

JOURNAL OF THE HOUSE

ONE HUNDREDTH SESSION

TWENTIETH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 12, 2025

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

The prayer was offered by the Chaplain, Fr. Joe Holzhauser, followed by the Pledge of Allegiance led by House page Aadyn Hosek.

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

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Secretary of the House has had under consideration the House Journal of the 19th 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,
Jon Hansen, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1047** and finds the same correctly enrolled.

Respectfully submitted,
Jon Hansen, Chair

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that **HB 1002, 1003, 1004, 1027, 1029, 1030, 1031, and 1032** were delivered to his Excellency, the Governor, for his approval at 10:20 a.m., February 12, 2025.

Respectfully submitted,
Jon Hansen, Chair

MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1156** 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 1157** and returns the same with the recommendation that said bill be amended as follows:

1157A

On page 1, line 11, of the Introduced bill, remove the overstrikes from ", may not exceed one"

On page 1, line 11, of the Introduced bill, delete " one" and insert " five"

On page 1, line 12, of the Introduced bill, remove the overstrikes from " hundred dollars"

And that as so amended, **HB 1157** do pass.

Respectfully submitted,
Marty Overweg, Chair

MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1025** with the recommendation that said bill be referred to the House Committee on Appropriations without recommendation.

Also MR. SPEAKER:

The Committee on House State Affairs respectfully reports that it has had under consideration **HB 1152** and returns the same with the recommendation that said bill be amended as follows:

1152B

1 On page 1, line 1, of the Introduced bill, after "from" delete " the United States Centers for
2 Disease Control and"

3 On page 1, line 12, of the Introduced bill, after "misdemeanor." insert "

4 For the purposes of this section, "intergovernmental organization" means an organization
5 created by two or more nations to work together on common interests."

6 On page 1, line 13, of the Introduced bill, after "misdemeanor." delete "Section 2. That a NEW
7 SECTION be added to chapter 1-1:

8 "

9 On page 1, line 14, of the Introduced bill, after "1-1:" delete "Notwithstanding any federal law
10 or regulation, no elected or appointed official or employee of this state, or of any political subdivision
11 of this state, may enforce or implement a rule, regulation, fee, tax, policy, or mandate of any kind
12 from the United States Centers for Disease Control issued after July 1, 2025.

13 A violation of this section is a Class 1 misdemeanor."

14 1152C

15 On the previously adopted amendment (1152B), On page 1, line 9, after "a" delete " rule,"

16 On the previously adopted amendment (1152B), On page 1, line 9, after "tax," delete " policy,"

17 On the previously adopted amendment (1152B), On page 1, line 12, after "organization."
18 delete "A violation of this section is a Class 1 misdemeanor."

19 And that as so amended, **HB 1152** do pass.

20 Also MR. SPEAKER:

21 The Committee on House State Affairs respectfully reports that it has had under consideration
22 **HB 1243 and 1252** which were tabled.

23 Respectfully submitted,
24 Scott Odenbach, Chair

25 MR. SPEAKER:

26 The Committee on House Judiciary respectfully reports that it has had under consideration
27 **HB 1123 and 1227** which were deferred to the 41st Legislative Day.

28 Also MR. SPEAKER:

29 The Committee on House Judiciary respectfully reports that it has had under consideration
30 **HB 1192** and returns the same with the recommendation that said bill do pass, and having been
31 certified as uncontested, be placed on the consent calendar.

32 Also MR. SPEAKER:

33 The Committee on House Judiciary respectfully reports that it has had under consideration
34 **HB 1222** and returns the same with the recommendation that said bill be amended as follows:

35 1222B

36 On page 1, line 23, of the Introduced bill, delete "(4) An individual who:

1 (a) Holds a permit to carry a concealed pistol, a gold card permit to carry a concealed pistol,
2 or an enhanced permit to carry a concealed pistol, issued in accordance with chapter 23-7; and

3 (b) Carries, possesses, or stores a concealed pistol while on school property, other than in a
4 building being used for the instruction of students;

5 " and insert "(4) An individual who holds any permit to carry a concealed pistol, issued in
6 accordance with chapter 23-7, while that individual is:

7 (a) Inside a motor vehicle; or

8 (b) Outside a motor vehicle and securing a pistol in, or retrieving a pistol from, the vehicle;

9 "

10 And that as so amended, **HB 1222** do pass.

11 Respectfully submitted,
12 Mike Stevens, Chair

13 MR. SPEAKER:

14 The Committee on House Education respectfully reports that it has had under consideration
15 **HB 1181** which was tabled.

16 Also MR. SPEAKER:

17 The Committee on House Education respectfully reports that it has had under consideration
18 **HB 1185** and returns the same with the recommendation that said bill do pass.

19 Also MR. SPEAKER:

20 The Committee on House Education respectfully reports that it has had under consideration
21 **HB 1193** and returns the same with the recommendation that said bill be amended as follows:

22 1193A

23 On page 1, line 2, of the Introduced bill, after "requiring" delete " certain"

24 On page 1, line 2, of the Introduced bill, delete " and" and insert " or"

25 On page 1, line 7, of the Introduced bill, after "housing" delete the comma

26 On page 1, line 7, of the Introduced bill, after "voucher" delete ", beyond the student's first
27 year of attendance at an institution"

28 And that as so amended, **HB 1193** do pass.

29 Also MR. SPEAKER:

30 The Committee on House Education respectfully reports that it has had under consideration
31 **HB 1197** which was deferred to the 41st Legislative Day.

32 Respectfully submitted,
33 Lana J. Greenfield, Chair

1 MR. SPEAKER:

2 The Committee on House Commerce and Energy respectfully reports that it has had under
3 consideration **HB 1253** which was tabled.

4 Also MR. SPEAKER:

5 The Committee on House Commerce and Energy respectfully reports that it has had under
6 consideration **SB 25** and returns the same with the recommendation that said bill be amended as
7 follows:

8 25I

9 On page 1, line 1, of the Senate Commerce and Energy Engrossed bill, delete " Plumbing
10 Commission's rulemaking authority to set standards for plumbing and plumbing systems" and insert
11 " adoption and use of the plumbing code"

12 On page 1, after line 14, of the Senate Commerce and Energy Engrossed bill, insert: "

13 **Section 2. That § 36-25-16 be AMENDED:**

14 **36-25-16.** Nothing in this chapter ~~shall prohibit~~ prohibits any municipality by ordinance from
15 making and enforcing requirements and standards regarding plumbing, and from making inspections
16 and collecting fees relating thereto. Any ~~such ordinances shall~~ ordinance must be deemed the
17 applicable standards as to any plumbing work in ~~such the~~ the municipality, provided that the standards,
18 as contained in ~~such ordinances~~ the ordinance, meet the minimum standards of the ~~State Plumbing~~
19 Code plumbing code, as adopted by the commission, and that any person registered by the
20 commission may do plumbing work in ~~such the~~ the municipality for a period of six months following
21 application for a permit or license in ~~said the~~ the municipality.

22 A municipality is prohibited from adopting or substituting any other code for plumbing work."

23 25L

24 On the previously adopted amendment (25I), On page 2, line 1, after "from" delete " adopting
25 or"

26 On the previously adopted amendment (25I), On page 2, line 1, after "any" delete " other"

27 On the previously adopted amendment (25I), On page 2, line 1, after "code" insert " other
28 than the Uniform Plumbing Code"

29 And that as so amended, **SB 25** do pass, and having been certified as uncontested, be placed
30 on the consent calendar.

31 Also MR. SPEAKER:

32 The Committee on House Commerce and Energy respectfully reports that it has had under
33 consideration **SB 47** and returns the same with the recommendation that said bill do pass, and
34 having been certified as uncontested, be placed on the consent calendar.

35 Respectfully submitted,
36 Karla J. Lems, Chair

37 MR. SPEAKER:

38 The Joint Committee on Appropriations respectfully reports that it has had under consideration
39 **HB 1042** and returns the same with the recommendation that said bill be amended as follows:

1 1042D

2 On page 1, line 1, of the Introduced bill, after "for" insert " the construction of"

3 On page 1, line 1, of the Introduced bill, delete " and to declare an emergency" and insert " at
4 the Cultural Heritage Center"

5 On page 1, line 4, of the Introduced bill, after "to" insert " constructing,"

6 On page 1, line 5, of the Introduced bill, after "exhibits" insert " at the Cultural Heritage Center"

7 On page 1, line 6, of the Introduced bill, delete " There is appropriated \$1,500,000 in other
8 fund expenditure authority, to the Department of Tourism, for the purpose of providing a grant to
9 the Department of Education to renovate and modernize historical exhibits" and insert " The state
10 treasurer shall transfer \$1,500,000 from the tourism promotion fund to the other activities fund
11 within the Department of Education, for the purpose set forth in section 1 of this Act"

12 On page 1, line 11, of the Introduced bill, after "Act." delete "Section 4. The secretary of the
13 Department of Tourism shall approve vouchers and the state auditor shall draw warrants to pay
14 expenditures authorized in section 2 of this Act."

15 On page 1, line 15, of the Introduced bill, after "4-8." delete "Section 6. Whereas, this Act is
16 necessary for the support of the state government and its existing public institutions, an emergency
17 is hereby declared to exist, and this Act shall be in full force and effect from and after its passage
18 and approval."

19 And that as so amended, **HB 1042** do pass.

20 Respectfully submitted,
21 Ernie Otten, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

22 **MESSAGES FROM THE SENATE**

23 MR. SPEAKER:

24 I have the honor to return herewith **HB 1047** which has passed the Senate without change.

25 Also MR. SPEAKER:

26 I have the honor to return herewith **HCR 6005 and 6007** in which the Senate has concurred.

27 Also MR. SPEAKER:

28 I have the honor to transmit herewith **SB 32, 46, 92, 113, 127, 129, 131, 143, and 174**
29 which have passed the Senate and your favorable consideration is respectfully requested.

30 Respectfully,
31 Peggy Laurenz, Secretary

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MOTIONS AND RESOLUTIONS

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SCR 602 and 603 were read on February 5, 2025, and today the Speaker waived the committee referral pursuant to JR 6D-1.

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Rep. Odenbach moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Thursday, February 13, 2025, the 21st legislative day.

6

Which motion prevailed.

7

Rep. Odenbach moved that **HB 1189** be placed to follow **HB 1166** on today's calendar.

8

Which motion prevailed.

9

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11

HCR 6002: A CONCURRENT RESOLUTION, Urging the United States Congress and the President of the United States to remove the requirement of a project labor agreement for federal construction projects.

12

Was read the second time.

13

Rep. Jorgenson moved that **HCR 6002** as found on page 152 of the House Journal be adopted.

14

The question being on Rep. Jorgenson's motion that **HCR 6002** be adopted.

15

And the roll being called:

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Yeas 63, Nays 5, Excused 1, Absent 0

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Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Baxter, DeGroot, Derby, Duffy, Fitzgerald, Garcia, Goodwin, Gosch, Greenfield, Halverson, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reder, Rehfeldt, Reimer, Reisch, Rice, Roby, Roe, Schaeftbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Speaker Hansen

24

Nays: Emery, Healy, Muckey, Uhre-Balk, and Wittman

25

Excused: Mulally

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So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HCR 6002** was adopted.

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HCR 6009: A CONCURRENT RESOLUTION, Requesting the attorney general to file a lawsuit against the People's Republic of China and related parties to seek damages related to the COVID-19 global pandemic.

31

Was read the second time.

32

Rep. Schaeftbauer moved that **HCR 6009** as found on page 195 of the House Journal be adopted.

33

The question being on Rep. Schaeftbauer's motion that **HCR 6009** be adopted.

34

And the roll being called:

1 Yeas 40, Nays 28, Excused 1, Absent 0

2 Yeas: Andera, Auch, Aylward, Bahmuller, Baxter, Emery, Fitzgerald, Garcia, Goodwin, Gosch,
3 Greenfield, Halverson, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan,
4 Jorgenson, Kayser, Ladner, Lems, Manhart, Massie, May, Moore, Nolz, Novstrup, Odenbach, Pourier,
5 Randolph, Reder, Rice, Schaeffbauer, Schwans, Sjaarda, Soye, Vasgaard, and Speaker Hansen

6 Nays: Arlint, Bathke, DeGroot, Derby, Duffy, Healy, Heermann, Kassin, Kolbeck (Jack), Kull,
7 Mortenson, Muckey, Mulder, Overweg, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe,
8 Shorma, Stevens, Uhre-Balk, Van Diepen, Walburg, Weems, Weisgram, and Wittman

9 Excused: Mulally

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

12 **CONSIDERATION OF REPORTS OF COMMITTEES**

13 Rep. Odenbach moved that the reports of the Standing Committees on
14 Health and Human Services on **HB 1058** as found on page 250 of the House Journal; also
15 Agriculture and Natural Resources on **HB 1165** as found on page 250 of the House Journal; also
16 Military and Veterans Affairs on **HB 1238** as found on page 248 of the House Journal; also
17 State Affairs on **HB 1205** as found on page 249 of the House Journal; and
18 Education on **HB 1201** as found on page 252 of the House Journal be adopted.
19 Which motion prevailed and the reports were adopted.

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

21 The Speaker declared that **HB 1247** was withdrawn at the request of the prime sponsor
22 pursuant to JR 6B-1.1.

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

24 **SB 32:** FOR AN ACT ENTITLED, An Act to revise amounts for licensing fees for the practice of
25 accountancy.

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

27 **SB 127:** FOR AN ACT ENTITLED, An Act to authorize the expenditure of moneys by a
28 municipality for the observance of additional holidays.

29 **SB 129:** FOR AN ACT ENTITLED, An Act to modify renewal fee requirements for an on-sale
30 liquor licensee whose business premises have been annexed into a municipality of the first class.

31 Were read the first time and referred to the Committee on Local Government.

1 **SB 92:** FOR AN ACT ENTITLED, An Act to require that the director of the Legislative Research
 2 Council and the secretary of state review an initiated measure and determine if the measure
 3 embraces more than one subject.

4 **SB 113:** FOR AN ACT ENTITLED, An Act to provide protections for parental rights.

5 **SB 143:** FOR AN ACT ENTITLED, An Act to modify the composition and staffing requirements
 6 of the South Dakota-Ireland Trade Commission.

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

8 **SB 46:** FOR AN ACT ENTITLED, An Act to specify the funds into which certain boat fees are
 9 deposited.

10 **SB 131:** FOR AN ACT ENTITLED, An Act to establish an electronic system for vehicle titles.

11 **SB 174:** FOR AN ACT ENTITLED, An Act to include certain types of vehicles in the abandoned
 12 titling process.

13 Were read the first time and referred to the Committee on Transportation.

14 **SB 33** was read on February 11, 2025, and today the Speaker waived the committee referral
 15 pursuant to JR 6D-1.

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 **HB 1063:** FOR AN ACT ENTITLED, An Act to revise the provisions for preparing a fiscal note
 18 for ballot questions.

19 **HB 1095:** FOR AN ACT ENTITLED, An Act to to extend the area in which a director for an
 20 irrigation district may reside.

21 **HB 1139:** FOR AN ACT ENTITLED, An Act to allow individualized investigative treatments for
 22 patients with life-threatening or debilitating diseases or conditions.

23 **HB 1160:** FOR AN ACT ENTITLED, An Act to waive the driver license renewal period for
 24 members of the military and their families, and employees of the state department.

25 Were read the second time.

26 The question being "Shall **HB 1063, 1095, 1139, and 1160** pass?"

27 And the roll being called:

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

29 Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Baxter, DeGroot, Derby, Duffy,
 30 Emery, Fitzgerald, Garcia, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann,
 31 Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan, Jorgenson, Kassin, Kayser, Kolbeck (Jack),
 32 Kull, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Muckey, Mulder, Nolz, Novstrup,
 33 Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reder, Rehfeldt, Reimer, Reisch, Rice,
 34 Roby, Roe, Schaefbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen,
 35 Vasgaard, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

36 Excused: Mulally

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

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

4 **HB 1208:** FOR AN ACT ENTITLED, An Act to provide for registration of an overseas citizen or
 5 individual using the address of a mail forwarding service or post office box as a national voter.

6 Having had its second reading was up for consideration and final passage.

7 The question now being on Rep. Healy's pending motion to amend **HB 1208** as found on page
 8 256 of the House Journal.

9 Which motion lost.

10 The question being "Shall **HB 1208** pass as amended?"

11 And the roll being called:

12 Yeas 46, Nays 22, Excused 1, Absent 0

13 Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Baxter, Derby, Duffy, Fitzgerald, Garcia,
 14 Gosch, Greenfield, Halverson, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil), Jordan,
 15 Jorgenson, Kassin, Kayser, Ladner, Lems, Manhart, Massie, May, Moore, Mortenson, Mulder, Nolz,
 16 Novstrup, Odenbach, Overweg, Peterson (Drew), Randolph, Reder, Rice, Schaeftbauer, Schwans,
 17 Sjaarda, Soye, Vasgaard, Walburg, and Speaker Hansen

18 Nays: Bathke, DeGroot, Emery, Goodwin, Healy, Heermann, Kolbeck (Jack), Kull, Muckey,
 19 Pourier, Rehfeldt, Reimer, Reisch, Roby, Roe, Shorma, Stevens, Uhre-Balk, Van Diepen, Weems,
 20 Weisgram, and Wittman

21 Excused: Mulally

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 **HB 1166:** FOR AN ACT ENTITLED, An Act to enhance penalties for the violation of right-to-
 25 work statutes and to provide a penalty therefor.

26 Having had its second reading was up for consideration and final passage.

27 The question now being on Rep. Randolph's pending motion to amend **HB 1166** as found on
 28 page 258 of the House Journal.

29 Rep. Randolph moved that the pending amendment to **HB 1166** be laid on the table.

30 Which motion prevailed.

31 Rep. Randolph moved that **HB 1166** be amended as follows:

32 1166B

33 On page 1, line 5, of the Introduced bill, delete " Class 6 felony" and insert " Class 1
 34 misdemeanor"

35 On page 1, line 9, of the Introduced bill, delete " Class 2" and insert " Class 1"

1 On page 1, line 19, of the Introduced bill, delete " a public or" and insert " a"

2 On page 2, line 11, of the Introduced bill, delete " Class 6 felony" and insert " Class 1
3 misdemeanor"

4 On page 2, line 17, of the Introduced bill, delete " Class 6 felony" and insert " Class 1
5 misdemeanor"

6 On page 2, line 24, of the Introduced bill, delete " Class 6 felony" and insert " Class 1
7 misdemeanor"

8 On page 3, line 7, of the Introduced bill, after "misdemeanor" delete " Class 6 felony"

9 On page 3, line 7, of the Introduced bill, after "misdemeanor" insert " Class 6 felony"

10 Which motion prevailed.

11 The question being "Shall **HB 1166** pass as amended?"

12 And the roll being called:

13 Yeas 59, Nays 9, Excused 1, Absent 0

14 Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Baxter, DeGroot, Derby, Duffy, Fitzgerald,
15 Garcia, Goodwin, Gosch, Greenfield, Halverson, Heermann, Heinemann, Hughes, Hunt, Ismay,
16 Jamison, Jensen (Phil), Jordan, Jorgenson, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Manhart,
17 Massie, May, Moore, Mortenson, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew),
18 Pourier, Randolph, Reder, Rehfeldt, Reimer, Reisch, Rice, Roby, Roe, Schaeftbauer, Schwans,
19 Sjaarda, Soye, Stevens, Vasgaard, Walburg, Weems, Weisgram, and Speaker Hansen

20 Nays: Bathke, Emery, Healy, Kassin, Muckey, Shorma, Uhre-Balk, Van Diepen, and Wittman

21 Excused: Mulally

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 Rep. Odenbach moved that the balance of the calendar including **HB 1024, 1066, 1169,**
25 **1173, 1180, 1188, 1189, 1216, and 1220** be deferred to Thursday, February 13, 2025, the
26 21st legislative day.

27 Which motion prevailed.

28 **SIGNING OF BILLS**

29 The Speaker publicly read the title to

30 **HB 1047:** FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse health care
31 professionals who have complied with the requirements for rural recruitment assistance programs,
32 and to declare an emergency.

33 **SB 29:** FOR AN ACT ENTITLED, An Act to amend provisions regarding the Division of Insurance
34 and the former Division of Securities operating fund.

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

1 Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at
2 3:40 p.m. the House adjourned.

3

Patricia Miller, Chief Clerk