

JOURNAL OF THE SENATE

NINETY-FIFTH SESSION

THIRTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 11, 2020

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father Ron Garry, followed by the Pledge of Allegiance led by Senate pages Jayme Peterson and Maggie Peterson.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-fourth day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Brock L. Greenfield, Chair

Which motion prevailed.

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT:

The Committee on **HCR 6012** respectfully reports that it has had under consideration **HCR 6012** and returns the same with the recommendation that said resolution be amended as follows:

HCR6012E

On page 1, line 1, of the Senate bill, after "pray" insert " in public schools"

On page 1, line 8, of the Senate bill, after "and" delete "WHEREAS, repressive governments around the world persecute Christians and other religious worshipers, and terrorist organizations carry out barbaric violence against innocent people because of their religion; and"

On page 1, line 11, of the Senate bill, after "and" delete "WHEREAS, the United States desires the end of religious persecution around the world and desires to ensure respect for the freedom of religion; and"

On page 1, line 13, of the Senate bill, after "and" delete "WHEREAS, in May 2017, President Donald J. Trump signed an Executive Order to advance religious liberty for individuals and institutions:"

On page 1, line 15, of the Senate bill, after "institutions:" insert "WHEREAS, a major part of many world religions is the practice of prayer both private and public; and"

On page 1, line 15, of the Senate bill, after "institutions:" insert "WHEREAS, in the case of Engel v. Vitale, 1962, the Supreme Court"

On page 1, line 15, of the Senate bill, after "institutions:" insert " of the United States"

On page 1, line 15, of the Senate bill, after "institutions:" insert " ruled that state sponsored prayers in public schools violated the First Amendment of the United States Constitution; and"

On page 1, line 15, of the Senate bill, after "institutions:" insert "WHEREAS, prayer by individual students can be accomplished in public schools in a voluntary nondisruptive manner, consistent with court rulings on the subject of prayer in public schools; and"

On page 1, line 15, of the Senate bill, after "institutions:" insert "WHEREAS, in recent months, the administration of President Donald J. Trump has issued new guidelines through the United States Department of Education regarding this issue:"

HCR6012G

On amendment (HCR6012E),

On page 2, line 2, after "voluntary" insert the comma

And that as so amended, said resolution be adopted.

Respectfully submitted,
Tony Randolph, Chair

Respectfully submitted,
Jim Bolin, Chair

1 MR. PRESIDENT:

2 The Conference Committee respectfully reports that it has considered **HB 1054** and the
3 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and
4 recommends that the House do concur with the Senate amendments.

5 Respectfully submitted,
6 Herman Otten, Chair

Respectfully submitted,
Jordan R. Youngberg, Chair

7 **MESSAGES FROM THE HOUSE**

8 Mr. PRESIDENT:

9 I have the honor to inform your honorable body that the House has concurred in Senate
10 amendments to **HB 1067, 1068, 1092, 1100, 1140, 1195, 1199, 1206, 1216, and 1228, and**
11 **HCR 6019.**

12 Also Mr. PRESIDENT:

13 I have the honor to inform your honorable body that the House has failed to concur in Senate
14 amendments to **HB 1008** and has appointed Representatives Qualm, Lesmeister, and Kevin Jensen
15 as a committee of three on the part of the House to meet with a like committee on the part of the
16 Senate to adjust the differences between the two houses.

17 Also Mr. PRESIDENT:

18 I have the honor to inform your honorable body that the House has failed to concur in Senate
19 amendments to **HB 1233** and has appointed Representatives Dennert, Latterell, and McCleerey as
20 a committee of three on the part of the House to meet with a like committee on the part of the
21 Senate to adjust the differences between the two houses.

22 Also Mr. PRESIDENT:

23 I have the honor to return herewith **SB 144** which has been amended by the House and your
24 concurrence in the amendments is respectfully requested.

25 Also Mr. PRESIDENT:

26 I have the honor to inform your honorable body that the House has appointed
27 Representatives Kevin Jensen, Gross, and Duba as a committee of three on the part of the House
28 to meet with a like committee on the part of the Senate to adjust the differences between the two
29 houses on **SB 2.**

30 Also Mr. PRESIDENT:

31 I have the honor to inform your honorable body that the House has appointed
32 Representatives Johns, Barthel, and Cwach as a committee of three on the part of the House to
33 meet with a like committee on the part of the Senate to adjust the differences between the two
34 houses on **SB 73.**

1 Also Mr. PRESIDENT:

2 I have the honor to inform your honorable body that the House has appointed
3 Representatives Dennert, Howard, and Saba as a committee of three on the part of the House to
4 meet with a like committee on the part of the Senate to adjust the differences between the two
5 houses on **SB 40**.

6 Respectfully,
7 Mary Lou Goehring, Chief Clerk

8 **REPORTS OF STANDING COMMITTEES**

9 Mr. PRESIDENT:

10 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
11 Enrolling has carefully compared **SB 18, 19, 55, 70, 84, 97, 140, 151, 180, and 186** and finds
12 the same correctly enrolled.

13 Respectfully submitted,
14 Brock L. Greenfield, Chair

15 **MOTIONS AND RESOLUTIONS**

16 Sen. Langer moved that **SB 26** be placed to follow SB 157 on today's calendar.

17 Which motion prevailed.

18 Sen. Ewing moved that the Senate do concur in House amendments to **SB 157**.

19 The question being on Sen. Ewing's motion that the Senate do concur in House amendments
20 to **SB 157**.

21 And the roll being called:

22 Yeas 21, Nays 7, Excused 7, Absent 0

23 Yeas:

24 Blare, Bolin, Cammack, Castleberry, Duhamel, Ewing, Brock Greenfield, Klumb, Kolbeck, Lake,
25 Langer, Novstrup, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton,
26 and Youngberg

27 Nays:

28 Foster, Phil Jensen, Kennedy, Monroe, Ernie Otten, Russell, and Wismer

29 Excused:

30 Curd, Heinert, Maher, Nesiba, Partridge, White, and Wiik

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

1

ANNOUNCEMENTS

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The President Pro Tempore has appointed Senators Cammack, Klumb, and Kennedy as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on **HB 1008**.

5

SIGNING OF BILLS

6

The President publicly read the title to

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SB 18: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding professional counselors.

9

10

SB 19: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding marriage and family therapists.

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SB 55: FOR AN ACT ENTITLED, An Act to require the Board of Regents to assemble a task force to study the operations and functions of the institutions of higher education under the board's authority.

14

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SB 70: FOR AN ACT ENTITLED, An Act to authorize the use of Spanish in obtaining certain driver licenses and permits.

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SB 84: FOR AN ACT ENTITLED, An Act to authorize service animals in-training to enter certain establishments.

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SB 97: FOR AN ACT ENTITLED, An Act to title vehicles older than thirty years with no existing record.

20

21

SB 140: FOR AN ACT ENTITLED, An Act to provide for the resolution of alleged certain disability violations.

22

23

SB 151: FOR AN ACT ENTITLED, An Act to define critical infrastructure and revise certain crimes for the trespass or damage to critical infrastructure.

24

25

SB 180: FOR AN ACT ENTITLED, An Act to repeal and revise certain provisions regarding the petition circulation process.

26

SB 186: FOR AN ACT ENTITLED, An Act to revise certain leave policies for state employees.

27

And signed the same in the presence of the Senate.

28

Sen. Langer moved that Senate do now recess until 1:00 p.m.

29

Which motion prevailed and at 10:18 a.m., the Senate recessed.

30

RECESS

31

The Senate reconvened at 1:00 p.m., the President presiding.

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

Mr. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that **SB 1, 4, 21, 24, 113, 128, 137, 146, 150, 155, 160, 161, 181, and 183** were delivered to her Excellency, the Governor, for her approval at 11:35 a.m., March 11, 2020.

Respectfully submitted,
Brock L. Greenfield, Chair

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT:

The Committee on **SB 73** respectfully reports that it has had under consideration **SB 73** and the amendments thereto made, and the disagreement of the two houses thereon, and returns the same with the recommendation that the Senate and House do concur with the bill and be amended as follows:

73E

On page 1, line 8, of the House bill, delete "(1) It appears from the pleadings that the petitioner has been a resident of the county in which the petition is filed for at least six months;

(2) The petitioner is a victim of human trafficking;

(3) That sufficient basis exists to grant an exception to §§ 21-37-4 and 21-37-5;

(4) That the pleadings disclose if the petitioner has a protection order or restraining order;

(5) It appears to the court that the name change is in the petitioner's best interests; and

(6) The court finds that the name change is not done for the purposes of fraud.

" and insert "(1) The petitioner is over the age of eighteen years or is a guardian of a minor child;

(2) The petitioner or minor child has resided in the county in which the petition is filed for at least six months;

(3) (a) The petitioner or minor child is a victim of human trafficking and has a particularized need for a change of name to protect them from a person who victimized them such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5; or

(b) The petitioner is an adult, is a victim of domestic abuse, has a protection order or a restraining order in effect, and the petitioner shows a particularized need for a change of name to protect the petitioner from the perpetrator such that there is a sufficient basis to grant an exception to the requirements of §§ 21-37-4 and 21-37-5;

(4) It appears to the court that the name change is in the petitioner's or minor child's best interests; and

(5) The court finds that the name change is not done for the purposes of fraud.

11

1 And that as so amended, the Conference Committee report be adopted.

2 Respectfully submitted,
3 Jeff Monroe, Chair

Respectfully submitted,
Timothy R. Johns, Chair

4 **MESSAGES FROM THE HOUSE**

5 Mr. PRESIDENT:

6 I have the honor to inform your honorable body that the House has adopted the reports of the
7 Conference Committees on **HB 1054 and HCR 6012**.

8 Also Mr. PRESIDENT:

9 I have the honor to inform your honorable body that the House has failed to concur in Senate
10 amendments to **HB 1213** and has appointed Representatives Gosch, Karr, and Saba as a committee
11 of three on the part of the House to meet with a like committee on the part of the Senate to adjust
12 the differences between the two houses.

13 Also Mr. PRESIDENT:

14 I have the honor to inform your honorable body that the House has failed to concur in Senate
15 amendments to **HB 1266** and has appointed Representatives Karr, Gosch, and Saba as a committee
16 of three on the part of the House to meet with a like committee on the part of the Senate to adjust
17 the differences between the two houses.

18 Respectfully,
19 Mary Lou Goehring, Chief Clerk

20 **MOTIONS AND RESOLUTIONS**

21 Sen. Rusch moved that the Senate do concur in House amendments to **SB 26**.

22 The question being on Sen. Rusch's motion that the Senate do concur in House amendments
23 to **SB 26**.

24 And the roll being called:

25 Yeas 25, Nays 6, Excused 4, Absent 0

26 Yeas:

27 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Brock Greenfield, Kolbeck, Lake,
28 Langer, Maher, Monroe, Novstrup, Ernie Otten, Partridge, Rusch, Schoenbeck, Schoenfish, V. J.
29 Smith, Soholt, Stalzer, Steinhauer, Sutton, and White

30 Nays:

31 Foster, Heinert, Phil Jensen, Kennedy, Russell, and Wismer

32 Excused:

33 Klumb, Nesiba, Wiik, and Youngberg

34 So the motion having received an affirmative vote of a two-thirds majority of the members-
35 elect, the President declared the motion carried and the amendments were concurred in.

36 Sen. Brock Greenfield moved that the Senate do not concur in House amendments to **SB 144**.

1 The question being on Sen. Brock Greenfield's motion that the Senate do not concur in House
2 amendments to **SB 144**.

3 And the roll being called:

4 Yeas 27, Nays 4, Excused 4, Absent 0

5 Yeas:

6 Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
7 Kennedy, Kolbeck, Lake, Langer, Maher, Monroe, Novstrup, Ernie Otten, Partridge, Rusch,
8 Schoenbeck, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, and Wismer

9 Nays:

10 Blare, Phil Jensen, Russell, and Schoenfish

11 Excused:

12 Klumb, Nesiba, Wiik, and Youngberg

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 President declared the motion prevailed and the amendments were not concurred in.

15 **CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES**

16 Sen. Brock Greenfield moved that the report of the Conference Committee on **HB 1054** as
17 found on page 485 of the Senate Journal be adopted.

18 The question being on Sen. Brock Greenfield's motion that the report of the Conference
19 Committee on **HB 1054** be adopted.

20 And the roll being called:

21 Yeas 30, Nays 0, Excused 5, Absent 0

22 Yeas:

23 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
24 Phil Jensen, Kennedy, Kolbeck, Lake, Langer, Maher, Monroe, Novstrup, Ernie Otten, Rusch, Russell,
25 Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, and Wismer

26 Excused:

27 Klumb, Nesiba, Partridge, Wiik, and Youngberg

28 So the motion having received an affirmative vote of a majority of the members-elect, the
29 President declared the motion carried and the report was adopted.

30 Sen. Bolin moved that the report of the Conference Committee on **HCR 6012** as found on page
31 484 of the Senate Journal be adopted.

32 The question being on Sen. Bolin's motion that the report of the Conference Committee on
33 **HCR 6012** be adopted.

34 And the roll being called:

35 Yeas 30, Nays 0, Excused 5, Absent 0

1 Yeas:
2 Blare, Bolin, Cammack, Castleberry, Curd, Duhamel, Ewing, Foster, Brock Greenfield, Heinert,
3 Phil Jensen, Kennedy, Kolbeck, Lake, Langer, Maher, Monroe, Novstrup, Ernie Otten, Rusch, Russell,
4 Schoenbeck, Schoenfish, V. J. Smith, Soholt, Stalzer, Steinhauer, Sutton, White, and Wismer

5 Excused:
6 Klumb, Nesiba, Partridge, Wiik, and Youngberg

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

9 ANNOUNCEMENTS

10 The President Pro Tempore has appointed Senators Partridge, Brock Greenfield, and Heinert
11 as a committee of three on the part of the Senate to meet with a like committee on the part of the
12 House to adjust the differences between the two houses on **HB 1266**.

13 The President Pro Tempore has appointed Senators Maher, Wiik, and Foster as a committee of
14 three on the part of the Senate to meet with a like committee on the part of the House to adjust
15 the differences between the two houses on **HB 1233**.

16 The President Pro Tempore has appointed Senators Novstrup, Russell, and Wismer as a
17 committee of three on the part of the Senate to meet with a like committee on the part of the House
18 to adjust the differences between the two houses on **HB 1213**.

19 SIGNING OF BILLS

20 The President publicly read the title to

21 **HB 1034:** FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for
22 elderly persons and persons with a disability, and to declare an emergency.

23 **HB 1035:** FOR AN ACT ENTITLED, An Act to make an appropriation from the water and
24 environment fund and its revolving fund subfunds for various water and environmental purposes,
25 to revise the water resources projects list, and to declare an emergency.

26 **HB 1044:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Board of Regents
27 to fund the development of the Cyber Incubator and Entrepreneurial Center at Dakota State
28 University and to declare an emergency.

29 **HB 1045:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
30 design, renovation of, and addition to, the E.Y. Berry Library on the campus of Black Hills State
31 University and to make an appropriation therefor.

32 **HB 1065:** FOR AN ACT ENTITLED, An Act to revise drone surveillance protections.

33 **HB 1067:** FOR AN ACT ENTITLED, An Act to modify certain provisions regarding notice,
34 service, and execution of judgments in forceable entry and detainer actions.

35 **HB 1068:** FOR AN ACT ENTITLED, An Act to include out-of-state convictions for the basis of
36 an enhanced penalty for the crime of stalking.

37 **HB 1090:** FOR AN ACT ENTITLED, An Act to make an appropriation to evaluate the feasibility
38 of the use of telehealth services within the criminal justice system and to declare an emergency.

1 **HB 1092:** FOR AN ACT ENTITLED, An Act to provide for an assumption of risk by any person
2 engaged in off-road vehicle activity and to limit the liability of the renters of off-road vehicles under
3 certain circumstances.

4 **HB 1100:** FOR AN ACT ENTITLED, An Act to make an appropriation to begin the research and
5 development of a new bioprocessing facility and to declare an emergency.

6 **HB 1119:** FOR AN ACT ENTITLED, An Act to include certain offenses committed in another
7 state for purposes of an enhanced penalty.

8 **HB 1140:** FOR AN ACT ENTITLED, An Act to provide for a regular review of parenting
9 guidelines.

10 **HB 1166:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the appointment of
11 inactive watershed district boards and the reactivation of watershed districts and to declare an
12 emergency.

13 **HB 1187:** FOR AN ACT ENTITLED, An Act to make an appropriation to upgrade the state radio
14 infrastructure system and to declare an emergency.

15 **HB 1189:** FOR AN ACT ENTITLED, An Act to make an appropriation to expand rural access to
16 broadband services and to declare an emergency.

17 **HB 1195:** FOR AN ACT ENTITLED, An Act to provide for the dismissal of charges against
18 pregnant women for certain controlled substance offenses under certain circumstances.

19 **HB 1199:** FOR AN ACT ENTITLED, An Act to revise civil liability for riot and incitement to riot.

20 **HB 1205:** FOR AN ACT ENTITLED, An Act to revise provisions regarding a custodial parent
21 relocating a minor child.

22 **HB 1206:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
23 commitment of a delinquent child to the Department of Corrections.

24 **HB 1207:** FOR AN ACT ENTITLED, An Act to extend the termination date for the Juvenile
25 Justice Public Safety Oversight Council.

26 **HB 1216:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sexual
27 harassment.

28 **HB 1227:** FOR AN ACT ENTITLED, An Act to make an appropriation for the rural veterinary
29 medical education program and to declare an emergency.

30 **HB 1228:** FOR AN ACT ENTITLED, An Act to include children with a hearing loss in the reporting
31 criteria required for deaf and hard-of-hearing children.

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

34 And signed the same in the presence of the Senate.

35 Sen. Langer moved that Senate do now recess until 3:30 p.m.

36 Which motion prevailed and at 1:42 p.m., the Senate recessed.

RECESS

The Senate reconvened at 3:30 p.m., the President presiding.

There being no objection, the Senate reverted to Order of Business No. 4 - Communications and Petitions.

COMMUNICATIONS AND PETITIONS

March 11, 2020

Mr. President and Members of the Senate:

I have the honor to inform you that on March 11, 2020, I approved Senate Bills 5, 16, 37, and 65, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Kristi Noem
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Joint Committee on Legislative Procedure respectfully reports that it has had under consideration the joint rules and recommends that the joint rules of the Ninety-fifth Legislative Session be adopted as the joint rules of the Ninety-sixth Legislative Session with the following changes:

Amend Chapter 6C of the Joint Rules as follows:

6C-2. Deferral of bills without fiscal note. ~~The original copy of a bill or resolution for which a fiscal note has been requested shall be stamped by the bill clerk with the initials "F.N." include a notation of the requirement on the Legislative Research Council internet site for the bill or resolution. The completed fiscal note shall be displayed on the Legislative Research Council internet site before referral to a committee. If the bill or resolution is reported back without a fiscal note, the presiding officer shall defer placing the bill or resolution may be placed on the second reading calendar until the requested fiscal note is received. However, the presiding officer may place the bill or resolution on the second reading calendar if the presiding officer determines a fiscal note is no longer required.~~

6C-3. ~~Attaching-Displaying~~ fiscal note to bill or resolution. If a fiscal note is available, it shall be attached by the bill clerk at the end of the original copy of displayed on the Legislative Research Council internet site for the bill or resolution.

6C-4. Retirement system actuarial statement. Each bill introduced affecting the benefits payable by the state or a local government retirement system shall have an actuarial statement ~~attached to the bill displayed on the Legislative Research Council internet site for the bill.~~ The actuarial statement shall be requested from the governing board of the retirement system affected and the statement shall identify the costs of the proposed change in the law as stated by the actuary for the affected retirement plan. If there is a doubt as to the need for an actuarial statement, the presiding officer shall make the final decision. After the bill is introduced, the ~~bill clerk shall attach the actuarial statement to the original bill shall be displayed on the Legislative Research Council internet site for the bill.~~

Amend Chapter 7 of the Joint Rules as follows:

7-1.6. Formal action—Final disposition required on all legislative proposals. ~~Standing committees—A standing committee shall take formal action regarding final disposition on each legislative proposal submitted for their committee consideration.~~

7-16. Motions. When a question is under debate, no motion may be made except the following motions:

- (1) Adjourn; (nondebatable)
- (2) Recess;
- (3) Call the previous question; (nondebatable)
- (4) Lay on the table; (nondebatable)
- (5) Defer to the 41st day;
- (6) Do pass;
- (7) Do pass, amended;
- (8) Do not pass;
- (9) Do not pass, amended;
- (10) Without recommendation;
- (11) Without recommendation, amended;
- (12) Defer to a day certain;
- (13) Refer to another committee;
- (14) Refer to another committee, amended;
- (15) Refer to another committee, with or without recommendation;
- ~~(16) Do adopt;~~
- ~~(17) Do concur;~~
- ~~(18) Amend~~
- ~~(16)(19) Approve or amend minutes; and~~
- ~~(17)(20) Appoint a subcommittee.~~

Amend Chapter 12 of the Joint Rules as follows:

12-7. Voting standard. Except when otherwise provided under the South Dakota Constitution, these joint rules, Senate rules, House rules, or South Dakota codified law, vote requirements for all motions shall be based on the majority of the members present and voting.

Amend Chapter 17 of the Joint Rules as follows:

CHAPTER 17. LEGISLATIVE DEADLINES

Legislative Deadlines	
Legislative Action	40 Day Session
A. Last day for unlimited introduction of individual bills and joint resolutions ¹	12 th Day
B. Last day for introduction of individual bills and joint resolutions ¹	15 th Day
C. Last day for introduction of committee bills and joint resolutions ¹	16 th Day
D. Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	27th -26 th Day
E. Last day to move required delivery of bills or joint resolutions by a committee to the house of origin	28th -27 th Day
F. Last day to pass bills or joint resolutions by the house of origin and to introduce House, Senate, or concurrent resolutions	29th -28 th Day
G. Last day for introduction of commemorations	33 rd Day
H. During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	From 34 th Day on
I. Last day to move required delivery of bills or joint resolutions by a committee to the second house	35 th Day
J. Last day for a bill or joint resolution to pass both houses	36 th Day
K. The last day of a legislative session is reserved for the consideration of vetoes	40 th Day
¹ Bills and joint resolutions must be submitted to the Legislative Research Council at least 48 hours prior to this deadline, pursuant to Joint Rule 6A-5.	

17-1. Exceptions to deadlines for appropriation bills. Any general appropriation bill, any bill that amends a prior year's general appropriations bill, or any bill that adjusts school district property tax levies pursuant to an appropriations bill is not subject to the legislative deadlines of C, E, F, I, and J, in this chapter, except that the general appropriation bill requested by the Governor shall be subject to legislative deadline C.

Any appropriation bill that is not a general appropriation bill, which is referred to or reported to the floor by the ~~House Appropriations, the Senate Appropriations or the Joint Committee on Appropriations~~, is subject to the following legislative deadlines, in lieu of the legislative deadlines of E and F, in this chapter:

(1) Last day to move required delivery of bills by a committee to the house of origin: 31st Day;

(2) Last day to pass bills by the house of origin: 32nd Day.

The Joint Committee on Legislative Procedure also respectfully recommends the days of the Ninety-sixth Legislative Session be adopted as shown below:

96th SOUTH DAKOTA LEGISLATIVE SESSION CALENDAR

2021 40 Legislative Days

Please refer to the Joint Rules, Chapter 17 for complete information.

	Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
January 2021						1	2
	3	4	5	6	7	8	9
	10	11	12 Session Opens 12 Noon(CST) State of the State L.D. 1	13 State of the Judiciary L.D. 2	14 State of the Tribes L.D. 3	15 L.D. 4	16
	17	18 Martin Luther King Jr. Day	19 Executive orders filed (Constitution, Art. IV, Sec. 8) L.D. 5	20 L.D. 6	21 Jt. Memorial Service 3:00pm L.D. 7	22 Concurrent/House/Senate Resolutions limited introduction deadline (J.R. 6B-3) L.D. 8	23
	24	25 L.D. 9	26 Bill draft requests submitted to LRC by 5:00pm (for unlimited introduction) L.D. 10	27 L.D. 11	28 Last day for unlimited bill & joint resolution introduction (J.R. 6B-3) (TWO HOURS prior to session) L.D. 12	29	30
	31	1 All bill draft requests submitted to LRC by 5:00pm L.D. 13	2 Committee bill and joint resolution requests due to LRC by 5:00pm L.D. 14	3 Last day for introduction of individual bills and joint resolutions (TWO HOURS prior to session) L.D. 15	4 Last day for introduction of committee bills and joint resolutions (TWO HOURS prior to session) Military Dining Out L.D. 16	5 L.D. 17	6
	7	8 L.D. 18	9 L.D. 19	10 L.D. 20	11 Last day for JCA selection of general fund revenue targets (J.R. 7-11.1) L.D. 21	12	13
February 2021	14	15 Presidents' Day L.D. 22	16 L.D. 23	17 L.D. 24	18 L.D. 25	19	20
	21	22 L.D. 25	23 Last day to use J.R. 5-17 L.D. 26	24 Concurrent resolution requests due to LRC by 5:00pm, and Last day to move required delivery of bills or resolutions by a committee to the house of origin L.D. 27	25 Last day to pass bills or joint resolutions by the house of origin (Crossover Day) L.D. 28	26	27
	28	1 Last day for final introduction of concurrent/House/Senate resolutions L.D. 29	2 L.D. 30	3 Last day for JCA to move required delivery of special appropriation bills to house of origin (JR 17-1) L.D. 31	4 Last day for house of origin to pass special appropriation bills (JR 17-1) L.D. 32	5	6
	7	8	9	10	11	12	13
March 2021							

1							
2		Last day for introduction of commemorations	J.R. 5-13 in effect	Last day to move required delivery of bills or joint resolutions by a committee to the second house	Last day for a bill or joint resolution to pass both houses		
3							
4		L.D. 33	L.D. 34	L.D. 35	L.D. 36		
5	14	15	16	17	18	19	20
6		L.D. 37	L.D. 38	L.D. 39			
7	21	22	23	24	25	26	27
8	28	29	30	31	1	2	3
9						Reserved for consideration of gubernatorial vetoes	
10						L.D. 40	
11							
12							
13							

Respectfully submitted,
Brock L. Greenfield, Chair

Sen. Langer moved that Senate do now recess until 4:15 p.m.

Which motion prevailed and at 3:45 p.m., the Senate recessed.

RECESS

The Senate reconvened at 4:15 p.m., the President presiding.

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

REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT:

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

40G

On page 1, line 2, of the House bill, after "Facility" insert " and the demolition of Julian Hall and the Julian Hall Addition "

On page 1, line 2, of the House bill, after "Facility " insert " to the University of South Dakota, to make an appropriation therefor, and to"

On page 1, line 2, of the House bill, after "Facility " insert " declare an emergency"

On page 1, line 6, of the House bill, after "Dakota" insert ", including any heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and any other services or actions required to accomplish the project, for an estimated cost of twenty-two million dollars, subject to any adjustments authorized in section 3 of this Act"

On page 1, after line 6, of the House bill, insert "

Section 2. There is hereby appropriated to the Board of Regents from the higher education facilities fund allocable to the University of South Dakota, the sum of five million dollars (\$5,000,000), or so much thereof as may be necessary; the sum of seven million five hundred thousand dollars (\$7,500,000), or so much thereof as may be necessary, from revenue bonds authorized by subdivision (7) of section 2 of chapter 107 of the 2012 Session Laws; the general fund sum of five million dollars (\$5,000,000), or so much thereof as may be necessary; and the sum of four million five hundred thousand dollars (\$4,500,000), or so much thereof as may be necessary, in other fund expenditure authority, together with any additional sums received pursuant to section 5 of this Act to cover any adjustments authorized in section 3 of this Act.

"

On page 1, after line 6, of the House bill, insert "

Section 3. The cost estimates contained in this Act are stated in terms of 2019 values. The Board of Regents may adjust the cost estimates to reflect the inflation as measured by the Building Cost Index, reported by the Engineering News Record and additional expenditures required to comply with regulations adopted after the effective date of this Act, or additional sums received pursuant to section 5 of this Act. Any adjustments to construction cost estimates for the project may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

"

On page 1, after line 6, of the House bill, insert "

Section 4. The acquisition, construction, completion, maintenance and equipping of the Allied Health Facility by the Building Authority being in the public interest, the South Dakota Building Authority may finance up to twelve million five hundred thousand dollars of the design and construction costs of the Allied Health Facility through the issuance of revenue bonds, in accordance with this Act and chapter 5-12.

"

On page 1, after line 6, of the House bill, insert "

Section 5. The Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources, donations, or any other external sources, all of which comprise a special fund for the benefitted project. All moneys deposited into that fund are hereby appropriated to the projects authorized by this Act, subject to limitations stated in sections 1 to 3, inclusive, of this Act.

"

On page 1, after line 6, of the House bill, insert "

Section 6. The Board of Regents may demolish, remove, and dispose of the structures known as Julian Hall, consisting of approximately fifty thousand one hundred and seventy-three square feet, and the Julian Hall Addition, consisting of approximately forty-three thousand three hundred eighty-three square feet, at the University of South Dakota. This project includes demolition, abatement of asbestos or any other hazardous materials, lawful disposal of the fixtures or rubble, and any other action reasonably necessary to prepare the lot for the construction of a parking lot for the Allied Health Facility authorized in section 1 of this Act.

"

On page 1, after line 6, of the House bill, insert "

Section 7. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14.

"

1 On page 1, after line 6, of the House bill, insert "

2 **Section 8.** The executive director of the Board of Regents shall approve vouchers and the state
3 auditor shall draw warrants to pay expenditures authorized by this Act.

4 "

5 On page 1, after line 6, of the House bill, insert "

6 **Section 9.** Any amounts appropriated in this Act not lawfully expended or obligated shall revert
7 in accordance with the procedures prescribed in chapter 4-8.

8 "

9 On page 1, after line 6, of the House bill, insert "

10 **Section 10.** No indebtedness, bond, or obligation incurred or created under the authority of this
11 Act may be or may become a lien, charge, or liability against the State of South Dakota, nor
12 against the property or funds of the State of South Dakota within the meaning of the Constitution
13 or laws of the state.

14 "

15 On page 1, after line 6, of the House bill, insert "

16 **Section 11.** The Board of Regents may make and enter into a lease agreement with the Building
17 Authority and make rental payments under the terms thereof, pursuant to chapter 5-12, from the
18 higher education facilities fund or any other available funds authorized pursuant to this Act or any
19 other law.

20 "

21 On page 1, after line 6, of the House bill, insert "

22 **Section 12.** The general fund appropriation provided by section 2 of this Act is contingent upon
23 the university obtaining matching funds of four million five hundred thousand dollars
24 (\$4,500,000).

25 "

26 On page 1, after line 6, of the House bill, insert "

27 **Section 13.** Whereas, this Act is necessary for the support of the state government and its
28 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
29 force and effect from and after its passage and approval.

30 "

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

32 Respectfully submitted,
33 John Wiik, Chair

Respectfully submitted,
Drew Dennert, Chair

34 MR. PRESIDENT:

35 The Committee on **HB 1008** respectfully reports that it has had under consideration **HB 1008**
36 and the amendments thereto made, and the disagreement of the two houses thereon, and returns
37 the same with the recommendation that the Senate and House do concur with the bill and be
38 amended as follows:

39

1008J

1 On page 1, line 1, of the Senate bill, delete "implement a plan for hemp in South Dakota." and
2 insert "legalize the growth, production, and transportation of industrial hemp in the state, to make
3 an appropriation therefor, and to declare an emergency"

4 On the Senate bill, delete everything after the enacting clause and insert:

5 "

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

7 38-35-1. Definitions.

8 Terms used in this chapter mean:

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

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

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

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

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

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

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

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

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

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

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

30 38-35-2. Purchasing, receiving, or obtaining industrial hemp--License required--Penalty.

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

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

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

Section 3. That a NEW SECTION be added:

38-35-3. Application for grower license.

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

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

Section 4. That a NEW SECTION be added:

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

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

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

Section 5. That a NEW SECTION be added:

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

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

Section 6. That a NEW SECTION be added:

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

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

Section 7. That a NEW SECTION be added:

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

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

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

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

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

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

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

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

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

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

Section 8. That a NEW SECTION be added:

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

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

Section 9. That a NEW SECTION be added:

1 38-35-9. Entrance by department--Consent--Fee--Inspection, confiscation, and disposal--
2 Costs--Liability for destruction--Records.

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

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

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

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

20 38-35-10. Inspection timing and procedure--Disclose information.

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

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

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

33 38-35-11. Promulgation of rules--Fees.

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

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

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

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

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

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

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

(7) Establish labeling requirements for hemp; and

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

Section 12. That a NEW SECTION be added:

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

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

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

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

Section 13. That a NEW SECTION be added:

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

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

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

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

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

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

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

Section 14. That a NEW SECTION be added:

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

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

Section 15. That a NEW SECTION be added:

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

The department shall work with the attorney general to develop a state hemp production plan and submit the plan to the United States Department of Agriculture for approval of a program to

license the growth, production, storage, processing, and transportation of industrial hemp in South Dakota. The department shall establish a program once approval is received by the United States Department of Agriculture.

Section 16. That a NEW SECTION be added:

38-15-16. Transportation--Consent to search and seizure--Inspection by law enforcement--Penalty.

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

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

Section 17. That a NEW SECTION be added:

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

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

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

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

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

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

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

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

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

Section 18. That a NEW SECTION be added:

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

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

Section 19. That a NEW SECTION be added:

38-35-19. Reporting to attorney general.

The attorney general shall annually collect and compile information, statistical and otherwise, which will, as far as practicable, present an accurate survey and may be useful in the study of the effect legalizing industrial hemp has had on controlled substance and marijuana prosecutions in this state, including the extent and character of alleged crimes not prosecuted or dismissed, the operations of police in drug investigations, the charging discretion of prosecuting attorneys, and the administration of criminal justice due to the legalization of industrial hemp. All information collected under this section shall be reported annually to the Governor and Legislature by December first each year.

Section 20. That a NEW SECTION be added:

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

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

Section 21. That a NEW SECTION be added:

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

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

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

22-42-1. Definition of terms.

Terms used in this chapter mean:

- (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of a drug or substance, listed in Schedules I through IV. The term includes an altered state of a drug or substance listed in Schedules I through IV absorbed into the human body;
- (2) "Counterfeit substance," a controlled drug or substance which, or the container of labeling of which, without authorization, bears the trade-mark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;
- (3) "Deliver" or "delivery," the actual or constructive transfer of a controlled drug, substance, or marijuana whether or not there exists an agency relationship;
- (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery, and a dispenser is one who dispenses;
- (5) "Distribute," to deliver a controlled drug, substance, or marijuana. Distribution means the delivery of a controlled drug, substance, or marijuana;
- (6) "Manufacture," the production, preparation, propagation, compounding, or processing of a controlled drug or substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. A manufacturer includes any person who packages, repackages, or labels any container of any controlled drug or substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate user;
- (7) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;
- (8) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or veterinary medicine licensed to practice his profession, or pharmacists licensed to practice their profession; physician's assistants certified to practice their profession; government employees acting within the scope of their employment; and persons permitted by certificates issued by the Department of Health to distribute, dispense, conduct research with respect to, or administer a substance controlled by chapter 34-20B;
- (9) "Precursor" or "immediate precursor," a substance which the Department of Health has found to be and by rule designates as being a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled drug or substance, the control of which is necessary to prevent, curtail, or limit such manufacture;

- 1 (10) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those schedules of drugs,
2 substances, and immediate precursors listed in chapter 34-20B;
- 3 (11) "Ultimate user," a person who lawfully possesses a controlled drug or substance for that
4 person's own use or for the use of a member of that person's household or for
5 administration to an animal owned by that person or by a member of that person's
6 household.
- 7 **Section 23.** That § 34-20B-1 be AMENDED:
- 8 34-20B-1. Definitions.
- 9 Terms as used in this chapter mean:
- 10 (1) "Administer," to deliver a controlled drug or substance to the ultimate user or human
11 research subject by injection, inhalation, or ingestion, or by any other means;
- 12 (2) "Agent," an authorized person who acts on behalf of or at the direction of a manufacturer,
13 distributor, or dispenser and includes a common or contract carrier, public
14 warehouseman, or employee thereof;
- 15 (3) "Control," to add, remove, or change the placement of a drug, substance, or immediate
16 precursor under §§ 34-20B-27 and 34-20B-28;
- 17 (4) "Counterfeit substance," a controlled drug or substance which, or the container or
18 labeling of which, without authorization, bears the trademark, trade name, or other
19 identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer,
20 distributor, or dispenser other than the person or persons who manufactured, distributed,
21 or dispensed such substance and which thereby falsely purports or is represented to be
22 the product of, or to have been distributed by, such other manufacturer, distributor, or
23 dispenser;
- 24 (5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled
25 drug, substance, or marijuana whether or not there exists an agency relationship;
- 26 (6) "Department," the Department of Health created by chapter 1-43;
- 27 (7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
28 research subject by or pursuant to the lawful order of a practitioner, including the
29 prescribing, administering, packaging, labeling, or compounding necessary to prepare
30 the substance for such delivery, and a dispenser is one who dispenses;
- 31 (8) "Distribute," to deliver a controlled drug, substance, or marijuana. A distributor is a
32 person who delivers a controlled drug, substance, or marijuana;
- 33 (9) "Hashish," the resin extracted from any part of any plant of the genus cannabis,
34 commonly known as the marijuana plant that contains a delta-9 tetrahydrocannabinol
35 concentration of more than three-tenths of one percent on a dry weight basis;
- 36 (10) "Imprisonment," imprisonment in the state penitentiary unless the penalty specifically
37 provides for imprisonment in the county jail;
- 38 (11) "Manufacture," the production, preparation, propagation, compounding, or processing of
39 a controlled drug or substance, either directly or indirectly by extraction from substances
40 of natural origin, or independently by means of chemical synthesis or by a combination
41 of extraction and chemical synthesis. A manufacturer includes any person who packages,
42 repackages, or labels any container of any controlled drug or substance, except
43 practitioners who dispense or compound prescription orders for delivery to the ultimate
44 consumer;

- 1 (12) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not; the
 2 seeds thereof; and every compound, manufacture, salt, derivative, mixture, or
 3 preparation of such plant or its seeds. The term does not include fiber produced from the
 4 mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin
 5 when extracted from any part of the plant or cannabidiol; in a drug product approved
 6 by the United States Food and Drug Administration. The term does not include the plant
 7 Cannabis sativa L. and any part of that plant, including the seeds thereof and all
 8 derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether
 9 growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than
 10 three-tenths of one percent on a dry weight basis;
- 11 (13) "Narcotic drug," any of the following, whether produced directly or indirectly by
 12 extraction from substances of vegetable origin or independently by means of chemical
 13 synthesis, or by a combination of extraction and chemical synthesis:
- 14 (a) Opium, coca leaves, and opiates;
- 15 (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves,
 16 or opiates;
- 17 (c) A substance (and any compound, manufacture, salt, derivative, or preparation
 18 thereof) which is chemically identical with any of the substances referred to in
 19 subsections (a) and (b) of this subdivision;
- 20 except that the term, narcotic drug, as used in this chapter does not include
 21 decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine
 22 or ecgonine;
- 23 (14) "Opiate" or "Opioid," any controlled drug or substance having an addiction-sustaining
 24 liability similar to morphine or being capable of conversion into a drug having such
 25 addiction-forming or addiction-sustaining liability;
- 26 (15) "Opium poppy," the plant of the species papaver somniferum L., except the seeds
 27 thereof;
- 28 (16) "Person," any corporation, association, limited liability company, partnership or one or
 29 more individuals;
- 30 (17) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;
- 31 (18) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry, or
 32 veterinary medicine licensed to practice their profession, or pharmacists licensed to
 33 practice their profession; physician assistants certified to practice their profession;
 34 certified nurse practitioners and certified nurse midwives to practice their profession;
 35 government employees acting within the scope of their employment; and persons
 36 permitted by certificates issued by the department to distribute, dispense, conduct
 37 research with respect to, or administer a substance controlled by this chapter;
- 38 ~~(18A)~~(19) "Prescribe," an order of a practitioner for a controlled drug or substance.
- 39 ~~(19)~~(20) "Production," the manufacture, planting, cultivation, growing, or harvesting of a
 40 controlled drug or substance;
- 41 ~~(20)~~(21) "State," the State of South Dakota;
- 42 ~~(21)~~(22) "Ultimate user," a person who lawfully possesses a controlled drug or substance
 43 for personal use or for the use of a member of the person's household or for
 44 administration to an animal owned by the person or by a member of the person's
 45 household;

- 1 ~~(22)~~(23) "Controlled substance analogue," any of the following:
- 2 (a) A substance that differs in its chemical structure to a controlled substance listed
- 3 in or added to the schedule designated in schedule I or II only by substituting one
- 4 or more hydrogens with halogens or by substituting one halogen with a different
- 5 halogen; or
- 6 (b) A substance that is an alkyl homolog of a controlled substance listed in or added
- 7 to schedule I or II; or
- 8 (c) A substance intended for human consumption; and
- 9 (i) The chemical structure of which is substantially similar to the chemical
- 10 structure of a controlled substance in schedule I or II;
- 11 (ii) Which has a stimulant, depressant, or hallucinogenic effect on the central
- 12 nervous system that is substantially similar to or greater than the
- 13 stimulant, depressant, or hallucinogenic effect on the central nervous
- 14 system of a controlled substance in schedule I or II; or
- 15 (iii) With respect to a particular person, which such person represents or
- 16 intends to have a stimulant, depressant, or hallucinogenic effect on the
- 17 central nervous system that is substantially similar to or greater than the
- 18 stimulant, depressant, or hallucinogenic effect on the central nervous
- 19 system of a controlled substance in schedule I or II;
- 20 However, the term, controlled substance analogue, does not include a
- 21 controlled substance or any substance for which there is an approved new drug
- 22 application.

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

24 34-20B-14. Hallucinogenic substances specifically included in Schedule I.

25 Any material, compound, mixture, or preparation which contains any quantity of the following

26 hallucinogenic substances, their salts, isomers, and salts of isomers, is included in Schedule I, unless

27 specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible

28 within the specific chemical designation:

- 29 (1) Bufotenine;
- 30 (2) Diethyltryptamine (DET);
- 31 (3) Dimethyltryptamine (DMT);
- 32 (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);
- 33 (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 34 (6) 4-bromo-2, 5-dimethoxyamphetamine;
- 35 (7) 4-methoxyamphetamine;
- 36 (8) 4-methoxymethamphetamine;
- 37 (9) 4-methyl-2, 5-dimethoxyamphetamine;
- 38 (10) Hashish and hash oil;

-
- 1 (11) Ibogaine;
- 2 (12) Lysergic acid diethylamide;
- 3 (13) Mescaline;
- 4 (14) N-ethyl-3-piperidyl benzilate;
- 5 (15) N-methyl-3-piperidyl benzilate;
- 6 (16) 1-(-(2-thienyl)cyclohexyl) piperidine (TCP);
- 7 (17) Peyote, except that when used as a sacramental in services of the Native American
8 church in a natural state which is unaltered except for drying or curing and cutting or
9 slicing, it is hereby excepted;
- 10 (18) Psilocybin;
- 11 (19) Psilocyn;
- 12 (20) Tetrahydrocannabinol, other than that which occurs in industrial hemp as defined in § 38-
13 35-1 or marijuana in its natural and unaltered state, including any compound, except
14 nabilone or compounds listed under a different schedule, structurally derived from 6,6'
15 dimethyl-benzo[c]chromene by substitution at the 3-position with either alkyl (C3 to C8),
16 methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified
17 in any of the following ways:
- 18 (a) By partial to complete saturation of the C-ring; or
- 19 (b) By substitution at the 1-position with a hydroxyl or methoxy group; or
- 20 (c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl group;
21 or
- 22 (d) By modification of the possible 3-alkyl group with a 1,1' dimethyl moiety, a 1,1'
23 cyclic moiety, an internal methylene group, an internal acetylene group, or a
24 terminal halide, cyano, azido, or dimethylcarboxamido group.
- 25 Some trade and other names: JWH-051; JWH-057; JWH-133; JWH-359;
26 HHC; AM-087; AM-411; AM-855, AM-905; AM-906; AM-2389; HU-210; HU-211; HU-
27 243; HU-336;
- 28 (21) 3, 4, 5-trimethoxy amphetamine;
- 29 (22) 3, 4-methylenedioxy amphetamine;
- 30 (23) 3-methoxyamphetamine;
- 31 (24) 2, 5-dimethoxyamphetamine;
- 32 (25) 2-methoxyamphetamine;
- 33 (26) 2-methoxymethamphetamine;
- 34 (27) 3-methoxymethamphetamine;
- 35 (28) Phencyclidine;
- 36 (29) 3, 4-methylenedioxymethamphetamine (MDMA);

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- 1 (30) 3, 4-methylenedioxy-N-ethylamphetamine;
- 2 (31) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 3 (32) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);
- 4 (33) 2,5 Dimethoxy-4-ethylamphetamine;
- 5 (34) N,N-Dimethylamphetamine;
- 6 (35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- 7 (36) Aminorex;
- 8 (37) Cathinone and other variations, defined as any compound, material, mixture, preparation
 9 or other product unless listed in another schedule or an approved FDA drug (e.g.
 10 bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by
 11 substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems,
 12 whether or not the compound is further modified in any of the following ways:
- 13 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
 14 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in
 15 the ring system by one or more other univalent substituents;
- 16 (b) By substitution at the 3-position with an acyclic alkyl substituent;
- 17 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
 18 methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic
 19 structure.
- 20 Some trade or other names: methcathinone, 4-methyl-N-methylcathinone
 21 (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-
 22 methylenedioxypropylpyrovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-
 23 fluormethcathinone (fledrone); 4-methoxymethcathinone (methedrone; Bk-PMMA);
 24 Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-
 25 keto-N-methyl-3,4-benzodioxolylbutanamine (butylone); N,N-dimethylcathinone
 26 (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-
 27 pyrrolidinopropiophenone (MOPPP); 3,4-methylenedioxyalphapyrrolidinopropiophenone
 28 (MDPPP); Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4'-
 29 Methyl-alpha-pyrrolidinobutiophenone (MPBP); Methyl- α -pyrrolidino-hexanophenone (MPHP);
 30 pyrrolidinopropiophenone (MPPP); Methyl- α -pyrrolidino-hexanophenone (MPHP);
 31 Buphedrone; Methyl-N-ethylcathinone; Penthedrone; Dimethylmethcathinone (DMMC);
 32 Dimethylethcathinone (DMEC); Methylenedioxyethcathinone (MDMC); Pentylone;
 33 Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-alpha-
 34 pyrrolidinobutiophenone (MPBP); Methylecathinone (MEC); Methylenedioxy-alpha-
 35 pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC); Methylbuphedrone
 36 (MBP); Bazedrone (4-MBC); Dibutylone (DMBDB); Dimethylone (MDDMA);
 37 Diethylcathinone; Eutylone (EBDB); N-ethyl-N-Methylcathinone; N-ethylbuphedrone, 1-
 38 (1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (N-Ethylpentylone); 4'-Methyl-
 39 alpha-pyrrolidinopropiophenone (4-MEPPP, MPPP or MaPPP); alpha-
 40 Pyrrolidinobutiophenone (α -PBP); 1-(1,3-benzodioxol-5-yl)-2-(tert-butylamino)propan-
 41 1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)hexan-1-one (N-ethyl
 42 Hexylone);
- 43 (38) 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 44 (39) Alpha-ethyltryptamine;
- 45 (40) 4-Bromo-2,5-dimethoxy phenethylamine;

-
- 1 (41) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
- 2 (42) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
- 3 (43) Alpha-methyltryptamine (AMT);
- 4 (44) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 5 (45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 6 (46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not
7 listed as a controlled substance in another schedule, is not an FDA-approved drug, and
8 contains any quantity of the following substances, their salts, isomers (whether optical,
9 positional, or geometric), homologues, modifications of the indole ring by nitrogen
10 heterocyclic analog substitution or nitrogen heterocyclic analog substitution of the
11 phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, cumyl, or propionaldehyde structure,
12 and salts of isomers, homologues, and modifications, unless specifically excepted,
13 whenever the existence of these salts, isomers, homologues, modifications, and salts of
14 isomers, homologues, and modifications is possible within the specific chemical
15 designation:
- 16 (a) Naphthoylindoles. Any compound containing a 2-(1-naphthoyl)indole or 3-(1-
17 naphthoyl)indole structure with substitution at the nitrogen atom of the indole
18 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
19 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-
20 2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-
21 yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the
22 indole ring to any extent and whether or not substituted on the naphthyl ring to
23 any extent.
- 24 Some trade or other names: JWH-015; 1-pentyl-3-(1-
25 naphthoyl)indole (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-
26 3-(1-naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole
27 (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-
28 morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-
29 pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-
30 naphthoyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009; JWH-
31 011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048; JWH-049;
32 JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079; JWH-080; JWH-
33 082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120; JWH-148; JWH-149;
34 JWH-164; JWH-166; JWH-180; JWH-181; JWH-182; JWH-189; JWH-193; JWH-
35 198; JWH-211; JWH-212; JWH-213; JWH-234; JWH-235; JWH-236; JWH-239;
36 JWH-240; JWH-241; JWH-258; JWH-262; JWH-386; JWH-387; JWH-394; JWH-
37 395; JWH-397; JWH-399; JWH-400; JWH-412; JWH-413; JWH-414; JWH-415;
38 JWH-424; AM-678; AM-1220; AM-1221; AM-1235; AM-2232, THJ-2201;
- 39 (b) Naphthylmethylindoles. Any compound containing a 1H-indol-2-yl-(1-
40 naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with
41 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
42 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
43 morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
44 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group,
45 whether or not further substituted on the indole ring to any extent and whether
46 or not substituted on the naphthyl ring to any extent.
- 47 Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-
48 192; JWH-194; JWH-195; JWH-196; JWH-197; JWH-199;
- 49 (c) Phenylacetylindoles. Any compound containing a 2-phenylacetylindole or 3-
50 phenylacetylindole structure with substitution at the nitrogen atom of the indole

ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 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 indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

Some trade or other names: 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-316; Cannabipiperidiethanone;

- (d) Benzoylindoles. Any compound containing a 2-(benzoyl)indole or 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole 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 indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4); AM-630; AM-661; AM-2233; AM-1241;

- (e) Naphthoylpyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole 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 pyrrole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

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.

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 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or
2 halobenzyl group, whether or not substituted on the cyclohexyl ring to any extent.

3 Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
4 hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8);
5 cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667

6 (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
7 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-
8 210;

9 (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-
10 benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-2;

11 (j) Substituted Acetylindoles. Any compound containing a 2-acetyl indole or 3-acetyl
12 indole structure substituted at the acetyl by replacement of the methyl group with
13 a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde
14 substituent whether or not further substituted on the tetramethylcyclopropyl,
15 adamantyl, benzyl, cumyl, or propionaldehyde substituent to any extent and
16 whether or not further substituted at the nitrogen atom of the indole ring by an
17 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
18 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
19 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-
20 yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the
21 indole ring to any extent.

22 Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-
23 tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-yl)-
24 (2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-4-
25 ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (A-
26 796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole (AM-
27 1248); 1-Pentyl-3-(1-adamantoyl)indole (AB-001 and JWH-018 adamantyl
28 analog); AM-679;

29 (k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide
30 indole or 3-carboxamide indole structure substituted at the nitrogen of the
31 carboxamide with a tetramethylcyclopropyl, naphthyl, adamantyl, cumyl, phenyl,
32 or propionaldehyde substituent, whether or not further substituted on the
33 tetramethylcyclopropyl, adamantyl, cumyl, naphthyl, phenyl, or propionaldehyde
34 substituent to any extent and whether or not further substituted at the nitrogen
35 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
36 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-
37 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-
38 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group
39 whether or not further substituted on the indole ring to any extent.

40 Some trade and other names: JWH-018 adamantyl carboxamide;
41 STS-135; MN-18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-
42 1H-pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA) ; N-(Adamantan-
43 1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA); methyl (2R)-
44 2-[[1-(5-fluoropentyl)indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (5F-
45 ADB); N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-
46 carboxamide (AB-CHMINACA); 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-
47 indazole-3-carboxamide (4-CN-CUMYL-BUTINACA); methyl (2R)-2-[[1-(5-
48 fluoropentyl)indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (5F-ADB);N-(1-
49 amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-
50 carboxamide (ADB-CHMINACA or MAB-CHMINACA); methyl (2S)-2-[[1-[4-
51 fluorophenyl)methyl]indazole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMB-
52 FUBINACA); methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-
53 methylbutanoate (MMB-CHMICA); methyl (2S)-2-[[1-[4-
54 fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methylbutanoate (AMB-

1 FUBINACA); Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-
2 methylbutanoate (5F-AMB);

3 (l) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-
4 carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl group
5 of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl,
6 quinolinyl, isquinolinyl, cumyl, or propionaldehyde substituent whether or not
7 further substituted on the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl,
8 cumyl, quinolinyl, isquinolinyl, or propionaldehyde substituent to any extent and
9 whether or not further substituted at the nitrogen atom of the indole ring by an
10 alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
11 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
12 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
13 tetrahydropyranylmethyl, benzyl, or halo benzyl group whether or not further
14 substituted on the indole ring to any extent.

15 Some trade and other names: Naphthalen-1-yl 1-(5-fluoropentyl)-
16 1H-indole-3-carboxylate (NM2201);

17 (47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);

18 (48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

19 (49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

20 (50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

21 (51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

22 (52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

23 (53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

24 (54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

25 (55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

26 (56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

27 (57) Substituted phenethylamine. Any compound, unless specifically exempt, listed as a
28 controlled substance in another schedule or an approved FDA drug, structurally derived
29 from phenylethan-2-amine by substitution on the phenyl ring in any of the following
30 ways, that is to say--by substitution with a fused methylenedioxy, fused furan, or fused
31 tetrahydrofuran ring system; by substitution with two alkoxy groups; by substitution with
32 one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system;
33 by substitution with two fused ring systems from any combination of the furan,
34 tetrahydrofuran, or tetrahydropyran ring systems; whether or not the compound is
35 further modified in any of the following ways:

36 (a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl,
37 alkoxy, or alkylthio groups;

38 (b) By substitution on the 2-position by any alkyl groups; or

39 (c) By substitution on the 2-amino nitrogen atom with acetyl, alkyl, dialkyl, benzyl,
40 methoxybenzyl, or hydroxybenzyl groups.

41 Some trade and other names: 2-(2,5-dimethoxy-4-
42 (methylthio)phenyl)ethanamine (2C-T or 4-methylthio-2,5-dimethoxyphenethylamine);
43 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (DOI or 2, 5-Dimethoxy-4-

1 iodoamphetamine); 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (DOB or 2,5-
 2 Dimethoxy-4-bromoamphetamine); 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine
 3 (DOC or 2,5-Dimethoxy-4-chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-
 4 [(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-
 5 4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-(4-iodo-2,5-dimethoxyphenyl)-N-
 6 [(2-methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-
 7 iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-Methoxybenzyl)-2-(3,4,5-
 8 trimethoxyphenyl) (Mescaline-NBOMe or 3,4,5-trimethoxy-(2-
 9 methoxybenzyl)phenethylamine); 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
 10 methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-NBOMe or 2,5-Dimethoxy-4-
 11 chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-Bromo-5-methoxy-2,3-dihydro-1-
 12 benzofuran-4-yl)ethanamine (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-tetrahydrofuro
 13 [2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-FLY); 2-(10-Bromo-2,3,4,7,8,9-
 14 hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (2C-B-butterFLY); -(2-
 15 Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-
 16 aminoethane (2C-B-FLY-NBOMe); 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-
 17 amine (bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY); -(2-
 18 Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-NBOH); 5-(2-
 19 Aminopropyl)benzofuran (5-APB); 6(2-Aminopropyl)benzofuran (6-APB); 5-(2-
 20 Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3,-
 21 dihydrobenzofuran (6-APDB);

22 (58) Substituted tryptamines. Any compound, unless specifically exempt, listed as a controlled
 23 substance in another schedule or an approved FDA drug, structurally derived from 2-
 24 (1H-indol-3-yl)ethanamine (i.e, tryptamine) by mono- or di-substitution of the amine
 25 nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a
 26 cyclic structure whether or not the compound is further substituted at the alpha-position
 27 with an alkyl group or whether or not further substituted on the indole ring to any extent
 28 with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups.

29 Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-
 30 DALT); 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-
 31 N-methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-HO-
 32 DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MIPT);

33 (59) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);

34 (60) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);

35 (61) 1-(4-Fluorophenyl)piperazine (pFPP);

36 (62) 1-(3-Chlorophenyl)piperazine (mCPP);

37 (63) 1-(4-Methoxyphenyl)piperazine (pMeOPP);

38 (64) 1,4-Dibenzylpiperazine (DBP);

39 (65) Isopentedrone;

40 (66) Fluoromethamphetamine;

41 (67) Fluoroamphetamine;

42 (68) Fluorococaine;

43 (69) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

44 (70) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-22);

- 1 (71) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-
2 PINACA);
- 3 (72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide
4 (5 Fluoro-AB-PINACA);
- 5 (73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide
6 (AB-FUBINACA);
- 7 (74) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADB-
8 PINACA (ADBICA));
- 9 (75) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-
10 carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA)); and
- 11 (76) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
12 carboxamide (ADB-FUBINACA).

13 **Section 25.** There is hereby appropriated from the general fund the sum of thirty-six thousand
14 five hundred eighty-six dollars (\$36,586) to the Department of Agriculture, the sum of seven
15 hundred five thousand seven hundred dollars (\$705,700) to the Department of Health, and the sum
16 of one million one hundred fifty-seven thousand five hundred seventeen dollars (\$1,157,517) in
17 other fund expenditure authority to the Department of Public Safety, or so much thereof as may be
18 necessary, for the purpose of funding this Act.

19 **Section 26.** Expenditures for this Act shall be made by an appropriation of the Legislature
20 through either the general appropriations act or a special appropriations bill.

21 **Section 27.** Whereas, this Act is necessary for the support of the state government and its
22 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
23 force and effect from and after its passage and approval.

24 "

25 1008K

26 On the previously adopted amendment (1008J), On page 26, line 22, after "(\$36,586)" insert
27 ", or so much thereof as may be necessary,"

28 On the previously adopted amendment (1008J), On page 26, line 22, after "Agriculture" delete
29 ", the sum of seven hundred five thousand seven hundred dollars (\$705,700) to the Department of
30 Health, and the sum of one million one hundred fifty-seven thousand five hundred seventeen dollars
31 (\$1,157,517) in other fund expenditure authority to the Department of Public Safety, or so much
32 thereof as may be necessary, for the purpose of funding this Act"

33 On the previously adopted amendment (1008J), On page 26, after line 26, insert "

34 **Section 28.** There is hereby appropriated from the general fund the sum of seven hundred
35 five thousand seven hundred dollars (\$705,700), or so much thereof as may be necessary, to the
36 Department of Health.

37 "

38 On the previously adopted amendment (1008J), On page 26, after line 26, insert "

39 **Section 29.** There is hereby appropriated the sum of one million one hundred fifty-seven
40 thousand five hundred seventeen dollars (\$1,157,517) in other fund expenditure authority, or so
41 much thereof as may be necessary, to the Department of Public Safety.

42 "

On the previously adopted amendment (1008J), On page 26, after line 26, insert "

Section 30. The secretary of the Department of Agriculture shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in section 25 of this Act.

"

On the previously adopted amendment (1008J), On page 26, after line 26, insert "

Section 31. The secretary of the Department of Health shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in section 26 of this Act.

"

On the previously adopted amendment (1008J), On page 26, after line 26, insert "

Section 32. The secretary of the Department of Public Safety shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized in section 27 of this Act.

"

On the previously adopted amendment (1008J), On page 26, after line 26, insert "

Section 33. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

"

On the previously adopted amendment (1008J), On page 26, line 27, after "Act." delete "Section 26. Expenditures for this Act shall be made by an appropriation of the Legislature through either the general appropriations act or a special appropriations bill."

And that as so amended, the Conference Committee report be adopted.

Respectfully submitted,
Lee Qualm, Chair

Respectfully submitted,
Gary L. Cammack, Chair

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Langer moved that the report of the Joint Legislative Procedure Committee relative to the Joint Rules for the 96th Legislative Session be adopted.

Sen. Brock Greenfield made a substitute motion not to adopt the Joint Legislative Procedure report.

Which motion prevailed by a voice vote.

Sen. Langer moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on Thursday, March, 12, 2020, the 36th legislative day.

Which motion prevailed.

3

Kay Johnson, Secretary