

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 February 28, 2013

11 11:14 a.m.

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13
14 REGULAR SESSION

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17
18 SENATOR DAVID CARLUCCI, Acting President

19 FRANCIS W. PATIENCE, Secretary

1 P R O C E E D I N G S

2 ACTING PRESIDENT CARLUCCI: The
3 Senate will come to order.

4 I ask everyone present to please
5 rise and repeat with me the Pledge of
6 Allegiance.

7 (Whereupon, the assemblage recited
8 the Pledge of Allegiance to the Flag.)

9 ACTING PRESIDENT CARLUCCI: In the
10 absence of clergy, may we bow our heads in a
11 moment of silence.

12 (Whereupon, the assemblage
13 respected a moment of silence.)

14 ACTING PRESIDENT CARLUCCI: The
15 reading of the Journal.

16 THE SECRETARY: In Senate,
17 Wednesday, February 27th, the Senate met
18 pursuant to adjournment. The Journal of
19 Tuesday, February 26th, was read and approved.
20 On motion, Senate adjourned.

21 ACTING PRESIDENT CARLUCCI:
22 Without objection, the Journal stands approved
23 as read.

24 Presentation of petitions.

25 Messages from the Assembly.

1 Messages from the Governor.
2 Reports of standing committees.
3 Reports of select committees.
4 Communications and reports from
5 state officers.

6 Motions and resolutions.
7 Senator Libous.

8 SENATOR LIBOUS: Thank you,
9 Mr. President.

10 At this time may we please adopt
11 the Resolution Calendar, with the exception of
12 Resolution Numbers 546, 583, 614 and 632.

13 ACTING PRESIDENT CARLUCCI: All in
14 favor of adopting the Resolution Calendar, with
15 the exception of reading Resolutions 546, 583,
16 614 and 632, signify by saying aye.

17 (Response of "Aye.")

18 ACTING PRESIDENT CARLUCCI:
19 Opposed, nay.

20 (No response.)

21 ACTING PRESIDENT CARLUCCI: The
22 Resolution Calendar is adopted.

23 Senator Libous.

24 SENATOR LIBOUS: Senator Carlucci,
25 would you at this time please call on

1 Senator Gianaris for the purpose of a motion.

2 ACTING PRESIDENT CARLUCCI:

3 Senator Gianaris.

4 SENATOR GIANARIS: On behalf of
5 Senator Espaillat, I move that the following
6 bill be discharged from its respective committee
7 and be recommitted with instructions to strike
8 the enacting clause: Senate Number 1832.

9 ACTING PRESIDENT CARLUCCI: So
10 ordered.

11 Senator Libous.

12 SENATOR LIBOUS: Thank you,
13 Mr. President.

14 At this time could you please call
15 on Senator Golden to speak on a previously
16 adopted resolution.

17 ACTING PRESIDENT CARLUCCI:
18 Senator Golden.

19 SENATOR GOLDEN: Thank you,
20 Mr. President.

21 We sent up a Select Committee
22 yesterday on Science, Technology, Incubation and
23 Entrepreneurship, and I did not get an
24 opportunity -- I had a meeting off the floor --
25 to directly talk about this new committee that

1 we've started here in the Senate.

2 I'm honored to be chosen to be the
3 chair of this important select committee and
4 thank my colleagues and the leadership of our
5 Majority Coalition, Senator Skelos and
6 Senator Klein.

7 And our goal will be to develop
8 jobs, companies, prosperity and entrepreneurial
9 spirit in our communities. This is something we
10 will all work and strive for. We will work
11 tirelessly to commit to our committee colleagues
12 and to all of you to do the good work that you
13 all expect of this committee.

14 The concept of the incubator started
15 in New York State back in 1959 with Joseph
16 Mancuso, who opened the Batavia Industry Center
17 in an abandoned Batavia factory building. The
18 concept has spread throughout the world. There
19 are now an estimated 1400 incubators in
20 North America and 7,000 in the world.

21 Maintaining a tradition of
22 innovation and excellence is one of our goals.
23 And here, in Syracuse in 2012, an incubator was
24 named the number-one incubator of the year
25 throughout the nation. And 1900 international

1 members throughout the world, 1900 international
2 members of the National Business Incubation
3 Association voted on this.

4 Earlier this week I was downstate, I
5 was at a building, and in that building was a
6 group called General Assembly. The General
7 Assembly had about 300 members, as I speak. And
8 that space has turned over about a thousand young
9 entrepreneurs that have gone out to our
10 communities and that are paying taxes that are
11 creating new ideas and living within that hub of
12 that General Assembly Corporation that was
13 started at this incubator.

14 Now, I've got to tell you, I was
15 impressed. They started with \$200,000, a
16 \$100,000 grant from New York City Economic
17 Development and a \$100,000 loan from New York
18 City Economic Development. They raised
19 \$15 million in operating and capital dollars to
20 be able to advance them. They started in 2011.

21 And I met with one company, it's
22 called Neverware, and they're in the beginning
23 stages of this incubator. They have about
24 15 employees. And what that computer does, it
25 plugs into all the computers in our schools. And

1 it plugs into -- say we have P.S. 204 and they
2 have, say, 200 computers. Well, this machine,
3 which is about two feet tall and squared by
4 twelve, a foot on each side, actually takes those
5 computers that we spent so much capital dollars
6 on putting into our schools and brings that
7 technology into the 21st century. And all of
8 those capital investments we've been making over
9 the years, it keeps those computers alive for
10 years to come.

11 This is just one of the great ideas
12 and concepts that's coming out of that
13 General Assembly incubator.

14 Now, I've got to tell you, only
15 15 people, they're in about seven different
16 schools right now in the City of New York,
17 they're talking to BOCES. That will be a
18 tremendous savings for the city and for the State
19 of New York. And that's just one company out of
20 the many companies that have formed in that
21 location over the past two years.

22 My point is that we have the
23 ambition, the drive, and the talent to continue
24 our position as the national and world leaders,
25 and we should continue that. And this will help

1 us to work with the individual entrepreneurs, the
2 academic institutions, private foundations and
3 the municipalities to fully develop the spirit of
4 the entrepreneurship here in New York.

5 We are beginning to work
6 immediately, and I look forward to working with
7 my colleagues and the legislators here in this
8 body and in the Assembly and with this Governor
9 to advance our goals in putting people to work
10 and creating opportunity here in the great City
11 and State of New York.

12 Thank you, Mr. President.

13 ACTING PRESIDENT CARLUCCI: Thank
14 you, Senator Golden. Your comments will be
15 reflected in the Journal.

16 Senator Libous.

17 SENATOR LIBOUS: Thank you,
18 Mr. President.

19 I believe there's a resolution by
20 Senator Hannon, Number 546, at the desk. May we
21 have the resolution read in its entirety, and
22 we'll move for its adoption. But before it is
23 adopted, I believe you would call on
24 Senator Hannon.

25 ACTING PRESIDENT CARLUCCI: The

1 Secretary will read.

2 THE SECRETARY: Legislative
3 Resolution Number 546, by Senator Hannon,
4 memorializing Governor Andrew M. Cuomo to
5 proclaim February 24 through March 2, 2013, as
6 Eating Disorders Awareness Week in the State of
7 New York.

8 "WHEREAS, It is the custom of this
9 Legislative Body to recognize official weeks that
10 are set aside to increase awareness of serious
11 illnesses that affect the lives of citizens of
12 New York State; and

13 "WHEREAS, Attendant to such concern,
14 and in full accord with its long-standing
15 traditions, this Legislative Body is justly proud
16 to memorialize Governor Andrew M. Cuomo to
17 proclaim February 24-March 2, 2013, as Eating
18 Disorders Awareness Week in the State of
19 New York, in conjunction with National Eating
20 Disorders Awareness Week; and

21 "WHEREAS, NED Awareness Week is a
22 collective effort of primary volunteers,
23 including eating disorder professionals,
24 healthcare providers, students, educators,
25 social workers, and individuals committed to

1 raising awareness of the dangers surrounding
2 eating disorders and the need for early
3 intervention and treatment; and

4 "WHEREAS, In the United States,
5 20 million women and 10 million men suffer from a
6 clinically significant eating disorder at some
7 time in their life, including anorexia nervosa,
8 bulimia nervosa, binge eating disorder, or an
9 eating disorder not otherwise specified; and

10 "WHEREAS, The scope and severity of
11 eating disorders are often misunderstood. Eating
12 disorders are serious illnesses, not lifestyle
13 choices. In fact, anorexia has the highest
14 mortality rate of any mental illness. In a
15 national survey, four out of 10 people reported
16 they either suffered or have known someone who
17 has suffered from an eating disorder; and

18 "WHEREAS, Eating disorders experts
19 have found that prompt, intensive treatment
20 significantly improves the chances of recovery.
21 Therefore, it is important for educators, medical
22 providers, parents, and community members to be
23 aware of some of the warning signs and symptoms
24 of eating disorders; and

25 "WHEREAS, Eating disorders impact

1 every organ in the body, including cognition, and
2 can lead to organ failure and other chronic
3 health complications; and

4 "WHEREAS, Eating disorders are one
5 of the most common psychiatric diagnoses in young
6 women, and have the highest death rates of any
7 mental health condition; and

8 "WHEREAS, Eating disorders usually
9 appear in adolescence and are associated with
10 substantial psychological problems, including
11 depression, substance abuse and suicide. These
12 disorders can have a negative impact on all
13 aspects of life, and educational efforts to
14 prevent eating disorders are of primary
15 importance; and

16 "WHEREAS, Eating Disorders Awareness
17 Week will highlight the fact that body size and
18 shape are strongly influenced by biological
19 factors such as genetics, while also calling
20 attention to some of the new discoveries
21 surrounding the role of genetics in the
22 development of eating disorders; and

23 "WHEREAS, In 2004, New York State
24 took a leading role in the fight against eating
25 disorders by establishing an integrated network

1 of Comprehensive Care Centers for Eating
2 Disorders around the state which provide
3 evidence-based care. This Legislative Body
4 recognizes the important work of these three
5 centers; and

6 "WHEREAS, Many New Yorkers have been
7 diagnosed with this disease. This Legislative
8 Body recognizes the vital importance of the
9 National Eating Disorders Association, which
10 calls New York State its home, in providing
11 excellence in care through awareness, education
12 and treatment, and its evident commitment to this
13 mission; now, therefore, be it

14 "RESOLVED, That this Legislative
15 Body pause in its deliberations to memorialize
16 Governor Andrew M. Cuomo to proclaim February 24
17 to March 2, 2013, as Eating Disorders Awareness
18 Week in the State of New York; and be it further

19 "RESOLVED, That copies of this
20 resolution, suitably engrossed, be transmitted to
21 The Honorable Andrew M. Cuomo, Governor of the
22 State of New York; the National Eating Disorders
23 Association; and Northeastern, Metropolitan, and
24 Western New York Comprehensive Care Centers for
25 Eating Disorders."

1 ACTING PRESIDENT CARLUCCI: Senator
2 Hannon.

3 SENATOR HANNON: Thank you,
4 Mr. President.

5 I think the resolution is in some
6 parts self-explanatory, but what it doesn't say
7 is what the Senate Health Committee did during
8 the President's Week recess was to have a
9 roundtable in regard to the eating disorder
10 treatment, availability of treatment, need for
11 further treatment in this state. And we did that
12 in order to build upon what this Senate had led
13 the initiative for in 2004 in starting to have
14 Comprehensive Care Centers.

15 Eating disorders, everybody seems to
16 know that somewhere in their family, their
17 extended friends, there has been a man or a woman
18 who has suffered with an eating disorder. And
19 it's one of the very difficult types of
20 conditions to both address and treat. And so we
21 wanted to highlight it, bring awareness to the
22 fact this is the week for it in the nation, and
23 to have that recognized in this state.

24 And I thank you for your courtesies.

25 ACTING PRESIDENT CARLUCCI: Thank

1 you, Senator Hannon.

2 The question is on the resolution.

3 All in favor signify by saying aye.

4 (Response of "Aye.")

5 ACTING PRESIDENT CARLUCCI: Those
6 opposed, nay.

7 (No response.)

8 ACTING PRESIDENT CARLUCCI: The
9 resolution is adopted.

10 Senator Libous.

11 SENATOR LIBOUS: Thank you,
12 Mr. President.

13 I believe Senator Hannon would like
14 to open up the resolution for cosponsorship. So
15 as we have a policy in this house, if a member
16 wishes not to be on the resolution, please let
17 the desk know. Otherwise, you will be duly noted
18 as a cosponsor.

19 Mr. President, I believe that
20 Senator Hannon has another resolution at the
21 desk, Number 583. At this time if we could only
22 read the title, please, and move for its
23 immediate adoption.

24 ACTING PRESIDENT CARLUCCI: The
25 previous resolution is open for cosponsorship.

1 If you do not wish to be a cosponsor, please
2 notify the desk.

3 The Secretary will read Resolution
4 Number 583.

5 THE SECRETARY: Legislative
6 Resolution Number 583, by Senator Hannon,
7 memorializing Governor Andrew M. Cuomo to
8 proclaim March 3 through 9, 2013, as Patient
9 Safety Awareness Week in the State of New York.

10 ACTING PRESIDENT CARLUCCI: The
11 question is on the resolution. All in favor
12 signify by saying aye.

13 (Response of "Aye.")

14 ACTING PRESIDENT CARLUCCI: Those
15 opposed, nay.

16 (No response.)

17 ACTING PRESIDENT CARLUCCI: The
18 resolution is adopted.

19 Senator Libous.

20 SENATOR LIBOUS: Thank you,
21 Mr. President.

22 Again, Senator Hannon would open
23 this up to the membership for cosponsorship. If
24 a member wishes not to be on the resolution, let
25 the desk know.

1 ACTING PRESIDENT CARLUCCI: The
2 resolution is open for cosponsorship. If you do
3 not wish to be a cosponsor, please notify the
4 desk.

5 Senator Libous.

6 SENATOR LIBOUS: I believe there's
7 a resolution by Senator Serrano at the desk,
8 Number 614. May we have the title read and move
9 for its adoption.

10 ACTING PRESIDENT CARLUCCI: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 614, by Senator Serrano,
14 mourning the death of the Reverend Wenzell
15 Phillip Jackson, distinguished citizen and
16 devoted member of his community.

17 ACTING PRESIDENT CARLUCCI: Senator
18 Serrano.

19 SENATOR SERRANO: Thank you very
20 much, Mr. President.

21 I rise today to pay tribute and
22 honor the life and legacy of the Reverend Wenzell
23 Jackson. Reverend Jackson was the senior pastor
24 of the Mount Hermon Baptist Church in the
25 Highbridge section of the Bronx. He was also the

1 chairperson of Community Board 4 in the Bronx, as
2 well as head of the 44th Precinct Clergy Council
3 in the Bronx.

4 This resolution honoring the life of
5 Reverend Jackson is also being sponsored in the
6 Assembly by my colleague Vanessa Gibson.

7 And I just wanted to pay tribute to
8 a tremendous community advocate, someone who
9 worked very hard as a person who built coalitions
10 in our community. And unfortunately, he passed
11 away unexpectedly on Tuesday, December 5th, at
12 the young age of 47. So our community lost a
13 great leader, a great friend, someone who really
14 did care a great deal about our community and the
15 struggles and the issues that we were facing.

16 Reverend Wenzell Jackson is survived
17 by his wife of 24 years, Tamara Jackson, and he
18 leaves behind a wonderful congregation at
19 Mount Hermon Baptist Church and also the
20 community board, which he led as chair with
21 distinction.

22 And again, he'll be missed. And I
23 think it fitting and important that I and all of
24 my colleagues pay tribute to his legacy and
25 contributions to our community. Thank you.

1 ACTING PRESIDENT CARLUCCI: Thank
2 you, Senator Serrano.

3 The question is on the resolution.
4 All in favor signify by saying aye.

5 (Response of "Aye.")

6 ACTING PRESIDENT CARLUCCI: Those
7 opposed, nay.

8 (No response.)

9 ACTING PRESIDENT CARLUCCI: The
10 resolution is adopted.

11 In honor of the memory of the
12 Reverend Jackson, I'd ask all my colleagues to
13 join me in a moment of silence.

14 (Whereupon, the assemblage respected
15 a moment of silence.)

16 ACTING PRESIDENT CARLUCCI: Senator
17 Libous.

18 SENATOR LIBOUS: Thank you,
19 Mr. President.

20 I believe Senator Serrano would like
21 to open this resolution up for members. Again,
22 as the policy goes, if you wish not to be on as a
23 cosponsor, let the desk know.

24 ACTING PRESIDENT CARLUCCI: The
25 resolution is open for cosponsorship. If you do

1 not wish to be a cosponsor, please notify the
2 desk.

3 Senator Libous.

4 SENATOR LIBOUS: Mr. President, I
5 believe there's a resolution at the desk by
6 Senator Stewart-Cousins, Number 632. May we have
7 the resolution read in its entirety, move for its
8 adoption, and I believe Senator Tkaczyk will
9 speak on the resolution.

10 ACTING PRESIDENT CARLUCCI: The
11 Secretary will read.

12 THE SECRETARY: Legislative
13 Resolution Number 632, congratulating Debra
14 Kolsrud of Johnstown, New York, for her
15 skillfully worded theme to be used in conjunction
16 with the celebration of the 2013 National's Women
17 History Month.

18 "WHEREAS, In the course of the
19 evolving development of this Empire State, when
20 the ingredients of shared concern and responsive
21 endeavor combine in commitment to community,
22 there emerge among the distinguished citizenry of
23 the State of New York certain individuals who
24 warrant special recognition; and

25 "WHEREAS, Attendant to such concern,

1 and in full accord with its long-standing
2 traditions, this Legislative Body is justly proud
3 to congratulate Debra Kolsrud of Johnstown,
4 New York, for her skillfully worded theme to be
5 used in conjunction with the celebration of the
6 2013 National Women's History Month; and

7 "WHEREAS, March is National Women's
8 History Month, and Friday, March 8, 2013, is
9 International Women's Day; and

10 "WHEREAS, Each year New York State
11 officially sets aside time to recognize the
12 unique contributions women have made to New York
13 and its society and is particularly pleased to
14 recognize The National Women's History Project
15 and Debra Kolsrud for producing its theme; and

16 "WHEREAS, The theme for National
17 Women's History Month 2013 is Women Inspiring
18 Innovation Through Imagination: Celebrating Women
19 in Science, Technology, Engineering and
20 Mathematics (STEM); and

21 "WHEREAS, Debra Kolsrud is one of
22 three original incorporators for the Elizabeth
23 Cady Stanton Hometown Association (ECSHA) of
24 Johnstown, New York; and

25 "WHEREAS, Founded in 2008, this

1 vital organization educates and promotes
2 Elizabeth Cady Stanton's legacy of advocating
3 equal rights for women of all ages; and

4 "WHEREAS, Debra Kolsrud served as
5 ECSHA's first chairwoman from 2009 to 2011. She
6 spent her career as an educator and is currently
7 an adjunct faculty member at Fulton-Montgomery
8 Community College teaching courses in the English
9 department; and

10 "WHEREAS, In July of 2008, Debra
11 Kolsrud moved from California to Johnstown,
12 New York, after purchasing the historic
13 Colonial-style home, built in 1798, known locally
14 as Mrs. Henry's Boarding House; and

15 "WHEREAS, Mrs. Henry's Boarding
16 House is where Susan B. Anthony lived while she
17 and Johnstown native Elizabeth Cady Stanton were
18 writing the third volume of the History of Woman
19 Suffrage in 1884; and

20 "WHEREAS, Both women worked in the
21 home writing that volume, with Susan B. Anthony
22 living at the boardinghouse and Elizabeth Cady
23 Stanton residing nearby at her sister's home; and

24 "WHEREAS, Today, it is the only
25 property in Johnstown, New York, with a direct

1 link to both of these remarkable women. With a
2 large plaque out front which describes the
3 significance of the residence, this Colonial
4 house remains a private residence which
5 Debra Kolsrud is in the process of restoring; and

6 "WHEREAS, In addition to Elizabeth
7 Cady Stanton and Susan B. Anthony, both of whom
8 led the campaign for women's suffrage, New York
9 State has been the home of many extraordinary
10 women who have led society to a better future.
11 Sojourner Truth spoke out for the abolition of
12 slavery and for suffrage for women; suffragist
13 Carrie Chapman Catt became the first president of
14 the League of Women Voters; Emma Willard opened
15 the first endowed institution for the education
16 of women; Civil War surgeon Dr. Mary E. Walker
17 was the only woman ever awarded the Congressional
18 Medal of Honor; Harriet Tubman was an
19 abolitionist who led slaves to freedom by way of
20 the Underground Railroad; in the 19th century,
21 Elizabeth Blackwell and Belva Lockwood were the
22 first women in the fields of medicine and law;
23 pioneer birth control educator and advocate
24 Margaret Sanger established a research center in
25 New York City; Emma Goldman founded the Free

1 Speech League which led to the American Civil
2 Liberties Union; humanitarian Eleanor Roosevelt
3 served as United States delegate to the United
4 Nations; civil rights lawyer and New York State
5 Senator Constance Baker Motley became the first
6 black woman to sit on the U.S. District Court in
7 New York; and so many more known and unknown
8 women who championed rights and opportunity for
9 all; and

10 "WHEREAS, It is the practice of this
11 Legislative Body that when individuals of such
12 noble aims and accomplishments are brought to our
13 attention, they should be celebrated and
14 recognized by all the citizens of this great
15 Empire State; now, therefore, be it

16 "RESOLVED, That this Legislative
17 Body pause in its deliberations to congratulate
18 Debra Kolsrud of Johnstown, New York, for her
19 skillfully worded theme to be used in conjunction
20 with the celebration of the 2013 National Women's
21 History Month; and be it further

22 "RESOLVED, That a copy of this
23 resolution, suitably engrossed, be transmitted to
24 Debra Kolsrud."

25 ACTING PRESIDENT CARLUCCI: Senator

1 Tkaczyk.

2 SENATOR TKACZYK: I rise in support
3 of this resolution and to recognize Debra
4 Kolsrud, who lives in my district. She actually
5 lives in the same house where Susan B. Anthony
6 stayed while working with Elizabeth Cady Stanton
7 on the women's suffrage movement. They wrote a
8 book together there, the History of Woman
9 Suffrage, in 1884.

10 I congratulate Ms. Kolsrud for her
11 pioneering spirit and commitment and help in
12 recognizing Women's History Month and in
13 celebrating the accomplishments of women in the
14 fields of science and technology. Thank you.

15 And I hope my colleagues join us on
16 this resolution. Thank you.

17 ACTING PRESIDENT CARLUCCI: Thank
18 you, Senator Tkaczyk.

19 Are there other Senators wishing to
20 be heard on the resolution?

21 The question is on the resolution.
22 All in favor signify by saying aye.

23 (Response of "Aye.")

24 ACTING PRESIDENT CARLUCCI: Those
25 opposed, nay.

1 (No response.)

2 ACTING PRESIDENT CARLUCCI: The
3 resolution is adopted.

4 Senator Libous.

5 SENATOR LIBOUS: Mr. President,
6 Leader Stewart-Cousins would like to open that
7 also for sponsorship. So if there are any
8 members who wish not to be on it, let the desk
9 know. Otherwise, we will all be on it as
10 cosponsors.

11 ACTING PRESIDENT CARLUCCI: The
12 resolution is open for cosponsorship. If you do
13 not wish to be a cosponsor, please notify the
14 desk.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President, on
17 behalf of Senator Klein, Senator Skelos, I hand
18 up the following committee assignments and ask
19 that such assignments be filed in the Journal.

20 ACTING PRESIDENT CARLUCCI: So
21 ordered.

22 Senator Libous.

23 SENATOR LIBOUS: Mr. President, is
24 there any further business at the desk?

25 ACTING PRESIDENT CARLUCCI: There

1 is no further business at the desk.

2 SENATOR LIBOUS: Thank you, sir.

3 There being no further business, I
4 move that the Senate adjourn until Monday,
5 March 4th, at 3:00 p.m., intervening days being
6 legislative days.

7 ACTING PRESIDENT CARLUCCI: On
8 motion, the Senate stands adjourned until Monday,
9 March 4th, at 3:00 p.m., intervening days to be
10 legislative days.

11 (Whereupon, at 11:37 a.m., the
12 Senate adjourned.)
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