

SENATE JOURNAL
THIRD SPECIAL SESSION
of the
SIXTY-THIRD LEGISLATURE

April 16, 2020

Pursuant to the proclamation the Senate of the Sixty-Third Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 2:00 p.m. on Thursday, April 16, 2020.

The Senate was called to order at 3:00 p.m. with President J. Stuart Adams presiding.

Prayer – Senator Ralph Okerlund

Pledge of Allegiance – Senator Derek Kitchen

Roll Call –All Senators present

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Jennifer Storie, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, Article VI, Section 2 of the Utah Constitution authorizes the President of the Utah Senate and the Speaker of the Utah House of Representatives to issue a joint proclamation convening the Utah Legislature in a special session when two-thirds of the members of the Senate and House of Representatives favor convening the Legislature into a special session because an emergency in the affairs of the state necessitates convening the Legislature into session; and

WHEREAS, a poll conducted by the President of the Utah Senate and the Speaker of the Utah House of Representatives determined that at least two-thirds of the members of the Utah Senate and at least two-thirds of the members of the Utah House of Representatives are in favor of convening the Legislature into a special session because of the COVID-19 emergency;

NOW, THEREFORE, we, J. Stuart Adams, President of the Utah Senate, and Brad R. Wilson, Speaker of the Utah House of Representatives, by the authority vested in us by the Utah Constitution, do by this joint proclamation, call the Sixty-Third Legislature of the State of Utah into a Third Special Session to be

conducted electronically with the anchor location at the Utah State Capitol in Salt Lake City, Utah on the 16th day of April, 2020, at 9:00 a.m. to consider:

1.authorizing the state to accept certain federal funds available from the United States government to assist states, political subdivisions, and individuals in addressing issues raised by the COVID–19 emergency and issues raised by steps taken to abate the emergency;

2.adjusting the fiscal year 2020 and fiscal year 2021 budgets to address the COVID–19 emergency and its impacts;

3.increasing the state’s capacity to issue general obligation bonds by removing statutory limits on current debt authorizations;

4.making changes to budget implementation and budget reporting requirements;

5.making changes to the state’s unemployment insurance program to reduce the waiting period before benefits can be distributed to an applicant under certain circumstances;

6.making changes to the state’s workers’ compensation insurance program to cover first responders who contract COVID–19 under certain conditions;

7.making changes to income tax provisions relating to qualified retirement plan distributions, filing and payment deadlines, and extension requirements;

8.establishing protocols, requirements, and processes to guide the state toward economic recovery from the impacts of the COVID–19 emergency;

9.providing assistance to certain Utah businesses and residents negatively affected by the COVID–19 emergency;

10.making changes to requirements governing statewide emergencies, including pandemic emergencies;

11.making changes to requirements governing local government authority in emergencies, including pandemic emergencies;

12.establishing, or encouraging the establishment of, protocols, requirements, and processes to make it easier for patients to obtain safe medications that could positively affect outcomes for patients diagnosed with the COVID–19 virus;

13.establishing liability protection for certain entities that provide or support access to emergency medical treatments to address the COVID–19 virus and, with certain exceptions, establishing liability protection for health care providers who provide health care to a patient for an illness or condition that resulted from a declared public health emergency;

14.establishing processes to govern the 2020 regular primary election;

15.making changes to municipal annexation requirements;

16.making changes to the sales and use tax exemption for sales of fuel to a rail carrier for use in a locomotive engine and enacting related provisions;

17.creating a program to provide scholarships for students with disabilities to help cover certain costs to attend qualifying private schools, and creating related corporate and individual tax credits for certain donations to the scholarship program;

18.a resolution urging state and local government entities to exercise fiscal responsibility with the remainder of their 2020 budgets and to continue to limit spending in fiscal year 2021 because of the economic impact of the COVID–19 emergency.

19.waiving the requirement for local education agencies to administer year–end statewide and other assessments for the 2019–20 school year; addressing statutory requirements impacted by the suspension of year–end assessments in the 2019–20 school year; granting a waiver from the requirement to pass a civics test as a condition for graduation if the student is a senior and meets certain conditions; and addressing the requirement that local education agencies perform educator evaluations for the 2019–20 school year;

20.a resolution expressing solidarity with the Chinese people regarding the COVID–19 virus; and

21.establishing liability protection for individuals and entities related to exposure to contagious diseases.

J. Stuart Adams,
Senate President
Brad R. Wilson,
Speaker of the House

* * *

On motion of Senator Buxton, the Senate voted to adopt the same rules, joint rules and interim rules adopted by the 2020 General Session of the 63rd Legislature until time new rules may be adopted by the 3rd Special Session.

On motion of Senator Buxton, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applied to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long titles, short titles, or both of any House of Senate bill or resolution. The motion passed by the required two-thirds majority.

On motion of Senator Hemmert, the Senate voted to suspend the rules requiring the placing of bills on the Third Reading Calendar until the next day for the Third Special Session and that bills and resolutions will be read for the first time and placed on the Second Reading Calendar for immediate consideration.

President Adams appointed Senator Hemmert to notify the Governor via email that the Senate is convened in the Third Special Session and is organized and ready to receive any communication from him.

President Adams appointed Senator Millner to notify the House of Representatives via email, that the Senate is organized and ready to do business.

Senator Hemmert reported that the Governor had been notified electronically that the Senate is organized and ready to do business.

Senator Millner reported that the House of Representatives had been notified electronically that the Senate is organized and ready to do business.

On motion of Senator Millner, due to meeting electronically, the Senate voted to suspend all rules relating to physical documents, and move that the electronic versions of bills, substitutes, amendments, and all other documents be considered as valid replacements for a physical document.

On motion of Senator Milner, the Senate voted to suspend the rules due to the virtual circumstance of this session: JR1-2-101 AND JR1-2-102/JR1-2-103 regarding Notifying Committees JR5-1-202(h) and JR4-2-101 (ii) regarding Cosponsors.

INTRODUCTION OF BILLS

S.B. 3001, Pandemic Response Appropriations Adjustments (J. Stevenson), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3002, Emergency Health Care Access and Immunity Amendments (E. Vickers), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3003, Unemployment Benefits Amendments (A. Millner), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3004, COVID–19 Health and Economic Response Act (D. Hemmert), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3005, Education Modifications (D. Henderson), was read the first time by short title and placed on the Second Reading Calendar.

S.B. 3006, COVID–19 Financial Relief Funding (L. Fillmore), was read the first time by short title and placed on the Second Reading Calendar.

S.J.R. 301, Joint Resolution Approving Acceptance of Federal Funds in Response to COVID–19 (J. Stevenson), was read the first time by short title and placed on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

April 16, 2020

The House passed, as substituted, **1st Sub. H.B. 3001, BOND AMENDMENTS**, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 3002, APPROPRIATIONS REVISIONS**, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 3003, INCOME TAX REVISIONS**, by Representative R. Spendlove, and it is transmitted for consideration; and

The House passed **H.B. 3005, PANDEMIC RESPONSE AND CONSULTATION ACT**, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 3006**, ELECTION AMENDMENTS, by Representative J. Moss, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 3007**, COVID–19 WORKERS’ COMPENSATION AMENDMENTS FOR FIRST RESPONDERS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed **H.C.R. 301**, CONCURRENT RESOLUTION HONORING HEALTHCARE WORKERS AND OTHERS, by Representative M. Ballard, and it is transmitted for consideration and

The House passed **H.J.R. 301**, JOINT RESOLUTION URGING FISCAL RESPONSIBILITY, by Representative J. Moss, and it is transmitted for consideration; and

Megan S. Allen, Chief Clerk

Communications filed. The bills were read the first time by short title and placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stevenson, the Senate, by a two–thirds majority, voted to suspend the constitutional three readings requirement for the Third Special Session.

On motion of Senator Stevenson, under suspension of the rules, **S.B. 3001**, PANDEMIC RESPONSE APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. Senator Stevenson explained the bill. Senator Weiler commented. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

S.B. 3001 was transmitted to the House.

* * *

S.B. 3002, EMERGENCY HEALTH CARE ACCESS AND IMMUNITY AMENDMENTS, was read the second time.

Senator Vickers proposed the following amendment #1:

1. Page 3, Lines 60 through 61:

60 (i) even if the health care provider has a duty to respond or an
expectation {~~or~~} of payment

61 or remuneration; and

2. Page 3, Lines 79 through 83:

79 (ii) if written recommendations have been issued by a {~~state~~
~~or~~} federal government

80 agency regarding the use of the qualified treatment for treatment of
the illness or condition that

81 resulted in the declared major public health emergency, the health
care provider provides the

82 qualified treatment in accordance with the most current written
recommendations issued by the

83 {~~state or~~} federal government agency;

3. Page 3, Line 87 through Page 4, Line 90:

87 (b) If two or more written recommendations described in
Subsection (3)(a)(ii) are

88 issued by {~~Utah or~~} federal government agencies, a health
care provider satisfies the requirement

89 described in Subsection (3)(a)(ii) by providing the qualified
treatment in accordance with the

90 most current written recommendations of any one {~~Utah~~
~~or~~} federal government agency.

4. Page 4, Lines 99 through 100:

99 (ii) an act or omission by the person caused ~~is~~ in whole or in
part ~~is~~ the declared major public health

100 emergency, and the person would otherwise be liable for the harms.

Senator Vickers’ motion to amend passed on a voice vote.

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Senator Iwamoto proposed the following amendment #2:

- 1. Page 3, Lines 83 through 84:

83 state or federal government agency;
(iii) the health care provider provides the patient or the patient’s
representative with an informed consent document that, based on the
health care provider’s knowledge of the qualified treatment, describes
the possible positive and negative outcomes the patient could experience
if the health care provider treats the patient with the qualified treatment;
and
84 {~~-(iii)-~~} (iv) the acts or omissions of the health care
provider were not;

Senator Iwamoto’s motion to amend passed on a voice vote.

On motion of Senator Vickers, under suspension of the rules, **S.B. 3002**, EMERGENCY HEALTH CARE ACCESS AND IMMUNITY AMENDMENTS, was considered read the second and third times. Senator Vickers explained the bill. Senators Harper, Escamilla, Weiler, Mayne, Grover, Riebe, and Christensen commented. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent or not voting, 1.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Stevenson	Thatcher
Vickers	Winterton	Adams	

Voting in the negative was: Senator
Weiler

Absent or not voting was: Senator
Sandall

S.B. 3002 was transmitted to the House.

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On motion of Senator Millner, under suspension of the rules, **S.B. 3003**, UNEMPLOYMENT BENEFITS AMENDMENTS, was considered read the second and third times. Senator Millner explained the bill. Senator Bramble commented. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

S.B. 3003 was transmitted to the House.

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S.B. 3004, COVID-19 HEALTH AND ECONOMIC RESPONSE ACT, was read the second time.

On motion of Senator Hemmert, the following substitute bill replaced the original bill:

2nd Sub. S.B. 3004 COVID-19 Health and Economic Response Act (D. Hemmert)

On motion of Senator Hemmert, under suspension of the rules, **2nd Sub. S.B. 3004**, COVID-19 HEALTH AND ECONOMIC RESPONSE ACT, was considered read the second and third times. Senator Hemmert explained the bill. Senators Hillyard, Escamilla, Iwamoto, and Davis commented. The bill passed on the following roll call:

Yeas, 23; Nays, 6; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Cullimore
Fillmore	Grover	Harper	Hemmert
Henderson	Hillyard	Hinkins	Ipson

Mayne	McCay	Millner	Okerlund
Sandall	Stevenson	Thatcher	Vickers
Weiler	Winterton	Adams	

Voting in the negative were: Senators

Christensen	Davis	Escamilla	Iwamoto
Kitchen	Riebe		

2nd Sub. S.B. 3004 was transmitted to the House.

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S.B. 3005, EDUCATION MODIFICATIONS, was read the second time.

On motion of Senator Henderson, the following substitute bill replaced the original bill:

1st Sub. S.B. 3005 Education Modifications (D. Henderson)

On motion of Senator Henderson, under suspension of the rules, **1st Sub. S.B. 3005**, EDUCATION MODIFICATIONS, was considered read the second and third times. Senator Henderson explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

1st Sub. S.B. 3005 was transmitted to the House.

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On motion of Senator Fillmore, **S.B. 3006**, COVID-19 FINANCIAL RELIEF FUNDING, was read the second time and circled.

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On motion of Senator Stevenson, under suspension of the rules, **S.J.R. 301**, JOINT RESOLUTION APPROVING ACCEPTANCE OF FEDERAL FUNDS

IN RESPONSE TO COVID–19, was considered read the second and third times. Senator Stevenson explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

S.J.R. 301 was transmitted to the House.

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On motion of Senator Vickers, and at 4:55 p.m., the Senate sauntered.

The Senate was called to order at 5:07 p.m., with President Adams presiding.

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On motion of Senator Hemmert, the following intent language was included in the journal for **S.B. 3004, COVID–19 HEALTH AND ECONOMIC RESPONSE ACT**.

INTENT LANGUAGE

“The 2020 Legislature recognizes that Utah government efforts thus far expended in the management of the COVID–19 crisis have focused primarily on mitigating the impact on our healthcare system and reducing the number of lives lost. While that intent is most laudable, the 2020 Legislature intends to convey through S.B. 3004, COVID–19 Health and Economic Response Act, the need now to increase the priority placed on expansion of economic activity in the state of Utah. This does not suggest in any way that the needs of the most vulnerable are to be ignored. However, when the commission created by S.B. 3004 develops their recommended plans, the importance of reenergizing the economy must be of at least equal priority to those that have prevailed heretofore.”

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On motion of Senator Stevenson, under suspension of the rules, **1st Sub. H.B. 3001, BOND AMENDMENTS**, was considered read the second and third times. Senator Weiler commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

1st Sub. H.B. 3001 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Stevenson, under suspension of the rules, **1st Sub. H.B. 3002, APPROPRIATIONS REVISIONS**, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

1st Sub. H.B. 3002 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Bramble, under suspension of the rules, **H.B. 3003, INCOME TAX REVISIONS**, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

H.B. 3003 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Vickers, **H.B. 3005**, PANDEMIC RESPONSE AND CONSULTATION ACT, was read the second time and circled.

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On motion of Senator Harper, under suspension of the rules, **1st Sub. H.B. 3006**, ELECTION AMENDMENTS, was considered read the second and third times. Senators Iwamoto and Sandall commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

1st Sub. H.B. 3006 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Cullimore, under suspension of the rules, **1st Sub. H.B. 3007**, COVID-19 WORKERS' COMPENSATION AMENDMENTS FOR

FIRST RESPONDERS, was considered read the second and third times. Senators Mayne, Bramble, and Hillyard commented and the bill passed on the following roll call:

Yeas, 25; Nays, 3; Absent or not voting, 1.

Voting in the affirmative were: Senators

Anderegg	Bramble	Cullimore	Davis
Escamilla	Fillmore	Grover	Harper
Hemmert	Henderson	Hillyard	Hinkins
Ipson	Iwamoto	Kitchen	Mayne
McCay	Millner	Okerlund	Sandall
Stevenson	Thatcher	Vickers	Winterton
Adams			

Voting in the negative were: Senators

Buxton	Christensen	Weiler
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Absent or not voting was: Senator

Riebe

1st Sub. H.B. 3007 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Ipson, under suspension of the rules, **H.C.R. 301, CONCURRENT RESOLUTION HONORING HEALTHCARE WORKERS AND OTHERS**, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

H.C.R. 301 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Ipson, under suspension of the rules, **H.J.R. 301**, JOINT RESOLUTION URGING FISCAL RESPONSIBILITY, was considered read the second and third times. Senator McCay commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent or not voting, 0.

Voting in the affirmative were: Senators

Anderegg	Bramble	Buxton	Christensen
Cullimore	Davis	Escamilla	Fillmore
Grover	Harper	Hemmert	Henderson
Hillyard	Hinkins	Ipson	Iwamoto
Kitchen	Mayne	McCay	Millner
Okerlund	Riebe	Sandall	Stevenson
Thatcher	Vickers	Weiler	Winterton
Adams			

H.J.R. 301 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Vickers, and at 6:15 p.m., the Senate adjourned until 2:00 p.m., Friday, April 17, 2020.

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