

# *JOURNAL OF THE HOUSE*

## *NINETY-FIFTH SESSION*

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FIFTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 06, 2020

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

The prayer was offered by the Chaplain, Rev. Lizette Hunt, followed by the Pledge of Allegiance led by House page Hadley Stiefvater.

Roll Call: All members present except Reps. Deutsch, Glanzer, and Pourier who were excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

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

In the House Journal of the thirteenth day, the following correction should be made:

On page 110, line 28, delete "." and insert ", and the Speaker waived committee referral on **HR 7002.**"

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,  
Steven G. Haugaard, Chair

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**REPORTS OF STANDING COMMITTEES**

2 Mr. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and  
4 Enrolling has carefully compared **HB 1015, 1017, 1018, and 1030** and finds the same correctly  
5 enrolled.

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Respectfully submitted,  
Steven G. Haugaard, Chair

8 Also MR. SPEAKER:

9 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
10 under consideration **HB 1008** and returns the same with the recommendation that said bill be  
11 amended as follows:

12

1008B

13 On page 1, line 1, of the Introduced bill, delete " and" and insert a comma

14 On page 1, line 1, after "production" insert ", and transportation"

15 On page 1, line 1, after "hemp " delete "and derivative products "

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

17 **"Section 1.** That a NEW SECTION be added:

18 38-35-1. Definitions.

19 Terms used in this chapter mean:

20 (1) "Department," the Department of Agriculture;

21 (2) "Hemp" or "industrial hemp," the plant Cannabis sativa L. and any part of that plant,  
22 including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and  
23 salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not  
24 more than three-tenths of one percent on a dry weight basis;

25 (3) "Key participant," a sole proprietor, a partner in a partnership, or a person with executive  
26 managerial control in a corporation or limited liability company;

27 (4) "Industrial hemp product," a finished manufactured product, or consumer product  
28 containing cannabidiol that is packaged for individual sale, with a delta-9 tetrahydrocannabinol  
29 concentration of not more than three-tenths of one percent, derived from or made by processing  
30 industrial hemp;

31 (5) "Lot," a contiguous area in a field containing the same variety or strain of hemp throughout  
32 the area;

33 (6) "Process" or "processing," to convert or converting industrial hemp into industrial hemp  
34 product;

35 (7) "Processor," a person who processes industrial hemp;

1 (8) "Produce" or "producing," to grow or growing hemp plants in the field for processing;

2 (9) "Secretary," the secretary of the Department of Agriculture; and

3 (10) "Transporter," any person transporting, hauling, or delivering hemp, but not industrial  
4 hemp product or sterilized seeds that are incapable of beginning germination.

5 **Section 2.** That a NEW SECTION be added:

6 38-35-2. Purchasing, receiving, or obtaining industrial hemp--License required--Penalty.

7 No person may purchase, receive, or obtain industrial hemp, other than industrial hemp  
8 product, for planting, storing, propagating, producing, or processing unless the person has a license  
9 as provided by this chapter or is working under contract with or under the direction of a licensee.  
10 The licensee is responsible, either civilly or criminally, for any person working under contract with  
11 or under the direction of a licensee for all sections of this chapter.

12 It shall be a Class 2 misdemeanor to purchase, receive, or obtain industrial hemp, other than  
13 industrial hemp product, for planting, storing, propagating, producing, or processing without a  
14 license. No unlicensed person is subject to criminal penalties for possession or distribution of hemp  
15 seed.

16 A person, whether or not licensed, who possesses or distributes a product determined to meet  
17 the definition of marijuana is subject to prosecution and penalties for possession or distribution of  
18 marijuana under chapter 22-42.

19 **Section 3.** That a NEW SECTION be added:

20 38-35-3. Application for grower license.

21 After the department receives approval by the United States Secretary of Agriculture for the  
22 state plan submitted pursuant to § 38-35-15, any person seeking to purchase, receive, or obtain  
23 industrial hemp, other than industrial hemp product, for planting, storing, propagating, or producing  
24 shall apply to the secretary for a grower license on an application form prescribed by the department  
25 and submit a nonrefundable annual application fee. The department shall establish a sixty-day  
26 period in which an application must be received. The secretary shall deposit fees collected under  
27 this chapter in the hemp regulatory program fund.

28 No application for licensure to plant, grow, or produce industrial hemp may be for less than  
29 five contiguous outdoor acres.

30 **Section 4.** That a NEW SECTION be added:

31 38-35-4. Application for processor license--Fee--Location notice.

32 After the department receives approval by the United States Secretary of Agriculture for the  
33 state plan submitted pursuant to § 38-35-15, any person seeking to purchase, receive, or obtain  
34 industrial hemp, other than industrial hemp product, for processing shall apply to the secretary for  
35 a processor license on an application form prescribed by the department and submit a nonrefundable  
36 annual application fee. The applicant may submit an application form for a processor license at any  
37 time. The secretary shall deposit fees collected under this chapter in the hemp regulatory program  
38 fund.

39 The applicant shall provide to the department the street address, legal description, and global  
40 positioning system coordinates for any location where hemp will be processed under the processor's  
41 license and certify that any location where hemp is to be processed is under the control of the  
42 applicant. A processor licensee shall provide notice of any change in ownership or location to the  
43 department within two days of a change. A change of ownership or location automatically invalidates  
44 the license, and a new license must be obtained.

1 **Section 5.** That a NEW SECTION be added:

2 38-35-5. Criminal background check--Denial of license for conviction--Licensure exemption.

3 Each applicant for any license under this chapter, key participant, and landowner, if the  
4 applicant is the lessee, shall submit to a state and federal criminal background investigation by  
5 means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of  
6 Investigation. Upon application for a license, the department shall submit the completed fingerprint  
7 cards to the division. Upon completion of the criminal background check, the division shall forward  
8 to the department all information obtained as a result of the criminal background check. This  
9 information shall be obtained prior to licensure of the applicant. All costs or fees associated with the  
10 criminal background checks are the responsibility of the applicant. Information provided to the  
11 department under this section is confidential, is not public record, and is exempt from the provisions  
12 of chapter 1-27. However, the department may share this information with law enforcement and  
13 the Department of Public Safety. Failure to submit to or cooperate with a criminal background check  
14 is grounds for denial or revocation of a license. The secretary may deny licensure if any applicant,  
15 key participant, or landowner has been convicted of a misdemeanor or felony relating to a controlled  
16 substance or marijuana under state or federal law within the previous ten years. Licensure under  
17 this chapter is not required for employees of the state of South Dakota when performing official  
18 duties.

19 **Section 6.** That a NEW SECTION be added:

20 38-35-6. Hemp regulatory program fund--Purpose--Expenditures.

21 There is hereby created within the state treasury the hemp regulatory program fund, into which  
22 all application fees, license fees, inspection fees, and other fees or revenue paid to the state from  
23 the operation of the hemp regulatory program shall be deposited. All moneys in the fund created in  
24 this section shall be used for the purpose of administering the hemp regulatory program. Interest  
25 earned on money in the fund shall be deposited into the fund. Expenditures from the fund shall be  
26 appropriated through the normal budget process.

27 **Section 7.** That a NEW SECTION be added:

28 38-35-7. License issuance--Denial, revocation, or suspension--Contested case.

29 If the applicant has completed the application to the satisfaction of the secretary, paid the  
30 application fee, returned a criminal background check compliant with § 38-35-5, and is eligible for  
31 a license under this chapter, the secretary shall issue the license upon receipt of an annual license  
32 fee and upon the licensee's agreement and affirmation that as a continuing condition of licensure,  
33 the department shall have unlimited access to all lots or licensed locations processing hemp without  
34 prior notice to the licensee or the need to obtain a search warrant or court order for access to  
35 enforce the provisions of this chapter.

36 A grower license issued under this chapter is valid for fifteen months from the date of issuance.  
37 A processor license issued under this chapter expires on December thirty-first in the calendar year  
38 for which it was issued.

39 The department may deny, revoke, or suspend a license of any person who:

40 (1) Violates any provision of this chapter or administrative rule promulgated under the  
41 authority of this chapter;

42 (2) Violates any rule set forth by the United States Department of Agriculture regarding  
43 industrial hemp;

44 (3) Provides false or misleading information in connection with any application required by this  
45 chapter;

1 (4) Has been convicted of a misdemeanor or felony relating to a controlled substance or  
2 marijuana under state or federal law within the previous ten years; or

3 (5) Has been charged with or convicted of a misdemeanor or felony relating to a controlled  
4 substance or marijuana under state or federal law since the most recent criminal background check.

5 Any person whose license is denied, revoked, or suspended under this section may request a  
6 hearing pursuant to chapter 1-26.

7 **Section 8.** That a NEW SECTION be added:

8 38-35-8. Planting--Documentation to be filed--Contents.

9 Within thirty days of planting, each grower licensee under this chapter shall file with the  
10 department documentation as required by the secretary in order to identify the type and variety of  
11 each hemp seed planted with its corresponding lot. Any documentation provided under this section  
12 is not an open record pursuant to chapter 1-27 and may not be disclosed except to the Department  
13 of Public Safety or law enforcement. The department may make publicly available a list of all types  
14 and varieties of planted hemp seed submitted to the department.

15 **Section 9.** That a NEW SECTION be added:

16 38-35-9. Entrance by department--Consent--Fee--Inspection, confiscation, and disposal--  
17 Costs--Liability for destruction--Records.

18 The secretary shall contract with the Department of Public Safety to conduct inspections and  
19 sampling of each lot and any processor location. The department and the Department of Public  
20 Safety may enter on any land or other property where hemp is grown, produced, stored, or  
21 processed for the purpose of inspections, sample collection, testing, or investigation while enforcing  
22 this chapter. Any person who holds a license under this chapter is deemed to have given consent to  
23 the reasonable search and seizure of any hemp without a warrant to determine the lawful amount  
24 of delta-9 tetrahydrocannabinol concentration and for enforcement of the provisions of this chapter.

25 The secretary shall assess a grower inspection fee per lot for grower licensees and shall assess  
26 a processor inspection fee per location for processor licensees.

27 Any substance found to be in violation of this chapter is subject to confiscation and disposal at  
28 the direction of the Department of Public Safety. Any costs arising from the destruction, confiscation,  
29 or disposal are the responsibility of the grower, producer, processor, or owner of the substance. The  
30 state is not liable for any confiscation, seizure, disposal, or destruction of any substance carried out  
31 under this chapter. Any testing, inspection, and investigation results shall be provided to the  
32 licensee. Notice of any violation shall be provided to the licensee in writing. Inspection and  
33 investigation records are not open records pursuant to chapter 1-27.

34 **Section 10.** That a NEW SECTION be added:

35 38-35-10. Inspection timing and procedure--Disclose information.

36 Every lot of a grower licensee shall be inspected and samples collected no more than fifteen  
37 days before the hemp is harvested. The grower licensee shall contact the Department of Public  
38 Safety prior to harvest in order to ensure a reasonable amount of time to schedule an inspection.  
39 The grower licensee shall be present during the inspection. No harvested lot of hemp shall be  
40 commingled with another harvested lot of hemp or other material except with documented prior  
41 written permission by the department or the United States Department of Agriculture. No hemp may  
42 leave the dominion of control of the grower licensee until the grower licensee receives a laboratory  
43 result from the department that confirms each lot complies with 7 U.S.C. Chapter 38, Subchapter  
44 VII, as provided in 7 C.F.R 990.70(d) and 990.71(d) in effect as of January 1, 2020.

45 Any location of the processor licensee may be subject to random inspection. The processor  
46 licensee shall be present during the inspection.

1 **Section 11.** That a NEW SECTION be added:

2 38-35-11. Promulgation of rules--Fees.

3 The department shall promulgate rules, pursuant to chapter 1-26, to:

4 (1) Establish application, application form, licensure, and renewal procedures;

5 (2) Establish requirements to prevent the spread of hemp and hemp seeds from licensed land  
6 areas and provide for the assessment of costs for the remediation thereof;

7 (3) Establish criteria and procedures for denial, revocation, or suspension of a license under  
8 this chapter;

9 (4) Make any modification or addition to the hemp regulatory program in order to comply with  
10 any federal statutes or any rules and regulations regarding hemp enacted or implemented by the  
11 United States Department of Agriculture;

12 (5) Establish a nonrefundable annual license application fee not to exceed fifty dollars, an  
13 annual grower license fee not to exceed five hundred dollars, and an annual processor license fee  
14 not to exceed two thousand dollars;

15 (6) Establish procedures for the collection of planting and harvest data for each lot;

16 (7) Establish labeling requirements for hemp; and

17 (8) Establish rules for corrective action for negligent and culpable violations of this chapter.

18 **Section 12.** That a NEW SECTION be added:

19 38-35-12. Department of Health--Promulgation of rules.

20 The Department of Health shall promulgate rules, pursuant to chapter 1-26, to:

21 (1) Make any modification or addition to the hemp regulatory program in order to comply with  
22 any federal statutes or any rules and regulations regarding hemp enacted or implemented by the  
23 United States Department of Agriculture; and

24 (2) Establish testing procedures to determine the lawful amount of delta-9  
25 tetrahydrocannabinol concentration in hemp and certifying results.

26 **Section 13.** That a NEW SECTION be added:

27 38-35-13. Department of Public Safety--Promulgation of rules.

28 The Department of Public Safety shall promulgate rules, pursuant to chapter 1-26, to:

29 (1) Make any modification or addition to the hemp regulatory program in order to comply with  
30 any federal statutes or any rules and regulations regarding hemp enacted or implemented by the  
31 United States Department of Agriculture;

32 (2) Establish inspection procedures and requirements, a grower inspection fee per lot not to  
33 exceed two hundred fifty dollars, and a processor inspection fee per any processor location not to  
34 exceed five hundred dollars;

35 (3) Establish transportation and permit requirements including assessment of a permit fee not  
36 to exceed twenty-five dollars;

1 (4) Establish sampling and testing procedures to determine the lawful amount of delta-9  
2 tetrahydrocannabinol concentration in hemp; and

3 (5) Establish rules for corrective action for negligent and culpable violations of this chapter.

4 **Section 14.** That a NEW SECTION be added:

5 38-35-14. Testing samples--Exceeding concentration--Destruction of lot.

6 All testing shall be conducted by a laboratory approved by the Drug Enforcement  
7 Administration. If a test reveals a delta-9 tetrahydrocannabinol concentration of more than three-  
8 tenths of one percent but not more than five-tenths of one percent, the licensee may request a  
9 retest at the licensee's expense. If, upon the retesting, the delta-9 tetrahydrocannabinol  
10 concentration exceeds three-tenths of one percent, the entire lot from which the noncompliant  
11 sample was collected shall be destroyed as provided by § 38-35-9.

12 **Section 15.** That a NEW SECTION be added:

13 38-35-15. State hemp production plan--Submission to United States Department of  
14 Agriculture--Establishment of program.

15 The department shall work with the attorney general to develop a state hemp production plan  
16 and submit the plan to the United States Department of Agriculture for approval of a program to  
17 license the growth, production, storage, processing, and transportation of industrial hemp in South  
18 Dakota. The department shall establish a program once approval is received by the United States  
19 Department of Agriculture.

20 **Section 16.** That a NEW SECTION be added:

21 38-35-16. Transportation--Consent to search and seizure--Inspection by law enforcement--  
22 Penalty.

23 Any transporter is deemed to have given consent to the reasonable search and seizure by law  
24 enforcement of any hemp without a warrant to determine the lawful amount of delta-9  
25 tetrahydrocannabinol concentration. Any law enforcement officer may require any transporter to  
26 stop for the purposes of inspection. During a stop, a law enforcement officer may collect a sample  
27 of any hemp for the purpose of testing for any concentration of delta-9 tetrahydrocannabinol that  
28 exceeds three-tenths of one percent on a dry weight basis. Each sample collected by law  
29 enforcement may not exceed eight ounces.

30 It is a Class 2 misdemeanor to transport industrial hemp, but not industrial hemp product,  
31 without appropriate documentation demonstrating compliance with an industrial hemp program of  
32 a federal, state, or tribal authority, in addition to any permit or documentation required by § 38-35-  
33 17.

34 **Section 17.** That a NEW SECTION be added:

35 38-35-17. Transportation permit requirements--Two types of transportation permits--  
36 Required documentsion.

37 An industrial hemp transportation permit is required for any transporter traveling within or  
38 through the state. No person shall transport hemp in this state concurrently with any other plant  
39 material that is not hemp. During transportation, a transporter shall have the permit in the  
40 transporter's physical possession. The Department of Public Safety shall assess an industrial hemp  
41 transportation permit fee and the fee shall be deposited in the state highway fund. A transporter  
42 shall apply for an industrial hemp transportation permit on a form provided by the Department of  
43 Public Safety. The Department of Public Safety shall make available two types of an industrial hemp  
44 transportation permit.

1 Grower licensees pursuant to § 38-35-3 may apply for the grower licensee transportation  
2 permit that shall be exclusively for the transportation of the grower licensee's industrial hemp from  
3 the land as described in the licensee's application to the storage location as described in the  
4 licensee's application. The grower licensee shall exercise dominion of control over the means of  
5 transportation and the storage location at all times. The grower licensee transportation permit is  
6 valid for the length of the grower license. During transportation pursuant to the grower licensee  
7 transportation permit, the transporter may only be the grower licensee, a key participant, or a  
8 person working under contract with or under the direction of the grower licensee. The transporter  
9 shall have in the transporter's physical possession a copy of the grower license under which the  
10 industrial hemp was grown or produced and a manifest that includes the following information about  
11 the industrial hemp being transported: the specific name and address of the transporter, the specific  
12 lot from which the hemp was harvested, the destination storage location for the hemp, and the type  
13 of vehicle being used.

14 All other transporters shall obtain the general hemp transportation permit. During  
15 transportation pursuant to the general hemp transportation permit, the transporter shall have in the  
16 transporter's physical possession the following documentation:

17 (1) A copy of the license under which the industrial hemp was grown or produced;

18 (2) A laboratory report produced by a Drug Enforcement Administration-registered laboratory  
19 that confirms the lot of origin of all hemp being transported complies with 7 U.S.C. Chapter 38,  
20 Subchapter VII, as provided in 7 C.F.R 990.70(d) and 990.71(d) in effect as of January 1, 2020;

21 (3) A signed affirmation from the licensee and the transporter that no illicit drugs or variations  
22 of hemp not explicitly authorized by 7 U.S.C. Chapter 38, Subchapter VII will be transported; and

23 (4) A bill of lading or manifest that includes the shipment contents, the specific name and  
24 address of the transporter, the specific name and address of the origin and lot of origin, the  
25 destination of the shipment, the total weight of the load, and the type of vehicle being used.

26 A transporter, applying for either type of permit, shall submit a permit form to the Department  
27 of Public Safety at least five business days before the trip. A transporter who falsifies any information  
28 contained on a permit form submitted to the Department of Public Safety shall be reported to the  
29 hemp program under which the industrial hemp being transported was grown, in addition to any  
30 other sanction or criminal charge allowed under this chapter or title 22. Failure to physically possess  
31 an appropriate permit and all proper documentation is probable cause to believe that the substance  
32 being transported is subject to the provisions of § 38-35-9 and is probable cause to believe that the  
33 transporter is subject to the provisions of chapter 22-42. No political subdivision, agency, law  
34 enforcement officer, or the state is liable for the seizure, spoilage, or destruction of any hemp  
35 shipment that does not meet the requirements of this chapter, regardless of whether the shipment  
36 is later established to be industrial hemp.

37 **Section 18.** That a NEW SECTION be added:

38 38-35-18. Rules of United States Department of Agriculture.

39 Each applicant, licensee, key participant, and transporter of industrial hemp, other than  
40 industrial hemp product, shall abide by any rules set forth by the United States Department of  
41 Agriculture.

42 **Section 19.** That a NEW SECTION be added:

43 38-35-19. Reporting to attorney general.

44 The attorney general shall annually collect and compile information, statistical and otherwise,  
45 which will, as far as practicable, present an accurate survey and may be useful in the study of the  
46 effect legalizing industrial hemp has had on controlled substance and marijuana prosecutions in this  
47 state, including the extent and character of alleged crimes not prosecuted or dismissed, the  
48 operations of police in drug investigations, the charging discretion of prosecuting attorneys, and the



1 administration of criminal justice due to the legalization of industrial hemp. All information collected  
2 under this section shall be reported annually to the Governor and Legislature by December first each  
3 year.

4 **Section 20.** That a NEW SECTION be added:

5 38-35-20. Coordination with other government entities.

6 The department, Department of Health, and Department of Public Safety may provide to  
7 another state, local, tribal, or federal government entity, any specific licensee or permittee  
8 information as may be necessary to verify the legality or compliance of any licensee or permittee  
9 under this chapter. Application for, and receipt of, a license or permit under this chapter serves as  
10 the applicant's consent to provide information without prior notice or disclosure to the applicant that  
11 the information will be or has been shared.

12 **Section 21.** That a NEW SECTION be added:

13 38-35-21. Industrial hemp for smoking prohibited--Penalty.

14 The sale or use of industrial hemp for smoking or inhaling is prohibited. A violation of this  
15 section is a Class 1 misdemeanor.

16 **Section 22.** That § 22-42-1 be AMENDED:

17 22-42-1. Definition of terms.

18 Terms used in this chapter mean:

- 19 (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of a drug  
20 or substance, listed in Schedules I through IV. The term includes an altered state of a  
21 drug or substance listed in Schedules I through IV absorbed into the human body;
- 22 (2) "Counterfeit substance," a controlled drug or substance which, or the container of  
23 labeling of which, without authorization, bears the trade-mark, trade name, or other  
24 identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer,  
25 distributor, or dispenser other than the person or persons who manufactured, distributed,  
26 or dispensed such substance and which thereby falsely purports or is represented to be  
27 the product of, or to have been distributed by, such other manufacturer, distributor, or  
28 dispenser;
- 29 (3) "Deliver" or "delivery," the actual or constructive transfer of a controlled drug, substance,  
30 or marijuana whether or not there exists an agency relationship;
- 31 (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human  
32 research subject by or pursuant to the lawful order of a practitioner, including the  
33 prescribing, administering, packaging, labeling, or compounding necessary to prepare  
34 the substance for such delivery, and a dispenser is one who dispenses;
- 35 (5) "Distribute," to deliver a controlled drug, substance, or marijuana. Distribution means  
36 the delivery of a controlled drug, substance, or marijuana;
- 37 (6) "Manufacture," the production, preparation, propagation, compounding, or processing of  
38 a controlled drug or substance, either directly or indirectly by extraction from substances  
39 of natural origin, or independently by means of chemical synthesis or by a combination  
40 of extraction and chemical synthesis. A manufacturer includes any person who packages,  
41 repackages, or labels any container of any controlled drug or substance, except  
42 practitioners who dispense or compound prescription orders for delivery to the ultimate  
43 user;

- 1 (7) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not, in its  
2 natural and unaltered state, except for drying or curing and crushing or crumbling. The  
3 term includes an altered state of marijuana absorbed into the human body. The term  
4 does not include fiber produced from the mature stalks of such plant, or oil or cake made  
5 from the seeds of such plant. The term does not include the plant Cannabis sativa L. and  
6 any part of that plant, including the seeds thereof and all derivatives, extracts,  
7 cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a  
8 delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent  
9 on a dry weight basis;
  
- 10 (8) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or  
11 veterinary medicine licensed to practice his profession, or pharmacists licensed to  
12 practice their profession; physician's assistants certified to practice their profession;  
13 government employees acting within the scope of their employment; and persons  
14 permitted by certificates issued by the Department of Health to distribute, dispense,  
15 conduct research with respect to, or administer a substance controlled by chapter 34-  
16 20B;
  
- 17 (9) "Precursor" or "immediate precursor," a substance which the Department of Health has  
18 found to be and by rule designates as being a principal compound commonly used or  
19 produced primarily for use, and which is an immediate chemical intermediary used or  
20 likely to be used, in the manufacture of a controlled drug or substance, the control of  
21 which is necessary to prevent, curtail, or limit such manufacture;
  
- 22 (10) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those schedules of drugs,  
23 substances, and immediate precursors listed in chapter 34-20B;
  
- 24 (11) "Ultimate user," a person who lawfully possesses a controlled drug or substance for that  
25 person's own use or for the use of a member of that person's household or for  
26 administration to an animal owned by that person or by a member of that person's  
27 household.

28 **Section 23.** That § 34-20B-1 be AMENDED:

29 34-20B-1. Definitions.

30 Terms as used in this chapter mean:

- 31 (1) "Administer," to deliver a controlled drug or substance to the ultimate user or human  
32 research subject by injection, inhalation, or ingestion, or by any other means;
  
- 33 (2) "Agent," an authorized person who acts on behalf of or at the direction of a manufacturer,  
34 distributor, or dispenser and includes a common or contract carrier, public  
35 warehouseman, or employee thereof;
  
- 36 (3) "Control," to add, remove, or change the placement of a drug, substance, or immediate  
37 precursor under §§ 34-20B-27 and 34-20B-28;
  
- 38 (4) "Counterfeit substance," a controlled drug or substance which, or the container or  
39 labeling of which, without authorization, bears the trademark, trade name, or other  
40 identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer,  
41 distributor, or dispenser other than the person or persons who manufactured, distributed,  
42 or dispensed such substance and which thereby falsely purports or is represented to be  
43 the product of, or to have been distributed by, such other manufacturer, distributor, or  
44 dispenser;
  
- 45 (5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled  
46 drug, substance, or marijuana whether or not there exists an agency relationship;
  
- 47 (6) "Department," the Department of Health created by chapter 1-43;

- 1 (7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human  
2 research subject by or pursuant to the lawful order of a practitioner, including the  
3 prescribing, administering, packaging, labeling, or compounding necessary to prepare  
4 the substance for such delivery, and a dispenser is one who dispenses;
- 5 (8) "Distribute," to deliver a controlled drug, substance, or marijuana. A distributor is a  
6 person who delivers a controlled drug, substance, or marijuana;
- 7 (9) "Hashish," the resin extracted from any part of any plant of the genus cannabis;  
8 ~~commonly known as the marijuana plant~~ that contains a delta-9 tetrahydrocannabinol  
9 concentration of more than three-tenths of one percent on a dry weight basis;
- 10 (10) "Imprisonment," imprisonment in the state penitentiary unless the penalty specifically  
11 provides for imprisonment in the county jail;
- 12 (11) "Manufacture," the production, preparation, propagation, compounding, or processing of  
13 a controlled drug or substance, either directly or indirectly by extraction from substances  
14 of natural origin, or independently by means of chemical synthesis or by a combination  
15 of extraction and chemical synthesis. A manufacturer includes any person who packages,  
16 repackages, or labels any container of any controlled drug or substance, except  
17 practitioners who dispense or compound prescription orders for delivery to the ultimate  
18 consumer;
- 19 (12) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not; the  
20 seeds thereof; and every compound, manufacture, salt, derivative, mixture, or  
21 preparation of such plant or its seeds. The term does not include fiber produced from the  
22 mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin  
23 when extracted from any part of the plant, ~~or cannabidiol,~~ in a drug product approved  
24 by the United States Food and Drug Administration. The term does not include the plant  
25 Cannabis sativa L. and any part of that plant, including the seeds thereof and all  
26 derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether  
27 growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than  
28 three-tenths of one percent on a dry weight basis;
- 29 (13) "Narcotic drug," any of the following, whether produced directly or indirectly by  
30 extraction from substances of vegetable origin or independently by means of chemical  
31 synthesis, or by a combination of extraction and chemical synthesis:
- 32 (a) Opium, coca leaves, and opiates;
- 33 (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves,  
34 or opiates;
- 35 (c) A substance (and any compound, manufacture, salt, derivative, or preparation  
36 thereof) which is chemically identical with any of the substances referred to in  
37 subsections (a) and (b) of this subdivision;
- 38 except that the term, narcotic drug, as used in this chapter does not include decocainized  
39 coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;
- 40 (14) "Opiate" or "Opioid," any controlled drug or substance having an addiction-sustaining  
41 liability similar to morphine or being capable of conversion into a drug having such  
42 addiction-forming or addiction-sustaining liability;
- 43 (15) "Opium poppy," the plant of the species papaver somniferum L., except the seeds  
44 thereof;
- 45 (16) "Person," any corporation, association, limited liability company, partnership or one or  
46 more individuals;

- 1 (17) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;
- 2 (18) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry, or  
3 veterinary medicine licensed to practice their profession, or pharmacists licensed to  
4 practice their profession; physician assistants certified to practice their profession;  
5 certified nurse practitioners and certified nurse midwives to practice their profession;  
6 government employees acting within the scope of their employment; and persons  
7 permitted by certificates issued by the department to distribute, dispense, conduct  
8 research with respect to, or administer a substance controlled by this chapter;
- 9 ~~(18A)~~(19) "Prescribe," an order of a practitioner for a controlled drug or substance.
- 10 ~~(19)~~(20) "Production," the manufacture, planting, cultivation, growing, or harvesting of a  
11 controlled drug or substance;
- 12 ~~(20)~~(21) "State," the State of South Dakota;
- 13 ~~(21)~~(22) "Ultimate user," a person who lawfully possesses a controlled drug or substance  
14 for personal use or for the use of a member of the person's household or for  
15 administration to an animal owned by the person or by a member of the person's  
16 household;
- 17 ~~(22)~~(23) "Controlled substance analogue," any of the following:
- 18 (a) A substance that differs in its chemical structure to a controlled substance listed  
19 in or added to the schedule designated in schedule I or II only by substituting one  
20 or more hydrogens with halogens or by substituting one halogen with a different  
21 halogen; or
- 22 (b) A substance that is an alkyl homolog of a controlled substance listed in or added  
23 to schedule I or II; or
- 24 (c) A substance intended for human consumption; and
- 25 (i) The chemical structure of which is substantially similar to the chemical  
26 structure of a controlled substance in schedule I or II;
- 27 (ii) Which has a stimulant, depressant, or hallucinogenic effect on the central  
28 nervous system that is substantially similar to or greater than the  
29 stimulant, depressant, or hallucinogenic effect on the central nervous  
30 system of a controlled substance in schedule I or II; or
- 31 (iii) With respect to a particular person, which such person represents or  
32 intends to have a stimulant, depressant, or hallucinogenic effect on the  
33 central nervous system that is substantially similar to or greater than the  
34 stimulant, depressant, or hallucinogenic effect on the central nervous  
35 system of a controlled substance in schedule I or II;

36 However, the term, controlled substance analogue, does not include a controlled  
37 substance or any substance for which there is an approved new drug application.

38 **Section 24.** That § 34-20B-14 be AMENDED:

39 34-20B-14. Hallucinogenic substances specifically included in Schedule I.

40 Any material, compound, mixture, or preparation which contains any quantity of the following  
41 hallucinogenic substances, their salts, isomers, and salts of isomers, is included in Schedule I, unless  
42 specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible  
43 within the specific chemical designation:

- 
- 1 (1) Bufotenine;
  - 2 (2) Diethyltryptamine (DET);
  - 3 (3) Dimethyltryptamine (DMT);
  - 4 (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);
  - 5 (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
  - 6 (6) 4-bromo-2, 5-dimethoxyamphetamine;
  - 7 (7) 4-methoxyamphetamine;
  - 8 (8) 4-methoxymethamphetamine;
  - 9 (9) 4-methyl-2, 5-dimethoxyamphetamine;
  - 10 (10) Hashish and hash oil;
  - 11 (11) Ibogaine;
  - 12 (12) Lysergic acid diethylamide;
  - 13 (13) Mescaline;
  - 14 (14) N-ethyl-3-piperidyl benzilate;
  - 15 (15) N-methyl-3-piperidyl benzilate;
  - 16 (16) 1-(-(2-thienyl)cyclohexyl) piperidine (TCP);
  - 17 (17) Peyote, except that when used as a sacramental in services of the Native American  
18 church in a natural state which is unaltered except for drying or curing and cutting or  
19 slicing, it is hereby excepted;
  - 20 (18) Psilocybin;
  - 21 (19) Psilocyn;
  - 22 (20) Tetrahydrocannabinol, other than that which occurs in industrial hemp as defined in § 38-  
23 35-1 or marijuana in its natural and unaltered state, including any compound, except  
24 nabilone or compounds listed under a different schedule, structurally derived from 6,6N  
25 dimethyl-benzo[c]chromene by substitution at the 3-position with either alkyl (C3 to C8),  
26 methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified  
27 in any of the following ways:
    - 28 (a) By partial to complete saturation of the C-ring; or
    - 29 (b) By substitution at the 1-position with a hydroxyl or methoxy group; or
    - 30 (c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl group;  
31 or
    - 32 (d) By modification of the possible 3-alkyl group with a 1,1N dimethyl moiety, a 1,1N  
33 cyclic moiety, an internal methylene group, an internal acetylene group, or a  
34 terminal halide, cyano, azido, or dimethylcarboxamido group.

- 1                   Some trade and other names: JWH-051; JWH-057; JWH-133; JWH-359; HHC; AM-087;  
2                   AM-411; AM-855, AM-905; AM-906; AM-2389; HU-210; HU-211; HU-243; HU-336;
- 3           (21)   3, 4, 5-trimethoxy amphetamine;
- 4           (22)   3, 4-methylenedioxy amphetamine;
- 5           (23)   3-methoxyamphetamine;
- 6           (24)   2, 5-dimethoxyamphetamine;
- 7           (25)   2-methoxyamphetamine;
- 8           (26)   2-methoxymethamphetamine;
- 9           (27)   3-methoxymethamphetamine;
- 10          (28)   Phencyclidine;
- 11          (29)   3, 4-methylenedioxymethamphetamine (MDMA);
- 12          (30)   3, 4-methylenedioxy-N-ethylamphetamine;
- 13          (31)   N-hydroxy-3, 4-methylenedioxyamphetamine;
- 14          (32)   4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);
- 15          (33)   2,5 Dimethoxy-4-ethylamphetamine;
- 16          (34)   N,N-Dimethylamphetamine;
- 17          (35)   1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- 18          (36)   Aminorex;
- 19          (37)   Cathinone and other variations, defined as any compound, material, mixture, preparation  
20           or other product unless listed in another schedule or an approved FDA drug (e.g.  
21           bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by  
22           substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems,  
23           whether or not the compound is further modified in any of the following ways:
- 24           (a)    By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,  
25           haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in  
26           the ring system by one or more other univalent substituents;
- 27           (b)    By substitution at the 3-position with an acyclic alkyl substituent;
- 28           (c)    By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
29           methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic  
30           structure.
- 31           Some trade or other names: methcathinone, 4-methyl-N-methylcathinone  
32           (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methydone); 3,4-  
33           methylenedioxyprovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-  
34           fluoromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-PMMA);  
35           Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-  
36           keto-N-methyl-3,4-benzodioxolybutanamine (butylone); N,N-dimethylcathinone  
37           (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-  
38           pyrrolidinopropiophenone (MOPPP); 3,4-methylenedioxyalphapyrrolidinopropiophenone

- 1 (MDPPP); Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4N-  
 2 Methyl-alpha-pyrrolidinobutiophenone (MPBP); Methyl-  
 3 pyrrolidinopropiophenone (MPPP); Methyl-  
 4 Buphedrone; Methyl-N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC);  
 5 Dimethylethcathinone (DMEC); Methylenedioxy-methcathinone (MDMC); Pentylone;  
 6 Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-alpha-  
 7 pyrrolidinobutiophenone (MPBP); Methylcathinone (MEC); Methylenedioxy-alpha-  
 8 pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC); Methylbuphedrone  
 9 (MBP); Benzedrone (4-MBC); Dibutylone (DMBDB); Dimethylone (MDDMA);  
 10 Diethylcathinone; Eutylone (EBDB); N-ethyl-N-Methylcathinone; N-ethylbuphedrone, 1-  
 11 (1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (N-Ethylpentylone); 4'-Methyl-  
 12 alpha-pyrrolidinopropiophenone (4-MEPPP, MPPP or MaPPP); alpha-  
 13 Pyrrolidinobutiophenone ( $\alpha$ ;PBP); 1-(1,3-benzodioxol-5-yl)-2-(tert-butylamino)propan-  
 14 1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)hexan-1-one (N-ethyl  
 15 Hexylone);
- 16 (38) 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 17 (39) Alpha-ethyltryptamine;
- 18 (40) 4-Bromo-2,5-dimethoxy phenethylamine;
- 19 (41) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
- 20 (42) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
- 21 (43) Alpha-methyltryptamine (AMT);
- 22 (44) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 23 (45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 24 (46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not  
 25 listed as a controlled substance in another schedule, is not an FDA-approved drug, and  
 26 contains any quantity of the following substances, their salts, isomers (whether optical,  
 27 positional, or geometric), homologues, modifications of the indole ring by nitrogen  
 28 heterocyclic analog substitution or nitrogen heterocyclic analog substitution of the  
 29 phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, cumyl, or propionaldehyde structure,  
 30 and salts of isomers, homologues, and modifications, unless specifically excepted,  
 31 whenever the existence of these salts, isomers, homologues, modifications, and salts of  
 32 isomers, homologues, and modifications is possible within the specific chemical  
 33 designation:
- 34 (a) Naphthoylindoles. Any compound containing a 2-(1-naphthoyl)indole or 3-(1-  
 35 naphthoyl)indole structure with substitution at the nitrogen atom of the indole  
 36 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
 37 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-  
 38 2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-  
 39 yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the  
 40 indole ring to any extent and whether or not substituted on the naphthyl ring to  
 41 any extent.
- 42 Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole (JWH-  
 43 018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-naphthoyl)indole  
 44 (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-  
 45 (4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-  
 46 naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-pentyl-3-(1-  
 47 naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-  
 48 2201); WIN 55-212; JWH-004; JWH-007; JWH-009; JWH-011; JWH-016; JWH-  
 49 020; JWH-022; JWH-046; JWH-047; JWH-048; JWH-049; JWH-050; JWH-070;

- 1 JWH-071; JWH-072; JWH-076; JWH-079; JWH-080; JWH-082; JWH-094; JWH-  
2 096; JWH-098; JWH-116; JWH-120; JWH-148; JWH-149; JWH-164; JWH-166;  
3 JWH-180; JWH-181; JWH-182; JWH-189; JWH-193; JWH-198; JWH-211; JWH-  
4 212; JWH-213; JWH-234; JWH-235; JWH-236; JWH-239; JWH-240; JWH-241;  
5 JWH-258; JWH-262; JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-  
6 399; JWH-400; JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-  
7 1220; AM-1221; AM-1235; AM-2232, THJ-2201;
- 8 (b) Naphthylmethyloindoles. Any compound containing a 1H-indol-2-yl-(1-  
9 naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with  
10 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,  
11 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
12 morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
13 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group,  
14 whether or not further substituted on the indole ring to any extent and whether  
15 or not substituted on the naphthyl ring to any extent.
- 16 Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192; JWH-194;  
17 JWH-195; JWH-196; JWH-197; JWH-199;
- 18 (c) Phenylacetyloindoles. Any compound containing a 2-phenylacetylindole or 3-  
19 phenylacetylindole structure with substitution at the nitrogen atom of the indole  
20 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
21 methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-  
22 2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-  
23 yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the  
24 indole ring to any extent and whether or not substituted on the phenyl ring to any  
25 extent.
- 26 Some trade or other names: 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole  
27 (SR-18); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-  
28 3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-  
29 chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-204;  
30 JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-248; JWH-  
31 249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-305; JWH-306;  
32 JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-316;  
33 Cannabipiperidiethanone;
- 34 (d) Benzoyloindoles. Any compound containing a 2-(benzoyl)indole or 3-  
35 (benzoyl)indole structure with substitution at the nitrogen atom of the indole ring  
36 by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-  
37 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-  
38 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-  
39 yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the  
40 indole ring to any extent and whether or not substituted on the phenyl ring to any  
41 extent.
- 42 Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-  
43 694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN  
44 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4); AM-630; AM-661;  
45 AM-2233; AM-1241;
- 46 (e) Naphthoypyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-(1-  
47 naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole  
48 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
49 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-  
50 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-  
51 yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the  
52 pyrrole ring to any extent and whether or not substituted on the naphthyl ring to  
53 any extent.



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- Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145; JWH-146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244; JWH-245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346; JWH-348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369; JWH-370; JWH-371; JWH-373; JWH-392;
- (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent.
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- Some trade or other names: JWH-171; JWH-176; JWH-220;
- (g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not substituted on the cyclohexyl ring to any extent.
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- Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667
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- (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;
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- (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-2;
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- (j) Substituted Acetylindoles. Any compound containing a 2-acetyl indole or 3-acetyl indole structure substituted at the acetyl by replacement of the methyl group with a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent whether or not further substituted on the tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the indole ring to any extent.
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- Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole (AM-1248); 1-Pentyl-3-(1-adamantoyl)indole (AB-001 and JWH-018 adamantyl analog); AM-679;
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- (k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide indole or 3-carboxamide indole structure substituted at the nitrogen of the carboxamide with a tetramethylcyclopropyl, naphthyl, adamantyl, cumyl, phenyl, or propionaldehyde substituent, whether or not further substituted on the tetramethylcyclopropyl, adamantyl, cumyl, naphthyl, phenyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen

1 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,  
2 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
3 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
4 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group  
5 whether or not further substituted on the indole ring to any extent.

6 Some trade and other names: JWH-018 adamantyl carboxamide; STS-135; MN-  
7 18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-  
8 pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA); N-(Adamantan-1-  
9 yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA); methyl (2R)-2-  
10 [[1-(5-fluoropentyl)indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (5F-  
11 ADB); N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-  
12 carboxamide (AB-CHMINACA); 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-  
13 indazole-3-carboxamide (4-CN-CUMYL-BUTINACA); methyl (2R)-2-[[1-(5-  
14 fluoropentyl)indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (5F-ADB);N-(1-  
15 amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-  
16 carboxamide (ADB-CHMINACA or MAB-CHMINACA); methyl (2S)-2-[[1-[4-  
17 fluorophenyl)methyl]indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-  
18 FUBINACA); methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-  
19 methylbutanoate (MMB-CHMICA); methyl (2S)-2-[[1-[4-  
20 fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methylbutanoate (AMB-  
21 FUBINACA); Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-  
22 methylbutanoate (5F-AMB);

23 (l) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-  
24 carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl group  
25 of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl,  
26 quinolinyl, isquinolinyl, cumyl, or propionaldehyde substituent whether or not  
27 further substituted on the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl,  
28 cumyl, quinolinyl, isquinolinyl, or propionaldehyde substituent to any extent and  
29 whether or not further substituted at the nitrogen atom of the indole ring by an  
30 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-  
31 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-  
32 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,  
33 tetrahydropyranylmethyl, benzyl, or halo benzyl group whether or not further  
34 substituted on the indole ring to any extent.

35 Some trade and other names: Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-  
36 carboxylate (NM2201);

37 (47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI);

38 (48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

39 (49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

40 (50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

41 (51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

42 (52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

43 (53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

44 (54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

45 (55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

46 (56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

- 1 (57) Substituted phenethylamine. Any compound, unless specifically exempt, listed as a  
 2 controlled substance in another schedule or an approved FDA drug, structurally derived  
 3 from phenylethan-2-amine by substitution on the phenyl ring in any of the following  
 4 ways, that is to say--by substitution with a fused methylenedioxy, fused furan, or fused  
 5 tetrahydrofuran ring system; by substitution with two alkoxy groups; by substitution with  
 6 one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system;  
 7 by substitution with two fused ring systems from any combination of the furan,  
 8 tetrahydrofuran, or tetrahydropyran ring systems; whether or not the compound is  
 9 further modified in any of the following ways:
- 10 (a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl,  
 11 alkoxy, or alkylthio groups;
- 12 (b) By substitution on the 2-position by any alkyl groups; or
- 13 (c) By substitution on the 2-amino nitrogen atom with acetyl, alkyl, dialkyl, benzyl,  
 14 methoxybenzyl, or hydroxybenzyl groups.
- 15 Some trade and other names: 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (2C-  
 16 T or 4-methylthio-2,5-dimethoxyphenethylamine); 1-(2,5-dimethoxy-4-iodophenyl)-  
 17 propan-2-amine (DOI or 2, 5-Dimethoxy-4-iodoamphetamine); 1-(4-Bromo-2,5-  
 18 dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-bromoamphetamine); 1-  
 19 (4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC or 2,5-Dimethoxy-4-  
 20 chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-  
 21 methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-  
 22 bromo-N-(2-methoxybenzyl)phenethylamine); 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-  
 23 methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-  
 24 iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-Methoxybenzyl)-2-(3,4,5-  
 25 trimethoxyphenyl)ethanamine (Mescaline-NBOMe or 3,4,5-trimethoxy-(2-  
 26 methoxybenzyl)phenethylamine); 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-  
 27 methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-NBOMe or 2,5-Dimethoxy-4-  
 28 chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-Bromo-5-methoxy-2,3-dihydro-1-  
 29 benzofuran-4-yl)ethanamine (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-tetrahydrofuro  
 30 [2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-FLY); 2-(10-Bromo-2,3,4,7,8,9-  
 31 hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (2C-B-butterFLY); -(2-  
 32 Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-bN]difuran-4-yl)-2-  
 33 aminoethane (2C-B-FLY-NBOMe); 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-  
 34 amine (bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY); -(2-  
 35 Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-NBOH); 5-(2-  
 36 Aminopropyl)benzofuran (5-APB); 6(2-Aminopropyl)benzofuran (6-APB); 5-(2-  
 37 Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3,-  
 38 dihydrobenzofuran (6-APDB);
- 39 (58) Substituted tryptamines. Any compound, unless specifically exempt, listed as a controlled  
 40 substance in another schedule or an approved FDA drug, structurally derived from 2-  
 41 (1H-indol-3-yl)ethanamine (i.e, tryptamine) by mono- or di-substitution of the amine  
 42 nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a  
 43 cyclic structure whether or not the compound is further substituted at the alpha-position  
 44 with an alkyl group or whether or not further substituted on the indole ring to any extent  
 45 with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups.
- 46 Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT); 4-  
 47 acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-N-  
 48 methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-HO-  
 49 DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);
- 50 (59) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);
- 51 (60) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);
- 52 (61) 1-(4-Fluorophenyl)piperazine (pFPP);

- 1 (62) 1-(3-Chlorophenyl)piperazine (mCPP);
- 2 (63) 1-(4-Methoxyphenyl)piperazine (pMeOPP);
- 3 (64) 1,4-Dibenzylpiperazine (DBP);
- 4 (65) Isopentendrone;
- 5 (66) Fluoromethamphetamine;
- 6 (67) Fluoroamphetamine;
- 7 (68) Fluorococaine;
- 8 (69) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
- 9 (70) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-22);
- 10 (71) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-  
11 PINACA);
- 12 (72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide  
13 (5 Fluoro-AB-PINACA);
- 14 (73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide  
15 (AB-FUBINACA);
- 16 (74) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADB-  
17 PINACA (ADBICA));
- 18 (75) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-  
19 carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA)); and
- 20 (76) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-  
21 carboxamide (ADB-FUBINACA).

22 **Section 25.** Whereas, this Act is necessary for the support of the state government and its  
 23 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full  
 24 force and effect from and after its passage and approval."

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

26 Also MR. SPEAKER:

27 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
 28 under consideration **HB 1094** and returns the same with the recommendation that said bill do pass.

29 Also MR. SPEAKER:

30 The Committee on House Agriculture and Natural Resources respectfully reports that it has had  
 31 under consideration **HB 1059** and returns the same with the recommendation that said bill do pass,  
 32 and having been certified as uncontested, be placed on the consent calendar.

33 Respectfully submitted,  
 34 Thomas J. Brunner, Chair

1 Also MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under  
3 consideration **HB 1214** which was deferred to the 41st Legislative Day.

4 Respectfully submitted,  
5 Kevin D. Jensen, Chair

6 Also MR. SPEAKER:

7 The Committee on House Taxation respectfully reports that it has had under consideration  
8 **HB 1099** and returns the same with the recommendation that said bill be amended as follows:

9 1099B

10 On page 1, line 1, of the Introduced bill, after "temporary " insert "voter-approved half-cent "

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

12 Respectfully submitted,  
13 Mark Willadsen, Chair

14 Also MR. SPEAKER:

15 The Committee on House Local Government respectfully reports that it has had under  
16 consideration **HB 1097** and returns the same with the recommendation that said bill be amended  
17 as follows:

18 1097B

19 On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That § 25-1-10. 1  
20 be AMENDED:

21 25-1-10. 1. Application--Marriage License--Identification--Proof of Age.

22 To obtain a marriage license, each applicant shall sign the application in person in the presence  
23 of the register of deeds or in the presence of a person duly appointed by the register to act in the  
24 register's behalf. Each applicant shall provide valid identification and proof of age prior to issuance  
25 of the marriage license. Proof of age may and personal identification shall be satisfied by providing  
26 a certified copy of a birth certificate or any photographic identification which includes the applicant's  
27 name and date of birth valid:

28 (1) Passport; or

29 (2) a Federal, state, or tribal photo identification.

30 No person may use a power of attorney to obtain a marriage license."

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

33 Also MR. SPEAKER:

34 The Committee on House Local Government respectfully reports that it has had under  
35 consideration **HB 1120** and returns the same with the recommendation that said bill do pass, and  
36 having been certified as uncontested, be placed on the consent calendar.

37 Respectfully submitted,  
38 Herman Otten, Chair

1 Also MR. SPEAKER:

2 The Committee on House Transportation respectfully reports that it has had under  
3 consideration **HB 1082** and returns the same with the recommendation that said bill be amended  
4 as follows:

5 1082A

6 On page 1, line 11, of the Introduced bill, after "chapter" insert ", has notified the department  
7 of the display,"

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

10 Also MR. SPEAKER:

11 The Committee on House Transportation respectfully reports that it has had under  
12 consideration **HB 1091, and SB 30** and returns the same with the recommendation that said bills  
13 do pass, and having been certified as uncontested, be placed on the consent calendar.

14 Respectfully submitted,  
15 John Mills, Chair

16 **MESSAGES FROM THE SENATE**

17 Mr. SPEAKER:

18 I have the honor to transmit herewith **SB 20, 47, 56, 74, 75, and 83** which have passed the  
19 Senate and your favorable consideration is respectfully requested.

20 Also Mr. SPEAKER:

21 I have the honor to return herewith **HB 1015, 1017, 1018, and 1030** which have passed the  
22 Senate without change.

23 Respectfully,  
24 Kay Johnson, Secretary

25 **MOTIONS AND RESOLUTIONS**

26 Rep. Qualm moved that when we adjourn today, we adjourn to convene at 1:00 p.m., Friday,  
27 February 7, 2020, the 16<sup>th</sup> legislative day.

28 Which motion prevailed.

29 Rep. Qualm moved that **HCR 6006 and 6007** be deferred to Friday, February 7, 2020, the  
30 16<sup>th</sup> legislative day.

31 Which motion prevailed.

- 1        **HCR 6008:** A CONCURRENT RESOLUTION, To authorize a legislative study for the continuum  
2 of care for the disabled and elderly of South Dakota.
- 3        **Introduced by: Representative** Hunhoff
- 4        **HCR 6009:** A CONCURRENT RESOLUTION, Strengthening the sister-state ties between the  
5 State of South Dakota and Taiwan; supporting the signing of a Bilateral Trade Agreement (BTA)  
6 between Taiwan and the United States; and reaffirming support for increasing Taiwan's international  
7 participation.
- 8        **Introduced by: Representative** Rounds
- 9        **HCR 6010:** A CONCURRENT RESOLUTION, Supporting the creation of an early education  
10 advisory council.
- 11       **Introduced by: Representative** Healy
- 12       **HCR 6011:** A CONCURRENT RESOLUTION, Supporting the Recovering America's Wildlife Act.
- 13       **Introduced by: Representative** Willadsen
- 14       **HCR 6012:** A CONCURRENT RESOLUTION, Supporting the right to pray in public schools.
- 15       **Introduced by: Representative** Randolph
- 16       Were read the first time.
- 17       **HR 7002:** A RESOLUTION, To formally invite President Donald J. Trump and First Lady Melania  
18 Trump to the great state of South Dakota for the 4th of July fireworks celebration at Mount  
19 Rushmore.
- 20       Was read the second time.
- 21       Rep. Frye-Mueller moved that **HR 7002** as found on page 110 of the House Journal be  
22 adopted.
- 23       The question being on Rep. Frye-Mueller's motion that **HR 7002** be adopted.
- 24       And the roll being called:
- 25       Yeas 60, Nays 7, Excused 3, Absent 0
- 26       Yeas:  
27       Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich,  
28 Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard,  
29 Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Lesmeister,  
30 Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg,  
31 Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reed, Reimer,  
32 Rounds, St. John, Steele, Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and  
33 Speaker Haugaard
- 34       Nays:  
35       Bordeaux, Duba, Healy, Ring, Saba, Jamie Smith, and Sullivan
- 36       Excused:  
37       Deutsch, Glanzer, and Pourier
- 38       So the motion having received an affirmative vote of a majority of the members-elect, the  
39 Speaker declared the motion carried and **HR 7002** was adopted.

1

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**CONSIDERATION OF REPORTS OF COMMITTEES**

2

Rep. Qualm moved that the reports of the Standing Committees on

3

State Affairs on **HB 1105** as found on page 162 of the House Journal; also

4

Education on **HB 1081** as found on page 163 of the House Journal; also

5

Commerce and Energy on **SB 23, and HB 1012 and 1013** as found on page 163 of the House  
6 Journal; and

7

Judiciary on **HB 1065 and 1092** as found on page 176 of the House Journal be adopted.

8

Which motion prevailed and the reports were adopted.

9

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

10

**HB 1243:** FOR AN ACT ENTITLED, An Act to require schools to provide instruction on South  
11 Dakota's tribal history, culture, and government.

12

**Introduced by: Representative** Bordeaux

13

**HB 1244:** FOR AN ACT ENTITLED, An Act to authorize forensic medical examinations for  
14 certain persons.

15

**Introduced by: Representative** Reed

16

**HB 1245:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the voting  
17 rights of felony offenders.

18

**Introduced by: Representative** Sullivan

19

**HB 1246:** FOR AN ACT ENTITLED, An Act to revise the attorney's fees allowed in a retaliation  
20 action against a lessor.

21

**Introduced by: Representative** Duba

22

**HB 1247:** FOR AN ACT ENTITLED, An Act to create the medical reinsurance program and to  
23 make an appropriation therefor.

24

**Introduced by: Representative** Cwach

25

**HB 1248:** FOR AN ACT ENTITLED, An Act to revise the motor vehicle license fee for certain  
26 older trucks.

27

**Introduced by: Representative** Mills

28

**HB 1249:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the operation  
29 of the South Dakota Lottery.

30

**Introduced by: Representative** Mills

31

**HB 1250:** FOR AN ACT ENTITLED, An Act to increase the state's percentage of video lottery  
32 revenues, to provide for the deposit of certain excess revenues, and to repeal provisions regarding  
33 video lottery.

34

**Introduced by: Representative** Mills



- 1 **HB 1251:** FOR AN ACT ENTITLED, An Act to establish membership of the Board of Regents.
- 2 **Introduced by: Representative** Mulally
- 3 **HB 1252:** FOR AN ACT ENTITLED, An Act to grant property tax relief to certain persons who  
4 are long-term residents and long-term property owners.
- 5 **Introduced by: Representative** Howard
- 6 **HB 1253:** FOR AN ACT ENTITLED, An Act to accommodate legislation regarding contracts with  
7 the State.
- 8 **Introduced by: Representative** Howard
- 9 **HB 1254:** FOR AN ACT ENTITLED, An Act to require a habitat stamp for certain hunting,  
10 fishing, canoeing, kayaking, and jet skiing activities.
- 11 **Introduced by: Representative** Herman Otten
- 12 **HB 1255:** FOR AN ACT ENTITLED, An Act to remove the requirement for a mandatory appraisal  
13 in exchanges of land between school districts.
- 14 **Introduced by: Representative** Herman Otten
- 15 **HB 1256:** FOR AN ACT ENTITLED, An Act to fund shooting sports programs in public schools  
16 and to enhance outdoor recreational activities in the state.
- 17 **Introduced by: Representative** Herman Otten
- 18 **HB 1257:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hunting,  
19 fishing, or trapping on private property without permission.
- 20 **Introduced by: Representative** Finck
- 21 **HB 1258:** FOR AN ACT ENTITLED, An Act to provide for child safety accounts for students  
22 subject to certain safety incidents.
- 23 **Introduced by: Representative** Weis
- 24 **HB 1259:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the discretionary  
25 formula for determining the assessed value of property for tax purposes.
- 26 **Introduced by: Representative** Chaffee
- 27 **HB 1260:** FOR AN ACT ENTITLED, An Act to revise provisions regarding tax increment districts.
- 28 **Introduced by: Representative** Chaffee
- 29 **HB 1261:** FOR AN ACT ENTITLED, An Act to provide procedures to enforce the integrity of the  
30 United States Constitution.
- 31 **Introduced by: Representative** David Johnson
- 32 **HB 1262:** FOR AN ACT ENTITLED, An Act to revise provisions regarding electric service in  
33 annexed areas.
- 34 **Introduced by: Representative** Anderson

- 1 **HB 1263:** FOR AN ACT ENTITLED, An Act to require that certain school district elections occur  
2 in conjunction with the general election.
- 3 **Introduced by: Representative** Goodwin
- 4 **HB 1264:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the procurement of  
5 public improvements.
- 6 **Introduced by: Representative** Anderson
- 7 **HB 1265:** FOR AN ACT ENTITLED, An Act to revise provisions regarding off-sale delivery  
8 licenses for the delivery of alcoholic beverages.
- 9 **Introduced by: Representative** Rounds
- 10 **HB 1266:** FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by employees of the  
11 Board of Regents.
- 12 **Introduced by: Representative** Borglum
- 13 **HB 1267:** FOR AN ACT ENTITLED, An Act to designate Orion as the official constellation of  
14 South Dakota.
- 15 **Introduced by: Representative** Borglum
- 16 **HB 1268:** FOR AN ACT ENTITLED, An Act to provide timely refunds for excess payments made  
17 in lieu of contributions to the unemployment compensation trust fund.
- 18 **Introduced by: Representative** Post
- 19 **HB 1269:** FOR AN ACT ENTITLED, An Act to prohibit the internet publication of certain land  
20 records.
- 21 **Introduced by: Representative** Rounds
- 22 **HB 1270:** FOR AN ACT ENTITLED, An Act to to revise provisions regarding agricultural land  
23 classifications for tax purposes.
- 24 **Introduced by: Representative** Chaffee
- 25 **HB 1271:** FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the rural  
26 broadband fund.
- 27 **Introduced by: Representative** Karr
- 28 **HB 1272:** FOR AN ACT ENTITLED, An Act to revise the conditions for dual credit and to provide  
29 an appropriation.
- 30 **Introduced by: Representative** Frye-Mueller
- 31 **HB 1273:** FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the regulation  
32 of tattooing.
- 33 **Introduced by: Representative** Reimer
- 34 **HB 1274:** FOR AN ACT ENTITLED, An Act to establish the Tax Revenue Study Task Force to  
35 study tax revenue in this state.
- 36 **Introduced by: Representative** Ring

- 
- 1       **HB 1275:** FOR AN ACT ENTITLED, An Act to revise provisions regarding a judgment not  
2 collected from an underinsured motorist.
- 3       **Introduced by: Representative** Ring
- 4       **HB 1276:** FOR AN ACT ENTITLED, An Act to provide for a review of occupational regulation.
- 5       **Introduced by: Representative** Latterell
- 6       **HB 1277:** FOR AN ACT ENTITLED, An Act to only authorize a person whose face is depicted in  
7 certain obscene material to receive revenue generated by the distribution or exhibition of the  
8 material.
- 9       **Introduced by: Representative** Latterell
- 10       **HB 1278:** FOR AN ACT ENTITLED, An Act to create a dementia services coordinator position  
11 within the Department of Human Services.
- 12       **Introduced by: Representative** Duba
- 13       **HB 1279:** FOR AN ACT ENTITLED, An Act to require property owners to receive notification of  
14 property tax reduction programs.
- 15       **Introduced by: Representative** Diedrich
- 16       **HB 1280:** FOR AN ACT ENTITLED, An Act to accommodate legislation regarding conservation  
17 districts.
- 18       **Introduced by: Representative** Jamie Smith
- 19       **HB 1281:** FOR AN ACT ENTITLED, An Act to revise certain state post-secondary requirements  
20 for dual credit and to make an appropriation therefor.
- 21       **Introduced by: Representative** Sue Peterson
- 22       **HB 1282:** FOR AN ACT ENTITLED, An Act to create the lottery repeal and recovery fund and  
23 revise provisions regarding the distribution of state revenue from video lottery.
- 24       **Introduced by: Representative** Latterell
- 25       **HB 1283:** FOR AN ACT ENTITLED, An Act to revise the liability of a guarantor.
- 26       **Introduced by: Representative** Kevin Jensen
- 27       **HB 1284:** FOR AN ACT ENTITLED, An Act to create a road improvement priority fund, to  
28 provide for the distribution of the fund, and to repeal certain sales tax exemptions.
- 29       **Introduced by: Representative** Finck
- 30       **HB 1285:** FOR AN ACT ENTITLED, An Act to require parental permission and website posting  
31 of student survey instruments.
- 32       **Introduced by: Representative** Randolph
- 33       **HB 1286:** FOR AN ACT ENTITLED, An Act to regulate capital outlay expenditures.
- 34       **Introduced by: Representative** Gosch

1 **HB 1287:** FOR AN ACT ENTITLED, An Act to provide exemption of certain taxes for certain  
2 nursing home providers and community service providers.

3 **Introduced by: Representative** Gosch

4 **HB 1288:** FOR AN ACT ENTITLED, An Act to review certain provisions regarding emergency  
5 management.

6 **Introduced by: Representative** Duvall

7 **HB 1289:** FOR AN ACT ENTITLED, An Act to to establish provisions regarding the regulation  
8 of body piercing.

9 **Introduced by: Representative** Sullivan

10 **HB 1290:** FOR AN ACT ENTITLED, An Act to make an appropriation for rapid enrollment  
11 increases.

12 **Introduced by: Representative** Olson

13 **HJR 5003:** A JOINT RESOLUTION, Proposing and submitting to the electors at the next general  
14 election, an amendment to Article XII of the Constitution of the State of South Dakota, relating to  
15 prohibiting the general appropriation bill from reappropriating or transferring funds that are in  
16 special funds and establishing rules pertaining to the administration of special funds.

17 **Introduced by: Representative** Howard

18 Were read the first time.

19 The following bills were read on January 30, 2020, and today the Speaker assigned these bills  
20 to committees:

21 **HB 1203** was referred to the Committee on Commerce and Energy.

22 **HB 1172** was referred to the House Committee on Appropriations.

23 **HB 1212** was referred to the Committee on Judiciary.

24 **HB 1154** was referred to the Committee on Transportation.

25 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

26 **SB 20:** FOR AN ACT ENTITLED, An Act to create a monitor to review and respond to complaints  
27 related to the care provided to youth in the custody or care of certain care facilities, treatment  
28 centers, and programs.

29 **SB 47:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sex offender  
30 registration statutes.

31 **SB 56:** FOR AN ACT ENTITLED, An Act to authorize the collection of certain search and rescue  
32 service costs.

33 **SB 74:** FOR AN ACT ENTITLED, An Act to revise provisions regarding legislative candidates.

34 **SB 75:** FOR AN ACT ENTITLED, An Act to provide for a habitat stamp on hunting and fishing  
35 licenses.

36 **SB 83:** FOR AN ACT ENTITLED, An Act to establish meetings to review certain electric systems.

1 Were read the first time.

2 **SECOND READING OF CONSENT CALENDAR ITEMS**

3 **SB 10:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding cosmetology  
4 licensees.

5 **SB 12:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding comity licensure  
6 in the technical professions.

7 **SB 13:** FOR AN ACT ENTITLED, An Act to revise certain educational requirements for the  
8 practice of barbering.

9 **HB 1106:** FOR AN ACT ENTITLED, An Act to authorize the state investment officer to include  
10 an indemnity provision in certain investment-related documents.

11 Were read the second time.

12 The question being "Shall **SB 10, 12, and 13, and HB 1106** pass?"

13 And the roll being called:

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

15 Yeas:

16 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach,  
17 Dennert, Diedrich, Duba, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross,  
18 Hammock, Hansen, Healy, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson,  
19 Karr, Koth, Latterell, Lesmeister, Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally,  
20 Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm,  
21 Randolph, Rasmussen, Reed, Reimer, Ring, Rounds, Saba, Jamie Smith, St. John, Steele, Sullivan,  
22 Wangsness, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

23 Excused:

24 Deutsch, Glanzer, and Pourier

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

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

28 **HB 1096:** FOR AN ACT ENTITLED, An Act to prohibit commercial surrogacy contracts and  
29 provide a penalty for facilitating a commercial surrogacy.

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

31 Rep. Rounds moved that the pending amendment to **HB 1096** be laid on the table.

32 Which motion prevailed.

33 Rep. Dennert moved that **HB 1096** be amended as follows:

34 1096H

35 On page 2, line 14, of the House Judiciary bill, after "state." insert "

1 **Section 4.** That a NEW SECTION be added:

2 **Interim study.**

3 There is established an interim legislative committee to study and evaluate surrogacy in South  
4 Dakota. The study must be under the supervision of the Executive Board of the Legislative Research  
5 Council and staffed and funded as an interim legislative committee. "

6 A roll call vote was requested and was supported.

7 The question being on Rep. Dennert's motion that **HB 1096** be amended.

8 And the roll being called:

9 Yeas 46, Nays 21, Excused 3, Absent 0

10 Yeas:

11 Anderson, Bartels, Barthel, Bordeaux, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert,  
12 Diedrich, Duvall, Finck, Frye-Mueller, Goodwin, Hammock, Hansen, Healy, Kevin Jensen, Johns,  
13 David Johnson, Koth, Lesmeister, Livermont, Marty, McCleerey, Mills, Miskimins, Mulally, Olson,  
14 Herman Otten, Overweg, Perry, Kent Peterson, Reed, Reimer, Ring, Saba, Jamie Smith, St. John,  
15 Sullivan, Wangsness, Weis, Willadsen, York, and Speaker Haugaard

16 Nays:

17 Beal, Duba, Gosch, Lana Greenfield, Gross, Howard, Hunhoff, Chris Johnson, Karr, Latterell,  
18 Milstead, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Rounds, Steele, Wiese, and  
19 Zikmund

20 Excused:

21 Deutsch, Glanzer, and Pourier

22 So the motion having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the motion prevailed.

24 Rep. Olson moved that **HB 1096** be amended as follows:

25 1096I

26 On page 2, line 2, of the House Judiciary bill, delete "Any " and insert "Beginning July 1, 2021,  
27 any "

28 On page 2, line 2, of the House Judiciary bill, delete "advertise " and insert "advertises "

29 On page 2, line 9, of the House Judiciary bill, delete "2020" and insert "2021"

30 On page 2, line 13, of the House Judiciary bill, delete "2020" and insert "2021"

31 Rep. Sullivan rose to a point of order that Rep. Hanson was speaking to the bill, not the  
32 amendment. Speaker allowed Rep. Hanson to continue.

33 The Speaker requested a roll call vote.

34 The question being on Rep. Olson's motion that **HB 1096** be amended.

35 And the roll being called:

36 Yeas 29, Nays 38, Excused 3, Absent 0

1 Yeas:  
2 Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert, Diedrich,  
3 Duba, Duvall, Finck, Healy, Karr, Lesmeister, McCleerey, Olson, Herman Otten, Perry, Reed, Ring,  
4 Rounds, Saba, Jamie Smith, Sullivan, Wangsness, Willadsen, and York

5 Nays:  
6 Beal, Brunner, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen,  
7 Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Koth, Latterell, Livermont,  
8 Marty, Mills, Milstead, Miskimins, Mulally, Overweg, Kent Peterson, Sue Peterson, Pischke, Post,  
9 Qualm, Randolph, Rasmussen, Reimer, St. John, Steele, Weis, Wiese, Zikmund, and  
10 Speaker Haugaard

11 Excused:  
12 Deutsch, Glanzer, and Pourier

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

15 The question being "Shall **HB 1096** pass as amended?"

16 And the roll being called:

17 Yeas 46, Nays 20, Excused 4, Absent 0

18 Yeas:  
19 Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Diedrich, Frye-Mueller, Goodwin, Gosch,  
20 Lana Greenfield, Gross, Hammock, Hansen, Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson,  
21 David Johnson, Koth, Latterell, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson,  
22 Overweg, Kent Peterson, Sue Peterson, Pischke, Post, Randolph, Rasmussen, Reimer, Ring, Saba,  
23 Steele, Weis, Wiese, Willadsen, York, Zikmund, and Speaker Haugaard

24 Nays:  
25 Anderson, Bartels, Barthel, Bordeaux, Cwach, Duba, Duvall, Finck, Healy, Karr, Lesmeister,  
26 McCleerey, Herman Otten, Perry, Reed, Rounds, Jamie Smith, St. John, Sullivan, and Wangsness

27 Excused:  
28 Deutsch, Glanzer, Pourier, and Qualm

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

31 The question being on the title.

32 Rep. Dennert moved the following amendment to the title:

33 1096J

34 On page 1, line 1, of the House Judiciary bill, delete "and" and insert a comma

35 On page 1, line 2, of the House Judiciary bill, after "surrogacy" insert ", and establish an interim  
36 committee to evaluate surrogacy in the state"

37 Which motion prevailed and the title was so amended.

1 **HB 1054**: FOR AN ACT ENTITLED, An Act to revise the documentation required for voter  
2 registration.

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

4 Rep. Kevin Jensen moved that **HB 1054** be amended as follows:

5 1054G

6 On page 1, line 6, of the House Local Government bill, after "or " insert "a South Dakota "

7 On page 1, line 7, of the House Local Government bill, after "or " insert "a South Dakota "

8 On page 1, line 10, of the House Local Government bill, after "license," insert " a South Dakota"

9 On page 1, line 10, of the House Local Government bill, after "or " insert "a "

10 On page 1, line 13, of the House Local Government bill, after "nor, " insert "a South Dakota "

11 On page 1, line 13, of the House Local Government bill, delete "nor " and insert "or a "

12 On page 1, line 18, of the House Local Government bill, after "or " insert "the South Dakota "

13 Which motion prevailed.

14 Rep. Frye-Mueller moved that **HB 1054** be amended as follows:

15 1054I

16 On page 1, line 14, of the House Local Government bill, after "Elections." insert " Consistent  
17 with 52 U. S. C. § 21084, as of January 1, 2020, in addition to signing the statement, the person  
18 shall provide documentation that would establish identity and date of birth under § 32-12-3. 1,  
19 documentation that would demonstrate lawful status under § 32-12-3. 3, and two documents with  
20 the person's name and residence address that would establish the applicant's address of primary  
21 residence under § 32-12-3. 5."

22 A roll call vote was requested and was supported.

23 And the roll being called:

24 Yeas 49, Nays 18, Excused 3, Absent 0

25 Yeas:

26 Anderson, Bartels, Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Diedrich, Duvall, Finck,  
27 Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Howard, Kevin Jensen,  
28 Johns, Chris Johnson, David Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead,  
29 Miskimins, Mulally, Overweg, Perry, Sue Peterson, Pischke, Post, Randolph, Rasmussen, Reimer,  
30 Rounds, St. John, Steele, Wangsness, Weis, Wiese, York, Zikmund, and Speaker Haugaard

31 Nays:

32 Barthel, Bordeaux, Cwach, Duba, Healy, Hunhoff, Lesmeister, McCleerey, Olson, Herman  
33 Otten, Kent Peterson, Qualm, Reed, Ring, Saba, Jamie Smith, Sullivan, and Willadsen

34 Excused:

35 Deutsch, Glanzer, and Pourier

36 So the motion having received an affirmative vote of a majority of the members-elect, the  
37 Speaker declared the motion prevailed.



1 Rep. Lesmeister moved that **HB 1054** be amended as follows:

2 1054B

3 On page 1, line 6, of the House Local Government bill, delete " or" and insert a comma

4 On page 1, lines 6 through 7, after "number" insert ", or tribal identification card"

5 On page 1, line 7, delete " or" and insert a comma

6 On page 1, line 8, after "number" insert ", or tribal identification card"

7 On page 1, line 10, after "number," insert "tribal identification card, "

8 On page 1, line 13, after "number," insert "tribal identification card, "

9 Rep. Latterell requested a division.

10 The Speaker asked for a roll call vote.

11 And the roll being called:

12 Yeas 16, Nays 51, Excused 3, Absent 0

13 Yeas:

14 Bordeaux, Cwach, Duba, Hammock, Healy, Johns, David Johnson, Lesmeister, McCleerey,  
15 Reimer, Ring, Saba, Jamie Smith, Sullivan, Wangsness, and Speaker Haugaard

16 Nays:

17 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Diedrich, Duvall,  
18 Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Howard, Hunhoff, Kevin  
19 Jensen, Chris Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead, Miskimins, Mulally,  
20 Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm,  
21 Randolph, Rasmussen, Reed, Rounds, St. John, Steele, Weis, Wiese, Willadsen, York, and Zikmund

22 Excused:

23 Deutsch, Glanzer, and Pourier

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

26 The question being "Shall **HB 1054** pass as amended?"

27 And the roll being called:

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

29 Yeas:

30 Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Cwach, Dennert, Diedrich,  
31 Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hammock, Hansen, Healy,  
32 Howard, Hunhoff, Kevin Jensen, Johns, Chris Johnson, David Johnson, Koth, Latterell, Lesmeister,  
33 Livermont, Marty, McCleerey, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg,  
34 Perry, Kent Peterson, Sue Peterson, Post, Qualm, Randolph, Rasmussen, Reed, Reimer, Ring,  
35 Rounds, Saba, Jamie Smith, St. John, Steele, Wangsness, Weis, Wiese, Willadsen, York, Zikmund,  
36 and Speaker Haugaard

37 Nays:

38 Bordeaux, Duba, Karr, Pischke, and Sullivan

1 Excused:  
2 Deutsch, Glanzer, and Pourier

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

5 **HB 1050:** FOR AN ACT ENTITLED, An Act to provide for voter registration through an online  
6 voter registration system provided by the Office of the Secretary of State.

7 Was read the second time.

8 Rep. Herman Otten moved that **HB 1050** be amended as follows:

9 1050C

10 On page 1, line 15, of the House Local Government bill, after "valid " insert "South Dakota "

11 On page 1, line 15, of the House Local Government bill, after "or " insert "South Dakota "

12 Which motion prevailed.

13 Rep. Frye-Mueller moved that **HB 1050** be amended as follows:

14 1050B

15 On page 1, line 17, of the House Local Government bill, after "State." insert " Any person  
16 registering to vote through the online system shall provide documentation that would demonstrate  
17 lawful status under § 32-12-3.3 and shall present two proof of address documents. Each proof of  
18 address document must be dated within one year, and may include a computer-generated bill, bank  
19 statement, insurance card, motor vehicle registration, pay stub, or any post-marked first-class mail.  
20 Any person registering to vote shall also provide documentation that would be sufficient evidence  
21 of that person's social security number or nonwork authorized status under § 32-12-3.4. The  
22 documentation provided under this section may be provided by electronic copy."

23 Which motion lost.

24 The question being "Shall **HB 1050** pass as amended?"

25 And the roll being called:

26 Yeas 41, Nays 26, Excused 3, Absent 0

27 Yeas:

28 Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Duba, Duvall,  
29 Finck, Gosch, Lana Greenfield, Hammock, Healy, Hunhoff, Johns, Koth, Lesmeister, McCleerey, Mills,  
30 Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Qualm, Reed, Reimer, Ring, Saba,  
31 Jamie Smith, St. John, Steele, Sullivan, Wangsness, Wiese, Willadsen, and York

32 Nays:

33 Brunner, Dennert, Diedrich, Frye-Mueller, Goodwin, Gross, Hansen, Howard, Kevin Jensen,  
34 Chris Johnson, David Johnson, Karr, Latterell, Livermont, Marty, Milstead, Mulally, Sue Peterson,  
35 Pischke, Post, Randolph, Rasmussen, Rounds, Weis, Zikmund, and Speaker Haugaard

36 Excused:  
37 Deutsch, Glanzer, and Pourier

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

1 Rep. Qualm moved that the balance of the calendar including **HB 1047 and 1048** be deferred  
2 to Friday, February 7, 2020, the 16<sup>th</sup> legislative day.  
3 Which motion prevailed.

4 **SIGNING OF BILLS**

5 The Speaker publicly read the title to  
6 **HB 1015**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding banks.

7 **HB 1017**: FOR AN ACT ENTITLED, An Act to provide for certain insurer corporate governance  
8 disclosure requirements.

9 **HB 1018**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding life and health  
10 insurance insolvencies.

11 **HB 1030**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Board of  
12 Technical Education.

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

14 **COMMEMORATIONS**

15 **HC 8015**: A LEGISLATIVE COMMEMORATION, Honoring Girls State Governor Success Suehne  
16 of Sioux Falls and Boys State Governor Johnathan Smith of Sioux Falls and commending the South  
17 Dakota American Legion and Auxiliary for their sponsorship and coordination of the Girls State and  
18 Boys State programs.

19 **Introduced by: Representatives** Zikmund, Bartels, Barthel, Bordeaux, Borglum, Duba,  
20 Duvall, Goodwin, Gosch, Lana Greenfield, Hunhoff, David Johnson, Koth, Miskimins, Olson, Perry,  
21 Kent Peterson, Sue Peterson, Post, Qualm, Reed, Saba, Jamie Smith, Steele, **and** Willadsen **and**  
22 **Senators** Stalzer, Bolin, Ewing, Kennedy, Klumb, Nesiba, Novstrup, Ernie Otten, Partridge,  
23 Schoenbeck, V. J. Smith, White, **and** Wiik

24 Was read the first time.

25 Rep. Steele moved that the House do now adjourn, which motion prevailed and at 5:23 p.m.  
26 the House adjourned.

27 Mary Lou Goehring, Chief Clerk

