

1 NEW YORK STATE SENATE

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4 THE STENOGRAPHIC RECORD

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9 ALBANY, NEW YORK

10 March 22, 2012

11 11:18 a.m.

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14 REGULAR SESSION

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18 SENATOR CARL L. MARCELLINO, Acting President

19 FRANCIS W. PATIENCE, Secretary

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

2 ACTING PRESIDENT MARCELLINO:

3 The Senate will come to order.

4 I ask all present to rise and  
5 join with me in the Pledge of Allegiance to  
6 our Flag.

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

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

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

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

16 THE SECRETARY: In Senate,  
17 Wednesday, March 21st, the Senate met pursuant  
18 to adjournment. The Journal of Tuesday,  
19 March 20th, was read and approved. On motion,  
20 Senate adjourned.

21 ACTING PRESIDENT MARCELLINO:  
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: That was pretty  
9 quick, Mr. President.

10 At this time could we go to the  
11 reading of the noncontroversial calendar.

12 ACTING PRESIDENT MARCELLINO:  
13 The Secretary will read the noncontroversial  
14 reading of the calendar.

15 SENATOR LIBOUS: Mr. President,  
16 there's a lot of noise in the chamber.

17 ACTING PRESIDENT MARCELLINO: If  
18 we could take conversations out into the  
19 hallway, please, out into the lobby.

20 The Secretary will read.

21 THE SECRETARY: Calendar Number  
22 100, by Senator Seward, Senate Print 1685, an  
23 act to amend the Penal Law.

24 ACTING PRESIDENT MARCELLINO:  
25 Read the last section.

1                   THE SECRETARY:    Section 3.  This  
2 act shall take effect on the first of  
3 November.

4                   ACTING PRESIDENT MARCELLINO:  
5 Call the roll.

6                   (The Secretary called the roll.)

7                   ACTING PRESIDENT MARCELLINO:  
8 Senator Seward.

9                   SENATOR SEWARD:   Yes, thank you,  
10 Mr. President, just briefly to explain my  
11 vote.

12                   This legislation before us  
13 creates the new crime of staging a motor  
14 vehicle accident, which would be punishable as  
15 a felony offense.

16                   This is the first bill of several  
17 on our agenda today that deals with the  
18 problem of combating insurance fraud and also  
19 at the same time promoting highway safety.

20                   Now, staging an accident is  
21 defined under this bill as intentionally  
22 causing a collision for the purpose --

23                   ACTING PRESIDENT MARCELLINO:  
24 Excuse me, Senator.  I apologize.

25                   Ladies and gentlemen, can we

1 please take the conversations out of the  
2 chambers. Thank you.

3               SENATOR SEWARD: The bill before  
4 us defines staging an accident as intentionally  
5 causing a collision for the purpose of committing  
6 insurance fraud by inappropriately and illegally  
7 collecting no-fault benefits.

8               You know, when an accident is  
9 staged, it risks the participants' own safety,  
10 their victim's safety as well as the entire  
11 public.

12              And this bill is referred to as  
13 Alice's Law. And it's named after a 71-year-old  
14 grandmother, Alice Ross, from Queens, who was  
15 killed as a result of a staged accident. In  
16 fact, today is the ninth anniversary of that  
17 accident and the death of Alice Ross.

18              Here was a grandmother, a woman  
19 driving down the street minding her own business,  
20 on her way to her daughter's house, intentionally  
21 struck from behind by a vehicle carrying three  
22 men out searching for an unsuspecting victim.  
23 The impact forced Mrs. Ross off the highway into  
24 a tree and of course caused her death.

25              And after the accident, we had

1 these three perpetrators taken to one of these  
2 so-called medical centers where they feigned an  
3 assortment of injuries and illegally collected  
4 benefits. Luckily, they were ultimately  
5 prosecuted.

6 But this bill, by putting in the  
7 law the specific offense, will help our efforts  
8 to fight fraud and reduce insurance premiums and  
9 also make our highways safer.

10 Mr. President, I vote aye.

11 ACTING PRESIDENT MARCELLINO:

12 Thank you, Senator Seward. You will be recorded  
13 in the affirmative.

14 Announce the results, please.

15 THE SECRETARY: Ayes, 54. Nays,  
16 1. Senator Duane recorded in the negative.

17 ACTING PRESIDENT MARCELLINO: The  
18 bill is passed.

19 THE SECRETARY: Calendar Number  
20 111, by Senator Addabbo, Senate Print 1271A, an  
21 act to amend the Vehicle and Traffic Law.

22 ACTING PRESIDENT MARCELLINO: Read  
23 the last section, please.

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

1                   ACTING PRESIDENT MARCELLINO:    Call  
2 the roll.

3                   (The Secretary called the roll.)

4                   ACTING PRESIDENT MARCELLINO:  
5 Senator Addabbo to explain his vote.

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

8                   This bill is meant to send a clear  
9 message to those who even think about driving  
10 without a license or with a revoked license, and  
11 that is to stop and face the consequences, which  
12 could be an increased amount of fines monetarily  
13 or even up to four years in jail.

14                   Unfortunately, we have all seen and  
15 heard of accidents and incidents that have  
16 included fatalities caused by somebody driving  
17 without a proper license. Locally, many of my  
18 constituents have complained about this issue in  
19 our local streets.

20                   So in an effort to make the streets  
21 safer, and the reason why I introduced this bill  
22 based on constituent complaints, again, we are  
23 looking to increase the penalties here and  
24 increase the amount of jail time.

25                   I want to thank staff for their

1 help on this bill, and I will be voting yes on  
2 the bill.

3 Thank you, Mr. President.

4 ACTING PRESIDENT MARCELLINO: You  
5 will be recorded in the affirmative, Senator.

6 Announce the results, please.

7 THE SECRETARY: Ayes, 55.

8 ACTING PRESIDENT MARCELLINO: The  
9 bill is passed.

10 THE SECRETARY: Calendar Number  
11 155, by Senator Klein, Senate Print 1042, an act  
12 to amend the Penal Law.

13 ACTING PRESIDENT MARCELLINO: Read  
14 the last section, please.

15 THE SECRETARY: Section 2. This  
16 act shall take effect on the 90th day.

17 ACTING PRESIDENT MARCELLINO: Call  
18 the roll.

19 (The Secretary called the roll.)

20 ACTING PRESIDENT MARCELLINO:  
21 Senator Klein to explain his vote.

22 SENATOR KLEIN: Thank you,  
23 Mr. President.

24 Unfortunately, in communities  
25 around the state the crime of car theft is a



1 still a growing problem. This legislation would  
2 expand the list of predicate crimes for the  
3 charge of unauthorized use of a motor vehicle in  
4 the second degree by including crimes like grand  
5 larceny, motor vehicle criminal possession.

6 Right now someone cannot be  
7 convicted of unauthorized use of a motor vehicle  
8 in the second degree if they commit those other  
9 crimes within a 10-year period. Clearly these  
10 crimes are just as serious as the original  
11 crime.

12 So I think this legislation is  
13 going to go a long way towards being able to  
14 enhance the penalties by including these other  
15 crimes.

16 I vote yes, Mr. President.

17 ACTING PRESIDENT MARCELLINO:

18 Thank you, Senator. You will be accounted for in  
19 the affirmative.

20 Please announce the results.

21 THE SECRETARY: In relation to  
22 Calendar Number 155, those recorded in the  
23 negative are Senators Hassell-Thompson,  
24 Montgomery and Perkins.

25 Ayes, 52. Nays, 3.

1                   ACTING PRESIDENT MARCELLINO:    The  
2 bill is passed.

3                   THE SECRETARY:    Calendar Number  
4 235, by Senator Fuschillo, Senate Print 594, an  
5 act to amend the Public Health Law.

6                   ACTING PRESIDENT MARCELLINO:   Read  
7 the last section.

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

10                  ACTING PRESIDENT MARCELLINO:   Call  
11 the roll.

12                  (The Secretary called the roll.)

13                  ACTING PRESIDENT MARCELLINO:  
14 Announce the results.

15                  THE SECRETARY:    In relation to  
16 Calendar Number 235, those recorded in the  
17 negative are Senators Avella, Duane, Gianaris,  
18 Krueger, Montgomery, Peralta, Perkins, Rivera,  
19 Sampson, Squadron and Stavisky.

20                  Ayes, 55.  Nays, 11.

21                  ACTING PRESIDENT MARCELLINO:   That  
22 can't be right.

23                  THE SECRETARY:    Ayes, 44.  Nays,  
24 11.

25                  ACTING PRESIDENT MARCELLINO:    I

1 know we're going to increase the size of the  
2 house, but we haven't done it yet.

3 (Laughter.)

4 ACTING PRESIDENT MARCELLINO: The  
5 bill is passed.

6 THE SECRETARY: Calendar Number  
7 280, by Senator Seward, Senate Print 4040A, an  
8 act to amend the Insurance Law.

9 ACTING PRESIDENT MARCELLINO: Read  
10 the last section, please.

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

13 ACTING PRESIDENT MARCELLINO: Call  
14 the roll.

15 (The Secretary called the roll.)

16 ACTING PRESIDENT MARCELLINO:  
17 Announce the results.

18 THE SECRETARY: Ayes, 55.

19 ACTING PRESIDENT MARCELLINO: The  
20 bill is passed.

21 THE SECRETARY: Calendar Number  
22 339, by Senator Skelos, Senate Print 1543, an act  
23 to amend the Penal Law.

24 ACTING PRESIDENT MARCELLINO: Read  
25 the last section, please.

1 THE SECRETARY: Section 4. This  
2 act shall take effect on the first of November.

3 ACTING PRESIDENT MARCELLINO: Call  
4 the roll.

5 (The Secretary called the roll.)

6 ACTING PRESIDENT MARCELLINO:  
7 Announce the results.

8 THE SECRETARY: Ayes, 55.

9 ACTING PRESIDENT MARCELLINO: The  
10 bill is passed.

11 THE SECRETARY: Calendar Number  
12 372, by Senator Golden, Senate Print 4507B, an  
13 act to amend the Insurance Law.

14 ACTING PRESIDENT MARCELLINO: Read  
15 the last section, please.

16 THE SECRETARY: Section 8. This  
17 act shall take effect immediately.

18 ACTING PRESIDENT MARCELLINO: Call  
19 the roll.

20 (The Secretary called the roll.)

21 ACTING PRESIDENT MARCELLINO:  
22 Announce the results.

23 THE SECRETARY: In relation to  
24 Calendar Number 372, those recorded in the  
25 negative are Senators Duane, Hassell-Thompson and

1 Perkins.

2 Ayes, 53. Nays, 3.

3 ACTING PRESIDENT MARCELLINO: The  
4 bill is passed.

5 THE SECRETARY: Calendar Number  
6 440, by Senator Skelos, Senate Print 2004, an act  
7 to amend the Penal Law.

8 ACTING PRESIDENT MARCELLINO: Read  
9 the last section, please.

10 THE SECRETARY: Section 3. This  
11 act shall take effect on the first of November.

12 ACTING PRESIDENT MARCELLINO: Call  
13 the roll.

14 (The Secretary called the roll.)

15 ACTING PRESIDENT MARCELLINO:  
16 Announce the results.

17 THE SECRETARY: Ayes, 55. Nays,  
18 1. Senator Duane in the negative.

19 ACTING PRESIDENT MARCELLINO: The  
20 bill is passed.

21 Senator Libous, that completes the  
22 noncontroversial reading of the calendar.

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

25 I have some announcements.

1                   First off, is there any further  
2 business at the desk?

3                   ACTING PRESIDENT MARCELLINO:    No,  
4 the desk is clean, sir.

5                   SENATOR LIBOUS:    Thank you.

6                   Let me announce to the members that  
7 at noon today what we call Cycle A, Public  
8 Protection, Criminal Justice and Judiciary, will  
9 meet in Hearing Room A.  Those are Senators  
10 Saland, Little, Nozzolio, Ball and Golden as the  
11 alternate; Senators Ruth Hassell-Thompson and  
12 Mike Gianaris as the alternate.

13                  At that same time, noon, in Hearing  
14 Room B, Environment, Agriculture and Housing:  
15 Senators Maziarz, Young, Grisanti, Ritchie, and  
16 Bonacic as the alternate; Senators Parker and  
17 Espaillat as the alternate.

18                  Higher Education, Hearing Room C at  
19 noon:  Senators LaValle, Seward, Robach, Griffo,  
20 Zeldin as the alternate; Senators Stavisky and  
21 Serrano as the alternate.

22                  Economic Development in the  
23 Assembly Parlor -- these are all at noon, these  
24 announcements -- Economic Development is Senators  
25 Alesi, Bonacic, Griffo, Marcellino, Ritchie, as

1 the alternate; Senators Perkins and Kennedy as  
2 the alternate.

3 At 12:45 -- this is Cycle B, at  
4 12:45 -- Mental Hygiene at 12:45 in Hearing Room  
5 A: Senators McDonald, Larkin, Klein, Carlucci,  
6 Ball the alternate; Senators Huntley and Rivera  
7 as the alternate.

8 Transportation, at 12:45, in  
9 Hearing Room B: Senators Fuschillo, Nozzolio,  
10 Lanza, O'Mara, Young the alternate; Senators  
11 Dilan and Smith as the alternate.

12 Human Services and Labor -- this  
13 also at 12:45 -- location, Hearing Room C:  
14 Senators Robach, Gallivan, Saland, Savino, Alesi,  
15 alternate; Senators Montgomery and Squadron as  
16 the alternate.

17 Cycle C, at 1:30, Health: Senators  
18 Hannon, Golden, Young, Valesky, Larkin the  
19 alternate; Senators Krueger and Peralta as the  
20 alternate. That will be in Hearing Room B,  
21 Health at 1:30 in Hearing Room B.

22 Education at 1:30 in Hearing Room  
23 C: Senators Flanagan, Lanza, Ranzenhofer,  
24 Seward, Saland as the alternate; Senators Addabbo  
25 and Huntley as the alternate. That's Education

1 in Hearing Room C.

2 Mr. President, there being no  
3 further business before the Senate, I move that  
4 we adjourn until Monday, the 26th of March, at  
5 3:00 p.m., intervening days being legislative  
6 days.

7 ACTING PRESIDENT MARCELLINO: On  
8 motion, the Senate stands adjourned until Monday,  
9 March 26th, at 3:00 p.m., intervening days being  
10 legislative days.

11 (Whereupon, at 11:31 a.m., the  
12 Senate adjourned.)

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