

# *JOURNAL OF THE HOUSE*

## *NINETY-NINTH SESSION*

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THIRTY-FIRST DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Tuesday, February 27, 2024

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

The prayer was offered by the Chaplain, Rev. Jake Krahn, followed by the Pledge of Allegiance led by House pages Henry Homstad and Amelia Knutson.

Roll Call: All members present.

### **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 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.

Which motion prevailed.

Respectfully submitted,  
Hugh M. Bartels, Chair

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**COMMUNICATIONS AND PETITIONS**

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February 27, 2024

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Mr. Speaker and Members of the House of Representatives:

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I have the honor to inform you that on February 27, 2024, I approved House Bills 1007, 1008, 1023, 1091, 1104, 1161, and 1163, and the same have been deposited in the office of the Secretary of State.

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Respectfully submitted,  
Kristi Noem  
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 1071, 1119, 1120, 1132, 1194, 1220, 1228, 1229, and 1232** and finds the same correctly enrolled.

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Respectfully submitted,  
Hugh M. Bartels, Chair

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MR. SPEAKER:

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The Committee on Legislative Procedure respectfully reports that **HB 1082, 1084, 1086, 1099, 1100, 1147, 1182, and 1196** were delivered to her Excellency, the Governor, for her approval at 9:25 a.m., February 27, 2024.

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Respectfully submitted,  
Hugh M. Bartels, Chair

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MR. SPEAKER:

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The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 173** and returns the same with the recommendation that said bill do pass.

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Respectfully submitted,  
Roger Chase, 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 71 and 136** and returns the same with the recommendation that said bills do pass.

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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 151** and returns the same with the recommendation that said bill be amended as follows:

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1 \_\_\_\_\_ 151B

2 On page 1, line 23, of the Senate Health and Human Services Engrossed bill, after "of " insert  
3 "athletic "

4 And that as so amended, **SB 151** do pass, and having been certified as uncontested, be placed  
5 on the consent calendar.

6 Also MR. SPEAKER:

7 The Committee on House Health and Human Services respectfully reports that it has had under  
8 consideration **SB 198** and returns the same with the recommendation that said bill do pass, and  
9 having been certified as uncontested, be placed on the consent calendar.

10 Respectfully submitted,  
11 Kevin D. Jensen, Chair

12 MR. SPEAKER:

13 The House Committee on Appropriations respectfully reports that it has had under  
14 consideration **SB 72, 137, and 138** and returns the same with the recommendation that said bills  
15 do pass.

16 Also MR. SPEAKER:

17 The House Committee on Appropriations respectfully reports that it has had under  
18 consideration **SB 1, 29, and 47** and returns the same with the recommendation that said bills do  
19 pass, and having been certified as uncontested, be placed on the consent calendar.

20 Respectfully submitted,  
21 Mike Derby, Chair

22 MR. SPEAKER:

23 The Committee on House Local Government respectfully reports that it has had under  
24 consideration **SB 199 and 219** and returns the same with the recommendation that said bills do  
25 pass.

26 Respectfully submitted,  
27 Becky J. Drury, Chair

28 **MESSAGES FROM THE SENATE**

29 MR. SPEAKER:

30 I have the honor to return herewith **HB 1071, 1119, 1120, 1132, 1194, 1220, 1228, 1229,**  
31 **and 1232** which have passed the Senate without change.

32 Also MR. SPEAKER:

33 I have the honor to return herewith **HB 1125, 1187, and 1195** which have been amended  
34 by the Senate and your concurrence in the amendments is respectfully requested.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has concurred in House  
3 amendments to **SB 10 and 172**.

4 Also MR. SPEAKER:

5 I have the honor to transmit herewith **SB 66, 67, and 70** which have passed the Senate and  
6 your favorable consideration is respectfully requested.

7 Respectfully,  
8 Peggy Laurenz, Secretary

9 **MOTIONS AND RESOLUTIONS**

10 Rep. Mortenson moved that **SB 182** be deferred to Monday, March 4, 2024, the 34<sup>th</sup> legislative  
11 day.

12 Which motion prevailed.

13 **CONSIDERATION OF REPORTS OF COMMITTEES**

14 Rep. Mortenson moved that the reports of the Standing Committees on  
15 Commerce and Energy on **SB 201** as found on page 396 of the House Journal; and  
16 State Affairs on **SB 208** as found on page 398 of the House Journal be adopted.

17 Which motion prevailed and the reports were adopted.

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

19 **SB 66:** FOR AN ACT ENTITLED, An Act to make an appropriation for eligible water, wastewater,  
20 and storm water projects throughout state government, and to declare an emergency.

21 **SB 67:** FOR AN ACT ENTITLED, An Act to provide for the sale of certain real estate located in  
22 Hughes County and to provide for the deposit of the proceeds into a continuously appropriated fund.

23 **SB 70:** FOR AN ACT ENTITLED, An Act to to make an appropriation for the replacement of the  
24 Richmond Lake dam and spillway, for the general maintenance and repair of other state-owned  
25 dams, and to declare an emergency.

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

27 **SECOND READING OF CONSENT CALENDAR ITEMS**

28 **SB 190:** FOR AN ACT ENTITLED, An Act to require a comparison of reemployment assistance  
29 recipients against death records for reemployment assistance eligibility integrity.

30 Was read the second time.

1 The question being "Shall **SB 190** pass as amended?"

2 And the roll being called:

3 Yeas 70, Nays 0, Excused 0, Absent 0

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

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

13 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

14 **SB 89:** FOR AN ACT ENTITLED, An Act to reduce the notice requirement period to terminate a  
15 tenancy at will.

16 Was read the second time.

17 The question being "Shall **SB 89** pass as amended?"

18 And the roll being called:

19 Yeas 41, Nays 29, Excused 0, Absent 0

20 Yeas: Auch, Aylward, Bahmuller, Blare, Cammack, Chaffee, Chase, Derby, Deutsch, Donnell,  
21 Duffy, Gross, Hansen, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Koth, Krohmer, Ladner, Lems,  
22 Massie, May, Mills, Moore, Mulally, Mulder, Otten (Ernie), Overweg, Peterson (Sue), Pinnow,  
23 Randolph, Reimer, Sauder, Schaeftbauer, Schneider, Sjaarda, Soye, Teunissen, Wangsness, and  
24 Weisgram

25 Nays: Arlint, Callies, Conzet, DeGroot, Drury, Duba, Emery, Fitzgerald, Healy, Heermann,  
26 Kassin, Krull, Kull, Lesmeister, Mortenson, Nelson, Odenbach, Perry, Peterson (Drew), Pourier,  
27 Rehfeldt, Reisch, Shorma, St. John, Stevens, Tordsen, Venhuizen, Wittman, and Speaker Bartels

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

30 **SB 90:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to forcible entry  
31 and detainer.

32 Was read the second time.

33 The question being "Shall **SB 90** pass as amended?"

34 And the roll being called:

35 Yeas 60, Nays 10, Excused 0, Absent 0

1 Yeas: Arlint, Auch, Aylward, Bahmuller, Blare, Cammack, Chaffee, Chase, Conzet, DeGroot,  
 2 Derby, Deutsch, Donnell, Drury, Duffy, Fitzgerald, Gross, Hansen, Heermann, Jamison, Jensen  
 3 (Kevin), Jensen (Phil), Karr, Kassin, Koth, Krohmer, Krull, Kull, Ladner, Lems, Massie, May, Mills,  
 4 Moore, Mulally, Mulder, Odenbach, Otten (Ernie), Overweg, Perry, Peterson (Drew), Peterson (Sue),  
 5 Pinnow, Randolph, Rehfeldt, Reimer, Reisch, Sauder, Schaeffbauer, Schneider, Shorma, Sjaarda,  
 6 Soye, Stevens, Teunissen, Tordsen, Venhuizen, Wangsness, Weisgram, and Speaker Bartels

7 Nays: Callies, Duba, Emery, Healy, Lesmeister, Mortenson, Nelson, Pourier, St. John, and  
 8 Wittman

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

11 **SB 6:** FOR AN ACT ENTITLED, An Act to revise provisions related to death by distribution of a  
 12 Schedule I or II substance.

13 Was read the second time.

14 The question being "Shall **SB 6** pass as amended?"

15 And the roll being called:

16 Yeas 67, Nays 3, Excused 0, Absent 0

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

24 Nays: Healy, Pourier, and Wittman

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

27 **SB 211:** FOR AN ACT ENTITLED, An Act to revise notarial acts.

28 Was read the second time.

29 The question being "Shall **SB 211** pass?"

30 And the roll being called:

31 Yeas 61, Nays 9, Excused 0, Absent 0

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

39 Nays: Auch, Aylward, Jensen (Phil), Lems, May, Mulally, Randolph, Sjaarda, and Soye

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

3 **SB 170:** FOR AN ACT ENTITLED, An Act to repeal and replace an appropriation regarding the  
4 South Dakota women's prison and to declare an emergency.

5 Was read the second time.

6 The question being "Shall **SB 170** pass as amended?"

7 And the roll being called:

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

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

16 Nays: Aylward, Jensen (Phil), Mulally, and Soye

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

19 **SB 171:** FOR AN ACT ENTITLED, An Act to make and change an appropriation related to the  
20 construction of the new state public health laboratory and to declare an emergency.

21 Was read the second time.

22 The question being "Shall **SB 171** pass?"

23 And the roll being called:

24 Yeas 64, Nays 6, Excused 0, Absent 0

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

32 Nays: Aylward, Jensen (Phil), Lems, Mulally, Randolph, and Soye

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 **SB 20:** FOR AN ACT ENTITLED, An Act to establish the crime of threatening or intimidating an  
36 election official or election worker.

37 Was read the second time.

1 Rep. Mortenson rose to a point of order that Rep. Jensen (Phil) speak to the bill **SB 20**.

2 The question being "Shall **SB 20** pass as amended?"

3 And the roll being called:

4 Yeas 24, Nays 46, Excused 0, Absent 0

5 Yeas: Arlint, Cammack, Chase, DeGroot, Derby, Drury, Duba, Duffy, Fitzgerald, Kassin, Koth,  
6 Kull, Massie, Mortenson, Peterson (Drew), Rehfeldt, Reimer, Reisch, Schneider, Stevens, Teunissen,  
7 Venhuizen, Weisgram, and Speaker Bartels

8 Nays: Auch, Aylward, Bahmuller, Blare, Callies, Chaffee, Conzet, Deutsch, Donnell, Emery,  
9 Gross, Hansen, Healy, Heermann, Jamison, Jensen (Kevin), Jensen (Phil), Karr, Krohmer, Krull,  
10 Ladner, Lems, Lesmeister, May, Mills, Moore, Mulally, Mulder, Nelson, Odenbach, Otten (Ernie),  
11 Overweg, Perry, Peterson (Sue), Pinnow, Pourier, Randolph, Sauder, Schaeffbauer, Shorma,  
12 Sjaarda, Soye, St. John, Tordsen, Wangsness, and Wittman

13 So the bill not having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill lost.

15 **SJR 501**: A JOINT RESOLUTION, Proposing and submitting to the voters at the next general  
16 election, an amendment to the Constitution of the State of South Dakota, authorizing the state to  
17 impose work requirements on certain individuals who are eligible for expanded Medicaid.

18 Was read the second time.

19 The question being "Shall **SJR 501** pass?"

20 And the roll being called:

21 Yeas 63, Nays 7, Excused 0, Absent 0

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

29 Nays: Duba, Emery, Healy, Lesmeister, Nelson, Pourier, and Wittman

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

32 **SB 203**: FOR AN ACT ENTITLED, An Act to expand certain privileges for individuals who hold  
33 an unrestricted enhanced concealed carry permit.

34 Was read the second time.

35 The question being "Shall **SB 203** pass as amended?"

36 And the roll being called:

37 Yeas 62, Nays 8, Excused 0, Absent 0



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

8 Nays: DeGroot, Duba, Healy, Heermann, Koth, Nelson, Stevens, and Wittman

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

11 **SIGNING OF BILLS**

12 The Speaker publicly read the title to

13 **HB 1071:** FOR AN ACT ENTITLED, An Act to revise a provision providing authority to the  
14 Governor to enter into agreements with the Nuclear Regulatory Commission.

15 **HB 1119:** FOR AN ACT ENTITLED, An Act to create a habitat conservation specialty plate and  
16 emblem.

17 **HB 1120:** FOR AN ACT ENTITLED, An Act to provide special motor vehicle license plates for  
18 advanced life support personnel and emergency medical technicians.

19 **HB 1132:** FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to municipal  
20 government.

21 **HB 1194:** FOR AN ACT ENTITLED, An Act to clarify provisions pertaining to tax increment  
22 finance districts.

23 **HB 1220:** FOR AN ACT ENTITLED, An Act to allow an appeal of a decision of the Department  
24 of Education regarding special education or related services by a civil action against the department.

25 **HB 1228:** FOR AN ACT ENTITLED, An Act to provide that required exterior hunting garments  
26 may be fluorescent pink.

27 **HB 1229:** FOR AN ACT ENTITLED, An Act to add a county as able to be assigned responsibility  
28 for secondary highways on municipal boundaries.

29 **HB 1232:** FOR AN ACT ENTITLED, An Act to create the Indian Child Welfare Advisory Council.

30 **SB 63:** FOR AN ACT ENTITLED, An Act to revise provisions related to the licensure and  
31 regulation of ambulance services.

32 **SB 147:** FOR AN ACT ENTITLED, An Act to provide for the distribution of informational  
33 materials regarding palliative care.

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

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**COMMEMORATIONS**

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**HC 8028:** A LEGISLATIVE COMMEMORATION, Honoring the Slovek Ranch as the 2023 Leopold Conservation Award recipient.

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Introduced by: **Representatives** Mortenson and Weisgram.

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Rep. Drury moved that the House do now adjourn, which motion prevailed and at 3:59 p.m. the House adjourned.

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Patricia Miller, Chief Clerk