ALBANY, NEW YORK

May 9, 1994

2:21 p.m.

REGULAR SESSION

SENATOR HUGH T. FARLEY, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

ACTING PRESIDENT FARLEY: The Senate will come to order. Senators will please find their seats. Please rise for the Pledge of Allegiance to the Flag.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

Today in the absence of clergy, we'll bow our heads for a moment of silence.

(A moment of silence was observed.)

The Secretary will begin by reading the Journal.

THE SECRETARY: In Senate, Sunday, May 8th. The Senate met pursuant to adjournment, Senator Bruno in the Chair upon designation of the Temporary President. The Journal of Saturday, May 7th, was read and approved. On motion, the Senate adjourned.

ACTING PRESIDENT FARLEY: Hearing no objection, the Journal will stand approved as read. The order of business:

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Larkin, for a motion.

SENATOR LARKIN: Mr. President, on behalf of Mr. Farley, would you please remove the star from Senate Bill 214-C, Calendar Number 435.

ACTING PRESIDENT FARLEY: The star is removed.

Senator Present.

SENATOR PRESENT: Would you recognize Senator Stafford, please.

ACTING PRESIDENT FARLEY: Senator Stafford.

SENATOR STAFFORD: I respectfully announce a -- an immediate meeting of the Committee on Finance in Room 332.

ACTING PRESIDENT FARLEY: There

will be an immediate meeting of the Finance Committee in Room 332.

Senator DiCarlo.

SENATOR DiCARLO: Mr. President, I move the following bills be discharged from their respective committees and be recommitted with instructions to strike the enacting clause: Senate 4264. Also -

ACTING PRESIDENT FARLEY: Without objection, the enacting clause is struck.

SENATOR DiCARLO: -- on page 35, I offer the following amendments to Calendar Number 719, Print Number 7248, and ask that the bill retain its place on third reading.

ACTING PRESIDENT FARLEY: Without objection.

SENATOR DiCARLO: I wish to call up my bill, 6861, recalled from the Assembly which is now at the desk.

ACTING PRESIDENT FARLEY: Senator -- the Secretary will read Senator DiCarlo's bill.

SENATOR DiCARLO: Senator

Wright's bill.

ACTING PRESIDENT FARLEY: Senator Wright's bill.

THE SECRETARY: Senate Bill Number 6861, by Senator Wright, an act to authorize the city of Ogdensburg School District to finance the accumulated deficit.

SENATOR DiCARLO: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT FARLEY: Call the vote -- roll on reconsideration of the bill.

(The Secretary called the roll on reconsideration.)

THE SECRETARY: Ayes 31.

ACTING PRESIDENT FARLEY: Senator DiCarlo.

SENATOR DiCARLO: Mr. President, I now offer the following amendments.

ACTING PRESIDENT FARLEY: The amendments are received. The bill will retain its place.

We have another motion by Senator

DiCarlo.

SENATOR DiCARLO: On behalf of Senator Skelos, please place a sponsor's star on Calendars Number 769, 771 and 794.

ACTING PRESIDENT FARLEY: The bills are starred.

SENATOR DiCARLO: Thank you.

ACTING PRESIDENT FARLEY: The Secretary will read some substitutions.

THE SECRETARY: On page 5 of today's calendar, Senator Nozzolio moves to discharge the Committee on Elections from Assembly Bill Number 10249-A and substitute it for the identical Calendar Number 858.

ACTING PRESIDENT FARLEY: Substitution is ordered.

THE SECRETARY: Also on page 5, Senator Nozzolio moves to discharge the Committee on Elections from Assembly Bill Number 10389 and substitute it for the identical Calendar Number 859.

ACTING PRESIDENT FARLEY: Substitution is ordered.

Any other motions? What have we got, another motion?

THE SECRETARY: Senator DiCarlo.

ACTING PRESIDENT FARLEY: Senator DiCarlo, you have another motion, I understand.

SENATOR DiCARLO: On behalf of Senator Johnson, please place a sponsor's star on Calendar Number 721 and 722.

ACTING PRESIDENT FARLEY: Bills are starred at the request of the sponsor.

Senator Present.

SENATOR PRESENT: Mr. President, I would like the Senate to stand at ease for a few moments.

ACTING PRESIDENT FARLEY: The Senate will stand at ease for a few moments.

(Whereupon, the Senate stood at ease.)

ACTING PRESIDENT FARLEY: The Senate will come to order.

Senator Present.

SENATOR PRESENT: Mr. President, can we return to reports of standing

committees?

ACTING PRESIDENT FARLEY: We certainly can. The Secretary will read the report of the standing Committee on Finance.

THE SECRETARY: Senator Stafford, from the Committee on Finance, reports the following bills directly for third reading:

Senate Bill Number 8465, by the Senate Committee on Rules, making an appropriation for debt service obligations of the City University of New York.

Also Senate Bill 8466, by the Committee on Rules, an act making an appropriation to the support and operating expenses of the New York City Transit Authority.

Senate Bill Number 8467, by the Committee on Rules, an act to provide for payments to municipalities.

Senate Bill Number 8468, by the Committee on Rules, an act act to provide for payments to vendors under the Women, Infants and Children's program, making an appropriation therefor.

Also Senate Bill 8469, by the Committee on Rules, an act making an appropriation for debt service obligations of the Dormitory Authority. All bills reported directly for third reading.

ACTING PRESIDENT FARLEY: All bills reported directly to third reading.

Senator Present.

SENATOR PRESENT: Mr. President, can we start on those bills and have the third reading at this time?

ACTING PRESIDENT FARLEY: Yes, we can.

SENATOR PRESENT: Starting with Calendar 862.

ACTING PRESIDENT FARLEY: The Secretary -- the Secretary will read the title.

THE SECRETARY: Calendar Number 862, by the Senate Committee on Rules, Senate Bill Number 8465, an act making an appropriation for debt service obligations of the City University of New York.

SENATOR PRESENT: Mr. President,

is there a message of necessity and -

ACTING PRESIDENT FARLEY: There's two messages with this bill.

SENATOR PRESENT: -- and a message of appropriation? I move we accept the messages.

ACTING PRESIDENT FARLEY: All in favor of accepting the messages say aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The messages are accepted. You can read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 863, by the Senate Committee on Rules, Senate

Bill Number 8466, an act making an appropriation to the support and operating expenses of the New York City Transit Authority.

SENATOR PRESENT: Mr. President, are there two messages at the desk on this bill?

ACTING PRESIDENT FARLEY: There are, sir.

SENATOR PRESENT: I move that we accept the messages.

ACTING PRESIDENT FARLEY: All in favor of accepting the messages say aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The messages are accepted. You can read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 864, by the Senate Committee on Rules, Senate Bill Number 8467, an act to provide for payments to municipalities and to providers of medical services.

SENATOR PRESENT: Mr. President, are there messages at the desk for Calendar 864?

ACTING PRESIDENT FARLEY: Yes, there are messages.

SENATOR PRESENT: I move that we accept the messages.

ACTING PRESIDENT FARLEY: All in favor of accepting the messages say aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The messages are accepted. You can read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 36, nays 2, Senators Holland and Maltese recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 865, by the Senate Committee on Rules, Senate Bill Number 8468, an act to provide for payments to vendors under the Women, Infant and Children's program and making an appropriation therefor.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President, are there messages at the desk for Calendar 865?

ACTING PRESIDENT FARLEY: The messages are here.

SENATOR PRESENT: I move that we accept the messages.

ACTING PRESIDENT FARLEY: All in favor of accepting the messages please say aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The messages are accepted. You can read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: That bill is passed.

THE SECRETARY: Calendar Number 866, by the Senate Committee on Rules, Senate Bill Number 8469, an act making an appropriation for debt service obligations of the Dormitory Authority.

ACTING PRESIDENT FARLEY: Senator Present.

SENATOR PRESENT: Mr. President,

are there messages at the desk for Calendar 866?

ACTING PRESIDENT FARLEY: The messages are here.

SENATOR PRESENT: Mr. President, I move that we accept the messages.

ACTING PRESIDENT FARLEY: All in favor of accepting the messages of necessity say aye.

(Response of "Aye".)

Those opposed, nay.

(There was no response.)

The messages are accepted. You can read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present.

SENATOR PRESENT: Would you recognizes Senator Holland, please?

ACTING PRESIDENT FARLEY: Senator Holland.

SENATOR HOLLAND: Mr. President, two stars, please. Would you please star my bill, Calendar Number 706?

ACTING PRESIDENT FARLEY: 706 is starred at the request of the -

SENATOR HOLLAND: And Senator Daly's bill, Calendar 708.

ACTING PRESIDENT FARLEY: 708 and 706 are starred at the request of the sponsors.

Senator Present.

SENATOR PRESENT: Mr. President, can we take up the non-controversial calendar?

ACTING PRESIDENT FARLEY: Non-controversial. The Secretary will read it.

THE SECRETARY: On page 19, Calendar Number 224, by Senator Stafford, Senate Bill Number 6321-A, an act in relation to the creation of the Westport Fire District in the town of Westport.

ACTING PRESIDENT FARLEY: Senator Stafford has a home rule message here at the desk. You can read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: On page 27, Calendar Number 561, by Senator Lack, Senate Bill Number -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay that bill aside.

THE SECRETARY: On page 30, Calendar Number 647, by Senator DeFrancisco, Senate Bill Number 6769, an act to amend the Criminal Procedure Law -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay

that bill aside.

THE SECRETARY: Calendar Number 663, by member of the Assembly Pheffer, Assembly Bill Number 825, an act to amend the Insurance Law, in relation to the notice of the availability of uninsured motorist coverage.

SENATOR PRESENT: Lay that bill aside for the day.

ACTING PRESIDENT FARLEY: Lay that bill aside for today.

THE SECRETARY: Calendar Number 665, by member of the Assembly Sidikman, Assembly Bill Number 9984, an act to amend the Insurance Law -

ACTING PRESIDENT FARLEY: You can read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 699, by Senator Volker, Senate Bill Number 7574, an act to amend the Criminal Procedure Law -

SENATOR GOLD: Can Senator Mendez have one day on this bill, please?

ACTING PRESIDENT FARLEY: Lay the bill aside for the day, Senator Present?

SENATOR PRESENT: Yep.

SENATOR GOLD: Thank you.

THE SECRETARY: Calendar Number 713, by Senator Goodman, Senate Bill Number 7243, an act to amend the Alcoholic Beverage Control Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 38.

ACTING PRESIDENT FARLEY: The

bill is passed.

THE SECRETARY: Calendar Number 715, by Senator Daly -

SENATOR PRESENT: Lay that bill aside for the day.

ACTING PRESIDENT FARLEY: Lay it aside for the day.

THE SECRETARY: Calendar Number 727, by Senator Hannon, Senate Bill Number 6627, an act to amend the Administrative Code of the city -

SENATOR GOLD: Lay it aside.

ACTING PRESIDENT FARLEY: Lay it aside.

THE SECRETARY: Calendar Number 735, by Senator Volker, Senate Bill Number 5914-B, an act in relation to providing an additional retirement benefit for certain retirees.

ACTING PRESIDENT FARLEY: Senator Volker has a home rule message here at the desk. You can read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 736, by Senator Farley, Senate Bill Number 6153-A, an act to amend the Retirement and Social Security Law, in relation to the transfer of previous service credit.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number

738, by Senator Trunzo, Senate Bill Number 6825, Public Authorities Law, in relation to clarifying the status of employees of the Manhattan and Bronx Surface Transportation Authority.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 741, by Senator Trunzo, Senate Bill Number 7694-A, an act to amend the Civil Service Law and the Military Law.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 748, by Senator Johnson, Senate Bill Number 6905, an act to amend the Benevolent Orders Law -

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 39.

ACTING PRESIDENT FARLEY: The bill is passed.

Senator Present, that's the first time through.

SENATOR PRESENT: Mr. President,

let's go to the controversial calendar.

ACTING PRESIDENT FARLEY: The Secretary will read the controversial calendar.

THE SECRETARY: On page 27, Calendar Number 561, by Senator Lack, Senate Bill Number 7213-A, an act to amend the Uniform Commercial Code, in relation to regulation of the leases of personal property.

SENATOR GOLD: Hold on one second. (Pause.) Last section.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 40.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: On page 30, Calendar Number 647, by Senator DeFrancisco, Senate Bill Number 6769, an act to amend the

Criminal Procedure Law.

SENATOR GOLD: Explanation.

ACTING PRESIDENT FARLEY: Explanation has been asked for, Senator DeFrancisco.

SENATOR DeFRANCISCO: This is an amendment to the -- proposed amendment to the Criminal Procedure Law that would provide the court with an opportunity to direct the defendant to provide certain information with an application for bail.

Presently, the law reads that the court should take into account several principles in determining whether bail should be set, and if so, how much. These include the individual's character, reputation, habits and mental condition, and it goes on for -- and lists several other factors. Presently, that determination has to be made according to the Criminal Procedure Law based on -- quotes - "available information".

There was an incident in Syracuse where there was a murder of an estranged wife by

a husband who was let out on bail and there was really no realistic way that the court could inquire into the mental condition of the person applying for bail because there was no procedure to order a defendant to do anything. So in this situation, what this would do if it was passed is provide the court with an opportunity to require that information be provided, including a mental exam, if necessary, to determine whether bail should be set, and if so, how much, and it would provide the court with a tool which would be necessary so the court could use its judgment based upon reliable information in determining whether bail should be set in accordance with those factors.

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: Yeah, would the Senator yield to a question, please?

SENATOR DeFRANCISCO: Sure.

SENATOR GOLD: Senator, the -- a question comes to my mind. I don't -- I'm not standing up in out rage at the idea, but I'm

just curious about something. If we put this into law, what is your opinion as to the reaction of most Supreme Court judges now, this being a law? Do you think they will now take it upon themselves to take the attitude that maybe they ought to do it in every case, in case somebody goes out and does something rash, they can't be blamed for not having made the evaluation?

SENATOR DeFRANCISCO: I can't imagine that all judges will do that. It will be up to the specific judge as to what evidence he thinks is necessary.

Right now, if the court feels that -- what's happening now is a practical matter. If the court feels that there is some mental illness or some problem that he detects or based upon the facts would suggest, the only mental examination that could be given at this time is a competency examination, and oftentimes that competency examination would be only held after he's remanded without bail being held for a competency examination, and then after it's

given, that he might be released.

Under this procedure, it would give the court another tool to avoid that incarceration, and basically the tool would be "if you are telling us, Counsel, that your client should be released and there's no problem as far as mental condition, there's no threat to society as a result of this, provide us with some information from the individual's doctor, if he has a doctor or have your client submit to an examination", so I can't answer as far as what court or what judge will do what specific thing. All I'm saying is that if the court has to determine bail on several factors, the court should have a tool upon which to give reliable information to judge those factors. If the court wants to use it, fine. If the court chooses not to, they don't have to.

SENATOR GOLD: Would the Senator yield to just one more question?

SENATOR DeFRANCISCO: Yes.

SENATOR GOLD: Senator, you're making under existing law -- well, under

existing law, there is a procedure whereby a judge can order that some examination be done but that must be in an incarcerated situation, is that right?

SENATOR DeFRANCISCO: It's a competency examination, and oftentimes, at least in my jurisdiction when I've seen this happen, they would be remanded without bail or kept - held without bail until his competency examination is performed.

SENATOR GOLD: Yeah, Senator, what do you envision here? If this is part of a bail application, wouldn't -- isn't it implicit in this that the man would not be -- or woman would not be put out on bail until the results? Isn't it the same thing?

SENATOR DeFRANCISCO: But the question, I think is timing. The competency examination is required, you need two physicians, two psychiatrists to go to the jail and determine that, interview the defendant, get that information in the light. With this situation, it's conceivable that the defendant's

attorney could bring in a doctor or bring in whatever -- maybe that person was under treatment, and there's an allegation that he's not stable and there might be a doctor who's been treating him for whatever and a report could be brought to the judge, something that could be generated by the defendant, in many instances in less time than getting two psychiatrists to do a competency exam.

SENATOR GOLD: Senator, the last question I have is, shouldn't we -- if we're going to do this, shouldn't we be giving some kind of guidelines to the court? I mean, I don't see anything in the bill as I look at it which gives the court any guidance as to in which cases it will decide that it needs this help or doesn't need the help, and the remark was made by a counsel, I'm not saying I agree with it or not, that forgetting whether the idea is a good one or not, that maybe the bill is just too vaguely drafted.

We're talking about criminal laws and we're talking about whether a judge should

order this, and my only question is, maybe if it's a good idea, which it may very well be, Senator, whether or not we shouldn't give it a little more guidance than saying, "Judge, if you want to do it, do it."

SENATOR DeFRANCISCO: I appreciate that suggestion. The problem now is, however, that the standards upon which a court determines bail is -- one of which is the principal's character, reputation, habits and mental condition, it's in the law in that vague fashion as it is. All that this will do is give the judge hopefully some reliable information and another tool to determine -- quotes - "mental condition", and that's -- I'm reading directly from section 510.30, subsection (2) of the Criminal Procedure Law.

SENATOR GOLD: Mr. President -

ACTING PRESIDENT FARLEY: Senator Gold.

SENATOR GOLD: -- not to belabor it, but if the gentleman would yield to one more question. Senator, see, that's -- that's the

part that I really, in practice, don't necessarily agree with what happened in your case.

This says that "in determining bail, character, reputation, habits and mental condition --" my understanding was that, in practice, a judge would have conversations on the record, as a matter of fact, with the lawyers, the defense lawyers and the district attorney and say to a defendant's lawyer, you know, "I want to put the guy out on bail but I'm concerned. This has been said -- this has been said, and I would feel more comfortable if I got a statement from his doctor or whatever, or if he went to a doctor." I think all of that is done. I don't know whether anybody has taken appeals from it or anybody has seen court orders, but I think that on a regular basis, a lot of that is really done in our courts today. I may be wrong, Senator, but that's my reation.

SENATOR DeFRANCISCO: I don't think it's done in our jurisdiction, and if it's

done, then that's fine, but this will codify it and give the judge the statutory authority to do exactly that. Right now it just says that the judge has got to be somewhat of a magician and base it on available information rather than concrete information that -- and reliable information, so that's the intent of the bill.

ACTING PRESIDENT FARLEY: Read the last section.

THE SECRETARY: Section 2. This act shall take effect immediately.

ACTING PRESIDENT FARLEY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 42, nays 1, Senator Galiber recorded in the negative.

ACTING PRESIDENT FARLEY: The bill is passed.

THE SECRETARY: Calendar Number 727, by Senator Hannon, Senate Bill Number 6627, Administrative Code of the city of New York, in relation to access to correct housing maintenance code violation.

SENATOR GOLD: Can you hold on? (Pause.) Would the sponsor be kind enough to lay it aside one day for Senator Mendez?

ACTING PRESIDENT FARLEY: Lay the bill aside for the day.

SENATOR GOLD: Thank you very much, Senator.

ACTING PRESIDENT FARLEY: Senator Present, that concludes the controversial calendar.

SENATOR PRESENT: Mr. President, are there any housekeeping -

ACTING PRESIDENT FARLEY: Are there any motions on the floor, Senator?

Senator Leichter has a motion.

SENATOR LEICHTER: Mr. President, may I have unanimous consent to be recorded in the negative on Calendar 736?

ACTING PRESIDENT FARLEY: 736, Senator Leichter would be in the negative. Any others?

Senator Present, seeing none -

SENATOR PRESENT: Mr. President,

there being no further business, I move that we adjourn until tomorrow at 3:00 p.m.

ACTING PRESIDENT FARLEY: The Senate will stand adjourned until tomorrow at 3:00 p.m.

(Whereupon, at 3:05 p.m., the Senate adjourned.)