NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 22, 2012

11:18 a.m.

REGULAR SESSION

SENATOR CARL L. MARCELLINO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MARCELLINO: The Senate will come to order.

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

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

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

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

ACTING PRESIDENT MARCELLINO: The reading of the Journal.

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

ACTING PRESIDENT MARCELLINO: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: That was pretty quick, Mr. President.

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

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

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

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

The Secretary will read.

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

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Seward.

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

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

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

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

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

Ladies and gentlemen, can we

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

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

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

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

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

And after the accident, we had

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

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

Mr. President, I vote aye.

ACTING PRESIDENT MARCELLINO: Thank you, Senator Seward. You will be recorded in the affirmative.

Announce the results, please.

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Addabbo to explain his vote.

SENATOR ADDABBO: Thank you, Mr. President.

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

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

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

I want to thank staff for their

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

Thank you, Mr. President.

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

Announce the results, please.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Senator Klein to explain his vote.

SENATOR KLEIN: Thank you, Mr. President.

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

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

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

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

I vote yes, Mr. President.

ACTING PRESIDENT MARCELLINO: Thank you, Senator. You will be accounted for in the affirmative.

Please announce the results.

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

Ayes, 52. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results.

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

Ayes, 55. Nays, 11.

ACTING PRESIDENT MARCELLINO: That can't be right.

THE SECRETARY: Ayes, 44. Nays, 11.

ACTING PRESIDENT MARCELLINO: I

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

(Laughter.)

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results.

THE SECRETARY: Ayes, 55.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results.

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

Perkins.

Ayes, 53. Nays, 3.

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

ACTING PRESIDENT MARCELLINO: Read the last section, please.

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

ACTING PRESIDENT MARCELLINO: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MARCELLINO: Announce the results.

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

ACTING PRESIDENT MARCELLINO: The bill is passed.

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

SENATOR LIBOUS: Thank you, Mr. President.

I have some announcements.

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

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

SENATOR LIBOUS: Thank you.

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

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

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

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

the alternate; Senators Perkins and Kennedy as the alternate.

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

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

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

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

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

in Hearing Room C.

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

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

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