THE OFFICIAL JOURNAL OF THE

SENATE

STATE OF LOUISIANA

ELEVENTH DAY'S PROCEEDINGS

Forty-Sixth Extraordinary Session of the Legislature Under the Adoption of the Constitution of 1974

> Senate Chamber State Capitol Baton Rouge, Louisiana

> > Friday, June 19, 2020

The Senate was called to order at 10:05 o'clock A.M. by Hon. Patrick Page Cortez, President of the Senate.

Morning Hour

CONVENING ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Henry	Mizell
Abraham	Hensgens	Morris
Bernard	Hewitt	Peacock
Boudreaux	Jackson	Pope
Carter	Johns	Reese
Cathey	Lambert	Smith
Cloud	Luneau	Talbot
Fesi	McMath	Ward
Fields	Milligan	Womack
Harris	Mills, R.	

Total - 29

ABSENT

Allain	Foil	Tarve
Barrow	Mills, F.	White
Bouie	Peterson	
Connick	Price	

Total - 10

The President of the Senate announced there were 29 Senators present and a quorum.

Prayer

The prayer was offered by Senator Katrina Jackson, following which the Senate joined in the Pledge of Allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Carter, the reading of the Journal was dispensed with and the Journal of June 18, 2020, was adopted.

Message from the House

PASSED SENATE BILLS AND JOINT RESOLUTIONS

June 18, 2020

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed the following Senate Bills and Joint Resolutions:

SENATE BILL NO. 4—
BY SENATOR FOIL AND REPRESENTATIVES THOMPSON AND WILLARD

AN ACT To amend and reenact R.S. 47:6015(J), relative to the research and development tax credit; to extend the duration for eligibility for the tax credit; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted, MICHELLE D. FONTENOT Clerk of the House of Representatives

Message from the House

CONCURRING IN SENATE CONCURRENT RESOLUTIONS

June 18, 2020

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 21— BY SENATORS ROBERT MILLS AND PEACOCK A CONCURRENT RESOLUTION

To commend the Lady Tigers of Benton High School in Benton, Louisiana, upon winning the Louisiana High School Athletic Association's (LHSAA) Class 5A girls basketball state championship.

Reported without amendments.

Respectfully submitted, MICHELLE D. FONTENOT Clerk of the House of Representatives

Introduction of **Senate Concurrent Resolutions**

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR CARTER

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to extend certifications for an 8(a) business by one additional year if the business was certified by January 1, 2020.

The resolution was read by title and placed on the Calendar for a second reading.

Privileged Report of the Legislative Bureau

June 19, 2020

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following instruments are approved as to construction and duplication.

HOUSE BILL NO. 5-

BY REPRESENTATIVE MARINO

AN ACT

To enact Civil Code Article 3472.1 and Code of Civil Procedure Article 562, relative to civil proceedings; to provide relative to declaration of emergencies or disasters; to provide relative to suspension of prescription and peremption periods and other legal deadlines; to provide relative to the suspension of

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abandonment; to provide for cessation of suspension; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 6—

BY REPRESENTATIVE IVEY

AN ACT

To enact Subpart C-1 of Part I of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:15.7, relative to state funds; to establish the State Cybersecurity and Information Technology Fund; to provide for the dedication and use of monies in the fund; to provide for deposits into the fund; to provide for the powers and duties of the Joint Legislative Committee on the Budget and the Joint Legislative Committee on Technology and Cybersecurity; to provide restrictions on use of the monies; to provide for effectiveness; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 21-

BY REPRESENTATIVE MAGEE

AN ACT

To amend and reenact R.S. 32:1263(A), relative to motor vehicle repairs; to increase fee limitations; to make technical changes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 27-

BY REPRESENTATIVE ZERINGUE

To amend and reenact R.S. 37:2553(D) and 2558(A), to enact R.S. 37:2551.1, and to repeal R.S. 37:2551.1, relative to the board of examiners of certified shorthand reporters; to create the Board of Examiners of Certified Shorthand Reporters Fund; to provide relative to the disbursement of funds; to provide relative to fees collected from applicants; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 39-

BY REPRESENTATIVE DAVIS

AN ACT To amend and reenact R.S. 45:1252(11)(c) and to enact R.S. 45:1252(11)(d), relative to the Louisiana Electric Investment Recovery Securitization Act; to provide definition for investment recovery costs; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 57-

BY REPRESENTATIVE SCHEXNAYDER

AN ACT

To amend and reenact Code of Civil Procedure Articles 1732 and 4873(1) and Code of Evidence Article 409, to enact R.S. 13:3737, and to repeal R.S. 32:295.1(E), relative to civil actions; to lower the jury trial threshold; to limit the transfer of cases from courts of limited jurisdiction to district courts; to authorize the admissibility of evidence of medical expenses paid under certain circumstances; to repeal provisions prohibiting certain evidence regarding the failure to wear safety belts; to provide for an effective date; and to provide for related matters.

Reported without amendments.

Respectfully submitted. FŘED MILLS Chairman

Adoption of Legislative Bureau Report

On motion of Senator Fred Mills, the Bills and Joint Resolutions were read by title and passed to a third reading.

11th DAY'S PROCEEDINGS

Message from the House

ASKING CONCURRENCE IN HOUSE BILLS AND JOINT RESOLUTIONS

June 18, 2020

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HB No. 62 HB No. 55 HB No. 65 HB No. 68 HB No. 69 HB No. 70

> Respectfully submitted, MICHELLE D. FONTENOT Clerk of the House of Representatives

House Bills and Joint Resolutions on First Reading

HOUSE BILL NO. 55-

BY REPRESENTATIVE MIKE JOHNSON

AN ACT

To amend and reenact R.S. 32:295.1(E), relative to the requirement to wear safety belts while operating a motor vehicle; to provide for the introduction of evidence of the failure to wear a safety belt under certain circumstances; and to provide for related

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 62—
BY REPRESENTATIVE ZERINGUE
AN ACT

To enact R.S. 23:1693(J), relative to unemployment compensation; to provide for temporary federal emergency unemployment assistance; to provide for weekly benefit amounts; to require state income tax withholdings under certain circumstances; to provide for the promulgation of rules; and to provide for related

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 65-

BY REPRESENTATIVE WRIGHT

AN ACT

To enact R.S. 23:76(C)(14), relative to workforce development; to provide for occupational forecasting; to require short-term COVID-19-related occupational projections; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 68-

BY REPRESENTATIVES DESHOTEL AND THOMPSON

AN ACT

To enact R.S. 47:6041, relative to income or corporation franchise tax credits; to establish a tax credit for certain broadband coverage providers; to provide for the amount of the credit; to limit the total amount of credits authorized to be granted; to provide for requirements and limitations; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

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HOUSE BILL NO. 69—

BY REPRESENTATIVE DESHOTEL

AN ACT

To enact R.S. 47:305.73, relative to sales and use tax rebates; to provide for state and local sales and use tax rebates for certain fiber-optic cables; to provide for limitations and conditions; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

HOUSE BILL NO. 70-

USE BILL NO. 70—
BY REPRESENTATIVES JENKINS, ADAMS, BACALA, BOURRIAQUE, BRASS, BROWN, BRYANT, BUTLER, CARPENTER, CARRIER, GARY CARTER, ROBBY CARTER, WILFORD CARTER, CORMIER, DEVILLIER, DUPLESSIS, ECHOLS, EDMONDS, EMERSON, FIRMENT, FREEMAN, FREIBERG, GADBERRY, GAINES, GLOVER, GOUDEAU, GREEN, HARRIS, HUGHES, IVEY, JAMES, JEFFERSON, MIKE JOHNSON, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LANDRY, LARVADAIN, LYONS, MARCELLE, MCCORMICK, MCFARLAND, MCMAHEN, DUSTIN MILLER, MOORE, NEWELL, CHARLES OWEN, PHELPS, PIERRE, ROMERO, SCHAMERHORN, SELDERS, ST. BLANC, STAGNI, THOMPSON, TURNER, WHEAT, WHITE, AND WILLARD AN ACT

To amend and reenact R.S. 51:1787(K) and to enact R.S. 51:1787(L), relative to the Enterprise Zone incentive; to extend eligibility for Enterprise Zone incentives to certain workers; to establish a rebate for certain essential critical infrastructure workers; to provide for the amount of the rebate; to provide for definitions; to provide for the application, approval, and payment of the rebate; to provide for rebate requirements and limitations; to authorize the promulgation of rules and regulations; to provide for an effective date; and to provide for related matters.

The bill was read by title and placed on the Calendar for a second reading.

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 18, 2020

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HCR No. 17

HCR No. 23

HCR No. 24

HCR No. 7

Respectfully submitted, MICHELLE D. FONTENOT Clerk of the House of Representatives

House Concurrent Resolutions on First Reading

HOUSE CONCURRENT RESOLUTION NO. 7—

BY REPRESENTATIVE IVEY
A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and make recommendations to the Legislature of Louisiana regarding language in the Constitution of Louisiana that is outdated or transitional in nature and which can be removed or updated without affecting the effect of the constitutional

The resolution was read by title and placed on the Calendar for a second reading.

HOUSE CONCURRENT RESOLUTION NO. 17—

BY REPRESENTATIVES CARPENTER, ADAMS, BAGLEY, BRASS, BROWN, BRYANT, BUTLER, CARRIER, ROBBY CARTER, WILFORD CARTER, CORMIER, COUSSAN, DAVIS, DEVILLIER, DESHOTEL, EMERSON, FONTENOT, FREEMAN, FREIBERG, GAINES, GREEN, HARRIS, JÉFFERSON, JENKINS, TRAVIS JOHNSON, JONES, LANDRY, LYONS, MARCELLE, MCCORMICK, MCKNIGHT, MOORE, NELSON, NEWELL, CHARLES OWEN, PIERRE, PRESSLY, ROMERO, STAGNI, THOMPSON, WHITE, WILLARD, AND SELDERS

A CONCURRENT RESOLUTION

To urge and request the division of administration, the Department of

To urge and request the division of administration, the Department of Public Safety and Corrections, the Louisiana Workforce Commission, the Louisiana Community and Technical College System, and private businesses in Louisiana to recognize the value that justice-involved persons bring to the workforce and society and to act with the intention to empower, train, and employ such individuals.

The resolution was read by title and placed on the Calendar for a second reading.

HOUSE CONCURRENT RESOLUTION NO. 23-

BY REPRESENTATIVES BAGLEY, COX, CREWS, GLOVER, HORTON, JEFFERSON, JENKINS, MCCORMICK, MCFARLAND, MCMAHEN, CHARLES OWEN, PRESSLY, SCHAMERHORN, AND SEABAUGH AND SENATORS BERNARD, MILLIGAN, ROBERT MILLS, AND TARVER

A CONCURRENT RESOLUTION

To commend the Louisiana State University Health Sciences Center at Shreveport for its extraordinary response to the COVID-19 pandemic.

The resolution was read by title and placed on the Calendar for a second reading.

HOUSE CONCURRENT RESOLUTION NO. 24-

BY REPRESENTATIVE BAGLEY AND SENATOR FRED MILLS
A CONCURRENT RESOLUTION

To designate Sunday, July 26, 2020, as Americans with Disabilities Act Awareness Day in Louisiana.

The resolution was read by title and placed on the Calendar for a second reading.

Reports of Committees

The following reports of committees were received and read:

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator Troy Carter, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

June 18, 2020

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 11— BY SENATOR REESE A CONCURRENT RESOLUTION

To urge and request certain state agencies and private businesses in Louisiana to recognize the value that justice-involved persons can bring to the workforce and society and to act with intention to empower, train, and employ such individuals.

Reported with amendments.

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SENATE CONCURRENT RESOLUTION NO. 13—

BY SENATOR CARTER
A CONCURRENT RESOLUTION

To urge and request the Louisiana Workforce Commission to provide literature to the public regarding the requirement of certain employers to provide paid sick time to employees who are unable to work due to the effects of COVID-19.

Reported favorably.

Respectfully submitted, TROY CARTER Chairman

House Bills and Joint Resolutions on Second Reading Reported by Committees

HOUSE BILL NO. 4— BY REPRESENTATIVE MAGEE

AN ACT To amend and reenact R.S. 47:6019(A)(1)(a) and (C), relative to the tax credit for the rehabilitation of historic structures; to extend the date for certain expenses to qualify for the tax credit; to provide for the effectiveness of the tax credit; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 4 by Representative Magee

 $\frac{AMENDMENT\ NO.\ 1}{On\ page\ 1,line\ 2,}\ after\ "(C)"\ insert\ "and\ to\ enact\ R.S.\\ 47:6019(A)(1)(e)\ and\ (f)"$

AMENDMENT NO. 2

On page 1, line 4, after "credit;" insert "to change the rate of the credit; to provide for a maximum amount of tax credits granted per fiscal year; to provide relative to the required percentage of eligible costs and expenses;

AMENDMENT NO. 3 On page 1, line 7, after "reenacted" insert "and R.S. 47:6019(A)(1)(e) and (f) are hereby enacted"

AMENDMENT NO. 4

On page 1, line 15, delete "The" and insert "Except as otherwise provided in this Subparagraph, the'

AMENDMENT NO. 5

On page 1, line 17, change "January 1, 2028" to "July 1, 2023"

AMENDMENT NO. 6 On page 1, line 18, after "service." insert: "Notwithstanding any provision of law to the contrary, the amount of the credit shall equal ten percent of the eligible costs and expenses of the rehabilitation for Part I applications for the rehabilitation of a historic structure submitted to the state historic preservation office on or after July 1, 2020 regardless of the year in which the property is placed in service.

AMENDMENT NO. 7

On page 1, line 19, change "January 1, 2028" to "July 1, 2023"

AMENDMENT NO. 8

On page 1, after line 20, insert: "(e)(i) For completed Part I applications submitted to the state historic preservation office on or after July 1, 2020, the total amount of all tax credits granted pursuant to this Section in any fiscal year shall not exceed seventy-five million dollars or the amount specifically appropriated for the credits,

whichever is greater. If the total amount of credits applied for in any fiscal year exceeds the aggregate amount of tax credits allowed for that fiscal year, the excess shall be treated as having been applied for on the first day of the subsequent fiscal year. If the total amount of credits granted in any fiscal year is less than the aggregate amount of tax credits allowed for that fiscal year, any residual amount shall carry forward for use in the subsequent year and may be granted in addition to the aggregate amount of tax credits allowed for that year. The Department of Revenue and the Department of Culture, Recreation and Tourism shall make reasonable efforts to post a listing of estimated credit amounts remaining under the annual cap

on their websites.

(ii) Except as otherwise provided in this Item, no more than fifty percent of the annual credit cap shall be reserved for projects within a single arts council region, as those regions are defined by the office of cultural development, division of the arts. Notwithstanding the fifty percent per arts council region limitation, if the entire annual credit cap has not been granted before May 1 in any fiscal year, the remainder of the amount may be granted to projects within any arts

council region.

(f) The amount of the tax credit is equal to ten or twenty percent of the eligible costs and expenses of the rehabilitation if the actual eligible costs and expenses incurred at the historic structure are between seventy-five percent and one hundred twenty-five percent of the estimated eligible costs and expenses as set forth in the Part 2-Proposed Work Description for the historic structure. If the actual eligible costs and expenses exceed one hundred twenty-five percent of the estimated eligible costs and expenses as set forth in the Part 2-Proposed Work Description for the historic structure, the tax credit shall be allowed for one hundred twenty-five percent of the estimated eligible costs and expenses as set forth in the Part 2-Proposed Work Description as opposed to the actual eligible costs and expenses incurred in rehabilitating the historic structure. If the actual eligible costs and expenses are below seventy-five percent of the estimated eligible costs and expenses as set forth in the Part 2-Proposed Work Description for the historic structure, the tax credit shall not be allowed."

AMENDMENT NO. 9

On page 2, line 1, change "taxable" to "fiscal"

On page 2, line 2, change "January 1, 2028" to "July 1, 2023"

On motion of Senator Carter, the committee amendment was adopted. The amended bill was read by title and referred to the Legislative Bureau.

Senate Concurrent Resolutions on Second Reading **Reported by Committees**

SENATE CONCURRENT RESOLUTION NO. 19— BY SENATORS CATHEY, ALLAIN, LUNEAU, MCMATH, MILLIGAN, MORRIS AND REESE

A CONCURRENT RESOLUTION

To create the Louisiana Sales Tax Simplification Task Force to make recommendations for changes to the state's state and local sales tax laws in an effort to modernize and simplify the sales tax code and enhance the efficiency of the state's sales tax policies for taxing authorities, tax collectors, and businesses, and to submit its final report to the legislature by February 1, 2022.

Reported favorably by the Committee on Revenue and Fiscal Affairs.

The resolution was read by title. Senator Cathey moved to adopt the Senate Concurrent Resolution.

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ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Mills, R.
Abraham	Harris	Mizell
Allain	Henry	Morris
Barrow	Hensgens	Peacock
Bernard	Hewitt	Pope
Boudreaux	Jackson	Reese
Carter	Johns	Smith
Cathey	Lambert	Talbot
Cloud	Luneau	Ward
Fesi	McMath	White
Fields	Milligan	Womack

Total - 33

NAYS

Total - 0

ABSENT

Bouie	Mills, F.	Price
Connick	Peterson	Tarver
T-4-1 (

Total - 6

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Senate Concurrent Resolutions on Third Reading and Final Passage

SENATE CONCURRENT RESOLUTION NO. 14—

BY SENATOR ROBERT MILLS
A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana R.S. 32:295.1(E) relative to the exclusion of evidence of failure to wear a safety belt.

The concurrent resolution was read by title and returned to the Calendar, subject to call.

SENATE CONCURRENT RESOLUTION NO. 15—BY SENATOR ROBERT MILLS

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana R.S. 22:333(E) and 1269(B) relative to the right of direct action against an insurer in certain circumstances.

The concurrent resolution was read by title and returned to the Calendar, subject to call.

SENATE CONCURRENT RESOLUTION NO. 16—BY SENATOR ROBERT MILLS

A CONCURRENT RESOLUTION

To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana the Code of Civil Procedure Article 1732(1) relative to the jury trial threshold for a petitioner's cause of action.

The concurrent resolution was read by title and returned to the Calendar, subject to call.

Rules Suspended

Senator Barrow asked for and obtained a suspension of the rules to revert to the Morning Hour.

Introduction of Senate Resolutions

Senator Barrow asked for and obtained a suspension of the rules to read Senate Resolutions a first and second time.

SENATE RESOLUTION NO. 18—
BY SENATORS BARROW, ABRAHAM, ALLAIN, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CORTEZ, FESI, FIELDS, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, JOHNS, LAMBERT, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PETERSON, POPE, PRICE, REESE, SMITH, TALBOT, WARD, WHITE AND WOMACK

A PESCULUTION

A RESOLUTION

To recognize and commemorate the historical significance of June 19, 1865, as a day of celebration and the need to get along and work together.

On motion of Senator Barrow the resolution was read by title and adopted.

Rules Suspended

Senator Cathey asked for and obtained a suspension of the rules to recall Senate Concurrent Resolution No. 20 from the Committee on Education.

SENATE CONCURRENT RESOLUTION NO. 20—

BY SENATOR CATHEY
A CONCURRENT RESOLUTION

To urge and request the state Department of Education to encourage and assist any public school board identified as "financially at risk" to enter into cooperative agreements with other public school boards for the provision of essential services.

The concurrent resolution was read by title. Senator Cathey moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Foil	Mills, R.
Abraham	Harris	Mizell
Allain	Henry	Morris
Barrow	Hensgens	Peacock
Bernard	Hewitt	Pope
Boudreaux	Jackson	Reese
Carter	Johns	Smith
Cathey	Lambert	Talbot
Cloud	Luneau	Ward
Fesi	McMath	White
Fields	Milligan	Womack

Total - 33

NAYS

Total - 0

ABSENT

Bouie	Mills, F.	Price
Connick	Peterson	Tarver
Total - 6		

The Chair declared the Senate had adopted the Senate Concurrent Resolution, and ordered it sent to the House.

ATTENDANCE ROLL CALL

PRESENT

Mr. President	Foil	Mills, R.
Abraham	Harris	Mizell
Allain	Henry	Morris
Barrow	Hensgens	Peacock

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Pope Reese Smith Talbot Bernard Hewitt Boudreaux Jackson Carter Johns Cathey Lambert Cloud Ward Luneau McMath Fesi White Fields Milligan Womack Total - 33

ABSENT

Bouie Mills, F. Price Connick Total - 6 Peterson Tarver

Leaves of Absence

The following leaves of absence were asked for and granted:

Bouie	1 Day	Connick	1 Day
Mills, F.	1 Day	Peterson	1 Day
Price	1 Day	Tarver	1 Day

Adjournment

On motion of Senator Talbot, at 10:35 o'clock A.M. the Senate adjourned until Monday, June 22, 2020, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned.

YOLANDA J. DIXON Secretary of the Senate

> DIANE O' QUIN Journal Clerk