

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

TWENTY-EIGHTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Thursday, February 24, 2022

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

The prayer was offered by the Chaplain, Russell Jones, followed by the Pledge of Allegiance led by House pages Alexander Deak and Aida Desaulniers.

Roll Call: All members present except Reps. Deutsch and Howard who were excused and Rep. Ernie Otten who was present remotely.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the 27th day.

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

And we hereby move the adoption of the report.

Respectfully submitted,
Spencer R. Gosch, Chair

Which motion prevailed.

1

COMMUNICATIONS AND PETITIONS

2

February 23, 2022

3

Mr. Speaker and Members of the House:

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I have the honor to inform you that on February 23, 2022, I approved House Bills 1078 and 1080, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,

7

Kristi Noem

8

Governor

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REPORTS OF STANDING COMMITTEES

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Mr. SPEAKER:

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The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1037, 1060, and 1079** and finds the same correctly enrolled.

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Respectfully submitted,

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Spencer R. Gosch, Chair

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MR. SPEAKER:

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The House Committee on Appropriations respectfully reports that it has had under consideration **SB 52, 67, and 147** and returns the same with the recommendation that said bills do pass.

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Respectfully submitted,

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Chris Karr, Chair

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MR. SPEAKER:

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The Committee on House Health and Human Services respectfully reports that it has had under consideration **SB 12 and 23** and returns the same with the recommendation that said bills do pass.

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24

Also MR. SPEAKER:

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The Committee on House Health and Human Services respectfully reports that it has had under consideration **SB 4, 27, and 93** and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

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Also MR. SPEAKER:

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The Committee on House Health and Human Services respectfully reports that it has had under consideration **SB 21** and returns the same with the recommendation that said bill be amended as follows:

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21B

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On page 1, line 6, of the Introduced bill, delete "denying or revoking" and insert ":

34

(1) Denying"

1 On page 1, line 7, of the Introduced bill, after "caregiver" insert "; or

2 (2) Revoking the registry identification card of the qualifying patient or the qualifying patient's
3 designated caregiver"

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

6 Respectfully submitted,
7 Kevin D. Jensen, Chair

8 MR. SPEAKER:

9 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
10 under consideration **SB 73** and returns the same with the recommendation that said bill do pass.

11 Also MR. SPEAKER:

12 The Committee on House Agriculture and Natural Resources respectfully reports that it has had
13 under consideration **SB 135, and SCR 605** and returns the same with the recommendation that
14 said bill and resolution do pass, and having been certified as uncontested, be placed on the consent
15 calendar.

16 Respectfully submitted,
17 Marty Overweg, Chair

18 MESSAGES FROM THE SENATE

19 Mr. SPEAKER:

20 I have the honor to transmit herewith **SB 3, 25, 32, 33, 44, 53, 58, 62, 84, 97, 103, 109,**
21 **115, 120, 131, 141, 150, 151, 155, 156, 161, 164, 172, 174, 180, 189, 196, 198, 200, 201,**
22 **and 212** which have passed the Senate and your favorable consideration is respectfully requested.

23 Also Mr. SPEAKER:

24 I have the honor to return herewith **HB 1037, 1060, and 1079** which have passed the Senate
25 without change.

26 Respectfully,
27 Kay Johnson, Secretary

28 MOTIONS AND RESOLUTIONS

29 Rep. Kent Peterson moved that when we adjourn today, we adjourn to convene at 1:00 p.m.
30 on Friday, February 25, 2022, the 29th legislative day.

31 Which motion prevailed.

1 Speaker Gosch moved that **SB 64** be referred from the House Committee on Appropriations to
2 the House of Representatives floor.

3 Which motion prevailed.

4 Speaker Gosch moved that **SB 14** be deferred to Friday, February 25, 2022, the 29th legislative
5 day.

6 Which motion prevailed.

7 Rep. Milstead moved that the Committee on Judiciary be instructed to deliver **SB 20** to the
8 floor of the House, pursuant to JR 7-7.

9 Which motion was supported and the committee was so instructed.

10 **HCR 6010:** A CONCURRENT RESOLUTION, Supporting the initiatives of the Sisseton Wahpeton
11 Oyate.

12 Introduced by: **Representative** Jamie Smith

13 **HCR 6011:** A CONCURRENT RESOLUTION, declaring August thirty-first as Young Republicans
14 Day.

15 Introduced by: **Representative** Pischke

16 Were read the first time.

17 **HCR 6012:** A CONCURRENT RESOLUTION, urging the development of options for ensuring
18 continued visitation of patients and residents in nursing facilities and assisted living centers.

19 Introduced by: **Representative** Soye

20 **HCR 6013:** A CONCURRENT RESOLUTION, Celebrating American heroes.

21 Introduced by: **Representative** Randolph

22 **HCR 6014:** A CONCURRENT RESOLUTION, urging the federal government to fulfill treaty
23 obligations by fully funding the Oglala and Rosebud Sioux Tribe Departments of Public Safety for
24 the public safety crisis on the Pine Ridge and Rosebud Sioux Reservations.

25 Introduced by: **Representative** Pourier

26 Were read the first time and the Speaker waived the committee referral pursuant to JR 6D-1.

27 **HCR 6009** was read on February 23, 2022 and today the Speaker waived the referral to
28 committee, and placed the bill on the calendar of Friday, February 25, 2022, the 29th legislative day.

29 **SCR 602:** A CONCURRENT RESOLUTION, to encourage the executive branch of this state to
30 examine mitigation efforts to curtail the spread of aquatic invasive species.

31 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

1 **HR 7003:** A RESOLUTION, For the integrity of South Dakota.

2 Introduced by: **Representative** Gosch

3 **HR 7004:** A RESOLUTION, Addressing the Governor's unacceptable actions in matters related
4 to the appraiser certification program.

5 Introduced by: **Representative** Mills

6 Were read the first time.

7 **CONSIDERATION OF REPORTS OF COMMITTEES**

8 Rep. Kent Peterson moved that the report of the Standing Committee on

9 House Appropriations on **HB 1071** as found on page 444 of the House Journal be adopted.

10 Which motion prevailed and the report was adopted.

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

12 **SB 201:** FOR AN ACT ENTITLED, An Act to revise provisions regarding industrial hemp and to
13 declare an emergency.

14 Was read the first time and referred to the Committee on Agriculture and Natural Resources.

15 **SB 32:** FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to purchase
16 certain real property, construct a community work center for offenders committed to the Department
17 of Corrections, to make an appropriation therefor, transfer funds from the budget reserve fund, and
18 to declare an emergency.

19 **SB 33:** FOR AN ACT ENTITLED, An Act to authorize the Department of Corrections to make
20 healthcare improvements at the South Dakota Women's Prison, to make an appropriation therefor,
21 and to declare an emergency.

22 **SB 44:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to contract for the
23 demolition of Briscoe Hall and the existing Lincoln Hall, and the design and construction of the new
24 Lincoln Hall, at Northern State University, to make an appropriation therefor, and to declare an
25 emergency.

26 **SB 53:** FOR AN ACT ENTITLED, An Act to make an appropriation to increase workforce housing
27 and to declare an emergency.

28 **SB 58:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a new
29 state public health laboratory and the renovation of the existing laboratory and to declare an
30 emergency.

31 **SB 62:** FOR AN ACT ENTITLED, An Act to make an appropriation for eligible water, wastewater,
32 storm water, and nonpoint source projects and to declare an emergency.

33 **SB 84:** FOR AN ACT ENTITLED, An Act to make an appropriation for the design, renovation,
34 and construction of a multi-purpose facility at the Cottonwood Field Station and to declare an
35 emergency.

1 **SB 97:** FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to acquire the
2 incubator building located on the campus of South Dakota School of Mines and Technology, to
3 contract for the design and renovation thereof, to make an appropriation therefor, and to declare
4 an emergency.

5 **SB 103:** FOR AN ACT ENTITLED, An Act to make an appropriation to support the teen court
6 grant program and to declare an emergency.

7 **SB 109:** FOR AN ACT ENTITLED, An Act to make an appropriation to pay increased costs
8 incurred in the construction of an appropriate regional facility and to declare an emergency.

9 **SB 115:** FOR AN ACT ENTITLED, An Act to make an appropriation for quiet zone railway
10 crossings and to declare an emergency.

11 **SB 155:** FOR AN ACT ENTITLED, An Act to make an appropriation for programs that assist
12 victims of domestic violence, abuse, and neglect and to declare an emergency.

13 **SB 161:** FOR AN ACT ENTITLED, An Act to make an appropriation for matching funds to
14 enhance research in manufacturing processes having lunar application and planetary use in tribal
15 housing development and to declare an emergency.

16 **SB 174:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide a grant for the
17 construction of a facility to provide certain health facilities and services and to declare an emergency.

18 **SB 180:** FOR AN ACT ENTITLED, An Act to amend certain provisions relating to the small
19 business credit initiative fund.

20 **SB 189:** FOR AN ACT ENTITLED, An Act to make an appropriation to pay increased costs
21 incurred in the development and construction of a low-intensity residential treatment facility and to
22 declare an emergency.

23 **SB 196:** FOR AN ACT ENTITLED, An Act to make an appropriation to provide grants for certain
24 residential alternative care programs and to declare an emergency.

25 **SB 200:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,
26 Fish and Parks to purchase and construct boat cleaning stations, and to declare an emergency.

27 Were read the first time and referred to the House Committee on Appropriations.

28 **SB 120:** FOR AN ACT ENTITLED, An Act to include intentionally manipulated images or
29 recordings in the crime of invasion of privacy by recording.

30 **SB 151:** FOR AN ACT ENTITLED, An Act to revise the automatic removal of certain convictions
31 from a background check record.

32 **SB 164:** FOR AN ACT ENTITLED, An Act to clarify the requirements for the execution of a living
33 will declaration.

34 Were read the first time and referred to the Committee on Judiciary.

35 **SB 156:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding census estimates
36 for the purposes of off-sale and on-sale liquor licenses.

37 Was read the first time and referred to the Committee on Local Government.

1 **SB 141:** FOR AN ACT ENTITLED, An Act to establish provisions for the South Dakota
2 Retirement System.

3 Was read the first time and referred to the Committee on Retirement Laws.

4 **SB 3:** FOR AN ACT ENTITLED, An Act to provide for the use and regulated sale of marijuana.

5 **SB 131:** FOR AN ACT ENTITLED, An Act to require the Board of Regents to provide an annual
6 presentation to the special committee.

7 **SB 150:** FOR AN ACT ENTITLED, An Act to establish provisions concerning the sale of adult-
8 use retail marijuana.

9 **SB 198:** FOR AN ACT ENTITLED, An Act to revise provisions related to juvenile offenders.

10 **SB 212:** FOR AN ACT ENTITLED, An Act to revise certain fees collected by the Office of the
11 Secretary of State.

12 Were read the first time and referred to the Committee on State Affairs.

13 **SB 25:** FOR AN ACT ENTITLED, An Act to provide for the taxation of marijuana.

14 Was read the first time and referred to the Committee on Taxation.

15 **SB 172:** FOR AN ACT ENTITLED, An Act to revise provisions regarding eligibility for parole for
16 certain persons sentenced to life imprisonment.

17 Was read the first time.

18 The following bills were read on February 8, 2022, and today the Speaker assigned these bills
19 to committee:

20 **SB 108 and 117** were referred to the Committee on State Affairs.

21 The following bill was read on February 16, 2022, and today the Speaker assigned this bill to
22 committee:

23 **SB 203** was referred to the Committee on Commerce and Energy.

24 The following bills were read on February 23, 2022, and today the Speaker assigned these bills
25 to committees:

26 **SB 175** was referred to the Committee on Agriculture and Natural Resources.

27 **SB 152** was referred to the Committee on Commerce and Energy.

28 **SB 42, 43, 54, 55, 61, 96, 130, 132, 133, 144, and 170** were referred to the House
29 Committee on Appropriations.

30 **SB 119, 159, and 199** were referred to the Committee on Judiciary.

31 **SB 90** was referred to the Committee on Local Government.

1 The following bills were read on February 23, 2022, and today the Speaker assigned these bills
2 to committee:

3 **SB 122 and 195** were referred to the Committee on State Affairs.

4 **SB 50** was read on February 23, 2022 and today the Speaker waived the referral to committee.

5 **SECOND READING OF CONSENT CALENDAR ITEMS**

6 **SB 1:** FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2021.

7 **SB 2:** FOR AN ACT ENTITLED, An Act to publish voter-approved initiated constitutional
8 amendments and initiated measures in the session laws.

9 **SB 6:** FOR AN ACT ENTITLED, An Act to revise provisions related to prohibited conduct by
10 schools and landlords related to medical cannabis.

11 **SB 7:** FOR AN ACT ENTITLED, An Act to revise provisions related to custody and visitation
12 rights by medical cannabis cardholders.

13 **SB 15:** FOR AN ACT ENTITLED, An Act to revise provisions providing that certain professions
14 are not subject to discipline for certain conduct relating to medical cannabis.

15 **SB 17:** FOR AN ACT ENTITLED, An Act to revise provisions regarding cost reimbursement
16 associated with medical cannabis.

17 **SB 148:** FOR AN ACT ENTITLED, An Act to revise annuity sales standards.

18 Were read the second time.

19 Rep. Kent Peterson rose to a point of order that Rep. Mulally's statements were not allowed on
20 the Consent Calendar, only questions and answers.

21 The question being "Shall **SB 148** pass as amended, and **SB 1, 2, 6, 7, 15, and 17** pass?"

22 And the roll being called:

23 Yeas 65, Nays 3, Excused 2, Absent 0

24 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
25 Davis, Dennert, Derby, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
26 Healy, Hoffman, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner,
27 Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten,
28 Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Reed, Rehfeldt, Reimer, Schneider,
29 Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese,
30 Willadsen, Wink, York, and Speaker Gosch

31 Nays: Haugaard, Mulally, and Randolph

32 Excused: Deutsch and Howard

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

1 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

2 **HB 1047:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of
3 Education to improve and renovate the Cultural Heritage Center and to declare an emergency.

4 Was read the second time.

5 The question being "Shall **HB 1047** pass?"

6 And the roll being called:

7 Yeas 68, Nays 0, Excused 2, Absent 0

8 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
9 Davis, Dennert, Derby, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
10 Haugaard, Healy, Hoffman, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth,
11 Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson,
12 Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed,
13 Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann,
14 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch

15 Excused: Deutsch and Howard

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

18 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

19 **SB 184:** FOR AN ACT ENTITLED, An Act to provide for limited elk licenses to landowners.

20 Was read the second time.

21 Rep. Overweg moved that **SB 184** be amended as follows:

22 184G

23 On page 1, line 6, of the House Agriculture and Natural Resources Engrossed bill, after "of "
24 insert "one antlerless "

25 On page 1, line 9, of the House Agriculture and Natural Resources Engrossed bill, after "of "
26 insert "one antlerless "

27 Which motion prevailed.

28 The question being "Shall **SB 184** pass as amended?"

29 And the roll being called:

30 Yeas 39, Nays 27, Excused 4, Absent 0

31 Yeas: Anderson, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Drury,
32 Duba, Finck, Goodwin, Hansen, Healy, Hoffman, Jamison, Kevin Jensen, Chris Johnson, Keintz, Koth,

1 Ladner, Lesmeister, Marty, May, Miskimins, Olson, Overweg, Kent Peterson, Sue Peterson, Poirier,
2 Reed, Reimer, Soye, Tidemann, Weisgram, Wiese, Wink, and York

3 Nays: Aylward, Beal, Blare, Dennert, Fitzgerald, Lana Greenfield, Gross, Haugaard, Phil Jensen,
4 Karr, Mills, Milstead, Mortenson, Mulally, Odenbach, Ernie Otten, Perry, Pischke, Randolph, Rehfeldt,
5 Schneider, Jamie Smith, St. John, Thomason, Vasgaard, Weis, and Willadsen

6 Excused: Deutsch, Howard, Stevens, and Speaker Gosch

7 So the bill not having received an affirmative vote of a two-thirds majority of the members-
8 elect, the Speaker declared the bill lost.

9 **SB 68:** FOR AN ACT ENTITLED, An Act to revise holiday pay for state employees.

10 Was read the second time.

11 The question being "Shall **SB 68** pass?"

12 And the roll being called:

13 Yeas 62, Nays 4, Excused 4, Absent 0

14 Yeas: Anderson, Aylward, Bartels, Barthel, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis,
15 Dennert, Derby, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen,
16 Haugaard, Healy, Hoffman, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Keintz, Koth, Ladner,
17 Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Odenbach, Ernie Otten, Overweg,
18 Perry, Kent Peterson, Sue Peterson, Pischke, Poirier, Randolph, Reed, Rehfeldt, Reimer, Schneider,
19 Jamie Smith, Soye, St. John, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen,
20 Wink, and York

21 Nays: Beal, Karr, Mulally, and Olson

22 Excused: Deutsch, Howard, Stevens, and Speaker Gosch

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

25 **SB 101:** FOR AN ACT ENTITLED, An Act to revise provisions regarding the sale or service of
26 alcoholic beverages by persons under the age of twenty-one.

27 Was read the second time.

28 The question being "Shall **SB 101** pass as amended?"

29 And the roll being called:

30 Yeas 43, Nays 23, Excused 4, Absent 0

31 Yeas: Anderson, Aylward, Bartels, Barthel, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert,
32 Derby, Drury, Duba, Finck, Goodwin, Healy, Hoffman, Jamison, Chris Johnson, Keintz, Koth,
33 Lesmeister, May, Miskimins, Mortenson, Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent
34 Peterson, Poirier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Thomason, Tidemann,
35 Weisgram, Willadsen, and Wink

1 Nays: Beal, Blare, Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard, Kevin Jensen, Phil
2 Jensen, Karr, Ladner, Marty, Mills, Milstead, Mulally, Sue Peterson, Pischke, Randolph, Soye,
3 Vasgaard, Weis, Wiese, and York

4 Excused: Deutsch, Howard, Stevens, and Speaker Gosch

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

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

9 **REPORTS OF STANDING COMMITTEES**

10 MR. SPEAKER:

11 The Committee on House Judiciary respectfully reports that it has had under consideration
12 **SB 20** and returns the same without recommendation.

13 Respectfully submitted,
14 Jon Hansen, Chair

15 **MOTIONS AND RESOLUTIONS**

16 Speaker Gosch moved that **HCR 6010** and **HCR 6011** be referred to the Committee on State
17 Affairs.

18 Which motion prevailed.

19 **COMMEMORATIONS**

20 **HC 8008**: A LEGISLATIVE COMMEMORATION, Celebrating the Winner High School football
21 team's Class 11B state championship win.

22 Introduced by: **Representatives** Blare, Bartels, Barthel, Duba, Finck, Olson, Overweg, Perry,
23 and Reimer and **Senators** Tobin, Hunhoff, Novstrup, Schoenbeck, and Zikmund

24 **HC 8009**: A LEGISLATIVE COMMEMORATION, Honoring the extraordinary life of Maria "Mary"
25 Victoria Piper and expressing condolences to her family.

26 Introduced by: **Representative** Mulally.

27 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:10 p.m.
28 the House adjourned.

29 Patricia Miller, Chief Clerk

