

JOURNAL OF THE HOUSE

NINETY-NINTH SESSION

FOURTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 30, 2024

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

The prayer was offered by the Chaplain, Rev. Russell Jones, followed by the Pledge of Allegiance led by House pages Claire Pearman and Tristen Petrik.

Roll Call: All members present except Rep. May who was excused.

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 13th day.

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

And we hereby move the adoption of the report.

Which motion prevailed.

Respectfully submitted,
Hugh M. Bartels, Chair

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REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1005, 1018, 1033, and 1041** were delivered to her Excellency, the Governor, for her approval at 10:20 a.m., January 30, 2024.

Respectfully submitted,
Hugh M. Bartels, Chair

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1003, 1004, 1020, 1031, 1035, 1050, 1055, and 1074** and finds the same correctly enrolled.

Respectfully submitted,
Hugh M. Bartels, Chair

MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1032** which was deferred to the 41st Legislative Day.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1130** and returns the same with the recommendation that said bill be amended as follows:

1130A

On page 2, line 19, of the Introduced bill, after "void." delete "For the purposes of chapter 10-13, the Vermillion Basin Water Development District, as revised in accordance with § 46A-3A-7. 1, is a new taxing district, as of July 1, 2024. Any tax levied pursuant to chapter 10-13 for use by a new taxing district, may not, for taxes payable in 2025 and 2026, exceed six cents per thousand dollars of taxable valuation in the district.

For each year thereafter, the water development district may adjust the maximum amount of revenue payable for property taxes based on growth and the index factor pursuant to § 10-13-35."

And that as so amended, **HB 1130** do pass.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **SJR 502** and returns the same with the recommendation that said resolution do pass.

Respectfully submitted,
Roger Chase, Chair

1 MR. SPEAKER:

2 The Committee on House Health and Human Services respectfully reports that it has had under
3 consideration **HB 1098** with the recommendation that said bill be amended as follows:

4 1098A

5 On page 1, line 5, of the Introduced bill, after "person's " insert "South Dakota "

6 And that as so amended said bill be referred to the House Committee on Appropriations with
7 a Do Pass as Amended recommendation.

8 Also MR. SPEAKER:

9 The Committee on House Health and Human Services respectfully reports that it has had under
10 consideration **HB 1131** with the recommendation that said bill be amended as follows:

11 1131A

12 On page 1, line 5, of the Introduced bill, after "fee" insert " one-time"

13 On page 1, line 7, of the Introduced bill, after "submit" delete " a letter"

14 On page 1, line 8, of the Introduced bill, after "application, " insert "an affidavit "

15 On page 1, line 9, of the Introduced bill, delete " letter" and insert " affidavit"

16 And that as so amended said bill be referred to the House Committee on Appropriations with
17 a Do Pass as Amended recommendation.

18 Also MR. SPEAKER:

19 The Committee on House Health and Human Services respectfully reports that it has had under
20 consideration **HB 1125** and returns the same with the recommendation that said bill do pass.

21 Respectfully submitted,
22 Kevin D. Jensen, Chair

23 MR. SPEAKER:

24 The Committee on House Local Government respectfully reports that it has had under
25 consideration **HB 1127** and returns the same with the recommendation that said bill do pass.

26 Also MR. SPEAKER:

27 The Committee on House Local Government respectfully reports that it has had under
28 consideration **HB 1132** and returns the same with the recommendation that said bill be amended
29 as follows:

30 1132A

31 On page 2, line 28, of the Introduced bill, delete "The South Dakota Department of
32 Transportation shall promulgate rules, pursuant to chapter 1-26, establishing the process by which
33 the department or the" and insert "The"

34 On page 2, line 30, of the Introduced bill, delete " 7" and insert " 6"

1 And that as so amended, **HB 1132** do pass.

2 Respectfully submitted,
3 Becky J. Drury, Chair

4 MR. SPEAKER:

5 The Committee on House Transportation respectfully reports that it has had under
6 consideration **HB 1119** and returns the same with the recommendation that said bill be amended
7 as follows:

8 1119A

9 On page 2, after line 17, of the Introduced bill, insert: "

10 **Section 7. This Act is effective March 1, 2025.**"

11 And that as so amended, **HB 1119** do pass.

12 Also MR. SPEAKER:

13 The Committee on House Transportation respectfully reports that it has had under
14 consideration **HB 1120** and returns the same with the recommendation that said bill be amended
15 as follows:

16 1120B

17 On page 1, line 5, of the Introduced bill, after "state" insert ", and has a valid South Dakota
18 driver license or nondriver identification card"

19 On page 1, line 14, of the Introduced bill, after "§ 32-5-98." insert " These plates may only be
20 used on automobiles, pickup trucks, or vans licensed pursuant to § 32-5-6 or pickup trucks pursuant
21 to § 32-5-6. 3."

22 On page 1, line 21, of the Introduced bill, after "32-5-67." delete "Section 3. That § 32-5-116
23 be AMENDED:"

24 On page 1, line 22, of the Introduced bill, after "AMENDED:" delete "32-5-116. Any firefighter,
25 advanced life support personnel, or emergency medical technician desiring special license plates
26 authorized by § 32-5-113 for use during the next year shall make application may apply to the
27 department for special license plates authorized under § 32-5-113 for use during the next year by
28 specifying the number of vehicles to be licensed, to the Department of Revenue specifying the
29 number of vehicles to be licensed, the firefighter's name name of the firefighter, advanced life
30 support personnel, or emergency medical technician, and the county of residence to the Department
31 of Revenue. The department shall notify the manufacturer of the number of special number plates
32 required in sufficient time that the plates may be produced and sent to the department."

33 On page 2, line 10, of the Introduced bill, delete " or" and insert a comma

34 On page 2, line 11, of the Introduced bill, after "personnel's" insert ", or emergency medical
35 technician's"

36 On page 3, line 3, of the Introduced bill, delete " or an " and insert ", "

37 On page 3, line 4, of the Introduced bill, after "personnel" insert ", or emergency medical
38 technician"

39 On page 3, after line 16, of the Introduced bill, insert: "

1 **Section 8.** This Act is effective beginning March 1, 2025. "

2 And that as so amended, **HB 1120** do pass.

3 Respectfully submitted,
4 Rocky Blare, Chair

5 **MESSAGES FROM THE SENATE**

6 MR. SPEAKER:

7 I have the honor to return herewith **HB 1003, 1004, 1020, 1031, 1035, 1050, 1055, and**
8 **1074** which have passed the Senate without change.

9 Also MR. SPEAKER:

10 I have the honor to return herewith **HB 1024** which has been amended by the Senate and
11 your concurrence in the amendments is respectfully requested.

12 Also MR. SPEAKER:

13 I have the honor to transmit herewith **SB 68 and 69** which have passed the Senate and your
14 favorable consideration is respectfully requested.

15 Respectfully,
16 Peggy Laurenz, Secretary

17 **MOTIONS AND RESOLUTIONS**

18 **HCR 6010:** A CONCURRENT RESOLUTION, Acknowledging the need to protect our borders and
19 affirming South Dakota's support of the defense of the southern border.

20 Introduced by: **Representative** Mortenson

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

22 Rep. Mortenson moved that when we adjourn today, we adjourn to convene at 2:30 p.m. on
23 Wednesday, January 31, 2024, the 15th legislative day.

24 Which motion prevailed.

25 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

26 The Speaker declared that **HB 1159 and 1170** were withdrawn at the request of the prime
27 sponsors pursuant to JR 6B-1.1.

1 **HB 1203:** FOR AN ACT ENTITLED, An Act to clarify references to the court in a condemnation
2 proceeding.

3 Introduced by: **Representative** Lems

4 Was read the first time and referred to the Committee on Commerce and Energy.

5 **HB 1201:** FOR AN ACT ENTITLED, An Act to make an appropriation for the teacher
6 apprenticeship pathway program.

7 Introduced by: **Representative** DeGroot

8 Was read the first time and referred to the Committee on Education.

9 **HB 1202:** FOR AN ACT ENTITLED, An Act to establish procedures for the termination of
10 services by a provider through the CHOICES waiver program.

11 Introduced by: **Representative** Karr

12 Was read the first time and referred to the Committee on Health and Human Services.

13 **HB 1204:** FOR AN ACT ENTITLED, An Act to establish a civil action for nonconsensual condom
14 removal.

15 Introduced by: **Representative** Wittman

16 Was read the first time and referred to the Committee on Judiciary.

17 **HB 1205:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of
18 the legislative, judicial, and executive departments of the state, the current expenses of state
19 institutions, interest on the public debt, and for common schools.

20 Introduced by: The Joint Committee on Appropriations at the request of the Governor

21 Was read the first time and referred to the Joint Committee on Appropriations.

22 **HB 1206:** FOR AN ACT ENTITLED, An Act to set aside certain contractor's excise tax collections
23 relating to the Ellsworth Air Force Base for the Douglas School District, to provide an appropriation
24 therefor, and to declare an emergency.

25 Introduced by: **Representative** Massie

26 Was read the first time.

27 The following bill was read on January 29, 2024, and today the Speaker assigned this bill to
28 committee:

29 **HB 1199** was referred to the Committee on State Affairs.

1

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

2

SB 68: FOR AN ACT ENTITLED, An Act to amend certain provisions pertaining to the South Dakota Retirement System to comply with federal law.

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SB 69: FOR AN ACT ENTITLED, An Act to amend certain provisions pertaining to the South Dakota Retirement System.

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

7

SECOND READING OF CONSENT CALENDAR ITEMS

8

HB 1116: FOR AN ACT ENTITLED, An Act to make fraudulent solicitation of charitable contributions a deceptive act or practice.

9

10

HB 1126: FOR AN ACT ENTITLED, An Act to permit an alternative delivery method for issuance of a policy by an insurer.

11

12

Were read the second time.

13

The question being "Shall **HB 1116 and 1126** pass?"

14

And the roll being called:

15

Yeas 68, Nays 0, Excused 1, Absent 0

16

Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Lesmeister, Massie, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

23

Excused: May

24

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

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26

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

27

HB 1097: FOR AN ACT ENTITLED, An Act to authorize transportation activities by air ambulance operators.

28

29

Was read the second time.

30

Rep. Emery moved that **HB 1097** be amended as follows:

31

1097D

32

On page 1, line 11, of the House Health and Human Services Engrossed bill, delete "An " and insert "A hospital-based "

33

1 On page 1, line 13, of the House Health and Human Services Engrossed bill, after "if:" delete
2 "(1) The patient's attending medical practitioner determines that the patient requires a level of care
3 that is not available without a transfer; and

4 (2) The operator is unable to use the operator's air ambulance to transport the patient due
5 to:"

6 On page 1, line 17, of the House Health and Human Services Engrossed bill, after "to:" insert
7 "(1) The hospital-based air ambulance operator holds a 14 C. F. R. Part 135 (January 1, 2024)
8 certificate;

9 (2) The area's primary ambulance service provider is first given the opportunity to transport
10 the patient but is unable to:

11 (a) Provide the transport because of insufficient staffing;

12 (b) Provide the transport because doing so is outside of its medical capabilities; or

13 (c) Begin the transport within thirty minutes of the request; and

14 (3) The use of an air ambulance is precluded due to:"

15 Rep. Mulally requested a roll call vote.

16 Which request was supported.

17 And the roll being called:

18 Yeas 18, Nays 50, Excused 1, Absent 0

19 Yeas: Auch, Aylward, Duba, Emery, Healy, Jensen (Phil), Karr, Krohmer, Lems, Lesmeister,
20 Mulally, Nelson, Odenbach, Overweg, Pourier, Schaeftbauer, Soye, and Wittman

21 Nays: Arlint, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby, Deutsch,
22 Donnell, Drury, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Jensen (Kevin), Kassin, Koth,
23 Krull, Kull, Ladner, Massie, Mills, Moore, Mortenson, Mulder, Otten (Ernie), Perry, Peterson (Drew),
24 Peterson (Sue), Pinnow, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schneider, Shorma, Sjaarda,
25 St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and Speaker Bartels

26 Excused: May

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

29 The question being "Shall **HB 1097** pass as amended?"

30 And the roll being called:

31 Yeas 57, Nays 11, Excused 1, Absent 0

32 Yeas: Arlint, Auch, Aylward, Callies, Chase, DeGroot, Derby, Deutsch, Donnell, Drury, Duffy,
33 Fitzgerald, Gross, Hansen, Healy, Heermann, Jamison, Jensen (Kevin), Karr, Kassin, Koth, Krohmer,
34 Krull, Kull, Ladner, Lems, Lesmeister, Massie, Mills, Moore, Mortenson, Mulder, Nelson, Odenbach,
35 Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Randolph, Rehfeldt,
36 Reimer, Reisch, Sauder, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
37 Venhuizen, Wangsness, Weisgram, and Speaker Bartels

38 Nays: Bahmuller, Blare, Cammack, Chaffee, Duba, Emery, Jensen (Phil), Mulally, Pourier,
39 Schaeftbauer, and Wittman

1 Excused: May

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

4 **HB 1128:** FOR AN ACT ENTITLED, An Act to require a zoning authority to determine that a
5 well is an established well that has not been abandoned in making a permitting decision.

6 Was read the second time.

7 The question being "Shall **HB 1128** pass as amended?"

8 And the roll being called:

9 Yeas 67, Nays 1, Excused 1, Absent 0

10 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot,
11 Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
12 Jamison, Jensen (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
13 Lesmeister, Massie, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie), Overweg,
14 Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch,
15 Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen,
16 Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

17 Nays: Mills

18 Excused: May

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

21 **HB 1008:** FOR AN ACT ENTITLED, An Act to modify the eligibility for admission to the state
22 veterans' home and repeal the residency requirement.

23 Was read the second time.

24 The question being "Shall **HB 1008** pass as amended?"

25 And the roll being called:

26 Yeas 68, Nays 0, Excused 1, Absent 0

27 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot,
28 Derby, Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
29 Jamison, Jensen (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
30 Lesmeister, Massie, Mills, Moore, Mortenson, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie),
31 Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer,
32 Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen,
33 Tordsen, Venhuizen, Wangsness, Weisgram, Wittman, and Speaker Bartels

34 Excused: May

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

1 **HB 1082:** FOR AN ACT ENTITLED, An Act to change the eligibility requirements, and the
2 exempt value, of a property tax relief program for disabled veterans and surviving spouses.

3 Was read the second time.

4 The question being "Shall **HB 1082** pass as amended?"

5 And the roll being called:

6 Yeas 62, Nays 6, Excused 1, Absent 0

7 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chaffee, Chase, DeGroot, Derby,
8 Deutsch, Donnell, Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Hansen, Healy, Heermann,
9 Jamison, Jensen (Kevin), Jensen (Phil), Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems,
10 Lesmeister, Massie, Moore, Mortenson, Nelson, Odenbach, Overweg, Perry, Peterson (Drew),
11 Peterson (Sue), Pinnow, Pourier, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer,
12 Schneider, Shorma, Sjaarda, Soye, St. John, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness,
13 Weisgram, Wittman, and Speaker Bartels

14 Nays: Aylward, Karr, Mills, Mulally, Mulder, and Otten (Ernie)

15 Excused: May

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

18 **HB 1136:** FOR AN ACT ENTITLED, An Act to revise the renewal fee for barber's certificate of
19 registration.

20 Was read the second time.

21 The question being "Shall **HB 1136** pass?"

22 And the roll being called:

23 Yeas 57, Nays 11, Excused 1, Absent 0

24 Yeas: Arlint, Auch, Bahmuller, Blare, Callies, Cammack, Chase, DeGroot, Deutsch, Donnell,
25 Drury, Duba, Duffy, Emery, Fitzgerald, Gross, Healy, Heermann, Jamison, Jensen (Kevin), Karr,
26 Koth, Krohmer, Krull, Kull, Ladner, Lesmeister, Massie, Mills, Moore, Mortenson, Mulder, Nelson,
27 Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue), Pinnow, Pourier, Randolph,
28 Rehfeldt, Reimer, Reisch, Sauder, Schaeftbauer, Schneider, Shorma, Sjaarda, St. John, Stevens,
29 Teunissen, Tordsen, Wangsness, Weisgram, Wittman, and Speaker Bartels

30 Nays: Aylward, Chaffee, Derby, Hansen, Jensen (Phil), Kassin, Lems, Mulally, Odenbach, Soye,
31 and Venhuizen

32 Excused: May

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

35 Rep. Mortenson moved that the balance of the calendar including **SB 17** be deferred to
36 Wednesday, January 31, 2024, the 15th legislative day.

37 Which motion prevailed.

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SIGNING OF BILLS

2

The Speaker publicly read the title to

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HB 1003: FOR AN ACT ENTITLED, An Act to update a reference to the Internal Revenue Code for purposes of higher education savings plans.

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HB 1004: FOR AN ACT ENTITLED, An Act to update the official code of laws.

6

HB 1020: FOR AN ACT ENTITLED, An Act to revise the method by which completion of a required suicide awareness and prevention training is verified.

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HB 1031: FOR AN ACT ENTITLED, An Act to update the development and implementation of conservation district standards.

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HB 1035: FOR AN ACT ENTITLED, An Act to extend the period of renewal for an enhanced permit to carry a concealed pistol.

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HB 1050: FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier regulations.

13

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HB 1055: FOR AN ACT ENTITLED, An Act to raise the appraisal value of surplus property that may be sold by a political subdivision without notice.

15

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HB 1074: FOR AN ACT ENTITLED, An Act to expand eligibility to practice as a dental hygienist under the collaborative supervision of a dentist.

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SB 22: FOR AN ACT ENTITLED, An Act to amend language regarding the licensing period for a grain buyer.

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SB 23: FOR AN ACT ENTITLED, An Act to exempt an electric vehicle charging station from being subject to a civil fine for overcharging.

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SB 24: FOR AN ACT ENTITLED, An Act to increase the maximum user fee for a participant submitting to wear a drug patch under the 24/7 sobriety program.

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SB 33: FOR AN ACT ENTITLED, An Act to repeal the Petroleum Release Compensation Board.

25

SB 37: FOR AN ACT ENTITLED, An Act to revise provisions regarding repair and maintenance of mail routes.

26

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SB 39: FOR AN ACT ENTITLED, An Act to prohibit a homeowners' association from placing restrictions on firearms or firearm ammunition.

28

29

SB 65: FOR AN ACT ENTITLED, An Act to modify time limits for collection efforts for debts owed to the state.

30

31

And signed the same in the presence of the House.

32

COMMEMORATIONS

33

SC 805: A LEGISLATIVE COMMEMORATION, Honoring and remembering the life of Brandon Valley Middle School student Spencer Roger Thorsland.

34

1 Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:11 p.m.
2 the House adjourned.

3

Patricia Miller, Chief Clerk