

# *JOURNAL OF THE SENATE*

## *NINETY-SEVENTH SESSION*

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THIRTY-FIRST DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, March 01, 2022

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Mercy Hobbs, followed by the Pledge of Allegiance led by Senate page Dorian Sikkink.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 30th 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,  
Lee A. Schoenbeck, Chair

Which motion prevailed.

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**COMMUNICATIONS AND PETITIONS**

2 January 31, 2022

3 The Honorable Larry Rhoden  
4 President of the Senate  
5 State Capitol  
6 Pierre, SD 57501

7 RE: Appointment of Kurt D. Hall, to the South Dakota Board of Pardons and Parole

8 Dear Mr. President and Members of the Senate:

9 Pursuant to the provisions of Chapter 24-13 of the South Dakota Codified Laws and subject to  
10 your consent, I have the honor to inform you that I have appointed Kurt D. Hall, to the South Dakota  
11 Board of Pardons and Parole.

12 Enclosed is a copy of the following:

- 13 1. The Statement of Financial Interest  
14 2. Senate Confirmation Information  
15 3. Oath  
16 4. The January 19, 2022 letter of appointment

17 This appointment is effective as of February 1, 2022, and will expire on January 19, 2026.

18  
19  
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Sincerely,  
Jason Ravnsborg  
Attorney General

21 The President announced the referral of the appointment to the Committee on Judiciary.

22

**REPORTS OF STANDING COMMITTEES**

23 MR. PRESIDENT:

24 The Committee on Senate Health and Human Services respectfully reports that it has had  
25 under consideration **HB 1161 and 1208** which were deferred to the 41st Legislative Day.

26 Also MR. PRESIDENT:

27 The Committee on Senate Health and Human Services respectfully reports that it has had  
28 under consideration **HB 1133, 1223, and 1318** and returns the same with the recommendation  
29 that said bills do pass.

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Respectfully submitted,  
Wayne H. Steinhauer, Chair

32 MR. PRESIDENT:

33 The Committee on Senate Education respectfully reports that it has had under consideration  
34 **HB 1012** and returns the same with the recommendation that said bill be amended as follows:

1 1012D

2 On page 1, line 21, of the House Engrossed bill, delete " hard" and insert " a strong"

3 On page 2, line 9, of the House Engrossed bill, delete " use or introduce a course of instruction  
4 or unit of study that results in a student being distinguished or classified" and insert " condition  
5 enrollment or attendance in a class, training, or orientation"

6 On page 2, line 10, of the House Engrossed bill, delete " account" and insert " basis"

7 And that as so amended, said bill do pass.

8 Respectfully submitted,  
9 R. Blake Curd, Chair

10 MR. PRESIDENT:

11 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
12 **HB 1038, 1113, and 1160** and returns the same with the recommendation that said bills do pass.

13 Also MR. PRESIDENT:

14 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
15 **SCR 608, and HB 1268 and 1272** and returns the same with the recommendation that said bills  
16 and resolution do pass, and having been certified as uncontested, be placed on the consent calendar.

17 Respectfully submitted,  
18 Arthur Rusch, Chair

19 MR. PRESIDENT:

20 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
21 consideration **HB 1102** and returns the same with the recommendation that said bill do pass.

22 Also MR. PRESIDENT:

23 The Committee on Senate Commerce and Energy respectfully reports that it has had under  
24 consideration **HB 1173, 1214, and 1271** and returns the same with the recommendation that said  
25 bills do pass, and having been certified as uncontested, be placed on the consent calendar.

26 Respectfully submitted,  
27 Casey Crabtree, Chair

28 MR. PRESIDENT:

29 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
30 had under consideration the nomination of Jarrod Johnson of Minnehaha County, Brandon, South  
31 Dakota, to the position of Interim Commissioner of School and Public Lands and returns the same  
32 with the recommendation that the Senate advise and consent to the confirmation of said  
33 appointment.

1 Also MR. PRESIDENT:

2 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
3 had under consideration **HB 1096** and returns the same with the recommendation that said bill do  
4 pass.

5 Also MR. PRESIDENT:

6 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
7 had under consideration **HB 1162** and returns the same with the recommendation that said bill do  
8 pass, and having been certified as uncontested, be placed on the consent calendar.

9 Also MR. PRESIDENT:

10 The Committee on Senate Agriculture and Natural Resources respectfully reports that it has  
11 had under consideration **HB 1325** and returns the same with the recommendation that said bill be  
12 amended as follows:

13 1325C

14 On page 1, line 7, of the House Agriculture and Natural Resources Engrossed bill, delete " map  
15 units" and insert " types"

16 On page 1, line 9, of the House Agriculture and Natural Resources Engrossed bill, delete " map  
17 units" and insert " types"

18 On page 1, line 9, of the House Agriculture and Natural Resources Engrossed bill, delete " as  
19 cropland except as otherwise provided in this section" and insert " by the director of equalization as  
20 either cropland or as noncropland. The director of equalization must notify the department by  
21 November 1 of each year of any changes to the categorization of the land capability class IV soil  
22 types. Beginning with the 2023 assessment year, the total acres of class IV soil types classified as  
23 noncropland in a county may increase a maximum of twenty percent over the total acres of class IV  
24 soil types classified as noncropland in the county in the previous assessment year."

25 On page 1, line 13, of the House Agriculture and Natural Resources Engrossed bill, delete "

26 The director may edit and categorize individual soil map units of land capability class IV as  
27 noncropland, by using data from a " and insert

28 On page 1, line 15, of the House Agriculture and Natural Resources Engrossed bill, after "a "  
29 delete "qualified entity that has been approved by the secretary of revenue, if:

30 (1) The reasonable, probable use of the soil map unit that is physically practical, appropriately  
31 supported, financially feasible, and that results in the highest sustainable use of the land, is not  
32 harvesting crops or plants produced;

33 (2) The amount of soil map units categorized as noncropland is not more than one hundred  
34 and twenty percent of the amount of soil map units categorized as noncropland in the previous year;  
35 and

36 (3) The total sum of all crop-rated soils is greater than ninety-five percent, but less than one  
37 hundred and twenty-five percent, of the ten-year average of cropland acres in that county."

38 On page 2, line 1, of the House Agriculture and Natural Resources Engrossed bill, after "§ 10-  
39 6-131." delete " The secretary of revenue shall promulgate rules, pursuant to chapter 1-26,  
40 providing a process for mediation between a director of equalization and the department regarding  
41 disputes of soil classification."

42 On page 2, line 5, of the House Agriculture and Natural Resources Engrossed bill, delete " map  
43 units" and insert " types"

1 On page 2, line 6, of the House Agriculture and Natural Resources Engrossed bill, after "if"  
2 insert " one or more of the adjustment factors contained in § 10-6-131 affects the productivity of  
3 the soil type, and"

4 On page 2, line 7, of the House Agriculture and Natural Resources Engrossed bill, delete " map  
5 unit" and insert " type"

6 And that as so amended, said bill do pass.

7 Respectfully submitted,  
8 Joshua Klumb, Chair

9 MR. PRESIDENT:

10 The Senate Committee on Appropriations respectfully reports that it has had under  
11 consideration **HB 1248 and 1257** which were tabled.

12 Also MR. PRESIDENT:

13 The Senate Committee on Appropriations respectfully reports that it has had under  
14 consideration **HB 1031, 1032, 1273, and 1277** and returns the same with the recommendation  
15 that said bills do pass.

16 Respectfully submitted,  
17 Jean Hunhoff, Chair

18 MR. PRESIDENT:

19 The Committee on Legislative Procedure respectfully reports that **SB 1, 2, 6, 7, 15, 17, 68,**  
20 **101, and 148** were delivered to her Excellency, the Governor, for her approval at 11:00 a.m.,  
21 March 1, 2022.

22 Respectfully submitted,  
23 Lee A. Schoenbeck, Chair

## 24 REPORTS OF CONFERENCE COMMITTEES

25 MR. PRESIDENT:

26 The HB1068 A Conference Committee on **HB 1068** respectfully reports that it has considered  
27 the disagreement of the two houses, and returns the same with the recommendation that said bill  
28 be amended as follows:

29 1068B

30 On page 1, line 10, of the Senate Judiciary Engrossed bill, delete " Consent" and insert " This  
31 consent is not subject to disaffirmance because of minority or disaffirmance of a parent or guardian,  
32 and consent".

33 Respectfully submitted,  
34 Tim Reed, Chair

Respectfully submitted,  
Timothy R. Johns, Chair

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**MESSAGES FROM THE HOUSE**

2 MR. PRESIDENT:

3 I have the honor to return herewith **SB 21 and 50** which have been amended by the House  
4 and your concurrence in the amendments is respectfully requested.

5 Also MR. PRESIDENT:

6 I have the honor to transmit herewith **HCR 6011** which has been adopted by the House and  
7 your concurrence is respectfully requested.

8 Also MR. PRESIDENT:

9 I have the honor to return herewith **SCR 605** in which the House has concurred.

10 Also MR. PRESIDENT:

11 I have the honor to return herewith **SB 22, 31, 34, 48, 49, 51, 63, 79, 83, 86, 95, 98, 154,**  
12 **169, 187, and 188** which have passed the House without change.

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Respectfully,  
Patricia Miller, Chief Clerk

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**MOTIONS AND RESOLUTIONS**

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

18 Was read the second time.

19 Sen. Novstrup moved that the Senate do concur in **HCR 6009** as found on page 405 of the  
20 Senate Journal.

21 The question being on Sen. Novstrup's motion that **HCR 6009** be concurred in.

22 And the roll being called:

23 Yeas 34, Nays 0, Excused 1, Absent 0

24 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
25 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
26 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
27 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

28 Excused: Foster

29 So the motion having received an affirmative vote of a majority of the members-elect, the  
30 President declared the motion carried and **HCR 6009** was concurred in.

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

3       Was read the first time and the President waived the committee referral pursuant to JR 6D-1.

4       Sen. Schoenbeck moved that **HCR 6012** be referred from the Committee on Health and  
5 Human Services to the Senate floor.

6       Which motion prevailed.

7       Sen. Cammack moved that **HB 1124, 1125, and 1126** be deferred to Wednesday, March 2,  
8 2022, the 32<sup>nd</sup> legislative day.

9       Which motion prevailed.

10       Sen. Klumb moved that the rules be suspended for the sole purpose of introducing, giving first  
11 reading to, dispensing with committee referral, and giving second reading and final consideration to  
12 **SR 702**.

13       The question being on Sen. Klumb's motion that the rules be suspended for the sole purpose  
14 of introducing, giving first reading to, dispensing with committee referral, and giving second reading  
15 and final consideration to **SR 702**.

16       And the roll being called:

17       Yeas 34, Nays 0, Excused 1, Absent 0

18       Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
19 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
20 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
21 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

22       Excused: Foster

23       So the motion having received an affirmative vote of a two-thirds majority of the members-  
24 elect, the President declared the motion carried, and the rules were suspended.

25       **SR 702**: A RESOLUTION, urging support for the people of Ukraine.

26       Was read the second time.

27       Sen. Klumb moved that **SR 702** as found on page 425 of the Senate Journal be adopted.

28       The question being on Sen. Klumb's motion that **SR 702** be adopted.

29       And the roll being called:

30       Yeas 34, Nays 0, Excused 1, Absent 0

31       Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
32 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
33 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
34 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

35       Excused: Foster

1 So the motion having received an affirmative vote of a majority of the members-elect, the  
2 President declared the motion carried and **SR 702** was adopted.

3 **CONSIDERATION OF EXECUTIVE APPOINTMENTS**

4 The Senate proceeded to the consideration of the executive appointment of Kellie Wasko of  
5 Hughes County, Pierre, South Dakota, to the position of Secretary of the Department of Corrections.

6 The question being "Does the Senate advise and consent to the executive appointment of Kellie  
7 Wasko pursuant to the executive message as found on page 390 of the Senate Journal?"

8 And the roll being called:

9 Yeas 35, Nays 0, Excused 0, Absent 0

10 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
11 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,  
12 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,  
13 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

14 So the question having received an affirmative vote of a majority of the members-elect, the  
15 President declared the appointment confirmed.

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

17 The President declared that **SB 150** changed prime sponsor from Senator Brock Greenfield to  
18 Senator Duhamel at their request.

19 **SECOND READING OF CONSENT CALENDAR ITEMS**

20 **HB 1284:** FOR AN ACT ENTITLED, An Act to increase household income thresholds for a  
21 paraplegic tax reduction.

22 Was read the second time.

23 The question being "Shall **HB 1284** pass as amended?"

24 And the roll being called:

25 Yeas 34, Nays 0, Excused 1, Absent 0

26 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
27 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
28 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
29 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

30 Excused: Foster

31 So the bill having received an affirmative vote of a majority of the members-elect, the President  
32 declared the bill passed and the title was agreed to.



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**SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2

**HB 1099:** FOR AN ACT ENTITLED, An Act to revise provisions related to courtroom modifications for child witnesses.

3

4

Was read the second time.

5

The question being "Shall **HB 1099** pass as amended?"

6

And the roll being called:

7

Yeas 34, Nays 0, Excused 1, Absent 0

8

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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Excused: Foster

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

14

15

**HB 1100:** FOR AN ACT ENTITLED, An Act to revise provisions related to the video recording of certain victim testimony at a preliminary hearing or deposition.

16

17

Was read the second time.

18

The question being "Shall **HB 1100** pass as amended?"

19

And the roll being called:

20

Yeas 34, Nays 0, Excused 1, Absent 0

21

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

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Excused: Foster

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

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28

**HB 1176:** FOR AN ACT ENTITLED, An Act to grant immunity from certain liabilities for camping activities.

29

30

Was read the second time.

31

The question being "Shall **HB 1176** pass as amended?"

32

And the roll being called:

33

Yeas 31, Nays 3, Excused 1, Absent 0

1 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
2 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Maher, Nesiba, Novstrup,  
3 Herman Otten, Rohl, Rusch, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin,  
4 Wheeler, Wiik, and Zikmund

5 Nays: Klumb, Kolbeck, and Schoenbeck

6 Excused: Foster

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

9 **HB 1014:** FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds for  
10 elderly persons and persons with a disability and to declare an emergency.

11 Was read the second time.

12 The question being "Shall **HB 1014** pass as amended?"

13 And the roll being called:

14 Yeas 34, Nays 0, Excused 1, Absent 0

15 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Frye-  
16 Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
17 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
18 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

19 Excused: Foster

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

22 **HB 1092:** FOR AN ACT ENTITLED, An Act to make an appropriation for the precision agriculture  
23 cybersecurity CyberAg partnership initiative and to declare an emergency.

24 Was read the second time.

25 The question being "Shall **HB 1092** pass?"

26 And the roll being called:

27 Yeas 33, Nays 0, Excused 2, Absent 0

28 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
29 Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
30 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
31 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

32 Excused: Foster and Frye-Mueller

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

1 **HB 1137:** FOR AN ACT ENTITLED, An Act to make an appropriation for high performance  
2 computing and data storage systems at South Dakota State University and to declare an emergency.

3 Was read the second time.

4 The question being "Shall **HB 1137** pass as amended?"

5 And the roll being called:

6 Yeas 33, Nays 1, Excused 1, Absent 0

7 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
8 Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
9 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
10 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

11 Nays: Frye-Mueller

12 Excused: Foster

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

#### 15 **SIGNING OF BILLS**

16 The President publicly read the title to

17 **HB 1130:** FOR AN ACT ENTITLED, An Act to specify taxation, authorization, and standards of  
18 practice for the sale of travel insurance.

19 **HB 1153:** FOR AN ACT ENTITLED, An Act to revise the number of class hours required to  
20 obtain a responsible broker's license.

21 **HB 1169:** FOR AN ACT ENTITLED, An Act to modify the licensing of barbers.

22 **HB 1195:** FOR AN ACT ENTITLED, An Act to direct the Indian Education Advisory Council to  
23 make an annual report to the Governor and the State-Tribal Relations Committee.

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

#### 25 **COMMEMORATIONS**

26 **SC 815:** A LEGISLATIVE COMMEMORATION, honoring the 2021-2022 Canton C-Hawk boys  
27 wrestling team for its outstanding accomplishments.

28 Introduced by: **Senator** Bolin

29 **SC 816:** A LEGISLATIVE COMMEMORATION, honoring the 2021-2022 Canton C-Hawk girls  
30 wrestling team for its outstanding accomplishments.

31 Introduced by: **Senator** Bolin

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1           **SC 817:** A LEGISLATIVE COMMEMORATION, Commending the Social Distance Powwow for  
2 promoting traditional songs, dance, and a sense of community in the virtual world amidst a global  
3 pandemic.

4           Introduced by: **Senator** Foster

5           Sen. Johns moved that the Senate do now adjourn, which motion prevailed and at 3:00 p.m.  
6 the Senate adjourned.

7           Kay Johnson, Secretary