JOURNAL OF THE HOUSE

NINETY-SEVENTH SESSION

STATE OF SOUTH DAKOTA House of Representatives, Pierre Monday, February 07, 2022

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

The prayer was offered by the Chaplain, Rev. Matt Spoden, followed by the Pledge of Allegiance led by House pages Keely Bordeaux and Quinn Bormann.

Roll Call: All members present except Reps. Koth and Olson who were excused and Reps. Gross, Keintz, Randolph, and Rehfeldt who were present remotely.

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 17th 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, Spencer R. Gosch, Chair

Which motion prevailed.

1	The oath of office was administered by Speaker Gosch to the following named pages:
2 3 4	Keely Bordeaux, Quinn Bormann, Grace DiGiovanni, Collin Dingsor, Elaina Haugaard, Harlee Heim, Rupert Leaverton, Isabelle Mairose, Julia Platt, Olivia Rink, Kinsey Schuchhardt, Jacob Weinheimer.
5	Which was subscribed to and placed on file in the office of the Secretary of State.
6	REPORTS OF STANDING COMMITTEES
7	Mr. SPEAKER:
8 9 10	The Committee on Legislative Procedure respectfully reports that HB 1035 , 1043 , 1065 , 1104 , and 1105 were delivered to her Excellency, the Governor, for her approval at 9:00 a.m., February 7, 2022.
l1 l2	Respectfully submitted, Spencer R. Gosch, Chair
13	Mr. SPEAKER:
14 15 16	The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared HB 1028, 1050, 1107, 1108, and 1109, and HCR 6007 and finds the same correctly enrolled.
L7 L8	Respectfully submitted, Spencer R. Gosch, Chair
19	MR. SPEAKER:
20 21	The Committee on House State Affairs respectfully reports that it has had under consideration HB 1196 and returns the same with the recommendation that said bill do pass.
22	Also MR. SPEAKER:
23 24	The Committee on House State Affairs respectfully reports that it has had under consideration HB 1142, 1150, 1263, 1274, and 1297 which were deferred to the 41st Legislative Day.
25	Also MR. SPEAKER:
26 27	The Committee on House State Affairs respectfully reports that it has had under consideration HB 1319 and returns the same with the recommendation that said bill be amended as follows:
28	1319B
29	On page 1, after line 18, of the Introduced bill, insert: "
30	Section 2. That § 12-27-8 be AMENDED:
31 32	12-27-8. A legislative or county candidate or the candidate's campaign committee may accept contributions during any calendar year as follows:
33 34 35	(1) Not to exceed one thousand dollars from a person, unless the person is the candidate or a member of the candidate's immediate family, in which case contributions may be made without limit;

- 1 (2) Not to exceed one thousand dollars from an entity;
- 2 (3) Without limit from a political action committee;
- 3 (4) Without limit from a political party; and
 - (5) Without limit from a candidate campaign committee.

Any contribution from a federal candidate campaign committee is prohibited. Any contribution from a ballot question committee is prohibited. Any contribution from a person who is an unemancipated minor shall be deducted from the total contribution permitted under this section by the unemancipated minor's custodial parent or parents. A violation of this section is a Class 2 misdemeanor. A subsequent offense within a calendar year is a Class 1 misdemeanor."

And that as so amended, said bill do pass.

11 Respectfully submitted, 12 Kent Peterson, Chair

13 MR. SPEAKER:

 The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1099** and returns the same with the recommendation that said bill be amended as follows:

16 1099A

On page 1, line 17, of the Introduced bill, after "child." delete "Section 2. That § 26-8A-31 be AMENDED:

19 "

On page 1, line 18, of the Introduced bill, after "AMENDED:" delete "26-8A-31. At the taking of testimony pursuant to § 26-8A-30, the public shall be excluded from the room in which the witnesschild is testifying. The court shall determine those persons permitted to be physically present shall be determined by the court. The court, in its discretion, may permit in the room a person whose presence would contribute to the well-being of the witnesschild or the reduction of apprehension of the witnesschild during the testimony. Attorneys for the parties may not be excluded.

If the court makes a specific finding, outside the presence of the jury, that the presence of the defendant, or in a civil case, the presence of the respondent, in the same room as the witnesschild, will cause substantial emotional distress to the child and that such distress would impair the ability of the witnesschild to communicate, upon such finding the court may exclude the defendant from the room in which the witnesschild is testifying. However, if the defendant is excluded, the testimony of the witnesschild shall be by two-way, closed -circuit television such that the testimony of the witnesschild is televised in the courtroom and simultaneously thereto, a monitor in the room in which the witnesschild is testifying displays a view of the courtroom which view shall include the defendant. The right to have the defendant's image televised in the room in which the witnesschild is testifying is a right of the defendant which the defendant may waive. If the defendant is excluded from the room in which the witnesschild is testifying, the court shall provide for instantaneous communication between the defendant and defense counsel and grant reasonable court recesses during the testimony for consultation between the defendant and defense counsel. The court may communicate by audio system with attorneys outside of the courtroom.

If, on the motion of the prosecuting attorney and outside the presence of the jury, the court makes a specific finding that the child will suffer substantial emotional distress that will impair the ability of the child to communicate due to the presence of the jury or, although the child may be able to communicate in front of the jury, the child will suffer more than de minimis emotional distress due to the presence of the jury, the court may exclude the jury from the room in which the child is

testifying. The testimony of the child must be televised at the same time to the courtroom by closed circuit television equipment."

On page 2, line 23, of the Introduced bill, after "equipment." delete "Section 3. That chapter

On page 2, line 23, of the Introduced bill, after "equipment." delete "Section 3. That chapter 26-8A be amended with a NEW SECTION:

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On page 2, line 24, of the Introduced bill, after "SECTION:" delete "In any proceeding in which a child under the age of eighteen is describing any act of sexual contact or rape performed with or on the child by another, any act of physical abuse or neglect of the child by another, any act of physical abuse or neglect of another child, any act of human trafficking of the child by another, or any act constituting a crime of violence as defined in § 22-1-2 committed against the child or another child, the court on its own motion or by motion of an attorney in the proceeding may provide any of the following accommodations to the child:

- (1) To be addressed, asked questions, and read the oath or affirmation to testify truthfully in an age-appropriate manner;
 - (2) To be free of nuisance or harassing tactics in the proceeding;
- (3) To have a person who would contribute to the well-being of the child present, clearly visible, and in close proximity, if the person is not a witness in the proceeding;
 - (4) To have sufficient breaks in the proceedings to allow the comfort of the child;
- (5) To have a certified therapeutic dog as defined by § 23A-24-10, item used to provide psychological comfort, or both, present in the room with the child;
- (6) If the testimony is not taking place in a room other than the courtroom, to the use of a screen that would permit the judge, jury, and defendant to see the child but would obscure the child's view of the defendant, the public, or the jury; or
- (7) If the defendant has chosen to proceed pro se, to have the court appoint standby counsel for the defendant for the sole purpose of questioning the child on behalf of the defendant if the court finds that there is a substantial likelihood that emotional harm would come to the child if the defendant could question the child directly."
- And that as so amended, said bill do pass.
- 29 Also MR. SPEAKER:
- The Committee on House Judiciary respectfully reports that it has had under consideration **HB 1100** and returns the same with the recommendation that said bill be amended as follows:

32 1100A

- On page 1, line 5, of the Introduced bill, remove the overstrikes from "If"
- On page 1, line 5, of the Introduced bill, after "If" delete "A"
- On page 1, line 5, of the Introduced bill, after "IfA " insert "a victim is less than eighteen years of age at the time of a preliminary hearing or deposition, a "
- On page 1, line 5, of the Introduced bill, delete " a" and insert " the"
- On page 1, line 6, of the Introduced bill, after "at" delete " a"
- 39 On page 1, line 6, of the Introduced bill, after "a " insert "the "

1 2	On page 1, line 14, of the Introduced bill, after "22-49-2" delete ", where the victim is less than eighteen years old"
3	And that as so amended, said bill do pass.
4	Also MR. SPEAKER:
5 6	The Committee on House Judiciary respectfully reports that it has had under consideration HB 1157 and 1187 which were deferred to the 41st Legislative Day.
7 8	Respectfully submitted, Jon Hansen, Chair
9	MESSAGES FROM THE SENATE
10	Mr. SPEAKER:
11 12 13 14	I have the honor to inform your honorable body that the Senate has appointed Senators Johns (Chair), Wheeler, and Heinert as a committee of three on the part of the Senate to meet with a like committee on the part of the House to adjust the differences between the two houses on HB 1068 .
15	Also Mr. SPEAKER:
16 17	I have the honor to return herewith ${\bf HB~1050,~1107,~1108,~and~1109}$ which have passed the Senate without change.
18	Also Mr. SPEAKER:
19 20	I have the honor to transmit herewith SB 91 which has passed the Senate and your favorable consideration is respectfully requested.
21 22	Respectfully, Kay Johnson, Secretary
23	MOTIONS AND RESOLUTIONS
24	Rep. Hoffman moved that the House do concur in Senate amendments to HB 1076 .
25 26	The question being on Rep. Hoffman's motion that the House do concur in Senate amendments to HB 1076 .
27	And the roll being called:
28	Yeas 62, Nays 6, Excused 2, Absent 0
29 30 31 32 33	Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Davis, Dennert, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith,

1 2	Soye, St. John, Stevens, Thomason, Tidemann, Weis, Weisgram, Wiese, Willadsen, Wink, York, an Speaker Gosch
3	Nays: Cwach, Derby, Mulally, Odenbach, Pourier, and Vasgaard
4	Excused: Koth and Olson
5 6	So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and the amendments were concurred in.
7 8	HCR 6004 : A CONCURRENT RESOLUTION, urging the creation of safe and supportive environments for students with epilepsy.
9	Was read the second time.
10 11	Rep. Lana Greenfield moved that HCR 6004 as found on page 205 of the House Journal badopted.
12	The question being on Rep. Lana Greenfield's motion that HCR 6004 be adopted.
13	And the roll being called:
14	Yeas 68, Nays 0, Excused 2, Absent 0
15 16 17 18 19 20 21	Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson Karr, Keintz, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally Odenbach, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemani Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch
22	Excused: Koth and Olson
23 24	So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and HCR 6004 was adopted.
25	CONSIDERATION OF REPORTS OF COMMITTEES
26	Rep. Kent Peterson moved that the reports of the Standing Committees on
27	Judiciary on HB 1060 as found on page 207 of the House Journal; also
28	Judiciary on HB 1115 as found on page 208 of the House Journal; also
29 30	Commerce and Energy on HB 1130 and 1169 as found on page 205 of the House Journa and
31	Education on HB 1185 as found on page 205 of the House Journal be adopted.
32	Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

The Speaker declared that **HB 1006** was withdrawn at the request of the prime sponsor pursuant to Joint Rule 6B-1.1.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

- 5 **SB 91**: FOR AN ACT ENTITLED, An Act to revise provisions regarding the use of certain lights by county highway department authorized vehicles.
- 7 Was read the first time.

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- The following bills were read on February 1, 2022, and today the Speaker assigned these bills to committee:
- 10 SB 56 and SB 57 were referred to the Committee on Retirement Laws.

SECOND READING OF CONSENT CALENDAR ITEMS

- 12 **HB 1077**: FOR AN ACT ENTITLED, An Act to require certain language for the oath or affirmation for civil office.
- 14 **HB 1271**: FOR AN ACT ENTITLED, An Act to provide for remote work for employees of money lending licensees and mortgage lender businesses.
- Were read the second time.
- 17 The question being "Shall **HB 1077** pass as amended, and **HB 1271** pass?"
- 18 And the roll being called:
- 19 Yeas 68, Nays 0, Excused 2, Absent 0
- 20 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach,
- 21 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross,
- 22 Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson,
- 23 Karr, Keintz, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally,
- 24 Odenbach, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph,
- 25 Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann,
- 26 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch
- 27 Excused: Koth and Olson
- 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

31 Speaker Pro tempore Hansen now presiding.

1 HB 1033: FOR AN ACT ENTITLED, An Act to expand the eligible projects for the local 2 infrastructure improvement grant fund. 3 Was read the second time. 4 The question being "Shall HB 1033 pass?" 5 And the roll being called: 6 Yeas 41, Nays 27, Excused 2, Absent 0 7 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Drury, Duba, Finck, Goodwin, Healy, Jamison, Chris Johnson, Keintz, Ladner, Lesmeister, Miskimins, 8 Mortenson, Ernie Otten, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer, 9 10 Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Vasqaard, Weisgram, Willadsen, Wink, and 11 12 Nays: Aylward, Dennert, Deutsch, Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard, 13 Hoffman, Howard, Kevin Jensen, Phil Jensen, Karr, Marty, May, Mills, Milstead, Mulally, Odenbach, 14 Overweg, Pischke, Randolph, Soye, St. John, Weis, Wiese, and Speaker Gosch 15 Excused: Koth and Olson 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 1131**: FOR AN ACT ENTITLED, An Act to provide for a revocation of hunting, trapping, or 19 fishing privileges. 20 Was read the second time. 21 The question being "Shall HB 1131 pass?" 22 And the roll being called: 23 Yeas 66, Nays 2, Excused 2, Absent 0 24 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, 25 Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, 26 27 Keintz, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, Odenbach, 28 Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pourier, Randolph, Reed, Rehfeldt, 29 Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weis, 30 Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch 31 Nays: Karr and Pischke 32 Excused: Koth and Olson 33 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker 34 declared the bill passed and the title was agreed to. 35 HB 1129: FOR AN ACT ENTITLED, An Act to prohibit forms of discrimination in access to organ 36 transplantation.

Was read the second time.

1 The guestion being "Shall **HB 1129** pass as amended?" 2 And the roll being called: 3 Yeas 68, Nays 0, Excused 2, Absent 0 4 Yeas: Anderson, Aylward, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Goodwin, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, 6 Karr, Keintz, Ladner, Lesmeister, Marty, May, Mills, Milstead, Miskimins, Mortenson, Mulally, 8 Odenbach, Ernie Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Pourier, Randolph, 9 Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, Thomason, Tidemann, 10 Vasgaard, Weis, Weisgram, Wiese, Willadsen, Wink, York, and Speaker Gosch 11 Excused: Koth and Olson 12 So the bill having received an affirmative vote of a majority of the members-elect, the Speaker 13 declared the bill passed and the title was agreed to. 14 HB 1174: FOR AN ACT ENTITLED, An Act to revise recordkeeping and payment requirements 15 for sales of catalytic converters to scrap metal businesses. 16 Was read the second time. 17 The question being "Shall **HB 1174** pass as amended?" 18 And the roll being called: 19 Yeas 60, Nays 8, Excused 2, Absent 0 20 Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Dennert, Derby, Deutsch, Drury, Duba, Finck, Fitzgerald, Lana Greenfield, Gross, Hansen, Haugaard, 21 22 Healy, Hoffman, Howard, Jamison, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Keintz, Ladner, 23 Lesmeister, Marty, May, Mills, Milstead, Miskimins, Odenbach, Ernie Otten, Perry, Kent Peterson, Sue Peterson, Randolph, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Soye, St. John, Stevens, 24 25 Thomason, Tidemann, Vasqaard, Weis, Weisgram, Wiese, Willadsen, Wink, and York 26 Nays: Aylward, Goodwin, Mortenson, Mulally, Overweg, Pischke, Pourier, and Speaker Gosch Excused: Koth and Olson 27 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 HB 1172: FOR AN ACT ENTITLED, An Act to assist students in objectively reviewing scientific 31 information. 32 Was read the second time. 33 The question being "Shall **HB 1172** pass?" 34 And the roll being called: 35 Yeas 28, Nays 40, Excused 2, Absent 0

1 2 3	Yeas: Aylward, Dennert, Deutsch, Lana Greenfield, Gross, Hansen, Haugaard, Howard, Kevin Jensen, Phil Jensen, Chris Johnson, Karr, Marty, May, Mills, Milstead, Mulally, Odenbach, Overweg, Perry, Sue Peterson, Pischke, Randolph, Soye, St. John, Weis, Wiese, and Speaker Gosch
4 5 6 7	Nays: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Drury, Duba, Finck, Fitzgerald, Goodwin, Healy, Hoffman, Jamison, Keintz, Ladner, Lesmeister, Miskimins, Mortenson, Ernie Otten, Kent Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Willadsen, Wink, and York
8	Excused: Koth and Olson
9 10	So the bill not having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill lost.
11	HB 1079 : FOR AN ACT ENTITLED, An Act to revise provisions regarding court transcript costs.
12	Was read the second time.
13	The question being "Shall HB 1079 pass?"
14	And the roll being called:
15	Yeas 51, Nays 17, Excused 2, Absent 0
16 17 18 19 20	Yeas: Anderson, Bartels, Barthel, Beal, Blare, Bordeaux, Chaffee, Chase, Cwach, Davis, Derby, Deutsch, Drury, Duba, Finck, Lana Greenfield, Gross, Hansen, Haugaard, Healy, Hoffman, Jamison, Chris Johnson, Karr, Keintz, Ladner, Lesmeister, Mills, Miskimins, Mortenson, Odenbach, Ernie Otten, Perry, Kent Peterson, Sue Peterson, Pourier, Reed, Rehfeldt, Reimer, Schneider, Jamie Smith, St. John, Stevens, Thomason, Tidemann, Vasgaard, Weisgram, Wiese, Willadsen, Wink, and York
21 22	Nays: Aylward, Dennert, Fitzgerald, Goodwin, Howard, Kevin Jensen, Phil Jensen, Marty, May, Milstead, Mulally, Overweg, Pischke, Randolph, Soye, Weis, and Speaker Gosch
23	Excused: Koth and Olson
24 25	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.
26	Speaker Gosch now presiding.
27	COMMEMORATIONS
28 29	HC 8003 : A LEGISLATIVE COMMEMORATION, Celebrating the Sioux Falls Lincoln High School's boys tennis program's seventh-straight State Class AA team championship.
30	Introduced by: Representative Thomason.

1 SIGNING OF BILLS 2 The Speaker publicly read the title to 3 HB 1028: FOR AN ACT ENTITLED, An Act to update certain provisions related to the licensure of optometrists. HB 1050: FOR AN ACT ENTITLED, An Act to repeal obsolete lease requirements for the Black 6 Hills Playhouse. 7 HB 1107: FOR AN ACT ENTITLED, An Act to establish a process for requesting records 8 prepared or maintained by court services officers. 9 HB 1108: FOR AN ACT ENTITLED, An Act to revise provisions related to driving under the 10 influence. 11 HB 1109: FOR AN ACT ENTITLED, An Act to revise a provision related to the review of the 12 master jury list. 13 And signed the same in the presence of the House. 14 Rep. Reimer moved that the House do now adjourn, which motion prevailed and at 3:46 p.m. 15 the House adjourned. 16 Patricia Miller, Chief Clerk