March 26, 2019

Dear Mr. Speaker Haugaard and Members of the House:

I respectfully return House Bill 1186 with the following recommendation as to STYLE and FORM. House Bill 1186 is An Act to repeal the termination of the juvenile detention cost-sharing fund.

The 2015 Juvenile Justice Public Safety Improvement Act created the juvenile justice detention cost-sharing fund to assist counties with increased costs due to increased juvenile detention expenses paid by counties. At that time, the Legislature added a sunset which would repeal the fund, and its related sections, on June 30, 2019, and any remaining moneys in the fund would be transferred to the general fund. During this legislative session, House Bill 1186 was amended to prevent this repeal. Throughout the legislative debate, it was understood that this bill would allow the fund to remain in place by repealing the sunset provision. This is how the bill was proposed and how it was explained throughout the legislative process, and General Appropriations Act for Fiscal Year 2020 that the Legislature passed left the funding in place to continue the cost-sharing fund.

As House Bill 1186 passed in its final form, however, it would not be enacted until July 1, 2019, after the fund is already repealed just a day prior. In order to carry out the intent of this bill in a manner that is consistent with the Legislature’s objective, I recommend the following Style and Form correction to the Enrolled version of House Bill 1186:

On Page 1, after Section 1, insert “Section 2. This Act is effective on June 28, 2019.”

This clarification will allow the juvenile justice detention cost-sharing fund, and its related sections codified at SDCL §§ 26-8D-21 through 24, to remain in law without an expiration date, as was intended by House Bill 1186. Because June 28, 2019 is ninety days from the final day of the legislative session, this effective date would not require an emergency clause.

I respectfully request you concur with my recommendation as to STYLE and FORM.

Kristi Noem
Governor