

12 (1) The fee for law enforcement agencies filing a report with the attorney general, not to
 13 exceed thirty dollars;

14 (2) The form for law enforcement agencies to file a report with the attorney general;

15 (3) The deadline by which law enforcement must report under section 1 of this Act;

16 (4) Procedures necessary to facilitate the reporting provisions under this Act; and

17 (5) Any information required from law enforcement agencies about property seized and
 18 forfeited under this chapter, in addition to the information required to be reported to the attorney
 19 general in section 2 of this Act."

20 On page 1, line 11, of the Introduced bill, after "8. " insert "This Act applies to any property
 21 seized or forfeited under this chapter on or after July 1, 2022."

22 And that as so amended, said bill do pass.

23 Respectfully submitted,
 24 Jon Hansen, Chair

25 **SIGNING OF BILLS**

26 The Speaker publicly read the title to

27 **SB 91:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain lights
 28 by county highway department authorized vehicles.

29 **SB 138:** FOR AN ACT ENTITLED, An Act to clarify provisions related to filing a petition to refer
 30 an ordinance or resolution.

31 And signed the same in the presence of the House.

32 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:53 p.m.
 33 the House adjourned.

34 Patricia Miller, Chief Clerk

