

Columbia Legion Auxiliary earns national award



The Columbia Unit # 58 was presented a National award by former District IV President Jeannine Jilek. They earned the 2018-2019 "Most Outstanding National Security Program for a Unit in the Northwestern Division" for sponsoring blood drives in their community. Congratulations on this esteemed honor! Those in attendance at the Akaska meeting were Kathie Vitense, Julie Lillis, and Cara Dennert receiving their National Security Award from Past District Four President Jeannine Jilek. (Courtesy photo)



Columbia Unit members
Columbia Auxiliary Unit #58 picture: Cyndy Larson, Julie Lillis, Sharon Zastrow, Connie Rose, Cheryl Kampa, Doris Dennert, Lorie Ringgenberg, junior member - Lily Davis, Christine Davis, visitor- Lucas Davis, Kathie Vitense, Cara Dennert, Melinda Johnson. Not present: Amy Weismantel. (Courtesy photo)



Leaves Win!

If this was rock, paper, scissors, the leaves would pick paper and win as the leaves are covering the snow in many areas.

(Photo by Paul Kosel)

Update From Governor Noem on South Dakota's COVID-19 Response



It has been nearly eight months since COVID-19 first hit our state. Though there is still much to learn, we are fortunate to have a much better sense of the common enemy we're fighting today than we did back in March.

Today, we know that hand washing kills the virus. And though anyone can get it, we also know that it's the elderly and those with certain pre-existing conditions that have the greatest risk of mortality.

In South Dakota, the percentage of cases that require hospitalization increases with age. Older adults (age 60+) make up 20%

of the cases but account for 59% of hospitalizations. Alternatively, children and young adults (under age 30) make up 35% of cases but only 8% of hospitalizations.

Similarly, the percentage of cases that result in death also increases with age in South Dakota. Roughly 85% of deaths have occurred in older adults (age 60+). One in eight adults aged 80+ years who tested positive for COVID-19 (many of which also had underlying health conditions) have died. And no one under the age of 23 has died from the virus.

I draw your attention to these data points because facts matter, and South Dakotans should be informed about what is happening in our state.

While we have been working together to combat this virus, many other states have taken a very different approach. Some governors ordered their citizens to shelter in place. Others ordered businesses and churches to close. Some even sent nursing home patients who had the virus back into their facilities.

Many said these steps had to be taken. They insisted that the approach we've taken – trusting the people to make the best decisions for themselves and their families – was wrong. The data say otherwise.

New Jersey and New York have the two worst death rates, 183 and 171 per 100,000 respectively, in the nation. Though every death is one too many, South Dakota's death rate, 37 per 100,000, remains among the lowest in the nation.

As we expected, cases have gone up in South Dakota. Science told us that was going to happen – there is no way to stop the virus. But what's encouraging is that we're doing a much better job of identifying cases, getting those individuals isolated, and treating those who need an elevated level of care.

In October, South Dakota's daily reporting of tests has jumped to more than 5,200 per day. That's more than double the 2,500 daily tests in September and triple the 1,700 daily tests in August. Identifying cases is a good thing. It lets our medical professionals treat patients; they know what works and what doesn't work. Earlier treatment means that people aren't getting as sick, and for those who require hospitalization, they aren't staying in the hospital as long.

Though we all look forward to a time when COVID-19 is behind us, a one-size-fits-all approach remains elusive. This includes mandatory masking. In many other places – from Los Angeles and Miami to London and Paris – cases have exploded despite the existence of mask mandates and other harsh restrictions.

There are times when masks are appropriate. For example, masks are a smart precaution when caring for a symptomatic person who is coughing or sneezing. Masks are also recommended in hospital settings. Data suggest that N95 masks can be effective when worn appropriately – changed regularly, fitted properly, and not touched. But if you're alone in a park, or hunting in a field, risk of transmission is negligible, even without a mask.

Oxford's Dr. Carl Heneghan, also the editor-in-chief of British Medical Journal Evidence-Based Medicine, says: "It would appear that despite two decades of pandemic preparedness, there is considerable uncertainty as to the value of wearing masks."

Though they've flipped-flopped on this issue, even the World Health

See Governor on Page 3

The Minnesota Vikings are off to one of the worst starts in franchise history. Through six weeks the team is 1-5, and it appears they have finally admitted this season is lost and it's time to start looking towards the future.

The Vikings' offense is averaging:

- 25.8 points per game (18th in NFL)
- 374.2 yards per game (14th)
- 235 passing ypg (21st)
- 139.2 rushing ypg (8th)

Taking a look at the stats, a few things immediately stand out. The team's run game is the strength of the offense, especially when you consider the team has been down big in a few games this season and had to abandon the run game. Conversely, the Vikings' passing attack is even worse than the stats indicate. Cousins has been the king of garbage time this season, which leads to inflated and meaningless stats.

The Vikings' defense is allowing:

- 32 points per game (31st)
- 413.7 yards per game (28th)
- 286.7 passing ypg (30th)
- 127 rushing ypg (22nd)

The Vikings' offense might be bad, but the defense is one of the worst in the league. After losing seven starters from last season for various reasons (Griffen, Joseph, Hunter, Barr, Rhodes, Waynes, Alexander), it's no surprise there was a drop off in production – but nobody expected the drop off to be so severe.

So now it's clear the Vikings need to rebuild, but what will a rebuild look like? The first step is evaluating everything, from the GM to the head coach to the players. General Manager Rick Spielman and head coach Mike Zimmer signed contract extensions recently, but that doesn't guarantee them a spot on next year's squad. When evaluating the players, the Vikings will need to determine which players to build around, which players have a ton of potential, and which players to cut or trade.

The second step is for the Vikings to rid themselves of players who won't be a part of the future, a task that can be completed in a few different ways. The most beneficial way is to trade players for draft picks – which is exactly what happened when the Vikings traded newly acquired DE Yannick Ngakoue to Baltimore for a third and a fifth-round pick. Some other names that could be potentially be traded are Riley Reiff, Kyle Rudolph, and Anthony Harris.

The biggest question mark is what to do with Kirk Cousins. The quarterback is under contract through 2022, and if the Vikings cut him after this season there will be a \$41 million dead cap hit in 2021. A cheaper option would be for the Vikings to trade him, but I can't imagine there is a team out there willing to pay Cousins \$76 million over the next two seasons. And if the Vikings move on from Cousins, how do they fill the quarterback position? The best (and cheapest) option is the draft. Right now there are three quarterbacks projected to go in the first round, but the only one who is almost guaranteed to be great in the NFL is Trevor Lawrence, who will undoubtedly be the first overall pick in the draft next spring. So unless the team tanks every remaining game, they are likely looking at either Justin Fields and Trey Lance.

The Groton Independent

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By Jordan Wright



Smith runs at state meet

Senior Isaac Smith was the lone Groton Area runner to compete in the State A Cross Country Meet held in Rapid City this past weekend. Smith ran the 5,000 meter course in 18:50.75 and placed 55th. (Photo from Adam Franken's Facebook Page)

Tigers end regular season with loss to Redfield

Groton Area's volleyball teams won four of seven sets in the regular season finale held Tuesday in Groton. The C team and junior varsity team defeated Redfield, 2-0, but lost the varsity match, 3-0.

All matches were broadcast live on GDILIVE.COM, with the JV/C matches sponsored by the White House Inn and the varsity match sponsored by Blocker Construction, Milbrandt Enterprises Inc., Bary Keith at Harr Motors and Grand Slam Computers.

In the C match, the first set was tied 13 times and there were eight lead changes before the Tigers pulled out a 28-26 win. Gro-

ton won the second set, 25-21. Anna Fjeldheim had eight kills and one ace serve; Emma Schinkel had four kills and four ace serves, Lydia Meier had four kills, Hollie Frost and Elizabeth Flihs each had two kills, Shallyn Foertsch had two ace serves and Marlee Tollifson had one ace serve.

The Tigers won the junior varsity match by identical game scores of 25-20. Sarah Schuster was a guest commentator on GDILIVE.COM for both the JV and varsity match.

Aspen Johnson had five kills and an ace serve, Stella Meier had five kills, Megan Flihs had four kills, Anna Fjeldheim had two kills, an ace serve and a block, Lydia Meier had three kills and an ace serve, Riley Leicht had an ace serve and Brooke Gengerke had a kill.

Redfield won the varsity games, 25-20, 25-16 and 25-6. Sydney Leicht had five kills and an ace serve, Madeline Flihs had four kills, a block and an ace serve, Kenzie McInerney had two kills and two blocks, Jasmine Gengerke and Allyssa Locke each had a kill and an ace serve and Maddie Bjerke had a kill.

The Tigers finish the regular season with a 6-14 record and will enter the regional action on Tuesday. The way it looks, Groton Area will travel to Sisseton for the first round match.



Allyssa Locke
(Photo by Jeslyn Kosel)

- Paul Kosel

Governor

Continued from front page

Organization wrote this summer, "the widespread use of masks by healthy people in the community setting is not yet supported by high quality or direct scientific evidence and there are potential benefits and harms to consider."

There are many others who question the effectiveness of masks, and South Dakotans should take the time to read this information so they can make informed decisions for themselves and their families. As I've said before, if folks want to wear a mask, they should be free to do so. Similarly, those who don't want to wear a mask shouldn't be shamed into wearing one. And government should not mandate it. We need to respect each other's decisions – in South Dakota, we know a little common courtesy can go a long way.

Recently, a South Dakota doctor wrote me, thanking me "for treating your fellow citizens of South Dakota like adults..." I tell you this because there are also some South Dakota medical professionals who have written to tell me of their fears about voicing their thoughts on the situation.

One family doctor sent me this message: "I feel like I am unable to have an opinion about masking because I am employed. I think your approach has good science and is being suppressed or ignored by many... I think we are all worried if we disagree openly our license or job could be at risk."

That's concerning to me, because in America, everyone is free to have and express an opinion about matters of public importance. Some in our culture today have gotten into the habit of shutting down viewpoints they don't agree with, sometimes ruining lives and careers. This is a serious mistake, deadly to public dialogue and, more importantly, public trust – especially when situations like the one we're in are changing almost daily.

From the beginning, my administration has committed itself to following the science, and we will continue to do so. Science tells us that for most people, the risks of COVID-19 are very low. Science also tells us that the normal hygiene measures that we all learned when we

were young are very effective.

I'm going to continue to ask South Dakotans to be extra diligent about their personal hygiene and to stay home if they are sick. I'm going to continue to trust South Dakotans to make wise and well-informed decisions for themselves and their families. I'm also asking that we all show respect and understanding to those who make choices we may not agree with. Our trust in the data and in each other has been rewarded. This is a testament to the people of South Dakota – our greatest weapon against this common enemy.

Conde National League

October 26, 2020 Team Standings: Braves 17½, Giants 14, Cubs 14, Mets 13, Pirates 13, Tigers 12½.

Men's High Games: Butch Farmen 196; Lance Frohling 196, 181; Collin Cady 193; Dalton Locke 169

Men's High Series: Lance Frohling 525, Butch Farmen 523, Collin Cady 496

Women's High Games: Sam Bahr 161, Mary Larson 159, Joyce Walter 154

Women's High Series: Sam Bahr 441, Mary Larson 440, Joyce Walter 428



A Killdeer bird was seen Friday in Groton. They should be heading south for the winter. (Photo by Paul Kosel)

Spooooooky Sayings!

- skeletons in your closet
- cat got your tongue
- as the crow flies
- to turn into a pumpkin
- to start a witch-hunt
- blind as a bat
- white as a ghost
- scaredy-cat
- a ghost of a chance
- like a kid in a candy store

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That's Life by Tony Bender

When you chose to gather recklessly in large groups you're showing indifference and disdain for your community. That's what you're advertising when you walk into public places without a mask. You're no hero.

If you're a CNA who goes bar-hopping with friends, you're playing Russian roulette with those you're supposed to care for. If you get sick, who are you bumping out of a hospital bed? A stroke or heart attack victim? A cancer patient? Think, people.

When you drag the virus into the workplace you're endangering your coworkers and the business. You bet this virus is killing our economy. Ignoring it isn't the answer. Facing reality and being smart is. Even if you care more about the economy than people's lives, the answer is the same. Wear a mask. The economy won't thrive if people lack confidence and fear for their safety.

I get it. What should be a simple matter of medical science has become a political dividing line because of the unconscionable lack of leadership in this country. Masks work, imperfectly, yes, but they do make a difference. They do save lives. Maybe yours. Maybe your grandmother's.

Still, even though North and South Dakota infection rates are the highest in the country and hospitals are filling up, our governors have failed to implement a mask mandate. It's political malpractice. We'll never know how many lives that will cost.

It's science. Medicine. Logic. Doctors and nurses wear masks because they work. If you have an infection, you take antibiotics. If you have a pandemic, you wear a mask until there's a vaccine. It will come, and this pandemic will pass, but in the meantime we have to patient and remember that our decisions have the potential to kill or save lives. There's not one of you reading this who wouldn't help a neighbor in need. That's what this is about. Your neighbors.

I wore a mask into the drug store recently—I was the only one in a mask except for the employees—and another customer opined that I must not have been "behaving" if I was wearing a mask. "No," I said, "I just want to respect those come in contact with. Plus, there's a sign on the door asking customers to wear masks." Seriously, you won't wear a mask to the pharmacy? Where do you think the sick people go?

I won't stigmatize those who get this virus. I know victims that were very careful. It's a sneaky, highly-infectious disease. I'm certainly not batting 1.000. But I'm trying. And I take no satisfaction from those who behave recklessly and get infected. Even if this virus doesn't kill you, it can devastate your organs and take years off your life.

Ironically, the most at risk to COVID-19 are the generations who sacrificed time and time again to build this nation, surviving depressions, recessions, and wars. There was rationing. Uncertainty. Hunger. Poverty. And your message to them? "Stay home, if you're scared, Grandpa." The grandpa that walked point in Vietnam. Or lost his buddies in Korea. No, Grandpa's not scared. He just knows there's a difference between stupidity and fearlessness. Guess which one describes you.

And wearing a mask is too much of a sacrifice for you, snowflake?

While we're at it, let's put to rest this whole "freedom" argument. Abraham Lincoln is credited (among others) with saying, "Your liberty to swing your fist ends just where my nose begins." Please, let's just keep each other's germs out of our respective noses.

If you still don't want to wear a mask, fine. You stay home. You.

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About Tony Bender

Columnist and publisher and author Tony Bender came to the print industry in 1991 "from the dark side," he says, referencing a career as a professional smart aleck disc jockey spanning 15 years and much of the continent from the Dakotas to Denver to Alaska to Myrtle Beach, SC, where he, newsman Robert Kessler and other staffers at WBPR, refused to evacuate for Hurricane Hugo and kept the station on the air by generator, providing the lone source of information to hundreds of thousands of terrified citizens along the coastline unable to evacuate in time.

Bender grew up in Frederick, SD, a tiny community on the North Dakota/South Dakota border, with a population of 400 that provided Bender with a "Tom Sawyer" existence that surfaces in his writing as he tells the tales of the characters he grew to love. The community and his experiences there serve as a springboard for his novel, *The Last Ghost Dancer*. (Thomas Dunne/St. Martins 2010)

Bender, who published three best-selling collections of his newspaper columns, *Loons in the Kitchen*, *The Great and Mighty Da-Da* and *Prairie Beat*, sold his first novel, *If Every Month Were June*, released in 2008 by Fulcrum Publishing.

Bender has also provided editorial direction to national syndicated radio talker Ed Schultz on his books, *Killer Politics*, *Hyperion*, *Straight Talk From the Heartland*, published by Harper Collins, and for Senator Byron Dorgan, D-ND, and his 2007 release, *Take This Job and Ship It*, by St. Martins Press, which spent five weeks on the New York Times Hardcover Nonfiction list. He and Dorgan also collaborated on Dorgan's book, "Reckless."

Bender says he always planned to write, when he was "too old to be cool on the radio." Bender began writing a regionally syndicated column in 1991 which since has won two National Newspaper Association first place awards for humor writing. In 1999 Bender won the first ever NDNA First Amendment Award, which he says is the one he treasures the most. The Adams County Record also won two NDNA General Excellence awards during his tenure. He is a former president of the North Dakota Newspaper Association.

He is the president of Redhead Publishing, the parent company of the *Ashley Tribune* and *Wishek Star*. Both newspapers are located in McIntosh County, North Dakota.

Bender has two children, Dylan and India. They also have two cats, *Squirrel*, *The World's Grumpiest Cat* and *Orange*, *The Outside Cat*, a dog, *Gust The Wonder Pug*, millipedes in the spring, crickets in the fall, and a recurring vet bill. They reside near Venturia, ND.

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By Andrew Ellsworth, MD ~ Prairie Doc® Perspectives

Let's Get Some Sleep

Indeed, there is a lot we can worry about in the world today. It can be so easy to let those problems invade our thoughts as we try to get some sleep. Ideally, our bedrooms are sanctuaries of peace and quiet and places of rest. But televisions, phones, computers, and other devices bring the world and its problems to our beds, and this is not healthy.

Sleep is one of the best ways to help keep our immune system strong to fight off infection and illnesses. And now more than ever, it is important to give our bodies the best chance at fighting off a cold, flu, and disease. Adults need seven to eight hours of sleep every night, while teenagers and elementary children need nine to ten hours.

Regular exercise is one way to help us sleep better. It is best to exercise during the day rather than right before bedtime. We sleep better if we avoid eating large meals within two to three hours of going to bed. But this doesn't mean we must go to bed hungry. We can reach for a small healthy snack like carrot sticks or apple slices. It can also help to keep a regular schedule and have a bedtime ritual, such as brushing our teeth after that final snack.

Reduce caffeine and alcohol consumption, especially near bedtime. And when stressed, we can prepare for better sleep if we take time to relax by gentle stretching, meditation, prayer, or deep breathing.

We can help ourselves by changing our behaviors, but if we experience persistent heartburn or reflux, restless legs, snoring, daytime fatigue, or use the bathroom frequently at night, it's time to visit the doctor for assistance.

Finally, it helps to keep the bedroom comfortable, quiet, dark, and cool. Despite all their conveniences, consider removing those electronic devices from the bedroom. Screen time before bed, whether watching television, phones or laptops is a large and growing reason for insomnia. The bright light from screens tricks our minds into thinking it is daytime so be sure to use the night filter to decrease the amount of light they emit. And, since our bedroom is meant for sleeping, why not set a firm time to turn off all the devices for the day.

"You better get up; people die in their sleep." That's what my dad would say when he was trying to get me out of bed as a teenager. While true, the reverse is also valid, people can die from problems stemming from lack of sleep. So, let's get some sleep and stay healthy out there people!

Andrew Ellsworth, M.D. is part of The Prairie Doc® team of physicians and currently practices family medicine in Brookings, South Dakota. For free and easy access to the entire

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Netters have clean sweep over Wilmot

Groton Area's volleyball teams came home with a 5-0 win in Wilmot Friday night.

The events were recorded and uploaded to GDILIVE.COM and archived at 397news.com, sponsored by Gordon and Dorene Nelson and VanderVorst Farms. No cellular or wifi service was available in the Wilmot gym.

In the first varsity set, the game was tied 10 times and there were eight lead changes when Groton Area took a 13-12 lead. The Tigers got the upper hand and went on to win, 25-17. Kenzie McInerney had two kills, Sydney Leicht had two ace serves and one kill, Alyssa Thaler and Trista Keith each had an ace serve, Jasmine Gengerke had two blocks and an ace serve, Madeline Flihs had one kill, Allyssa Locke had two kills and an ace serve and Maddie Bjerke had two kills.

Groton Area jumped out to a 3-0 lead in the second set, but the Wolves would tie the set at seven before Groton Area took an 11-7 lead and upped it to 17-10 en route to a 25-12 win. McInerney had two kills, Leicht had five kills, Gengerke had one block, five ace serves and a kill, and Flihs had four kills and two ace serves.

After a tie at one, Groton Area had the early lead in the third set, but the Wolves would tie it at seven and eight before taking the lead, 12-8. Groton Area would tie the set at 12 and 14 before taking a 15-14 lead. From there, the Tigers maintained a one to three point advantage and would go on to win, 25-22. McInerney had five kills and a block in that set while Leicht had two kills, Gengerke had two blocks, an ace serve and a kill, Keith and Locke each had two ace serves and Flihs had three kills and an ace serve.

For the match Locke had 22 sets and Leicht had 12 digs and Thaler had 11 digs.

Paris Redthunder would lead the Wolves with seven kills.

Groton Area won the junior varsity match, 25-12 and 25-4. Ryan and Susan Fjeldheim sponsored the recording of the match through GDILIVE.COM.

Megan Flihs had six kills, Anna Fjeldheim had three ace serves and a kill, Lydia Meier had two kills and two ace serves, Aspen Johnson had three kills, Brooke Gengerke had three ace serves, Stella Meier had two kills, Riley Leicht and Sydney Leicht each had two ace serves and Emilie Thurston had one ace serve.

- Paul Kosel



Jasmine Gengerke
(Photo by Paul Kosel)



Maddie Bjerke
(Photo by Paul Kosel)



Sydney Leicht
(Photo by Paul Kosel)



Trista Keith
(Photo by Paul Kosel)

Tigers win 7 of 8 sets at Deuel

Groton Area's volleyball teams traveled to Clear Lake on Monday and came home with a 7-1 win over the Deuel Cardinals.

All matches were broadcast live on GDILIVE.COM, with varsity sponsors Bary Keith at Harr Motors, Mike Nehls for BC Commission, Bahr Spray Foam, Milbrandt Enterprises Inc. and S & S Lumber/Hardware Hank. The White House Inn sponsored the C and JV matches.

Groton Area won the C games, 25-15 and 25-20. Anna Fjeldheim had 11 ace serves and three kills; Lydia Meier had five kills and two ace serves; Emma Schinkel had four kills and three ace serves; Hollie Frost had two kills and a block, Elizabeth Flihs had two kills, Marlee Tollifson had a kill and an ace serve and Carly Guthmiller had an ace serve.

The Tigers won the junior varsity games, 25-17 and 25-16. Stella Meier had six kills, two ace serves and a block; Aspen Johnson had six kills; Anna Fjeldheim had three kills and two ace serves; Riley Leicht had five ace serves; Megan Flihs had three kills; Lydia Meier had two ace serves and a kill; Brooke Gengerke had an ace serve and Carly Guthmiller had two ace serves.

In the varsity match, Deuel won the first set, 25-19, but then the Tigers rallied to win the next three, 25-13, 25-15 and 25-22. The second set was tied eight times with seven lead changes before Groton Area scored seven straight points to take a 17-10 lead. Groton Area scored the last three points of the final set to come from behind to win that set.

Sydney Leicht had 13 kills and 14 digs, Madeline Flihs had 10 kills and one block, Kenzie McInerney had seven kills and two blocks, Maddie Bjerke had eight kills, Jasmine Gengerke had five kills, Alyssa Thaler had three ace



Kenzie McInerney
(Photo by Paul Kosel)



Madeline Flihs
(Photo by Paul Kosel)

serves and 12 digs, Allyssa Locke had three kills, 32 assists and 12 digs and Trista Keith had two ace serves.

- Paul Kosel



Alyssa Thaler
(Photo by Paul Kosel)

JOHNSON AGENCY

Real Estate & Insurance

Jay Johnson, Broker

www.johnsonagencygroton.com

102 N Main St. Office: 605/397-2424
Groton, SD 57445 Home: 605/397-8565



Brown County Indigent Defense Services

NOTICE FOR INDIGENT DEFENSE SERVICES

Notice is hereby given that sealed bids will be received in the Chambers of the Brown County Board of Commissioners at the Courthouse Annex, 25 Market Street, Ste. 1, Aberdeen, SD, until the hour of 8:46 A.M. on November 10, 2020. At said time and place all bids will be publicly opened, read and considered by the Brown County Board of Commissioners for qualified Indigent Defense Services with expertise in all phases of legal services that fulfill statutory obligations as set forth in SDCL 23A-40-7 and other such instances in which the appointment of legal counsel at the expense of the County has been mandated by statute.

Envelopes containing bid shall be addressed to the Brown County Auditor, 25 Market Street, Ste. 1, Aberdeen, SD, and shall be marked on the envelope "Indigent Defense Services for Brown County". Bids will be opened on November 10, 2020. The Board of Commissioners reserves the right to reject any or all bids, and to accept the bid they deem to be in the best interest of Brown County. Brown County is exempt from all Federal Excise Tax and State Sales Tax.

PROPOSAL GUARANTY: No proposal will be considered unless accompanied by a certified check, a cashier's check, or a bank draft in the amount of 5% of the total amount of bid, that has been issued by a National or State Bank authorized to do business in South Dakota; or a bid bond in the amount of 10% of the total amount of bid, payable without condition to Brown County as

a guarantee of good faith in entering into a contract if so awarded.

PERFORMANCE BOND: Brown County will give notice to the successful bidder that is proposal has been accepted. Said bidder shall within ten (10) days thereafter enter into a contract with Brown County and furnish a performance bond or payment bond in accordance with the bid as accepted.

ATTEST:
Cathy McNickle, Brown County Auditor
Published October 28 & November 4, 2020
Published twice at the total
Brown County
Oct. 20, 2020
Meeting Minutes

OCTOBER 20, 2020 - GENERAL MEETING

Meeting called to order by Commission Chair Kippley at 8:45 A.M. in the Commission Chambers, Courthouse Annex, Brown County, SD. Present were Commissioners Fjeldheim, Feickert, Wiese and Sutton. Commissioner Sutton led the Pledge of Allegiance.

APPROVAL OF AGENDA:
Moved by Feickert, seconded by Wiese to approve the agenda. All member present voting aye. Motion carried.

MINUTES:
Moved by Sutton, seconded by Wiese to approve the general meeting minutes of October 13th, 2020. All members present voting aye. Motion carried.

CLAMS:
Moved by Fjeldheim seconded by Wiese to approve the following claims:

Professional Fees: Charlevoix Co. Sheriff \$30.00; Compass Counseling \$1,800.00; Ecolab Pest Elimination \$117.60; Haar Law Firm \$37.80; Michael Harrington \$274.76; Kuck Law Office \$27.20; Language Line \$2,982.22; LSS \$182.93; Okanegan Co. Sheriff \$90.00; Margaret Rohrbach \$54.96; Sanford Health \$2,332.00; SD Dept. of Health \$3,075.00; Terry Smith \$130.40; Software Unlimited Corp. \$788.40; Tammy Stolle Court Reporting \$116.80; Talia-

ferro Law Firm \$70.00; UND - Pathology \$2,080.00; US Bank \$1,551.98; Publishing: Aberdeen American News \$4,161.94; Argus Leader \$64.18; Bismarck Tribune \$25.20; US Bank \$520.00. Rentals: 446-Praxair \$44.66; Les Frohling \$200.00; H&H Farms \$250.00; Ron Jacobson \$250.00; US Bank \$(60.77). Repairs & Maintenance: Aberdeen Clean-All \$1,037.24; Aberdeen Masonry \$6,936.00; Aberdeen Plumbing & Heating \$75.58; Advance Auto \$13.77; Jake's Heating & Cooling \$101.43; KONE \$3,845.64; Steven Lust Automotive \$54.46; US Bank \$261.83; Woodman Refrigeration \$15,164.57. Supplies: AgTegra \$124.85; Allegiant Emergency Services \$1,595.08; Bonnie Bitz \$180.00; Century Business Products \$1,005.52; Charm-Tex \$38.70; Custom Installation Services \$115.00; Dakota Oil \$250.45; Danko \$1,467.62; Heartland Paper \$1,997.00; Marco \$37.37; Midstates Printing \$881.00; NADA Used Car Guide \$309.00; Nancy Clark North \$12.30; NVC \$27.36; US Bank \$12,646.01; US Foods \$3,923.11; Van Diest Supply Co. \$7,150.50; Travel & Conference: Clubhouse - Pierre, SD \$760.75; Joe Kraft \$296.34; US Bank \$1,630.80; Rachel Wilson \$171.34. Utilities: Aberdeen City Treasurer \$1,919.84; CenturyLink \$1,238.68; Dependable Sanitation \$31,021.00; James Valley Telecommunications \$232.30; Midcontinent Communications \$530.00; Northern Electric \$1,726.06; NVC \$3,933.92; US Bank \$524.82; Verizon \$3,353.17. Other: Safe Harbor \$2,377.24. All members present voting aye. Motion carried.

HR REPORT:
Moved by Fjeldheim, seconded by Sutton to approve the following HR Report: Acknowledge resignation of Bryce Hayes, Brown County Communications Dispatcher, full-time, effective October 15, 2020 and approve request to fill vacancy; Approve hiring of Joshua Walberg as Brown County Chief Deputy Auditor, full-time; starting wage \$24.38 per hour; effective October 26, 2020.

All members present voting aye. Motion carried.

INDIGENT DEFENSE SERVICE:
Moved by Sutton, seconded by Fjeldheim to authorize advertising and set date for sealed bid opening for indigent defense service. Bid opening is scheduled for November 10th, 2020 at 8:46a.m. Request for proposal is on file and available at the Brown County Auditor's Office. All member present voting aye. Motion carried.

CONSOLIDATED BOARD OF EQUALIZATION:
Commissioner Feickert offered the following Resolution: RESOLUTION #59-20
A RESOLUTION TO ESTABLISH CONSOLIDATED BOARD OF EQUALIZATION
PURSUANT TO SDCL 10-11-66 THROUGH 10-11-77
BE IT RESOLVED that a consolidated Board of Equalization as authorized by 10-11-66 shall be established pursuant to the Resolution of the Governing Boards of Brown County, City of Aberdeen, and the Aberdeen School District 6-1. The consolidated Board of Equalization as created by this Resolution shall be authorized to exercise all powers contained in SDCL 10-11. BE IT FURTHER RESOLVED that three members from the Brown County Commission and one member of the Aberdeen City Council and one member of the Aberdeen School District 6-1 School Board shall constitute a consolidated Board of Equalization as provided by SDCL 10-11-66. BE IT FURTHER RESOLVED that the Aberdeen City Council, Brown County Commission and the Aberdeen School District 6-1 shall be responsible for the per diem and salary and mileage costs of the respective members that serve on the Consolidated Board of Equalization. Brown County Commission shall be responsible for the ordinary and

customary expenses associated with the equalization of property including appeals to the State of South Dakota Office of Hearing Examiners. The financial responsibilities contained in this resolution shall remain unless either the Aberdeen City Council, Brown County Commission or the Aberdeen School District 6-1 shall request that they be modified prior to December 1st of each year. THIS RESOLUTION shall be binding upon the Brown County Commission, Brown County, SD and upon each governing body adopting this Resolution according to law. Seconded by Commissioner Wiese. Roll call vote: Commissioners Feickert-aye, Sutton-aye, Wiese-aye, Kippley-aye, Fjeldheim-aye. Resolution adopted.

ORDINANCE 177 MINI-AG REZONE - 2nd READING/ADOPTION:
Moved by Feickert, seconded by Sutton to adopt ordinance 177, an ordinance to amend Title 4, Second Revision Brown County Ordinances, as amended, to rezone the following described property filed by Jeff Loebes

from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-AG District (M-AG): 15 Acres South of the North 55 Acres in the NW1/4 of Section 27-T124N-R64W of the 5th P.M., Brown County, South Dakota (12834 385th Ave). Roll call vote: Commissioner Feickert-aye, Sutton - aye, Wiese - aye, Fjeldheim - aye, Kippley- aye. Ordinance adopted.
APPLICATION FOR OCCUPANCY:
Moved by Sutton, seconded by Feickert to approve the following application for occupancy: Lawrence Escobin (SDN) for occupancy of Brown County Highway 14W, in section 35, township 123N, Range 64W, Brown County South Dakota for Network extension build to NVC meet point All member present voting aye. Motion carried.
DEPARTMENT UPDATE - HIGHWAY:
Highway Superintendent, Dirk Rogers, met to give an update on road projects and snow removal preparations. No action taken.
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Moved by Sutton, seconded by Feickert to approve the following application for occupancy: Lawrence Escobin (SDN) for occupancy of Brown County Highway 14W, in section 35, township 123N, Range 64W, Brown County South Dakota for Network extension build to NVC meet point All member present voting aye. Motion carried.
DEPARTMENT UPDATE - HIGHWAY:
Highway Superintendent, Dirk Rogers, met to give an update on road projects and snow removal preparations. No action taken.
EXECUTIVE SESSION:
Moved by Sutton, seconded

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APPLICATION FOR OCCUPANCY:
Moved by Sutton, seconded



ELECTION DAY

Tuesday, November 3

SAMPLE GENERAL ELECTION



2020 Statewide Ballot Measures Constitutional Amendment A

Title: An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.

Attorney General Explanation: This constitutional amendment legalizes the possession, use, transport, and distribution of marijuana and marijuana paraphernalia by people age 21 and older. Individuals may possess or distribute one ounce or less of marijuana. Marijuana plants and marijuana produced from those plants may also be possessed under certain conditions.

The amendment authorizes the State Department of Revenue ("Department") to issue marijuana - related licenses for commercial cultivators and manufacturers, testing facilities, wholesalers, and retailers. Local governments may regulate or ban the establishment of licensees within their jurisdictions.

The Department must enact rules to implement and enforce this amendment. The amendment requires the Legislature to pass laws regarding medical use of marijuana. The amendment does not legalize hemp; it requires the Legislature to pass laws regulating the cultivation, processing, and sale of hemp.

The amendment imposes a 15% tax on marijuana sales. The tax revenue will be used for the Department's costs incurred in implementing this amendment, with remaining revenue equally divided between the support of public schools and the State general fund.

Judicial clarification of the amendment may be necessary. The amendment legalizes some substances that are considered felony controlled substances under current State law. Marijuana remains illegal under Federal law.

Fiscal Note: Legalizing cannabis would provide revenues from licensing fees, sales tax, and a 15% excise tax. After regulatory costs, the State would distribute 50% of net revenues annually to public schools and 50% to the general fund. Incarceration costs would decrease due to a decriminalization of several current laws.

Estimated Net Revenues:
FY2021: \$355,705
FY2022: \$10,765,004
FY2023: \$19,589,466
FY2024: \$29,372,397
Vote "Yes" to adopt the amendment.

Vote "No" to leave the Constitution as it is.

Full Text of Constitutional Amendment A

§ 1. Terms used in this article mean:

(1) "Department," the Department of Revenue or its successor agency;

(2) "Hemp," the plant of the genus cannabis, 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;

(3) "Local government," means a county, municipality, town, or township;

(4) "Marijuana," the plant of the genus cannabis, and any part of that plant, including the seeds, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including hash and marijuana concentrate. The term includes an altered state of marijuana absorbed into the human body. The term does not include hemp, or fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products;

(5) "Marijuana accessory," any equipment, product, material, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing

INSTRUCTIONS TO THE VOTER:

To vote for a group of presidential electors **FILL IN** the oval (●) next to the names.
Use only a pencil or pen.
If you make a mistake, give the ballot back and get a new one.
DO NOT cast more votes than are allowed in each race.

For Presidential Electors
You may vote for one slate or leave it blank.

- Trump & Pence Electors
Republican Party
Kristi Noem
Larry Rhoden
Jason Ravnsborg
- Jorgensen & Cohen Electors
Libertarian Party
Devin Saxon
Tracey Quint
- Biden & Harris Electors
Democratic Party
Joseph M. Yarcheta
Nicole "Nikki" A. Gronli
Randolph "Randy" J. Seiler

INSTRUCTIONS TO THE VOTER:
To vote for a person **FILL IN** the oval (●) next to the name.
DO NOT cast more votes than are allowed in each race.

For United States Senator
You may vote for one or leave it blank.

- Mike Rounds
Republican Party
- Dan Ahlers
Democratic Party

For United States Representative
You may vote for one or leave it blank.

- Dusty Johnson
Republican Party
- Randy "Uriah" Luallin
Libertarian Party

For Public Utilities Commissioner
You may vote for one or leave it blank.

- Gary Hanson
Republican Party
- Devin Saxon
Libertarian Party
- Remi W. B. Bald Eagle
Democratic Party

↓ District 1 Voters Only

For State Senator, District 01
You may vote for one or leave it blank.

- Michael H. Rohl
Republican Party
- Susan Wismer
Democratic Party

For State Representative, District 01
You may vote for up to two or leave it blank.

- Tamara St. John
Republican Party
- Jennifer Healy Keintz
Democratic Party
- Steven D. McCleerey
Democratic Party

↓ District 2 Voters Only

For State Senator, District 02
You may vote for one or leave it blank.

- Brock L. Greenfield
Republican Party

For State Representative, District 02
You may vote for up to two or leave it blank.

- Kaleb W. Weis
Republican Party
- Lana Greenfield
Republican Party

↓ District 3 Voters Only

For State Senator, District 03
You may vote for one or leave it blank.

- Al Novstrup
Republican Party

For State Representative, District 03
You may vote for up to two or leave it blank.

- Drew Dennert
Republican Party
- Carl E Perry
Republican Party
- Leslie McLaughlin
Democratic Party
- Justin Roemmick
Democratic Party

↓ All Brown County Voters

For County Commissioner At Large
You may vote for up to two or leave it blank.

- Rachel Kippley
Republican Party
- Duane Sutton
Republican Party
- Michael E. Nehls
Democratic Party

NONPOLITICAL BALLOT

Supreme Court Justice Retention
Shall the justice of the Supreme Court named on this ballot, whose term expires January 1, 2021, be retained in office?
Justice Steven Jensen, representing the Fourth Supreme Court District

- Yes
- No

INSTRUCTIONS TO THE VOTER:
To vote on a ballot question **FILL IN** the oval (●) next to "yes" or "no".
DO NOT cast more votes than are allowed in each race.

Constitutional Amendment
The following amendment to the State Constitution is submitted to the voters by petition. The amendment will not become effective unless approved by majority vote.

Constitutional Amendment A
Title: An amendment to the South Dakota Constitution to legalize, regulate, and tax marijuana; and to require the Legislature to pass laws regarding hemp as well as laws ensuring access to marijuana for medical use.

Attorney General Explanation: This constitutional amendment legalizes the possession, use, transport, and distribution of marijuana and marijuana paraphernalia by people age 21 and older. Individuals may possess or distribute one ounce or less of marijuana. Marijuana plants and marijuana produced from those plants may also be possessed under certain conditions. The amendment authorizes the State Department of Revenue ("Department") to issue marijuana-related licenses for commercial cultivators and manufacturers, testing facilities, wholesalers, and retailers. Local governments may regulate or ban the establishment of licensees within their jurisdictions.

The Department must enact rules to implement and enforce this amendment. The amendment requires the Legislature to pass laws regarding medical use of marijuana. The amendment does not legalize hemp; it requires the Legislature to pass laws regulating the cultivation, processing, and sale of hemp.

The amendment imposes a 15% tax on marijuana sales. The tax revenue will be used for the Department's costs incurred in implementing this amendment, with remaining revenue equally divided between the support of public schools and the State general fund.

Judicial clarification of the amendment may be necessary. The amendment legalizes some substances that are considered felony controlled substances under current State law. Marijuana remains illegal under Federal law.

Fiscal Note
Legalizing cannabis would provide revenues from licensing fees, sales tax, and a 15% excise tax. After regulatory costs, the State would distribute 50% of net revenues annually to public schools and 50% to the general fund. Incarceration costs would decrease due to a decriminalization of several current laws.

Estimated Net Revenues:
FY2021: \$355,705
FY2022: \$10,765,004
FY2023: \$19,589,466
FY2024: \$29,372,397

- Yes Vote "Yes" to adopt the amendment.
- No Vote "No" to leave the Constitution as it is.

Constitutional Amendment
The following amendment to the State Constitution is submitted to the voters by the Legislature. The amendment will not become effective unless approved by majority vote.

Constitutional Amendment B
Title: An amendment to the South Dakota Constitution authorizing the Legislature to allow sports wagering in Deadwood.

Attorney General Explanation: The constitution currently authorizes the Legislature to allow certain types of gaming in the City of Deadwood: roulette, keno, craps, limited card games, and slot machines. This constitutional amendment authorizes the Legislature to also include wagering on sporting events as a type of gaming allowed in Deadwood.

Under federal law, any gaming authorized by the Legislature to be offered in Deadwood would also be allowed at on-reservation tribal casinos upon amendments to current tribal gaming compacts.

- Yes Vote "Yes" to adopt the amendment.
- No Vote "No" to leave the Constitution as it is.

Published once at the total approximate cost of \$375.00.

Constitutional Amendment A continues from previous page

marijuana into the human body.

§2. Notwithstanding the provisions of this article, this article does not limit or affect laws that prohibit or otherwise regulate:

(1) Delivery or distribution of marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one years of age;

(2) Purchase, possession, use, or transport of marijuana or marijuana accessories by a person younger than twenty-one years of age;

(3) Consumption of marijuana by a person younger than twenty-one years of age;

(4) Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana;

(5) Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport, while it is being operated;

(6) Smoking marijuana within a motor vehicle, aircraft, motorboat, or other motorized form of transport, while it is being operated;

(7) Possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary school, or high school, in a school bus, or on the grounds of any correctional facility;

(8) Smoking marijuana in a location where smoking tobacco is prohibited;

(9) Consumption of marijuana in a public place, other than in an area licensed by the department for consumption;

(10) Consumption of marijuana as part of a criminal penalty or a diversion program;

(11) Conduct that endangers others;

(12) Undertaking any task under the influence of marijuana, if doing so would constitute negligence or professional malpractice; or

(13) Performing solvent-based extractions on marijuana using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol, unless licensed for this activity by the department.

§3. Notwithstanding the provisions of this article, this article does not:

(1) Require that an employer permit or accommodate conduct allowed by this article;

(2) Affect an employer's ability to restrict the use of marijuana by employees;

(3) Limit the right of a person who occupies, owns, or controls private property from prohibiting or otherwise regulating conduct permitted by this article on or in that property; or

(4) Limit the ability of the state or a local government to prohibit or restrict any conduct otherwise permitted under this article within a building owned, leased, or occupied by the state or the local government.

§4. Subject to the limitations in this article, the following acts are not unlawful and shall not be an offense under state law or the laws of any local government within the state or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government, if the person is at least twenty-one years of age:

(1) Possessing, using, ingesting, inhaling, processing, transporting, delivering without consideration, or distributing without consideration one ounce or less of marijuana, except that not more than eight grams of marijuana may be in a concentrated form;

(2) Possessing, planting, cultivating, harvesting, drying, processing, or manufacturing not more than three marijuana plants and possessing the marijuana produced by the plants, provided:

(a) The plants and any marijuana produced by the plants in excess of one ounce are kept at one private residence, are in a locked space, and are not visible by normal, unaided vision from a public place;

(b) Not more than six plants are kept in or on the grounds of a private residence at one time; and

(c) The private residence is located within the jurisdiction

of a local government where there is no licensed retail store where marijuana is available for purchase pursuant to this article.

(3) Assisting another person who is at least twenty-one years of age, or allowing property to be used, in any of the acts permitted by this section; and

(4) Possessing, using, delivering, distributing, manufacturing, transferring, or selling to persons

twenty-one years of age or older marijuana accessories. §5.

(1) A person who, pursuant to §4 of this article, cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars.

(2) A person who, pursuant to §4 of this article, cultivates

marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two-hundred and fifty dollars.

(3) A person who, pursuant to §4 of this article, cultivates marijuana plants within the jurisdiction of a local government where marijuana is available for purchase at a licensed retail store is subject to a civil penalty not exceeding two-hundred and

fifty dollars, unless the cultivation of marijuana plants is allowed through local ordinance or regulation pursuant to §10.

(4) A person who smokes marijuana in a public place, other than in an area licensed for such activity by the department, is subject to a civil penalty not exceeding one-hundred dollars.

(5) A person who is under twenty-one years of age and

possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration one ounce or less of marijuana or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil penalty not to exceed one-hundred dollars. The person

Continues on next page

<p>Initiated Measure The following initiated measure was proposed by petition for submission to the voters. This initiated measure will not become effective unless approved by majority vote.</p>	<p> Registered Aberdeen Voters Only</p>	<p>INSTRUCTIONS TO THE VOTERS VOTING RIGHTS Any voter who can't mark a ballot because the voter has a physical disability or can't read, may ask any person he or she chooses to help the voter vote.</p>
<p>Initiated Measure 26 Title: An initiated measure to legalize marijuana for medical use. Attorney General Explanation: This measure legalizes medical use of marijuana by qualifying patients, including minors. "Medical use" includes the use, delivery, manufacture-and for State residents, cultivation - of marijuana and marijuana-based products to treat or alleviate debilitating medical conditions certified by the patients' practitioners. South Dakota patients must obtain a registration card from the State Department of Health. Non-residents may use out-of-state registration cards. Patients may designate caregivers to assist their use of marijuana; the caregivers must register with the Department. Cardholders may possess 3 ounces of marijuana and additional amounts of marijuana products. Additionally, if a resident cardholder is allowed to grow marijuana plants the cardholder may possess a minimum of 3 plants, as well as marijuana and products made from those plants. The measure legalizes marijuana testing, manufacturing, and cultivation facilities, as well as marijuana dispensaries. These establishments must register with the Department. The measure legalizes some substances that are considered felony controlled substances under current State law. Marijuana remains illegal under Federal law. The measure limits State and local law enforcement's ability to assist Federal law enforcement authorities. The 95-section measure contains numerous other provisions not described here. It will likely require judicial or legislative clarification.</p>	<p>Home Rule Charter Amendment The following referred ordinance is brought before the voters of the City of Aberdeen, South Dakota. This referred ordinance will not become effective unless approved by majority vote.</p>	<p>Any voter may ask for instruction in the proper procedure for voting. Any voter at the polling place prior to 7:00 p.m. is allowed to cast a ballot.</p>
<p>Fiscal Note Legalizing cannabis for medical use would have an initial cost to the state of \$677,309. Once the medical cannabis program is operational, it is expected that ongoing program revenues would cover program costs for a net to zero. This measure will likely have minimal impact on prison and jail costs.</p> <p><input type="radio"/> Yes Vote "Yes" to adopt the initiated measure.</p> <p><input type="radio"/> No Vote "No" to leave South Dakota law as it is.</p> <p><input type="radio"/> Yes Vote "Yes" to adopt the amendment to the Home Rule Charter.</p> <p><input type="radio"/> No Vote "No" to leave the Home Rule Charter as it is.</p> <p>Published once at the total approximate cost of \$362.50. 19378</p>	<p>Title: Referral of Ordinance No. 20-06-01 proposing a comprehensive amendment to Aberdeen's Home Rule Charter. The following proposal has been placed upon the ballot by the Aberdeen City Council approving Ordinance No. 20-06-01 to place the question on a city-wide election ballot: SHALL THE CITY OF ABERDEEN, SOUTH DAKOTA, AMEND THE HOME RULE CHARTER AS SET FORTH IN §1 OF ORDINANCE NO. 20-06-01? City Attorney Explanation: Ordinance No. 20-06-01, if adopted, would comprehensively amend multiple provisions of the Aberdeen Home Rule Charter. These revisions comprise a single measure to be accepted or rejected by the voter. The primary proposed change to the Home Rule Charter is the elimination or modification of obsolete language regarding the transition in 2004 from the old commission-form of city government to the current city manager-form of government. This amendment also revises when council member salaries may become effective. The Home Rule Charter currently requires that any council member salary increase be delayed until the council member is elected at the next general election for that council member's seat. The 5-year terms of the nine council members are staggered to commence on different years so an individual council member may serve nearly an entire term without receiving the salary increase paid to other council members. This amendment would permit a salary increase to become effective for all council members on the date determined by the salary ordinance. This amendment also: deletes the requirement that a conveyance or lease of city land for a period longer than one year be by ordinance. The terms used in the section are vague and unnecessary as state law only requires that such leases be by resolution of the council. clarifies the offices of the finance officer and the city attorney to provide that both are appointed and supervised by the council. deletes specific terms of a misdemeanor punishment if a person disobeys a lawful order of the council. clarifies that roll call votes of council members are required only for ordinances, resolutions, and expenditures or appropriations of money. This change is consistent with state law. requires an appointed council member to be subject to the same conditions of office as an elected council member. includes numerous "housekeeping" changes to correct: typographical, punctuation, and grammatical errors; misspelled words; incorrect letter case; incorrect singular and plural word forms; omitted, extra, or repeated words or phrases; incorrect or omitted references; and margin and formatting errors.</p>	<p>If your voting rights have been violated, you may call the person in charge of the election at 605-626-7110, the Secretary of State at 888-703-5328, or your state's attorney. Any person who is convicted of a felony on or after July 1, 2012, loses the right to vote. However, any such person may register to vote following the completion of the person's felony sentence. Any person who is convicted of a felony on or before June 30, 2012, and who receives a sentence of imprisonment to the adult penitentiary system, including a suspended execution of sentence, loses the right to vote. Any such person so sentenced may register to vote following completion of the person's sentence. Further information is available at www.sdsos.gov. ELECTION CRIMES Anyone who makes a false statement when voting, tries to vote knowing he or she is not a qualified voter, or tries to vote more than once has committed an election crime. NOTICE OF TESTING AUTOMATIC TABULATING EQUIPMENT Notice is hereby given that the automatic tabulating equipment will be tested to ascertain that it will correctly count the votes for all offices and measures that are to be cast at the Primary election held on the 3rd day of November, 2020. The test will be conducted on the 30th day of October, 2020, at 4:00 o'clock p.m. at the following location: Brown County Auditor's Office 25 Marker St STE 1 Aberdeen, SD 57401 Dated this 28th day of October, 2020. Cathy McNickle, Brown County Auditor BROWN COUNTY VOTE CENTERS 1-1 AmericInn Event Center - 301 S Centennial St Aberdeen, SD 57401 1-2 Best Western Ramkota - 1400 8th Ave NW Aberdeen, SD 57401 1-3 Brown County Courthouse - 25 Market St Aberdeen, SD 57401 1-4 Columbia Legion - 102 N Broadway St Columbia, SD 57433 1-5 Westport Town Hall - 13 W Main St Westport, SD 57481 1-6 Warner Community Center - 11 W Main St Warner, SD 57479 1-7 Stratfor Community Center - 293 E Rondell Ave Stratford, SD 57474 1-8 Groton Community Center - 109 N 3rd St Groton, SD 57445 1-9 Claremont City Hall - 606 6th Ave Claremont, SD 57432 1-10 Hecla Community Center - 206 Main St Hecla, SD 57446 1-11 Frederick Community Center - 2nd Ave Frederick, SD 57441</p>

Constitutional Amendment A continues from previous page

shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.

§ 6. The department shall have the exclusive power, except as otherwise provided in § 10, to license and regulate the cultivation, manufacture, testing, transport, delivery, and sale of marijuana in the state and to administer and enforce this article. The department shall accept applications for and issue, in addition to any other types of licenses the department deems necessary:

(1) Licenses permitting commercial cultivators and manufacturers of marijuana to cultivate, process, manufacture, transport, and sell marijuana to marijuana wholesalers;

(2) Licenses permitting independent marijuana testing facilities to analyze and certify the safety and potency of marijuana;

(3) Licenses permitting marijuana wholesalers to package, process, and prepare marijuana for transport and sale to retail sales outlets; and

(4) Licenses permitting retail sales outlets to sell and deliver marijuana to consumers.

§ 7. Not later than April 1, 2022, the department shall promulgate rules and issue regulations necessary for the implementation and enforcement of this article. The rules shall be reasonable and shall include:

(1) Procedures for the issuance, renewal, suspension, and revocation of licenses;

(2) Application, licensing, and renewal fees, not to exceed the amount necessary to cover the costs to the department of implementing and enforcing this article;

(3) Time periods, not to exceed ninety days, by which the department must issue or deny an application;

(4) Qualifications for licensees;

(5) Security requirements, including lighting and alarm requirements, to prevent diversion;

(6) Testing, packaging, and labeling requirements, including maximum tetrahydrocannabinol levels, to ensure consumer safety and accurate information;

(7) Restrictions on the manufacture and sale of edible products to ensure consumer and child safety;

(8) Health and safety requirements to ensure safe preparation and to prohibit unsafe pesticides;

(9) Inspection, tracking, and record-keeping requirements to ensure regulatory compliance and to prevent diversion;

(10) Restrictions on advertising and marketing;

(11) Requirements to ensure that all applicable statutory environmental, agricultural, and food and product safety requirements are followed;

(12) Requirements to prevent the sale and diversion of marijuana to persons under twenty-one years of age; and

(13) Civil penalties for the failure to comply with rules adopted pursuant to this article.

§ 8. In determining the appropriate number of licenses to issue, as required under this article, the department shall:

(1) Issue enough licenses to substantially reduce the illicit production and sale of marijuana throughout the state; and

(2) Limit the number of licenses issued, if necessary, to prevent an undue concentration of licenses in any one municipality.

§ 9. Actions and conduct by a licensee, a licensee's employee, and a licensee's agent, as permitted pursuant to a license issued by the department, or by those who allow property to be used by a licensee, a licensee's employee, or a licensee's agent, as permitted pursuant to a license issued by the department, are not unlawful and shall not be an offense under state law, or the laws of any local government within the state, or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law, or the laws of any local government within the state. No contract is unenforceable on the basis that marijuana is prohibited by federal law. A holder of a professional or occupational license is not subject to professional discipline for providing advice or services related to marijuana licensees or applications on the

basis that marijuana is prohibited by federal law.

§10. A local government may enact ordinances or regulations governing the time, place, manner, and number of licensees operating within its jurisdiction. A local government may ban the establishment of licensees or any category of licensee within its jurisdiction. A local government may allow for cultivation at private residences within its jurisdiction that would otherwise not be allowed under §4(2)(c) so long as the cultivation complies with §4(2)(a) and

§4(2)(b) and the other requirements of this article. A local government may not prohibit the transportation of marijuana through its jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by this article.

§11. An excise tax of fifteen percent is imposed upon the gross receipts of all sales of marijuana sold by a person licensed by the department pursuant to this article to a consumer. The Legislature may adjust this rate after November 3, 2024. The department shall by rule establish a procedure for the collection of this tax and shall collect the tax. The revenue collected under this section shall be appropriated to the department to cover costs incurred by the department in carrying out its duties under this article. Fifty percent of the remaining revenue shall be appropriated by the Legislature for the support of South Dakota public schools and the remainder shall be deposited into the state general fund.

§ 12. Any rule adopted by the department pursuant to this article must comply with chapter 1-26 of the South Dakota Codified Laws. Any person aggrieved by a decision of the department is entitled to appeal the decision in accordance with chapter 1-26 of the South Dakota Codified Laws. If by April 1, 2022, the department fails to promulgate rules required by this article, or if the department adopts rules that are inconsistent with this article, any resident of the state may commence a mandamus action in circuit court to compel performance by the department in accordance with this article.

§13. The department shall publish an annual report that includes the number and type of licenses issued, demographic information on licensees, a description of any enforcement or disciplinary action taken against licensees, a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this article, and a statement of taxes collected in accordance with this article, and an accounting for how those revenues were disbursed.

§ 14. Not later than April 1, 2022, the Legislature shall pass laws to:

(1) Ensure access to marijuana beyond what is set forth in this article by persons who have been diagnosed by a health care provider, acting within the provider's scope of practice, as having a serious and debilitating medical condition and who are likely to receive therapeutic or palliative benefit from marijuana; and

(2) Regulate the cultivation, processing, and sale of hemp.

§15. This article shall be broadly construed to accomplish its purposes and intents. Nothing in this article purports to supersede any applicable federal law, except where allowed by federal law. If any provision in this article or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the article that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this article are severable.

Constitutional Amendment B

Title: An amendment to the South Dakota Constitution authorizing the Legislature to allow sports wagering in Deadwood.

Attorney General Explanation: The constitution currently authorizes the Legislature to allow certain types of gaming in the City of Deadwood: roulette, keno, craps, limited card games, and slot machines. This constitution amendment authorizes the Legislature to also include wagering on sporting events as a type of gaming allowed in Deadwood.

Under federal law, any gaming authorized by the Legislature to be offered in Deadwood would also be allowed at on-reservation tribal casinos upon amendments to current tribal gaming compacts.

Vote "Yes" to adopt the amendment.

Vote "No" to leave the Constitution as it is.

Full Text of Constitutional Amendment B:

A JOINT RESOLUTION, Proposing and submitting to the voters an amendment to the Constitution of the State of South Dakota, providing for wagering on sporting events and to revise provisions regarding certain municipal proceeds of gaming revenues.

BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

Section 1. That at the next general election held in the state, the following amendment to Article III of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

Section 2. That Article III, § 25 of the Constitution of the State of South Dakota, be AMENDED:

§ 25. Games of chance prohibited--Exceptions.

The Legislature shall may not authorize any game of chance, lottery, or gift enterprise, under any pretense, or for any purpose whatever provided, however, it shall be lawful for the Legislature to authorize by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, volunteer fire departments, or such other public spirited organizations as it may recognize, to conduct games of chance when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious, or other public spirited uses. However, it shall be lawful for the Legislature to authorize by law a state lottery or video games of chance, or both, which are regulated by the State of South Dakota, either separately by the state or jointly with one or more states, and which are owned and operated by the State of South Dakota, either separately by the state or jointly with one or more states or persons, provided any such video games of chance shall may not directly dispense coins or tokens. However, the Legislature shall may not expand the statutory authority existing as of June 1, 1994, regarding any private ownership of state lottery games or video games of chance, or both. The Legislature shall establish the portion of proceeds due the state from such lottery or video games of chance, or both, and the purposes for which those proceeds are to be used. SDCL 42-7A, and its amendments, regulations, and related laws, and all acts and contracts relying for authority upon such laws and regulations, beginning July 1, 1987, to the effective date of this amendment, are ratified and approved. Further, it shall be lawful for the Legislature to authorize by law, roulette, keno, craps, wagering on sporting events, limited card games and slot machines within the city limits of Deadwood. The entire net Municipal proceeds of such roulette, keno, craps, wagering on sporting events, card games, and slot machines shall be devoted to the Historic Restoration and Preservation of Deadwood.

Initiated Measure 26

Title: An initiated measure to legalize marijuana for medical use.

Attorney General Explanation: This measure legalizes medical use of marijuana by qualifying patients, including minors. "Medical use" includes the use, delivery, manufacture – and for State residents, cultivation – of marijuana and marijuana-based products to treat or alleviate debilitating medical conditions certified by the patients' practitioners.

South Dakota patients must obtain a registration card from the State Department of Health. Non-residents may use out-of-state registration cards. Patients may designate caregivers to assist their use of marijuana; the caregivers must register with the Department.

Cardholders may possess 3

ounces of marijuana and additional amounts of marijuana products. Additionally, if a resident cardholder is allowed to grow marijuana plants the cardholder may possess a minimum of 3 plants, as well as marijuana and products made from those plants.

The measure legalizes marijuana testing, manufacturing, and cultivation facilities, as well as marijuana dispensaries. These establishments must register with the Department.

The measure legalizes some substances that are considered felony controlled substances under current State law. Marijuana remains illegal under Federal law. The measure limits State and local law enforcement's ability to assist Federal law enforcement authorities.

The 95-section measure contains numerous other provisions not described here. It will likely require judicial or legislative clarification.

Fiscal Note: Legalizing cannabis for medical use would have an initial cost to the state of \$677,309. Once the medical cannabis program is operational, it is expected that ongoing program revenues would cover program costs for a net to zero. This measure will likely have minimal impact on prison and jail costs.

Vote "Yes" to adopt the initiative measure.

Vote "No" to leave South Dakota law as it is.

Full Text of Initiated Measure 26:

An act to provide for regulation, access and compassionate use of cannabis in South Dakota.

Section 1 Terms used in this act mean:

(1) "Allowable amount of cannabis" means:

(a) Three ounces of cannabis or less;

(b) The quantity of cannabis products as established by rules promulgated by the department under section 72 of this Act;

(c) If the cardholder has a registry identification card allowing cultivation, three cannabis plants minimum or as prescribed by physician; and

(d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated.

(2) "Bona fide practitioner-patient relationship":

(a) A practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;

(b) The practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and

(c) The practitioner is available to or offers to provide follow-up care and treatment to the patient, including, patient examinations;

(3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures;

(4) "Cannabis product manufacturing facility" an entity registered with the department pursuant to this Act that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;

(5) "Cannabis testing facility" or "testing facility" an independent entity registered with the department pursuant to this Act to analyze the safety and potency of cannabis;

(6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;

(7) "Cultivation facility," ap entity registered with the department pursuant to this act that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment; .

(8) "Debilitating medical condition,"

(a) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe

and persistent muscle spasms, including, those characteristic of multiple sclerosis; or

(b) Any other medical condition or its treatment added by the department, as provided for in section 26 of this act;

(9) "Department," means the Department of Health.

(10) "Designated caregiver," a person who:

(a) Is at least twenty one years of age;

(b) Has agreed to assist with a qualifying patient's medical use of cannabis;

(c) Has not been convicted of a disqualifying felony offense; and

(d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;

(11) "Disqualifying felony offense,"

a violent crime that was classified as a felony in the jurisdiction where the person was convicted;

(12) "Edible cannabis products" any product that:

(a) contains or is infused with cannabis or an extract thereof;

(b) Is intended for human consumption by oral ingestion; and

(c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, or other similar products;

(13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or a person allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;

(14) "Medical cannabis" or "cannabis," marijuana as defined in SD 22-42-1;

(15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this Act that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;

(16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;

(17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;

(18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition .

The term does not include:

(a) The cultivation of cannabis by a nonresident cardholder;

(b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the card holder's registry identification card; or

(c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;

(19) "Nonresident cardholder" a person who:

(a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;

(2) Is not a resident of this state or who has been a resident of this state for fewer than forty-five days;

(c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and

(4) Has submitted any documentation required by the department, and has received confirmation of registration;

(20) "Practitioner," a physician who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to

prescribe drugs to humans in the state of the patient's residence;

(21) "Qualifying patient," a person who has been diagnosed by a practitioner as having a debilitating medical condition;

(22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to sections 29-42 of this Act;

(23) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition . This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

Section 2. A cardholder is not subject to arrest, prosecution, or penalty of any kind, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau for:

(1) The medical use of cannabis in accordance with this Act, if the cardholder does not possess more than the allowable amount of cannabis, and if any cannabis plant is either cultivated in an enclosed, locked facility or is being transported;

(2) Reimbursement by a registered qualifying patient to the patient's registered designated caregiver for direct costs incurred by the registered designated caregiver for assisting with the registered qualifying patient's medical use of cannabis;

(3) Transferring the cannabis to a testing facility;

(4) Compensating a dispensary or a testing facility for goods or services provided;

(5) Selling, transferring, or delivering cannabis seeds produced by the cardholder to a cultivation facility or dispensary; or

(6) Offering or providing cannabis to a cardholder for a registered qualifying patient's medical use, to a nonresident cardholder, or to a dispensary if nothing of value is transferred in return and the person giving the cannabis does not knowingly cause the recipient to possess more than the allowable amount of cannabis.

Section 3. That the code be amended by adding a NEW SECTION to read:

No nonresident cardholder is subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, civil penalty or disciplinary action by a business or occupational or professional licensing board or entity, for the transporting, purchasing, possessing, or using medical cannabis in accordance with this Act if the nonresident cardholder does not possess more than three ounces of cannabis and the quantity of cannabis products established by rules promulgated by the department under section 72 of this Act.

Section 4. That the code be amended by adding a NEW SECTION to read:

There is a presumption that a qualifying patient or designated caregiver is engaged in the medical use of cannabis in accordance with this Act if the cardholder is in possession of a registry identification card and an amount of cannabis that does not exceed the allowable amount of cannabis. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptom associated with the qualifying patient's debilitating medical condition under this Act.

Section 5. That the code be amended by adding a NEW SECTION to read:

No practitioner is subject to arrest, prosecution, or penalty of any kind, or denied any right or privilege, including civil penalty or disciplinary action by the South Dakota Board of Medical and Osteopathic Examiners or by any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the practitioner's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat

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or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition. Nothing in this Act prevents a practitioner from being sanctioned for:

(1) Issuing a written certification to a patient with whom the practitioner does not have a bona fide practitioner-patient relationship; or

(2) Failing to properly evaluate a patient's medical condition.

Section 6. That the code be amended by adding a NEW SECTION to read:

No attorney is subject to disciplinary action by the State Bar of South Dakota or other professional licensing association for providing legal assistance to a prospective or registered medical cannabis establishment or other related to activity that is not subject to criminal penalties under law of this state

Section 7. That the code be amended by adding a NEW SECTION to read:

No person is subject to arrest, prosecution, or penalty of any kind, or may be denied any right or

privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

(1) Providing or selling cannabis paraphernalia to a cardholder, nonresident cardholder, or to a medical cannabis establishment;

(2) Being in the presence or vicinity of the medical use of cannabis that is exempt from criminal or civil penalty by this Act;

(3) Allowing the person's property to be used for an activity that is exempt from criminal or civil penalty by this Act; or

(4) Assisting a registered qualifying patient with the act of using or administering cannabis.

Section 8. That the code be amended by adding a NEW SECTION to read:

No dispensary or a dispensary agent is subject to prosecution, search, or inspection, except by the department pursuant to section 69 of this Act, seizure, or penalty in any manner; or may be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this Act to:

(1) Possess, transport, or store cannabis or cannabis products;

(2) Deliver, transfer, or transport cannabis to a testing facility and compensate a testing facility for services provided;

(3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of value is exchanged in return;

(4) Purchase or otherwise acquire cannabis from a cultivation facility or dispensary, and cannabis products from cannabis product manufacturing facility or dispensary; and

(5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis paraphernalia, or related supplies or educational materials to a cardholder, nonresident cardholder, or dispensary.

Section 9. That the code be amended by adding a NEW SECTION to read:

No cultivation facility or a cultivation facility agent is subject to prosecution, search, or inspection, except by the department pursuant to section 69 of this Act, seizure, or penalty of any kind, or may be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this Act to:

(1) Possess, plant, propagate, cultivate, grow, harvest, produce, process, manufacture, compound, convert, prepare, pack, repack, or store cannabis;

(2) Deliver, transfer, or transport cannabis to a testing facility and compensate a testing facility for services provided;

(3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of value is exchanged in return;

(4) Purchase or otherwise acquire cannabis from a cultivation facility;

(5) Purchase cannabis seeds from a cardholder, nonresident cardholder, or the equivalent of a medical cannabis establishment that is registered in another jurisdiction; or

(6) Deliver, sell, supply, transfer, or transport cannabis, can-

nabis paraphernalia, or related supplies or educational materials to a cultivation facility and dispensary.

Section 10. That the code be amended by adding a NEW SECTION to read:

No cannabis product manufacturing facility or a cannabis product manufacturing facility agent is subject to prosecution, search, or inspection, except by the department pursuant to section 69 of this Act, seizure, or penalty of any kind, or may be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this Act to:

(1) Purchase or otherwise acquire cannabis from cultivation facility, and cannabis products or cannabis from a cannabis product manufacturing facility;

(2) Possess, produce, process, manufacture, compound, convert, prepare, pack, repack, and store cannabis or cannabis products;

(3) Deliver, transfer, or transport cannabis, cannabis products, cannabis paraphernalia, or related supplies or educational materials to a dispensary or cannabis product manufacturing facility;

(4) Deliver, transfer, or transport cannabis to testing facility and compensate testing facility for services provided; or

(5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis paraphernalia, or related supplies or educational materials to a cannabis product manufacturing facility or dispensary.

Section 11. That the code be amended by adding a NEW SECTION to read:

No testing facility or testing facility agent is subject to prosecution, search, or inspection, except by the department pursuant to section 69 of this Act, seizure, or penalty in any manner; or may be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting in accordance with this Act to:

(1) Acquire, possess, transport, and store cannabis or cannabis products obtained from a cardholder, nonresident cardholder or medical cannabis establishment;

(2) Return the cannabis or cannabis products to a cardholder, nonresident cardholder, or medical cannabis establishment from whom it was obtained;

(3) Test cannabis, including for potency, pesticides, mold, or contaminants; or

(4) Receive compensation for services under this section.

Section 12. That the code be amended by adding a NEW SECTION to read:

A cardholder, nonresident cardholder, or the equivalent of a medical cannabis establishment that is registered in another jurisdiction may sell or donate cannabis seeds to a cultivation facility in this state.

Section 13. Any cannabis, cannabis product, cannabis paraphernalia, or other interest in or right to property that is possessed, owned, or used in connection with the medical use of cannabis as allowed under this Act, or acts incidental to such use, may not be seized or forfeited. This Act does not prevent the seizure or forfeiture of cannabis exceeding the amount allowed under this Act, or prevent seizure or forfeiture if the basis for the action is unrelated to the cannabis that is possessed, manufactured, transferred, or used in accordance with this Act.

Section 14. That the code be amended by adding a NEW SECTION to read:

Possession of, or application for, a registry identification card does not constitute probable cause or reasonable suspicion, nor may it be used to support a search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

Section 15. That the code be amended by adding a NEW SECTION to read:

For the purposes of state law, an activity related to medical cannabis is lawful as long as it is conducted in accordance with this Act.

Section 16. That the code be amended by adding a NEW SECTION to read:

No law enforcement officer employed by an agency that receives state or local government funds may expend any state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or

conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of the federal Controlled Substances Act 21 U.S.C. § 801 et seq if the officer has reason to believe that the activity is in compliance with this Act., No officer may expend any state or local resources, including the officer's time, to provide any information or logistical support related to any activity to any federal law enforcement authority or prosecuting entity.

Section 17. That the code be amended by adding a NEW SECTION to read:

No contract entered into by a cardholder, a medical cannabis establishment, or medical cannabis establishment agent, or by a person who allows property to be used for an activity that is exempt from state criminal penalties by this Act is unenforceable on the basis that activity related to cannabis is prohibited by federal law.

Section 18. That the code be amended by adding a NEW SECTION to read:

This Act does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalty for engaging in, the following conduct:

(1) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;

(2) Possessing cannabis or otherwise engaging in the medical use of cannabis in any correctional facility;

(3) Smoking cannabis;

(a) On any form of public transportation; or

(b) In any public place or any place that is open to the public.

(4) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis, except that a registered qualifying patient or nonresident cardholder is not considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.

Section 19. That the code be amended by adding a NEW SECTION to read:

No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for the person's status as a cardholder, unless failing to do so would violate federal law or regulations or cause the school or landlord to lose a monetary or licensing-related benefit under federal law or regulation.

Section 20. That the code be amended by adding a NEW SECTION to read:

For the purposes of medical care, including organ and tissue transplants, a registered qualifying patient's use of cannabis in accordance with this Act is considered the equivalent of the authorized use of any other medication used at the discretion of a practitioner and does not constitute the use of an illicit substance or otherwise disqualify a qualifying patient from needed medical care.

Section 21. That the code be amended by adding a NEW SECTION to read:

No person may be denied custody of or visitation rights or parenting time with a minor solely for the person's status as a cardholder, and there is no presumption of neglect or child endangerment for conduct allowed under this Act, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

Section 22. That the code be amended by adding a NEW SECTION to read:

Except as provided in this Act, a registered qualifying patient who uses cannabis for a medical purpose shall be afforded all the same rights under state and local law, as the person would be afforded if the person were solely prescribed a pharmaceutical medication, as it pertains to:

(1) Any interaction with a person's employer;

(2) Drug testing by a person's employer; or

(3) Drug testing required by any state or local law, agency, or government official.

Section 23. That the code be amended by adding a NEW SECTION to read:

The rights provided by sections 19 to 25, inclusive of this Act do not apply to the extent that they conflict with an employer's obligations under federal law or regulation or to the extent that they would disqualify an employer from a monetary or licensing-related benefit under

federal law or regulation.

Section 24. That the code be amended by adding a NEW SECTION to read:

No employer is required to allow the ingestion of cannabis in any workplace or to allow any employee to work while under the influence of cannabis. A registered qualifying patient may not be considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment.

Section 25. That the code be amended by adding a NEW SECTION to read:

No school, landlord, or employer may be penalized or denied any benefit under state law for enrolling, leasing to, or employing a cardholder.

Section 26. That the code be amended by adding a NEW SECTION to read:

Any resident of this state may petition the department to add a serious medical condition or treatment to the list of debilitating medical conditions as defined by this Act. The department shall consider a petition in the manner required by rules promulgated by the department pursuant to this Act, including public notice and hearing. The department shall approve or deny a petition within one hundred eighty days of submission. The approval or denial of any petition is a final decision of the department, subject to judicial review.

Section 27. That the code be amended by adding a NEW SECTION to read:

Nothing in this Act requires:

(1) A government medical assistance program or private insurer to reimburse a person for costs associated with the medical use of cannabis;

(2) Any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to smoke cannabis on or in that property; or

(3) A landlord to allow the cultivation of cannabis on the rental property.

Section 28. That the code be amended by adding a NEW SECTION to read:

Nothing in this Act prohibits an employer from disciplining an employee for ingesting cannabis in the workplace or for working while under the influence of cannabis.

Section 29. That the code be amended by adding a NEW SECTION to read:

No later than one hundred forty days after the effective date of this Act, the department shall issue registry identification cards to qualifying patients who submit the following, in accordance with rules promulgated by the department:

(1) A written certification issued by a practitioner within ninety days immediately preceding the date of an application;

(2) The application or renewal fee;

(3) The name, address, and date of birth of the qualifying patient, except that if the applicant is homeless, no address is required;

(4) The name, address, and telephone number of the qualifying patient's practitioner;

(5) The name, address, and date of birth of the designated caregiver, or designated caregivers, chosen by the qualifying patient;

(6) If more than one designated caregiver is designated at any given time, documentation demonstrating that a greater number of designated caregivers are needed due to the patient's age or medical condition;

(7) The name of no more than two dispensaries that the qualifying patient designates, if any; and

(8) If the qualifying patient designates a designated caregiver, a designation as to whether the qualifying patient or designated caregiver will be allowed under state law to possess and cultivate cannabis plants for the qualifying patient's medical use.

Section 30. That the code be amended by adding a NEW SECTION to read:

If the qualifying patient is unable to submit the information required by section 29 of this Act due to the person's age or medical condition, the person responsible for making medical decisions for the qualifying patient may do so on behalf of the qualifying patient.

Section 31. That the code be amended by adding a NEW SECTION to read:

Except as provided in section 32 of this Act, the department shall:

(1) Verify the information

contained in an application or renewal submitted pursuant to this Act and approve or deny an application or renewal within fifteen days of receiving a completed application or renewal application;

(2) Issue registry identification cards to a qualifying patient and to a qualifying patient's designated caregivers, if any, within five days of approving the application or renewal. A designated caregiver shall have a registry identification card for each of the qualifying patients; and

(3) Enter the registry identification number of any dispensary the patient designates into the verification system.

Section 32. That the code be amended by adding a NEW SECTION to read:

The department may conduct a background check of a designated caregiver in order to carry out the provisions of section 31 of this Act.

Section 33. That the code be amended by adding a NEW SECTION to read:

The department may not issue a registry identification card to a qualifying patient who is younger than eighteen years of age unless:

(1) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of cannabis to the custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient; and

(2) The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient consents in writing to:

(a) Allow the qualifying patient's medical use of cannabis;

(b) Serve as the qualifying patient's designated caregiver; and

(c) Control the acquisition of the cannabis, the dosage, and the frequency of the medical use of cannabis by the qualifying patient.

Section 34. That the code be amended by adding a NEW SECTION to read:

The department may deny an application or renewal of a qualifying patient's registry identification card only if the applicant:

(1) Does not provide the required information, fee, or materials;

(2) Previously had a registry identification card revoked; or

(3) Provided false information.

Section 35. The department may deny an application or renewal for a designated caregiver chosen by a qualifying patient whose registry identification card was granted only if:

(1) The designated caregiver does not meet the requirements of a designated caregiver as defined in Section I Of this Act

(2) The applicant does not provide the information required;

(3) The designated caregiver previously had a registry identification card revoked; or

(4) The applicant or the designated caregiver provide false information.

Section 36. That the code be amended by adding a NEW SECTION to read:

The department shall give written notice to the qualifying patient of the reason for denying a registry identification card to the qualifying patient or to the qualifying patient's designated caregiver.

Section 37. That the code be amended by adding a NEW SECTION to read:

Denial of an application or renewal under Section 34 or 35 of this Act is considered a final department action, subject to judicial review.

Section 38. That the code be amended by adding a NEW SECTION to read:

Until a qualifying patient who has submitted an application and the required fee to the department receives a registry identification card or a denial, a copy of the patient's application, written certification, and proof that the application was submitted to the department is deemed a registry identification card.

Section 39. That the code be amended by adding a NEW SECTION to read:

Until a designated caregiver whose qualifying patient has submitted an application and the required fee receives a registry identification card or a denial, a copy of the a qualifying patient's application, written certification, and proof that the application was submitted to the department is deemed a registry identification card.

Section 40. That the code be amended by adding a NEW SECTION to read:

Until twenty-five days after the department makes applica-

tions available, a valid, written certification issued within the previous year shall be deemed a registry identification card for a qualifying patient.

Section 41. That the code be amended by adding a NEW SECTION to read:

Until twenty-five days after the department makes applications available, the following is considered a designated caregiver registry identification card:

(1) A copy of a qualifying patient's valid written certification issued within the previous year; and

(2) A signed affidavit attesting that the person has significant responsibility for managing the well-being of the patient and that the person has been chosen to assist the qualifying patient.

Section 42. That the code be amended by adding a NEW SECTION to read:

A registry identification cards shall contain all of the following:

(1) The name of the cardholder;

(2) A designation of whether the cardholder is a qualifying patient or a designated caregiver;

(3) The date of issuance and expiration date of the registry identification card;

(4) A random ten-digit alphanumeric identification number, containing at least four numbers and at least four letters, that is unique to the cardholder;

(5) If the cardholder is a designated caregiver, the random identification number of the qualifying patient the designated caregiver will assist;

(6) A clear indication of whether the cardholder has been designated to cultivate cannabis plants for the qualifying patient's medical use;

(7) A photograph of the cardholder; and

(8) The phone number or website address where the card can be verified.

Section 43. That the code be amended by adding a NEW SECTION to read:

A registry identification card expires one year after the date of issue. Unless the practitioner states in the written certification that the qualifying patient would benefit from cannabis until a specified earlier date, then the registry identification card expires on that date.

Section 44. That the code be amended by adding a NEW SECTION to read:

The department shall maintain a confidential list of any person to whom the department has issued a registry identification card and the addresses, phone number, and registry identification number of each person. The list may not be combined or linked in any manner with any other list or database, nor may it be used for any purpose not provided for in this Act.

Section 45. That the code be amended by adding a NEW SECTION to read:

Within one hundred twenty days of the effective date of this Act, the department shall establish a secure phone or web-based verification system. The verification system shall allow law enforcement personnel and medical cannabis establishments to enter a registry identification number and determine whether the number corresponds with a current, valid registry identification card. The system may disclose only:

(1) Whether the identification card is valid;

(2) The name of the cardholder;

(3) Whether the cardholder is a qualifying patient or a designated caregiver;

(4) Whether the cardholder is permitted to cultivate cannabis plants;

(5) The registry identification number of any affiliated registered qualifying patient; and

(6) The registry identification of the qualifying patient's dispensary or dispensaries, if any.

Section 46. That the code be amended by adding a NEW SECTION to read:

The following notifications are required:

(1) A registered qualifying patient shall notify the department of any change in the applicants name or address, or if the patient ceases to have a debilitating medical condition, within ten days of the change;

(2) A registered designated caregiver shall notify the department of any change in the caregiver's name or address, or if the caregiver becomes aware the

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qualifying patient passed away, within ten days of the change;

(3) Before a registered qualifying patient changes a designated caregiver, the patient shall notify the department;

(4) If a registered qualifying patient changes a preference as to who may cultivate cannabis for the patient, the patient shall notify the department;

(5) If a cardholder loses a registry identification card, the cardholder shall notify the department within ten days of becoming aware the card has been lost; and

(6) Before a registered qualifying patient changes a designated dispensary, the patient shall notify the department;

Section 47. That the code be amended by adding a NEW SECTION to read:

Any notification that a registered qualifying patient is required to make under this Act may be made by the patient's designated caregiver if the qualifying patient is unable to make the notification due to age or medical condition.

Section 48. That the code be amended by adding a NEW SECTION to read:

If a cardholder notifies the department of any item listed in section 46 of this Act, but remains eligible under this Act, the department shall issue the cardholder a new registry identification card with a new random ten-digit alphanumeric identification number within ten days of receiving the updated information and a twenty dollar fee. If the person notifying the department is a registered qualifying patient, the department shall also issue the patient's registered designated caregiver, if any, a new registry identification card within ten days of receiving the updated information.

Section 49. That the code be amended by adding a NEW SECTION to read:

If the registered qualifying patient's certifying practitioner notifies the department in writing that the

registered qualifying patient has ceased to suffer from a debilitating medical condition or that the practitioner no longer believes the patient would receive therapeutic or palliative benefit from the medical use of cannabis, the card is void. However, the registered qualifying patient shall have fifteen days to dispose of or give away any cannabis in the registered qualifying patient's possession.

Section 50. That the code be amended by adding a NEW SECTION to read:

A medical cannabis establishment shall notify the department within one business day of any theft or significant loss of cannabis.

Section 51. That the code be amended by adding a NEW SECTION to read:

Except as provided in section 18 of this Act and this section, a person may assert the medical purpose for using cannabis as a defense to any prosecution involving cannabis, and such defense is presumed valid where the evidence shows that:

(1) A practitioner has stated that, in the practitioner's professional opinion, after having completed a full assessment of the person's medical history and current medical condition made in the course of a bona fide practitioner-patient relationship, the patient has a debilitating medical condition and the potential benefits of using cannabis for medical purposes would likely outweigh the health risks for the person;

(2) The person was in possession of no more than three ounces of cannabis, the amount of cannabis products allowed by department rules, six cannabis plants minimum or as prescribed by a physician, and the cannabis produced by those plants;

(3) The person was engaged in the acquisition, possession, use, manufacture, cultivation, or transportation of cannabis, paraphernalia, or both, relating to the administration of

cannabis to treat or alleviate the person's debilitating medical condition or symptoms associated with the person's debilitating medical condition; and

(4) Any cultivation of cannabis and storage of more than three ounces of cannabis occurred in

a secure location that only the person asserting the defense could access.

Section 52. That the code be amended by adding a NEW SECTION to read:

An affirmative defense and motion to dismiss shall fail if the prosecution proves that:

(1) The person had a registry identification card revoked for misconduct; or

(2) The purpose for the possession or cultivation of cannabis was not solely for palliative or therapeutic use by the person with a debilitating medical condition who raised the defense.

Section 53. That the code be amended by adding a NEW SECTION to read:

A person is not required to possess a registry identification card to raise the affirmative defense set forth in section 51 of this Act

Section 54. That the code be amended by adding a NEW SECTION to read:

If a person demonstrates the person's medical purpose for using cannabis pursuant to this Act, except as provided in section 18 of this Act, the person is not subject to the following for the person's use of cannabis for medical purposes:

(1) Disciplinary action by an occupational or professional licensing board or bureau; or

(2) Forfeiture of any interest in or right to any property other than cannabis.

Section 55. That the code be amended by adding a NEW SECTION to read:

Not later than ninety days after receiving an application for a medical cannabis establishment, the department shall register the prospective medical cannabis establishment and issue a registration certificate and a random ten-digit alphanumeric identification number if all of the following conditions are satisfied:

(1) The prospective medical cannabis establishment has submitted all of the following:

(a) The application fee.

(b) An application, including:

(i) The legal name of the prospective medical cannabis establishment;

(ii) The physical address of the prospective medical cannabis establishment that is not within one thousand feet of a public or private school existing before the date of the medical cannabis establishment application;

(iii) The name and date of birth of each principal officer and board member of the proposed medical cannabis establishment; and

(iv) Any additional information requested by the department.

(c) Operating procedures consistent with rules for oversight of the proposed medical cannabis establishment, including procedures to ensure accurate record keeping and adequate security measures.

(d) If the city or county where the proposed medical cannabis establishment would be located has enacted zoning restrictions, a sworn statement certifying that the proposed medical cannabis establishment does not violate the restrictions.

(e) If the city or county where the proposed medical cannabis establishment requires a local registration, license, or permit, a copy of the registration, license, or permit.

(2) None of the principal officers or board members has served as a principal officer or board

member for a medical cannabis establishment that has had its registration certificate revoked.

(3) None of the principal officers or board members is under twenty-one years of age; and

(4) At least one principal officer is a resident of this state.

Section 56. That the code be amended by adding a NEW SECTION to read:

If a local government has enacted a numerical limit on the number of medical cannabis establishments in the locality and a greater number of applicants seek registration, the department shall solicit and consider input from the local government as to its preference for registration.

Section 57. That the code be amended by adding a NEW SECTION to read:

The department shall issue a renewal registration certificate within ten days of receipt of the prescribed renewal application and renewal fee from a medical cannabis establishment if the establishment's registration certificate is not under suspension

and has not been revoked.

Section 58. That the code be amended by adding a NEW SECTION to read:

A local government may enact an ordinance not in conflict with this Act, governing the time, place, manner, and number of medical cannabis establishments in the locality. A local government may establish civil penalties for violation of an ordinance governing the time, place, and manner of a medical cannabis establishment that may operate in the locality.

Section 59. That the code be amended by adding a NEW SECTION to read:

No local government may prohibit a dispensary, either expressly or through the enactment of an ordinance that makes the operation of the dispensary impracticable in the jurisdiction.

Section 60. That the code be amended by adding a NEW SECTION to read:

A local government may require a medical cannabis establishment to obtain a local license, permit, or registration to operate, and may charge a reasonable fee for the local license, permit, or registration.

Section 61. That the code be amended by adding a NEW SECTION to read:

Each medical cannabis establishment shall conduct a background check into the criminal history of each person seeking to become a principal officer, board member, agent, volunteer, or employee before the person begins working at the medical cannabis establishment.

Section 62. That the code be amended by adding a NEW SECTION to read:

A medical cannabis establishment may not employ any person who:

(1) Was convicted of a disqualifying felony offense; or

(2) Is under twenty-one years of age.

Section 63. That the code be amended by adding a NEW SECTION to read:

Each medical cannabis establishment shall have operating documents that includes procedures for the oversight of the medical cannabis establishment and procedures to ensure accurate record keeping.

Section 64. That the code be amended by adding a NEW SECTION to read:

A medical cannabis establishment shall implement appropriate security measures designed to deter and prevent the theft of cannabis and unauthorized entrance into any area containing cannabis.

Section 65. That the code be amended by adding a NEW SECTION to read:

All cultivation, harvesting, manufacturing and packaging of cannabis shall take place in a secure facility at a physical address provided to the department during the registration process. The secure facility may only be accessed by agents of the medical cannabis establishment, emergency personnel, and adults who are twenty-one years of age and older and who are accompanied by a medical cannabis establishment agent.

Section 66. That the code be amended by adding a NEW SECTION to read:

No medical cannabis establishment other than a cannabis product manufacturer may produce cannabis concentrates, cannabis extractions, or other cannabis products.

Section 67. That the code be amended by adding a NEW SECTION to read:

A medical cannabis establishment may not share office space with or refer a patient to a practitioner.

Section 68. That the code be amended by adding a NEW SECTION to read:

A medical cannabis establishment may not permit any person to consume cannabis on the property of a medical cannabis establishment.

Section 69. That the code be amended by adding a NEW SECTION to read:

A medical cannabis establishment is subject to inspection by the department during business hours.

Section 70. That the code be amended by adding a NEW SECTION to read:

Before cannabis may be dispensed to a cardholder or nonresident cardholder, a dispensary agent shall:

(1) Shall make a diligent effort to verify that the registry identification card or registration presented to the dispensary is valid;

(2) Shall make a diligent effort to verify that the person presenting the documentation

is the person identified on the document presented to the dispensary agent;

(3) May not dispense an amount of cannabis to a person that would cause the person to possess more than the allowable amount of cannabis; and

(4) Shall make a diligent effort to verify that the dispensary is the current dispensary that was designated by the cardholder or nonresident cardholder.

Section 71. That the code be amended by adding a NEW SECTION to read:

A dispensary may not dispense more than three ounces of cannabis to a nonresident cardholder or a registered qualifying patient, directly or via a designated caregiver, in any fourteen day period. A dispensary shall ensure compliance with the limitation under this section by maintaining internal, confidential records that include records specifying how much cannabis is dispensed to a nonresident cardholder or registered qualifying patient and whether it is dispensed directly to a registered qualifying patient or to the designated caregiver.

Section 72. That the code be amended by adding a NEW SECTION to read:

Not later than one hundred twenty days after the effective date of this Act, the department shall promulgate rules pursuant to chapter 1-26:

(1) Governing the manner in which the department shall consider petitions from the public to add a debilitating medical condition or treatment to the list of debilitating medical conditions as defined by this Act, including public notice of and an opportunity to comment in public hearings on the petitions;

(2) Establishing the form and content of registration and renewal applications submitted under this Act;

(3) Establishing a system to numerically score competing medical cannabis establishment applicants, in cases where more applicants apply than are allowed by the local government, that includes analysis of:

(a) The preference of the local government;

(b) In the case of dispensaries, the suitability of the proposed location and its accessibility for patients;

(c) The character, veracity, background, qualifications, and relevant experience of principal officers and board members; and

(d) The business plan proposed by the applicant, that in the case of a cultivation facility or dispensary shall include the ability to maintain an adequate supply of cannabis, plans to ensure safety and security of patrons and the community, procedures to be used to prevent diversion, and any plan for making cannabis available to low-income registered qualifying patients;

(4) Governing the manner in which the department shall consider applications for and renewals of registry identification cards, that may include creating a standardized written certification form;

(5) Governing medical cannabis establishments to ensure the health and safety of qualifying patients and prevent diversion and theft without imposing an undue burden or compromising the confidentiality of a cardholder, including:

(a) Oversight requirements;

(b) Record keeping requirements;

(c) Security requirements, including lighting, physical security, and alarm requirements;

(d) Health and safety regulations, including restrictions on the use of pesticides that are injurious to human health;

(e) Standards for the manufacture of cannabis products and both the indoor and outdoor cultivation of cannabis by a cultivation facility;

(f) Requirements for the transportation and storage of cannabis by a medical cannabis establishment;

(g) Employment and training requirements, including requiring that each medical cannabis establishment create an identification badge for each agent;

(h) Standards for the safe manufacture of cannabis products, including extracts and concentrates;

(i) Restrictions on the advertising, signage, and display of medical cannabis, provided that the restrictions may not prevent appropriate signs on the property of a dispensary, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not-for-profit charity

or advocacy events;

(j) Requirements and procedures for the safe and accurate packaging and labeling of medical cannabis; and

(k) Certification standards for testing facilities, including requirements for equipment and qualifications for personnel;

(6) Establishing procedures for suspending or terminating the registration certificates or registry identification cards of cardholders and medical cannabis establishments that commit multiple or serious violations of this Act.

(7) Establishing labeling requirements for cannabis and cannabis products, including requiring cannabis product labels to include the following:

(a) The length of time it typically takes for a product to take effect;

(b) Disclosing ingredients and possible allergens;

(c) A nutritional fact panel; and

(d) Requiring that edible cannabis products be clearly identifiable, when practicable, with a standard symbol indicating that it contains cannabis;

(8) Procedures for the registration of nonresident cardholders and the cardholder's designation of no more than two dispensaries, which shall require the submission of:

(a) A practitioner's statement confirming that the patient has a debilitating medical condition; and

(b) Documentation demonstrating that the nonresident cardholder is allowed to possess cannabis or cannabis preparations in the jurisdiction where the nonresident cardholder resides;

(9) Establishing the amount of cannabis products, including the amount of concentrated cannabis, each cardholder and nonresident cardholder may possess; and

(10) Establishing reasonable application and renewal fees for registry identification cards and registration certificates, according to the following:

(a) Application fees for medical cannabis establishments may not exceed five thousand dollars, with this upper limit adjusted annually for inflation;

(b) The total fees collected shall generate revenues sufficient to offset all expenses of implementing and administering this Act;

(c) A sliding scale of patient application and renewal fees based upon a qualifying patient's household income;

(d) The fees charged to qualifying patients, nonresident cardholders, and caregivers shall be no greater than the costs of processing the application and issuing a registry identification card or registration; and

(e) The department may accept donations from private sources to reduce application and renewal fees.

A violation of a required or prohibited action under any rule authorized by this section is a Class 2 Misdemeanor

Section 73. That the code be amended by adding a NEW SECTION to read:

A cardholder or medical cannabis establishment who fails to provide a notice required by this Act is subject to a civil penalty of no more than one hundred fifty dollars. Any civil penalty collected shall be deposited in the state general fund.

Section 74. That the code be amended by adding a NEW SECTION to read:

In addition to any other penalty under law, a medical cannabis establishment or an agent of a medical cannabis establishment who intentionally sells or otherwise transfers cannabis in exchange for anything of value to a person other than a cardholder, a nonresident cardholder, or to a medical cannabis establishment or its agent is guilty of a Class 6 felony. A person convicted under this section may not continue to be affiliated with the medical cannabis establishment and is disqualified from any future affiliation with any medical cannabis establishment under this Act.

Section 75. That the code be amended by adding a NEW SECTION to read:

In addition to any other penalty under law, a cardholder or nonresident cardholder who intentionally sells or otherwise transfers cannabis in exchange for anything of value to a person other than a cardholder, a nonresident cardholder, or to a medical cannabis establishment or its agent is guilty of a Class 6 felony.

Section 76. That the code be amended by adding a NEW SECTION to read:

A person who intentionally makes a false statement to a law enforcement official about any fact or circumstance relating to the medical use of cannabis to avoid arrest or prosecution is guilty of a Class 2 misdemeanor. The penalty is in addition to any other penalty that may apply for making a false statement or for the possession, cultivation, or sale of cannabis not protected by this Act. If a person convicted of violating this section is a cardholder, the person is disqualified from being a cardholder under this Act.

Section 77. That the code be amended by adding a NEW SECTION to read:

A person who knowingly submits false records or documentation required by the department to certify a medical cannabis establishment under this Act is guilty of Class 6 felony.

Section 78. That the code be amended by adding a NEW SECTION to read:

A practitioner who knowingly refers patients to a medical cannabis establishment or to a designated caregiver, who advertises in a medical cannabis establishment, or who issues written certifications while holding a financial interest in a medical cannabis establishment is guilty of a Class 2 misdemeanor.

Section 79. That the code be amended by adding a NEW SECTION to read:

It is a Class 2 misdemeanor for any person, including an employee or official of the department or another state agency or local government to breach the confidentiality of information obtained under this Act.

Section 80. That the code be amended by adding a NEW SECTION to read:

The department may on its own motion or on complaint, after investigation and opportunity for a public hearing at which the medical cannabis establishment has been afforded an opportunity to be heard, suspend or revoke a registration certificate for multiple negligent or knowing violations or for a serious and knowing violation by the registrant or any of its agents of this Act.

Section 81. That the code be amended by adding a NEW SECTION to read:

The department shall provide notice of suspension, revocation, fine, or other sanction, as well as the required notice of the hearing, by mailing the same in writing to the medical cannabis establishment at the address on the registration certificate. A suspension may not be for a longer period than six months.

Section 82. That the code be amended by adding a NEW SECTION to read:

A medical cannabis establishment may continue to possess cannabis during a suspension, but it may not dispense, transfer, or sell cannabis. A cultivation facility may continue to cultivate and possess cannabis plants during a suspension, but it may not dispense, transfer, or sell cannabis.

Section 83. That the code be amended by adding a NEW SECTION to read:

The department shall immediately revoke the registry identification card of any cardholder who sells cannabis to a person who is not allowed to possess cannabis for medical purposes under this chapter, and the cardholder is disqualified from being a cardholder under this Act.

Section 84. That the code be amended by adding a NEW SECTION to read:

The department may revoke the registry identification card of any cardholder who knowingly commits multiple unintentional violations or a serious knowing violation of this Act.

Section 85. That the code be amended by adding a NEW SECTION to read:

Revocation under section 80 of this Act is a final decision of the department subject to judicial review.

Section 86. That the code be amended by adding a NEW SECTION to read:

Data in a registration application and supporting data submitted by a qualifying patient, designated caregiver, nonresident cardholder or medical cannabis establishment, including data on designated caregiver or practitioner, is private data that is confidential.

Section 87. That the code be amended by adding a NEW SECTION to read:

Data kept or maintained by

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the department may not be used for any purpose not provided for in this Act and may not be combined or linked in any manner with any other list or database.

Section 88. That the code be amended by adding a NEW SECTION to read:

Data kept or maintained by the department may be disclosed solely for:

(1) The verification of a registration certificate or registry identification card pursuant to this Act;

(2) Submission of the annual report required by this Act;

(3) Notification of state or local law enforcement of an apparent criminal violation of this Act;

(4) Notification of state and local law enforcement about falsified or fraudulent information submitted for the purpose of obtaining or renewing a registry identification card; or

(5) Notification of the South Dakota Board of Medical and Osteopathic Examiners if there is reason to believe that a practitioner provided a written certification and the department has reason to believe the practitioner otherwise violated the standard of care for evaluating medical condition.

Section 89. That the code be amended by adding a NEW SECTION to read:

Any information kept or maintained by a medical cannabis establishment may only identify cardholder by registry identification number and may not contain names or other personal identifying information.

Section 90. That the code be amended by adding a NEW SECTION to read:

At the cardholder's request, the department may confirm the cardholder's status as a registered qualifying patient or a registered designated caregiver to a third party, such as a landlord, school, medical professional, or court.

Section 91. That the code be amended by adding a NEW SECTION to read:

Any department hard drive or other data-recording media that is no longer in use and that contains cardholder information shall be destroyed.

Section 92. That the code be amended by adding a NEW SECTION to read:

The Executive Board of the Legislative Research Council shall appoint an oversight committee comprised of: one member of the House of Representatives; one member of the Senate; one Department of Criminal Investigation agent; one staff member from the Office of the Attorney General; two representatives of law enforcement; one representative from the department; one practitioner with experience in medical cannabis issues; one nurse; one board member or principal officer of a cannabis testing facility; one person with experience in policy development or implementation in the field of medical cannabis; and three qualifying patients.

Section 93. That the code be amended by adding a NEW SECTION to read:

The oversight committee shall meet at least two times per year for the purpose of evaluating and making recommendations to the Legislature and the department regarding:

(1) The ability of qualifying patients in all areas of the state to obtain timely access to high-quality medical cannabis;

(2) The effectiveness of the dispensaries and cultivation facilities, individually and together, in serving the needs of qualifying patients, including the provision of educational and support services by dispensaries, the reasonableness of their prices, whether they are generating any complaints or security problems, and the sufficiency of the number operating to serve the state's registered qualifying patients;

(3) The effectiveness of the cannabis testing facilities, including whether a sufficient number are operating;

(4) The sufficiency of the regulatory and security safeguards contained in this Act and adopted by the department to ensure that access to and use of cannabis cultivated is provided only to cardholders;

(5) Any recommended additions or revisions to the department regulations or this Act, including relating to security, safe handling, labeling, and nomenclature; and

(6) Any research studies regarding health effects of medical cannabis for patients.

Section 94. That the code be amended by adding a NEW SECTION to read:

The department shall report annually to the Legislature on the number of applications for

registry identification cards received, the number of qualifying patients and designated caregivers approved, the number of registry identification cards revoked, the number of each type of medical cannabis establishment registered, and the expenses incurred and revenues generated from the medical cannabis program. The department may not include identifying information on a qualifying patient, designated caregiver, or practitioner in the report.

Section 96. That the code be amended by adding a NEW SECTION to read:

The Department of Education and the department shall establish policy to allow students who are medical cannabis cardholders to have their medicine administered in school in accordance with their Physician's recommendation. This policy shall be implemented the first day of the new school year following passage of this Act. The departments shall implement substantively identical provisions to Colorado Revised Statute 22-1-119.3 as of January 1, 2019.

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**Groton City
Oct. 20, 2020
Meeting Minutes**

October 20, 2020
The Groton City Council met on the above date at 7:00 pm at the Community Center for their second monthly meeting with the following members present: Wells, Blackmun, Kappes, Babcock, Cutler and Mayor Hanlon presiding. Also present were: Attorney Drew Johnson, Clark Engineering representative Ken Hier, and Finance Officer Hope Block.

Public comments were welcomed pursuant to SDCL 1-25-1, but none were received.

The minutes from the previous meeting were approved on a motion by Wells and seconded by Babcock. All members voted aye.

Moved by Babcock and seconded by Cutler to authorize the following bills for payment. All members voted aye.

Payroll, \$21,705.18, Employee salaries; Executive, ; Administrative, \$3,225.79; Public Safety, \$8,958.89; Public Works, \$9,239.05; Culture & Recreation, \$281.45; ; Dacotah Bank, \$7,220.72, SS and WH; Dacotah Bank, \$466.66, HSA contributions; Dakotaland FCU, \$1,050.00, Employee savings; City of Groton, \$198.64, Utility deposit refunds; Bonnie Bloom, \$159.36, Utility deposit refund; Lisa Harry, \$447.53, Utility deposit refund; US Postal Service, \$203.87, Utility billing postage; Maguire Iron, \$67,500.00, Payment request #1; Auto Zone, \$181.53, Door handle, oil, filters; Michael Todd & Company, \$691.18, Broom; SPS Works, \$116.56, Dog tags; Fire Safety First, \$204.45, Inspection and two first aid kits; James Valley, \$533.57, Utilities; SD 811, \$73.50, Fees July thru Sept; Ramkota Hotel, \$98.00, Lodging for elected official workshop; Farm Tire Service, \$560.00, Blue dump truck tire repair; April Abeln, \$354.94, Med flex; Heartland Waste, \$8,031.98, Garbage hauling; MJs Sinclair, \$1,458.27, Fuel, tire repair; Groton Chamber, \$250.00, 2021 Dues; Heartland Consumer Power, \$24,969.96, Power 9/20; WAPA, \$18,588.60, Power 9/21; A&B Business Solutions, \$424.20, Copier rent; Full Circle Ag, \$977.54, Chemicals; Stacy Mayou, \$800.08, Med flex;

The September finance report was approved on a motion by Cutler and seconded by Kappes. All members voted aye.

Moved by Blackmun and seconded by Cutler to adjourn into executive session for legal items 1-25-2 (3) at 7:10pm. All members voted aye. Council reconvened into regular session at 7:25pm.

Hier explained Maguire Iron's requests regarding the Water Tower Project.

Maguire Iron's third payment request for \$396,081.90 was approved on a motion by Blackmun and seconded by Cutler. All members voted aye.

Maguire Iron's request for retainer reduction was denied on a motion by Blackmun and seconded by Babcock. All members voted aye.

The 2020 baseball season report was approved on a motion by Blackmun and seconded by Wells. All members voted aye.

Moved by Blackmun and seconded by Babcock to approve FEMA's community acknowledgement form for Lot 4 Thede's First Addition. All members voted aye.

Moved by Kappes and seconded by Wells to adjourn into executive session for personnel and legal items 1-25-2 (1) & (3) at 7:48pm. All members voted aye. Council reconvened into regular session at 8:00pm.

Moved by Cutler and seconded by Wells to adjourn the meeting at 8:01 pm. All members voted aye.

Scott Hanlon, Mayor
Hope Block, Finance Officer
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**Frederick Town
Oct. 14, 2020
Meeting Minutes**

October 14, 2020 Minutes
Frederick's town board meeting was held Wednesday October 14, 2020 in the Frederick Community Center beginning at 7:00 PM. Attending the meeting were Chairman R. Scott Campbell, Board members Jeff Kusters and Troy Millard, Finance Officer and Assistant Finance Officer Diane Bruns and Mariah Heine, Utility Manager Rich Bakeberg, Helm's and Associates engineer Brandon Smid, and Gary Peterson.

Chairman Campbell opened the meeting and led in the Pledge of Allegiance.

The minutes of the September meeting were read and approved with a motion by Kusters/Millard; motion carried. The minutes of the September special meeting to review and approve the 2021 budget were read and approved by Millard/Kusters; motion carried. The financial statements were reviewed and accepted with a motion by Millard/Kusters; motion carried. The October accounts payable was approved excluding the payments for the wastewater project with a motion by Kusters/Millard; motion carried.

ACCOUNTS PAYABLE

MDU electric BP/Wtr/Mun Bldg/SP/Sts/Swr/EBL \$989.55; Badger Meter meter fees Wtr \$115.70; Bower's Tree Service tree removal SP \$750; Century Bus Products printer lease & copies Gen'l \$88.50; Community Store supplies SP \$5.97; D. Bruns CC \$124.67; D. Bruns wage FO \$1,322.21; Dak Pump & Control repairs Wtr \$1826.96; Dependable Sanitation 3rd qtr Grbg \$3959; EFPTS taxes Gen'l/FO/CC/EBL/Sts/Wtr/Swr \$1,252.62; FDC Econ Dev \$1,200; GDI minutes Gen'l \$102.89; J. Kusters wage Gen'l \$115.44; JM electric Mun Bldg \$143.38; JVT phone/svc/int FO/EBL/Wtr/Gen'l \$346.22; M. Cox wage EBL \$585.36; M. Heine wage FO \$943.59; M. Morlock mowing wage Gen'l \$64.64; Menard's supplies Sts \$31.38; Metering & Technology supplies Wtr \$982.02; R. Bakeberg wage St/Wtr/Swr \$2,091.99; R. Bakeberg veh. Allow St/Wtr/Swr \$75; R.S. Campbell wage Gen'l \$115.44; Readi Tech computer repair FO \$97.97; SD Dept of Rev sales tax Grbg \$74.69; SD Public Health coliform test Wtr \$15; T. Millard wage Gen'l \$92.35; USDA-RD loan Wtr \$475; WEB Water Wtr \$2,993.37

OLD BUSINESS

Rich Bakeberg provided a utility report which included discussion about the progress on the wastewater project. Brandon Smid discussed the progress on the wastewater project and the terms of the contract between the city and Dahme Construction Co. Inc. The board got a request from Dahme Construction to extend the deadline to June 15, 2021. The board must decide between approving the request, or denying and assessing liquidated damages by October 29, 2020. Motion to table the extension until the option is discussed with legal counsel Dana Frohling made by Millard/Kusters; motion carried. There were no new reports for Frederick Forward, Historical Society, Emma Burnham Library, or Frederick Development Corporation. The school had requested putting a new street light across the street from the school. Motion to approve MDU to install a new street light on the corner of Main Street and the alley east of 2nd Ave by Kusters/Campbell; motion carried. The board will look at going forward with increased police presence at the next meeting.

NEW BUSINESS

A citizen brought concerns about trees overhanging into an alley. Upon discussion, the city ordinance states that the property owner is responsible for the area from the center of the alley to their yard. Brown County Planning and Zoning committee sent changes of address to the city roads. The requests included changing Seventh (7) Street be extended west to Hwy 281 and east to 387th Ave for inside city limits, and Main Street to be extended west to Hwy 281 and east to 387th Ave for inside city limits. Motion to approve street changes as listed made by Mil-

lard/Campbell; motion carried. The Frederick Area Fire Department requested a temporary liquor license for their fundraiser on 10/17/2020. Motion to approve liquor license for Frederick Area Fire Department made by Kusters/Millard; motion carried. The third quarter Emma Burnham Library report was accepted with a motion by Millard/Kusters; motion carried. The overhead door in the fire department side of the community center leaks, and Gary Peterson submitted an estimate of cost to repair it.

CORRESPONDENCE

Dependable Sanitation noted that they have been undercharging for commercial garbage usage, and rates for the Frederick Area School, Community Store, and Titan's Bar and Grill will be increased.

Motion to adjourn made by Kusters/Millard at 8:17 PM.

M. Heine
Assistant Finance Officer
Published once at the total approximate cost of \$47.02. 19390

**Brown County
Notice of
General Election**
NOTICE OF GENERAL ELECTION

A General Election will be held on Tuesday, November 3, 2020, in all the voting precincts in Brown County.

The election polls will be open from seven a.m. to seven p.m. central time on the day of the election.

The polling place in each precinct of this county is as follows:
1-1 AmericInn, 301 S Center-

nial St, Aberdeen, SD 57401

1-2 Best Western Ramkota, 1400 8th Ave NW, Aberdeen, SD 57401

1-3 Brown County Community Courthouse, 25 Market St Aberdeen, SD 57401

1-4 Columbia Legion, 102 N Broadway St, Columbia, SD 57433

1-5 Westport Town Hall, 13 W Main St, Westport 57481

1-6 Warner Community Center, 11 W Main St, Warner 57479

1-7 Stratford Community Center, 293 E Rondell Ave, Stratford 57474

1-8 Groton Community Center, 109 N 3rd St, Groton 57445

1-9 Claremont City Hall, 606 6th Ave, Claremont 57432

1-10 Hecla Community Center, 206 Main St, Hecla 57446

1-11 Frederick Community Center, 2nd Ave, Frederick 57441

Any voter who needs assistance, pursuant to the Americans with Disabilities Act, may contact the county auditor at 605-626-7110 before the election for information on polling place accessibility for people with disabilities.

Cathy McNickle, County Auditor

Brown County (1021.1028)

Published twice at the total approximate cost of \$32.33. 19370

**Brown County
Ord. 177
Loebs Rezoning**
ORDINANCE #177
AN ORDINANCE AMENDING TITLE 4, SECOND REVISION BROWN COUNTY ORDINANC-

ES, AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Brown County Commission, Brown County, South Dakota, that the Petition to Amend Title 4, Second Revision Brown County Ordinances, as amended, to rezone the following described property filed by Jeff Loebs is hereby granted and Title 4, Second Revision Brown County Ordinances is hereby amended to change the zoning on the following described property from Chapter 4.06 Agricultural Preservation District (AG-P) to Chapter 4.07 Mini-Ag District (M-AG):

15 Acres South of the North 55 Acres in the NW1/4 of Section 27-T124N-R64W of the 5th P.M., Brown County, South Dakota (12834 385th Ave)

BE IT FURTHER ORDAINED by the Brown County Commission, Brown County, South Dakota that the zoning official for the County of Brown is hereby authorized to change the official zoning map for Brown County to reflect this Ordinance.

Notice of Hearing: September 30th and October 7th, 2020

Passed First Reading: October 13th, 2020

Passed Second Reading: October 20th, 2020

Adopted: October 20th, 2020

Effective: October 28th, 2020

Effective Date: November 17th, 2020

Rachel Kippley, Chair

Brown County Commission

ATTEST:

Cathy McNickle, Brown County Auditor

Published once at the total approximate cost of \$17.96. 19395

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YES ON B

WHAT IS AMENDMENT B?
This amendment authorizes the Legislature to include wagering on sporting events as a type of gaming allowed in Deadwood.

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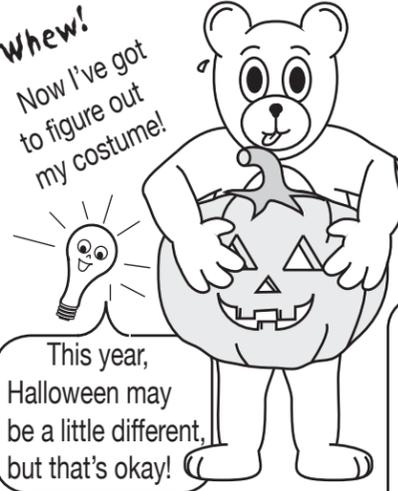
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Kids: color stuff in!

Whew! Now I've got to figure out my costume!



This year, Halloween may be a little different, but that's okay!

Happy Halloween!

I've just finished carving my jack-o'-lantern. I'm going to use a battery-operated light in it.

It is the season of costume making, witches and bats in flight, spooky parties and favorite candy treats. All of this fun, fun, fun fills my mind, but I also know that it's important to follow a few safety rules while celebrating.

Have

lots of

fun whatever

your family

chooses to do! We're making orange popcorn balls.

Read the clues to fill in the crossword:

- October 31, _____, is a time of pumpkin patch visits, parties, parades and special treats!
- A _____ is lighted and grins from the porch.
- People dress up in _____ and turn into pirates, clowns and princesses.
- Kids _____ up and down the streets.
- Battery-powered _____ glow, lighting their way.
- Doorbells ring, _____ of candy and small toys are tossed into bags.
- Zombies and _____ sit in the graveyard placed in the neighbor's front yard.
- A _____ stirs her cauldron, mixing a potion and casting a spell.
- Tractor-powered _____ creep through fields full of spooky creatures.
- _____ roam a school's hallways tonight, flying from room to room.
- A haunted _____ gives us "scares" and we laugh with friends and family.
- A dog howls, an _____ hoots, a cat hisses and children shout.
- A giant web spun by a hairy _____ hangs in the corner of a porch.
- A full _____ glows and lights up the houses and streets below.
- The next morning the sun rises and all the creatures and shadows of the night _____.

Illustrations include: a witch with a broom, a man in a suit, a woman in a dress, a ghost, a spider, a wolf, and a jack-o'-lantern. The crossword puzzle grid is overlaid on these illustrations.

Sweet Treats - Counting up the Goodies

This is my bag full of treats!

8 coins + 5 mini bags of candy corn = treats

13 lollipops treats

17 chocolate bars treats

+ 4 popcorn balls treats

6 lemon drops treats

2 peppermint patties treats

+ 3 small toys treats

CHOCOLATE

total treats in bag

...in your candy bag is fun. Add up each group of treats, then total all the goodies to find out how many treats are in the ghost's bag.

1. I roam at night: my black cape and sharp fangs give people a fright!



Who Am I ?

3. I wear a pointy black hat; I fly with my broom and my cat!

2. I have hair almost everywhere! A full moon makes me howl in the air!



4. Yo Ho! I have a dagger and a hook; I've hidden a treasure map in a book!

5. I arch my back when I smell a rat; I hiss and spit I am a black...



Spoooooooky Sayings!

Match each saying to its meaning!

Our eyesight may not be too good, but we have an **echolocation** system. This means that we make sounds and "listen" for returning echoes. We can find anything in the dark!

- skeletons in your closet
- cat got your tongue
- as the crow flies
- to turn into a pumpkin
- to start a witch-hunt
- blind as a bat
- white as a ghost
- scaredy-cat
- a ghost of a chance
- like a kid in a candy store

- very nervous and fearful
- to stay out too late
- dark or shameful secrets you keep hidden
- the straightest possible path
- happy and excited
- very pale; frightened
- to have nothing to say
- only a very small chance of success
- to search for people to find guilty
- not able to see very well

Hey! So, what's the problem with turning into a pumpkin at midnight?



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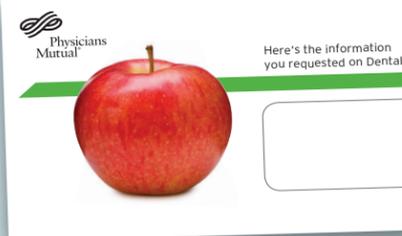
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S.D. election officials take new approaches to voting amid pandemic

By: Nick Lowrey and Bart Pfankuch

Editor's note: This article was produced through a partnership between South Dakota News Watch and the Solutions Journalism Network, a national non-profit group that supports rigorous journalism about responses to problems.

South Dakota election officials are taking a wide range of steps — and implementing some creative measures — to ensure easy access to voting and provide for an accurate ballot count during a time of unprecedented electoral challenges.

The 2020 general election is being held amid a deadly pandemic, is attracting record numbers of absentee and early votes and is drawing high voter turnout.

County election officials who run ground-level electoral operations in South Dakota have been working for months to manage early voting and prepare for safe, orderly in-person voting on Election Day on Nov. 3.

Many strategies have focused on processing absentee ballots, which by law cannot be counted until Election Day.

Election officials have recruited more poll workers as some older workers sought to avoid the risk of COVID-19. Some counties have formed absentee ballot review panels to sort and certify ballots and created new, absentee-only voting precincts to simplify the vote-counting process. Temporary ballot boxes have been installed in some areas so voters do not have to send in their ballots by mail. The state has also held several mock elections to test its voting systems and prepare county auditors for a long, busy Election Day.

Auditors have also found ingenious ways to overcome electoral challenges. One auditor held a voter education session through the windows of a nursing home to reach elderly voters who could not leave the facility. Another bought and erected a surplus military tent to create a safe, socially distanced early voting site. And a few auditors have taken advantage of a rarely used state law that allows high school students to get excused absences to fill in as temporary poll workers on Election Day.

As with any vote, the stakes are high, but may be higher this election, especially for those tasked with running them. Electoral processes, especially mail-in voting, have come under scrutiny by President Donald Trump. The U.S. Postal Service has battled to keep up with a nationwide flood of mail-in ballots. Record numbers of voters are casting absentee ballots, many for the first time. Some polling locations have been shut down due to the pandemic, and many in-person polling sites will be partially staffed with first-time workers and must focus on maintaining cleanliness and social distancing. Many South Dakota counties are using new ballot-counting machines and technology.

The number of polling locations in South Dakota will be down in 2020. The state had 508 polling sites during the 2016 general election, and as of mid-October, the state had only 474 polling sites secured for the 2020 general election at a time when voter turnout



Steve Barnett

could be as high as 70%, according to Kea Warne, elections director in the Secretary of State's Office.

Warne, who has worked on South Dakota elections off and on since 1993, said preparing for the 2020 election has been challenging, but rewarding.

"Every election cycle brings its own challenges, but this cycle has definitely been unique in the challenges being faced by election officials," Warne said. "This has led to most likely the busiest election cycle I have been a part of."

In the 2020 general election, South Dakota voters can vote for president, seats in the U.S. Senate and U.S. House, a spot on the Public Utilities Commission, three statewide ballot measures on legalizing medical and recreation marijuana and sports betting in Deadwood, and numerous local legislative offices.

The chance for human or mechanical error is present in every election, and may be higher than normal during the 2020 election cycle. Voter errors on absentee ballots cast in the June primary election in South Dakota resulted in 1.4% of the ballots being rejected, about 1,200 of the roughly 88,000 cast. In the 2018 general election, only 307 of about 90,000 absentee ballots were rejected, and only 378 of about 102,000 absentee ballots cast in the 2016 general election were rejected.

Errors in processing of absentee ballots led to different final results in two primary races in South Dakota, with one mistake in Douglas County changing the reported outcome of a legislative election after a recount.

On Oct. 19, with more than two weeks to go before the Nov. 3 general election, 125,552 South Dakotans had returned absentee ballots to their county auditors, said Secretary of State Steve Barnett. Another 41,811 voters had requested absentee ballots but had not returned them, he said. In the 2016 general election, voters cast 102,390 absentee ballots.

The sharp rise in the number of absentee voters, especially first-time absentee voters, has some election experts worried that there could be a corresponding increase in human errors and honest mistakes by both election officials and voters.

Such errors and the aftermath could undermine public confidence in the electoral process when faith in the system is badly needed.

"I think one of the biggest concerns everybody should have is the degree to which people are going to make honest mistakes; voters and election officials alike," said Michael Hanmer, research director at the Center for Democracy and Civic Engagement at the University of Maryland. "These are human processes, and we know that we're going to make mistakes, and certainly, the risk goes up when we're doing something new."

Barnett said he is confident that South Dakota's election will be safe and accurate. County election officials learned a lot from the June primary election and have taken many steps to improve the voting process, including preparing for early voting and tabulation of high numbers of absentee ballots, he said.



Auditor Sue Ganje of Fall River County purchased this surplus military tent and is using it to host early voting and voter registration in a safe, socially distanced manner outside the cramped county courthouse, which was built in 1893. The tent is one example of how South Dakota election officials have found unique solutions to challenges during an unprecedented election. Photo: Courtesy Fall River County Auditor's Office

"We're looking forward to a good turnout on Election Day for this year and a safe and smooth election," Barnett said.

Barnett and Warne said they expect some long-term positive outcomes from the 2020 electoral process, including greater public interest in how elections are run, more involvement of young people either in voting or in helping run elections, and continued higher absentee voting which could increase turnout in the future.

"Efforts from local election officials have resulted in first-time poll workers, including younger workers," Warne said. "From the [high] absentee numbers, the pandemic has also led many of our voters to consider utilizing that method of voting, which I think may continue into the future."

Preparing for an unusual election cycle

By mid-October in Brookings County, about 4,700 absentee ballots had been cast, said county Election Supervisor Jenna Byrd. She expected to see more than 7,000 total absentee ballots returned by the Nov. 2 deadline. In 2016, Brookings County voters returned 4,654 absentee ballots.

To handle the extra workload, Byrd recruited 25 people solely to sort and certify absentee ballots. The new election workers will be split into eight, three-person boards and there will be one superintendent in charge of the operation. The boards will check that each signature on absentee envelopes and ballots match signatures on driver's licenses or that ballots have been notarized. They will also check to make sure the name on the ballot envelope is on the list of registered voters who requested and returned absentee ballots. Once certified, each ballot will be stamped and placed in a sealed ballot box until counted on Election Day.

Byrd said she is confident her absentee boards will handle the workload and deliver a fair and accurate result. "It's a well thought out process, we've got integrity here, and we do the best that we can," Byrd said.

Some county auditors are thinking outside the box to assist citizens in voting. In Hand County, Auditor Doug DeBoer came up with a unique solution to help residents vote at the two assisted-living facilities in the county seat of Miller. Both buildings were locked down due to the COVID-19 pandemic and were not

Continues on next page

allowing visitors inside, but their residents still wanted to vote.

State law allows auditors to temporarily set up an in-person early voting booth inside nursing homes or assisted-living centers in order to help seniors vote. But the pandemic-related lockdowns meant DeBoer could not access either facility inside, leaving voting absentee by mail as the only option.

Voting absentee by mail is more complicated than voting in-person. First, a voter must apply for an absentee ballot and wait for it to arrive in the mail. The voter then has to fill out the ballot and sign a declaration saying the ballot is theirs. The ballot must then be notarized, or the voter can attach a copy of their driver's license to it. The voter then has to place the ballot in its official return envelope, sign the envelope and mail it back to the county auditor.

Any missed step or inconsistent signature can cause an absentee ballot to be rejected and go uncounted.

Under state law, ballots can be rejected for several reasons, including: multiple ballots in an envelope; no signature on a ballot envelope; a non-matching signature on the envelope or ballot; the ballot is not returned on time; the ballot was returned in an unofficial envelope without a signature; or because the voter died before election day.

The South Dakota Secretary of State's Office does not track the reasons why poll workers reject ballots, said Rachel Soulek, the Help America Vote Act coordinator for the office. In the past, most ballots were rejected because they are not returned by 5 p.m. the day before an election, she said.

DeBoer said he worked with the staff at the Courtyard Villa Assisted Living Center and the Good Samaritan Society assisted-living center to help residents vote.

At Courtyard Villa, DeBoer set up a temporary auditor's office in an entryway and was separated from residents by a set of large, glass doors. DeBoer was able to verify identifications and answer questions through the glass doors while a facility staff member in personal protective equipment shuttled ballot envelopes between voters and DeBoer. A total of 13 Courtyard Villa residents were able to vote with DeBoer's help.

At the Good Samaritan building, lockdown measures were more extreme. DeBoer was not allowed into the building; instead, he had to go window to window verifying identifications and sliding ballots through small openings for 16 voters.

"Luckily, some of the residents had large picture windows, others had small windows, but I could effectively verify who they were," DeBoer said.

Trying to provide space for social distancing during voter registration and early voting was impossible in Fall River County, where the elections office is in the cramped courthouse built in Hot Springs in 1893.

Auditor Sue Ganje and a county emergency management official searched the state of South Dakota government surplus site and found a large military tent valued at \$15,000 for sale for just \$1,500.

They bought the tent, set it up on county property next door to the courthouse and began to house staff of the elections office and welcome visitors in the tent that allowed for social distancing and easy cleaning. The county spent a bit more money to provide the tent with electricity and lighting.

In-person voting on Election Day will be held at the local community center as usual, but having the tent next to the auditor's office has made it safe and easy to host early voting and other election activities with limited time spent transporting people or equipment, she said.

"It's a daily pack in and pack out of equipment, but it's working quite smoothly," Ganje said. "People can drop off voter registrations or absentee ballots, and they're just making it happen out there. It's been a real lifesaver

this year."

Like other county auditors, Ganje had some of her regular poll workers decline to work the 2020 primary or general election, mostly because they were older and at high risk of complications from the coronavirus.

Ganje was aware of a state law that allows South Dakota high school students to get an excused absence from school to help

out at the polls, but she had never faced a shortage of workers before.

Suddenly in need of more staff on Election Day, Ganje approached a government teacher at the local high school and is now set to receive help from eight students who will be let out of school to work the election. Those who are 18 or older can perform all electoral duties; those under 18 can perform tasks such as guiding voters through the polls, running errands or disinfecting voting equipment.

"We hope it's a super experience for them," Ganje said. "I think it's exciting to see the interest from the younger ones to pitch in and help, and hopefully we'll hold to them in the future, getting them interested early in voting and elections."

Ganje said she's seen some silver linings to what she described as a "weird election season," including educating more people about how to successfully vote early or by absentee, and a rallying of the community to learn about and support the electoral process.

"I've seen that people are really resilient, and people are pitching in any way they can," she said.

In the June primary, when many government buildings were closed, Butte County Auditor Elaine Jensen arranged for the county to move a trailer home to the county administrative property for use as a temporary election facility. Once equipped with electricity, a heater and computers, that trailer worked well.

Jensen said she now knows that the temporary building can work if needed in the future. "It kind of takes the election wherever we want it to go," she said.

After some planning, Jensen has decided to run the fall election from the permanent administration building and open all four county polling sites.

In the week leading up to the Nov. 3 election, Jensen said that rapidly increasing COVID-19 cases in the region led eight poll workers to call and say they were unavailable to work Election Day.

Jensen was trying to recruit local high school students to fill in, but was confident she could adequately staff the polling locations in Belle Fourche, Nisland, Newell and Castle Rock.

Like other auditors, Jensen is focused on maintaining the safety of voters and poll workers amid the pandemic. Pens, voting booths and equipment will be sanitized before each use, and hand sanitizers and disinfectants will be omnipresent at the polls, she said.

"It's a trying time, a very trying time and it's been difficult for auditors across the state," Jensen said. "But I am so passionate about elections; I just feel that it's so important for everybody to have the right to cast their ballot."

Challenges remain; transparency important. Voters in Native American communities and reservations around South Dakota face a unique set of challenges when participating in elections. Counties that include Native American reservations have been accused of not having enough polling places to adequately serve widely dispersed populations. Poverty also plays a role in limiting access to polling places. Many Native Americans do not have access to reliable transportation, which makes



Sue Ganje

traveling to polling places that can be 60 or more miles from their homes nearly impossible.

Many Native Americans don't have the same type of address with street names and house numbers typically found in other communities. Instead, extended families rely on post office boxes located in towns that can be dozens of miles from their homes to receive mail. Such arrangements make voting absentee by mail more difficult.

The COVID-19 pandemic threatens to make voting in the 2020 general election even more difficult for Native Americans. Tribal communities tend to have higher rates of chronic diseases such as diabetes and have less access to advanced medical care, so large gatherings of people such as those found inside polling places can be doubly dangerous to Native communities. Tribal governments have recognized the danger posed by crowds and instituted lockdowns to protect vulnerable populations.

For the most part, Native American voters have the same access to absentee and early voting as every other South Dakotan, Barnett said. Any registered voter can apply for an absentee ballot or vote early in person at their county courthouse.

In recognition of the unique challenges Native American voters can face, tribal communities have worked with Barnett's office to set up satellite absentee voting locations in five counties with large Native American populations. The five counties are Buffalo, Dewey, Jackson, Oglala Lakota and Todd.

The satellite locations are funded through grants awarded to states under the 2002 federal Help America Vote Act. Each satellite location must be located in a place that is easier for most community members to access than the county courthouse.

"We feel it's important that they take advantage of those satellite sites," Barnett said. "There are some challenges there ... I think it is important that anybody can get access (to voting)."

Yet at least two South Dakota tribal governments and a Native American voter rights group, Four Directions, say the state has not done enough to enfranchise indigenous voters.

In September, the Oglala Lakota and Rosebud Sioux tribes, along with Four Directions, sued several state agencies, including the Secretary of State's Office, in federal court. The organizations claim the state departments of Public Safety, Social Services and Labor and Regulation broke federal law by not offering adequate voter registration services to Native Americans as required by federal law. The suit is pending.

No matter how well trained poll workers are or how many absentee voting guides are published, Hanmer said, errors can and do happen during elections.

"There's never been an election without errors," Hanmer said. "We have to recognize that it doesn't mean that they weren't fair. Because, again, I think a lot of the mistakes are honest mistakes, and we'll learn from them."

Phyllis Barker had served as auditor in Douglas County, South Dakota for about seven years on June 2, 2020, when she made a mistake that changed the reported result of the District 19 Republican primary election for state representative.

The 2020 primary saw 525 voters cast absentee ballots in Douglas County, a huge increase over the 2018 primary when 70 absentee ballots were cast. For the first time, Barker had to recruit a separate, three-person absentee board to sort and verify absentee ballots. The ballots were then counted by two DS200 tabulating machines.

Once the polls closed, the ballots cast in-person at each of the county's five voting precincts were counted. Barker then had to add the absentee votes to the in-person votes by

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SD News Watch

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hand to get final election results and upload them to the state website.

When Barker was uploading results, she failed to include the votes on 86 absentee ballots from one precinct. As a result, the election results displayed on the Secretary of State's website showed that the wrong candidate had won the election. The mistake was discovered when one of the candidates asked for a recount; ultimately incumbent Rep. Marty Overweg was declared the winner of the primary over challenger Jessica Bahmuller by 21 votes.

"We recounted all of the votes on one machine, and that's when I noticed the vote totals didn't match what I had reported," Barker said.

For the 2020 general election, Barker has created a new absentee voter precinct in Douglas County.

"I'll have my five regular precincts, plus an absentee precinct, so all those absentee voters will be treated as their own precinct and will be reported in the state system that way," Barker said. "There won't be any human adding before the numbers are put in."

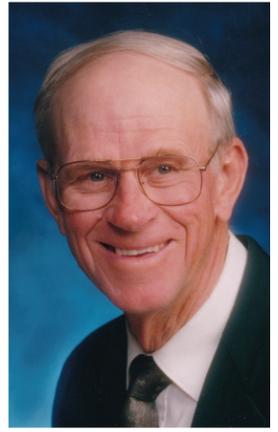
Reducing the opportunity for human error is critical for election officials, said Thessalia Merivaki, an American politics professor at Mississippi State University who researches the impact of election administration on voters. Publicly acknowledging an error is important, Merivaki said.

Election officials must be transparent when errors occur, she said. Voters should be told what happened, how the error occurred, and what will be done to prevent the mistake from happening again in order to maintain confidence in the election system, Merivaki said.

"For the broader public, transparent procedures and honesty from election officials are very important to maintain a level of trust," Merivaki said.

The Life of Doug Harms

The funeral service for Doug Harms, 81, of Groton, SD, was held Tuesday, October 27, 2020, at Groton Christian and Missionary Alliance Church, with Pastor Josh Jetto officiating. Burial at Sunset Memorial Gardens, Aberdeen. Doug died Thursday, October 22, at his home in Groton.



Douglas Harold Harms was born to Harold and Thelma (Bixler) Harms in Huron, SD, on November 17, 1938. He attended grade school in rural Spink County. Doug graduated from Hitchcock High School in 1956 without honors. He attended Miltonvale Wesleyan College one year and SDSU for three years, graduating with a Bachelor of Science in Animal Science.

On June 14, 1960, Doug was united in marriage to Arlis Miller in Brookings, SD. He worked for Geo A Hormel and Co. for 13 plus years as a hog buyer before returning to Arlis's family farm in 1973. Doug retired from farming in 2004.

Doug served on Groton Farmer's Elevator board for nine years, Wesleyan Church board 34 years, and Wesleyan Church District board for six years. Doug enjoyed spending time with his children, grandchildren and great-grandchildren, always intentionally giving them his full presence. His greatest concern was for future generations to know and grow in Jesus and marry godly mates.

Grateful for having shared Doug's life are his wife of 60 years, Arlis; two sons: Lowell (Marie) Harms, and Craig (Patty) Harms, all of Groton; ten grandchildren: Nichole (Seth) Rosenthal, Caleb (Krista) Harms, Arionna (Jeff) Carrillo, Logan Harms, Ryley, Bradley, and Bentley Harms, Micah (Marissa) Harms, Jacob (Nicole) Harms, and Ellie (Nathan) Sanborn; three great-grandchildren: Marshall Harms, Conagher Harms, and Miles Harms; one sister: Jan (Bob) FitzSimmons; and one brother: Lyle (Tina) Harms.

Preceding Doug in death are his parents, two grandchildren, three great-grandchildren, and a nephew, Curtis FitzSimmons.

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