# JOURNAL OF THE HOUSE ONE HUNDREDTH SESSION

## THIRTY-FIRST DAY

# STATE OF SOUTH DAKOTA House of Representatives, Pierre Tuesday, March 04, 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 pages Patrick Kralicek and Lucy Moon.

Roll Call: All members present.

#### **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 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, Jon Hansen, Chair

Which motion prevailed.

1	COMMUNICATIONS AND PETITIONS
-	
2	March 3, 2025
3	Mr. Speaker and Members of the House of Representatives:
4 5	I have the honor to inform you that on March 3, 2025, I approved House Bills 1042, 1095, and 1160, and the same have been deposited in the office of the Secretary of State.
6 7 8	Respectfully submitted, Larry Rhoden Governor
9	REPORTS OF STANDING COMMITTEES
10	MR. SPEAKER:
11 12 13	The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared <b>HB 1094, 1192, 1195, and 1196, and HJR 5001</b> and finds the same correctly enrolled.
14 15	Respectfully submitted, Jon Hansen, Chair
16	MR. SPEAKER:
17 18	The Committee on House State Affairs respectfully reports that it has had under consideration <b>SB 68</b> and returns the same with the recommendation that said bill be amended as follows:
19	68F
20 21	On page 1, line 22, of the Senate Engrossed bill, delete " Class 6 felony" and insert " Class 1 misdemeanor"
22 23	On page 2, line 6, of the Senate Engrossed bill, delete " Class 6 felony" and insert " Class 1 misdemeanor"
24	And that as so amended, SB 68 do pass.
25	Also MR. SPEAKER:
26 27 28	The Committee on House State Affairs respectfully reports that it has had under consideration <b>SB 89 and 106</b> and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.
29	Also MR. SPEAKER:
30 31	The Committee on House State Affairs respectfully reports that it has had under consideration <b>SB 201</b> and returns the same with the recommendation that said bill do pass.
32 33	Respectfully submitted, Scott Odenbach, Chair

1 Also MR. SPEAKER:

2 The Committee on House Taxation respectfully reports that it has had under consideration 3 **SB 90** and returns the same with the recommendation that said bill do pass, and having been 4 certified as uncontested, be placed on the consent calendar.

5 Also MR. SPEAKER:

6 The Committee on House Taxation respectfully reports that it has had under consideration 7 **SB 169** and returns the same without recommendation.

8 Also MR. SPEAKER:

9 The Committee on House Taxation respectfully reports that it has had under consideration 10 **SB 178** which was deferred to the 41st Legislative Day.

11Respectfully submitted,12Aaron Aylward, Chair

13 MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration **SB 154** and returns the same with the recommendation that said bill do pass.

- 16Respectfully submitted,17Brian Mulder, Chair
- 18 MR. SPEAKER:

...

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 14** and returns the same with the recommendation that said bill be amended as follows:

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23 On page 4, line 15, of the Senate Judiciary Engrossed bill, after "felony." delete "Section 6. 24 That a NEW SECTION be added to chapter 34A-2:

25

On page 4, line 16, of the Senate Judiciary Engrossed bill, after "34A-2:" delete "The department may not provide an aggregated list, regardless of physical form, containing the address, geographic coordinate systems location, or legal location of a concentrated animal feeding operation with coverage under a general or individual water pollution control permit issued pursuant to § 34A-2-36, except as required by federal law or regulation, or at the discretion of the department in response to a request from a South Dakota state agency or local government for information regarding a permitted operation in the jurisdiction of the agency or local government."

- And that as so amended, **SB 14** do pass.
- 34 Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **SB 202** which was deferred to the 41st Legislative Day.

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1	Also MR. SPEAKER:
2 3 4	The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration <b>SJR 501</b> and returns the same with the recommendation that said resolution do pass.
5 6	Respectfully submitted, Marty Overweg, Chair
7	MR. SPEAKER:
8 9	The Committee on House Local Government respectfully reports that it has had under consideration <b>SB 127</b> with the recommendation that said bill be amended as follows:
10	127B
11 12 13	On page 1, line 1, of the Introduced bill, delete " by a municipality for the observance of additional holidays" and insert " and make an appropriation for grants supporting airport terminal improvements and expansion"
14	On the Introduced bill, delete everything after the enacting clause and insert:
15	"
16 17 18	<b>Section 1.</b> There is appropriated \$100 from the general fund, to the South Dakota Aeronautics Commission, for grants to support the improvement, expansion, and future capacity demands of terminals at public airports in this state.
19	Section 2. The Aeronautics Commission shall make grants pursuant to § 50-2-12.
20 21	<b>Section 3.</b> <u>The secretary of the Department of Transportation shall approve vouchers and the</u> <u>state auditor shall draw warrants to pay expenditures authorized in this Act.</u>
22 23	<b>Section 4.</b> Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.
24	Section 5. This Act is effective beginning June 30, 2025."
25 26	And that as so amended said bill be referred to the House Committee on Appropriations with a Do Pass recommendation.
27	Also MR. SPEAKER:
28 29	The Committee on House Local Government respectfully reports that it has had under consideration <b>SB 163</b> and returns the same with the recommendation that said bill do pass.
30	Also MR. SPEAKER:
31 32 33	The Committee on House Local Government respectfully reports that it has had under consideration <b>SB 128</b> and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.
34 35	Respectfully submitted, Greg Jamison, Chair

1 MR. SPEAKER:

2 The House Committee on Appropriations respectfully reports that it has had under 3 consideration **HB 1046** with the recommendation that said bill be referred to the Joint Committee 4 on Appropriations.

5 Also MR. SPEAKER:

6 The House Committee on Appropriations respectfully reports that it has had under 7 consideration **SB 54, 146, and 155** and returns the same with the recommendation that said bills 8 do pass.

- 9Respectfully submitted,10Mike Derby, Chair
  - MESSAGES FROM THE SENATE
- 12 MR. SPEAKER:

11

I have the honor to return herewith HB 1094, 1192, 1195, and 1196, and HJR 5001 which
 have passed the Senate without change.

15 Also MR. SPEAKER:

16 I have the honor to return herewith **HB 1114, 1131, and 1188** which have been amended 17 by the Senate and your concurrence in the amendments is respectfully requested.

18 Also MR. SPEAKER:

I have the honor to inform your honorable body that the Senate has adopted the report of theConference Committee on SB 25.

21 Also MR. SPEAKER:

I have the honor to transmit herewith **SB 6, 45, 56, and 95** which have passed the Senate and your favorable consideration is respectfully requested.

24 Also MR. SPEAKER:

I have the honor to inform your honorable body that **HCR 6008** was lost on second reading and final passage.

- 27
  - 28

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- MOTIONS AND RESOLUTIONS
- 30 Rep. Mulder moved that the House do concur in Senate amendments to **HB 1071**.

The question being on Rep. Mulder's motion that the House do concur in Senate amendments to **HB 1071**.

Respectfully,

Peggy Laurenz, Secretary

## 1 And the roll being called:

2 Yeas 69, Nays 1, Excused 0, Absent 0

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

10 Nays: Massie

11 So the motion having received an affirmative vote of a majority of the members-elect, the 12 Speaker declared the motion carried and the amendments were concurred in.

There being no objection, the House reverted to Order of Business No. 5 - Reports of StandingCommittees.

- REPORTS OF STANDING COMMITTEES
- 16 MR. SPEAKER:

17 The Committee on House Transportation respectfully reports that it has had under 18 consideration **SB 73** and returns the same with the recommendation that said bill be amended as 19 follows:

20

15

21 On page 1, line 5, of the Senate Engrossed bill, delete "If an " and insert "An "

22 On page 1, line 5, of the Senate Engrossed bill, after "individual" insert " who"

23 On page 1, line 5, of the Senate Engrossed bill, after "license" delete ", the individual"

And that as so amended, **SB 73** do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration **SB 193** and returns the same with the recommendation that said bill do pass.

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- 30

Respectfully submitted, Tony Randolph, Chair

There being no objection, the House proceeded to Order of Business No. 9 - Consideration of Reports of Committees.

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#### **CONSIDERATION OF REPORTS OF COMMITTEES**

- 2 Rep. Odenbach moved that the reports of the Standing Committees on
- 3 State Affairs on **SB 91** as found on page 432 of the House Journal; and
- 4 Judiciary on **SB 175** as found on page 434 of the House Journal be adopted.
- 5 Which motion prevailed and the reports were adopted.

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### FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

- **SB 6**: FOR AN ACT ENTITLED, An Act to transfer certain moneys and create a fund to support
   capital and infrastructure projects necessitated by the expansion of Ellsworth Air Force Base.
- 9 **SB 45**: FOR AN ACT ENTITLED, An Act to impose a motor vehicle technology fee.

SB 56: FOR AN ACT ENTITLED, An Act to authorize the payment of lease rental obligations to the South Dakota Building Authority by the Bureau of Finance and Management, to make an appropriation therefore, and to declare an emergency.

13 SB 95: FOR AN ACT ENTITLED, An Act to make an appropriation to the Department of Revenue 14 for distribution to county rural access infrastructure funds and to declare an emergency.

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

#### 16 SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS

17 Rep. Mulally requested that **SB 145 and 185** be removed from the Consent Calendar.

**SB 58**: FOR AN ACT ENTITLED, An Act to revise provisions related to human trafficking, to
 prohibit the obstruction of human trafficking enforcement, and to provide a penalty therefor.

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

SB 171: FOR AN ACT ENTITLED, An Act to add questions about historical property to seller's disclosure statement.

- 25 Were read the second time.
- 26 The question being "Shall **SB 92 and 171** pass as amended, and **SB 58** pass?"
- 27 And the roll being called:
- 28 Yeas 70, Nays 0, Excused 0, Absent 0

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

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.

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

**SB 75**: FOR AN ACT ENTITLED, An Act to require an indication of United States citizenship status on a motor vehicle operator's license or permit, and on a nondriver identification card.

13 Was read the second time.

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- 14 The question being "Shall **SB 75** pass as amended?"
- 15 And the roll being called:
- 16 Yeas 66, Nays 4, Excused 0, Absent 0

Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Bathke, Baxter, Czmowski, DeGroot, Derby,
Duffy, Emery, 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, Mulally, Mulder, Nolz, Novstrup,
Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reder, Rehfeldt, Reimer, Reisch, Rice,
Roby, Roe, Schaefbauer, Schwans, Shorma, Sjaarda, Soye, Stevens, Van Diepen, Vasgaard,
Walburg, Weems, Weisgram, and Speaker Hansen

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

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

SB 176: FOR AN ACT ENTITLED, An Act to clarify the discovery procedures and powers and to
 modify the administration of the Government Operations and Audit Committee.

- 29 Was read the second time.
- 30 The question being "Shall **SB 176** pass as amended?"
- 31 And the roll being called:
- 32 Yeas 58, Nays 12, Excused 0, Absent 0

Yeas: Andera, Arlint, Auch, Aylward, Bahmuller, Baxter, DeGroot, Derby, Duffy, Emery, Garcia,
 Gosch, Greenfield, Healy, Heermann, Heinemann, Hughes, Hunt, Ismay, Jamison, Jensen (Phil),
 Jordan, Jorgenson, Kassin, Kayser, Kull, Ladner, Lems, Manhart, Massie, May, Moore, Muckey,
 Mulally, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Pourier, Randolph, Reder,
 Reisch, Rice, Roby, Roe, Schaefbauer, Schwans, Sjaarda, Soye, Stevens, Uhre-Balk, Van Diepen,
 Walburg, Weisgram, Wittman, and Speaker Hansen

Nays: Bathke, Czmowski, Fitzgerald, Goodwin, Halverson, Kolbeck (Jack), Mortenson,
 Rehfeldt, Reimer, Shorma, Vasgaard, and Weems

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

3 **SB 24**: FOR AN ACT ENTITLED, An Act to revise provisions relating to the promulgation of 4 rules to set licensing and inspection fees for plumbers and related professions.

- 5 Was read the second time.
- 6 The question being "Shall **SB 24** pass?"
- 7 And the roll being called:
- 8 Yeas 54, Nays 16, Excused 0, Absent 0

Yeas: Andera, Arlint, Auch, Bahmuller, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery,
Fitzgerald, Garcia, Goodwin, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes,
Jamison, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Massie, May, Moore,
Mortenson, Muckey, Mulder, Nolz, Novstrup, Odenbach, Peterson (Drew), Rehfeldt, Reimer, Reisch,
Roby, Roe, Schwans, Shorma, Sjaarda, Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg,
Weems, Weisgram, Wittman, and Speaker Hansen

Nays: Aylward, Baxter, Gosch, Hunt, Ismay, Jensen (Phil), Jordan, Manhart, Mulally, Overweg,
 Pourier, Randolph, Reder, Rice, Schaefbauer, and Soye

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

19 **SB 27**: FOR AN ACT ENTITLED, An Act to revise provisions relating to licensing fees for 20 cosmetology, esthetics, and nail technology.

- 21 Was read the second time.
- 22 The question being "Shall **SB 27** pass?"
- And the roll being called:
- 24 Yeas 58, Nays 12, Excused 0, Absent 0

Yeas: Andera, Arlint, Auch, Bahmuller, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery,
Fitzgerald, Garcia, Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes,
Ismay, Jamison, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Massie, May, Moore,
Mortenson, Muckey, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Rehfeldt,
Reimer, Reisch, Rice, Roby, Roe, Schaefbauer, Schwans, Shorma, Stevens, Uhre-Balk, Van Diepen,
Vasgaard, Walburg, Weems, Weisgram, Wittman, and Speaker Hansen

- Nays: Aylward, Baxter, Hunt, Jensen (Phil), Jordan, Manhart, Mulally, Pourier, Randolph,
   Reder, Sjaarda, and Soye
- So the bill having received an affirmative vote of a two-thirds majority of the members-elect,
   the Speaker declared the bill passed and the title was agreed to.

35 SB 31: FOR AN ACT ENTITLED, An Act to revise amounts for inspection fees for electrical
 36 installations.

37 Was read the second time.

1 The question being "Shall **SB 31** pass?"

2 And the roll being called:

3 Yeas 55, Nays 15, Excused 0, Absent 0

Yeas: Andera, Arlint, Auch, Bahmuller, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery,
Fitzgerald, Garcia, Goodwin, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes,
Jamison, Jorgenson, Kassin, Kayser, Kolbeck (Jack), Kull, Ladner, Lems, Massie, May, Moore,
Mortenson, Muckey, Mulder, Nolz, Novstrup, Odenbach, Overweg, Peterson (Drew), Rehfeldt,
Reimer, Reisch, Roby, Roe, Schaefbauer, Schwans, Shorma, Sjaarda, Stevens, Uhre-Balk,
Van Diepen, Vasgaard, Walburg, Weisgram, Wittman, and Speaker Hansen

Nays: Aylward, Baxter, Gosch, Hunt, Ismay, Jensen (Phil), Jordan, Manhart, Mulally, Pourier,
 Randolph, Reder, Rice, Soye, and Weems

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

SB 59: FOR AN ACT ENTITLED, An Act to revise provisions relating to the delivery, possession with intent to deliver, and possession of unauthorized articles in a state correctional facility, and to provide a penalty therefor.

- 17 Was read the second time.
- 18 The question being "Shall **SB 59** pass as amended?"
- 19 And the roll being called:
- 20 Yeas 47, Nays 23, Excused 0, Absent 0

Yeas: Arlint, Bahmuller, Bathke, Czmowski, DeGroot, Derby, Duffy, Emery, Fitzgerald,
Goodwin, Gosch, Greenfield, Halverson, Healy, Heermann, Heinemann, Hughes, Ismay, Jamison,
Kassin, Kolbeck (Jack), Kull, Ladner, Manhart, Massie, Moore, Mortenson, Muckey, Mulder,
Novstrup, Odenbach, Peterson (Drew), Rehfeldt, Reimer, Reisch, Roby, Roe, Schaefbauer, Shorma,
Stevens, Uhre-Balk, Van Diepen, Vasgaard, Walburg, Weems, Weisgram, and Wittman

Nays: Andera, Auch, Aylward, Baxter, Garcia, Hunt, Jensen (Phil), Jordan, Jorgenson, Kayser,
 Lems, May, Mulally, Nolz, Overweg, Pourier, Randolph, Reder, Rice, Schwans, Sjaarda, Soye, and
 Speaker Hansen

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

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#### SIGNING OF BILLS

32 The Speaker publicly read the title to

HB 1094: FOR AN ACT ENTITLED, An Act to modify laws regarding school bus safety and to
 provide a penalty therefor.

35 HB 1192: FOR AN ACT ENTITLED, An Act to remove the maximum fee permitted to be charged36 by a notary.

37 HB 1195: FOR AN ACT ENTITLED, An Act to revise a provision related to the termination of38 parental rights of a child adjudicated abused or neglected.

HB 1196: FOR AN ACT ENTITLED, An Act to update Uniform Unclaimed Property Act to include
 provisions related to virtual currency and notice requirements.

HJR 5001: A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
 election an amendment to the Constitution of the State of South Dakota, conditioning the
 requirement of expanded Medicaid on the level of federal medical assistance.

6 SB 8: FOR AN ACT ENTITLED, An Act to establish certain criminal offenses for boat operators
 7 and to provide penalties therefor.

8 SB 60: FOR AN ACT ENTITLED, An Act to expand the access and investigatory authority of the
 9 state auditor.

SB 63: FOR AN ACT ENTITLED, An Act to establish protections for state employees who report
 improper governmental conduct and crime.

12 **SB 83**: FOR AN ACT ENTITLED, An Act to revise the penalty and provide treatment for the 13 ingestion of certain controlled substances.

14 **SB 123**: FOR AN ACT ENTITLED, An Act to revise provisions related to forensic medical 15 examinations.

16 **SB 140**: FOR AN ACT ENTITLED, An Act to revise a provision related to the reimbursement of 17 expenses incurred by a county in detaining a parolee.

18 SB 167: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to municipal 19 government.

20 **SB 219**: FOR AN ACT ENTITLED, An Act to require the acceptance of a cash payment for 21 admission to a school-affiliated event.

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

#### 23 COMMEMORATIONS

- HC 8018: A LEGISLATIVE COMMEMORATION, Congratulating the Watertown Arrows as the
   2024 Class AA State girls' golf team champions.
- 26 Introduced by: **Representative** Roby
- HC 8019: A LEGISLATIVE COMMEMORATION, Honoring the Watertown Arrows as the 2024
   Class 11AA football state champions.
- 29 Introduced by: **Representative** Roby
- HC 8020: A LEGISLATIVE COMMEMORATION, Celebrating the Watertown Arrows 2024 Class
   AA state boys golf championship.
- 32 Introduced by: **Representative** Roby

Rep. Bahmuller moved that the House do now adjourn, which motion prevailed and at 3:17 p.m. the House adjourned.

35 Patricia Miller, Chief Clerk