

**South Dakota Corrections Commission**  
**March 25, 2013**  
**Room 414, State Capitol**  
**Minutes**

Chairman Craig Tieszen called the meeting of the South Dakota Corrections Commission to order at 2:00 p.m., March 25, 2013, in room 414 of the Capitol.

The secretary called the roll. Present were: Senator Jim Bradford, Judge John Brown, Representative Lance Carson, Mr. Mark Anderson, Senator Craig Tieszen, and Senator Larry Lucas. Mr. David McGirr was present by telephone. Absent were Judge Robin Houwman and Mr. Timothy Bottum.

Others in attendance were Mr. Jim Seward, Governor's General Counsel; Deputy Secretary of Corrections Laurie Feiler; DOC Communications and Information Manager Michael Winder; DOC Policy and Compliance Manager Aaron Miller; and DOC Director of Juvenile Services Doug Herrmann. Mr. John Hult of the *Argus Leader* attended by telephone.

### **Review/Approval of Minutes**

Chairman Tieszen asked for a review of the minutes of the August 27, 2012, meeting. Senator Lucas moved approval of the minutes as written. Senator Bradford seconded the motion, which motion carried.

### **Election of Officers**

Aaron Miller explained that the Commission's by-laws require annual election of a Chairman and a Vice-Chairman. This is normally done at the first meeting of each year.

Chairman Tieszen opened the floor to nominations for Chairman. Senator Bradford nominated Senator Tieszen. Representative Carson seconded the motion. Judge Brown moved that the nominations cease and that Senator Tieszen be elected by unanimous vote. Senator Bradford seconded the motion, which motion carried.

The chair opened nominations for vice-chair. Mr. McGirr nominated Senator Bradford. Senator Lucas seconded the motion. Judge Brown moved that the nominations cease and that Senator Bradford be elected by unanimous vote. Mr. Anderson seconded the motion, which motion carried.

### **Annual Corrections Commission Report**

Aaron Miller explained that the Corrections Commission is required by statute to submit an annual report to the Legislature, Chief Justice, and Governor and reviewed the report submitted for 2012 (found at [http://doc.sd.gov/documents/CC2012AnnualReport%20\(2\).pdf](http://doc.sd.gov/documents/CC2012AnnualReport%20(2).pdf)). It describes the three times the Commission met, covers the Department of Corrections-related pieces of legislation passed in 2012, and details the main topics addressed and actions taken by the Commission throughout the year. It provides an overview of the Commission's visit to the Black Hills Community Transition Center in Rapid City, Deputy Secretary Feiler's briefing to the Commission on violence risk assessment, and the

commission's review of inmate recidivism and inmate population statistics, both male and female. The Commission also received an update on staff turnover at DOC by Secretary Kaemingk, reviewed the work release program, and had a briefing on the criminal justice initiative presented by Secretary Kaemingk and Governor's General Counsel Jim Seward. The report includes a summary of membership changes in 2012, including the resignation of Judge Riepel and the appointment of Judge Houwman.

Chairman Tieszen noted the Commission's actions were also reflected in the meeting minutes and asked if there were any comments. There were none.

## Summary of DOC-related Legislation

Michael Winder detailed the legislation affecting DOC passed during the 2013 legislative session:

### **[HB 1031](#) An Act to revise certain provisions regarding parole date calculation.**

Bill amends SDCL 24-15A-29 to specify that when a suspended sentence is imposed prior to an inmate's initial parole date on the incarceration period of their suspended sentence, the parole date calculated on the imposed term is a presumptive date instead of a discretionary date. The bill also deletes an obsolete reference to indeterminate sentences in SDCL 24-15A-32. The option of an indeterminate sentence was repealed in 2004.

### **[HB 1032](#) An Act to revise certain provisions regarding the money, clothing and transportation furnished inmates released from the Department of Corrections.**

Bill is designed to be more responsive to transportation and gate money needs of inmates releasing from prison. Currently, SDCL 24-5-3 provides that an inmate releasing from prison is provided with clothing, a sum of money known as gate money and transportation to the county they were sentenced from. But the statute doesn't allow for gate money or transportation for a subsequent release. The bill allows the department to determine on an individual basis if the transportation or gate money is necessary regardless of whether it is the inmate's first release or a subsequent release. It also allows that the transportation be to an equivalent distance from the county they were sentenced from, thus removing potential barriers to a successful reentry. We estimate this will cost an additional \$5,000 to \$15,000 per year in release costs. We feel this can be offset by slower or diminished returns to prison.

### **[SB 31](#) An Act to make an appropriation for the construction of a maintenance building and to authorize the razing of three buildings at the STAR Academy in Custer County.**

Bill appropriates \$215,000 in other funds to construct a new maintenance building at STAR Academy's west campus (boy's campus) and for the razing of barn, former minimum unit and a woodshed structure there. The new building would be 120' by 52' with 16' sidewalls. This will allow maintenance staff to have everything centrally located on the STAR campus. Questions arose during the legislative session about the possibility of having someone remove the barn for restoration. The Bureau of Administration has drafted a Surplus Property Sealed Bid Sheet and will advertise to the public the opportunity to bid on the barn with the expectation that it be dismantled or removed from the STAR Academy Campus.

### **Attorney General Bills**

### **[SB 36](#) An Act to protect the identity of the person or entity supplying the intravenous injection substance for executions and increase the penalty.**

Bill increases the penalty in SDCL 23A-27A-31.2 for disclosure of confidentiality of persons administering lethal injection from a Class 2 misdemeanor to a Class 1 misdemeanor. Bill also adds the term “entity supplying” the substance(s) to those requiring confidentiality.

**[SB 38](#) An Act to increase the penalty for sexual acts between correction facility employees and juvenile detainees.**

Bill amends SDCL 22-22-7.6 to clarify that sex between juvenile correction facility employees and detainees is a Class 6 felony if the victim is an adult and enhances the penalty to a Class 4 felony if the victim is a juvenile.

**[SB 39](#) An Act to establish a penalty for a juvenile convicted as an adult of a Class A or B felony and allow a sentence of up to life imprisonment after a sentencing hearing.**

Bill allows for a sentencing hearing for a juvenile convicted as an adult of a Class A or B felony to give the Court the discretion/option of giving a sentence that is less than life. This bill is in response to the 2012 U.S. Supreme Court ruling in Miller v. Alabama that prohibited automatic life-without-parole sentences for juvenile offenders convicted as an adult. The bill was amended during the legislative process and went to a conference committee, which Chairman Tieszen chaired. The conference committee amended the bill to allow for victims of Class A, B and C felonies to have the right to address the court about the impact of the crime. Judges will have the discretion of allowing the victim of any other felony or misdemeanor to provide victim impact testimony.

**Criminal Justice Initiative**

**[SB 70](#) An Act to improve public safety.**

Bill is the Criminal Justice Initiative package to create more drug courts, assistance for veteran’s charged with crimes, creation of the South Dakota HOPE program, tribal parolee monitoring, earned discharge from probation/parole, altered penalties for drug crimes, grand theft, and 3<sup>rd</sup> degree burglary, creation of aggravated DUI, create an oversight council to monitor the effectiveness of the CJI, require fiscal impact statement for bills and ballot measures that impact corrections and the courts and create a statewide automated victim and notification system.

**Governor’s Office**

**[HB 1116](#) An Act to revise the terms and expiration dates of appointees to certain boards and commissions.**

Bill revises SDCL 1-15-29 regarding membership of the Council of Juvenile Services so that the terms of members whose terms expire on June 30, 2013, and after are extended until October 30<sup>th</sup> of the year the term is to expire.

**Department of Agriculture**

**[SB 19](#) An Act to authorize the Department of Agriculture to construct a housing unit in Huron, to make an appropriation therefor, and to declare an emergency.**

Bill appropriates \$100,000 to build a housing unit in Huron for state prison inmates working on the grounds of the State Fair.

The DOC has provided inmate work crews to assist with operations at the State Fair for several years. Inmates from the Redfield Minimum Unit were utilized for years, but after we closed that unit in 2008, we started using inmates from Yankton to staff the fair. We’ve struggled to find suitable locations to house the inmate crews. This bill provides a stable housing option for the inmates and work environment for the DOC supervisory staff.

## **Budget Bill**

**[HB 1185](#) An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the expenses of state institutions, interest on the public debt, and for common schools.**

Bill is the general budget bill for state fiscal year 2014 which includes a total DOC budget of \$103,911,902 with 871.2 full-time equivalent positions.

## **Appointments**

The Senate confirmed the appointment of Thomas Simmons to the Board of Pardons and Paroles and the reappointment of Keith Bonenberger to the Board of Pardons and Paroles.

## **Commemorations**

House Commemoration 1009 honored Darren Hall upon his retirement from the South Dakota Highway Patrol. Darren is now the Unit Manager at the Rapid City Minimum Unit.

Chairman Tieszen noted the resignation of William Grode from the Board of Pardons and Paroles and the Governor's appointment of Mark Smith from Pierre to fill that position.

Senator Bradford asked if the barn building being declared surplus had a formal appraisal.

Doug Herrmann responded that he was unaware of a formal appraisal. DOC has been working with the Bureau of Administration to make sure the sale is handled properly and is announced to the public. Last year, architects found significant structural problems with the barn. The cost estimate to repair was approximately \$172,000. Even had the barn been repaired, it still would not have served the purpose needed at STAR.

Senator Bradford sponsored a bill which passed which allows tribal communities to access state surplus property in bid fashion. He thought if the structure were wood, someone might be interested. Doug Herrmann replied that a good portion of the structure is wood.

## **Adult Inmate Populations**

Laurie Feiler presented the adult inmate population presentation. The first slide detailed Actual Average Daily Population of Adult Inmates from FY 2001-2012, with projected numbers for FY 2013 and FY 2014. Between FY 2005 and 2006, the population jumped by 9 percent. It remained relatively flat from 2006-2011, and grew by 3 percent in FY 11 (the female population grew 7 percent). FY 2013 through February of this year continues to show a 3 percent growth rate driven by the males, as the female population is down 1 percent this fiscal year.

Mrs. Feiler then discussed the slides detailing the Male and Female Inmate Average Daily Count (ADC) by Month from February 2010 to February 2013. In FY 2012, the Male ADC grew from 3035 to 3212. The population has leveled off near that number in the last 6 months. Reasons for the leveling off may be that parole releases are about the same this fiscal year as in FY 2012, the number of discharges has increased, and parole violation admissions and new violations are down. The females have had steady growth of a percent or two per year. Last year it grew 7 percent, but so far this year, that is down 1

percent. For females, DOC is seeing parole releases up slightly and a nice dip in new commitments. There is no dip in parole violators.

A snapshot of the inmate population today shows 3599 inmates, of which 3189 are males and 410 are females. That number was projected to be at 3676. Females are at 410 and projected to be 435.

Slide 4 is a Chart of Average End of Month Count for Parole Services. Parole is growing at 2 percent a year, which tracks well with prison discharges. FY 2001 – 2012 are actual numbers and FY 2013 and 2014 are projected numbers.

Senator Lucas asked if any projections had been made based on the Criminal Justice Initiative. Mrs. Feiler indicated no projections have been done at this time.

Senator Bradford asked how the projected estimates are arrived at and if populations are higher in the summer.

Laurie Feiler indicated she had previously looked at month-by-month numbers, but would need to go back and review that data to respond. To arrive at estimates, DOC looks at the 5-year average annual growth rate, then at recent growth rates and what is going on with admissions and releases. There is no computer model; DOC looks at several indicators and makes estimates based on a number of factors and predictors.

Senator Bradford mentioned that in the female population, July 2011 is exactly the same as January 2013. He asked if that was normal or if there was normally more activity during certain times of the year.

Mrs. Feiler stated that anecdotally there may be peak times for population increases, for instance Christmas, but without looking at the analysis, she cannot respond to the question.

Senator Bradford noted that there had been a jump in the female population and asked if that has tapered off.

Mrs. Feiler indicated that the female population growth has tapered off. Last October, the female population was 439; February 2012, it was at 452, and last month it was 406.

## **Criminal Justice Initiative**

Mrs. Feiler indicated the Criminal Justice Initiative (CJI) slides originated in the Governor's Office and had been customized to show DOC's specific portions of the CJI.

The CJI has three goals: reduce recidivism, provide strategies for stronger supervision in the community, and reduce prison population.

In the community, the focus will be on supervision of the higher risk offenders, providing services in the community based on evidence-based practices, and moving lower risk offenders off supervision when they no longer need this and reducing supervision levels when appropriate, thus freeing parole agents to put more time and emphasis into working with the higher risk offenders in the community.

SB 70 affects laws, prisons, and courts, and is broad in scope. It requires that reforms be measured and evaluated. The efficiency and sustainability of SB 70 is enhanced by training in evidence-based practices.

One of the biggest impacts of SB 70 with the DOC will be the earned discharge credit provision of the bill. Unless on parole for such crimes as a sex offense, safety zone violation, or failure to register, parolees will be eligible to earn a month off their parole for each month of parole they complete successfully. If a parolee is successful on parole throughout September, they would receive 30 days off his sentence. If they are compliant for all of February, they will receive 28 days off their sentence. In South Dakota, offenders are often released to parole. Most offenders who violate do so quickly. Sixty percent of violations occur in the first year after release; eighty percent occur by the second year after release.

Offenders will be able to earn earned discharge credit right away. The department is gearing up for this change. The DOC implemented its new offender management system March 17, 2013, and is now working on the date calculation portion of the system to have it help track and calculate earned discharge credits.

Supervision will be improved by focusing on the moderate and high-risk parolee through case planning, and training trainers to teach EPICS and Core Correctional Practices. A system of graduated sanctions will be put in place for probation supervision. There is also \$30,000 dedicated to strengthening the risk and needs assessments used by parole agents and validating the community risk assessment and LSI-R. Good assessment tools are needed to frame appropriate strategies.

There is also funds for a Community Transition Program (CTP) housing pilot. People on CTP currently live in minimum custody facilities while they line up housing and work. DOC is looking to find a place outside an institutional facility to purchase some contractual beds. Evidence-based practices indicate offenders may have greater success when housed in a setting outside the institution.

Senator Lucas asked if DOC would be helping parolees find jobs.

Laurie Feiler said DOC typically does good case planning. Some parolees are capable of finding work on their own or through the Department of Labor. DOC will engage in assisting the tougher cases.

Senator Lucas said if parolees are in the community and are fired from their jobs, the problem needs to be addressed with sanctions.

Laurie Feiler addressed the supervision and reinvestment policies of the bill. There will be two HOPE probation pilot programs. Existing drug courts and DUI courts will be enhanced and expanded, and there will be a tribal community supervision pilot program. This is funded at \$250,000 and will run from 2-3 years. The money will help provide staffing and fund operating costs. DOC wants to develop a joint supervision model which will involve someone on the reservation working with parolees and the parole agent assigned to the offender. DOC has had parolees on reservation land for years, and this can portion of SB 70 will help strengthen our impact on the offender and help provide them with the tools to be successful.

Laurie Feiler indicated the DOC will be holding preliminary meetings with the tribes and working with Tribal Relations Secretary J. R. LaPlante to map out the best way to get the word out what tribes are interested and what needs to be in place to make it work.

Senator Bradford noted he was aware of a reservation where probation is already working in a handshake fashion with the state and they might be interested in the pilot.

Laurie Feiler stated another piece of SB 70 will be providing evidence-based substance abuse treatment services and cognitive behavioral therapy in the community. The Department of Social Services received funds to increase chemical dependency treatment slots in rural communities. Providers will be trained in Evidence-based Practices for recidivism reduction. Typical chemical dependency treatment historically does will not work well for offenders unless the criminality aspect is also addressed. This will be accomplished by contracting with providers rather than adding FTEs.

The statutory review policies of the CJJ will provide a tiered system for substance abuse. Possession of a Controlled Substance will move from a Class 4 to a Class 5 or 6 felony, depending on the schedule. Possession by ingestion will be removed from the Misprision of a Felony statute so parole agents are no longer required to report a dirty urinalysis to law enforcement. Reporting will be optional instead of mandatory. If the offender suffers a substance abuse relapse, this can be addressed with 24-7 or treatment, but it will not necessarily cause a new felony charge to be filed.

Classification for Grand Theft will be lowered from a Class 4 to a Class 5 or 6 felony, depending on the property dollar amount of the theft. Judges will also have new sentencing options for DUI offenders. The new law allows up to 365 days in jail as a condition of probation for DUI 5<sup>th</sup>, and the law requires 5 or 10 years supervision for chronic DUI offenders. Burglary 3<sup>rd</sup> has been moved to a Class 5 felony.

Judge Brown asked if a parolee on supervision under the chronic provision could still earn the earned discharge credit. Laurie Feiler indicated that earned discharge credits can be applied to those sentences.

Senator Lucas inquired about the look back period for DUIs.

Jim Seward responded to the question. The law remains as it is today, allowing judges to consider the last 10 years and an additional 5 in the last 25 years to add additional supervision time if the records are available.

Senator Lucas noted that while most of the changes reduced Class 4 felonies to Class 5 or 6, the law also increased penalties for more serious drug offenses.

Mrs. Feiler discussed the presumptive probation aspect of the new law for most Class 5 and 6 felonies. There are exceptions for violent offenses, sex offender violations, and risks to public safety. Judges will have the ability to impose 180-day jail or prison time sanctions for suspended execution or suspended imposition of sentences in 60-day increments. For example, a probationer who relapses can be sent to either the county jail or state prison for up to 60 days to get the offender back on track. If the offender relapses again, they can be sent back for another 60, with a cumulative total of 180 days. Judge Brown noted that in cases of DUI 5<sup>th</sup>, that option is increased to 365 days. Whether it is in increments is not specific.

SB 70 provides for a 13-member oversight council which will meet semi-annually to review and monitor implementation of the CJJ provisions. This will be staffed by UJS and will be comprised of four legislators, four members appointed by the Governor, four members appointed by the Chief Justice, and one member appointed by the Attorney General. The appointments are pending and will be made after July 1 when the law becomes effective and data collection process begins.

The CJJ law also requires fiscal notes be placed on all bills and ballot initiatives that could impact the state's prison population. For instance, before a Class 5 felony is changed to a Class 4 felony, a cost estimate would be required to show any projected increase in terms of prison bed use, how much time the offender would spend in prison, etc.

The law also provides for Parole Board and judicial training. Each new parole board member is required to receive training on risk assessment and evidence-based practices within 60 days of appointment and all members will receive training annually. The judiciary will also receive training. In addition, probation and parole officers will receive training on criminal risk factors and targets to reduce recidivism.

A statewide victim notification system will be created and administered in the Attorney General's Office. This provision goes into effect in July 2014, and DOC will interface its victim information with the Attorney General's.

Restitution collection will be improved with a joint DOC-UJS collection approach called the Administrative Financial Accountability (AFA) system effective January 2014. A parolee can be discharged with court-ordered obligations. The financial obligations will be transferred to the AFA for collection and the released offenders would then be subject to contempt of court proceedings if they fail to pay.

A \$1,000,000 reinvestment fund will be created in July 2014 for local jurisdictions. When offenders remain in the community instead of going to prison, counties will incur jail, monitoring, and transportation expenses. Counties with jails will receive \$1000 for each additional probationer and counties without jails will receive the \$1000 and an additional \$200 to cover transportation costs. The first payments will be made in October 2014 based on the FY 2014 end-of-year counts.

For some of the law's provisions, DOC has rulemaking responsibilities through the Administrative Rules process, so the public will have an opportunity to review the procedures/rules.

Mr. Anderson asked what rules govern inmates from other counties placed to Minnehaha County for work release. Mrs. Feiler indicated a prison inmate in a county jail is subject to the state's rules, but they must also adhere to certain facility-specific rules. The state sets things such as major rule violations requiring notification of the case manager while Minnehaha County might have rules about where clothing is stored, meal times, etc.

A question was asked about the staff trainers. Laurie Feiler indicated that DOC will train all parole agents in EPICs and then take the best five or six and train them to train new employees as they come on board.

Senator Bradford stated that in the whole process, we will lower the number of offenders parole agents supervise, and he asked if new agents will be hired. Mrs. Feiler said there was authorization for three



new parole agents, and that the DOC case loads are expected to drop with earned discharge credits. Eventually, based on PEW estimates, DOC expects a 38% reduction in people on parole.

Senator Bradford asked if the new job positions would be advertised publicly. Mrs. Feiler indicated that the positions would be advertised through the Bureau of Human Resources and the Department of Labor systems.

Jim Seward noted that the Criminal Justice Initiative has created a lot of extra work for DOC and he commends the DOC and UJS for the work they have done. As soon as the law was passed, DOC and UJS had an implementation meeting. They are working around the clock to make sure all the legislative intents are honored. It will be a very detailed process to make sure the necessary rules are drafted. There are about 24 policy areas affected and half of these will need performance measures and outcomes drafted. In all other states after the passage of a similar bills, PEW terminated their involvement with the state. In SD's case, PEW has agree to stay on and assist SD in developing the performance measures until they begin their next round of state studies. Mr. Seward commended UJS, DOC, and DSS and they move forward with SB 70 and devising programming to treat offenders in the rural parts of the state.

Senator Tieszen noted that the CJII is a fundamental policy change, and he could not recall a single time when DOC or DSS rejected concepts, fought against implementation, or indicated it would be too much work. He commended them for taking on these new responsibilities. The law will have serious implications on how they do their work.

## **West Farm Contract**

Doug Herrmann thanked the Commission for the opportunity to brief the new contract. West Farm is located 3 miles west of Ellis or 5 or 6 miles from Sioux Falls. It began as a prison farm decades ago. In 1996, it was closed as an adult facility. In 1998, it reopened as a juvenile facility. After a few years, it became provider-operated until DOC closed it in 2012. It served a specific population of 14-17 year-old youths. Over time, the numbers weren't there for the younger age group. Also, in the past South Dakota has had youths served in out-of-state facilities. It became DOC's goal to bring those youth back to South Dakota and provide services here if we could target the right population and provide them with appropriate services. The previous provider wanted to consolidate the West Farm youths into other group care facilities it operated in Sioux Falls, so DOC decided to close the West Farm facility and find a way to provide transitional beds for 16-19 year olds adolescents who are transitioning back to the community. As DOC was closing West Farm, it developed an RFP hoping to get proposals to serve the target population that the program would focus on transitional services. DOC followed an RFP process that did not specify whether the West Farm campus would be used only that the services would be supplied in the vicinity of Sioux Falls, SD. DOC notified all in-state providers and a number of out-of-state providers. The department worked with the Bureau of Administration to develop the RFP requirements. The RFP was awarded to Sequel Youth and Family Services. DOC negotiated rates specific to the residential side. Sequel must be licensed by the Department of Social Services. DOC has been working with DSS to coordinate payment for educational services through the local school district. By statute, it is the school district's responsibility where the facility is located to provide on-site education services.

Sequel Youth Services provides a variety of residential and community-based services across the country, and DOC has contracted with two of their programs in Iowa, so Mr. Herrmann has experience working with them. This program will fit with DOC's emphasis on identifying community-based services for offenders. Sequel has applied to DSS for the required license as group care provider, with the goal being to obtain the license before June 1, the initial youth placement goal date. Mr. Herrmann has continued to keep West Central School District informed throughout the RFP process.

While the West Farm facility was vacant, improvements were made to the facility and grounds including drainage work around the buildings, roofing, and tuck-pointing. Finally, this partnership will provide a community-based facility for youths transitioning back to the community from chemical dependence and sex offender treatment. Out-patient services will also be in place for these youths.

Representative Carlson asked if there were a minimum number of clients DOC pledged to provide. Mr. Herrmann noted that the program will be licensed for 32 beds, and the expectation is that it will run at 90 percent capacity. They are not guaranteed a minimum number.

Senator Tieszen asked if both DOC and DSS would make referrals to this program. Only DOC will do so.

### **Next Meeting Date and Location**

Chairman Tieszen noted that in the coming year, the Commission wants to meet in Rapid City to visit the Juvenile Community Corrections offices as well as both campuses at STAR Academy in Custer. That is tentatively scheduled for September 23 and 24. The chairman asked if DOC could provide transportation for the Commission to Custer from Rapid City. DOC will arrange two-night stays at a hotel for commission members.

The other possibility for a meeting would be in Pierre in conjunction with a SDWP tour over the summer or after September to fulfill the minimum meeting requirements. The legislators' summer schedule is evolving, and dates for summer studies and executive board meetings have yet to be set. The Commission will keep the Pierre meeting date fluid to coincide with those.

### **Other Business**

Senator Bradford asked what the current situation is with the Native American tobacco use situation.

Jim Seward stated that the case was at the federal district court in South Dakota, and the judge ruled that the Department of Corrections needed to undergo a process to allow the use of tobacco. The State has appealed and is still waiting to hear if the court will grant a stay or order pending appeal. If it does not, the appropriate folks will have to be trained and DOC will have to allow tobacco. The state is waiting to hear on the stay and on the appeal.

Senator Lucas moved that the meeting be adjourned. Mr. Anderson seconded the motion, which motion carried and the meeting adjourned at 3:46 p.m.