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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

June 3, 2013

4:21 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

FRANCIS W. PATIENCE, Secretary

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

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

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

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

9 ACTING PRESIDENT VALESKY: With us  
10 today to offer an invocation is Reverend Dale  
11 Jensen, who is the senior pastor at Saratoga  
12 Abundant Life Church in Saratoga Springs.

13 REVEREND JENSEN: Can we pray?  
14 Almighty God, we pray that Your  
15 hand would be upon this Senate assembly. I pray  
16 Your blessing upon each individual Senator.

17 Lord, I know all the decisions that  
18 need to be made here are beyond any human  
19 understanding, so I ask that You would grace  
20 every single Senator with the ability to see the  
21 right and the truth and the things that are best  
22 for this state.

23 Lord, I pray for great counsel for  
24 each one of the Senators. Lord, I know counsel  
25 makes a difference in any one of our lives, so I

1 pray for great counselors in each one of their  
2 lives.

3 Lord, I pray for their spouses. I  
4 pray a blessing over their spouses as they give  
5 their time and their energy to the state. I  
6 pray, God, that You put peace in their homes. I  
7 pray, Father, for their children. I pray, God,  
8 a blessing and protection for their whole  
9 family.

10 And, Lord, I pray that for every  
11 single Senator in this place they might sense  
12 Your presence, they might sense Your awareness,  
13 and they might sense Your grace to fill every  
14 need that they have. And I pray it in Jesus'  
15 name.

16 Amen.

17 ACTING PRESIDENT VALESKY: The  
18 reading of the Journal.

19 The Secretary will read.

20 THE SECRETARY: In Senate, Sunday,  
21 June 2nd, the Senate met pursuant to  
22 adjournment. The Journal of Saturday, June 1st,  
23 was read and approved. On motion, Senate  
24 adjourned.

25 ACTING PRESIDENT VALESKY: Without

1 objection, the Journal stands approved as read.

2 Presentation of petitions.

3 Messages from the Assembly.

4 Messages from the Governor.

5 Reports of standing committees.

6 Reports of select committees.

7 Communications and reports from  
8 state officers.

9 Motions and resolutions.

10 Senator Libous.

11 SENATOR LIBOUS: Mr. President, I  
12 believe there's a resolution previously adopted  
13 at the desk, Number 301, by Senator  
14 DeFrancisco. It was adopted on January 29th.  
15 Could you please read it in its entirety and  
16 then call on Senator DeFrancisco.

17 ACTING PRESIDENT VALESKY: The  
18 Secretary will read.

19 THE SECRETARY: Legislative  
20 Resolution Number 301, by Senator DeFrancisco,  
21 congratulating the CNY United Power Soccer Team  
22 upon the occasion of winning the 2012 National  
23 Power Soccer Tournament.

24 "WHEREAS, Excellence in competitive  
25 team sports is achieved only through strenuous

1 practice, determination and strategic planning,  
2 nurtured by dedicated coaching; and

3 "WHEREAS, The people of the State of  
4 New York take great pride in honoring those  
5 talented individuals who distinguish themselves  
6 and their community through outstanding team  
7 spirit, character, and athletic performance; and

8 "WHEREAS, Attendant to such concern,  
9 and in full accord with its long-standing  
10 traditions, this Legislative Body is justly proud  
11 to hereby recognize and congratulate CNY United  
12 upon the occasion of winning the 2012 National  
13 Power Soccer Tournament; and

14 "WHEREAS, CNY United, a power soccer  
15 team in Central New York, was founded in 2005;  
16 the 2012 team was comprised of these members:  
17 Skyler Canute, Andrew Cunningham, Ryan  
18 Charboneau, Tony Reuter, Peyton Sefick, Hunter  
19 Schaffer, Hali Whyland, Morgan Reakes, Helena  
20 Schmidt, Sarah Hamlin, and Anthony Guarino; and

21 "WHEREAS, Power soccer, which is  
22 played by athletes in motorized wheelchairs,  
23 requires a great deal of teamwork, court sense,  
24 patience, vision, and timing; and

25 "WHEREAS, After months of rigorous

1 practice and travel for out-of-state  
2 competitions, CNY United qualified for the 2012  
3 National Power Soccer Tournament, which was held  
4 in Fort Wayne, Indiana, on July 15, 2012; and

5 "WHEREAS, CNY United finished 4-0-1  
6 in the 2012 National Power Soccer Tournament,  
7 after beating the home team of Fort Wayne with a  
8 score of 3-1 during the tournament's championship  
9 game; and

10 "WHEREAS, CNY United prevailed  
11 victorious during the 2012 National Power Soccer  
12 Tournament due to the unbeatable combination of  
13 outstanding talent, sportsmanship, team effort,  
14 and perseverance; and

15 "WHEREAS, The notable efforts  
16 displayed by CNY United are due in great part to  
17 the dedicated forces of Head Coach Jim Sefick and  
18 Assistant Coach Tom Cunningham, along with  
19 Equipment Manager Ken Keppel, Mark Charboneau,  
20 and Alis Sefick; and

21 "WHEREAS, Members of CNY United have  
22 also received the loyal support of family,  
23 friends and the community at large throughout the  
24 entire season; now, therefore, be it

25 "RESOLVED, That this Legislative

1 Body pause in its deliberations to recognize and  
2 congratulate CNY United upon the occasion of  
3 winning the 2012 National Power Soccer  
4 Tournament; the travel team members are Skyler  
5 Canute, Andrew Cunningham, Ryan Charboneau,  
6 Tony Reuter, and Peyton Sefick; and be it further

7 "RESOLVED, That copies of this  
8 resolution, suitably engrossed, be transmitted to  
9 the athletes and coaches of CNY United."

10 ACTING PRESIDENT VALESKY: Senator  
11 DeFrancisco on the previously adopted resolution.

12 SENATOR DeFRANCISCO: Thank you.

13 I'm pleased to welcome the great  
14 national champion CNY United Power Soccer Team.  
15 And they're right here by the clock with their  
16 great coach, Jim Sefick, and some of the  
17 relatives are up in the gallery proudly watching  
18 their team today in this Senate chamber.

19 This team has gone all over the  
20 country to play power soccer, and they were  
21 successful in winning the national championship.  
22 But that's not something any of you would be  
23 surprised about, because we win national  
24 championships in Central New York all the time.  
25 This is just another one in the long line of

1 national championships that we are responsible  
2 for.

3                   We're really proud of all of you.  
4 It was a wonderful effort. And I've gone to a  
5 practice. I wouldn't get in one of those chairs  
6 because some of these guys are ruthless. They're  
7 banging the chairs against each other. I was  
8 afraid I was going to get hurt on the sidelines.  
9 This is a contact sport, believe me.

10                   So we welcome you all here today,  
11 congratulate you, and best of success in the  
12 future.

13                   Thank you.

14                   ACTING PRESIDENT VALESKY:  
15 Congratulations to the members of the Central  
16 New York United Power Soccer Team on the occasion  
17 of winning the national championship, and we  
18 welcome you here to Albany and hope you enjoy  
19 your day.

20                   (Standing ovation.)

21                   ACTING PRESIDENT VALESKY:    Senator  
22 Libous.

23                   SENATOR LIBOUS:    Thank you,  
24 Mr. President.

25                   I believe Senator Gianaris and

1 Senator Carlucci both have motions. So however  
2 you want to handle it.

3 ACTING PRESIDENT VALESKY: Very  
4 good.

5 Senator Gianaris.

6 SENATOR GIANARIS: Thank you,  
7 Mr. President.

8 On behalf of Senator Latimer, on  
9 page 27 I offer the following amendments to  
10 Calendar 231, Senate Print 2122, and ask that  
11 said bill retain its place on Third Reading  
12 Calendar.

13 ACTING PRESIDENT VALESKY: The  
14 amendments are received. The bill will retain  
15 its place on the Third Reading Calendar.

16 Senator Carlucci.

17 SENATOR CARLUCCI: Mr. President, I  
18 wish to call up your bill, Print Number 2170,  
19 recalled from the Assembly, which is now at the  
20 desk.

21 ACTING PRESIDENT VALESKY: The  
22 Secretary will read.

23 THE SECRETARY: Calendar Number  
24 180, by Senator Valesky, Senate Print 2170, an  
25 act to amend the Environmental Conservation Law.

1                   ACTING PRESIDENT VALESKY:    Senator  
2    Carlucci.

3                   SENATOR CARLUCCI:    Mr. President, I  
4    now move to reconsider the vote by which this  
5    bill was passed.

6                   ACTING PRESIDENT VALESKY:    The  
7    Secretary will call the roll on reconsideration.

8                   (The Secretary called the roll.)

9                   THE SECRETARY:    Ayes, 59.

10                  ACTING PRESIDENT VALESKY:    Senator  
11    Carlucci.

12                  SENATOR CARLUCCI:    Mr. President, I  
13    now offer the following amendments.

14                  ACTING PRESIDENT VALESKY:    The  
15    amendments are received.

16                  Senator Libous.

17                  SENATOR LIBOUS:    On behalf of  
18    Senator Martins, Mr. President, on page 46 I  
19    offer the following amendments to Calendar Number  
20    662, Senate Print 1987, and ask that said bill  
21    retain its place on the Third Reading Calendar.

22                  ACTING PRESIDENT VALESKY:    The  
23    amendments are received.

24                  SENATOR LIBOUS:    On behalf of  
25    Senator Golden, I call up his bill, 3754,

1 recalled from the Assembly, which is now at the  
2 desk.

3 ACTING PRESIDENT VALESKY: The  
4 Secretary will read.

5 THE SECRETARY: Calendar Number  
6 175, by Senator Golden, Senate Print 3754, an act  
7 to amend the Public Housing Law.

8 ACTING PRESIDENT VALESKY: Senator  
9 Libous.

10 SENATOR LIBOUS: I now move to  
11 reconsider the vote by which this bill was  
12 passed.

13 ACTING PRESIDENT VALESKY: The  
14 Secretary will call the roll on reconsideration.

15 (The Secretary called the roll.)

16 THE SECRETARY: Ayes, 60.

17 ACTING PRESIDENT VALESKY: Senator  
18 Libous.

19 SENATOR LIBOUS: Mr. President, I  
20 offer up the following amendments.

21 ACTING PRESIDENT VALESKY: The  
22 amendments are received.

23 SENATOR LIBOUS: On behalf of  
24 Senator Griffo, Mr. President, I call up his  
25 bill, 2233, recalled from the Assembly, which is

1 now at the desk.

2                   ACTING PRESIDENT VALESKY:    The  
3 Secretary will read.

4                   THE SECRETARY:    Calendar Number  
5 267, by Senator Griffo, Senate Print 2233, an act  
6 to amend the State Technology Law.

7                   ACTING PRESIDENT VALESKY:    Senator  
8 Libous.

9                   SENATOR LIBOUS:    I move to  
10 reconsider the vote by which this bill was  
11 passed.

12                   ACTING PRESIDENT VALESKY:    The  
13 Secretary will call the roll on reconsideration.

14                   (The Secretary called the roll.)

15                   THE SECRETARY:    Ayes, 60.

16                   ACTING PRESIDENT VALESKY:    Senator  
17 Libous.

18                   SENATOR LIBOUS:    Mr. President, I  
19 now offer up the following amendments.

20                   ACTING PRESIDENT VALESKY:    Those  
21 amendments are received.

22                   SENATOR LIBOUS:    Mr. President, on  
23 behalf of Senator Young, I call up her bill,  
24 Senate Print 3923A, recalled from the Assembly,  
25 which is now at the desk.

1                   ACTING PRESIDENT VALESKY:    The  
2    Secretary will read.

3                   THE SECRETARY:    Calendar Number  
4    340, by Senator Young, Senate Print 3923A, an act  
5    to amend the Highway Law.

6                   ACTING PRESIDENT VALESKY:    Senator  
7    Libous.

8                   SENATOR LIBOUS:    Mr. President, I  
9    now move to reconsider the vote by which this  
10   bill was passed.

11                   ACTING PRESIDENT VALESKY:    The  
12   Secretary will call the roll on reconsideration.

13                   (The Secretary called the roll.)

14                   THE SECRETARY:    Ayes, 60.

15                   ACTING PRESIDENT VALESKY:    Senator  
16   Libous.

17                   SENATOR LIBOUS:    Mr. President, I  
18   offer up the following amendments.

19                   ACTING PRESIDENT VALESKY:    The  
20   amendments are received.

21                   SENATOR LIBOUS:    On behalf of  
22   Senator Golden, I call up his bill, 4422A,  
23   recalled from the Assembly, which is now at the  
24   desk.

25                   ACTING PRESIDENT VALESKY:    The

1 Secretary will read.

2 THE SECRETARY: Calendar Number  
3 418, by Senator Golden, Senate Print 4422A, an  
4 act to amend the Executive Law.

5 ACTING PRESIDENT VALESKY: Senator  
6 Libous.

7 SENATOR LIBOUS: Mr. President, I  
8 move to reconsider the vote by which this bill  
9 was passed.

10 ACTING PRESIDENT VALESKY: The  
11 Secretary will call the roll on reconsideration.

12 (The Secretary called the roll.)

13 THE SECRETARY: Ayes, 60.

14 ACTING PRESIDENT VALESKY: Senator  
15 Libous.

16 SENATOR LIBOUS: Mr. President, I  
17 offer up the following amendments.

18 ACTING PRESIDENT VALESKY: Those  
19 amendments are received.

20 SENATOR LIBOUS: Mr. President, on  
21 behalf of Senator Maziarz, I wish to call up his  
22 bill, Senate Print 1122, recalled from the  
23 Assembly, which is now at the desk.

24 ACTING PRESIDENT VALESKY: The  
25 Secretary will read.

1                   THE SECRETARY:    Calendar Number  
2   573, by Senator Maziarz, Senate Print 1122, an  
3   act to amend the Public Officers Law.

4                   ACTING PRESIDENT VALESKY:    Senator  
5   Libous.

6                   SENATOR LIBOUS:    Mr. President, I  
7   now move to reconsider the vote by which this  
8   bill was passed.

9                   ACTING PRESIDENT VALESKY:    The  
10   Secretary will call the roll on reconsideration.

11                   (The Secretary called the roll.)

12                   THE SECRETARY:    Ayes, 60.

13                   SENATOR LIBOUS:    Mr. President, I  
14   offer up the following amendments.

15                   ACTING PRESIDENT VALESKY:    The  
16   amendments are received.

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

19                   And I have a number of amendments to  
20   make here. Let me start, Mr. President. I want  
21   to offer amendments to the following Third  
22   Reading Calendar bills.

23                   The first one is on behalf of  
24   Senator Ritchie, page 34, Calendar Number 407,  
25   Senate Print 4302.

1           On behalf of Senator Zeldin,  
2 page 38, Calendar Number 490, Senate Print  
3 4132A.

4           On behalf of Senator LaValle,  
5 page 44, Calendar Number 617, Senate Print 2006.

6           On behalf of Senator Gallivan,  
7 page 23, Calendar Number 74, Senate Print 583C.

8           On behalf of Senator Felder, page  
9 44, Calendar 624, Senate Print 4529A.

10          On behalf of Senator Felder,  
11 page 45, Calendar Number 644, Senate Print 4880.

12          And the most important one, on  
13 behalf of Senator Libous, on page 27 -- that was  
14 a joke. I just wondered if everybody was  
15 listening.

16                   (Laughter.)

17          SENATOR LIBOUS:    -- on page 27,  
18 Calendar 208, Senate Print 4191A.

19          Mr. President, I now move that these  
20 bills retain their place on the Third Reading  
21 Calendar, please.

22          ACTING PRESIDENT VALESKY:   All  
23 amendments have been received; all bills shall  
24 retain their place on the Third Reading  
25 Calendar.

1           Senator Libous.

2           SENATOR LIBOUS:    Mr. President, I  
3 believe members are about to take their seats so  
4 that we could have order in the chamber, and we  
5 will now do the reading of the noncontroversial  
6 calendar.

7           ACTING PRESIDENT VALESKY:    I would  
8 ask all Senators to be seated so that we may  
9 proceed with the noncontroversial reading of  
10 today's calendar.

11           The Secretary will read.

12           THE SECRETARY:    Calendar Number 36,  
13 by Senator Bonacic, Senate Print 1884, an act to  
14 amend the Environmental Conservation Law.

15           ACTING PRESIDENT VALESKY:    Read the  
16 last section.

17           THE SECRETARY:    Section 2. This  
18 act shall take effect on the first of July.

19           ACTING PRESIDENT VALESKY:    Call the  
20 roll.

21           (The Secretary called the roll.)

22           ACTING PRESIDENT VALESKY:    Announce  
23 the results.

24           THE SECRETARY:    In relation to  
25 Calendar Number 36, those recorded in the

1 negative are Senators Espaillat, Gipson,  
2 Hassell-Thompson, Hoylman, Krueger, Marcellino,  
3 Rivera, Sanders, Serrano, Stavisky and Tkaczyk.

4 Ayes, 50. Nays, 11.

5 ACTING PRESIDENT VALESKY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 102, by Senator Maziarz, Senate Print 3806C, an  
9 act to amend the Energy Law.

10 ACTING PRESIDENT VALESKY: Read the  
11 last section.

12 THE SECRETARY: Section 4. This  
13 act shall take effect immediately.

14 ACTING PRESIDENT VALESKY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 60. Nays,  
18 1. Senator Espaillat recorded in the negative.

19 ACTING PRESIDENT VALESKY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 148, by Senator Larkin, Senate Print 274A, an act  
23 to amend the Retirement and Social Security Law.

24 ACTING PRESIDENT VALESKY: Read the  
25 last section.

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

3                   ACTING PRESIDENT VALESKY:  Call the  
4  roll.

5                   (The Secretary called the roll.)

6                   THE SECRETARY:    Ayes, 61.

7                   ACTING PRESIDENT VALESKY:  The bill  
8  is passed.

9                   THE SECRETARY:    Calendar Number  
10 284, by Senator LaValle, Senate Print 3059B, an  
11 act to amend the Environmental Conservation Law.

12                  ACTING PRESIDENT VALESKY:  Read the  
13 last section.

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

16                  ACTING PRESIDENT VALESKY:  Call the  
17 roll.

18                  (The Secretary called the roll.)

19                  THE SECRETARY:    In relation to  
20 Calendar Number 284, those recorded in the  
21 negative are Senators Espaillat, Gipson, Kennedy,  
22 and Serrano.

23                               Ayes, 57.  Nays, 4.

24                  ACTING PRESIDENT VALESKY:  The bill  
25 is passed.

1 THE SECRETARY: Calendar Number  
2 318, by Senator LaValle, Senate Print 1555, an  
3 act to amend the Education Law.

4 ACTING PRESIDENT VALESKY: Read the  
5 last section.

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

8 ACTING PRESIDENT VALESKY: Call the  
9 roll.

10 (The Secretary called the roll.)

11 THE SECRETARY: Ayes, 62.

12 ACTING PRESIDENT VALESKY: The bill  
13 is passed.

14 THE SECRETARY: Calendar Number  
15 326, by Senator Klein, Senate Print 2369A, an act  
16 to amend the Local Finance Law.

17 ACTING PRESIDENT VALESKY: Read the  
18 last section.

19 THE SECRETARY: Section 4. This  
20 act shall take effect January 1, 2014.

21 ACTING PRESIDENT VALESKY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 62.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 327, by Senator Zeldin, Senate Print 2925B, an  
4 act to authorize.

5 ACTING PRESIDENT VALESKY: Read the  
6 last section.

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

9 ACTING PRESIDENT VALESKY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: In relation to  
13 Calendar 327, those recorded in the negative are  
14 Senators Bonacic, Larkin and O'Mara.

15 Ayes, 59. Nays, 3.

16 ACTING PRESIDENT VALESKY: The bill  
17 is passed.

18 THE SECRETARY: Calendar Number  
19 331, by Senator Griffo, Senate Print 4122, an act  
20 in relation to a certain agreement.

21 ACTING PRESIDENT VALESKY: Read the  
22 last section.

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

25 ACTING PRESIDENT VALESKY: Call the

1 roll.

2 (The Secretary called the roll.)

3 THE SECRETARY: Ayes, 61. Nays,

4 1. Senator Krueger recorded in the negative.

5 ACTING PRESIDENT VALESKY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 338, by Senator Nozzolio, Senate Print 3298A, an  
9 act to amend the Vehicle and Traffic Law.

10 ACTING PRESIDENT VALESKY: Read the  
11 last section.

12 THE SECRETARY: Section 2. This  
13 act shall take effect on the 180th day.

14 ACTING PRESIDENT VALESKY: Call the  
15 roll.

16 (The Secretary called the roll.)

17 THE SECRETARY: Ayes, 61. Nays,

18 1. Senator Gipson recorded in the negative.

19 ACTING PRESIDENT VALESKY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 367, by Senator Ball, Senate Print 2801, an act  
23 to amend the Election Law.

24 ACTING PRESIDENT VALESKY: Read the  
25 last section.

1 THE SECRETARY: Section 2. This  
2 act shall take effect on the 180th day.

3 ACTING PRESIDENT VALESKY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT VALESKY: Senator  
7 Gianaris to explain his vote.

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

10 This bill purports to allow people  
11 to register to vote while applying for a hunting  
12 or fishing license. I'm certainly not against  
13 allowing people easier access to voter  
14 registration. The reason I'm voting in the  
15 negative on this bill is for two reasons.

16 Number one, I have legislation that  
17 would open up interactions with every state  
18 agency to applications for voter registration,  
19 not just to a select few that may cater to a  
20 certain constituency and not others. And I think  
21 a uniform approach would be better served.

22 The second reason is because it's my  
23 understanding that some of these licenses are  
24 available from private entities. And I think the  
25 idea that we would allow people to register to

1 vote with nongovernmental entities, with  
2 employees who may not be trained in how to  
3 properly handle or help people register to vote,  
4 is problematic on many levels.

5 So for those reasons I'll be voting  
6 in the negative.

7 ACTING PRESIDENT VALESKY: Senator  
8 Gianaris to be recorded in the negative.

9 Senator Krueger, do you wish to  
10 explain your vote?

11 SENATOR KRUEGER: Thank you.

12 I certainly share Senator Gianaris's  
13 concerns. I would highlight if this bill ensured  
14 that voter registration was taken with licenses  
15 for hunting and fishing only through government  
16 offices, I would have no problem with it.

17 But it actually sets up a scenario  
18 where over 1400 retail sites would actually be  
19 required to accept voter registration -- and  
20 again, as I believe was said, and their employees  
21 required to assist.

22 And so I am a strong believer in  
23 simplifying voter registration anywhere and  
24 everywhere, but I don't actually think we should  
25 have an unfunded mandate on private companies and

1 their employees to have to do government's work.

2 So I'll be voting no,

3 Mr. President. Thank you.

4 ACTING PRESIDENT VALESKY: Senator  
5 Krueger to be recorded in the negative.

6 Announce the results.

7 THE SECRETARY: In relation to  
8 Calendar Number 367, those recorded in the  
9 negative are Senators Avella, Gianaris, Hoylman,  
10 Krueger, Montgomery, Parker, Rivera, Serrano and  
11 Stavisky.

12 Ayes, 53. Nays, 9.

13 ACTING PRESIDENT VALESKY: The bill  
14 is passed.

15 THE SECRETARY: Calendar Number  
16 406, by Senator Ritchie, Senate Print 4299A, an  
17 act to amend the Agriculture and Markets Law.

18 ACTING PRESIDENT VALESKY: Read the  
19 last section.

20 THE SECRETARY: Section 6. This  
21 act shall take effect immediately.

22 ACTING PRESIDENT VALESKY: Call the  
23 roll.

24 (The Secretary called the roll.)

25 THE SECRETARY: Ayes, 61. Nays,

1 1. Senator Espaillet recorded in the negative.

2 ACTING PRESIDENT VALESKY: The bill  
3 is passed.

4 THE SECRETARY: Calendar Number  
5 408, by Senator Gallivan, Senate Print 96, an act  
6 to amend the Executive Law.

7 ACTING PRESIDENT VALESKY: Read the  
8 last section.

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

11 ACTING PRESIDENT VALESKY: Call the  
12 roll.

13 (The Secretary called the roll.)

14 THE SECRETARY: Ayes, 62.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 434, by Senator Carlucci, Senate Print 3280 --

19 SENATOR STAVISKY: Lay it aside.

20 SENATOR GIANARIS: Lay it aside.

21 ACTING PRESIDENT VALESKY: The bill  
22 is laid aside.

23 THE SECRETARY: Calendar Number  
24 439, by Senator Fuschillo, Senate Print 774A, an  
25 act to amend the General Business Law.

1                   ACTING PRESIDENT VALESKY:    Read the  
2 last section.

3                   THE SECRETARY:    Section 2.  This  
4 act shall take effect on the 30th day.

5                   ACTING PRESIDENT VALESKY:    Call the  
6 roll.

7                   (The Secretary called the roll.)

8                   THE SECRETARY:    Ayes, 62.

9                   ACTING PRESIDENT VALESKY:    The bill  
10 is passed.

11                   THE SECRETARY:    Calendar Number  
12 462, by Senator Seward, Senate Print 3563, an act  
13 to amend the Environmental Conservation Law.

14                   ACTING PRESIDENT VALESKY:    Read the  
15 last section.

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

18                   ACTING PRESIDENT VALESKY:    Call the  
19 roll.

20                   (The Secretary called the roll.)

21                   ACTING PRESIDENT VALESKY:    Announce  
22 the results.

23                   THE SECRETARY:    In relation to  
24 Calendar Number 462, those recorded in the  
25 negative are Senators Adams, Espaillat, Gianaris,

1 Gipson, Hassell-Thompson, Hoylman, Kennedy,  
2 Krueger, Montgomery, Parker, Rivera, Sanders,  
3 Serrano and Stavisky.

4 Ayes, 48. Nays, 14.

5 ACTING PRESIDENT VALESKY: The bill  
6 is passed.

7 THE SECRETARY: Calendar Number  
8 465, by Senator Young, Senate Print 4356, an act  
9 to amend the Soil and Water Conservation  
10 Districts Law.

11 ACTING PRESIDENT VALESKY: Read the  
12 last section.

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

15 ACTING PRESIDENT VALESKY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 62.

19 ACTING PRESIDENT VALESKY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 479, by Senator Hannon, Senate Print 4414, an act  
23 to amend the Public Health Law.

24 ACTING PRESIDENT VALESKY: Read the  
25 last section.

1 THE SECRETARY: Section 3. This  
2 act shall take effect immediately.

3 ACTING PRESIDENT VALESKY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 63.

7 ACTING PRESIDENT VALESKY: The bill  
8 is passed.

9 THE SECRETARY: Calendar Number  
10 485, by Senator Maziarz, Senate Print 1063, an  
11 act to amend the County Law.

12 ACTING PRESIDENT VALESKY: Read the  
13 last section.

14 THE SECRETARY: Section 2. This  
15 act shall take effect on the 180th day.

16 ACTING PRESIDENT VALESKY: Call the  
17 roll.

18 (The Secretary called the roll.)

19 THE SECRETARY: Ayes, 63.

20 ACTING PRESIDENT VALESKY: The bill  
21 is passed.

22 THE SECRETARY: Calendar Number  
23 506, by Senator Griffo, Senate Print 3494, an act  
24 to amend the Highway Law.

25 ACTING PRESIDENT VALESKY: Read the

1 last section.

2 THE SECRETARY: Section 3. This  
3 act shall take effect immediately.

4 ACTING PRESIDENT VALESKY: Call the  
5 roll.

6 (The Secretary called the roll.)

7 THE SECRETARY: Ayes, 63.

8 ACTING PRESIDENT VALESKY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 553, by Senator Ball, Senate Print 2306, an act  
12 to amend the Executive Law.

13 ACTING PRESIDENT VALESKY: Read the  
14 last section.

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

17 ACTING PRESIDENT VALESKY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 63.

21 ACTING PRESIDENT VALESKY: The bill  
22 is passed.

23 THE SECRETARY: In relation to  
24 Calendar Number 553: Ayes, 62. Nays, 1.  
25 Senator Montgomery recorded in the negative.

1                   ACTING PRESIDENT VALESKY:    The bill  
2   is passed.

3                   THE SECRETARY:    Calendar Number  
4   556, by Senator Seward, Senate Print 2895, an act  
5   to amend the Insurance Law.

6                   ACTING PRESIDENT VALESKY:    Read the  
7   last section.

8                   THE SECRETARY:    Section 3.  This  
9   act shall take effect January 1, 2014.

10                  ACTING PRESIDENT VALESKY:    Call the  
11   roll.

12                  (The Secretary called the roll.)

13                  THE SECRETARY:    In relation to  
14   Calendar Number 556, those recorded in the  
15   negative are Senators Gipson, Hoylman, Krueger,  
16   Montgomery, Perkins and Sanders.

17                  Ayes, 57.  Nays, 6.

18                  ACTING PRESIDENT VALESKY:    The bill  
19   is passed.

20                  THE SECRETARY:    Calendar Number  
21   567, by Senator Avella, Senate Print 4544B, an  
22   act to amend the Environmental Conservation Law.

23                  ACTING PRESIDENT VALESKY:    Read the  
24   last section.

25                  THE SECRETARY:    Section 2.  This

1 act shall take effect on the 120th day.

2 ACTING PRESIDENT VALESKY: Call the  
3 roll.

4 (The Secretary called the roll.)

5 THE SECRETARY: Ayes, 63.

6 ACTING PRESIDENT VALESKY: The bill  
7 is passed.

8 THE SECRETARY: Calendar Number  
9 583, by Senator DeFrancisco, Senate Print 553B,  
10 an act to amend the Real Property Tax Law.

11 ACTING PRESIDENT VALESKY: Read the  
12 last section.

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

15 ACTING PRESIDENT VALESKY: Call the  
16 roll.

17 (The Secretary called the roll.)

18 THE SECRETARY: Ayes, 63.

19 ACTING PRESIDENT VALESKY: The bill  
20 is passed.

21 THE SECRETARY: Calendar Number  
22 584, by Senator Hannon, Senate Print 3476A, an  
23 act authorizing.

24 ACTING PRESIDENT VALESKY: Read the  
25 last section.

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

3 ACTING PRESIDENT VALESKY: Call the  
4 roll.

5 (The Secretary called the roll.)

6 THE SECRETARY: Ayes, 62. Nays,  
7 1. Senator Bonacic recorded in the negative.

8 ACTING PRESIDENT VALESKY: The bill  
9 is passed.

10 THE SECRETARY: Calendar Number  
11 648, by Senator Bonacic, Senate Print 1876A, an  
12 act to amend the County Law.

13 ACTING PRESIDENT VALESKY: Read the  
14 last section.

15 THE SECRETARY: Section 3. This  
16 act shall take effect immediately.

17 ACTING PRESIDENT VALESKY: Call the  
18 roll.

19 (The Secretary called the roll.)

20 THE SECRETARY: Ayes, 62. Nays,  
21 1. Senator Krueger recorded in the negative.

22 ACTING PRESIDENT VALESKY: The bill  
23 is passed.

24 THE SECRETARY: Calendar Number  
25 649, by Senator Klein, Senate Print 2438, an act

1 to amend the Agriculture and Markets Law.

2 ACTING PRESIDENT VALESKY: Read the  
3 last section.

4 THE SECRETARY: Section 6. This  
5 act shall take effect on the first of January.

6 ACTING PRESIDENT VALESKY: Call the  
7 roll.

8 (The Secretary called the roll.)

9 THE SECRETARY: Ayes, 63.

10 ACTING PRESIDENT VALESKY: The bill  
11 is passed.

12 THE SECRETARY: Calendar Number  
13 658, by Senator Grisanti, Senate Print 1604, an  
14 act to amend the Labor Law.

15 ACTING PRESIDENT VALESKY: Read the  
16 last section.

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

19 ACTING PRESIDENT VALESKY: Call the  
20 roll.

21 (The Secretary called the roll.)

22 THE SECRETARY: Ayes, 61. Nays,  
23 2. Senators DeFrancisco and Gipson recorded in  
24 the negative.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 THE SECRETARY: Calendar Number  
3 678, by Senator Fuschillo, Senate Print 739, an  
4 act to amend the Vehicle and Traffic Law.

5 ACTING PRESIDENT VALESKY: Read the  
6 last section.

7 THE SECRETARY: Section 4. This  
8 act shall take effect on the 90th day.

9 ACTING PRESIDENT VALESKY: Call the  
10 roll.

11 (The Secretary called the roll.)

12 THE SECRETARY: Ayes, 59. Nays,  
13 4. Senators Hassell-Thompson, Montgomery, Parker  
14 and Perkins recorded in the negative.

15 ACTING PRESIDENT VALESKY: The bill  
16 is passed.

17 THE SECRETARY: Calendar Number  
18 730, by Senator Addabbo, Senate Print 3740, an  
19 act to amend the Penal Law.

20 ACTING PRESIDENT VALESKY: Read the  
21 last section.

22 THE SECRETARY: Section 2. This  
23 act shall take effect on the first of November.

24 ACTING PRESIDENT VALESKY: Call the  
25 roll.

1 (The Secretary called the roll.)

2 ACTING PRESIDENT VALESKY: Senator  
3 DeFrancisco to explain his vote.

4 SENATOR DeFRANCISCO: Yes, I'm  
5 going to vote no. Not because I want to allow  
6 people to falsely solicit donations; my only  
7 point is that the law as it exists right now  
8 already prohibits that type of activity.

9 If you look at the sentence above  
10 the new sentence in the bill: "Engages in a  
11 scheme constituting a systematic ongoing course  
12 of conduct with intent to defraud more than one  
13 person or persons," and it goes on. And I just  
14 simply believe from a technical standpoint,  
15 falsely soliciting donations fits in that broad  
16 definition.

17 So that's the reason I'm voting no.

18 ACTING PRESIDENT VALESKY: Senator  
19 DeFrancisco to be recorded in the negative.

20 Announce the results.

21 THE SECRETARY: Ayes, 62. Nays,  
22 1. Senator DeFrancisco recorded in the negative.

23 ACTING PRESIDENT VALESKY: The bill  
24 is passed.

25 THE SECRETARY: Calendar Number

1 753, by Senator Young, Senate Print 2679A, an act  
2 to amend the General Municipal Law.

3 ACTING PRESIDENT VALESKY: Read the  
4 last section.

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

7 ACTING PRESIDENT VALESKY: Call the  
8 roll.

9 (The Secretary called the roll.)

10 THE SECRETARY: Ayes, 63.

11 ACTING PRESIDENT VALESKY: The bill  
12 is passed.

13 THE SECRETARY: Calendar Number  
14 804, by Senator Serrano, Senate Print 918, an act  
15 to amend the Parks, Recreation and Historic  
16 Preservation Law.

17 ACTING PRESIDENT VALESKY: Read the  
18 last section.

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

21 ACTING PRESIDENT VALESKY: Call the  
22 roll.

23 (The Secretary called the roll.)

24 THE SECRETARY: Ayes, 63.

25 ACTING PRESIDENT VALESKY: The bill

1 is passed.

2 Senator Libous, that completes the  
3 noncontroversial reading of the calendar.

4 SENATOR LIBOUS: Mr. President, at  
5 this time can we do the controversial reading.

6 ACTING PRESIDENT VALESKY: The  
7 Secretary will ring the bells.

8 The Secretary will read.

9 THE SECRETARY: Calendar Number  
10 434, by Senator Carlucci, Senate Print 3280, an  
11 act to amend the Mental Hygiene Law.

12 ACTING PRESIDENT VALESKY: Senator  
13 Stavisky.

14 SENATOR STAVISKY: Explanation,  
15 please.

16 ACTING PRESIDENT VALESKY: Senator  
17 Carlucci, an explanation has been requested by  
18 Senator Stavisky.

19 SENATOR CARLUCCI: Thank you.

20 This piece of legislation is an  
21 important piece of legislation to really bring  
22 the Mental Hygiene Law into the 21st century,  
23 give much needed flexibility to hospitals to make  
24 sure that when it is needed to admit someone to a  
25 psychiatric center, that a nurse practitioner, a

1 psychiatric nurse practitioner acting within  
2 their scope, can do that.

3 A psychiatric nurse practitioner  
4 already has the ability to diagnose, to treat, to  
5 prescribe atypical antipsychotic medications. So  
6 this is adding flexibility, bringing the law into  
7 the 21st century. And that's it.

8 Thank you.

9 ACTING PRESIDENT VALESKY: Senator  
10 Stavisky.

11 SENATOR STAVISKY: Will the Senator  
12 yield?

13 ACTING PRESIDENT VALESKY: Senator  
14 Carlucci, do you yield?

15 SENATOR CARLUCCI: Yes.

16 ACTING PRESIDENT VALESKY: The  
17 sponsor yields.

18 SENATOR STAVISKY: Mr. President,  
19 through you.

20 This was a product of the Committee  
21 on Mental Health and Developmental Disabilities,  
22 and yet much of the bill pertains to the scope of  
23 practice. Shouldn't this have been heard by the  
24 Committee on Higher Education?

25 SENATOR CARLUCCI: Mr. President,

1 this bill only amends the Mental Hygiene Law. It  
2 does not change the scope of practice. This is  
3 fully allowing nurse practitioners to act within  
4 their scope of practice.

5 SENATOR STAVISKY: If the Senator  
6 would continue to yield.

7 ACTING PRESIDENT VALESKY: Senator  
8 Carlucci?

9 SENATOR CARLUCCI: Yes.

10 ACTING PRESIDENT VALESKY: The  
11 sponsor yields.

12 SENATOR STAVISKY: What is the  
13 current process for voluntary and involuntary  
14 commitment of patients?

15 SENATOR CARLUCCI: The current  
16 process for voluntary and involuntary admission  
17 is that a physician -- psychiatrist, 99 percent  
18 of the time -- would have to submit a medical  
19 certification. Therefore, then the director of  
20 the facility where they're being submitted would  
21 have to have another physician examine that  
22 patient to determine what their need is to keep  
23 them on an involuntary basis.

24 SENATOR STAVISKY: If the Senator  
25 would continue to yield.

1                   ACTING PRESIDENT VALESKY:    Senator  
2    Carlucci, do you yield continue to yield?

3                   SENATOR CARLUCCI:    Yes.

4                   ACTING PRESIDENT VALESKY:    The  
5    sponsor yields.

6                   SENATOR STAVISKY:    If the person --  
7    and I'm not talking about a voluntary commitment,  
8    because I think that's a totally different  
9    issue. I'm talking about the involuntary  
10   commitment. Generally, wouldn't you agree that  
11   patients are taken to the emergency room?

12                  SENATOR CARLUCCI:    Mr. President,  
13    yes, in many cases there are situations where  
14    people are going to emergency rooms. And this is  
15    where we need that flexibility, to make sure that  
16    we have quality patient care.

17                  We've seen a decrease in the level  
18    of psychiatrists around the state, and that's why  
19    we want to make sure that these psychiatric nurse  
20    practitioners that are acting in their scope have  
21    that ability to admit someone so they're not just  
22    staying in an emergency room for an undue amount  
23    of time.

24                  SENATOR STAVISKY:    If the Senator  
25    would continue to yield.

1                   ACTING PRESIDENT VALESKY:    Senator  
2    Carlucci?

3                   SENATOR CARLUCCI:    Yes, I continue  
4    to yield.

5                   ACTING PRESIDENT VALESKY:    The  
6    sponsor yields.

7                   SENATOR STAVISKY:    If they are  
8    taken to the emergency room, generally the  
9    emergency rooms have two psychiatrists available  
10   because two psychiatrists are required for the  
11   commitment proceedings; is that correct?

12                  SENATOR CARLUCCI:    Well, that would  
13   be the process that we would need the two  
14   physicians to sign off to admit them.  However,  
15   this is filling the need in the cases where there  
16   are not two psychiatrists on staff.

17                  SENATOR STAVISKY:    If the Senator  
18   would continue to yield.

19                  ACTING PRESIDENT VALESKY:    Senator  
20   Carlucci, do you continue to yield?

21                  SENATOR CARLUCCI:    Yes.

22                  ACTING PRESIDENT VALESKY:    The  
23   sponsor yields.

24                  SENATOR STAVISKY:    If this bill  
25   were enacted and a nurse practitioner can sign

1 the necessary papers for an involuntary  
2 commitment, aren't you opening up that  
3 institution and the healthcare professionals to  
4 grounds for a legal challenge on taking away  
5 someone's civil rights?

6 In other words, a civil commitment  
7 is a very serious proceeding. And there have  
8 been statutes and court cases involving the  
9 entire civil commitment proceedings.

10 SENATOR CARLUCCI: Yeah, I would  
11 disagree with that.

12 This does not change the scope of  
13 practice for the nurse practitioner. It still  
14 has the safeguards for the adequacy of counsel.  
15 The hearings that would be involved are still in  
16 place. And this law does nothing to change that,  
17 to make sure that those safeguards are in place.

18 SENATOR STAVISKY: If the Senator  
19 would continue to yield.

20 ACTING PRESIDENT VALESKY: Senator  
21 Carlucci.

22 SENATOR CARLUCCI: Yes.

23 ACTING PRESIDENT VALESKY: The  
24 sponsor continues to yield.

25 SENATOR STAVISKY: That wasn't my

1 question. My question was you're changing the  
2 whole civil commitment proceeding and opening  
3 both the healthcare professionals and the  
4 institution to a court case.

5 SENATOR CARLUCCI: No, I would  
6 disagree with that. This does not change the  
7 proceeding.

8 It does one simple change to the  
9 Mental Hygiene Law in allowing nurse  
10 practitioners to act within their full scope of  
11 practice.

12 SENATOR STAVISKY: One last  
13 question.

14 ACTING PRESIDENT VALESKY: Senator  
15 Carlucci?

16 SENATOR CARLUCCI: I yield.

17 ACTING PRESIDENT VALESKY: The  
18 sponsor yields.

19 SENATOR STAVISKY: What exactly can  
20 the nurse practitioner do in terms of diagnosis?

21 SENATOR CARLUCCI: Well, right here  
22 I have the law in front of me. "The practice of  
23 registered professional nursing by a nurse  
24 practitioner, certified under Section 6910 of  
25 this article, may include the diagnosis of

1 illness and physical conditions and the  
2 performance of therapeutic and corrective  
3 measures within the specialty area of practice,  
4 in collaboration with a licensed physician  
5 qualified to collaborate in the diagnosis  
6 involved."

7 SENATOR STAVISKY: I'm sorry, then  
8 there's one more question I have.

9 ACTING PRESIDENT VALESKY: Senator  
10 Carlucci, do you yield?

11 SENATOR CARLUCCI: Yes.

12 ACTING PRESIDENT VALESKY: The  
13 sponsor yields.

14 SENATOR STAVISKY: It says in  
15 collaboration with a licensed psychiatrist. But  
16 if you've got a licensed psychiatrist, why do you  
17 need the nurse practitioner?

18 SENATOR CARLUCCI: Right. And  
19 you're exactly right, this does not change the  
20 licensed physician qualified to collaborate. It  
21 doesn't change that at all.

22 What this does is add flexibility in  
23 the cases where we have statistics that show a  
24 decrease in acting psychiatrists in New York  
25 State, and where we do not have two psychiatrists

1 on staff at an ER particularly. This bill would  
2 be very helpful in that case to deliver quality  
3 care that New Yorkers deserve.

4 SENATOR STAVISKY: Thank you,  
5 Senator Carlucci, for your explanation.

6 On the bill, Mr. President.

7 ACTING PRESIDENT VALESKY: Senator  
8 Stavisky on the bill.

9 SENATOR STAVISKY: Yes. The words  
10 "in collaboration" are part of the statute.  
11 And if the psychiatrists are there to offer the  
12 collaboration -- because you can't have a  
13 psychiatrist in Buffalo collaborating with a  
14 nurse practitioner in Riverhead. Therefore, it  
15 seems to me that you are creating a potential  
16 problem.

17 I think when you take away  
18 somebody's civil rights and involuntarily commit  
19 that individual to a hospital, that is a very  
20 serious proceeding and I think it should require  
21 the two psychiatrists. I have no problem with  
22 the voluntary commitment, but I have a serious  
23 problem with the involuntary commitment.

24 I vote no.

25 ACTING PRESIDENT VALESKY: Senator

1 Hannon.

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

4                   Senator Carlucci, I'm not going to  
5 ask you questions, but I have some doubts about  
6 this -- not from your committee standpoint on  
7 mental health, but rather from health. Because  
8 we're dealing with the nurse practitioners.

9                   We're dealing with the nurse  
10 practitioners. And we've been really looking at  
11 how to expand folks who are auxiliary parts but  
12 necessary parts and important parts of the  
13 healthcare system, dealing with physician's  
14 assistants and nurse practitioners.

15                   And when it came down to  
16 examination, it's been tangentially related to  
17 this discussion from the Health Committee, I know  
18 it's been going on in the Higher Education  
19 Committee. And usually when we're dealing with  
20 scope of practice, they primarily go through  
21 Higher Education.

22                   Part of the discussion I've been  
23 involved with and have been with a number of  
24 units of physician practices or organized  
25 medicine -- not necessarily just the Medical

1 Society, but internists or family practitioners  
2 or primary care practitioners -- has been the  
3 greater involvement of nurse practitioners.

4 But there are nurse practitioners  
5 and there are nurse practitioners. Some of them  
6 have just graduated, and some of them have been  
7 practicing for a number of years. Some of them  
8 are qualified to do things to stand in the stead  
9 of the physician that they're assisting or  
10 they're working in collaboration with, and some  
11 of them are not there yet.

12 And I think when you start to marry  
13 the policies that are embodied in this bill,  
14 which would be the qualifications of the nurse  
15 practitioner and the questions in regard to  
16 psychiatric judgments and questions in regard to  
17 being committed, I think we need to take another  
18 look at this and try to figure out how there  
19 could be a greater compromise.

20 So I mean I think some people have  
21 some doubts because of other discussions, namely  
22 in the medical field, but I have doubts and think  
23 that we should go back and take a longer look at  
24 this and leave this for another day.

25 ACTING PRESIDENT VALESKY: Thank

1 you, Senator Hannon.

2 Senator Rivera.

3 SENATOR RIVERA: Thank you,  
4 Mr. President. If the sponsor would yield for a  
5 few questions.

6 ACTING PRESIDENT VALESKY: Senator  
7 Carlucci, do you yield?

8 SENATOR CARLUCCI: Yes.

9 ACTING PRESIDENT VALESKY: The  
10 sponsor yields.

11 SENATOR RIVERA: Thank you.

12 Through you, Mr. President. Could  
13 the sponsor tell me how he defines scope of  
14 practice?

15 SENATOR CARLUCCI: Scope of  
16 practice is defined in the law, and that's how I  
17 would define it, what is specified in Education  
18 Law.

19 SENATOR RIVERA: Through you,  
20 Mr. President, if the sponsor would continue to  
21 yield.

22 ACTING PRESIDENT VALESKY: Senator  
23 Carlucci, do you yield?

24 SENATOR CARLUCCI: Yes.

25 ACTING PRESIDENT VALESKY: The

1 sponsor yields.

2                   SENATOR RIVERA: Through you,  
3 Mr. President, do you have that definition  
4 available, by any chance?

5                   SENATOR CARLUCCI: Yes, I do.

6                   SENATOR RIVERA: Through you,  
7 Mr. President, if the sponsor would continue to  
8 yield.

9                   ACTING PRESIDENT VALESKY: Senator  
10 Carlucci, do you yield?

11                   SENATOR CARLUCCI: Yes.

12                   ACTING PRESIDENT VALESKY: The  
13 sponsor continues to yield.

14                   SENATOR RIVERA: Thank you,  
15 Mr. President. So through you, what is that  
16 definition?

17                   SENATOR CARLUCCI: The definition  
18 that I have in front of me, what I read  
19 previously, is "the diagnosis of illness and  
20 physical conditions in the performance of  
21 therapeutic and corrective measures within a  
22 specialty area of practice, in collaboration with  
23 a licensed physician qualified to collaborate in  
24 the specialty involved, provided such services  
25 are performed in accordance with a written

1 practice agreement and written practice  
2 protocols."

3 SENATOR RIVERA: Through you,  
4 Mr. President, if the sponsor would --

5 SENATOR CARLUCCI: And that's just  
6 part of the scope. As we talked about before,  
7 really when we talk about psychiatric nurse  
8 practitioners, the ability to treat, diagnose and  
9 prescribe.

10 SENATOR RIVERA: Through you,  
11 Mr. President, if the sponsor would continue to  
12 yield.

13 ACTING PRESIDENT VALESKY: Senator  
14 Carlucci, do you yield?

15 SENATOR CARLUCCI: Yes.

16 ACTING PRESIDENT VALESKY: The  
17 sponsor yields.

18 SENATOR RIVERA: Thank you,  
19 Mr. President, through you.

20 I was unclear in my earlier  
21 question. I was not referring in particular to  
22 the scope of practice of nurse practitioners. My  
23 question -- through you, Mr. President -- would  
24 be how you define the concept of scope of  
25 practice, regardless of whether we're talking

1 about doctors, nurse practitioners, or any other  
2 person.

3 SENATOR CARLUCCI: Well, I would  
4 say, to make it as short as possible, the  
5 definition of law that gives them the criteria to  
6 act within that profession.

7 SENATOR RIVERA: Through you,  
8 Mr. President, if the sponsor would continue to  
9 yield.

10 ACTING PRESIDENT VALESKY: Senator  
11 Carlucci?

12 SENATOR CARLUCCI: Yes.

13 ACTING PRESIDENT VALESKY: The  
14 sponsor yields.

15 SENATOR RIVERA: Thank you,  
16 Mr. President.

17 So if we're saying that we're  
18 talking about procedures, action and processes  
19 that are permitted under the law for a particular  
20 licensed individual, how is the bill in front of  
21 us not a scope-of-practice bill as it relates to  
22 nurse practitioners?

23 SENATOR CARLUCCI: This bill is  
24 allowing nurse practitioners to fully act within  
25 their scope of practice. This is changing Mental

1 Hygiene Law, not changing their scope of practice  
2 in the Education Law. The simple change to bring  
3 it into the 21st century and allow nurse  
4 practitioners to admit on a voluntary or  
5 involuntary basis.

6 SENATOR RIVERA: Thank you,  
7 Mr. President. On the bill.

8 ACTING PRESIDENT VALESKY: Senator  
9 Rivera on the bill.

10 SENATOR RIVERA: Thank you,  
11 Mr. President.

12 So I thank the sponsor for answering  
13 some of the questions.

14 And when I'm referring to scope of  
15 practice in particular, we might be talking about  
16 19th, 20th or 21st century. What we're talking  
17 about is the actions, the procedures and the  
18 processes that somebody can perform.

19 So I have to agree with my colleague  
20 Senator Stavisky when pointing out that this bill  
21 actually changes the way that nurse practitioners  
22 can actually do their job. It actually expands  
23 their ability to do something; therefore, it is  
24 something that should have been considered in the  
25 Higher Education Committee. That's number one.

1                   Number two, what we're talking about  
2 here -- and I also have to agree with Senator  
3 Stavisky -- is a very specific action that has to  
4 do with the involuntary -- you know, putting  
5 somebody in a psychiatric hospital  
6 involuntarily. That is something that is, as a  
7 matter of fact, the conversation that we were  
8 having earlier. And I want to say Senator  
9 Sanders was the one that shared this with me, and  
10 I could not agree with him more. We should be  
11 talking about how to not lower the standards for  
12 such an action but actually make sure that we  
13 hold them to where we are right now, since we're  
14 talking about a very serious action that a  
15 medical practitioner will take.

16                   And lastly, I would also agree with  
17 Senator Hannon that when we're talking about what  
18 nurse practitioners can and cannot do, certainly  
19 we should be talking within the Health  
20 Department.

21                   I have to say that even though I  
22 don't question that we might need more  
23 professionals to be able to do this type of work,  
24 I do not agree -- even though nurse practitioners  
25 are highly skilled individuals, I do not believe

1 that we should expand their ability to be able to  
2 do this particular thing. So I will be voting in  
3 the negative on this piece of legislation.

4 Thank you so much, Mr. President.

5 ACTING PRESIDENT VALESKY: Senator  
6 Carlucci.

7 SENATOR CARLUCCI: Mr. President,  
8 after listening to the concerns of my colleagues,  
9 I'd like to lay this bill aside for the day and  
10 work with my colleagues to find out how we can  
11 make this bill what it's intending to do, to move  
12 these laws into the 21st century, give that  
13 flexibility that's needed.

14 So I'll lay the bill aside for the  
15 day.

16 ACTING PRESIDENT VALESKY: The bill  
17 is laid aside for the day.

18 Senator Libous, that completes the  
19 controversial reading of the calendar.

20 SENATOR LIBOUS: Mr. President, I  
21 believe that in consultation with -- there's no  
22 consultation.

23 (Laughter.)

24 SENATOR LIBOUS: On behalf of  
25 Senator Klein and Senator Skelos, there will be a

1 hand-up coming up to the desk.

2 ACTING PRESIDENT VALESKY: The  
3 hand-up is received.

4 SENATOR LIBOUS: Mr. President.

5 ACTING PRESIDENT VALESKY: Senator  
6 Libous.

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

9 ACTING PRESIDENT VALESKY: There is  
10 no further business at the desk.

11 SENATOR LIBOUS: There being no  
12 further business, I move that the Senate will  
13 adjourn until tomorrow, Thursday, June 4th, at  
14 3:00 p.m.

15 ACTING PRESIDENT VALESKY: On  
16 motion, the Senate stands adjourned until  
17 Tuesday, June 4th, at 3:00 p.m.

18 (Whereupon, at 5:08 p.m., the Senate  
19 adjourned.)

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