

JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

TWENTY-NINTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 25, 2022

The House convened at 1:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Emily Munger, followed by the Pledge of Allegiance led by House page Grace Glover.

Roll Call: All members present except Reps. Bordeaux, Deutsch, Howard, and Jamie Smith 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 28th 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

REPORTS OF STANDING COMMITTEES

2 Mr. SPEAKER:

3 The Committee on Legislative Procedure respectfully reports that **HB 1097, 1185, and 1275**
4 were delivered to her Excellency, the Governor, for her approval at 10:50 a.m., February 25, 2022.

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Respectfully submitted,
Spencer R. Gosch, Chair

7 Mr. SPEAKER:

8 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
9 Enrolling has carefully compared **HB 1001, 1013, 1018, 1019, 1082, 1083, 1087, 1118, 1122,**
10 **1123, 1128, 1131, and 1286** and finds the same correctly enrolled.

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Respectfully submitted,
Spencer R. Gosch, Chair

13 MR. SPEAKER:

14 The Committee on House Education respectfully reports that it has had under consideration
15 **SB 104 and 154** and returns the same with the recommendation that said bills do pass.

16 Also MR. SPEAKER:

17 The Committee on House Education respectfully reports that it has had under consideration
18 **SB 167** and returns the same with the recommendation that said bill be amended as follows:

19

167D

20 On page 1, after line 16, of the Senate Education Engrossed bill, insert: "

21 **Section 2. That § 13-42-67 be AMENDED:**

22 **13-42-67.** Unless there is cause to refuse to issue the certificate pursuant to §§ ~~13-42-713-~~
23 ~~42-9~~ to 13-42-10, inclusive, the secretary shall, within thirty days of receiving a completed
24 application, issue a teaching certificate to an applicant whose application has been deemed
25 completed by the Department of Education and:

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27

(1) Who holds in good standing a valid certificate issued by another state or the District
of Columbia;

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(2) Who is an active duty member of the armed forces of the United States or the spouse
of an active duty member of the armed forces of the United States; and

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(3) Who is the subject of a military transfer to South Dakota.

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An application is considered complete once the department has received all required
documentation necessary to process the application. No applicant for a certificate issued pursuant
to this section is required to pay an application fee or any other fee payable to the department.

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If the secretary denies the issuance of a certificate to an applicant pursuant to this section, the
secretary shall report the denial and the reasons for the denial to the Department of Labor and
Regulation."

37

On page 1, after line 16, of the Senate Education Engrossed bill, insert: "

1 Also MR. SPEAKER:

2 The Committee on House Judiciary respectfully reports that it has had under consideration
3 **SB 22, 79, 86, and 169** and returns the same with the recommendation that said bills do pass,
4 and having been certified as uncontested, be placed on the consent calendar.

5 Respectfully submitted,
6 Jon Hansen, Chair

7 **MESSAGES FROM THE SENATE**

8 Mr. SPEAKER:

9 I have the honor to return herewith **HB 1001, 1013, 1018, 1019, 1082, 1083, 1087, 1118,**
10 **1122, 1123, 1128, 1131, and 1286** which have passed the Senate without change.

11 Also Mr. SPEAKER:

12 I have the honor to inform your honorable body that **HCR 6006** was tabled.

13 Also Mr. SPEAKER:

14 I have the honor to transmit herewith **SB 31, 34, 48, 49, 51, and 63** which have passed the
15 Senate and your favorable consideration is respectfully requested.

16 Also Mr. SPEAKER:

17 I have the honor to transmit herewith **SCR 607** which has been adopted by the Senate and
18 your concurrence is respectfully requested.

19 Respectfully,
20 Kay Johnson, Secretary

21 **MOTIONS AND RESOLUTIONS**

22 **SCR 607:** A CONCURRENT RESOLUTION, Encouraging the South Dakota High School Activities
23 Association to sanction baseball.

24 Was read the first time.

25 Rep. Randolph moved that **HCR 6013** be deferred to Thursday, March 3, 2022, the 33rd
26 legislative day.

27 Which motion prevailed.

28 Speaker Gosch moved that **HCR 6011** be referred from the Committee on State Affairs to the
29 House of Representatives floor.

30 Which motion prevailed.

1 Seaker Gosch moved that **HCR 6014** be referred from the House of Representatives floor to
2 the Committee on State Affairs.

3 Which motion prevailed.

4 **HCR 6009**: A CONCURRENT RESOLUTION, commending Israel for its cordial and mutually
5 beneficial relationship with this State and the United States.

6 Was read the second time.

7 Rep. Sue Peterson moved that **HCR 6009** as found on page 428 of the House Journal be
8 adopted.

9 The question being on Rep. Sue Peterson's motion that **HCR 6009** be adopted.

10 And the roll being called:

11 Yeas 66, Nays 0, Excused 4, Absent 0

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

19 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

20 So the motion having received an affirmative vote of a majority of the members-elect, the
21 Speaker declared the motion carried and **HCR 6009** was adopted.

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

24 Was read the second time.

25 Rep. Soye moved that **HCR 6012** as found on page 464 of the House Journal be adopted.

26 The question being on Rep. Soye's motion that **HCR 6012** be adopted.

27 And the roll being called:

28 Yeas 63, Nays 3, Excused 4, Absent 0

29 Yeas: Anderson, Aylward, Bartels, Beal, Blare, Chaffee, Chase, Cwach, Davis, Dennert, Derby,
30 Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy,
31 Hoffman, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Lesmeister, Marty,
32 May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg, Perry,
33 Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider, Soye,

1 St. John, Stevens, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and
2 Speaker Gosch

3 Nays: Barthel, Keintz, and Thomason

4 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

5 So the motion having received an affirmative vote of a majority of the members-elect, the
6 Speaker declared the motion carried and **HCR 6012** was adopted.

7 Speaker Gosch moved that **SB 175** be referred from the Committee on Agriculture and Natural
8 Resources to the House Committee on Appropriations.

9 Which motion prevailed.

10 **CONSIDERATION OF REPORTS OF COMMITTEES**

11 Rep. Kent Peterson moved that the report of the Standing Committee on
12 Health and Human Services on **SB 21** as found on page 462 of the House Journal be adopted.

13 Which motion prevailed and the report was adopted.

14 Rep. Milstead moved that **SB 20** be placed on the calendar of Monday, February 28, 2022, the
15 30th legislative day with a do pass recommendation, pursuant to JR 6F-6.

16 The question being on Rep. Milstead's motion that **SB 20** be placed on the calendar of Monday,
17 February 28, 2022, the 30th legislative day with a do pass recommendation, pursuant to JR 6F-6.

18 And the roll being called:

19 Yeas 32, Nays 34, Excused 4, Absent 0

20 Yeas: Anderson, Bartels, Barthel, Beal, Chaffee, Finck, Fitzgerald, Lana Greenfield, Gross,
21 Hansen, Haugaard, Kevin Jensen, Phil Jensen, Karr, Ladner, May, Mills, Milstead, Miskimins, Mulally,
22 Overweg, Perry, Randolph, Reed, Soye, Stevens, Vasgaard, Weis, Weisgram, Wiese, York, and
23 Speaker Gosch

24 Nays: Aylward, Blare, Chase, Cwach, Davis, Dennert, Derby, Drury, Duba, Goodwin, Healy,
25 Hoffman, Jamison, Chris Johnson, Keintz, Koth, Lesmeister, Marty, Mortenson, Odenbach, Olson,
26 Ernie Otten, Kent Peterson, Sue Peterson, Pischke, Pourier, Rehfeldt, Reimer, Schneider, St. John,
27 Thomason, Tidemann, Willadsen, and Wink

28 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

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

32 **SB 31**: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Labor
33 and Regulation for the modernization of the reemployment assistance enterprise system and to
34 declare an emergency.

1 **SB 34:** FOR AN ACT ENTITLED, An Act to make an appropriation for the enhancement and
2 improvement of state radio infrastructure and to declare an emergency.

3 **SB 48:** FOR AN ACT ENTITLED, An Act to make an appropriation for the redesign and
4 renovation of the Wagner Readiness Center and to declare an emergency.

5 **SB 49:** FOR AN ACT ENTITLED, An Act to authorize the Department of the Military to construct
6 a cold storage building located in Rapid City, South Dakota, to make an appropriation therefor, and
7 to declare an emergency.

8 **SB 51:** FOR AN ACT ENTITLED, An Act to make an appropriation to support firefighter training
9 equipment and recruitment efforts in the state, and to declare an emergency.

10 **SB 63:** FOR AN ACT ENTITLED, An Act to revise the appropriation for road improvements to
11 the State Veterans Cemetery, to provide for ordinary operations of the cemetery, and to declare an
12 emergency.

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

14 **SECOND READING OF CONSENT CALENDAR ITEMS**

15 Rep. Soye requested that **SCR 605** be removed from the Consent Calendar.

16 **SB 4:** FOR AN ACT ENTITLED, An Act to revise provisions related to a written certification for
17 the medical use of cannabis.

18 **SB 27:** FOR AN ACT ENTITLED, An Act to revise the provisions regarding the denial or
19 nonrenewal of a patient registry identification card.

20 **SB 93:** FOR AN ACT ENTITLED, An Act to revise certain provisions related to the use of
21 epinephrine and supraglottic airway devices by ambulance services.

22 **SB 135:** FOR AN ACT ENTITLED, An Act to revise provisions regarding agritourism liability.

23 Were read the second time.

24 The question being "Shall **SB 4** pass as amended, and **SB 27, 93, and 135** pass?"

25 And the roll being called:

26 Yeas 64, Nays 2, Excused 4, Absent 0

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

34 Nays: Haugaard and Soye

35 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

1 Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink,
2 York, and Speaker Gosch

3 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

6 Rep. Kent Peterson moved that **SB 50** be deferred to Monday, February 28, 2022, the 30th
7 legislative day.

8 Which motion prevailed.

9 **SB 52:** FOR AN ACT ENTITLED, An Act to make an appropriation for the replacement of the
10 Richmond Lake spillway, for the general maintenance and repair of other state-owned dams, and to
11 declare an emergency.

12 Was read the second time.

13 The question being "Shall **SB 52** pass?"

14 And the roll being called:

15 Yeas 66, Nays 0, Excused 4, Absent 0

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

23 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

26 **SB 67:** FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Game,
27 Fish and Parks to improve and repair infrastructure around Lake Alvin and Newell Lake and to declare
28 an emergency.

29 Was read the second time.

30 The question being "Shall **SB 67** pass?"

31 And the roll being called:

32 Yeas 66, Nays 0, Excused 4, Absent 0

33 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Cwach, Davis, Dennert,
34 Derby, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy,
35 Hoffman, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Koth, Ladner, Lesmeister,
36 Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, Olson, Ernie Otten, Overweg,
37 Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, Reed, Rehfeldt, Reimer, Schneider,

1 Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink,
2 York, and Speaker Gosch

3 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

6 Rep. Kent Peterson moved that **SB 147** be deferred to Monday, February 28, 2022, the 30th
7 legislative day.

8 Which motion prevailed.

9 **SB 12:** FOR AN ACT ENTITLED, An Act to revise the annual report on medical cannabis by the
10 Department of Health to the Legislature.

11 Was read the second time.

12 The question being "Shall **SB 12** pass as amended?"

13 And the roll being called:

14 Yeas 53, Nays 13, Excused 4, Absent 0

15 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Derby, Drury, Duba,
16 Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Hoffman, Jamison, Kevin
17 Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Milstead, Miskimins,
18 Mortenson, Odenbach, Olson, Perry, Kent Peterson, Sue Peterson, Reed, Rehfeldt, Reimer,
19 Schneider, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, Weisgram, Wiese,
20 Willadsen, Wink, and York

21 Nays: Aylward, Cwach, Dennert, Healy, Keintz, Lesmeister, Mulally, Ernie Otten, Overweg,
22 Pischke, Pourier, Randolph, and Speaker Gosch

23 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

26 **SB 23:** FOR AN ACT ENTITLED, An Act to revise the definition of bona fide practitioner-patient
27 relationship.

28 Was read the second time.

29 The question being "Shall **SB 23** pass as amended?"

30 And the roll being called:

31 Yeas 55, Nays 11, Excused 4, Absent 0

32 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Chaffee, Chase, Davis, Dennert, Derby, Drury,
33 Duba, Finck, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Jamison, Kevin
34 Jensen, Phil Jensen, Chris Johnson, Karr, Koth, Ladner, Marty, May, Mills, Miskimins, Mortenson,
35 Odenbach, Olson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Reed,

1 Rehfeldt, Reimer, Schneider, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram,
2 Willadsen, Wink, York, and Speaker Gosch

3 Nays: Aylward, Cwach, Fitzgerald, Keintz, Lesmeister, Milstead, Mulally, Pourier, Randolph,
4 Weis, and Wiese

5 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

8 **SB 73:** FOR AN ACT ENTITLED, An Act to provide for the use of artificial light and night-vision
9 equipment while hunting coyotes and other predators.

10 Was read the second time.

11 The question being "Shall **SB 73** pass as amended?"

12 And the roll being called:

13 Yeas 61, Nays 5, Excused 4, Absent 0

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

20 Nays: Gross, Milstead, Mulally, Odenbach, and Weisgram

21 Excused: Bordeaux, Deutsch, Howard, and Jamie Smith

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

24 **SIGNING OF BILLS**

25 The Speaker publicly read the title to

26 **HB 1001:** FOR AN ACT ENTITLED, An Act to revise the freeze on assessments for dwellings of
27 disabled and senior citizens.

28 **HB 1013:** FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related
29 to Capitol Lake and to declare an emergency.

30 **HB 1018:** FOR AN ACT ENTITLED, An Act to make an appropriation for the construction of a
31 storage garage in Rapid City and to declare an emergency.

32 **HB 1019:** FOR AN ACT ENTITLED, An Act to make an appropriation for the payment of
33 extraordinary litigation expenses and to declare an emergency.

34 **HB 1037:** FOR AN ACT ENTITLED, An Act to revise the penalty for certain willful violations by
35 grain buyers and grain warehouse operators.

1 **HB 1060:** FOR AN ACT ENTITLED, An Act to consolidate certain domestication provisions in
2 the Uniform Limited Liability Company Act.

3 **HB 1079:** FOR AN ACT ENTITLED, An Act to revise provisions regarding court transcript costs.

4 **HB 1082:** FOR AN ACT ENTITLED, An Act to revise the motor vehicle excise tax on vehicles
5 leased for more than twenty-eight days to include certain off-road vehicles.

6 **HB 1083:** FOR AN ACT ENTITLED, An Act to provide a partial property tax exemption for the
7 surviving spouses of certain veterans.

8 **HB 1087:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding records that
9 are not open to inspection and copying and deliberations in an executive or closed meeting.

10 **HB 1118:** FOR AN ACT ENTITLED, An Act to clarify when a delivery facilitation contractor may
11 be considered an independent contractor.

12 **HB 1122:** FOR AN ACT ENTITLED, An Act to require criminal background checks for emergency
13 medical technicians and advanced life support personnel.

14 **HB 1123:** FOR AN ACT ENTITLED, An Act to establish licensure for rural emergency hospitals.

15 **HB 1128:** FOR AN ACT ENTITLED, An Act to protect the integrity of reemployment assistance.

16 **HB 1131:** FOR AN ACT ENTITLED, An Act to provide for a revocation of hunting, trapping, or
17 fishing privileges.

18 **HB 1286:** FOR AN ACT ENTITLED, An Act to permit municipalities to contribute more to the
19 cost of insurance provided to certain officers or retired employees.

20 **SB 160:** FOR AN ACT ENTITLED, An Act to exempt motor vehicle service contracts from the
21 insurance code.

22 **SB 171:** FOR AN ACT ENTITLED, An Act to prohibit insurance policies from restricting the
23 method of payment for dental care.

24 **SB 190:** FOR AN ACT ENTITLED, An Act to revise provisions regarding municipal zoning of
25 medical cannabis establishments.

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

27 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 2:07 p.m.
28 the House adjourned.

29 Patricia Miller, Chief Clerk