

JOURNAL OF THE SENATE

NINETY-SEVENTH SESSION

TWENTY-SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 23, 2022

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by Senate pages Grace Barnett and Kathryn Doom.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 26th 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,
Lee A. Schoenbeck, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named page:
 2 Kaira Stomprud.
 3 Which was subscribed to and placed on file in the office of the Secretary of State.

COMMUNICATIONS AND PETITIONS

5 February 17, 2022

6 Mr. President and Members of the Senate:

7 I have the honor to inform you that on February 17, 2022, I approved Senate Bills 13, 18, 87,
 8 and 88, and the same have been deposited in the office of the Secretary of State.

9 Respectfully submitted,
 10 Kristi Noem
 11 Governor

REPORTS OF STANDING COMMITTEES

13 MR. PRESIDENT:

14 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 15 **SCR 604** which was deferred to the 41st Legislative Day.

16 Also MR. PRESIDENT:

17 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 18 **HB 1041** and returns the same with the recommendation that said bill be amended as follows:

1041A

20 On page 1, line 4, of the Introduced bill, after "Dakota:" delete "Section 1. That chapter 2-6
 21 be amended with a NEW SECTION:

22 "

23 On page 1, line 5, of the Introduced bill, after "SECTION:" delete "In any settlement agreement
 24 to which the state, an agency thereof, or officer or employee thereof in an official capacity pursuant
 25 to chapter 3-19, is a party, the state signatory to the agreement shall transfer a complete copy of
 26 the agreement to the Executive Board of the Legislative Research Council and the Government
 27 Operations and Audit Committee within thirty days of the agreement's execution date."

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

29 Also MR. PRESIDENT:

30 The Committee on Senate State Affairs respectfully reports that it has had under consideration
 31 **HB 1196** and returns the same with the recommendation that said bill be amended as follows:

1196A

33 On page 1, line 1, of the Introduced bill, delete " Dakota" and insert " traditional"

1 On page 1, line 5, of the Introduced bill, delete " Dakota" and insert " traditional"

2 And that as so amended, said bill do pass, and having been certified as uncontested, be placed
3 on the consent calendar.

4 Also MR. PRESIDENT:

5 The Committee on Senate State Affairs respectfully reports that it has had under consideration
6 **HB 1077** which was tabled.

7 Respectfully submitted,
8 Gary L. Cammack, Chair

9 MR. PRESIDENT:

10 The Committee on Senate Health and Human Services respectfully reports that it has had
11 under consideration **HB 1122** and returns the same with the recommendation that said bill do pass.

12 Also MR. PRESIDENT:

13 The Committee on Senate Health and Human Services respectfully reports that it has had
14 under consideration **HB 1123** and returns the same with the recommendation that said bill do pass,
15 and having been certified as uncontested, be placed on the consent calendar.

16 Also MR. PRESIDENT:

17 The Committee on Senate Health and Human Services respectfully reports that it has had
18 under consideration **HB 1267** which was deferred to the 41st Legislative Day.

19 Respectfully submitted,
20 Wayne H. Steinhauer, Chair

21 MR. PRESIDENT:

22 The Committee on Senate Local Government respectfully reports that it has had under
23 consideration **HB 1087** and returns the same with the recommendation that said bill do pass, and
24 having been certified as uncontested, be placed on the consent calendar.

25 Also MR. PRESIDENT:

26 The Committee on Senate Local Government respectfully reports that it has had under
27 consideration **HB 1300** and returns the same with the recommendation that said bill be amended
28 as follows:

29 1300A

30 On page 3, line 7, of the Introduced bill, delete " greater" and insert " lesser"

31 On page 3, line 13, of the Introduced bill, delete " greater" and insert " lesser"

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

33 Respectfully submitted,
34 Herman Otten, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Taxation respectfully reports that it has had under consideration
3 **HB 1001, 1082, and 1083** and returns the same with the recommendation that said bills do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on Senate Taxation respectfully reports that it has had under consideration
7 **HB 1039** which was deferred to the 41st Legislative Day.

8 Respectfully submitted,
9 Timothy R. Johns, Chair

10 MR. PRESIDENT:

11 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
12 Enrolling has carefully compared **SB 190** and finds the same correctly enrolled.

13 Respectfully submitted,
14 Lee A. Schoenbeck, Chair

15 **MESSAGES FROM THE HOUSE**

16 MR. PRESIDENT:

17 I have the honor to transmit herewith **HCR 6006** which has been adopted by the House and
18 your concurrence is respectfully requested.

19 Also MR. PRESIDENT:

20 I have the honor to return herewith **SB 190** which has passed the House without change.

21 Also MR. PRESIDENT:

22 I have the honor to transmit herewith **HB 1021, 1022, 1023, 1096, 1208, 1258, 1278,**
23 **1289, 1293, 1302, and 1328** which have passed the House and your favorable consideration is
24 respectfully requested.

25 Respectfully,
26 Patricia Miller, Chief Clerk

27 **MOTIONS AND RESOLUTIONS**

28 Yesterday, Sen. Rusch announced his intention to reconsider the vote by which **SB 172** lost.

29 Sen. Rusch moved that the Senate do now reconsider the vote by which **SB 172** lost.

30 The question being on Sen. Rusch's motion to reconsider the vote by which **SB 172** lost.

1 And the roll being called:

2 Yeas 19, Nays 16, Excused 0, Absent 0

3 Yeas: Bolin, Cammack, Curd, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns,
4 David Johnson, Nesiba, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, and Wheeler

5 Nays: Breitling, Castleberry, Crabtree, Frye-Mueller, Brock Greenfield, Klumb, Kolbeck, Maher,
6 Novstrup, Herman Otten, Schoenbeck, Stalzer, Sutton, Tobin, Wiik, and Zikmund

7 So the motion having received an affirmative vote of a majority of the members-elect, the
8 President declared the motion carried and **SB 172** was up for reconsideration and final passage.

9 **SB 172:** FOR AN ACT ENTITLED, An Act to revise provisions regarding eligibility for parole for
10 certain persons sentenced to life imprisonment.

11 Having had its second reading was up for reconsideration and final passage.

12 The question being "Shall **SB 172** pass as amended?"

13 And the roll being called:

14 Yeas 18, Nays 17, Excused 0, Absent 0

15 Yeas: Bolin, Breitling, Diedrich, Duhamel, Duvall, Foster, Heinert, Hunhoff, Johns, David
16 Johnson, Nesiba, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, and Wheeler

17 Nays: Cammack, Castleberry, Crabtree, Curd, Frye-Mueller, Brock Greenfield, Klumb, Kolbeck,
18 Maher, Novstrup, Herman Otten, Schoenbeck, Stalzer, Sutton, Tobin, Wiik, and Zikmund

19 So the bill having received an affirmative vote of a majority of the members-elect, the President
20 declared the bill passed and the title was agreed to.

21 **SCR 606:** A CONCURRENT RESOLUTION, urging the highest levels of safety and oversight in
22 the operation of the National Bio and Agro-Defense Facility.

23 Introduced by: **Senator** Frye-Mueller

24 Was read the first time and referred to the Committee on State Affairs.

25 **SCR 607:** A CONCURRENT RESOLUTION, Encouraging the South Dakota High School Activities
26 Association to sanction baseball.

27 Introduced by: **Senator** Zikmund

28 **HCR 6006:** A CONCURRENT RESOLUTION, To urge the United States Congress and the
29 President of the United States to take no action to employ military forces of the United States in
30 active-duty combat unless the United States Congress has passed an official declaration of war and
31 to bring troops home who are engaged in unconstitutional foreign conflicts.

32 Were read the first time and the President waived the committee referral pursuant to JR 6D-1.

1 Sen. Schoenbeck moved that **HB 1013** be referred from the Senate Committee on
2 Appropriations to the Senate floor.

3 Which motion prevailed.

4 Sen. Cammack moved that **HB 1131** be deferred to Thursday, February 24, 2022, the 28th
5 legislative day.

6 Which motion prevailed.

7 Sen. Cammack moved that **SB 161** be placed to follow **SB 200** on today's calendar.

8 Which motion prevailed.

9 **CONSIDERATION OF REPORTS OF COMMITTEES**

10 Sen. Cammack moved that the reports of the Standing Committees on

11 Senate Appropriations on **SB 32** as found on page 320 of the Senate Journal and **SB 109,**
12 **115, and 131** as found on page 299 of the Senate Journal and **SB 174 and 196** as found on page
13 300 of the Senate Journal; and

14 Commerce and Energy on **SB 161** as found on page 301 of the Senate Journal be adopted.

15 Which motion prevailed and the reports were adopted.

16 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

17 **HB 1096:** FOR AN ACT ENTITLED, An Act to revise provisions regarding livestock identification.

18 **HB 1162:** FOR AN ACT ENTITLED, An Act to define a loaded firearm.

19 Were read the first time and referred to the Committee on Agriculture and Natural Resources.

20 **HB 1289:** FOR AN ACT ENTITLED, An Act to update provisions regarding self-service storage.

21 **HB 1322:** FOR AN ACT ENTITLED, An Act to provide for the direct sale of certain home-
22 produced or home-processed foods and food products.

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

24 **HB 1021:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire
25 property, contract for the design and construction of an athletics events center at Dakota State
26 University, to make an appropriation therefor, and to declare an emergency.

27 **HB 1022:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
28 design and renovation of, and construction of an addition to, the Stanley J. Marshall Center at South
29 Dakota State University, to make an appropriation therefor, and to declare an emergency.

30 **HB 1023:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to demolish a
31 South Dakota State University building and to make an appropriation therefor.

1 **HB 1137:** FOR AN ACT ENTITLED, An Act to make an appropriation for high performance
2 computing and data storage systems at South Dakota State University and to declare an emergency.

3 **HB 1209:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
4 for improving the National Music Museum at the University of South Dakota and to declare an
5 emergency.

6 **HB 1227:** FOR AN ACT ENTITLED, An Act to make an appropriation for stormwater
7 infrastructure improvements in South Dakota and to declare an emergency.

8 **HB 1248:** FOR AN ACT ENTITLED, An Act to make an appropriation for the erection of the
9 South Dakota Sioux Code Talker Memorial and to declare an emergency.

10 **HB 1257:** FOR AN ACT ENTITLED, An Act to establish a fund to assist counties with paying
11 infrastructure expenditures and to declare an emergency.

12 **HB 1273:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to
13 purchase certain real property in Chamberlain and to declare an emergency.

14 **HB 1306:** FOR AN ACT ENTITLED, An Act to make an appropriation to rural access
15 infrastructure funds and to declare an emergency.

16 Were read the first time and referred to the Senate Committee on Appropriations.

17 **HB 1133:** FOR AN ACT ENTITLED, An Act to provide that the cost of a home study required
18 for an adoption is the responsibility of the Department of Social Services.

19 **HB 1134:** FOR AN ACT ENTITLED, An Act to revise provisions related to medical cannabis for
20 the protection of youth.

21 **HB 1161:** FOR AN ACT ENTITLED, An Act to create a registration requirement for sober living
22 homes.

23 **HB 1208:** FOR AN ACT ENTITLED, An Act to prohibit chemical abortion drugs and to provide
24 a penalty therefor.

25 **HB 1223:** FOR AN ACT ENTITLED, An Act to authorize the provision of informed consent by a
26 pregnant minor.

27 **HB 1228:** FOR AN ACT ENTITLED, An Act to expand the ability for patients to seek
28 investigational drugs, biological products, or devices.

29 **HB 1258:** FOR AN ACT ENTITLED, An Act to protect an individual's conscience from entities
30 requiring the COVID-19 vaccine.

31 **HB 1293:** FOR AN ACT ENTITLED, An Act to limit liability for certain child welfare agency
32 licensees.

33 **HB 1302:** FOR AN ACT ENTITLED, An Act to modify tuition responsibilities for children in
34 residential treatment centers.

35 **HB 1318:** FOR AN ACT ENTITLED, An Act to prohibit medical abortion by telemedicine and to
36 increase the penalty for the unlicensed practice of medicine when performing a medical abortion.

37 Were read the first time and referred to the Committee on Health and Human Services.

1 **HB 1038:** FOR AN ACT ENTITLED, An Act to establish an opioid abatement and remediation
2 fund and to declare an emergency.

3 **HB 1232:** FOR AN ACT ENTITLED, An Act to establish mandatory sentences for certain driving
4 while under the influence violations.

5 **HB 1233:** FOR AN ACT ENTITLED, An Act to establish a parole hearing requirement for certain
6 inmates.

7 **HB 1278:** FOR AN ACT ENTITLED, An Act to revise the child support obligation schedule.

8 **HB 1328:** FOR AN ACT ENTITLED, An Act to require law enforcement to report certain seizures
9 of property.

10 Were read the first time and referred to the Committee on Judiciary.

11 **HB 1051:** FOR AN ACT ENTITLED, An Act to amend certain provisions relating to the small
12 business credit initiative fund.

13 **HB 1210:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
14 to provide grant funding for a new biomedical facility at the research park in Sioux Falls, and to
15 declare an emergency.

16 **HB 1327:** FOR AN ACT ENTITLED, An Act to reduce certain gross receipts tax rates and a use
17 tax rate, and to repeal a conditional reduction of certain gross receipts tax rates.

18 Were read the first time and referred to the Committee on State Affairs.

19 **HB 1156:** FOR AN ACT ENTITLED, An Act to revise provisions regarding weed removal along
20 highways.

21 Was read the first time and referred to the Committee on Transportation.

22 **SECOND READING OF CONSENT CALENDAR ITEMS**

23 Sen. Nesiba requested that **HB 1118 and 1128** be removed from the Consent Calendar.

24 **SB 164:** FOR AN ACT ENTITLED, An Act to clarify the requirements for the execution of a living
25 will declaration.

26 **SB 180:** FOR AN ACT ENTITLED, An Act to amend certain provisions relating to the small
27 business credit initiative fund.

28 **HB 1037:** FOR AN ACT ENTITLED, An Act to revise the penalty for certain willful violations by
29 grain buyers and grain warehouse operators.

30 **HB 1060:** FOR AN ACT ENTITLED, An Act to consolidate certain domestication provisions in
31 the Uniform Limited Liability Company Act.

32 **HB 1079:** FOR AN ACT ENTITLED, An Act to revise provisions regarding court transcript costs.

33 Were read the second time.

1 The question being "Shall **HB 1060** pass as amended, and **SB 164 and 180, and HB 1037**
2 **and 1079** pass?"

3 And the roll being called:

4 Yeas 35, Nays 0, Excused 0, Absent 0

5 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
6 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,
7 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
8 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

9 So the bills having received an affirmative vote of a majority of the members-elect, the
10 President declared the bills passed and the titles were agreed to.

11 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

12 **SB 53:** FOR AN ACT ENTITLED, An Act to make an appropriation to increase workforce housing
13 and to declare an emergency.

14 Was read the second time.

15 Sen. Crabtree moved that **SB 53** be amended as follows:

16 53D

17 On page 2, line 12, of the Senate Commerce and Energy Engrossed bill, after "year," delete "
18 under"

19 On page 2, line 12, of the Senate Commerce and Energy Engrossed bill, after "under " insert
20 "until "

21 Which motion prevailed.

22 The question being "Shall **SB 53** pass as amended?"

23 And the roll being called:

24 Yeas 33, Nays 2, Excused 0, Absent 0

25 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
26 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
27 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
28 Sutton, Symens, Tobin, Wheeler, and Zikmund

29 Nays: Frye-Mueller and Wiik

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

32 **SB 58:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a new
33 state public health laboratory and the renovation of the existing laboratory and to declare an
34 emergency.

1 Was read the second time.

2 Sen. Maher moved that **SB 58** be amended as follows:

3 58D

4 On page 1, line 20, of the Senate Appropriations Engrossed bill, after "Act." delete "Section 4.
5 Any surplus equipment available after the construction, completion, furnishing, and equipping of a
6 new state public health laboratory and the renovation of the existing laboratory facility shall be
7 offered to the technical colleges and public universities at no cost."

8 Which motion prevailed.

9 The question being "Shall **SB 58** pass as amended?"

10 And the roll being called:

11 Yeas 35, Nays 0, Excused 0, Absent 0

12 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
13 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,
14 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
15 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

18 **SB 62:** FOR AN ACT ENTITLED, An Act to make an appropriation for eligible water, wastewater,
19 storm water, and nonpoint source projects and to declare an emergency.

20 Was read the second time.

21 The question being "Shall **SB 62** pass as amended?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

24 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
25 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,
26 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
27 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

30 **SB 155:** FOR AN ACT ENTITLED, An Act to make an appropriation for programs that assist
31 victims of domestic violence, abuse, and neglect and to declare an emergency.

32 Was read the second time.

1 The question being "Shall **SB 155** pass as amended?"

2 And the roll being called:

3 Yeas 34, Nays 1, Excused 0, Absent 0

4 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
5 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
6 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
7 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

8 Nays: Frye-Mueller

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

11 **SB 120:** FOR AN ACT ENTITLED, An Act to include intentionally manipulated images or
12 recordings in the crime of invasion of privacy by recording.

13 Was read the second time.

14 The question being "Shall **SB 120** pass as amended?"

15 And the roll being called:

16 Yeas 35, Nays 0, Excused 0, Absent 0

17 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
18 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,
19 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
20 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

23 **SB 150:** FOR AN ACT ENTITLED, An Act to establish provisions concerning the sale of adult-
24 use retail marijuana.

25 Was read the second time.

26 Sen. Brock Greenfield moved that **SB 150** be amended as follows:

27 150B

28 On page 4, line 8, of the Senate Judiciary Engrossed bill, after "corporation." insert "

29 It may not be presumed that an applicant is entitled to a license pursuant to this chapter solely
30 by virtue of the applicant's possession of a license pursuant to subdivision (1). "

31 Which motion prevailed.

1 The question being "Shall **SB 150** pass as amended?"

2 And the roll being called:

3 Yeas 20, Nays 14, Excused 1, Absent 0

4 Yeas: Crabtree, Diedrich, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb,
5 Maher, Nesiba, Novstrup, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin, Wheeler,
6 and Zikmund

7 Nays: Bolin, Breitling, Cammack, Castleberry, Curd, Duhamel, Duvall, Foster, Frye-Mueller,
8 Kolbeck, Herman Otten, Stalzer, Sutton, and Wiik

9 Excused: Schoenbeck

10 So the bill having received an affirmative vote of a majority of the members-elect, the President
11 declared the bill passed and the title was agreed to.

12 **SB 151**: FOR AN ACT ENTITLED, An Act to revise the automatic removal of certain convictions
13 from a background check record.

14 Was read the second time.

15 The question being "Shall **SB 151** pass as amended?"

16 And the roll being called:

17 Yeas 19, Nays 16, Excused 0, Absent 0

18 Yeas: Breitling, Crabtree, Diedrich, Foster, Brock Greenfield, Heinert, Johns, David Johnson,
19 Maher, Nesiba, Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin,
20 and Wheeler

21 Nays: Bolin, Cammack, Castleberry, Curd, Duhamel, Duvall, Frye-Mueller, Hunhoff, Klumb,
22 Kolbeck, Novstrup, Schoenbeck, Stalzer, Sutton, Wiik, and Zikmund

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

25 **SB 201**: FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and to
26 declare an emergency.

27 Was read the second time.

28 Sen. Klumb moved that **SB 201** be amended as follows:

29 201C

30 On page 11, line 4, of the Senate Agriculture and Natural Resources Engrossed bill, after "Act"
31 delete ", except as"

32 On page 11, line 5, of the Senate Agriculture and Natural Resources Engrossed bill, after "as "
33 delete "provided in section 18, "

34 Which motion prevailed.

1 The question being "Shall **SB 201** pass as amended?"

2 And the roll being called:

3 Yeas 26, Nays 9, Excused 0, Absent 0

4 Yeas: Bolin, Cammack, Crabtree, Curd, Duvall, Foster, Brock Greenfield, Heinert, Johns, David
5 Johnson, Klumb, Kolbeck, Maher, Nesiba, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V.
6 J. Smith, Steinhauer, Symens, Tobin, Wheeler, Wiik, and Zikmund

7 Nays: Breitling, Castleberry, Diedrich, Duhamel, Frye-Mueller, Hunhoff, Novstrup, Stalzer, and
8 Sutton

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

11 **SB 3:** FOR AN ACT ENTITLED, An Act to provide for the use and regulated sale of marijuana.

12 Was read the second time.

13 Sen. Rohl moved that **SB 3** be amended as follows:

14 3C

15 On page 3, line 13, of the Senate Commerce and Energy Engrossed bill, after "two" delete " or
16 more"

17 On page 3, line 13, of the Senate Commerce and Energy Engrossed bill, after "more " insert
18 "to eight "

19 On page 3, line 14, of the Senate Commerce and Energy Engrossed bill, after "products. "
20 insert "It is a Class 5 felony for any person under the age of twenty-one to possess more than eight
21 ounces but less than sixteen ounces of marijuana, including an equivalent weight of marijuana
22 products. It is a Class 4 felony for any person under the age of twenty-one to possess sixteen ounces
23 or more of marijuana, including an equivalent weight of marijuana products.

24 "

25 On page 3, line 20, of the Senate Commerce and Energy Engrossed bill, after "ounces " insert
26 "but less than eighty ounces "

27 On page 3, line 24, of the Senate Commerce and Energy Engrossed bill, after "dollars." insert
28 " It is a Class 4 felony for any person twenty-one or older to possess eighty ounces or more of
29 marijuana, including an equivalent weight of marijuana products. "

30 Which motion prevailed.

31 The question being "Shall **SB 3** pass as amended?"

32 And the roll being called:

33 Yeas 18, Nays 17, Excused 0, Absent 0

1 Yeas: Castleberry, Crabtree, Foster, Heinert, Johns, David Johnson, Kolbeck, Nesiba, Herman
2 Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Steinhauer, Symens, Tobin, Wheeler, and Zikmund

3 Nays: Bolin, Breitling, Cammack, Curd, Diedrich, Duhamel, Duvall, Frye-Mueller, Brock
4 Greenfield, Hunhoff, Klumb, Maher, Novstrup, Schoenbeck, Stalzer, Sutton, and Wiik

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

7 Sen. Schoenbeck announced his intention to reconsider the vote by which **SB 3** passed.

8 **SB 25**: FOR AN ACT ENTITLED, An Act to provide for the taxation of marijuana.

9 Was read the second time.

10 Sen. Stalzer moved that **SB 25** be placed at the bottom of today's calendar.

11 Which motion prevailed.

12 **SB 183**: FOR AN ACT ENTITLED, An Act to increase the limit on the number of video lottery
13 machines in a licensed establishment.

14 Was read the second time.

15 The question being "Shall **SB 183** pass as amended?"

16 And the roll being called:

17 Yeas 11, Nays 23, Excused 1, Absent 0

18 Yeas: Crabtree, Curd, Diedrich, Foster, Heinert, Kolbeck, Maher, Rohl, Schoenfish, Tobin, and
19 Wheeler

20 Nays: Bolin, Breitling, Cammack, Castleberry, Duhamel, Duvall, Brock Greenfield, Hunhoff,
21 Johns, David Johnson, Klumb, Nesiba, Novstrup, Herman Otten, Rusch, Schoenbeck, V. J. Smith,
22 Stalzer, Steinhauer, Sutton, Symens, Wiik, and Zikmund

23 Excused: Frye-Mueller

24 So the bill not having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill lost.

26 **SB 189**: FOR AN ACT ENTITLED, An Act to make an appropriation to pay increased costs
27 incurred in the development and construction of a low-intensity residential treatment facility and to
28 declare an emergency.

29 Was read the second time.

30 The question being "Shall **SB 189** pass as amended?"

31 And the roll being called:

32 Yeas 34, Nays 1, Excused 0, Absent 0

1 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
2 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
3 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
4 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

5 Nays: Frye-Mueller

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

8 **SB 103:** FOR AN ACT ENTITLED, An Act to make an appropriation to support the teen court
9 grant program and to declare an emergency.

10 Was read the second time.

11 The question being "Shall **SB 103** pass?"

12 And the roll being called:

13 Yeas 34, Nays 1, Excused 0, Absent 0

14 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
15 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
16 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
17 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

18 Nays: Frye-Mueller

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

21 **SB 109:** FOR AN ACT ENTITLED, An Act to make an appropriation to pay increased costs
22 incurred in the construction of an appropriate regional facility and to declare an emergency.

23 Was read the second time.

24 The question being "Shall **SB 109** pass as amended?"

25 And the roll being called:

26 Yeas 34, Nays 1, Excused 0, Absent 0

27 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
28 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
29 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
30 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

31 Nays: Frye-Mueller

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

34 **SB 115:** FOR AN ACT ENTITLED, An Act to make an appropriation for quiet zone railway
35 crossings and to declare an emergency.

36 Was read the second time.

1 The question being "Shall **SB 115** pass as amended?"

2 And the roll being called:

3 Yeas 26, Nays 9, Excused 0, Absent 0

4 Yeas: Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
5 Brock Greenfield, Heinert, Hunhoff, David Johnson, Klumb, Kolbeck, Nesiba, Novstrup, Rohl,
6 Schoenbeck, Schoenfish, Stalzer, Steinhauer, Sutton, Wheeler, Wiik, and Zikmund

7 Nays: Bolin, Frye-Mueller, Johns, Maher, Herman Otten, Rusch, V. J. Smith, Symens, and Tobin

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

10 **SB 131:** FOR AN ACT ENTITLED, An Act to require the Board of Regents to provide an annual
11 presentation to the special committee.

12 Was read the second time.

13 Sen. Maher moved that **SB 131** be amended as follows:

14 131C

15 On page 1, line 7, of the Senate Appropriations Engrossed bill, after "letters" insert " of intent
16 issued by the Joint Committee on Appropriations,"

17 On page 1, line 7, of the Senate Appropriations Engrossed bill, delete " reports" and insert "
18 information"

19 On page 1, line 7, of the Senate Appropriations Engrossed bill, delete " and" and insert " on
20 the"

21 Which motion prevailed.

22 The question being "Shall **SB 131** pass as amended?"

23 And the roll being called:

24 Yeas 35, Nays 0, Excused 0, Absent 0

25 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
26 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,
27 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
28 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

31 **SB 174:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide a grant for the
32 construction of a facility to provide certain health facilities and services and to declare an emergency.

33 Was read the second time.

1 The question being "Shall **SB 174** pass as amended?"

2 And the roll being called:

3 Yeas 33, Nays 1, Excused 1, Absent 0

4 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duvall, Foster, Brock
5 Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup,
6 Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton,
7 Symens, Tobin, Wheeler, Wiik, and Zikmund

8 Nays: Frye-Mueller

9 Excused: Duhamel

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

12 **SB 196:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide grants for certain
13 residential alternative care programs and to declare an emergency.

14 Was read the second time.

15 The question being "Shall **SB 196** pass as amended?"

16 And the roll being called:

17 Yeas 34, Nays 1, Excused 0, Absent 0

18 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
19 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
20 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
21 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

22 Nays: Frye-Mueller

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

25 Senator Heinert now presiding.

26 **SB 141:** FOR AN ACT ENTITLED, An Act to establish provisions for the South Dakota
27 Retirement System.

28 Was read the second time.

29 The question being "Shall **SB 141** pass?"

30 And the roll being called:

31 Yeas 35, Nays 0, Excused 0, Absent 0

32 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
33 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,

1 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
2 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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

5 **SB 156:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding census estimates
6 for the purposes of off-sale and on-sale liquor licenses.

7 Was read the second time.

8 The question being "Shall **SB 156** pass?"

9 And the roll being called:

10 Yeas 35, Nays 0, Excused 0, Absent 0

11 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
12 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,
13 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
14 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

15 So the bill having received an affirmative vote of a majority of the members-elect, the President
16 declared the bill passed and the title was agreed to.

17 President Rhoden now presiding.

18 **SB 163:** FOR AN ACT ENTITLED, An Act to address transparency in prescription drug pricing.

19 Was read the second time.

20 Sen. Curd moved that **SB 163** be amended as follows:

21 163D

22 On page 4, line 5, of the Senate Health and Human Services Engrossed bill, after "Medicaid;"
23 insert " and"

24 On page 4, line 13, of the Senate Health and Human Services Engrossed bill, after "secrecy"
25 delete "; and

26 (18) "340B entity," an entity participating in the federal drug discount program, as described
27 in section 340B of the Public Health Service Act, 42 U. S. C. § 256b, as of January 1, 2022"

28 On page 7, line 14, of the Senate Health and Human Services Engrossed bill, after "product."
29 delete "Section 11. That chapter 58-29E be amended with a NEW SECTION:

30 "

31 On page 7, line 15, of the Senate Health and Human Services Engrossed bill, after "SECTION:"
32 delete "A pharmacy benefit manager may not:

1 (1) Take any action that prevents a 340B entity from dispensing drugs purchased under section
2 340B of the Public Health Service Act, 42 U. S. C. § 256b, as of January 1, 2022, to patients of the
3 340B entity;

4 (2) Refuse to contract with a 340B entity or impose on a 340B entity any contracting standards
5 that differ from those imposed on a non-340B entity;

6 (3) By contract, provider manual, or any other means:

7 (a) Modify the definition of a pharmacy, as set forth in chapter 36-11;

8 (b) Provide a lower reimbursement for a drug purchased under section 340B than that provided
9 for the same drug if purchased by a non-340B entity pharmacy in the same class of trade;

10 (c) Impose, on a 340B entity, any fee, chargeback, financial or other adjustment, or claims-
11 related information, which is not imposed, in the same manner, on a non-340B entity;

12 (d) Prevent or otherwise interfere with the ability of covered individuals to receive drugs from
13 a 340B entity of the individual's choice, including through mail order pharmacy services; or

14 (e) Require or compel the submission of ingredient costs, pricing data, or any other data
15 pertaining to drugs purchased under section 340B."

16 Which motion prevailed.

17 The question being "Shall **SB 163** pass as amended?"

18 And the roll being called:

19 Yeas 17, Nays 17, Excused 1, Absent 0

20 Yeas: Bolin, Breitling, Curd, Diedrich, Foster, Heinert, Hunhoff, Johns, Maher, Nesiba,
21 Novstrup, Herman Otten, Rusch, Schoenfish, V. J. Smith, Steinhauer, and Tobin

22 Nays: Cammack, Castleberry, Crabtree, Duhamel, Duvall, Frye-Mueller, Brock Greenfield,
23 David Johnson, Klumb, Kolbeck, Schoenbeck, Stalzer, Sutton, Symens, Wheeler, Wiik, and Zikmund

24 Excused: Rohl

25 So the bill not having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill lost.

27 Sen. Diedrich announced his intention to reconsider the vote by which **SB 163** lost.

28 Today, Sen. Schoenbeck announced his intention to reconsider the vote by which **SB 3** passed.

29 No member moved to reconsider the vote by which **SB 3** passed.

30 **SB 198**: FOR AN ACT ENTITLED, An Act to revise provisions related to juvenile offenders.

31 Was read the second time.

32 Sen. Wheeler moved that **SB 198** be amended as follows:

33

1 On page 1, line 1, of the Introduced bill, delete "revise provisions related to juvenile offenders"
2 and insert " establish an interim juvenile placement committee"

3 On page 1, line 13, of the Introduced bill, after "2023." delete "Section 2. That § 23-1A-2. 1
4 be REPEALED:"

5 On page 1, line 14, of the Introduced bill, after "REPEALED:" delete "The attorney general may
6 revise the uniform traffic ticket created pursuant to chapter 23-1A to be used for juvenile cited
7 violations."

8 On page 1, line 16, of the Introduced bill, after "violations." delete "Section 3. That § 26-7A-
9 10 be AMENDED:"

10 On page 1, line 17, of the Introduced bill, after "AMENDED:" delete "26-7A-10. If a state's
11 attorney is informed by a law enforcement officer or any other person that a child is, or appears to
12 be, within the purview of this chapter and chapter 26-8A, 26-8B, or 26-8C, the state's attorney shall
13 make a preliminary investigation to determine whether further action shall should be taken. On the
14 basis of the preliminary investigation, the state's attorney may:

15 (1) Decide that no further action is required;

16 (2) If the report relates to an apparent abused or neglected child and if additional information
17 is required, refer the matter to the Department of Social Services for further investigation and
18 recommendations;

19 (3) If the report relates to a juvenile cited violation, proceed on the citation;

20 (4) If the report relates to an apparent child in need of supervision, or an apparent delinquent
21 child, or a juvenile cited violation, refer the matter to a court services officer for any informal
22 adjustment to the supervision of the court that is practicable without a petition or refer the matter
23 to a court-approved juvenile diversion program for any informal action outside the court system
24 that is practicable without the filing of a petition; or

25 (5)(4) File a petition to commence appropriate proceedings in any case that the youth does
26 not meet the criteria provided in § 26-7A-11. 1."

27 On page 2, line 13, of the Introduced bill, after "7A-11.1." delete "Section 4. That § 26-7A-11
28 be AMENDED:"

29 On page 2, line 14, of the Introduced bill, after "AMENDED:" delete "26-7A-11. A report of a
30 preliminary investigation involving any apparent child in need of supervision, or any apparent
31 delinquent child, or any juvenile cited violation, may be referred to a court services officer for
32 informal adjustment or to a court-approved juvenile diversion program for informal action pursuant
33 to subdivision 26-7A-10(4) under § 26-7A-10 only if:

34 (1) The child and the child's parents, guardian, or other custodian were informed of their
35 constitutional and legal rights, including being represented by an attorney at every stage of the
36 proceedings if a petition is filed;

37 (2) The facts are admitted and establish prima facie jurisdiction; and

38 (3) Written consent is obtained from the child's parents, guardian, or custodian and
39 from the child if the child is of sufficient age and understanding. Efforts to effect informal adjustment
40 or informal action may extend no longer than four six months from the date of the consent.

41 The state's attorney may include in the referral to a court-approved juvenile diversion program
42 a requirement that restitution as defined in subdivision 23A-28-2(4) be imposed as a condition of
43 the diversion program."

1 On page 2, line 30, of the Introduced bill, after "program." delete "Section 5. That § 26-7A-
2 11. 1 be REPEALED:"

3 On page 2, line 31, of the Introduced bill, after "REPEALED:" delete "Any apparent child in
4 need of supervision or any apparent delinquent child shall be referred for informal adjustment or
5 informal action pursuant to subdivision 26-7A-10(4) if the following criteria are met:

6 (1) The child has no prior adjudications;

7 (2) The child has had no informal adjustment or informal action within the last twelve months;

8 (3) The child is an apparent child in need of supervision pursuant to § 26-8B-2 or an apparent
9 delinquent pursuant to § 26-8C-2 and the alleged conduct constitutes a misdemeanor;

10 (4) The child's alleged conduct did not include use of violence or force against another; and

11 (5) All of the requirements in § 26-7A-11 are met.

12 If the state's attorney has good cause to believe that informal adjustment or informal action is
13 insufficient to meet the purposes of this chapter and chapters 26-8B and 26-8C, the state's attorney
14 may file a delinquency or child in need of supervision petition pursuant to subdivision 26-7A-10(5).
15 The petition shall include notice of the departure from informal adjustment or informal action and
16 notice to the child of the child's right to move for informal adjustment or informal action. Upon
17 motion of the child and upon a finding that no good cause exists, the court may refer the child to
18 informal adjustment or informal action pursuant to subdivision 26-7A-10(4)."

19 On page 3, line 18, of the Introduced bill, after "7A-10(4)." delete "Section 6. That § 26-7A-
20 125 be REPEALED:"

21 On page 3, line 19, of the Introduced bill, after "REPEALED:" delete "The Supreme Court shall
22 establish rules, pursuant to § 16-3-1, to develop a graduated sanctions and incentives procedure
23 and grid to guide court services officers in determining the appropriate response to a violation of
24 terms or conditions of probation in juvenile cases. If the graduated sanctions program includes
25 detention, a stay may not exceed forty-eight hours, and may not exceed twenty-four hours for
26 children in need of supervision pursuant to § 26-8B-3. The Unified Judicial System shall collect data
27 related to the use of sanctions, grid compliance and program outcomes, and shall include a process
28 for reviewing sanctions that are challenged by the juvenile. The system of graduated sanctions shall
29 be created with the following objectives:

30 (1) Responding to violations of probation quickly, consistently, and proportionally;

31 (2) Reducing the time and resources expended by the court to respond to violations; and

32 (3) Reducing the likelihood of a new delinquent act."

33 On page 3, line 32, of the Introduced bill, after "act." delete "Section 7. That § 26-7A-126 be
34 REPEALED:"

35 On page 4, line 1, of the Introduced bill, after "REPEALED:" delete "The following allegations
36 of delinquency and children in need of supervision shall be treated as juvenile cited violations by
37 law enforcement:

38 (1) Petty theft in the second degree pursuant to § 22-30A-17. 3;

39 (2) Intentional damage to property, four hundred dollars or less, pursuant to § 22-34-1;

40 (3) Purchase, possession, or consumption of alcoholic beverage by person under twenty-one
41 years pursuant to § 35-9-2 in accordance with subdivision 26-8B-2(5); and

1 (4) Truancy pursuant to subdivision 26-8B-2(1).

2 The issuing officer shall notify the child and the child's parent, guardian, or custodian that a
 3 hearing on the citation for a cited violation shall be held before a judicial circuit court judge within
 4 ten days of issuance of the citation or on the next available court date and be treated as a
 5 confidential juvenile matter. The hearing shall be held pursuant to § 26-7A-36 and the case records
 6 shall be treated as confidential consistent with the provisions of §§ 26-7A-114, 26-7A-115, 26-7A-
 7 116, 26-7A-120, and 26-7A-27. A cited violation is not an adjudication or a child in need of
 8 supervision or delinquency proceeding. In lieu of a citation, pursuant to subdivision 26-7A-126(4),
 9 a school official may file a report with the state's attorney. A report may also be filed with the state's
 10 attorney in lieu of a citation if the conduct occurs in conjunction with another offense that is not
 11 subject to the juvenile cited violation process."

12 On page 4, line 21, of the Introduced bill, after "process." delete "Section 8. That § 26-7A-127
 13 be REPEALED:"

14 On page 4, line 22, of the Introduced bill, after "REPEALED:" delete "If a state's attorney is
 15 informed that a citation or report has been issued for a juvenile cited violation, the state's attorney
 16 may take any action permitted pursuant to § 26-7A-10, except that a state's attorney may only file
 17 a petition pursuant to subdivision 26-7A-10(5) if:

18 (1) The child is cited or a report is filed pursuant to subdivision 26-7A-126(1), (2), or (4); or

19 (2) The child is cited pursuant to subdivision 26-7A-126(3), and has two or more prior
 20 judgments for the same violation.

21 If the state's attorney intends to proceed on a petition for a violation of the provisions in § 26-
 22 7A-126 pursuant to subdivision (1) or (2) in this section, the provisions of § 26-7A-11. 1 apply."

23 On page 4, line 33, of the Introduced bill, after "apply." delete "Section 9. That § 26-7A-128
 24 be REPEALED:"

25 On page 5, line 1, of the Introduced bill, after "REPEALED:" delete "If the state's attorney elects
 26 to proceed on the citation pursuant to subdivision 26-7A-10(3), the child shall be asked for an
 27 admission or denial of the alleged violation. If the child admits to the violation, the court shall accept
 28 the admission and enter a judgment pursuant to § 26-7A-129. If the child denies committing the
 29 violation, the case may be tried according to procedure adopted by the presiding judge of each
 30 judicial circuit and approved by the Supreme Court, but a jury trial may not be granted.

31 If the child fails to appear in court at the time set in the citation or set by subsequent
 32 postponement, the court may either issue a summons to appear and set a new date for hearing to
 33 show cause, the court may consider that failure to appear constitutes an admission to the allegations
 34 contained in the complaint and may accordingly enter a judgment for payment, or may grant
 35 permission to the state's attorney to file a petition pursuant to subdivision 26-7A-10(5).

36 If the child fails to comply with the terms of the judgment, the court may issue a summons to
 37 appear and show cause, or assess against the child's parents or guardians the amount of the citation
 38 and any restitution owed pursuant to § 26-7A-129 or may grant permission to the state's attorney
 39 to file a petition pursuant to subdivision 26-7A-10(5)."

40 On page 5, line 17, of the Introduced bill, after "7A-10(5)." delete "Section 10. That § 26-7A-
 41 129 be REPEALED:"

42 On page 5, line 18, of the Introduced bill, after "REPEALED:" delete "If a child is found to be
 43 in violation of the citation, the court shall enter a judgment against the child for one or more of the
 44 following:

45 (1) Require the child to complete a court-approved juvenile diversion program or informal
 46 adjustment administered by a court services officer;

-
- 1 (2) A fine and court costs not to exceed one hundred dollars;
 - 2 (3) Community service;
 - 3 (4) Restitution as defined in subdivision 23A-28-2(4) and as determined appropriate by the
 - 4 court; or
 - 5 (5) Suspension or revocation of the child's driving privilege if the judgment is entered
 - 6 on a violation pursuant to subdivision 26-7A-126(3).

7 The court may set a hearing to review compliance with the judgment. If a child is unable to
 8 pay a fine, court costs, or restitution as ordered by the court, any party may request that the court
 9 order community service in lieu of the monetary judgment. At no time may a court order a child to
 10 probation or detention upon entry of a judgment on a cited violation. A judgment on a cited violation
 11 shall be a confidential matter pursuant to subsection 15-15A-7(p) but the state's attorney may
 12 maintain a nonpublic record of the judgment for purposes of determining eligibility under § 26-7A-
 13 127."

14 On page 6, line 1, of the Introduced bill, after "26-7A-127." delete "Section 11. That § 26-8B-
 15 1 be AMENDED:"

16 On page 6, line 2, of the Introduced bill, after "AMENDED:" delete "26-8B-1. It is the purpose
 17 of this chapter, in conjunction with chapter 26-7A, to establish an effective state and local system
 18 for children in need of supervision, including a focus on community-based rehabilitation."

19 On page 6, line 5, of the Introduced bill, after "rehabilitation." delete "Section 12. That § 26-
 20 8B-4 be AMENDED:"

21 On page 6, line 6, of the Introduced bill, after "AMENDED:" delete "26-8B-4. Following
 22 adjudication of a child as a child in need of supervision, the court may continue the case and may
 23 require a court services officer to present to the court a plan of disposition. If a community response
 24 team as defined in § 26-8D-1 has been established, prior to any disposition to the Department of
 25 Corrections, the court may seek a recommendation for a viable community alternative disposition
 26 from the team. If the team is unable to provide any recommendation within seven days of the
 27 referral, the court may exercise its discretion and make a disposition decision without the input of
 28 the team, pursuant to § 26-8B-6. In all cases, the court may adopt the recommendation of the team
 29 in part, in full, or reject the recommendation of the team in its entirety."

30 On page 6, line 15, of the Introduced bill, after "entirety." delete "Section 13. That § 26-8B-6
 31 be AMENDED:"

32 On page 6, line 16, of the Introduced bill, after "AMENDED:" delete "26-8B-6. If a child has
 33 been adjudicated as a child in need of supervision, the court shall enter a decree of disposition
 34 according to the least restrictive alternative available in keeping with the best interests of the child.
 35 The decree shall contain one or more of the following:

36 (1) The court may place the child on probation pursuant to § 26-8B-8 or under protective
 37 supervision in the custody of one or both parents, guardian, custodian, relative, or another suitable
 38 person under conditions imposed by the court;

39 (2) The court may require as a condition of probation that the child participate in a supervised
 40 community service report for assignment to a supervised work program, provided the child is not
 41 placed in a detention facility and is not deprived of the schooling that is appropriate to the child's
 42 age, needs, and specific rehabilitative goals. The supervised community service work program shall
 43 be of a constructive nature designed to promote rehabilitation, shall be appropriate to the age level
 44 and physical ability of the child, and shall be combined with counseling by a court services officer or
 45 other guidance personnel. The supervised community service program assignment shall be made
 46 for a period of time consistent with the child's best interests, but may not exceed ninety days;

1 (3) If the court finds that the child has violated a valid court order, the court may place the
 2 child in a detention facility for not more than seven ninety days, including any period of temporary
 3 custody pursuant to § 26-8B-3, for purposes of disposition if:

4 (a) The child is not deprived of the schooling that is appropriate for the child's age, needs, and
 5 specific rehabilitative goals;

6 (b) The child had a due process hearing before the order was issued; and

7 (c) A plan of disposition from a court services officer is provided to the court.

8 The issued order must identify the violated court order, determine detention is the best
 9 available placement, specify the length of time the child is to be held in detention, and outline the
 10 plan for release of the child from detention;

11 (4) The court may commit the child to the Department of Corrections for placement in a
 12 juvenile correctional facility, foster home, group home, group care center, residential treatment
 13 center, or other community-based services, if those community-based services were not provided
 14 prior to commitment, pursuant to chapter 26-11A. Prior to placement in a juvenile correctional
 15 facility, an interagency team comprised of representatives from the Department of Human Services,
 16 Department of Social Services, Department of Education, the Department of Corrections, and the
 17 Unified Judicial System shall make a written finding that placement at a Department of Corrections
 18 facility is the least restrictive placement commensurate with the best interests of the child.
 19 Subsequent placement in any other Department of Corrections facility may be authorized without
 20 an interagency review;

21 (5) The court may require the child to pay restitution, as defined in § 23A-28-2 and under
 22 conditions set by the court if payment can be enforced without serious hardship or injustice to the
 23 child;

24 (5)(6) The court may place a child in an alternative educational program;

25 (6)(7) The court may order the child to be examined and treated at the Human Services Center;

26 (7)(8) The court may impose a fine not to exceed five hundred dollars;

27 (8)(9) The court may order the suspension or revocation of the child's right to apply for a
 28 driving privilege, suspend or revoke an existing driving privilege, or restrict the privilege in such
 29 manner as the court sees fit or as required by § 32-12-52. 4, including requiring that financial
 30 responsibility be proved and maintained; or

31 (9)(10) The court may assess or charge the same costs and fees as permitted by §§ 16-2-41,
 32 23-3-52, 23A-27-26, 23A-28B-42, and 23A-27-27 against the child, parent, guardian, custodian, or
 33 other party responsible for the child; or

34 (10) The court may only commit a child to the Department of Corrections if the judge finds
 35 that:

36 (a) No viable alternatives exist;

37 (b) The Department of Corrections is the least restrictive alternative; and

38 (c) The court finds from evidence presented at the dispositional hearing or from the
 39 pre-dispositional report that the youth presents a significant risk of physical harm to another person.

40 Any finding made pursuant to this section shall be made in the written decree.

1 After disposition, but prior to placement in a juvenile correctional facility, a state interagency
2 team comprised of representatives from the Department of Human Services, the Department of
3 Social Services, the Department of Education, the Department of Corrections, and the Unified
4 Judicial System shall make a written finding that placement at a Department of Corrections facility
5 is the least restrictive placement commensurate with the best interests of the child. Subsequent
6 placement in any other Department of Corrections facility may be authorized without an interagency
7 review.

8 No adjudicated child in need of supervision may be incarcerated in a detention facility except
9 as provided in subdivision (3) or (4) of this section and § 26-7A-20."

10 On page 8, line 21, of the Introduced bill, after "26-7A-20." delete "Section 14. That § 26-8B-
11 8 be AMENDED:"

12 On page 8, line 22, of the Introduced bill, after "AMENDED:" delete "26-8B-8. The terms and,
13 conditions, and duration of probation of a child in need of supervision shall be specified by rules or
14 orders of the court and by a court services officer.

15 The duration of juvenile probation shall be specified by order of the court but may not exceed
16 six months unless:

17 (1) The child is placed in the intensive juvenile probation program; or

18 (2) The child's probation is extended as provided under this section.

19 If the child is placed on intensive juvenile probation, the duration of probation ordered by the
20 court may be up to twelve months.

21 If the child is placed on juvenile probation, a court services officer may request two extensions
22 up to six months each or one extension up to six months for intensive juvenile probation. The court
23 may authorize the same in accordance with Unified Judicial System procedure if the extension is
24 necessary for the child to complete evidence-based treatment as required by the case plan. If
25 evidence-based treatment is not available, an extension may be granted if the youth is engaged in
26 alternative court-approved treatment that will not be completed before the previously ordered term
27 of probation expires.

28 The total duration of probation, including juvenile intensive probation and extensions in all
29 cases, may not exceed eighteen months unless the court provides written authorization to allow a
30 child to complete evidence-based treatment that will not be completed before probation expires.
31 Probation may not be extended solely to collect restitution. If probation is terminated with restitution
32 owing, Unified Judicial System procedure may govern the collection.

33 Each child placed on probation shall be given a written statement of the terms and conditions
34 of probation and the probation policy. The terms and conditions, as well as the probation extension
35 policy, shall be explained to the child.

36 The court shall review the terms and conditions of probation and the progress of each child
37 placed on probation at least once every six months. The court may release a child from probation
38 or modify the terms and conditions of the child's probation at any time, but any child who has
39 complied satisfactorily with the terms, conditions, and duration of probation shall be released from
40 probation and the jurisdiction of the court terminated. If the duration of probation previously
41 prescribed has expired, the court shall release the child from probation and terminate jurisdiction."

42 On page 9, line 20, of the Introduced bill, after "jurisdiction." delete "Section 15. That § 26-
43 8B-9 be AMENDED:"

44 On page 9, line 21, of the Introduced bill, after "AMENDED:" delete "26-8B-9. The following
45 provisions apply if the child is alleged to have violated the terms and conditions of probation and a
46 formal petition is filed with the court:

- 1 (1) The court shall set a hearing on the alleged violation and shall give five days' notice to the
2 child, to the child's parents, guardian, or custodian, and to any other parties to the proceedings;
- 3 (2) The child and the child's parents, guardian, or custodian shall be given a written statement
4 concerning the alleged violation;
- 5 (3) The child may be represented by legal counsel at the probation violation hearing and the
6 child is entitled to the issuance of compulsory process for the attendance of witnesses;
- 7 (4) If the court finds by a preponderance of the evidence that the child violated the terms and
8 conditions of probation, the court may modify the terms and conditions of probation, revoke
9 probation, or take other action as permitted by this chapter or chapter 26-7A, according to the least
10 restrictive alternative which is in the best interests of the child and, the public, except commitment
11 to the Department of Corrections. The court may only commit a child to the Department of
12 Corrections if the court finds that the violation committed constitutes a new law violation and finds
13 that the aggravated circumstances provided in subdivision 26-8B-6(10) exist and the state; and
- 14 (5) For the purposes of this section, a new law violation is defined as delinquent behavior
15 pursuant to § 26-8C-2, a Class 1 misdemeanor violation of title 32, or a violation of § 32-23-21;
16 and
- 17 (6) If the court finds that the child did not violate the terms and conditions of probation as
18 alleged, the court shall dismiss the proceedings and continue the child on probation under the terms,
19 and conditions, and duration previously prescribed. If the duration of probation previously prescribed
20 has expired, the court shall release the child from probation and terminate jurisdiction."
- 21 On page 10, line 14, of the Introduced bill, after "jurisdiction." delete "Section 16. That § 26-
22 8C-1 be AMENDED:"
- 23 On page 10, line 15, of the Introduced bill, after "AMENDED:" delete "26-8C-1. It is the purpose
24 of this chapter, in conjunction with chapter 26-7A, to establish an effective state and local system
25 for delinquent children including a focus on community-based rehabilitation."
- 26 On page 10, line 18, of the Introduced bill, after "rehabilitation." delete "Section 17. That §
27 26-8C-5 be AMENDED:"
- 28 On page 10, line 19, of the Introduced bill, after "AMENDED:" delete "26-8C-5. Following
29 adjudication of a child as a delinquent child, the court may continue the case and may require a
30 court services officer to present to the court a plan of disposition. Where a community response
31 team as defined in § 26-8D-1 has been established, prior to any disposition to the Department of
32 Corrections, the court may seek a recommendation for a viable community alternative disposition
33 from the team. If the team is unable to provide any recommendation within seven days of the
34 referral, the disposing court may exercise its discretion and make a disposition decision without the
35 input of the team, pursuant to § 26-8C-7. In each case, the court may adopt the recommendation
36 of the team in part, in full, or reject the recommendation of the team in its entirety."
- 37 On page 10, line 29, of the Introduced bill, after "entirety." delete "Section 18. That § 26-8C-
38 7 be AMENDED:"
- 39 On page 11, line 1, of the Introduced bill, after "AMENDED:" delete "26-8C-7. If a child has
40 been adjudicated as a delinquent child, the court shall enter a decree of disposition according to the
41 least restrictive alternative available in keeping with the best interests of the child. The decree shall
42 contain one or more of the following:
- 43 (1) The court may require the child to pay restitution, as defined in subdivision 23A-28-2(4)
44 and under conditions set by the court, if payment can be enforced without serious hardship or
45 injustice to the child;

1 (2) The court may make any one or more of the dispositions in § 26-8B-6, except that a
2 delinquent child may be incarcerated in a detention facility established pursuant to provisions of
3 chapter 26-7A for not more than ninety days, which may be in addition to any period of temporary
4 custody;

5 (3) The court may impose a fine not to exceed one thousand dollars;

6 (3)(4) The court may place the child on probation under the supervision of a court services
7 officer or another designated individual pursuant to § 26-8C-14;

8 (4) The court may require a child. The child may be required as a condition of probation to
9 participate in report for assignment to a supervised community service work program, if the child is
10 not deprived of the schooling that is appropriate for the child's age, needs, and specific rehabilitative
11 goals. The supervised community service work program shall be of a constructive nature designed
12 to promote rehabilitation, appropriate to the age level and physical ability of the child, and shall be
13 combined with counseling by the court services officer or other guidance personnel. The supervised
14 community service work program assignment shall be made for a period of time consistent with the
15 child's best interests, but for not more than ninety days;

16 (5) The court may commit the child to the Department of Corrections;

17 (6) The court may place the child at the Human Services Center for examination and treatment;

18 (6)(7) The court may place the child in a detention facility for not more than ninety days, which
19 may be in addition to any period of temporary custody;

20 (7)(8) The court may place the child in an alternative educational program;

21 (8)(9) The court may order the suspension or revocation of the child's right to apply for a
22 driving privilege, suspend or revoke an existing driving privilege, or restrict the privilege in the
23 manner the court sees fit, including requiring that financial responsibility be proved and maintained;
24 or

25 (9)(10) The court may assess or charge costs and fees permitted by §§ 16-2-41, 23-3-52,
26 23A-27-26, 23A-28B-42, and 23A-27-27 against the child, parent, guardian, custodian, or other
27 party responsible for the child; or

28 (10) The court may only commit a child to the Department of Corrections if the judge finds
29 that:

30 (a) No viable alternative exists; and

31 (b) The Department of Corrections is the least restrictive alternative; and one of the following:

32 (i) The child is currently adjudicated delinquent for an offense eligible for transfer proceedings
33 pursuant to § 26-11-3. 1; the child is currently adjudicated delinquent for a crime of violence
34 pursuant to subdivision 22-1-2(9), sex offense pursuant to § 22-24B-1, felony sexual registry
35 offense pursuant to chapter 22-24B, or burglary in the second degree pursuant to § 22-32-3; or the
36 court finds from evidence presented at the dispositional hearing or from the pre-dispositional report
37 that the youth presents a significant risk of physical harm to another person; or

38 (ii) The court finds from evidence presented at the dispositional hearing or from the pre-
39 dispositional report that the child is at high risk for re-offense based on a validated risk assessment,
40 and the child has either had a previous unsuccessful discharge from probation for a felony offense
41 or is on supervised probation for a felony offense; and

42 (A) The child has been adjudicated for intentional damage to property and the property damage
43 exceeds five thousand dollars; or

1 (B) The child has been adjudicated for a drug distribution offense that is punishable at
 2 least as a Class 4 felony.

3 Any finding made pursuant to this section shall be made in the written decree."

4 On page 12, line 30, of the Introduced bill, after "decree." delete "Section 19. That § 26-8C-
 5 14 be AMENDED:"

6 On page 12, line 31, of the Introduced bill, after "AMENDED:" delete "26-8C-14. The terms
 7 and, conditions, and duration of probation of a delinquent child shall be specified by rules or orders
 8 of the court and by court services officers.

9 The duration of juvenile probation shall be specified by order of the court but may not exceed
 10 six months unless:

11 (1) The child is placed in the intensive juvenile probation program; or

12 (2) The child's probation is extended as provided under this section.

13 If the child is placed on intensive juvenile probation, the duration of probation upon order by
 14 the court may be up to twelve months.

15 If the child is placed on juvenile probation, a court services officer may request two extensions
 16 up to six months each or one extension up to six months for intensive juvenile probation. The court
 17 may authorize the same in accordance with Unified Judicial System procedure if the extension is
 18 necessary for the child to engage in evidence-based treatment as required by the case plan. If
 19 evidence-based treatment is not available, an extension may be granted if the youth is engaged in
 20 alternative court-approved treatment that will not be completed before the previously ordered term
 21 of probation expires.

22 The total duration of probation, including juvenile intensive probation and any extension may
 23 not exceed eighteen months unless the court provides written authorization to allow a child to
 24 complete evidence-based treatment that will not be completed before probation expires. Probation
 25 may not be extended solely to collect restitution. If probation is terminated with restitution owing,
 26 the Unified Judicial System procedure may govern the collection.

27 Each child placed on probation shall be given a written statement of the terms and conditions
 28 of probation, and the probation extension policy. The terms and conditions, as well as the probation
 29 extension policy, shall be explained to the child.

30 The court shall review the terms and conditions of probation and the progress of each child
 31 placed on probation at least once every six months. The court may release a child from probation
 32 or modify the terms and conditions of the child's probation at any time, but any child who has
 33 complied satisfactorily with the terms, conditions, and duration of probation shall be released from
 34 probation and the jurisdiction of the court terminated. If the duration of probation previously
 35 prescribed has expired, the court shall release the child from probation and terminate jurisdiction."

36 On page 13, line 28, of the Introduced bill, after "jurisdiction." delete "Section 20. That § 26-
 37 8C-15 be AMENDED:"

38 On page 13, line 29, of the Introduced bill, after "AMENDED:" delete "26-8C-15. The following
 39 provisions apply if the child is alleged to have violated the terms and conditions of probation and a
 40 formal allegation of a probation violation is filed:

41 (1) The court shall set a hearing on the alleged violation and shall give five days' notice to the
 42 child, to the child's parents, guardian, or custodian, and to any other parties to the proceedings;

1 (2) The child and the child's parents, guardian, or custodian shall be given a written statement
 2 concerning the alleged violation;

3 (3) The child may be represented by legal counsel at the probation violation hearing and the
 4 child is entitled to the issuance of compulsory process for the attendance of witnesses;

5 (4) If the court finds by a preponderance of the evidence that the child violated the terms and
 6 conditions of probation, the court may modify the terms and conditions of probation, revoke
 7 probation, or take other action as permitted by this chapter or chapter 26-7A which is in the best
 8 interests of the child and the public, except commitment to the Department of Corrections. The
 9 court may only commit a child to the Department of Corrections if the court finds that the violation
 10 committed constitutes a new law violation and finds that the aggravated circumstances as provided
 11 in subdivision 26-8C-7(10) exist; and

12 (5) For the purposes of this section, new law violation is defined as delinquent behavior
 13 pursuant to § 26-8C-2, a Class 1 misdemeanor violation of title 32, or a violation of § 32-23-21;
 14 and

15 (6) If the court finds that the child did not violate the terms and conditions of probation as
 16 alleged, the court shall dismiss the proceedings and continue the child on probation under the terms,
 17 and conditions, and duration previously prescribed. If the duration of probation previously prescribed
 18 has expired, the court shall release the child from probation and terminate jurisdiction."

19 On page 14, line 22, of the Introduced bill, after "jurisdiction." delete "Section 21. That § 26-
 20 8D-1 be REPEALED:"

21 On page 14, line 23, of the Introduced bill, after "REPEALED:" delete "Terms used in this
 22 chapter mean:

23 (1) "Community response team" or "team," a support team tasked with finding viable
 24 community resources to help rehabilitate delinquent children and children in need of supervision in
 25 community-based settings who are at risk for commitment to the Department of Corrections;

26 (2) "Juvenile cited violation," designated delinquency or children in need of supervision
 27 violation handled by law enforcement with the uniform traffic ticket pursuant to § 23-1A-2;

28 (3) "Juvenile Justice Oversight Council," the council established by § 26-8D-7;

29 (4) "Quality assured," monitored to determine the extent to which individuals delivering
 30 treatment to juveniles are administering that treatment consistently and as designed;

31 (5) "Recidivism," for the Department of Corrections for the purposes of this chapter, within
 32 one year, two years, or three years of discharge from the custody of the Department of Corrections,
 33 a juvenile commitment or conviction in adult court for a felony resulting in a sentence to the
 34 Department of Corrections. For the Unified Judicial System for the purposes of this chapter, the term
 35 means being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a
 36 felony in adult court within one year, two years, or three years after discharge from juvenile
 37 probation;

38 (6) "Risk factors," characteristics and behaviors that, when addressed or changed, affect a
 39 child's risk for committing delinquent acts. The term includes prior and current offense history,
 40 antisocial behavior, antisocial personality, attitude and thinking about delinquent activity, family
 41 dysfunction, low levels of education or engagement in school, poor use of leisure time and
 42 recreation, and substance abuse;

43 (7) "Specialized transition services," independent living; foster care; respite; crisis
 44 stabilization; short-term assessment; a residential setting intended to transition the juvenile from a
 45 residential treatment center, intensive residential treatment center, or more restrictive group care

1 or juvenile corrections facility; or other transitional setting authorized by the secretary of the
 2 Department of Corrections;

3 (8) "Treatment," when used in a juvenile justice context, targeted interventions that utilize
 4 evidence-based practices to focus on juvenile risk factors, to improve mental health, and to reduce
 5 the likelihood of delinquent behavior;

6 (9) "Validated risk and needs assessment," a tool scientifically proven to identify factors for
 7 delinquency and predict a child's risk to reoffend."

8 On page 15, line 25, of the Introduced bill, after "reoffend." delete "Section 22. That § 26-8D-
 9 2 be REPEALED:"

10 On page 15, line 26, of the Introduced bill, after "REPEALED:" delete "The Department of
 11 Corrections shall develop a fiscal incentive program to incentivize county use of diversion
 12 opportunities. Beginning on September 1, 2016, any application for funding from the fiscal incentive
 13 program shall be submitted to the Department of Corrections before September first each year by
 14 a county. The fiscal incentive program includes the following requirements:

15 (1) An application shall include data on the number of children annually referred by the county
 16 to a diversion program, as well as the number of referred children that successfully completed a
 17 diversion program. In addition, each application shall provide specific data about the children the
 18 county referred to diversion, including the type of program or type of diversion referred to, the name
 19 and location of each diversion provider, and whether the child completed a diversion program;

20 (2) The allotment of funds shall be based on the number of children referred by each county
 21 that complete a court-approved diversion program at a rate of two hundred fifty dollars per child.
 22 That amount shall be prorated if the number of children completing a diversion program statewide
 23 results in an amount that exceeds the allotted funds;

24 (3) No county may receive any state funds provided by this section until its application has
 25 been received; and

26 (4) Payments to counties shall be transferred on or about November first each year.

27 The Department of Corrections shall report data collected from participating counties
 28 semiannually to the oversight council."

29 On page 16, line 13, of the Introduced bill, after "council." delete "Section 23. That § 26-8D-3
 30 be REPEALED:"

31 On page 16, line 14, of the Introduced bill, after "REPEALED:" delete "The Department of Social
 32 Services may provide for and implement treatment for juvenile system involved youth. The
 33 Department of Social Services, in coordination with the Department of Corrections and Unified
 34 Judicial System, shall identify community-based treatment to be made available to juveniles with
 35 justice system involvement based on the needs of the youth. The Unified Judicial System and the
 36 Department of Corrections shall annually provide aggregated risk factor data to the Department of
 37 Social Services. Any treatment identified for implementation shall be quality assured and shown
 38 through research or documented evidence to reduce recidivism and other juvenile risk factors.

39 In cooperation with the Department of Corrections and the Unified Judicial System, the
 40 Department of Social Services shall establish a juvenile treatment referral process incorporating a
 41 risk and needs assessment tool for use by the Unified Judicial System and Department of
 42 Corrections, and supplemental mental health and substance abuse screening tools.

43 The Department of Corrections and Unified Judicial System shall use a validated risk and needs
 44 assessment, and either a mental health or substance abuse assessment, or both, if the risk and
 45 needs assessment indicates a mental health or substance abuse issue, to guide referrals to

1 interventions identified under this section, consistent with the process established by the
2 Department of Social Services."

3 On page 16, line 32, of the Introduced bill, after "Services." delete "Section 24. That § 26-8D-
4 4 be REPEALED:"

5 On page 17, line 1, of the Introduced bill, after "REPEALED:" delete "The Department of Social
6 Services shall collect data, in the aggregate and by provider, on the number of juveniles referred to
7 treatment, the number and percent of juveniles completing treatment and not completing treatment
8 for juveniles receiving treatment paid for by the Department of Social Services pursuant to this
9 chapter. The Department of Social Services shall report this information semiannually to the
10 oversight council and regularly review the information, data, and other performance measures with
11 the Unified Judicial System and Department of Corrections.

12 The Department of Social Services shall provide the Unified Judicial System and Department
13 of Corrections with treatment program referral and completion data in the aggregate, by provider,
14 and on the individual level."

15 On page 17, line 11, of the Introduced bill, after "level." delete "Section 25. That § 26-8D-5
16 be REPEALED:"

17 On page 17, line 12, of the Introduced bill, after "REPEALED:" delete "The Department of Tribal
18 Relations, in coordination with necessary state agencies, treatment providers, law enforcement, and
19 stakeholders, shall evaluate and make recommendations to the oversight council to improve
20 outcomes for Native American children in the juvenile justice system. Options for consideration may
21 include sharing of treatment resources, information sharing about children under probation
22 supervision, and joint supervision."

23 On page 17, line 18, of the Introduced bill, after "supervision." delete "Section 26. That § 26-
24 8D-6 be REPEALED:"

25 On page 17, line 19, of the Introduced bill, after "REPEALED:" delete "The Department of Tribal
26 Relations shall report to the oversight council by December 31, 2016, the progress of the evaluation
27 required by § 26-8D-5. The Department of Tribal Relations shall submit its final recommendations
28 to the oversight council, the Governor, the Chief Justice, and the Legislature by July 1, 2017."

29 On page 17, line 23, of the Introduced bill, after "2017." delete "Section 27. That § 26-8D-7
30 be REPEALED:"

31 On page 17, line 24, of the Introduced bill, after "REPEALED:" delete "There is hereby
32 established a Juvenile Justice Oversight Council responsible for monitoring and reporting
33 performance and outcome measures related to the provisions set forth in this chapter."

34 On page 17, line 27, of the Introduced bill, after "chapter." delete "Section 28. That § 26-8D-
35 8 be REPEALED:"

36 On page 17, line 28, of the Introduced bill, after "REPEALED:" delete "The oversight council
37 shall consist of the following twenty members:

38 (1) The Governor shall appoint the following seven members:

39 (a) A representative from the Department of Corrections;

40 (b) A representative from the Department of Social Services;

41 (c) A representative who is a state's attorney;

42 (d) A representative from a youth care provider;

-
- 1 (e) A representative from the Department of Tribal Relations;
- 2 (f) Two at large members;
- 3 (2) The Chief Justice shall appoint the following six members:
- 4 (a) A representative who is a criminal defense attorney;
- 5 (b) A representative who is a judge; and
- 6 (c) Four at large members;
- 7 (3) The majority leader of the Senate shall appoint the following three members:
- 8 (a) Two legislative members of the Senate, one from each political party; and
- 9 (b) One at large member;
- 10 (4) The majority leader of the House of Representatives shall appoint the following three
- 11 members:
- 12 (a) Two legislative members of the House of Representatives, one from each political party;
- 13 and
- 14 (b) One member who is a county commissioner; and
- 15 (5) The attorney general shall appoint one member.
- 16 The oversight council shall select a chair and a vice chair."
- 17 On page 18, line 20, of the Introduced bill, after "chair." delete "Section 29. That § 26-8D-9
- 18 be REPEALED:"
- 19 On page 18, line 21, of the Introduced bill, after "REPEALED:" delete "The oversight council
- 20 shall meet within ninety days following appointment and shall meet semiannually thereafter. The
- 21 oversight council terminates eight years after its first meeting, unless the Legislature continues the
- 22 oversight council for a specified period of time. The oversight council may:
- 23 (1) Review the recommendations of the juvenile justice reinvestment initiative work group in
- 24 the final report dated November 2014, track implementation, and evaluate compliance with this
- 25 chapter;
- 26 (2) Review performance measures and outcome measures required by this chapter and
- 27 proposed by the Department of Corrections, Unified Judicial System, and Department of Social
- 28 Services;
- 29 (3) Review performance measures and outcome measures submitted semiannually by the
- 30 Department of Corrections, Unified Judicial System, and Department of Social Services pursuant to
- 31 §§ 26-8D-4, 26-8D-12, 26-8D-15, 26-8D-16, 26-8D-19, and 26-8D-20;
- 32 (4) Review efforts by the Department of Social Services to ensure delivery of treatment in rural
- 33 areas and related performance measures;
- 34 (5) Track progress and make recommendations to improve outcomes for Native American
- 35 children in the juvenile justice system in accordance with §§ 26-8D-5 and 26-8D-6;

1 (6) Review the payments of the diversion incentive program to counties, pursuant to § 26-8D-
 2 2, payments from the juvenile justice detention cost-sharing fund pursuant to § 26-8D-24, and
 3 performance-based reimbursement payments to group care and residential treatment centers
 4 pursuant to §§ 26-8D-17 and 26-8D-18; and

5 (7) Prepare and submit an annual summary report of the performance and outcome measures
 6 that are part of this chapter to the Legislature, Governor, and Chief Justice. The report shall include
 7 any recommendations for improvement related to chapter 152 of the 2015 Session Laws."

8 On page 19, line 15, of the Introduced bill, after "Laws." delete "Section 30. That § 26-8D-10
 9 be REPEALED:"

10 On page 19, line 16, of the Introduced bill, after "REPEALED:" delete "The presiding judge of
 11 each judicial circuit may appoint one or more community response teams to assist judges by
 12 recommending viable community-based interventions for children in need of supervision and
 13 delinquent children. Each team appointed shall include the court services officer in the jurisdiction
 14 where the team is to operate, and designees of the secretaries of the Departments of Social Services
 15 and Corrections. Each team may include a representative of a public school district in which the
 16 team is to operate and one or more representatives of the public. The Unified Judicial System shall
 17 maintain a record of the membership of each team and report nonidentifying data to the oversight
 18 council. The team may operate telephonically or through electronic communications.

19 The records prepared or maintained by the team are confidential. However, the records may
 20 be inspected by, or disclosed to, justices, judges, magistrates, and employees of the Unified Judicial
 21 System in the course of their duties, the attorney for the child and child's parents, guardian, or
 22 other custodian, the state's attorney prosecuting the case, and to any person specifically authorized
 23 by order of the court. The record of the team may only be released to a third party upon good cause
 24 shown to the satisfaction of the court that the release is necessary and the information contained in
 25 the record is not available elsewhere."

26 On page 20, line 1, of the Introduced bill, after "elsewhere." delete "Section 31. That § 26-8D-
 27 11 be REPEALED:"

28 On page 20, line 2, of the Introduced bill, after "REPEALED:" delete "The Supreme Court may
 29 establish rules, pursuant to § 16-3-1, regarding formation of a community response team and the
 30 procedures to be followed by the team."

31 On page 20, line 4, of the Introduced bill, after "team." delete "Section 32. That § 26-8D-12
 32 be REPEALED:"

33 On page 20, line 5, of the Introduced bill, after "REPEALED:" delete "The Unified Judicial System
 34 shall provide semiannually to the oversight council the following nonidentifying aggregate data for
 35 any jurisdiction where a community response team has been established:

- 36 (1) Number of referrals to the team by each judicial circuit;
- 37 (2) The number and percent of referrals by each judicial circuit where the team
 38 recommendation is provided;
- 39 (3) The number and percent of cases where the team located a community based alternative;
- 40 (4) The recommendation of the team for each case; and
- 41 (5) The disposition of the court."

42 On page 20, line 15, of the Introduced bill, after "court." delete "Section 33. That § 26-8D-13
 43 be REPEALED:"

1 On page 20, line 16, of the Introduced bill, after "REPEALED:" delete "Any child required to
 2 participate in a community service program is not an agent or employee of the recipients of these
 3 services. Any recipient of community service, described in §§ 26-8C-7 and 26-8B-6, does not have
 4 to provide the child with reemployment assistance insurance pursuant to title 61 nor with workers'
 5 compensation insurance pursuant to title 62. Each recipient and the recipient's officers, agents, and
 6 employees are immune from any cause of action for civil damages brought by the child, parents,
 7 guardians, or any third party if the cause of action arises from any act of commission or omission
 8 by the recipient or any of its officers, agents, or employees or any act of commission or omission
 9 by the child and the acts arise out of or are in connection with a community service program, except
 10 if the cause of action is the result of gross negligence or willful and wanton misconduct of the
 11 recipient or its officers, agents, or employees and except to the extent that the recipient has
 12 purchased liability insurance. Nothing in this section relieves any individual child from responsibility
 13 for the child's individual acts."

14 On page 20, line 30, of the Introduced bill, after "acts." delete "Section 34. That § 26-8D-14
 15 be REPEALED:"

16 On page 21, line 1, of the Introduced bill, after "REPEALED:" delete "If a judge orders more
 17 than fourteen days of detention in a thirty-day period pursuant to § 26-8C-7 or 26-8B-6, the court
 18 shall enter findings of fact and conclusions of law to include in the dispositional decree justifying the
 19 need for extended detention."

20 On page 21, line 4, of the Introduced bill, after "detention." delete "Section 35. That § 26-8D-
 21 15 be REPEALED:"

22 On page 21, line 5, of the Introduced bill, after "REPEALED:" delete "The Unified Judicial System
 23 shall report semiannually to the oversight council:

- 24 (1) The number of juvenile probation admissions;
- 25 (2) The number of juveniles for whom a request for extension is made;
- 26 (3) The number and percent of juveniles for whom extensions are granted;
- 27 (4) The number of requests for extension;
- 28 (5) The number and percent of requests granted;
- 29 (6) The reason for discharge and length of probation for juveniles discharged from supervision;
- 30 and
- 31 (7) The recidivism rate.

32 The Unified Judicial System shall report semiannually to the oversight council the number of
 33 children placed in a detention facility pursuant to subdivisions 26-8C-7(5) and 26-8B-6(3) and the
 34 duration of each detention stay. The Unified Judicial System shall report semiannually to the
 35 oversight council the number of children eligible for informal adjustment and informal action
 36 pursuant to § 26-7A-11. 1, and the number and percent of children for whom good cause is found
 37 for the state's attorney to proceed on a petition if the child is otherwise eligible for informal
 38 adjustment and informal action pursuant to § 26-7A-11. 1. The Unified Judicial System shall report
 39 semiannually to the oversight council the number of children summoned to court on a juvenile cited
 40 violation pursuant to § 26-7A-126, the number of children summoned to court on a juvenile cited
 41 violation referred for informal adjustment and informal action pursuant to § 26-7A-127, and the
 42 number petitioned under § 26-7A-127."

43 On page 21, line 26, of the Introduced bill, after "26-7A-127." delete "Section 36. That § 26-
 44 8D-16 be REPEALED:"

1 On page 21, line 27, of the Introduced bill, after "REPEALED:" delete "The Unified Judicial
2 System shall report semiannually to the oversight council the number and percent of juvenile
3 probationers who received a graduated response, the number and percent of juvenile probationers
4 receiving a formal allegation of a probation violation, the number and percent of juveniles whose
5 probation is revoked, and the action taken as a result of the revocation."

6 On page 21, line 32, of the Introduced bill, after "revocation." delete "Section 37. That § 26-
7 8D-17 be REPEALED:"

8 On page 22, line 1, of the Introduced bill, after "REPEALED:" delete "The Department of
9 Corrections, pursuant to the provisions of chapter 26-11A and § 26-8C-7 or 26-8B-6, may place a
10 child in a group care center operated and maintained by a nonstate entity only in accordance with
11 a performance-based reimbursement rate structure as provided in the provider contract and as
12 provided by this section.

13 If a provider is able to substantially accomplish the treatment goals and release a child from
14 group care within the performance expectation period, a performance-based reimbursement
15 payment shall be included in the payment allocation. The maximum performance-based
16 reimbursement payment shall be allocated when a provider is able to substantially accomplish the
17 treatment goals and release a child within three months. A diminished performance-based
18 reimbursement payment shall be allocated when a provider is able to substantially accomplish the
19 treatment goals and release a child in more than three months but less than four months. The
20 performance-based reimbursement payment is in addition to the provider reimbursement rate as
21 established by the Department of Social Services.

22 The Department of Corrections shall determine the need for placement in a group care facility
23 upon admission and review the placement monthly thereafter. Upon finding that the child is no
24 longer in need of placement, the child shall be released to aftercare pursuant to § 26-11A-12. If the
25 child cannot be released to aftercare at no fault of the provider, a performance-based
26 reimbursement payment shall be added to the payment allocation as long as the provider otherwise
27 qualifies for that payment.

28 If a provider terminates a child prior to substantial completion of the treatment goals and the
29 Department of Corrections transfers the child to another facility, the transferring provider does not
30 qualify for a performance-based payment under this section for that child.

31 Juvenile corrections facilities maintained and operated by the Department of Corrections shall
32 design and operate programs to achieve substantial accomplishment of treatment goals and the
33 release to aftercare within three months.

34 Specialized transition services are exempt from the performance-based reimbursement rate
35 structure.

36 After January 1, 2019, the Department of Corrections may promulgate rules, pursuant to
37 chapter 1-26, to continue or create additional or alternative performance-based reimbursement
38 period timeframes."

39 On page 22, line 33, of the Introduced bill, after "timeframes." delete "Section 38. That § 26-
40 8D-18 be REPEALED:"

41 On page 23, line 1, of the Introduced bill, after "REPEALED:" delete "The Department of
42 Corrections, pursuant to the provisions of chapter 26-11A and § 26-8C-7 or 26-8B-6, may place a
43 child in a residential treatment center or intensive residential treatment center only in accordance
44 with a performance-based reimbursement rate structure as provided in the provider contract and
45 provided by this section.

46 If a provider is able to substantially accomplish the treatment goals and release a child from
47 residential or intensive residential treatment within the performance expectation period, a
48 performance-based reimbursement payment shall be added to the payment allocation. For those

1 providers that substantially meet the treatment goals and release within three months, a maximum
2 performance-based reimbursement payment shall be added to the payment allocation. For those
3 providers that substantially meet the treatment goals and release within five, seven, or nine months,
4 a diminished performance-based reimbursement payment, which decreases as length of stay
5 increases, shall be added to the payment allocation.

6 The provider contracts shall provide how the Department of Corrections may use state general
7 fund dollars in the performance expectation allocation. The performance-based reimbursement
8 payment is in addition to the provider reimbursement rate as established by the Department of
9 Social Services.

10 The Department of Corrections shall evaluate monthly the need for continued placement in a
11 residential treatment center or intensive residential treatment center. Upon a finding that the child
12 is no longer in need of placement, the child shall be released to aftercare pursuant to § 26-11A-12
13 or specialized transition services. If the child cannot be released to aftercare at no fault of the
14 provider, a performance-based reimbursement payment shall be added to the payment allocation
15 as long as the provider otherwise qualifies for that payment.

16 If a provider terminates a child prior to substantial completion of the treatment goals and the
17 Department of Corrections transfers the child to another facility, the transferring provider does not
18 qualify for additional performance-based reimbursement payment under this section for that child.

19 After January 1, 2019, the Department of Corrections may promulgate rules, pursuant to
20 chapter 1-26, to continue or create additional or alternative performance-based reimbursement
21 period timeframes."

22 On page 23, line 32, of the Introduced bill, after "timeframes." delete "Section 39. That § 26-
23 8D-19 be REPEALED:"

24 On page 23, line 33, of the Introduced bill, after "REPEALED:" delete "The Department of
25 Corrections shall report semiannually to the oversight council the number of children committed,
26 number of recommitments, the average length of stay in residential placement in total and by
27 provider, and average length of commitment among children discharged from the Department of
28 Corrections."

29 On page 24, line 3, of the Introduced bill, after "Corrections." delete "Section 40. That § 26-
30 8D-20 be REPEALED:"

31 On page 24, line 4, of the Introduced bill, after "REPEALED:" delete "The Department of
32 Corrections shall report semiannually to the oversight council the number and percent of juveniles
33 violating aftercare, the number and percent of juveniles whose aftercare is revoked, and the action
34 taken as a result of the revocation."

35 On page 24, line 7, of the Introduced bill, after "revocation." delete "Section 41. That § 26-
36 8D-21 be REPEALED:"

37 On page 24, line 8, of the Introduced bill, after "REPEALED:" delete "The juvenile justice
38 detention cost-sharing fund is hereby created in the Department of Corrections for the purpose of
39 assisting counties with increased costs due to increased juvenile detention expenses paid by
40 counties."

41 On page 24, line 11, of the Introduced bill, after "counties." delete "Section 42. That § 26-8D-
42 22 be REPEALED:"

43 On page 24, line 12, of the Introduced bill, after "REPEALED:" delete "Any county that provides
44 the Department of Corrections with documentation showing juvenile detention bed days paid by the
45 county for calendar years 2013, 2014, and 2015 by March 1, 2016, is considered a participating
46 county. All other counties are nonparticipating counties. A nonparticipating county may become a

1 participating county in subsequent years by submitting the data in this section and complying with
 2 the requirements in § 26-8D-23."

3 On page 24, line 18, of the Introduced bill, after "26-8D-23." delete "Section 43. That § 26-
 4 8D-23 be REPEALED:"

5 On page 24, line 19, of the Introduced bill, after "REPEALED:" delete "Beginning on March 1,
 6 2017, and March first of each year thereafter, each participating county shall submit to the
 7 Department of Corrections the number of juvenile detention bed days paid by the county in the
 8 preceding calendar year. Only a participating county is eligible for reimbursement from the juvenile
 9 justice detention cost-sharing fund. The participating counties shall be determined on an annual
 10 basis."

11 On page 24, line 24, of the Introduced bill, after "basis." delete "Section 44. That § 26-8D-24
 12 be REPEALED:"

13 On page 24, line 25, of the Introduced bill, after "REPEALED:" delete "The Department of
 14 Corrections shall compare the number of detention bed days each county paid in the preceding
 15 calendar year to the average number of detention bed days paid in calendar years 2013, 2014, and
 16 2015. If the days paid in the calendar year in question exceed the average, the Department of
 17 Corrections shall pay the county two hundred dollars per day for each day exceeding the average.
 18 If the amount owed the participating counties exceeds the amount of money in the fund, the amount
 19 reimbursed per bed day shall be prorated to fulfill all requests."

20 On page 25, line 3, of the Introduced bill, after "requests." delete "Section 45. That § 26-11A-
 21 8. 1 be REPEALED:"

22 "

23 On page 25, line 4, of the Introduced bill, after "REPEALED:" delete "For any child in the custody
 24 of the Department of Corrections and placed in a residential facility, state-run or private, the
 25 department shall participate in a monthly treatment team meeting with the residential facility. The
 26 department shall:

27 (1) Review progress on the treatment plan goals and evaluate the effectiveness of the service;

28 (2) Determine whether any less restrictive treatment alternative is appropriate and available;
 29 and

30 (3) Develop an aftercare plan designed to facilitate release that identifies release
 31 options and timeframes, if appropriate.

32 Each treatment plan shall be designed to achieve release at the earliest possible time and to
 33 maximize the child's development and acquisition of skills that enables the child to successfully
 34 transition to community living.

35 The Department of Corrections shall train department staff on effective participation in
 36 treatment team meetings."

37 On page 25, line 18, of the Introduced bill, after "meetings." delete "Section 46. That § 26-
 38 11A-15 be AMENDED:"

39 "

40 On page 25, line 19, of the Introduced bill, after "AMENDED:" delete "26-11A-15. If the
 41 independent hearing officer finds probable cause that the terms and conditions of aftercare have
 42 been violated by committing an act subject to transfer proceedings pursuant to § 26-11-3. 1, a
 43 crime of violence pursuant to subdivision 22-1-2(9), sex offense pursuant to § 22-24B-1, felony
 44 sexual registry offense pursuant to chapter 22-24B, or burglary in the second degree pursuant to
 45 § 22-32-3; or that the juvenile presents a significant risk of physical harm to another person and

1 has committed a new law violation, an aftercare revocation hearing shall be held before a member
2 of the Board of Pardons and Paroles created in § 24-13-1 within thirty days of the temporary
3 detention or shelter hearing. For the purposes of this section, a new law violation is defined as
4 delinquent behavior pursuant to § 26-8C-2, a Class 1 misdemeanor violation of title 32, or a violation
5 of § 32-23-21. The juvenile, with the consent of a parent, guardian, or custodian, has the right to
6 waive this hearing at any time after the juvenile is detained and after advisement that waiver of the
7 right to appear before the Board of Pardons and Paroles may result in the juvenile being returned
8 to placement.

9 If the hearing officer does not find probable cause that the terms and conditions of aftercare
10 have been violated by committing an act subject to transfer proceedings pursuant to § 26-11-3. 1,
11 a crime of violence pursuant to subdivision 22-1-2(9), sex offense pursuant to § 22-24B-1, felony
12 sexual registry offense pursuant to chapter 22-24B, or burglary in the second degree pursuant to
13 § 22-32-3; or that the juvenile presents a significant and likely risk of physical harm to another
14 person and has committed a new law violation, the juvenile shall be returned to aftercare or
15 released.

16 The member of the board shall set the aftercare revocation hearing and shall give five days
17 notice to the juvenile, to the juvenile's parents, guardian, or custodian, and to any other parties to
18 the hearing.

19 The juvenile and the juvenile's parents, guardian, or custodian, shall be given a written
20 statement of the allegations against the juvenile.

21 The juvenile shall have the opportunity to appear in person, present witnesses, or documentary
22 evidence in the juvenile's behalf, and cross-examine witnesses unless the member of the board
23 makes a written determination that doing so is not in the best interests of the juvenile.

24 The juvenile may be represented by legal counsel at the hearing."

25 On page 26, line 18, of the Introduced bill, after "hearing." delete "Section 47. Sections 2 to
26 46, inclusive, of this Act are effective on July 1, 2023."

27 Sen. Bolin requested a roll call vote.

28 Which request was supported.

29 The question being on Sen. Wheeler's motion that **SB 198** be amended.

30 And the roll being called:

31 Yeas 13, Nays 22, Excused 0, Absent 0

32 Yeas: Breitling, Duhamel, Foster, Heinert, Hunhoff, Johns, Nesiba, Rohl, Rusch, Steinhauer,
33 Tobin, Wheeler, and Wiik

34 Nays: Bolin, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duvall, Frye-Mueller, Brock
35 Greenfield, David Johnson, Klumb, Kolbeck, Maher, Novstrup, Herman Otten, Schoenbeck,
36 Schoenfish, V. J. Smith, Stalzer, Sutton, Symens, and Zikmund

37 So the motion not having received an affirmative vote of a majority of the members-elect, the
38 President declared the motion lost.

39 Sen. Schoenbeck moved that **SB 198** be amended as follows:

40

198A

1 On page 1, line 6, of the Introduced bill, after "Representatives" insert " and three members
2 of the public, at least two with involvement in public education"

3 On page 1, line 6, of the Introduced bill, after "Senate" insert " and three members of the
4 public, at least two with involvement in public education"

5 On page 1, line 7, of the Introduced bill, after "appoint" delete " five"

6 On page 1, line 7, of the Introduced bill, after "five " insert "eight "

7 On page 1, line 7, of the Introduced bill, after "individuals" delete " with knowledge and
8 experience in juvenile justice"

9 Which motion prevailed.

10 The question being "Shall **SB 198** pass as amended?"

11 And the roll being called:

12 Yeas 22, Nays 13, Excused 0, Absent 0

13 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-
14 Mueller, Brock Greenfield, Hunhoff, David Johnson, Klumb, Maher, Novstrup, Herman Otten,
15 Schoenbeck, Schoenfish, V. J. Smith, Stalzer, and Sutton

16 Nays: Foster, Heinert, Johns, Kolbeck, Nesiba, Rohl, Rusch, Steinhauer, Symens, Tobin,
17 Wheeler, Wiik, and Zikmund

18 So the bill having received an affirmative vote of a majority of the members-elect, the President
19 declared the bill passed and the title was agreed to.

20 **SB 212:** FOR AN ACT ENTITLED, An Act to revise certain fees collected by the Office of the
21 Secretary of State.

22 Was read the second time.

23 Sen. Wiik moved that **SB 212** be amended as follows:

24 212C

25 On page 1, line 8, of the Senate State Affairs Engrossed bill, after "permit." delete " The fee
26 for issuing the permit is three dollars. The local authority shall collect the fee, and it must be
27 deposited in the general fund of the county"

28 On page 1, line 14, of the Senate State Affairs Engrossed bill, after "and" delete " shall pay a
29 three dollar fee and"

30 On page 1, line 17, of the Senate State Affairs Engrossed bill, after "§ 23-7-8.2." delete " The
31 renewal fee shall be distributed as set forth in § 23-7-8. 2."

32 On page 2, line 6, of the Senate State Affairs Engrossed bill, delete "A separate payment for
33 the cost of processing the criminal background check and, if " and insert "If "

34 On page 2, line 8, of the Senate State Affairs Engrossed bill, after "applicant;" insert " and"

1 On page 2, line 9, of the Senate State Affairs Engrossed bill, remove the overstrikes from "(4)
2 "

3 On page 2, line 10, of the Senate State Affairs Engrossed bill, after "dollars;" delete "(4) A
4 separate application fee of fifty dollars; and"

5 On page 2, line 11, of the Senate State Affairs Engrossed bill, after "and
6 (5)" delete "(5)"

7 On page 2, line 20, of the Senate State Affairs Engrossed bill, after "permits." delete "Fifty
8 dollars of the application fee must be retained by the sheriff."

9 On page 2, line 30, of the Senate State Affairs Engrossed bill, remove the overstrikes from
10 "(1) "

11 On page 2, line 32, of the Senate State Affairs Engrossed bill, after "check;
12 (3)" delete "(1) Pay a renewal fee in the amount of twenty-five dollars;
13 (2) Pay the fee for a criminal background check;"

14 On page 3, line 1, of the Senate State Affairs Engrossed bill, after "check;" delete "(3) "

15 On page 3, line 3, of the Senate State Affairs Engrossed bill, delete "(4)" and insert "(2)"

16 On page 3, line 17, of the Senate State Affairs Engrossed bill, after "permits." delete "Twenty-
17 five dollars of the renewal fee must be retained by the sheriff."

18 On page 3, line 29, of the Senate State Affairs Engrossed bill, after "check;" insert " and"

19 On page 3, line 31, of the Senate State Affairs Engrossed bill, after "check;" delete "(3) A
20 separate payment for the cost of processing the criminal background check; and

21 (4) A separate application fee of thirty dollars for the gold card permit to carry a
22 concealed pistol.

23 "

24 On page 4, line 5, of the Senate State Affairs Engrossed bill, after "permits" delete ". Thirty
25 dollars of the application fee must be retained by the sheriff"

26 On page 4, line 5, of the Senate State Affairs Engrossed bill, remove the overstrikes from the
27 period

28 On page 4, line 14, of the Senate State Affairs Engrossed bill, after "person" delete " shall:"

29 On page 4, line 15, of the Senate State Affairs Engrossed bill, after "shall:" delete "(1) Pay a
30 thirty dollar renewal fee; and "

31 On page 4, line 17, of the Senate State Affairs Engrossed bill, delete "(2) Pass " and insert
32 "must pass "

33 On page 4, line 21, of the Senate State Affairs Engrossed bill, after "permits." delete "Thirty
34 dollars of the renewal fee must be retained by the sheriff."

35 On page 5, after line 5, of the Senate State Affairs Engrossed bill, insert: "

36 **Section 8. That chapter 23-7 be amended with a NEW SECTION:**

1 The Office of the Secretary of State shall reimburse counties based on the number of concealed
2 carry permits issued each year. The reimbursement amount is:

3 (1) Three dollars for an initial permit to carry a concealed pistol issued under § 23-7-8.2;

4 (2) Three dollars for renewal of a permit to carry a concealed pistol issued under § 23-7-8.11;

5 (3) Fifty dollars for an initial enhanced permit to carry a concealed pistol issued under § 23-7-
6 53;

7 (4) Twenty-five dollars for renewal of an enhanced permit to carry a concealed pistol issued
8 under § 23-7-56;

9 (5) Thirty dollars for an initial gold card permit to carry a concealed pistol issued under § 23-
10 7-60; and

11 (6) Thirty dollars for renewal of a gold card permit to carry a concealed pistol issued under §
12 23-7-62.

13 The Office of the Secretary of State shall develop and provide to counties a form on which the
14 counties may submit the number of permits issued each calendar year. The form must be submitted
15 to the Office of the Secretary of State on or before January thirty- first. The Office of the Secretary
16 of State shall reimburse the counties on or before March thirty-first. The reimbursements must be
17 paid on vouchers approved by the secretary of state and paid on warrants drawn by the state
18 auditor.

19 Only those permits issued on or after July 1, 2022, are eligible for reimbursement in accordance
20 with this section.

21 "

22 Which motion prevailed.

23 Sen. Wheeler moved that **SB 212** be amended as follows:

24 212B

25 On page 5, line 6, of the Senate State Affairs Engrossed bill, after "program." delete "Section
26 8. That § 47-1A-122 be AMENDED:

27 "

28 On page 5, line 7, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "47-1A-
29 122. The Office of the Secretary of State shall collect the following fees when the documents
30 described in this section are delivered for filing:

31 (1) Articles of incorporation, \$150 no charge;

32 (2) Application for use of indistinguishable name, \$25;

33 (3) Application for reserved name, \$25;

34 (4) Notice of transfer of reserved name, \$15;

35 (5) Application for registered name, \$25;

-
- 1 (6) Application for renewal of registered name, \$15. A renewal application may be filed
 - 2 between the first day of October and the thirty-first day of December in each year and shall extend
 - 3 the registration for the following year;

 - 4 (7) to (9) Repealed by SL 2008, ch 275, § 27;

 - 5 (10)(7) Articles of domestication, \$150 no charge;

 - 6 (11)(8) Articles of charter surrender, \$150;

 - 7 (12)(9) Articles of domestication and conversion, \$150 no charge;

 - 8 (13)(10) Articles of entity conversion, \$150;

 - 9 (14)(11) Amendment of articles of incorporation, \$60;

 - 10 (15)(12) Restatement of articles of incorporation, \$60;

 - 11 (16)(13) Articles of merger or share exchange, \$60;

 - 12 (17)(14) Articles of dissolution, \$10;

 - 13 (18)(15) Articles of revocation of dissolution, \$10;

 - 14 (19)(16) Certificate of administrative dissolution, no charge;

 - 15 (20)(17) Application for reinstatement following administrative dissolution, plus any delinquent
 - 16 annual report filing fees for the period before the reinstatement application, \$300;

 - 17 (21)(18) Certificate of reinstatement, no charge;

 - 18 (22)(19) Certificate of judicial dissolution, no charge;

 - 19 (23)(20) Application for certificate of authority, \$750;

 - 20 (24)(21) Application for amended certificate of authority, \$250;

 - 21 (25)(22) Application for certificate of withdrawal, \$10;

 - 22 (26)(23) Application for transfer of authority, \$25;

 - 23 (27)(24) Certificate of revocation of authority to transact business, no charge;

 - 24 (28)(25) Annual Domestic annual report, \$50 no charge; foreign annual report, \$50. Each
 - 25 entity that does not file or refuses to file its annual report within the time prescribed is subject to a
 - 26 penalty of fifty dollars to be assessed by the secretary of state;

 - 27 (29)(26) Articles of correction, \$25;

 - 28 (30)(27) Application for certificate of existence or authorization, \$20;

 - 29 (31)(28) Amended annual report, \$25;

 - 30 (32)(29) Any other document required or permitted to be filed by this chapter, \$20.

 - 31 The Office of the Secretary of State shall collect a fee of thirty dollars each time process is
 - 32 served on the Office of the Secretary of State under this chapter. The party to a proceeding causing
 - 33 service of process is entitled to recover this fee as costs if the party prevails in the proceeding."

1 On page 6, line 16, of the Senate State Affairs Engrossed bill, after "proceeding." delete
 2 "Section 9. That § 47-20-7 be AMENDED:

3 "

4 On page 6, line 17, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "47-
 5 20-7. The annual report shall be delivered to the secretary of state pursuant to §§ 59-11-24 to 59-
 6 11-26, inclusive. A fee of thirty dollars shall be paid to the secretary of state for filing the report. If
 7 the report does not conform to requirements, it shall must be returned to the cooperative for
 8 necessary corrections."

9 On page 6, line 21, of the Senate State Affairs Engrossed bill, after "corrections." delete
 10 "Section 10. That § 47-21-43 be AMENDED:

11 "

12 On page 6, line 22, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "47-
 13 21-43. The secretary of state shall charge and collect for collect the following fees when the
 14 documents described in this section are delivered for filing:

- 15 (1) Filing articlesArticles of incorporation, ten dollars no charge;
- 16 (2) Filing articlesArticles of consolidation or merger, ten dollars;
- 17 (3) Filing articlesArticles of amendment, ten dollars;
- 18 (4) Filing articlesArticles of conversion, ten dollars;
- 19 (5) Filing certificateCertificate of election to dissolve, two dollars;
- 20 (6) Filing articlesArticles of dissolution, two dollars; and
- 21 (7) Filing certificateCertificate of change of principal office, one dollar."

22 On page 6, line 31, of the Senate State Affairs Engrossed bill, after "dollar." delete "Section
 23 11. That § 47-28-6 be AMENDED:

24 "

25 On page 7, line 1, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "47-28-
 26 6. The secretary of state shall charge and collect for collect the following fees when the documents
 27 described in this section are delivered for filing:

- 28 (1) Filing articlesArticles of incorporation and issuing a certificate of incorporation, thirty dollars
 29 no charge;
- 30 (2) Filing articlesArticles of amendment and issuing a certificate of amendment, fifteen dollars;
- 31 (3) Filing articlesArticles of merger or consolidation and issuing a certificate of merger or
 32 consolidation, fifteen dollars;
- 33 (4) Repealed by SL 2008, ch 275, § 72;
- 34 (5)(4) Filing articlesArticles of dissolution, five dollars;
- 35 (6)(5) Filing an applicationApplication of a foreign corporation for a certificate of authority to
 36 conduct affairs in this state and issuing a certificate of authority, one hundred twenty-five dollars;

1 (7)(6) Filing an applicationApplication of a foreign corporation for an amended certificate of
 2 authority to conduct affairs in this state and issuing an amended certificate of authority, twenty-five
 3 dollars;

4 (8)(7) Filing an applicationApplication for withdrawal of a foreign corporation and issuing a
 5 certificate of withdrawal, five dollars;

6 (9)(8) Filing anyAny other statement or report, including an annual report, of a foreign
 7 corporation, ten dollars;

8 (10)(9) Filing an annualAnnual report of a domestic nonprofit corporation under chapter 47-
 9 24, ten dollars no charge;

10 (11)(10) Filing a petitionPetition for reinstatement and issuing a certificate of reinstatement,
 11 thirty dollars; and

12 (12)(11) Filing a noticeNotice of sale, transfer, or merger, fifteen dollars."

13 On page 7, line 26, of the Senate State Affairs Engrossed bill, after "dollars." delete "Section
 14 12. That § 47-34A-212 be AMENDED:

15 "

16 On page 7, line 27, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "47-
 17 34A-212. The secretary of state shall charge and collect for:

18 (a) Filing the articles of organization in the case of a domestic limited liability company, a filing
 19 fee of one hundred fifty dollars no charge. Filing the articles of organization in the case of a foreign
 20 limited liability company, a filing fee of seven hundred fifty dollars;

21 (b) No charge for the filing of each domestic liability company annual report. A reporting fee
 22 of fifty dollars, due and payable with the filing of each foreign limited liability company annual report.
 23 Each entity that does not file or refuses to file its annual report within the time prescribed is subject
 24 to a penalty of fifty dollars to be assessed by the secretary of state;

25 (c) Filing the articles of organization in the case of a domestic limited liability company, where
 26 the articles of organization contain a notice that the limited liability company is authorized to
 27 establish one or more series, a filing fee of two hundred dollars no charge. Filing an application for
 28 a certificate of authority in the case of a foreign limited liability company authorized to establish a
 29 series under the laws of another state or jurisdiction, or series of such limited liability company on
 30 its own behalf, a filing fee of eight hundred dollars."

31 On page 8, line 10, of the Senate State Affairs Engrossed bill, after "dollars." delete "Section
 32 13. That § 47-34A-1206 be AMENDED:

33 "

34 On page 8, line 11, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "47-
 35 34A-1206. The secretary of state may charge collect the following fees when the documents
 36 described in this section are delivered:

37 (a) For amending or restating the articles of organization in the case of a domestic limited
 38 liability company, a filing fee of sixty dollars. For amending the certificate of authority in the case of
 39 a foreign limited liability company, a filing fee of seven hundred fifty dollars;

40 (b) For filing articles of termination, ten dollars;

41 (c) For filing articles of merger, sixty dollars;

42 (d) For filing a statement of dissociation, ten dollars;

-
- 1 (e) For filing an application to reserve a name, twenty-five dollars;
 - 2 (f) For issuing a certificate of existence, twenty dollars;
 - 3 (g) For filing an application for registration of name, twenty-five dollars;
 - 4 (h) For filing an annual renewal of registration, a limited liability company which has in effect
 5 a registration of its name, may renew such registration from year to year by annually filing an
 6 application for renewal setting forth the facts required to be set forth in an original application for
 7 registration and a certificate of good standing as required for the original registration and by paying
 8 a fee of fifteen dollars. A renewal application may be filed between the first day of October and the
 9 thirty-first day of December in each year and shall extend the registration for the following year.
 10 Delivery may be made by electronic transmission if and to the extent permitted by the Office of the
 11 Secretary of State. If the document is filed in typewritten or printed form and not transmitted
 12 electronically, the Office of the Secretary of State may require one exact or conformed copy to be
 13 delivered with the document;
 - 14 (i) For acting as agent for service of process the secretary of state shall charge and collect at
 15 the time of such service thirty dollars which may be recoverable as taxable costs by the party to the
 16 suit or action causing the service to be made if the party prevails in the suit or action;
 - 17 (j)(i) For filing articles of domestication, one hundred fifty dollars no charge;
 - 18 (k)(j) For filing articles of organization surrender, one hundred fifty dollars;
 - 19 (l)(k) For filing a plan of conversion, one hundred fifty dollars;
 - 20 (m)(l) For amending or restating the articles of organization in the case of a domestic limited
 21 liability company or for filing an application to amend or restate the certificate of authority in the
 22 case of a foreign limited liability company, where the amendment contains a notice that the limited
 23 liability company is authorized to establish one or more series, a filing fee of one hundred ten dollars;
 - 24 (n)(m) For filing an application for a certificate of designation, fifty dollars no charge.
- 25 For acting as agent for service of process, the secretary of state shall charge and collect at the
 26 time of such service thirty dollars that may be recoverable as taxable costs by the party to the suit
 27 or action causing the service to be made if the party prevails in the suit or action."
- 28 On page 9, line 18, of the Senate State Affairs Engrossed bill, after "action." delete "Section
 29 14. That § 48-7-206. 1 be AMENDED:
- 30 "
- 31 On page 9, line 19, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "48-7-
 32 206. 1. There is no fee for filing for a domestic certificate of limited partnership. The provisions of
 33 § 1-8-10 notwithstanding, the fee for filing any other document required under this chapter with the
 34 secretary of state is one hundred twenty-five dollars."
- 35 On page 9, line 23, of the Senate State Affairs Engrossed bill, after "dollars." delete "Section
 36 15. That § 48-7A-1208 be AMENDED:
- 37 "
- 38 On page 9, line 24, of the Senate State Affairs Engrossed bill, after "AMENDED:" delete "48-
 39 7A-1208. The provisions of § 1-8-10 notwithstanding, the fee for filing the statements and reports
 40 provided for in the following sections with the secretary of state is as follows:
- 41 (1) Section 48-7A-303, Statement of Authority statement of authority, one hundred twenty-
 42 five dollars no charge;

-
- 1 (2) Section 48-7A-304, Statement of Denial statement of denial, ten dollars;
 - 2 (3) Section 48-7A-704, Statement of Dissociation statement of dissociation, ten dollars;
 - 3 (4) Section 48-7A-805, Statement of Dissolution statement of dissolution, ten dollars;
 - 4 (5) Section 48-7A-907, Statement of Merger statement of merger, sixty dollars;
 - 5 (6) Section 48-7A-1001, Statement of Qualification statement of qualification, one hundred
 - 6 twenty-five dollars no charge;
 - 7 (6A)(7) Section 48-7A-1001, Statement of Change statement of change, ten dollars;
 - 8 (7)(8) Section 48-7A-1003, Annual Report domestic limited liability partnership annual report,
 - 9 fifty dollars no charge. Section 48-7A-1003, foreign limited liability partnership annual report, fifty
 - 10 dollars. Each limited liability partnership, domestic or foreign, that does not file or refuses to file its
 - 11 annual report within the time prescribed is subject to a penalty of fifty dollars to be assessed by the
 - 12 secretary of state;
 - 13 (8)(9) Section 48-7A-1001. 1, Statement of Amendment statement of amendment, fifteen
 - 14 dollars;
 - 15 (9)(10) Section 48-7A-1001. 2, Statement of Cancellation statement of cancellation, ten
 - 16 dollars;
 - 17 (10)(11) Section 48-7A-1102, Statement of Foreign Qualification statement of foreign
 - 18 qualification, one hundred twenty-five dollars;
 - 19 (11)(12) Section 48-7A-1102. 1, Statement of Amendment of Foreign Qualification statement
 - 20 of amendment of foreign qualification, fifteen dollars;
 - 21 (12)(13) Section 48-7A-1102. 2, Statement of Cancellation statement of cancellation, ten
 - 22 dollars; and
 - 23 (13)(14) Filing any other statement, ten dollars."

24 Which motion prevailed.

25 The question being "Shall **SB 212** pass as amended?"

26 And the roll being called:

27 Yeas 34, Nays 1, Excused 0, Absent 0

28 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
 29 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,
 30 Maher, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,
 31 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

32 Nays: Nesiba

33 So the bill having received an affirmative vote of a majority of the members-elect, the President
 34 declared the bill passed and the title was agreed to.

35 **SB 32:** FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to purchase
 36 certain real property, construct a community work center for offenders committed to the Department

1 of Corrections, to make an appropriation therefor, transfer funds from the budget reserve fund, and
2 to declare an emergency.

3 Was read the second time.

4 The question being "Shall **SB 32** pass as amended?"

5 And the roll being called:

6 Yeas 29, Nays 6, Excused 0, Absent 0

7 Yeas: Bolin, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Brock
8 Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Novstrup, Herman Otten, Rohl,
9 Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Wheeler, Wiik, and
10 Zikmund

11 Nays: Breitling, Frye-Mueller, Maher, Nesiba, Symens, and Tobin

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

14 **SB 33:** FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to make
15 healthcare improvements at the South Dakota Women's Prison, to make an appropriation therefor,
16 and to declare an emergency.

17 Was read the second time.

18 The question being "Shall **SB 33** pass?"

19 And the roll being called:

20 Yeas 34, Nays 1, Excused 0, Absent 0

21 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
22 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
23 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
24 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

25 Nays: Frye-Mueller

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

28 **SB 44:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
29 demolition of Briscoe Hall and the existing Lincoln Hall, and the design and construction of the new
30 Lincoln Hall, at Northern State University, to make an appropriation therefor, and to declare an
31 emergency.

32 Was read the second time.

33 The question being "Shall **SB 44** pass?"

34 And the roll being called:

35 Yeas 33, Nays 2, Excused 0, Absent 0

1 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
2 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Nesiba,
3 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
4 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

5 Nays: Frye-Mueller and Maher

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

8 **SB 84:** FOR AN ACT ENTITLED, An Act to make an appropriation for the design, renovation,
9 and construction of a multi-purpose facility at the Cottonwood Field Station and to declare an
10 emergency.

11 Was read the second time.

12 The question being "Shall **SB 84** pass?"

13 And the roll being called:

14 Yeas 32, Nays 3, Excused 0, Absent 0

15 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
16 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Maher, Novstrup, Herman
17 Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens,
18 Tobin, Wheeler, Wiik, and Zikmund

19 Nays: Frye-Mueller, Kolbeck, and Nesiba

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

22 **SB 97:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire the
23 incubator building located on the campus of South Dakota School of Mines and Technology, to
24 contract for the design and renovation thereof, to make an appropriation therefor, and to declare
25 an emergency.

26 Was read the second time.

27 The question being "Shall **SB 97** pass as amended?"

28 And the roll being called:

29 Yeas 34, Nays 1, Excused 0, Absent 0

30 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
31 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
32 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
33 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

34 Nays: Frye-Mueller

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

1 **SB 200:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,
2 Fish and Parks to purchase and construct boat cleaning stations, and to declare an emergency.

3 Was read the second time.

4 The question being "Shall **SB 200** pass?"

5 And the roll being called:

6 Yeas 34, Nays 1, Excused 0, Absent 0

7 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
8 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,
9 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
10 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

11 Nays: Frye-Mueller

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

14 **SB 161:** FOR AN ACT ENTITLED, An Act to provide housing opportunities.

15 Was read the second time.

16 Sen. Foster moved that **SB 161** be amended as follows:

17 161E

18 On page 1, line 1, of the Senate Commerce and Energy Engrossed bill, delete "provide housing
19 opportunities" and insert "make an appropriation for matching funds to enhance research in
20 manufacturing processes having lunar application and planetary use in tribal housing development
21 and to declare an emergency"

22 On page 1, line 3, of the Senate Commerce and Energy Engrossed bill, after "appropriated "
23 delete "from the general fund "

24 On page 1, line 3, of the Senate Commerce and Energy Engrossed bill, after "\$300,000 " insert
25 "in other fund expenditure "

26 Which motion prevailed.

27 The question being "Shall **SB 161** pass as amended?"

28 And the roll being called:

29 Yeas 34, Nays 1, Excused 0, Absent 0

30 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,
31 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,

1 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,
2 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

3 Nays: Frye-Mueller

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

6 **SB 25**: FOR AN ACT ENTITLED, An Act to provide for the taxation of marijuana.

7 Having had its second reading was up for consideration and final passage.

8 The question being "Shall **SB 25** pass?"

9 And the roll being called:

10 Yeas 32, Nays 3, Excused 0, Absent 0

11 Yeas: Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster,
12 Frye-Mueller, Brock Greenfield, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Nesiba, Novstrup,
13 Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton,
14 Symens, Tobin, Wheeler, Wiik, and Zikmund

15 Nays: Bolin, Heinert, and Maher

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

18 Today, Sen. Diedrich announced his intention to reconsider the vote by which **SB 163** lost.

19 Sen. Diedrich moved that the Senate do now reconsider the vote by which **SB 163** lost.

20 The question being on Sen. Diedrich's motion to reconsider the vote by which **SB 163** lost.

21 And the roll being called:

22 Yeas 16, Nays 19, Excused 0, Absent 0

23 Yeas: Bolin, Breitling, Curd, Diedrich, Foster, Heinert, Hunhoff, Maher, Nesiba, Novstrup,
24 Herman Otten, Rusch, Schoenfish, V. J. Smith, Steinhauer, and Tobin

25 Nays: Cammack, Castleberry, Crabtree, Duhamel, Duvall, Frye-Mueller, Brock Greenfield,
26 Johns, David Johnson, Klumb, Kolbeck, Rohl, Schoenbeck, Stalzer, Sutton, Symens, Wheeler, Wiik,
27 and Zikmund

28 So the motion not having received an affirmative vote of a majority of the members-elect, the
29 President declared the motion lost.

30 Sen. Schoenbeck moved that **HB 1018 and 1019** be referred from the Senate Committee on
31 Appropriations to the Senate floor.

32 Which motion prevailed.

1 There being no objection, the Senate reverted to Order of Business No. 5 - Reports of Standing
2 Committees.

3 **REPORTS OF STANDING COMMITTEES**

4 MR. PRESIDENT:

5 The Joint Committee on Appropriations respectfully reports that it has had under consideration
6 **SB 41** and returns the same with the recommendation that said bill be amended as follows:

7 41B

8 On page 1, line 26, of the Senate Military and Veterans Affairs Engrossed bill, delete " Count"
9 and insert " County"

10 41C

11 On amendment (41B),

12 On page 1, line 22, delete " Lot H2," and insert " through H5,"

13 41E

14 On amendment (41C),

15 On page 1, line 22, after "H1" delete ", Lot H2,"

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

17 Also MR. PRESIDENT:

18 The Joint Committee on Appropriations respectfully reports that it has had under consideration
19 **SB 31, 34, 48, 49, 51, and 63** and returns the same with the recommendation that said bills do
20 pass.

21 Respectfully submitted,
22 Chris Karr, Co-Chair

Respectfully submitted,
Jean Hunhoff, Co-Chair

23 Sen. Steinhauer moved that the Senate do now adjourn, which motion prevailed and at 6:17
24 p.m. the Senate adjourned.

25 Kay Johnson, Secretary

