

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

THIRTY-THIRD DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, March 03, 2022

The House convened at 12:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, David Hussey, followed by the Pledge of Allegiance led by House pages Addyson Wittnebel and Dawson Desaulniers.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 32nd day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Spencer R. Gosch, Chair

Which motion prevailed.

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

9 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives of
 10 the Ninety-seventh Legislature of the State of South Dakota to Mollie Brown, William Cutler, Morgan
 11 Damman, Alexander Deak, Aida Desaulniers, Dawson Desaulniers, Grace Glover, Erica Ingerson,
 12 Claire Koenecke, Alexander Otten, Britta Pietila, Rylee Rinehart, and Addyson Wittnebel.

13 WHEREAS, the above named served loyally as pages for the House of Representatives of the
 14 Ninety-seventh Legislative Session; and

15 WHEREAS, the members of the Ninety-seventh House of Representatives express their most
 16 sincere appreciation to these young people for their service to the state; and

17 WHEREAS, the members extend to these young people their wishes for every success in life:

18 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-seventh
 19 Legislature of the State of South Dakota, that a personal copy of this resolution be duly certified
 20 and furnished to each page on this last day of service.

21 Rep. Weise moved that House Page Resolution 4 be adopted.

22 Which motion prevailed and the resolution was adopted.

23 **REPORTS OF STANDING COMMITTEES**

24 Mr. SPEAKER:

25 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
 26 Enrolling has carefully compared **HB 1031, 1032, 1038, 1041, 1096, 1102, 1113, 1119, 1152,**
 27 **1162, 1173, 1214, 1223, 1268, 1271, 1272, 1273, 1277, and 1318** and finds the same
 28 correctly enrolled.

29 Respectfully submitted,
 30 Spencer R. Gosch, Chair

31 MR. SPEAKER:

32 The Committee on House Taxation respectfully reports that it has had under consideration
 33 **SB 25** and returns the same with the recommendation that said bill be amended as follows:

34 25A

35 On page 1, line 7, of the Introduced bill, after "consumer;" delete "

36 (2) "Manufacturer," a licensed entity that acquires, possesses, manufactures, delivers,
 37 transfers, transports, supplies, or sells marijuana products to a marijuana facility;"

38 On page 1, line 10, of the Introduced bill, delete "(3)" and insert "(2)"

39 On page 1, line 12, of the Introduced bill, delete "(4)" and insert "(3)"

1 On page 1, line 13, of the Introduced bill, delete "(5)" and insert "(4)"

2 On page 1, line 16, of the Introduced bill, delete "(6)" and insert "(5)"

3 On page 1, line 19, of the Introduced bill, delete "There is hereby levied on all marijuana an
4 excise tax of fifteen percent that must be calculated based on the average market rate. A
5 manufacturer shall pay the marijuana excise tax on all marijuana manufactured and sold directly to
6 a dispensary. In order to calculate the tax using the average market rate, the weight or unit of
7 marijuana sold must be multiplied by the average market rate and the result must be multiplied by
8 fifteen percent. For purposes of this section, the term, average market rate, means the average
9 prices as determined by the department on all marijuana sold or transferred from manufacturer to
10 dispensary." and insert "There is imposed an excise tax at the rate of eight and one-half percent on
11 the gross receipts from the sale of marijuana, marijuana concentrate, and marijuana products by a
12 dispensary. The excise tax imposed under this chapter does not apply to gross receipts from the
13 sale of marijuana, marijuana concentrate, and marijuana products to a cardholder as defined in §
14 34-20G-1(6)."

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

16 **Section 3. That a NEW SECTION be added to title 10:**

17 The excise tax revenue collected pursuant to section 2 of this Act must be divided proportionally
18 amongst the counties based on where the revenue was generated. The revenue must be distributed
19 to the county by September first of each year. Each county shall use the revenue for necessary
20 expenses incurred by the county under the provisions of chapters 7-12, 7-16, 7-16A, and 23A-40."

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

22 **Section 4. That a NEW SECTION be added to title 10:**

23 In lieu of any tax imposed under chapter 10-52A, there is imposed an excise tax at the rate of
24 five percent on the gross receipts from the sale of marijuana, marijuana concentrate, and marijuana
25 products by a dispensary."

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

27 **Section 5. That a NEW SECTION be added to title 10:**

28 The excise tax revenue collected pursuant to section 4 of this Act must be divided proportionally
29 amongst the municipalities based on where the revenue was generated. All moneys received and
30 collected on behalf of a municipality by the department, pursuant to section 4 of this Act, shall be
31 credited to a special municipal tax fund and after deducting the amount of refunds made, the
32 amounts necessary to defray the cost of collecting the tax, and the administrative expenses incident
33 thereto, shall be paid within thirty days after collection to the municipality entitled thereto."

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

35 **Section 6. That a NEW SECTION be added to title 10:**

36 In lieu of any other tax imposed under chapters 10-45 or 10-46, there is imposed an excise
37 tax at the rate of one and one-half percent on the gross receipts from the sale of marijuana,
38 marijuana concentrate, and marijuana products by a dispensary."

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

40 **Section 7. That a NEW SECTION be added to title 10:**

41 There is hereby created within the state treasury the marijuana fund into which all funds
42 collected under section 6 shall be deposited. Expenditures from the fund must be appropriated
43 through the normal budget process."

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

2 **Section 8. That a NEW SECTION be added to title 10:**

3 The excise taxes imposed under sections 2, 4, and 6 of this Act shall be collected and remitted
4 pursuant to chapter 10-45 and administered pursuant to chapter 10-59."

5 On page 2, line 3, of the Introduced bill, after "dispensary." delete "Section 3. That a NEW
6 SECTION be added to title 10:

7 "

8 On page 2, line 4, of the Introduced bill, after "10:" delete "Each manufacturer liable for the
9 payment of taxes levied under this chapter shall file with the secretary of revenue a return, on a
10 form prescribed by the secretary, showing the kind and quantity of marijuana manufactured,
11 received, and in the manufacturer's possession, together with the names of the persons from whom
12 received, the amount of tax due, and any other information prescribed by the secretary. The return,
13 covering the period of one calendar month, together with payment of the tax due, must be
14 transmitted to the Department of Revenue on or before the twenty-fifth day of the second month
15 following the close of the reporting period. A violation of this section is a Class 1 misdemeanor."

16 On page 2, line 13, of the Introduced bill, after "misdemeanor." delete "Section 4. That a NEW
17 SECTION be added to title 10:

18 "

19 On page 2, line 14, of the Introduced bill, after "10:" delete "Any manufacturer required to file
20 returns or reports under this chapter, who fails to file a return or report or pay the tax when due, is
21 subject to interest and penalty at the rates set forth in § 10-59-6. For reasonable cause shown, the
22 secretary of revenue may reduce or eliminate the penalty. If any manufacturer files a false or
23 fraudulent return, an amount equal to the tax evaded, or attempted to be evaded, shall be added
24 to the tax. Penalty and interest are considered the same as tax for the purposes of collection and
25 enforcement, including liens, distress warrants, and criminal violations. Any payment received for
26 taxes, penalty, or interest is applied first to tax, beginning with the oldest delinquency, then to
27 interest, and then to penalty. No court may enjoin the collection of the tax or civil penalty."

28 On page 2, line 24, of the Introduced bill, after "penalty." delete "Section 5. That a NEW
29 SECTION be added to title 10:

30 "

31 On page 2, line 25, of the Introduced bill, after "10:" delete "Any manufacturer liable for the
32 payment of the taxes shall keep, in current and available form on the licensed premises, records of
33 all purchases, sales, quantities on hand, and any other information the secretary of revenue may
34 prescribe by rule promulgated pursuant to chapter 1-26. The secretary of revenue may require from
35 a manufacturer any report necessary to administer the requirements of this chapter. The secretary
36 may require the production of any book, record, document, invoice, and voucher kept, maintained,
37 received, or issued by the manufacturer in connection with the manufacturer's business that, in the
38 judgment of the secretary, may be necessary to administer and discharge the secretary's duties, to
39 secure the maximum of revenue to be paid, and to carry out the requirements of this chapter. A
40 violation of this section is a Class 1 misdemeanor.

41 If default is made, or if any manufacturer fails or refuses to furnish any other relevant reports
42 or information upon request, the secretary may enter the manufacturer's premises where the
43 records are kept and examine the records as necessary to compile the required report. The cost of
44 the examination must be paid by the manufacturer whose reports are in default."

45 On page 3, line 10, of the Introduced bill, after "default." delete "Section 6. That a NEW
46 SECTION be added to title 10:

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"

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On page 3, line 11, of the Introduced bill, after "10:" delete "There is hereby created within the state treasury the marijuana fund into which all funds collected under this chapter shall be deposited. Expenditures from the fund must be appropriated through the normal budget process."

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On page 3, line 14, of the Introduced bill, after "process." delete "Section 7. That chapter 10-45 be amended with a NEW SECTION:

6

7

"

8

On page 3, line 15, of the Introduced bill, after "SECTION:" delete "The tax imposed by this chapter applies to the gross receipts of all marijuana and marijuana products sold to any person by a dispensary."

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On page 3, line 17, of the Introduced bill, after "dispensary." delete "Section 8. That chapter 10-46 be amended with a NEW SECTION:

12

13

"

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On page 3, line 18, of the Introduced bill, after "SECTION:" delete "The tax imposed by this chapter applies to the gross receipts of all marijuana and marijuana products sold to any person by a dispensary."

15

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17

And that as so amended, returns said bill without recommendation.

18

Respectfully submitted,
Drew Dennert, Chair

19

20 MR. SPEAKER:

21

The Committee on House State Affairs respectfully reports that it has had under consideration **SB 72** which was deferred to the 41st Legislative Day.

22

23 Also MR. SPEAKER:

24

The Committee on House State Affairs respectfully reports that it has had under consideration **HCR 6014** and returns the same with the recommendation that said resolution be amended as follows:

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HCR6014A

28

On page 1, line 11, of the Introduced bill, delete " 40" and insert " 60"

29

On page 1, line 17, of the Introduced bill, after "Safety " insert "serves 43,000 reservation residents and "

30

31

On page 1, line 21, of the Introduced bill, delete "of" and insert " due to"

32

On page 1, line 21, of the Introduced bill, after "resources" insert ". Presently, the Rosebud Sioux Tribe (RST) Department of Public Safety has a total of 29 federally funded law enforcement staff. The Rosebud Sioux Tribe has an immediate need of 5-10 additional officers, and an overall need of double the current Department of Public Safety staff. Additionally, for the last two years, the Rosebud Sioux Tribe has funded the RST Drug Task Force, which encompasses three law enforcement officers. However, the funding was revoked and the program will likely be discontinued if no additional funding is provided. These needs would be easily addressed if the federal government fulfilled its treaty obligations to the tribe"

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1 On page 1, after line 22, of the Introduced bill, insert: "

2 WHEREAS, the RST Department of Public Safety serves over 30,000 tribal members and
3 received over 24,000 calls of service in 2021. The department performed over 2,700 arrests, with
4 527 of those involving crimes of violence. The numerous responsibilities of staff, coupled with severe
5 underfunding of the department, results in a lower efficacy rate, overworked law enforcement
6 officers, and increased public safety concerns; and "

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

8 Also MR. SPEAKER:

9 The Committee on House State Affairs respectfully reports that it has had under consideration
10 **SB 117** and returns the same with the recommendation that said bill be amended as follows:

11 117B

12 On page 1, line 1, of the Introduced bill, delete " the requirement for an annual report by the
13 Board of Regents on intellectual diversity and the free exchange of ideas" and insert " and revise
14 certain fees collected by the Office of the Secretary of State"

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

16 "

17 **Section 1. That § 47-1A-122 be AMENDED:**

18 **47-1A-122.** The Office of the Secretary of State shall collect the following fees when the
19 documents described in this section are delivered for filing:

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

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

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

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

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

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

28 ~~(7) to (9) Repealed by SL 2008, ch 275, § 27;~~

29 ~~(10)(7)~~ Articles of domestication, ~~\$150~~ no charge;

30 ~~(11)(8)~~ Articles of charter surrender, \$150;

31 ~~(12)(9)~~ Articles of domestication and conversion, ~~\$150~~ no charge;

32 ~~(13)(10)~~ Articles of entity conversion, \$150;

33 ~~(14)(11)~~ Amendment of articles of incorporation, \$60;

34 ~~(15)(12)~~ Restatement of articles of incorporation, \$60;

35 ~~(16)(13)~~ Articles of merger or share exchange, \$60;

-
- 1 ~~(17)~~(14) Articles of dissolution, \$10;
- 2 ~~(18)~~(15) Articles of revocation of dissolution, \$10;
- 3 ~~(19)~~(16) Certificate of administrative dissolution, no charge;
- 4 ~~(20)~~(17) Application for reinstatement following administrative dissolution, plus any
5 delinquent annual report filing fees for the period before the reinstatement application, \$300;
- 6 ~~(21)~~(18) Certificate of reinstatement, no charge;
- 7 ~~(22)~~(19) Certificate of judicial dissolution, no charge;
- 8 ~~(23)~~(20) Application for certificate of authority, \$750;
- 9 ~~(24)~~(21) Application for amended certificate of authority, \$250;
- 10 ~~(25)~~(22) Application for certificate of withdrawal, \$10;
- 11 ~~(26)~~(23) Application for transfer of authority, \$25;
- 12 ~~(27)~~(24) Certificate of revocation of authority to transact business, no charge;
- 13 ~~(28)~~(25) ~~Annual-Domestic annual report, \$50 no charge; foreign annual report, \$50.~~ Each
14 entity that does not file or refuses to file its annual report within the time prescribed is subject to a
15 penalty of fifty dollars to be assessed by the secretary of state;
- 16 ~~(29)~~(26) Articles of correction, \$25;
- 17 ~~(30)~~(27) Application for certificate of existence or authorization, \$20;
- 18 ~~(31)~~(28) Amended annual report, \$25;
- 19 ~~(32)~~(29) Any other document required or permitted to be filed by this chapter, \$20.

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

23 **Section 2. That § 47-20-7 be AMENDED:**

24 **47-20-7.** The annual report shall be delivered to the secretary of state pursuant to §§ 59-11-
25 24 to 59-11-26, inclusive. ~~A fee of thirty dollars shall be paid to the secretary of state for filing the~~
26 ~~report.~~ If the report does not conform to requirements, ~~it shall~~ the report must be returned to the
27 cooperative for necessary corrections.

28 **Section 3. That § 47-21-43 be AMENDED:**

29 **47-21-43.** The secretary of state shall ~~charge and collect for~~ collect the following fees when
30 the documents described in this section are delivered for filing:

- 31 (1) ~~Filing articles~~Articles of incorporation, ~~ten dollars~~ no charge;
- 32 (2) ~~Filing articles~~Articles of consolidation or merger, ten dollars;
- 33 (3) ~~Filing articles~~Articles of amendment, ten dollars;
- 34 (4) ~~Filing articles~~Articles of conversion, ten dollars;

- 1 (5) ~~Filing certificate~~Certificate of election to dissolve, two dollars;
- 2 (6) ~~Filing articles~~Articles of dissolution, two dollars; and
- 3 (7) ~~Filing certificate~~Certificate of change of principal office, one dollar.

4 **Section 4. That § 47-28-6 be AMENDED:**

5 **47-28-6.** The secretary of state shall ~~charge and collect for~~ collect the following fees when the
6 documents described in this section are delivered for filing:

- 7 (1) ~~Filing articles~~Articles of incorporation and issuing a certificate of incorporation, ~~thirty~~
8 ~~dollars~~ no charge;
- 9 (2) ~~Filing articles~~Articles of amendment and issuing a certificate of amendment, fifteen
10 dollars;
- 11 (3) ~~Filing articles~~Articles of merger or consolidation and issuing a certificate of merger
12 or consolidation, fifteen dollars;
- 13 (4) ~~Repealed by SL 2008, ch 275, § 72;~~
- 14 (5)(4) ~~Filing articles~~Articles of dissolution, five dollars;
- 15 (6)(5) ~~Filing an application~~Application of a foreign corporation for a certificate of authority
16 to conduct affairs in this state and issuing a certificate of authority, one hundred twenty-five dollars;
- 17 (7)(6) ~~Filing an application~~Application of a foreign corporation for an amended certificate
18 of authority to conduct affairs in this state and issuing an amended certificate of authority, twenty-
19 five dollars;
- 20 (8)(7) ~~Filing an application~~Application for withdrawal of a foreign corporation and issuing a
21 certificate of withdrawal, five dollars;
- 22 (9)(8) ~~Filing any~~Any other statement or report, including an annual report, of a foreign
23 corporation, ten dollars;
- 24 (10)(9) ~~Filing an annual~~Annual report of a domestic nonprofit corporation under chapter 47-
25 24, ~~ten dollars~~ no charge;
- 26 (11)(10) ~~Filing a petition~~Petition for reinstatement and issuing a certificate of reinstatement,
27 thirty dollars; and
- 28 (12)(11) ~~Filing a notice~~Notice of sale, transfer, or merger, fifteen dollars.

29 **Section 5. That § 47-34A-212 be AMENDED:**

30 **47-34A-212.** The secretary of state shall charge and collect for:

- 31 (a) Filing the articles of organization in the case of a domestic limited liability company,
32 ~~a filing fee of one hundred fifty dollars~~ no charge. Filing the articles of organization in the case of a
33 foreign limited liability company, a filing fee of seven hundred fifty dollars;
- 34 (b) No charge for the filing of each domestic liability company annual report. A reporting
35 fee of fifty dollars, due and payable with the filing of each foreign limited liability company annual
36 report. Each entity that does not file or refuses to file its annual report within the time prescribed is
37 subject to a penalty of fifty dollars to be assessed by the secretary of state;

1 (c) Filing the articles of organization in the case of a domestic limited liability company,
2 where the articles of organization contain a notice that the limited liability company is authorized to
3 establish one or more series, ~~a filing fee of two hundred dollars~~ no charge. Filing an application for
4 a certificate of authority in the case of a foreign limited liability company authorized to establish a
5 series under the laws of another state or jurisdiction, or series of such limited liability company on
6 its own behalf, a filing fee of eight hundred dollars.

7 **Section 6. That § 47-34A-1206 be AMENDED:**

8 **47-34A-1206.** The secretary of state may ~~charge~~ collect the following fees when the
9 documents described in this section are delivered:

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

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

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

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

16 (e) For filing an application to reserve a name, twenty-five dollars;

17 (f) For issuing a certificate of existence, twenty dollars;

18 (g) For filing an application for registration of name, twenty-five dollars;

19 (h) For filing an annual renewal of registration, a limited liability company which has in
20 effect a registration of its name, may renew such registration from year to year by annually filing
21 an application for renewal setting forth the facts required to be set forth in an original application
22 for registration and a certificate of good standing as required for the original registration and by
23 paying a fee of fifteen dollars. A renewal application may be filed between the first day of October
24 and the thirty-first day of December in each year and shall extend the registration for the following
25 year. Delivery may be made by electronic transmission if and to the extent permitted by the Office
26 of the Secretary of State. If the document is filed in typewritten or printed form and not transmitted
27 electronically, the Office of the Secretary of State may require one exact or conformed copy to be
28 delivered with the document;

29 ~~(i) For acting as agent for service of process the secretary of state shall charge and collect at~~
30 ~~the time of such service thirty dollars which may be recoverable as taxable costs by the party to the~~
31 ~~suit or action causing the service to be made if the party prevails in the suit or action;~~

32 ~~(j)(i)~~ For filing articles of domestication, ~~one hundred fifty dollars~~ no charge;

33 ~~(k)(i)~~ For filing articles of organization surrender, one hundred fifty dollars;

34 ~~(l)(k)~~ For filing a plan of conversion, one hundred fifty dollars;

35 ~~(m)(l)~~ For amending or restating the articles of organization in the case of a domestic
36 limited liability company or for filing an application to amend or restate the certificate of authority
37 in the case of a foreign limited liability company, where the amendment contains a notice that the
38 limited liability company is authorized to establish one or more series, a filing fee of one hundred
39 ten dollars;

40 ~~(n)(m)~~ For filing an application for a certificate of designation, ~~fifty dollars~~ no charge.

41 For acting as agent for service of process, the secretary of state shall charge and collect at the
42 time of such service thirty dollars that may be recoverable as taxable costs by the party to the suit
43 or action causing the service to be made if the party prevails in the suit or action.

1 **Section 7. That § 48-7-206.1 be AMENDED:**

2 **48-7-206.1.** There is no fee for filing for a domestic certificate of limited partnership. The
3 provisions of § 1-8-10 notwithstanding, the fee for filing any other document required under this
4 chapter with the secretary of state is one hundred twenty-five dollars.

5 **Section 8. That § 48-7A-1208 be AMENDED:**

6 **48-7A-1208.** The provisions of § 1-8-10 notwithstanding, the fee for filing the statements and
7 reports provided for in the following sections with the secretary of state is as follows:

8 (1) Section 48-7A-303, ~~Statement of Authority~~ statement of authority, ~~one hundred~~
9 ~~twenty five dollars~~ no charge;

10 (2) Section 48-7A-304, ~~Statement of Denial~~ statement of denial, ten dollars;

11 (3) Section 48-7A-704, ~~Statement of Dissociation~~ statement of dissociation, ten dollars;

12 (4) Section 48-7A-805, ~~Statement of Dissolution~~ statement of dissolution, ten dollars;

13 (5) Section 48-7A-907, ~~Statement of Merger~~ statement of merger, sixty dollars;

14 (6) Section 48-7A-1001, ~~Statement of Qualification~~ statement of qualification, ~~one~~
15 ~~hundred twenty five dollars~~ no charge;

16 ~~(6A)(7)~~ Section 48-7A-1001, ~~Statement of Change~~ statement of change, ten dollars;

17 ~~(7)(8)~~ Section 48-7A-1003, ~~Annual Report~~ domestic limited liability partnership annual
18 report, ~~fifty dollars~~ no charge. Section 48-7A-1003, foreign limited liability partnership annual
19 report, fifty dollars. Each limited liability partnership, domestic or foreign, that does not file or
20 refuses to file its annual report within the time prescribed is subject to a penalty of fifty dollars to
21 be assessed by the secretary of state;

22 ~~(8)(9)~~ Section 48-7A-1001.1, ~~Statement of Amendment~~ statement of amendment, fifteen
23 dollars;

24 ~~(9)(10)~~ Section 48-7A-1001.2, ~~Statement of Cancellation~~ statement of cancellation, ten
25 dollars;

26 ~~(10)(11)~~ Section 48-7A-1102, ~~Statement of Foreign Qualification~~ statement of foreign
27 qualification, one hundred twenty-five dollars;

28 ~~(11)(12)~~ Section 48-7A-1102.1, ~~Statement of Amendment of Foreign Qualification~~ statement
29 of amendment of foreign qualification, fifteen dollars;

30 ~~(12)(13)~~ Section 48-7A-1102.2, ~~Statement of Cancellation~~ statement of cancellation, ten
31 dollars; and

32 ~~(13)(14)~~ Filing any other statement, ten dollars."

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

34 Also MR. SPEAKER:

35 The Committee on House State Affairs respectfully reports that it has had under consideration
36 **SB 198** and returns the same with the recommendation that said bill be amended as follows:

1

198C

2 On page 1, line 1, of the Senate Engrossed bill, delete "revise provisions related to juvenile
3 offenders" and insert "establish an interim committee regarding alternatives for placement of
4 juvenile offenders"

5 On page 1, line 14, of the Senate Engrossed bill, after "2023." delete "Section 2. That § 23-
6 1A-2. 1 be REPEALED:

7 "

8 On page 1, line 15, of the Senate Engrossed bill, after "REPEALED:" delete "The attorney
9 general may revise the uniform traffic ticket created pursuant to chapter 23-1A to be used for
10 juvenile cited violations."

11 On page 1, line 17, of the Senate Engrossed bill, after "violations." delete "Section 3. That §
12 26-7A-10 be AMENDED:

13 "

14 On page 1, line 18, of the Senate Engrossed bill, after "AMENDED:" delete "26-7A-10. If a
15 state's attorney is informed by a law enforcement officer or any other person that a child is, or
16 appears to be, within the purview of this chapter and chapter 26-8A, 26-8B, or 26-8C, the state's
17 attorney shall make a preliminary investigation to determine whether further action shall should be
18 taken. On the basis of the preliminary investigation, the state's attorney may:

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

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

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

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

29 (5)(4) File a petition to commence appropriate proceedings in any case that the youth does
30 not meet the criteria provided in § 26-7A-11. 1."

31 On page 2, line 13, of the Senate Engrossed bill, after "7A-11.1." delete "Section 4. That § 26-
32 7A-11 be AMENDED:

33 "

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

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

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

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

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

7 On page 2, line 30, of the Senate Engrossed bill, after "program." delete "Section 5. That §
8 26-7A-11. 1 be REPEALED:

9 "

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

13 (1) The child has no prior adjudications;

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

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

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

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

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

26 On page 3, line 18, of the Senate Engrossed bill, after "7A-10(4)." delete "Section 6. That §
27 26-7A-125 be REPEALED:

28 "

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

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

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

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

41 On page 3, line 32, of the Senate Engrossed bill, after "act." delete "Section 7. That § 26-7A-
42 126 be REPEALED:

1

"

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

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

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

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

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

10 The issuing officer shall notify the child and the child's parent, guardian, or custodian that a
11 hearing on the citation for a cited violation shall be held before a judicial circuit court judge within
12 ten days of issuance of the citation or on the next available court date and be treated as a
13 confidential juvenile matter. The hearing shall be held pursuant to § 26-7A-36 and the case records
14 shall be treated as confidential consistent with the provisions of §§ 26-7A-114, 26-7A-115, 26-7A-
15 116, 26-7A-120, and 26-7A-27. A cited violation is not an adjudication or a child in need of
16 supervision or delinquency proceeding. In lieu of a citation, pursuant to subdivision 26-7A-126(4),
17 a school official may file a report with the state's attorney. A report may also be filed with the state's
18 attorney in lieu of a citation if the conduct occurs in conjunction with another offense that is not
19 subject to the juvenile cited violation process."

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

22 "

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

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

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

30 If the state's attorney intends to proceed on a petition for a violation of the provisions in § 26-
31 7A-126 pursuant to subdivision (1) or (2) in this section, the provisions of § 26-7A-11. 1 apply."

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

34 "

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

41 If the child fails to appear in court at the time set in the citation or set by subsequent
42 postponement, the court may either issue a summons to appear and set a new date for hearing to
43 show cause, the court may consider that failure to appear constitutes an admission to the allegations

1 contained in the complaint and may accordingly enter a judgment for payment, or may grant
2 permission to the state's attorney to file a petition pursuant to subdivision 26-7A-10(5).

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

7 On page 5, line 17, of the Senate Engrossed bill, after "7A-10(5)." delete "Section 10. That §
8 26-7A-129 be REPEALED:

9 "

10 On page 5, line 18, of the Senate Engrossed bill, after "REPEALED:" delete "If a child is found
11 to be in violation of the citation, the court shall enter a judgment against the child for one or more
12 of the following:

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

15 (2) A fine and court costs not to exceed one hundred dollars;

16 (3) Community service;

17 (4) Restitution as defined in subdivision 23A-28-2(4) and as determined appropriate by the
18 court; or

19 (5) Suspension or revocation of the child's driving privilege if the judgment is entered
20 on a violation pursuant to subdivision 26-7A-126(3).

21 The court may set a hearing to review compliance with the judgment. If a child is unable to
22 pay a fine, court costs, or restitution as ordered by the court, any party may request that the court
23 order community service in lieu of the monetary judgment. At no time may a court order a child to
24 probation or detention upon entry of a judgment on a cited violation. A judgment on a cited violation
25 shall be a confidential matter pursuant to subsection 15-15A-7(p) but the state's attorney may
26 maintain a nonpublic record of the judgment for purposes of determining eligibility under § 26-7A-
27 127."

28 On page 6, line 1, of the Senate Engrossed bill, after "26-7A-127." delete "Section 11. That §
29 26-8B-1 be AMENDED:

30 "

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

34 On page 6, line 5, of the Senate Engrossed bill, after "rehabilitation." delete "Section 12. That
35 § 26-8B-4 be AMENDED:

36 "

37 On page 6, line 6, of the Senate Engrossed bill, after "AMENDED:" delete "26-8B-4. Following
38 adjudication of a child as a child in need of supervision, the court may continue the case and may
39 require a court services officer to present to the court a plan of disposition. If a community response
40 team as defined in § 26-8D-1 has been established, prior to any disposition to the Department of
41 Corrections, the court may seek a recommendation for a viable community alternative disposition
42 from the team. If the team is unable to provide any recommendation within seven days of the
43 referral, the court may exercise its discretion and make a disposition decision without the input of

1 the team, pursuant to § 26-8B-6. In all cases, the court may adopt the recommendation of the team
2 in part, in full, or reject the recommendation of the team in its entirety."

3 On page 6, line 15, of the Senate Engrossed bill, after "entirety." delete "Section 13. That §
4 26-8B-6 be AMENDED:

5 "

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

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

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

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

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

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

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

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

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

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

44 (5)(6) The court may place a child in an alternative educational program;

45 (6)(7) The court may order the child to be examined and treated at the Human Services Center;

1 (7)(8) The court may impose a fine not to exceed five hundred dollars;

2 (8)(9) The court may order the suspension or revocation of the child's right to apply for a
3 driving privilege, suspend or revoke an existing driving privilege, or restrict the privilege in such
4 manner as the court sees fit or as required by § 32-12-52. 4, including requiring that financial
5 responsibility be proved and maintained; or

6 (9)(10) The court may assess or charge the same costs and fees as permitted by §§ 16-2-41,
7 23-3-52, 23A-27-26, 23A-28B-42, and 23A-27-27 against the child, parent, guardian, custodian, or
8 other party responsible for the child; or

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

11 (a) No viable alternatives exist;

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

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

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

16 After disposition, but prior to placement in a juvenile correctional facility, a state interagency
17 team comprised of representatives from the Department of Human Services, the Department of
18 Social Services, the Department of Education, the Department of Corrections, and the Unified
19 Judicial System shall make a written finding that placement at a Department of Corrections facility
20 is the least restrictive placement commensurate with the best interests of the child. Subsequent
21 placement in any other Department of Corrections facility may be authorized without an interagency
22 review.

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

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

27 "

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

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

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

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

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

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

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

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

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

15 On page 9, line 20, of the Senate Engrossed bill, after "jurisdiction." delete "Section 15. That
16 § 26-8B-9 be AMENDED:

17 "

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

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

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

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

27 (4) If the court finds by a preponderance of the evidence that the child violated the terms and
28 conditions of probation, the court may modify the terms and conditions of probation, revoke
29 probation, or take other action as permitted by this chapter or chapter 26-7A, according to the least
30 restrictive alternative which is in the best interests of the child and, the public, except commitment
31 to the Department of Corrections. The court may only commit a child to the Department of
32 Corrections if the court finds that the violation committed constitutes a new law violation and finds
33 that the aggravated circumstances provided in subdivision 26-8B-6(10) exist and the state; and

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

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

41 On page 10, line 14, of the Senate Engrossed bill, after "jurisdiction." delete "Section 16. That
42 § 26-8C-1 be AMENDED:

43 "

44 On page 10, line 15, of the Senate Engrossed bill, after "AMENDED:" delete "26-8C-1. It is the
45 purpose of this chapter, in conjunction with chapter 26-7A, to establish an effective state and local
46 system for delinquent children including a focus on community-based rehabilitation."

1 On page 10, line 18, of the Senate Engrossed bill, after "rehabilitation." delete "Section 17.
2 That § 26-8C-5 be AMENDED:

3 "

4 On page 10, line 19, of the Senate Engrossed bill, after "AMENDED:" delete "26-8C-5. Following
5 adjudication of a child as a delinquent child, the court may continue the case and may require a
6 court services officer to present to the court a plan of disposition. Where a community response
7 team as defined in § 26-8D-1 has been established, prior to any disposition to the Department of
8 Corrections, the court may seek a recommendation for a viable community alternative disposition
9 from the team. If the team is unable to provide any recommendation within seven days of the
10 referral, the disposing court may exercise its discretion and make a disposition decision without the
11 input of the team, pursuant to § 26-8C-7. In each case, the court may adopt the recommendation
12 of the team in part, in full, or reject the recommendation of the team in its entirety."

13 On page 10, line 29, of the Senate Engrossed bill, after "entirety." delete "Section 18. That §
14 26-8C-7 be AMENDED:

15 "

16 On page 11, line 1, of the Senate Engrossed bill, after "AMENDED:" delete "26-8C-7. If a child
17 has been adjudicated as a delinquent child, the court shall enter a decree of disposition according
18 to the least restrictive alternative available in keeping with the best interests of the child. The decree
19 shall contain one or more of the following:

20 (1) The court may require the child to pay restitution, as defined in subdivision 23A-28-2(4)
21 and under conditions set by the court, if payment can be enforced without serious hardship or
22 injustice to the child;

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

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

28 (3)(4) The court may place the child on probation under the supervision of a court services
29 officer or another designated individual pursuant to § 26-8C-14;

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

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

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

40 (6)(7) The court may place the child in a detention facility for not more than ninety days, which
41 may be in addition to any period of temporary custody;

42 (7)(8) The court may place the child in an alternative educational program;

43 (8)(9) The court may order the suspension or revocation of the child's right to apply for a
44 driving privilege, suspend or revoke an existing driving privilege, or restrict the privilege in the

1 manner the court sees fit, including requiring that financial responsibility be proved and maintained;
2 or

3 (9)(10) The court may assess or charge costs and fees permitted by §§ 16-2-41, 23-3-52,
4 23A-27-26, 23A-28B-42, and 23A-27-27 against the child, parent, guardian, custodian, or other
5 party responsible for the child; or

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

8 (a) No viable alternative exists; and

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

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

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

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

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

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

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

27 "

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

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

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

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

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

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

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

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

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

15 On page 13, line 28, of the Senate Engrossed bill, after "jurisdiction." delete "Section 20. That
16 § 26-8C-15 be AMENDED:

17 "

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

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

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

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

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

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

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

41 On page 14, line 22, of the Senate Engrossed bill, after "jurisdiction." delete "Section 21. That
42 § 26-8D-1 be REPEALED:

43 "

44 On page 14, line 23, of the Senate Engrossed bill, after "REPEALED:" delete "Terms used in
45 this chapter mean:

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

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

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

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

9 (5) "Recidivism," for the Department of Corrections for the purposes of this chapter, within
10 one year, two years, or three years of discharge from the custody of the Department of Corrections,
11 a juvenile commitment or conviction in adult court for a felony resulting in a sentence to the
12 Department of Corrections. For the Unified Judicial System for the purposes of this chapter, the term
13 means being adjudicated delinquent while on probation or adjudicated delinquent or convicted of a
14 felony in adult court within one year, two years, or three years after discharge from juvenile
15 probation;

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

21 (7) "Specialized transition services," independent living; foster care; respite; crisis
22 stabilization; short-term assessment; a residential setting intended to transition the juvenile from a
23 residential treatment center, intensive residential treatment center, or more restrictive group care
24 or juvenile corrections facility; or other transitional setting authorized by the secretary of the
25 Department of Corrections;

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

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

31 On page 15, line 25, of the Senate Engrossed bill, after "reoffend." delete "Section 22. That §
32 26-8D-2 be REPEALED:

33 "

34 On page 15, line 26, of the Senate Engrossed bill, after "REPEALED:" delete "The Department
35 of Corrections shall develop a fiscal incentive program to incentivize county use of diversion
36 opportunities. Beginning on September 1, 2016, any application for funding from the fiscal incentive
37 program shall be submitted to the Department of Corrections before September first each year by
38 a county. The fiscal incentive program includes the following requirements:

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

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

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

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

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

6 On page 16, line 13, of the Senate Engrossed bill, after "council." delete "Section 23. That §
7 26-8D-3 be REPEALED:

8 "

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

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

21 The Department of Corrections and Unified Judicial System shall use a validated risk and needs
22 assessment, and either a mental health or substance abuse assessment, or both, if the risk and
23 needs assessment indicates a mental health or substance abuse issue, to guide referrals to
24 interventions identified under this section, consistent with the process established by the
25 Department of Social Services."

26 On page 16, line 32, of the Senate Engrossed bill, after "Services." delete "Section 24. That §
27 26-8D-4 be REPEALED:

28 "

29 On page 17, line 1, of the Senate Engrossed bill, after "REPEALED:" delete "The Department
30 of Social Services shall collect data, in the aggregate and by provider, on the number of juveniles
31 referred to treatment, the number and percent of juveniles completing treatment and not completing
32 treatment for juveniles receiving treatment paid for by the Department of Social Services pursuant
33 to this chapter. The Department of Social Services shall report this information semiannually to the
34 oversight council and regularly review the information, data, and other performance measures with
35 the Unified Judicial System and Department of Corrections.

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

39 On page 17, line 11, of the Senate Engrossed bill, after "level." delete "Section 25. That § 26-
40 8D-5 be REPEALED:

41 "

42 On page 17, line 12, of the Senate Engrossed bill, after "REPEALED:" delete "The Department
43 of Tribal Relations, in coordination with necessary state agencies, treatment providers, law
44 enforcement, and stakeholders, shall evaluate and make recommendations to the oversight council
45 to improve outcomes for Native American children in the juvenile justice system. Options for

1 consideration may include sharing of treatment resources, information sharing about children under
2 probation supervision, and joint supervision."

3 On page 17, line 18, of the Senate Engrossed bill, after "supervision." delete "Section 26. That
4 § 26-8D-6 be REPEALED:

5 "

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

11 On page 17, line 23, of the Senate Engrossed bill, after "2017." delete "Section 27. That § 26-
12 8D-7 be REPEALED:

13 "

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

17 On page 17, line 27, of the Senate Engrossed bill, after "chapter." delete "Section 28. That §
18 26-8D-8 be REPEALED:

19 "

20 On page 17, line 28, of the Senate Engrossed bill, after "REPEALED:" delete "The oversight
21 council shall consist of the following twenty members:

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

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

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

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

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

27 (e) A representative from the Department of Tribal Relations;

28 (f) Two at large members;

29 (2) The Chief Justice shall appoint the following six members:

30 (a) A representative who is a criminal defense attorney;

31 (b) A representative who is a judge; and

32 (c) Four at large members;

33 (3) The majority leader of the Senate shall appoint the following three members:

34 (a) Two legislative members of the Senate, one from each political party; and

35 (b) One at large member;

1 (4) The majority leader of the House of Representatives shall appoint the following three
2 members:

3 (a) Two legislative members of the House of Representatives, one from each political party;
4 and

5 (b) One member who is a county commissioner; and

6 (5) The attorney general shall appoint one member.

7 The oversight council shall select a chair and a vice chair."

8 On page 18, line 20, of the Senate Engrossed bill, after "chair." delete "Section 29. That § 26-
9 8D-9 be REPEALED:

10 "

11 On page 18, line 21, of the Senate Engrossed bill, after "REPEALED:" delete "The oversight
12 council shall meet within ninety days following appointment and shall meet semiannually thereafter.
13 The oversight council terminates eight years after its first meeting, unless the Legislature continues
14 the oversight council for a specified period of time. The oversight council may:

15 (1) Review the recommendations of the juvenile justice reinvestment initiative work group in
16 the final report dated November 2014, track implementation, and evaluate compliance with this
17 chapter;

18 (2) Review performance measures and outcome measures required by this chapter and
19 proposed by the Department of Corrections, Unified Judicial System, and Department of Social
20 Services;

21 (3) Review performance measures and outcome measures submitted semiannually by the
22 Department of Corrections, Unified Judicial System, and Department of Social Services pursuant to
23 §§ 26-8D-4, 26-8D-12, 26-8D-15, 26-8D-16, 26-8D-19, and 26-8D-20;

24 (4) Review efforts by the Department of Social Services to ensure delivery of treatment in rural
25 areas and related performance measures;

26 (5) Track progress and make recommendations to improve outcomes for Native American
27 children in the juvenile justice system in accordance with §§ 26-8D-5 and 26-8D-6;

28 (6) Review the payments of the diversion incentive program to counties, pursuant to § 26-8D-
29 2, payments from the juvenile justice detention cost-sharing fund pursuant to § 26-8D-24, and
30 performance-based reimbursement payments to group care and residential treatment centers
31 pursuant to §§ 26-8D-17 and 26-8D-18; and

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

35 On page 19, line 15, of the Senate Engrossed bill, after "Laws." delete "Section 30. That § 26-
36 8D-10 be REPEALED:

37 "

38 On page 19, line 16, of the Senate Engrossed bill, after "REPEALED:" delete "The presiding
39 judge of each judicial circuit may appoint one or more community response teams to assist judges
40 by recommending viable community-based interventions for children in need of supervision and
41 delinquent children. Each team appointed shall include the court services officer in the jurisdiction
42 where the team is to operate, and designees of the secretaries of the Departments of Social Services
43 and Corrections. Each team may include a representative of a public school district in which the

1 team is to operate and one or more representatives of the public. The Unified Judicial System shall
2 maintain a record of the membership of each team and report nonidentifying data to the oversight
3 council. The team may operate telephonically or through electronic communications.

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

11 On page 20, line 1, of the Senate Engrossed bill, after "elsewhere." delete "Section 31. That §
12 26-8D-11 be REPEALED:

13 "

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

17 On page 20, line 4, of the Senate Engrossed bill, after "team." delete "Section 32. That § 26-
18 8D-12 be REPEALED:

19 "

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

23 (1) Number of referrals to the team by each judicial circuit;

24 (2) The number and percent of referrals by each judicial circuit where the team
25 recommendation is provided;

26 (3) The number and percent of cases where the team located a community based alternative;

27 (4) The recommendation of the team for each case; and

28 (5) The disposition of the court."

29 On page 20, line 15, of the Senate Engrossed bill, after "court." delete "Section 33. That § 26-
30 8D-13 be REPEALED:

31 "

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

1 On page 20, line 30, of the Senate Engrossed bill, after "acts." delete "Section 34. That § 26-
2 8D-14 be REPEALED:

3 "

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

8 On page 21, line 4, of the Senate Engrossed bill, after "detention." delete "Section 35. That §
9 26-8D-15 be REPEALED:

10 "

11 On page 21, line 5, of the Senate Engrossed bill, after "REPEALED:" delete "The Unified Judicial
12 System shall report semiannually to the oversight council:

- 13 (1) The number of juvenile probation admissions;
- 14 (2) The number of juveniles for whom a request for extension is made;
- 15 (3) The number and percent of juveniles for whom extensions are granted;
- 16 (4) The number of requests for extension;
- 17 (5) The number and percent of requests granted;
- 18 (6) The reason for discharge and length of probation for juveniles discharged from supervision;
- 19 and
- 20 (7) The recidivism rate.

21 The Unified Judicial System shall report semiannually to the oversight council the number of
22 children placed in a detention facility pursuant to subdivisions 26-8C-7(5) and 26-8B-6(3) and the
23 duration of each detention stay. The Unified Judicial System shall report semiannually to the
24 oversight council the number of children eligible for informal adjustment and informal action
25 pursuant to § 26-7A-11. 1, and the number and percent of children for whom good cause is found
26 for the state's attorney to proceed on a petition if the child is otherwise eligible for informal
27 adjustment and informal action pursuant to § 26-7A-11. 1. The Unified Judicial System shall report
28 semiannually to the oversight council the number of children summoned to court on a juvenile cited
29 violation pursuant to § 26-7A-126, the number of children summoned to court on a juvenile cited
30 violation referred for informal adjustment and informal action pursuant to § 26-7A-127, and the
31 number petitioned under § 26-7A-127."

32 On page 21, line 26, of the Senate Engrossed bill, after "26-7A-127." delete "Section 36. That
33 § 26-8D-16 be REPEALED:

34 "

35 On page 21, line 27, of the Senate Engrossed bill, after "REPEALED:" delete "The Unified
36 Judicial System shall report semiannually to the oversight council the number and percent of juvenile
37 probationers who received a graduated response, the number and percent of juvenile probationers
38 receiving a formal allegation of a probation violation, the number and percent of juveniles whose
39 probation is revoked, and the action taken as a result of the revocation."

40 On page 21, line 32, of the Senate Engrossed bill, after "revocation." delete "Section 37. That
41 § 26-8D-17 be REPEALED:

42 "

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

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

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

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

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

27 Specialized transition services are exempt from the performance-based reimbursement rate
28 structure.

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

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

34 "

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

40 If a provider is able to substantially accomplish the treatment goals and release a child from
41 residential or intensive residential treatment within the performance expectation period, a
42 performance-based reimbursement payment shall be added to the payment allocation. For those
43 providers that substantially meet the treatment goals and release within three months, a maximum
44 performance-based reimbursement payment shall be added to the payment allocation. For those
45 providers that substantially meet the treatment goals and release within five, seven, or nine months,
46 a diminished performance-based reimbursement payment, which decreases as length of stay
47 increases, shall be added to the payment allocation.

48 The provider contracts shall provide how the Department of Corrections may use state general
49 fund dollars in the performance expectation allocation. The performance-based reimbursement

1 payment is in addition to the provider reimbursement rate as established by the Department of
2 Social Services.

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

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

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

15 On page 23, line 32, of the Senate Engrossed bill, after "timeframes." delete "Section 39. That
16 § 26-8D-19 be REPEALED:

17 "

18 On page 23, line 33, of the Senate Engrossed bill, after "REPEALED:" delete "The Department
19 of Corrections shall report semiannually to the oversight council the number of children committed,
20 number of commitments, the average length of stay in residential placement in total and by
21 provider, and average length of commitment among children discharged from the Department of
22 Corrections."

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

25 "

26 On page 24, line 4, of the Senate Engrossed bill, after "REPEALED:" delete "The Department
27 of Corrections shall report semiannually to the oversight council the number and percent of juveniles
28 violating aftercare, the number and percent of juveniles whose aftercare is revoked, and the action
29 taken as a result of the revocation."

30 On page 24, line 7, of the Senate Engrossed bill, after "revocation." delete "Section 41. That §
31 26-8D-21 be REPEALED:

32 "

33 On page 24, line 8, of the Senate Engrossed bill, after "REPEALED:" delete "The juvenile justice
34 detention cost-sharing fund is hereby created in the Department of Corrections for the purpose of
35 assisting counties with increased costs due to increased juvenile detention expenses paid by
36 counties."

37 On page 24, line 11, of the Senate Engrossed bill, after "counties." delete "Section 42. That §
38 26-8D-22 be REPEALED:

39 "

40 On page 24, line 12, of the Senate Engrossed bill, after "REPEALED:" delete "Any county that
41 provides the Department of Corrections with documentation showing juvenile detention bed days
42 paid by the county for calendar years 2013, 2014, and 2015 by March 1, 2016, is considered a
43 participating county. All other counties are nonparticipating counties. A nonparticipating county may
44 become a participating county in subsequent years by submitting the data in this section and
45 complying with the requirements in § 26-8D-23."

1 On page 24, line 18, of the Senate Engrossed bill, after "26-8D-23." delete "Section 43. That
2 § 26-8D-23 be REPEALED:

3 "

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

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

12 "

13 On page 24, line 25, of the Senate Engrossed bill, after "REPEALED:" delete "The Department
14 of 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 Senate Engrossed bill, after "requests." delete "Section 45. That §
21 26-11A-8. 1 be REPEALED:

22 "

23 On page 25, line 4, of the Senate Engrossed bill, after "REPEALED:" delete "For any child in
24 the custody of the Department of Corrections and placed in a residential facility, state-run or private,
25 the department shall participate in a monthly treatment team meeting with the residential facility.
26 The 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 Senate Engrossed bill, after "meetings." delete "Section 46. That §
38 26-11A-15 be AMENDED:

39 "

40 On page 25, line 19, of the Senate Engrossed 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

1 § 22-32-3; or that the juvenile presents a significant risk of physical harm to another person and
 2 has committed a new law violation, an aftercare revocation hearing shall be held before a member
 3 of the Board of Pardons and Paroles created in § 24-13-1 within thirty days of the temporary
 4 detention or shelter hearing. For the purposes of this section, a new law violation is defined as
 5 delinquent behavior pursuant to § 26-8C-2, a Class 1 misdemeanor violation of title 32, or a violation
 6 of § 32-23-21. The juvenile, with the consent of a parent, guardian, or custodian, has the right to
 7 waive this hearing at any time after the juvenile is detained and after advisement that waiver of the
 8 right to appear before the Board of Pardons and Paroles may result in the juvenile being returned
 9 to placement.

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

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

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

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

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

26 On page 26, line 18, of the Senate Engrossed bill, after "hearing." delete "Section 47. Sections
 27 2 to 46, inclusive, of this Act are effective on July 1, 2023."

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

29 Also MR. SPEAKER:

30 The Committee on House State Affairs respectfully reports that it has had under consideration
 31 **SB 211** and returns the same with the recommendation that said bill do pass.

32 Respectfully submitted,
 33 Kent Peterson, Chair

34 MR. SPEAKER:

35 The House Committee on Appropriations respectfully reports that it has had under
 36 consideration **SB 180** which was tabled.

37 Respectfully submitted,
 38 Chris Karr, Chair

39 MR. SPEAKER:

40 The House Committee on Appropriations respectfully reports that it has had under
 41 consideration **SB 103** and returns the same with the recommendation that said bill be amended as
 42 follows:

1 103A

2 On page 1, line 4, of the Introduced bill, delete " \$500,000" and insert " \$1"

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

4 Also MR. SPEAKER:

5 The House Committee on Appropriations respectfully reports that it has had under
6 consideration **SB 109** and returns the same with the recommendation that said bill be amended as
7 follows:

8 109B

9 On page 1, line 4, of the Senate Appropriations Engrossed bill, delete " \$1,000,000" and insert
10 " \$1"

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

12 Also MR. SPEAKER:

13 The House Committee on Appropriations respectfully reports that it has had under
14 consideration **SB 144** and returns the same with the recommendation that said bill be amended as
15 follows:

16 144B

17 On page 1, line 1, of the Senate Engrossed bill, delete " prison" and insert " incarceration"

18 On page 1, line 1, of the Senate Engrossed bill, after "construction" insert " of such facilities"

19 On page 1, line 1, of the Senate Engrossed bill, after "construction" delete " or improvement
20 of state prisons"

21 On page 1, line 4, of the Senate Engrossed bill, delete "chapter 1-15 be amended with a NEW
22 SECTION" and insert " a NEW SECTION be added to title 24"

23 On page 1, line 5, of the Senate Engrossed bill, delete " prison" and insert " incarceration"

24 On page 1, line 7, of the Senate Engrossed bill, after "of " delete "state"

25 On page 1, line 7, of the Senate Engrossed bill, delete "prisons " and insert " incarceration
26 facilities "

27 144C

28 On the previously adopted amendment (144B), On page 1, line 9, after "Dakota. " insert "No
29 moneys shall be appropriated or expended from the fund until such a time as a legislative task force
30 provides a report to the Legislature regarding incarceration and corrections within the State. "

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

32 Also MR. SPEAKER:

33 The House Committee on Appropriations respectfully reports that it has had under
34 consideration **SB 161** and returns the same with the recommendation that said bill be amended as
35 follows:

1 161F

2 On page 1, line 5, of the Senate Engrossed bill, after "expenditure" insert " authority"

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

4 Also MR. SPEAKER:

5 The House Committee on Appropriations respectfully reports that it has had under
6 consideration **SB 62, 170, and 196** and returns the same with the recommendation that said bills
7 do pass.

8 Also MR. SPEAKER:

9 The House Committee on Appropriations respectfully reports that it has had under
10 consideration **SB 97, 115, 155, and 175** which were deferred to the 41st Legislative Day.

11 Respectfully submitted,
12 Chris Karr, Chair

13 **MESSAGES FROM THE SENATE**

14 Mr. SPEAKER:

15 I have the honor to return herewith **HB 1031, 1032, 1038, 1096, 1102, 1113, 1162, 1173,**
16 **1214, 1223, 1268, 1271, 1272, 1273, 1277, and 1318** which have passed the Senate without
17 change.

18 Also Mr. SPEAKER:

19 I have the honor to inform your honorable body that the Senate has adopted the report of the
20 Conference Committee on **HB 1068**.

21 Also Mr. SPEAKER:

22 I have the honor to return herewith **HCR 6012** which has been amended by the Senate and
23 your concurrence in the amendments is respectfully requested.

24 Also Mr. SPEAKER:

25 I have the honor to inform your honorable body that **HCR 6011** was lost on second reading
26 and final passage.

27 Also Mr. SPEAKER:

28 I have the honor to inform your honorable body that the Senate has concurred in House
29 amendments to **SB 21 and 50**.

30 Also Mr. SPEAKER:

31 I have the honor to transmit herewith **SCR 608** which has been adopted by the Senate and
32 your concurrence is respectfully requested.

33 Respectfully,
34 Kay Johnson, Secretary

1

MOTIONS AND RESOLUTIONS

2

Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on Monday, March 7, 2022, the 34th legislative day.

3

4

Which motion prevailed.

5

Rep. Kent Peterson moved that **SB 130** be deferred to Monday, March 7, 2022, the 34th legislative day.

6

7

Which motion prevailed.

8

Rep. Kent Peterson moved that **SB 141, 142, and 143** be placed at the bottom of today's calendar.

9

10

Which motion prevailed.

11

Rep. Randolph moved that **HCR 6013** be deferred to Monday, March 7, 2022, the 34th legislative day.

12

13

Which motion prevailed.

14

SCR 608: A CONCURRENT RESOLUTION, to conduct an interim study examining local jails and opportunities for collaboration with state correctional plans.

15

16

Was read the first time and the Speaker waived the committee referral pursuant to JR 6D-1.

17

Rep. Karr moved that the House do concur in Senate amendments to **HB 1014**.

18

The question being on Rep. Karr's motion that the House do concur in Senate amendments to **HB 1014**.

19

20

And the roll being called:

21

Yeas 70, Nays 0, Excused 0, Absent 0

22

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

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29

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.

30

31

Rep. Reed moved that the House do concur in Senate amendments to **HB 1099**.

32

The question being on Rep. Reed's motion that the House do concur in Senate amendments to **HB 1099**.

33

1 And the roll being called:

2 Yeas 69, Nays 1, Excused 0, Absent 0

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

10 Nays: Weis

11 So the motion having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the motion carried and the amendments were concurred in.

13 Rep. Reed moved that the House do concur in Senate amendments to **HB 1100**.

14 The question being on Rep. Reed's motion that the House do concur in Senate amendments to
15 **HB 1100**.

16 And the roll being called:

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

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

25 Nays: Phil Jensen, Karr, and Weis

26 So the motion having received an affirmative vote of a majority of the members-elect, the
27 Speaker declared the motion carried and the amendments were concurred in.

28 Rep. Derby moved that the House do concur in Senate amendments to **HB 1176**.

29 The question being on Rep. Derby's motion that the House do concur in Senate amendments
30 to **HB 1176**.

31 And the roll being called:

32 Yeas 64, Nays 6, Excused 0, Absent 0

33 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
34 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,
35 Hansen, Haugaard, Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner,
36 Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Perry,
37 Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie

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

3 Nays: Howard, Phil Jensen, Karr, Mulally, Overweg, and Weis

4 So the motion having received an affirmative vote of a majority of the members-elect, the
5 Speaker declared the motion carried and the amendments were concurred in.

6 Rep. Chaffee moved that the House do concur in Senate amendments to **HB 1284**.

7 The question being on Rep. Chaffee's motion that the House do concur in Senate amendments
8 to **HB 1284**.

9 And the roll being called:

10 Yeas 70, Nays 0, Excused 0, Absent 0

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

18 So the motion having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the motion carried and the amendments were concurred in.

20 Rep. Chase moved that the House Committee on Appropriations be instructed to deliver
21 **SB 175** to the floor of the House, pursuant to JR 7-7.

22 Which motion was supported and the committee was so instructed.

23 Rep. Drury moved that the House Committee on Appropriations be instructed to deliver **SB 97**
24 to the floor of the House, pursuant to JR 7-7.

25 Which motion was supported and the committee was so instructed.

26 Rep. Rehfeldt moved that the House Committee on Appropriations be instructed to deliver
27 **SB 155** to the floor of the House, pursuant to JR 7-7.

28 Which motion was supported and the committee was so instructed.

29 Rep. Chase moved that the rules be suspended for the sole purpose of immediately considering
30 **SB 65**.

31 The question being on Rep. Chase's motion that the rules be suspended for the sole purpose
32 of immediately considering **SB 65**.

33 And the roll being called:

34 Yeas 49, Nays 21, Excused 0, Absent 0

1 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
2 Dennert, Derby, Deutsch, Drury, Duba, Finck, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison,
3 Kevin Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Miskimins, Mortenson, Olson, Ernie
4 Otten, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,
5 St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

6 Nays: Aylward, Fitzgerald, Gross, Hansen, Haugaard, Howard, Phil Jensen, Karr, Marty, May,
7 Mills, Milstead, Mulally, Odenbach, Overweg, Pischke, Randolph, Soye, Weis, Wiese, and
8 Speaker Gosch

9 So the motion having received an affirmative vote of a two-thirds majority of the members-
10 elect, the Speaker declared the motion carried, the rules were suspended, and the bill was up for
11 reconsideration.

12 **SB 65:** FOR AN ACT ENTITLED, An Act to delineate uses for the South Dakota housing
13 opportunity fund.

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

15 Rep. Finck moved that **SB 65** be amended as follows:

16 65E

17 On page 1, line 1, of the Senate Commerce and Energy Engrossed bill, after "fund" insert "
18 and to declare an emergency"

19 On page 1, line 14, of the Senate Commerce and Energy Engrossed bill, after "§ 11-13-1"
20 delete ", except that moneys appropriated for housing infrastructure must be disbursed to the
21 authority upon passage"

22 On page 2, line 25, of the Senate Commerce and Energy Engrossed bill, after "applications."
23 delete "The geographic distribution guideline is not applicable to moneys appropriated for housing
24 infrastructure costs."

25 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

26 **Section 5.** There is hereby transferred from the general fund the sum of \$150,000,000 to the
27 South Dakota housing opportunity fund created under § 11-13-2. The moneys must be administered
28 by the South Dakota Housing Development Authority. Other fund expenditure authority, in the sum
29 of \$150,000,000, is hereby appropriated for the purpose of providing housing loans to entities
30 eligible under § 11-13-4. "

31 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

32 **Section 6.** The executive director of the South Dakota Housing Development Authority shall
33 approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this
34 Act. "

35 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

36 **Section 7.** Any amount appropriated in this Act not lawfully expended or obligated shall
37 revert in accordance with the procedures prescribed in chapter 4-8. "

38 On page 3, after line 10, of the Senate Commerce and Energy Engrossed bill, insert: "

39 **Section 8.** Whereas, this Act is necessary for the support of the state government and its
40 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
41 force and effect from and after its passage and approval."

1 Rep. Karr requested a roll call vote.

2 And the roll being called:

3 Yeas 46, Nays 24, Excused 0, Absent 0

4 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
5 Dennert, Derby, Deutsch, Drury, Duba, Finck, Goodwin, Healy, Hoffman, Jamison, Chris Johnson,
6 Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Ernie Otten, Perry, Kent Peterson, Sue
7 Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason,
8 Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

9 Nays: Aylward, Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard, Howard, Kevin Jensen,
10 Phil Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Pischke,
11 Randolph, Soye, Weis, Wiese, and Speaker Gosch

12 So the motion having received an affirmative vote of a majority of the members present, the
13 Speaker declared the motion prevailed.

14 Rep. Finck moved that **SB 65** be amended as follows:

15 65F

16 On the previously adopted amendment (65E), On page 1, line 1, after "fund" insert ", to make
17 an appropriation therefor,"

18 Rep. Finck's motion to amend on **SB 65** was withdrawn.

19 The question being "Shall **SB 65** pass as amended?"

20 And the roll being called:

21 Yeas 46, Nays 24, Excused 0, Absent 0

22 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
23 Dennert, Derby, Drury, Duba, Finck, Goodwin, Lana Greenfield, Healy, Hoffman, Jamison, Chris
24 Johnson, Keintz, Koth, Lesmeister, Miskimins, Mortenson, Olson, Ernie Otten, Perry, Kent Peterson,
25 Sue Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,
26 Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York

27 Nays: Aylward, Deutsch, Fitzgerald, Gross, Hansen, Haugaard, Howard, Kevin Jensen, Phil
28 Jensen, Karr, Ladner, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Pischke, Randolph,
29 Soye, Weis, Wiese, and Speaker Gosch

30 So the bill not having received an affirmative vote of a two-thirds majority of the members-
31 elect, the Speaker declared the bill lost.

32 Rep. Reimer moved that the House Committee on Appropriations be instructed to deliver
33 **SB 32** to the floor of the House, pursuant to JR 7-7.

34 Which motion was supported and the committee was so instructed.

CONSIDERATION OF REPORTS OF COMMITTEES

1

2 Rep. Kent Peterson moved that the reports of the Standing Committees on
3 House Appropriations on **SB 54** as found on page 512 of the House Journal; also
4 House Appropriations on **SB 174** as found on page 513 of the House Journal; also
5 State Affairs on **SB 212** as found on page 514 of the House Journal; also
6 Judiciary on **SB 81** as found on page 531 of the House Journal; also
7 Judiciary on **SB 159** as found on page 532 of the House Journal be adopted.
8 Which motion prevailed and the reports were adopted.

9 Rep. Jamison moved that **SB 3** be placed on today's calendar with a do pass recommendation,
10 pursuant to JR 6F-6.

11 The question being on Rep. Jamison's motion that **SB 3** be placed on today's calendar with a
12 do pass recommendation, pursuant to JR 6F-6.

13 And the roll being called:

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

15 Yeas: Aylward, Beal, Bordeaux, Chase, Cwach, Davis, Dennert, Derby, Drury, Duba, Healy,
16 Jamison, Keintz, Koth, Lesmeister, Olson, Ernie Otten, Pischke, Pourier, Rehfeldt, Schneider, Jamie
17 Smith, St. John, Thomason, Tidemann, Weisgram, Willadsen, and Wink

18 Nays: Anderson, Bartels, Barthel, Blare, Chaffee, Deutsch, Finck, Fitzgerald, Goodwin, Lana
19 Greenfield, Gross, Hansen, Haugaard, Hoffman, Kevin Jensen, Phil Jensen, Chris Johnson, Karr,
20 Ladner, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Overweg, Perry, Kent
21 Peterson, Sue Peterson, Randolph, Reed, Reimer, Soye, Stevens, Vasgaard, Wiese, York, and
22 Speaker Gosch

23 Excused: Howard and Weis

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

CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

26

27 Speaker Pro tempore Hansen now presiding.

28 Rep. Mortenson moved that the report of the Conference Committee on **HB 1044** as found on
29 page 515 of the House Journal be adopted.

30 The question being on Rep. Mortenson's motion that the report of the Conference Committee
31 on **HB 1044** be adopted.

32 And the roll being called:

33 Yeas 70, Nays 0, Excused 0, Absent 0

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

8 So the motion having received an affirmative vote of a majority of the members-elect, the
9 Speaker declared the motion carried and the report was adopted.

10 **SECOND READING OF CONSENT CALENDAR ITEMS**

11 **SB 19:** FOR AN ACT ENTITLED, An Act to permit certain facilities to establish reasonable
12 restrictions related to the medical use of cannabis.

13 **SB 57:** FOR AN ACT ENTITLED, An Act to add gaming enforcement agents to Class B
14 membership of the South Dakota Retirement System.

15 **SB 122:** FOR AN ACT ENTITLED, An Act to prohibit private funding of election costs except for
16 gifts of a nominal and intrinsic value.

17 **SB 162:** FOR AN ACT ENTITLED, An Act to revise the discretionary formula for reduced
18 taxation of new structures and residential property.

19 Were read the second time.

20 The question being "Shall **SB 19 and 162** pass as amended, and **SB 57 and 122** pass?"

21 And the roll being called:

22 Yeas 68, Nays 2, Excused 0, Absent 0

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

30 Nays: Haugaard and Mulally

31 So the bills having received an affirmative vote of a majority of the members-elect, the Speaker
32 declared the bills passed and the titles were agreed to.

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

34 **SB 26:** FOR AN ACT ENTITLED, An Act to revise the definition of practitioner for purposes of
35 the medical cannabis program.

36 Was read the second time.

1 Rep. Duba rose to a point of order that Rep. Haugaard speak only to SB 26.

2 The question being "Shall **SB 26** pass as amended?"

3 And the roll being called:

4 Yeas 52, Nays 17, Excused 1, Absent 0

5 Yeas: Anderson, Aylward, Bartels, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
6 Dennert, Derby, Drury, Duba, Finck, Goodwin, Gross, Healy, Hoffman, Jamison, Kevin Jensen, Phil
7 Jensen, Chris Johnson, Keintz, Koth, Ladner, Lesmeister, Marty, May, Miskimins, Mortenson,
8 Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Reed,
9 Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Weisgram,
10 Willadsen, and Wink

11 Nays: Barthel, Deutsch, Fitzgerald, Lana Greenfield, Hansen, Haugaard, Howard, Karr, Mills,
12 Milstead, Mulally, Randolph, Soye, Vasgaard, Weis, Wiese, and York

13 Excused: Speaker Gosch

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

16 **SB 90:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding local building
17 codes.

18 Was read the second time.

19 The question being "Shall **SB 90** pass as amended?"

20 And the roll being called:

21 Yeas 68, Nays 1, Excused 1, Absent 0

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

29 Nays: Mulally

30 Excused: Speaker Gosch

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

33 **SB 150:** FOR AN ACT ENTITLED, An Act to revise provisions concerning medical cannabis.

34 Was read the second time.

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

2 And the roll being called:

3 Yeas 26, Nays 42, Excused 2, Absent 0

4 Yeas: Anderson, Bartels, Barthel, Derby, Deutsch, Drury, Finck, Fitzgerald, Goodwin, Lana
5 Greenfield, Gross, Hansen, Kevin Jensen, Phil Jensen, Koth, Ladner, Mills, Milstead, Reimer, Stevens,
6 Weis, Wiese, Willadsen, Wink, York, and Speaker Gosch

7 Nays: Aylward, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Duba,
8 Haugaard, Healy, Hoffman, Jamison, Chris Johnson, Karr, Keintz, Lesmeister, Marty, May,
9 Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue
10 Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Schneider, Jamie Smith, St. John, Thomason,
11 Tidemann, Vasgaard, and Weisgram

12 Excused: Howard and Soye

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

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

17 Was read the second time.

18 The question being "Shall **SB 197** pass?"

19 And the roll being called:

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

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

28 Excused: Howard, Soye, and Weis

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

31 **SB 42:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
32 design and construction of an addition to the wellness center at the University of South Dakota, to
33 make an appropriation therefor, and to declare an emergency.

34 Was read the second time.

35 The question being "Shall **SB 42** pass?"

36 And the roll being called:

37 Yeas 60, Nays 7, Excused 3, Absent 0

1 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
2 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
3 Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, Mills,
4 Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Perry, Kent Peterson, Sue
5 Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,
6 Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

7 Nays: Aylward, Hugaard, Phil Jensen, Marty, May, Overweg, and Randolph

8 Excused: Howard, Soye, and Weis

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

11 **SB 43:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
12 design, renovation, and construction of an addition for a health sciences center at Black Hills State
13 University–Rapid City, to make an appropriation therefor, and to declare an emergency.

14 Was read the second time.

15 The question being "Shall **SB 43** pass?"

16 And the roll being called:

17 Yeas 61, Nays 7, Excused 2, Absent 0

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

25 Nays: Aylward, Hugaard, Marty, May, Milstead, Overweg, and Randolph

26 Excused: Howard and Soye

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

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

33 Was read the second time.

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

35 And the roll being called:

36 Yeas 62, Nays 8, Excused 0, Absent 0

37 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
38 Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Hansen, Healy,
39 Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner,

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

5 Nays: Aylward, Gross, Haugaard, Marty, May, Mills, Milstead, and Randolph

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

8 **SB 55:** FOR AN ACT ENTITLED, An Act to appropriate funds for the expansion of broadband
9 infrastructure and to declare an emergency.

10 Was read the second time.

11 The question being "Shall **SB 55** pass?"

12 And the roll being called:

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

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

21 Nays: Aylward, Haugaard, Randolph, and Soye

22 Excused: Howard

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

25 **SB 133:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents to
26 upgrade an education lab and purchase resources at Black Hills State University and to declare an
27 emergency.

28 Was read the second time.

29 The question being "Shall **SB 133** pass?"

30 And the roll being called:

31 Yeas 64, Nays 5, Excused 1, Absent 0

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

1 Nays: Aylward, Milstead, Overweg, Randolph, and Speaker Gosch

2 Excused: Howard

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

5 **SB 56**: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the South Dakota
6 Retirement System.

7 Was read the second time.

8 The question being "Shall **SB 56** pass?"

9 And the roll being called:

10 Yeas 68, Nays 0, Excused 2, Absent 0

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

18 Excused: Howard and Weis

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

21 **SB 152**: FOR AN ACT ENTITLED, An Act to provide for ticket-in, ticket-out video lottery.

22 Was read the second time.

23 The question being "Shall **SB 152** pass?"

24 And the roll being called:

25 Yeas 53, Nays 15, Excused 2, Absent 0

26 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
27 Davis, Dennert, Derby, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Healy, Hoffman,
28 Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, May,
29 Miskimins, Mortenson, Olson, Overweg, Perry, Kent Peterson, Pischke, Pourier, Reed, Rehfeldt,
30 Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Weisgram, Willadsen,
31 Wink, York, and Speaker Gosch

32 Nays: Deutsch, Gross, Hansen, Haugaard, Marty, Mills, Milstead, Mulally, Odenbach, Ernie
33 Otten, Sue Peterson, Randolph, Soye, Vasgaard, and Wiese

34 Excused: Howard and Weis

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

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

3 Was read the second time.

4 The question being "Shall **SB 203** pass?"

5 And the roll being called:

6 Yeas 67, Nays 1, Excused 2, Absent 0

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

14 Nays: Randolph

15 Excused: Howard and Weis

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

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

21 Was read the second time.

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

23 And the roll being called:

24 Yeas 65, Nays 3, Excused 2, Absent 0

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

32 Nays: Aylward, Marty, and Pischke

33 Excused: Howard and Weis

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

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

4 Was read the second time.

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

6 And the roll being called:

7 Yeas 62, Nays 5, Excused 3, Absent 0

8 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby,
9 Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Healy, Hoffman,
10 Jamison, Kevin Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister, Marty, May, Mills,
11 Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent
12 Peterson, Sue Peterson, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St.
13 John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, York, and
14 Speaker Gosch

15 Nays: Aylward, Dennert, Phil Jensen, Pischke, and Soye

16 Excused: Haugaard, Howard, and Weis

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

19 **SB 61:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical
20 Education to support the purchase of simulation equipment for a health sciences clinical simulation
21 center on the campus of Southeast Technical College and to declare an emergency.

22 Was read the second time.

23 The question being "Shall **SB 61** pass?"

24 And the roll being called:

25 Yeas 63, Nays 4, Excused 3, Absent 0

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

33 Nays: Aylward, Overweg, Pischke, and Soye

34 Excused: Haugaard, Howard, and Weis

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

1 **SB 132:** FOR AN ACT ENTITLED, An Act to make an appropriation for multi-media lab
2 equipment at Black Hills State University and to declare an emergency.

3 Was read the second time.

4 The question being "Shall **SB 132** pass?"

5 And the roll being called:

6 Yeas 63, Nays 2, Excused 5, Absent 0

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

14 Nays: Aylward and Milstead

15 Excused: Gross, Haugaard, Howard, Lesmeister, and Weis

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

18 Speaker Gosch now presiding.

19 **SB 107:** FOR AN ACT ENTITLED, An Act to provide for the remote witnessing of certain legal
20 instruments.

21 Was read the second time.

22 The question being "Shall **SB 107** pass?"

23 And the roll being called:

24 Yeas 58, Nays 9, Excused 3, Absent 0

25 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
26 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,
27 Hansen, Healy, Hoffman, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz, Koth, Ladner,
28 Lesmeister, Milstead, Miskimins, Mortenson, Olson, Ernie Otten, Overweg, Perry, Kent Peterson,
29 Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens,
30 Thomason, Tidemann, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

31 Nays: Karr, Marty, May, Mills, Mulally, Odenbach, Sue Peterson, Soye, and Vasgaard

32 Excused: Haugaard, Howard, and Weis

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

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

3 Was read the second time.

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

5 And the roll being called:

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

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

14 Excused: Haugaard, Howard, and Weis

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

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

19 Was read the second time.

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

21 And the roll being called:

22 Yeas 38, Nays 31, Excused 1, Absent 0

23 Yeas: Aylward, Bartels, Bordeaux, Chase, Cwach, Davis, Dennert, Derby, Deutsch, Drury,
24 Duba, Goodwin, Healy, Hoffman, Jamison, Phil Jensen, Chris Johnson, Keintz, Lesmeister, Marty,
25 Mortenson, Odenbach, Olson, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Rehfeldt,
26 Reimer, Schneider, Jamie Smith, Soye, St. John, Thomason, Tidemann, Weis, and Wink

27 Nays: Anderson, Barthel, Beal, Blare, Chaffee, Finck, Fitzgerald, Lana Greenfield, Gross,
28 Hansen, Haugaard, Kevin Jensen, Karr, Koth, Ladner, May, Mills, Milstead, Miskimins, Mulally, Ernie
29 Otten, Overweg, Randolph, Reed, Stevens, Vasgaard, Weisgram, Wiese, Willadsen, York, and
30 Speaker Gosch

31 Excused: Howard

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

34 Rep. Kent Peterson moved that the balance of the calendar including **SB 141, 142, and 143**
35 be deferred to Monday, March 7, 2022, the 34th legislative day.

36 Which motion prevailed.

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

3 **REPORTS OF STANDING COMMITTEES**

4 MR. SPEAKER:

5 The House Committee on Appropriations respectfully reports that it has had under
6 consideration **SB 175** and returns the same without recommendation.

7 Respectfully submitted,
8 Chris Karr, Chair

9 **MESSAGES FROM THE SENATE**

10 Mr. SPEAKER:

11 I have the honor to inform your honorable body that the Senate has failed to concur in House
12 amendments to **SB 104** and has appointed Senators Maher (Chair), Bolin, and Nesiba as a
13 committee of three on the part of the Senate to meet with a like committee on the part of the House
14 to adjust the differences between the two houses.

15 Respectfully,
16 Kay Johnson, Secretary

17 The Speaker announced Representatives Anderson (Chair), Marty, and Bordeaux as a
18 committee of three on the part of the House to meet with a like committee on the part of the Senate
19 to adjust the differences between the two houses on **SB 104**.

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

22 **REPORTS OF STANDING COMMITTEES**

23 MR. SPEAKER:

24 The House Committee on Appropriations respectfully reports that it has had under
25 consideration **SB 32** and returns the same without recommendation.

26 Respectfully submitted,
27 Chris Karr, Chair

28 MR. SPEAKER:

29 The House Committee on Appropriations respectfully reports that it has had under
30 consideration **SB 97** and returns the same without recommendation.

31 Respectfully submitted,
32 Chris Karr, Chair

1 MR. SPEAKER:

2 The House Committee on Appropriations respectfully reports that it has had under
3 consideration **SB 155** and returns the same without recommendation.

4 Respectfully submitted,
5 Chris Karr, Chair

6 **COMMEMORATIONS**

7 **HC 8013:** A LEGISLATIVE COMMEMORATION, Recognizing Our Savior Lutheran Church in
8 Aberdeen, for celebrating 75 years of service and dedication to the community.

9 Introduced by: **Representative** Dennert

10 **HC 8014:** A LEGISLATIVE COMMEMORATION, Honoring the life and service of Dr. Arthur W.
11 Zimiga.

12 Introduced by: **Representative** Pourier and **Senator** Foster

13 **HC 8015:** A LEGISLATIVE COMMEMORATION, Honoring the work of Ethleen Iron Cloud Two
14 Dogs.

15 Introduced by: **Representative** Pourier and **Senator** Foster

16 **HC 8016:** A LEGISLATIVE COMMEMORATION, Honoring the work of Beverly Warne.

17 Introduced by: **Representative** Pourier and **Senator** Foster

18 **HC 8017:** A LEGISLATIVE COMMEMORATION, Honoring the life and service of Vietnam veteran
19 Thomas Bad Heart Bull.

20 Introduced by: **Representative** Pourier.

21 **SIGNING OF BILLS**

22 The Speaker publicly read the title to

23 **HB 1031:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical
24 Education to construct an advanced manufacturing laboratory space and classrooms on the campus
25 of Lake Area Technical College and to declare an emergency.

26 **HB 1032:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Technical
27 Education to construct an agriculture and diesel power laboratory and multi-purpose space on the
28 campus of Mitchell Technical College and to declare an emergency.

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

31 **HB 1041:** FOR AN ACT ENTITLED, An Act to facilitate legislative oversight of settlement
32 agreements involving a state entity or official.

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

- 1 **HB 1102:** FOR AN ACT ENTITLED, An Act to reduce the exempt commercial policyholder
2 aggregate premium requirement.
- 3 **HB 1113:** FOR AN ACT ENTITLED, An Act to prohibit threats made with the intent to coerce
4 an abortion and to provide a penalty therefor.
- 5 **HB 1119:** FOR AN ACT ENTITLED, An Act to revise the general state aid formula to provide
6 adjustment for alternative education students participating in interscholastic activities.
- 7 **HB 1152:** FOR AN ACT ENTITLED, An Act to establish rights regarding the disposition of a
8 person's remains.
- 9 **HB 1162:** FOR AN ACT ENTITLED, An Act to define a loaded firearm.
- 10 **HB 1173:** FOR AN ACT ENTITLED, An Act to include a common paymaster as within the
11 meaning of employing unit.
- 12 **HB 1214:** FOR AN ACT ENTITLED, An Act to prohibit forms of caller identification manipulation
13 and to impose a penalty therefor.
- 14 **HB 1223:** FOR AN ACT ENTITLED, An Act to authorize the provision of informed consent by a
15 pregnant minor.
- 16 **HB 1268:** FOR AN ACT ENTITLED, An Act to revise provisions related to name changes when
17 obtaining a marriage license.
- 18 **HB 1271:** FOR AN ACT ENTITLED, An Act to provide for remote work for employees of money
19 lending licensees and mortgage lender businesses.
- 20 **HB 1272:** FOR AN ACT ENTITLED, An Act to revise provisions related to counseling for
21 domestic abuse defendants.
- 22 **HB 1273:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to
23 purchase certain real property in Chamberlain and to declare an emergency.
- 24 **HB 1277:** FOR AN ACT ENTITLED, An Act to make an appropriation to the State Conservation
25 Commission, transfer moneys thereto, and to declare an emergency.
- 26 **HB 1318:** FOR AN ACT ENTITLED, An Act to prohibit medical abortion by telemedicine and to
27 increase the penalty for the unlicensed practice of medicine when performing a medical abortion.
- 28 **SB 21:** FOR AN ACT ENTITLED, An Act to revise provisions related to the revocation of a
29 medical cannabis registry identification card.
- 30 **SB 22:** FOR AN ACT ENTITLED, An Act to revise a reference to the Division of Criminal
31 Investigation.
- 32 **SB 31:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Labor
33 and Regulation for the modernization of the reemployment assistance enterprise system and to
34 declare an emergency.
- 35 **SB 34:** FOR AN ACT ENTITLED, An Act to make an appropriation for the enhancement and
36 improvement of state radio infrastructure and to declare an emergency.
- 37 **SB 41:** FOR AN ACT ENTITLED, An Act to revise the appropriation for the construction of a
38 National Guard Readiness Center in Sioux Falls, for the purchase and exchange of property between
39 the state and the Sioux Falls Development Foundation, and to declare an emergency.

- 1 **SB 48:** FOR AN ACT ENTITLED, An Act to make an appropriation for the redesign and
2 renovation of the Wagner Readiness Center and to declare an emergency.
- 3 **SB 49:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to construct
4 a cold storage building located in Rapid City, South Dakota, to make an appropriation therefor, and
5 to declare an emergency.
- 6 **SB 50:** FOR AN ACT ENTITLED, An Act to make an appropriation for water, wastewater and
7 storm water projects throughout state government, and to declare an emergency.
- 8 **SB 51:** FOR AN ACT ENTITLED, An Act to make an appropriation to support firefighter training
9 equipment and recruitment efforts in the state, and to declare an emergency.
- 10 **SB 63:** FOR AN ACT ENTITLED, An Act to revise the appropriation for road improvements to
11 the State Veterans Cemetery, to provide for ordinary operations of the cemetery, and to declare an
12 emergency.
- 13 **SB 77:** FOR AN ACT ENTITLED, An Act to enhance the penalty on registered sex offenders who
14 commit sexual contact without consent from a person capable of consenting.
- 15 **SB 79:** FOR AN ACT ENTITLED, An Act to clarify cross-references regarding powers of attorney.
- 16 **SB 83:** FOR AN ACT ENTITLED, An Act to modify when a motion for expungement of an arrest
17 record may be made and to declare an emergency.
- 18 **SB 84:** FOR AN ACT ENTITLED, An Act to make an appropriation for the design, renovation,
19 and construction of a multi-purpose facility at the Cottonwood Field Station and to declare an
20 emergency.
- 21 **SB 86:** FOR AN ACT ENTITLED, An Act to revise certain definitions in laws regarding physical
22 therapists.
- 23 **SB 95:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the Teacher
24 Compensation Review Board.
- 25 **SB 98:** FOR AN ACT ENTITLED, An Act to add an exemption from the calculation of adjusted
26 gross proceeds from gaming.
- 27 **SB 108:** FOR AN ACT ENTITLED, An Act to repeal certain reporting requirements to the
28 Executive Board of the Legislative Research Council.
- 29 **SB 118:** FOR AN ACT ENTITLED, An Act to establish provisions related to the testing of medical
30 cannabis.
- 31 **SB 119:** FOR AN ACT ENTITLED, An Act to prohibit sexual contact between prison employees
32 and prisoners.
- 33 **SB 131:** FOR AN ACT ENTITLED, An Act to require the Board of Regents to provide an annual
34 presentation to the special committee.
- 35 **SB 136:** FOR AN ACT ENTITLED, An Act to revise and clarify certain processes for emergency
36 detainment related to drug and alcohol abuse.
- 37 **SB 147:** FOR AN ACT ENTITLED, An Act to authorize the construction and operation of a
38 nursing facility in Lyman County and to declare an emergency.
- 39 **SB 154:** FOR AN ACT ENTITLED, An Act to revise criteria for the South Dakota freedom
40 scholarship.

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

3 **SB 165:** FOR AN ACT ENTITLED, An Act to exempt gross receipts of certain coaches from
4 certain gross receipts taxes.

5 **SB 169:** FOR AN ACT ENTITLED, An Act to establish a means for certain Department of
6 Corrections inmates to earn credit against fines or costs ordered by the sentencing court.

7 **SB 187:** FOR AN ACT ENTITLED, An Act to require state agencies to provide certain information
8 for initiated measure or constitutional amendment fiscal notes.

9 **SB 188:** FOR AN ACT ENTITLED, An Act to allow for unlicensed businesses to store alcoholic
10 beverages.

11 **SB 195:** FOR AN ACT ENTITLED, An Act to establish the burden of proof after a claim of
12 immunity.

13 **SB 199:** FOR AN ACT ENTITLED, An Act to revise provisions related to a name change for
14 certain crime victims.

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

16 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 5:00 p.m.
17 the House adjourned.

18 Patricia Miller, Chief Clerk

