

## 2022 South Dakota Legislature

**House Bill 1314****AMENDMENT 1314A FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to prohibit ~~the personal possession of a loaded~~ discriminatory actions against**  
2 **persons engaged with the firearm ~~while in possession of cannabis or cannabis~~**  
3 **~~products and to provide a penalty therefor~~ industry.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 **Section 1. That chapter 37-20 be amended with a NEW SECTION:**

6 Except as provided in this section, no state agency or any elected or appointed  
7 official or employee of this state may, under any governmental authority, enter into a  
8 contract with a bank, as defined in chapter 51A-1, or with a person engaged in money  
9 transmission, as defined in chapter 51A-17, for a financial service, unless the contract  
10 specifies that the party with whom the state is contracting has no policy, rule, or guidance  
11 or other directive requiring that it refuse to provide financial services of any kind, refrain  
12 from continuing to provide existing financial services of any kind, terminate existing  
13 financial services of any kind with, or otherwise discriminate against:

14 (1) A person, engaged in the lawful commerce of firearms or ammunition products, as  
15 defined by 18 U.S.C. § 921, as of January 1, 2022, because the person is a  
16 manufacturer, distributor, wholesaler, supplier, or retailer of firearms, firearm  
17 accessories, or ammunition;

18 (2) A person engaged in the operation of a shooting range; or

19 (3) A firearm trade association that is exempt from federal income taxation under 26  
20 U.S.C. § 501(a), as an organization described in 26 U.S.C. § 501(c).

21 **Section 2. That chapter 37-20 be amended with a NEW SECTION:**

1 If the attorney general has reason to believe that a bank or a person engaged in  
2 money transmission in this state has violated section 1 of this Act, the attorney general  
3 must investigate, and upon finding of a probable violation, must:

- 4 (1) Seek a declaratory judgement that the bank or person engaged in money  
5 transmission is in violation of section 1 of this Act; and  
6 (2) Seek to nullify the terms of any contract entered into in violation of section 1 of  
7 this Act.

8 **Section 3. That chapter 37-20 be amended with a NEW SECTION:**

9 Upon a judicial determination that a bank or a person engaged in money  
10 transmission has violated section 1 of this Act, the bank or person engaged in money  
11 transmission is prohibited from contracting with this state until the attorney general  
12 verifies that the bank or person is no longer in violation of section 1 of this Act.

13 The Governor may waive the verification required by this section if notified by  
14 either the state treasurer or the Bureau of Finance and Management that the contracting  
15 prohibition may prevent an action determined by the Governor to be necessary for the  
16 sound fiscal management of this state.