

JOURNAL OF THE SENATE

ONE HUNDREDTH SESSION

THIRTY-SIXTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, March 12, 2025

The Senate convened at 10:00 a.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Father David Hussey, followed by the Pledge of Allegiance led by Senate page Spencer Sargent.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 35th 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,
Chris Karr, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 55** and returns the same with the recommendation that said bill be amended as follows:

55A

On page 6, line 23, of the Introduced bill, after "eight-tenths " insert "two-tenths"

On page 6, line 23, of the Introduced bill, after "eight-tenths " delete "four-tenths"

On page 7, line 18, of the Introduced bill, after "eight-tenths " insert "two-tenths"

On page 7, line 18, of the Introduced bill, after "eight-tenths " delete "four-tenths"

On page 9, line 28, of the Introduced bill, after "\$1.288 " insert "\$1. 262"

On page 9, line 28, of the Introduced bill, after "\$1.288 " delete "\$1. 264"

And that as so amended, **SB 55** do pass.

Also MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 189** which was tabled.

Also MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration **SB 220** and returns the same with the recommendation that said bill do pass.

Respectfully submitted,
Ernie Otten, Co-Chair

Respectfully submitted,
Mike Derby, Co-Chair

MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration the nomination of Jeffery Erickson of Lincoln County, Sioux Falls, South Dakota, to the Board of Economic Development and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said reappointment having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Commerce and Energy respectfully reports that it has had under consideration the nomination of Michael Luken of Codington County, Watertown, South Dakota, to the Board of Economic Development and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment, and that said reappointment having been certified as uncontested, be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Senate Commerce and Energy respectfully reports that it has had under
 3 consideration the nomination of David Emery of Pennington County, Rapid City, South Dakota, to
 4 the Board of Economic Development and returns the same with the recommendation that the Senate
 5 advise and consent to the confirmation of said reappointment, and that said reappointment having
 6 been certified as uncontested, be placed on the consent calendar.

7 Respectfully submitted,
 8 Casey Crabtree, Chair

9 MR. PRESIDENT:

10 The Committee on Legislative Procedure respectfully reports that **SJR 503 and 505** were
 11 delivered to her Excellency, the Secretary of State, for filing at 9:40 a.m., March 12, 2025.

12 Also MR. PRESIDENT:

13 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and
 14 Enrolling has carefully compared **SB 6, 14, 73, and 216** and finds the same correctly enrolled.

15 Also MR. PRESIDENT:

16 The Committee on Legislative Procedure respectfully reports that **SB 3, 26, 32, 64, 70, 75,**
 17 **88, 90, 100, 115, 120, 131, 143, 164, 173, and 215** were delivered to his Excellency, the
 18 Governor, for his approval at 10:00 a.m., March 12, 2025.

19 Respectfully submitted,
 20 Chris Karr, Chair

21 **REPORTS OF CONFERENCE COMMITTEE**

22 MR. PRESIDENT:

23 The SB91 A Conference Committee on SB91 respectfully reports that it has considered the
 24 disagreement of the two houses, and returns the same with the recommendation that said bill be
 25 amended as follows:

26 91F

27 On page 2, line 15, of the House State Affairs Engrossed bill, after "text" insert " pursuant to
 28 subdivision (2)"

29 On page 2, line 15, of the House State Affairs Engrossed bill, remove the overstrikes from ". A
 30 sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents
 31 filed constitute the entire petition and to the best of the knowledge of the sponsors contains a
 32 sufficient number of signatures, must also be filed with the secretary of state. The initiated
 33 amendment petition signatures must be filed with the secretary of state by the first Tuesday in May
 34 of a general election year for the initiated amendment to qualify for submission to the voters at the
 35 next general election"

36 On page 2, line 20, of the House State Affairs Engrossed bill, after "election" delete " pursuant
 37 to subdivision (1)"

38 On page 3, line 25, of the House State Affairs Engrossed bill, after "text" insert " pursuant to
 39 subdivision (2)"

1 On page 3, line 25, of the House State Affairs Engrossed bill, remove the overstrikes from ". A
 2 sworn affidavit, signed by at least two-thirds of the petition sponsors, stating that the documents
 3 filed constitute the entire petition and to the best of the knowledge of the sponsors contains a
 4 sufficient number of signatures, must also be filed with the secretary of state. The initiated measure
 5 petition signatures must be filed with the secretary of state by the first Tuesday in May of a general
 6 election year for the initiated measure to qualify for submission to the voters at the next general
 7 election"

8 On page 3, line 31, of the House State Affairs Engrossed bill, after "election" delete " pursuant
 9 to subdivision (1)"

10 On page 3, line 35, of the House State Affairs Engrossed bill, after "section." delete "Section
 11 3. That a NEW SECTION be added to chapter 2-1:"

12 On page 4, line 1, of the House State Affairs Engrossed bill, after "2-1:" delete "For an initiated
 13 amendment to the South Dakota Constitution or an initiated measure to qualify for submission to
 14 the voters at the general election designated on the petition, pursuant to § 2-1-1. 1 or 2-1-1. 2, the
 15 petition sponsors must file petition signatures with the secretary of state by the first Tuesday in
 16 February of the general election year designated on the petition. The petition signatures must be
 17 filed along with the verifications completed pursuant to § 2-1-10.

18 A sworn affidavit, signed by at least two-thirds of the petition sponsors, must be filed with the
 19 secretary of state along with the signatures on the petition, stating:

20 (1) The documents filed constitute the entire petition; and

21 (2) The petition contains, to the best knowledge of the petition sponsors, at least the number
 22 of valid signatures required by S. D. Const. , Art. III, § 1, or S. D. Const. , Art. XXIII, § 1.

23 The State Board of Elections shall prescribe the form of the affidavit."

24 Respectfully submitted,
 25 Tim S. Reed, Chair

Respectfully submitted,
 Jessica Bahmuller, Chair

26 MR. PRESIDENT:

27 The SB68 A Conference Committee on SB68 respectfully reports that it has considered the
 28 disagreement of the two houses, and returns the same with the recommendation that said bill be
 29 amended as follows:

30 68K

31 On page 2, line 2, of the House State Affairs Engrossed bill, after "election." insert "

32 This section does not apply to a state employee submitting voter registration information to
 33 another entity pursuant to federal law."

34 Respectfully submitted,
 35 Steve Kolbeck, Chair

Respectfully submitted,
 Logan Manhart, Chair

36

1 MR. PRESIDENT:

2 The HB1218 A Conference Committee on HB1218 respectfully reports that it has considered
 3 the disagreement of the two houses, and returns the same with the recommendation that the Senate
 4 and House do concur with the amendments to HB 1218.

5 Respectfully submitted,
 6 Aaron Aylward, Chair

Respectfully submitted,
 Kevin D. Jensen, Chair

7 **MESSAGES FROM THE HOUSE**

8 MR. PRESIDENT:

9 I have the honor to inform your honorable body that the House has adopted the report of
 10 the Standing Committee on Joint Legislative Procedure relative to the calendar for the One Hundred
 11 First Legislative Session.

12 Also MR. PRESIDENT:

13 I have the honor to inform your honorable body that the House has appointed
 14 Representatives Manhart (Chair), Kayser, and Wittman as a committee of three on the part of the
 15 House to meet with a like committee on the part of the Senate to adjust the differences between
 16 the two houses on **SB 68**.

17 Also MR. PRESIDENT:

18 I have the honor to inform your honorable body that the House has appointed
 19 Representatives Schwans (Chair), Hughes, and Reisch as a committee of three on the part of the
 20 House to meet with a like committee on the part of the Senate to adjust the differences between
 21 the two houses on **SB 113**.

22 Also MR. PRESIDENT:

23 I have the honor to inform your honorable body that the House has concurred in Senate
 24 amendments to **HB 1239, 1245, and 1259**.

25 Also MR. PRESIDENT:

26 I have the honor to inform your honorable body that the House has failed to concur in Senate
 27 amendments to **HB 1135** and no committee was appointed.

28
 29 Respectfully,
 Patricia Miller, Chief Clerk

30 **MOTIONS AND RESOLUTIONS**

31 Sen. Mehlhaff moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
 32 Thursday, March 13, 2025, the 37th legislative day.

33 Which motion prevailed.

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CONSIDERATION OF REPORTS OF COMMITTEES

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Sen. Mehlhaff moved that the report of the Standing Committee on Joint Legislative Procedures relative to the calendar for the One Hundred First Legislative Session as found on page 514 of the Senate Journal be adopted.

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The question being on Sen. Mehlhaff's motion that the report of the Standing Committee on Joint Legislative Procedures relative to the calendar for the One Hundred First Legislative Session be adopted.

8

And the roll being called:

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Yeas 35, Nays 0, Excused 0, Absent 0

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Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler, and Zikmund

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So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion prevailed.

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CONSIDERATION OF EXECUTIVE APPOINTMENTS

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The Senate proceeded to the consideration of the executive appointment of Griffin Petersen of Sully County, Onida, South Dakota, to the State Board of Regents.

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The question being "Does the Senate advise and consent to the executive appointment of Griffin Petersen?"

21

And the roll being called:

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Yeas 35, Nays 0, Excused 0, Absent 0

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Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita, Wheeler, and Zikmund

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So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

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The Senate proceeded to the consideration of the executive appointment of Miles Beacom of Lincoln County, Sioux Falls, South Dakota, to the State Board of Regents.

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32

The question being "Does the Senate advise and consent to the executive appointment of Miles Beacom?"

33

And the roll being called:

34

Yeas 34, Nays 1, Excused 0, Absent 0

1 Yeas: Beal, Blanc, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard, Hulse,
 2 Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson, Otten,
 3 Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight, Voita,
 4 Wheeler, and Zikmund

5 Nays: Carley

6 So the question having received an affirmative vote of a majority of the members-elect, the
 7 President declared the appointment confirmed.

8 The Senate proceeded to the consideration of the executive appointment of James Dover of
 9 Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Board of Technical Education.

10 The question being "Does the Senate advise and consent to the executive appointment of
 11 James Dover?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,
 15 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,
 16 Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,
 17 Voita, Wheeler, and Zikmund

18 So the question having received an affirmative vote of a majority of the members-elect, the
 19 President declared the appointment confirmed.

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

21 **SB 220:** FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary expenses of
 22 the legislative, judicial, and executive departments of the state, the current expenses of state
 23 institutions, interest on the public debt, and common schools.

24 Introduced by: The Joint Committee on Appropriations

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

26 **SIGNING OF BILLS**

27 The President publicly read the title to

28 **SB 6:** FOR AN ACT ENTITLED, An Act to authorize a loan from the South Dakota housing
 29 infrastructure fund to a school district adjoining a federal military installation for the construction or
 30 expansion of a school building.

31 **SB 14:** FOR AN ACT ENTITLED, An Act to revise and repeal provisions related to agricultural
 32 production facilities and to provide a penalty therefor.

33 **SB 73:** FOR AN ACT ENTITLED, An Act to require that an individual registering as a voter when
 34 applying for a driver license be a resident of this state for the purposes of voting.

1 **SB 216:** FOR AN ACT ENTITLED, An Act to reduce the growth in the assessed value of owner-
2 occupied property, limit increases in certain property tax revenues, revise provisions regarding
3 school district excess tax levies, and revise eligibility requirements for a property tax assessment
4 freeze.

5 **HB 1005:** FOR AN ACT ENTITLED, An Act to modify the requirement for payment of a private
6 home study by the Department of Social Services.

7 **HB 1039:** FOR AN ACT ENTITLED, An Act to amend the programs reimbursing a teacher or
8 school counselor for earning national board certification.

9 **HB 1130:** FOR AN ACT ENTITLED, An Act to provide permissible dates for municipal and school
10 district elections.

11 **HB 1184:** FOR AN ACT ENTITLED, An Act to amend the deadline for filing a petition to initiate
12 a measure or constitutional amendment.

13 **HB 1256:** FOR AN ACT ENTITLED, An Act to require the inclusion of certain information on a
14 candidate's nominating petition or on a ballot question petition.

15 **HB 1264:** FOR AN ACT ENTITLED, An Act to require the disclosure of an outstanding loan
16 balance on a campaign finance disclosure report.

17 **HJR 5003:** A JOINT RESOLUTION, Proposing and submitting to the voters at the next general
18 election an amendment to the Constitution of the State of South Dakota, requiring that a
19 constitutional amendment receive an affirmative vote of sixty percent of the votes cast before the
20 measure is enacted.

21 And signed the same in the presence of the Senate.

22 Sen. Mehlhaff moved that the Senate do now recess until 1:30 p.m.

23 Which motion prevailed and at 10:53. a.m., the Senate recessed.

24 **RECESS**

25 The Senate reconvened at 1:30 p.m., the President presiding.

26 **REPORTS OF CONFERENCE COMMITTEES**

27 MR. PRESIDENT:

28 The SB113 A Conference Committee on SB113 respectfully reports that it has considered the
29 disagreement of the two houses, and returns the same with the recommendation that said bill be
30 amended as follows:

31 113F

32 On page 1, line 9, of the House Engrossed bill, after "law." delete "No person may use this
33 section to challenge a proceeding under chapters 26-7A or 26-8A."

34 Respectfully submitted,
35 Sue Peterson, Chair

Respectfully submitted,
Tesa Schwans, Chair

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CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

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Sen. Kolbeck (Steve) moved that the report of the Conference Committee on **SB 68** as found on page 518 of the Senate Journal be adopted.

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The question being on Sen. Kolbeck (Steve)'s motion that the report of the Conference Committee on **SB 68** be adopted.

5

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And the roll being called:

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Yeas 32, Nays 2, Excused 1, Absent 0

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Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler, and Zikmund

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Nays: Larson and Smith

13

Excused: Foster

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So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the report was adopted.

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17

Sen. Reed moved that the report of the Conference Committee on **SB 91** as found on page 517 of the Senate Journal be adopted.

18

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The question being on Sen. Reed's motion that the report of the Conference Committee on **SB 91** be adopted.

20

And the roll being called:

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Yeas 32, Nays 3, Excused 0, Absent 0

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Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Grove, Hohn, Howard, Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler, and Zikmund

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Nays: Foster, Larson, and Smith

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So the motion having received an affirmative vote of a majority of the members-elect, the President declared the motion carried and the report was adopted.

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30

Sen. Peterson (Sue) moved that the report of the Conference Committee on **SB 113** as found on page 522 of the Senate Journal be adopted.

31

32

The question being on Sen. Peterson (Sue)'s motion that the report of the Conference Committee on **SB 113** be adopted.

33

And the roll being called:

34

Yeas 31, Nays 4, Excused 0, Absent 0

1 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Duhamel, Grove, Hohn, Howard, Hulse,
 2 Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry,
 3 Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler, and
 4 Zikmund

5 Nays: Deibert, Foster, Larson, and Smith

6 So the motion having received an affirmative vote of a majority of the members-elect, the
 7 President declared the motion carried and the report was adopted.

8 Sen. Jensen (Kevin) moved that the report of the Conference Committee on **HB 1218** as found
 9 on page 519 of the Senate Journal be adopted.

10 The question being on Sen. Jensen (Kevin)'s motion that the report of the Conference
 11 Committee on **HB 1218** be adopted.

12 And the roll being called:

13 Yeas 32, Nays 3, Excused 0, Absent 0

14 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Grove, Hohn, Howard, Hulse,
 15 Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Marty, Mehlhaff, Miskimins, Nelson, Otten, Perry,
 16 Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Vilhauer, Voight, Voita, Wheeler, and
 17 Zikmund

18 Nays: Foster, Larson, and Smith

19 So the motion having received an affirmative vote of a majority of the members-elect, the
 20 President declared the motion carried and the report was adopted.

21 **SECOND READING AND CONSIDERATION OF CONSENT CALENDAR ITEMS**

22 The executive reappointment of Jeffory Erickson of Lincoln County, Sioux Falls, South Dakota,
 23 to the Board of Economic Development.

24 The executive reappointment of Michael Luken of Codington County, Watertown, South Dakota,
 25 to the Board of Economic Development.

26 The executive reappointment of David Emery of Pennington County, Rapid City, South Dakota,
 27 to the Board of Economic Development.

28 Were read a second time.

29 The question being "Does the Senate advise and consent to the executive reappointments?"

30 And the roll being called:

31 Yeas 35, Nays 0, Excused 0, Absent 0

32 Yeas: Beal, Blanc, Carley, Crabtree, Davis, Deibert, Duhamel, Foster, Grove, Hohn, Howard,
 33 Hulse, Jensen (Kevin), Karr, Kolbeck (Steve), Lapka, Larson, Marty, Mehlhaff, Miskimins, Nelson,
 34 Otten, Perry, Peterson (Sue), Pischke, Reed, Rohl, Sauder, Schoenfish, Smith, Vilhauer, Voight,
 35 Voita, Wheeler, and Zikmund

36 So the question having received an affirmative vote of a majority of the members-elect, the
 37 President declared the reappointments confirmed.

1 Sen. Zikmund moved that the Senate do now adjourn, which motion prevailed and at
2 1:47 p.m. the Senate adjourned.

3

Peggy Laurenz, Secretary

