NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

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11:23 a.m.

REGULAR SESSION

SENATOR VELMANETTE MONTGOMERY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MONTGOMERY: The Senate will please come to order.

I ask everyone present to rise and recite with me the Pledge of Allegiance to our Flag.

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

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

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

ACTING PRESIDENT MONTGOMERY: Thank you.

The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Wednesday, February 25, the Senate met pursuant to adjournment. The Journal of Tuesday, February 24, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT MONTGOMERY: 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 Klein.

SENATOR KLEIN: Madam President, may we at this time adopt the Resolution Calendar in its entirety, with the exception of Resolution Number 533.

ACTING PRESIDENT MONTGOMERY: All those in favor of adopting the Resolution Calendar in its entirety, with the exception of Resolution Number 533, please signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MONTGOMERY: Opposed, nay.

(No response.)

ACTING PRESIDENT MONTGOMERY: The

Resolution Calendar, with the exception of Resolution Number 533, is adopted.

Senator Klein.

SENATOR KLEIN: Madam President, may we at this time take up Senate Resolution Number 533, which is currently at the desk. And I ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MONTGOMERY: The Secretary will read.

THE SECRETARY: By Senator Serrano, Legislative Resolution Number 533, paying tribute to the life and music of Joe Cuba, the Father of Boogaloo.

"WHEREAS, It is with great sorrow and deep regret that this Legislative Body records the passing of Joe Cuba, who died on February 15, 2009, in New York City at the age of 78; and

"WHEREAS, Joe Cuba was the most popular exponent of the boogaloo, a fused Latino and R&B rhythm that exploded onto the American Top 40 charts during the turbulent 1960s and '70s; and

"WHEREAS, Hits such as 'Bang Bang,' 'Push Push,' 'El Pito', Arinanara,' and 'Sock It To Me Baby,' featuring vibraphones replacing the traditional brass sound, rocked the hit parades, establishing Joe Cuba and his Sextet as the definitive sound of Latin New York of the era; and

"WHEREAS, At the forefront of the Nuyorican movement of New York, where the children of Puerto Rican emigrants, America's last citizens, took music, culture, arts and politics into their own hands, Joe Cuba mixed Spanish and English in his lyrics to become an important part of the emerging Nuyorican identity; and

"WHEREAS, The first musical introduction to Latin rhythms for many American aficionados, Joe Cuba and his Sextet became popular in the New York Latino community precisely because it fused a bilingual mix of Afro-Caribbean genres blended with the popular urban rhythm and blues of its time, creating a musical marriage between the Fania and Motown sound; and

"WHEREAS, Christened Gilberto Miguel Calderon by his Puerto Rican parents who arrived in New York City in the 1920s, Joe Cuba, or Sonny, as he was called by his closest friends, was born in 1931 in the heart of Spanish Harlem; and

"WHEREAS, After breaking a leg playing stickball, Joe Cuba took up playing the conga and continued to practice between school and his free time. Eventually, he graduated from high school and joined a band; and

"WHEREAS, In 1954, the newly named Joe Cuba Sextet made its debut at the Stardust Ballroom. Since that time, the band has been a staple of concerts and festivals that unite both Latinos, African-Americans, and just plain music lovers in venues all over the world; and

"WHEREAS, Joe Cuba is survived by his wife, Maria Calderon; sons, Mitchell and Cesar; daughter, Lisa; grandchildren Nicole and Alexis, and his legions of fans throughout the world, all of whom felt privileged to be a

part of his life and rejoiced in his many achievements; and

"WHEREAS, Armed with a humanistic spirit, imbued with a sense of compassion, and comforted by a loving family, Joe Cuba leaves behind a legacy which will long endure the passage of time, and his memory will remain in the hearts of all those who had the honor of knowing him; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to pay tribute to the life and music of Joe Cuba, the Father of Boogaloo; and be it further

"RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the family of Joe Cuba."

ACTING PRESIDENT MONTGOMERY: Senator Serrano.

SENATOR SERRANO: Thank you, Madam President.

I'm here today to memorialize the life and music of Gilberto Miguel Calderon, or Joe Cuba, as he was properly known. Joe Cuba was an East Harlem musician whose rhythms and

grooves evoked an era and redefined music forever.

Although Cuba was a talented musician who ventured into all aspects of Latin music, he is most famously remembered as the father of the boogaloo. This diverse style of music grew from Latino traditions as well as African-American music styles. Much like the neighborhood Joe Cuba was a product of, this musical fusion helped to redefine the emerging Nuyorican identity of the 1960s and the 1970s.

Cuba's use of both English and Spanish helped introduce Latin music to a wider audience. National hits such as "El Pito (I'll Never Go Back to Georgia)," "Bang Bang," and "Sock It To Me Baby" were many of America's first introduction to Latin music. They still endure to this day as classics of a distinctly New York sound. Listen to any of these songs and you'll hear the passion and joy that Joe Cuba poured into everything he did.

Joe Cuba was born in East Harlem in

1931 and from the beginning was every bit a part of his neighborhood. Even after he achieved fame and traveled around the world to play for audiences, Joe Cuba always had East Harlem in his heart.

In addition to being a fixture in the community, Joe Cuba was also a friend of my father's, going back to the early days in the 1960s when my dad was starting out as a master of ceremonies at local dance clubs.

Personally, I remember hearing his infectious beats as a child growing up. His music was always playing in Puerto Rican households.

Joe Cuba passed away on Sunday, February 15th, at Mount Sinai Hospital in the East Harlem that he loved so much. He is survived by his wife Maria, sons Mitchell and Cesar, daughter Lisa, and grandchildren Nicole and Alexis. My deepest and most heartfelt condolences go out to his family at this difficult time.

And I want to thank all my colleagues in advance for supporting this

resolution.

Thank you, Madam Chair.

ACTING PRESIDENT MONTGOMERY: Are there any other Senators who would like to speak on this resolution?

Senator Perkins.

SENATOR PERKINS: Thank you very much.

I want to first commend my colleague Senator Serrano for this resolution of a great New Yorker from El Barrio, again, whose influence went beyond his Latin roots and has impacted so many of us not only in the New York City area but throughout really the country and maybe even the world in terms of the music and what he represented.

I had the privilege of knowing of him, since part of my roots are in that community, and I took the opportunity to prepare a proclamation to present to his family at the funeral. And I just wanted to read a little bit of that for the record because it represents, I think, again, the broader influence that he has had for so many

of us:

"WHEREAS, A great state is only as great as those individuals who perform exemplary service on behalf of their community, whether through unique achievement in professional or other endeavors or simply through a lifetime of good citizenship; and

"WHEREAS, A figure in the musical scene since the early 1950s, Gilberto Miguel Calderon, who came to be known as 'Joe Cuba,' carved a niche in the history of New York-based Hispanic dance music with an innovative and simple musical formula based on a rhythmic sextet; and

"WHEREAS, Joe Cuba's humble beginnings were of a East Harlem-born stickball player who was not one of the best conga players ever but managed to use what he had to gain musical divinity as the Father of Latin boogaloo, a mix of rhythm and blues; and

"WHEREAS, As band leader, composer and performer, Joe Cuba early on showed clear signs of what would later become salient features of salsa, popularizing the use of

English lyrics within a rough and hard-charging percussive musical milieu that enamored audiences; and

"WHEREAS, Joe Cuba's true claim to fame came in the 1960s, when the New York music scene was in the throes of a transitional period after the Big Band mambo era gave way to sundry musical expressions, during which time his sextet figured prominently with hits such as 'Sock It To Me Baby,' 'El Pito,' and 'Bang Bang'; and

"WHEREAS, Joe Cuba attained immense popularity by remaining true to his East Harlem roots, giving expression to what he knew best, 'El Barrio'; and

"WHEREAS, The majority of Latin orchestras of the era relied on Big Band sounds, Joe Cuba's sound was defined by a driving rhythm and cool melody, synonymous with 'Paris de marquesina,' or the house garage parties of the 1960s and 1970s in Puerto Rico; and

"WHEREAS, There can be no question that Joe Cuba lived his dream, utilizing his

extraordinary talents to enrich the lives of countless others; and

"WHEREAS, Family, friends and fans of Joe Cuba have gathered on February 20, 2009, to celebrate his life and life's work; now, therefore, be it

"RESOLVED, that I, State Senator Bill Perkins -- and this body, I would hope -- recognize that in Joe Cuba we have an individual worthy of our highest respect and esteem; and be it further

"RESOLVED, That a copy of this proclamation be transmitted to the family of Gilberto Miguel Calderon during the funeral services."

Thank you.

ACTING PRESIDENT MONTGOMERY: Thank you, Senator Perkins.

Are there any other Senators that wish to speak on this resolution?

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

(Response of "Aye.")

ACTING PRESIDENT MONTGOMERY:

Opposed, nay.

(No response.)

ACTING PRESIDENT MONTGOMERY: The resolution is adopted.

The sponsor of this resolution has opened this for multisponsorship by the entire house. Any member wishing not to be a multisponsor should so inform the front desk.

Senator Klein.

SENATOR KLEIN: Madam President, at this time can we please go to the noncontroversial reading of Senate Calendar Number 11.

ACTING PRESIDENT MONTGOMERY: The Secretary will read.

THE SECRETARY: Calendar Number 34, by Senator Addabbo, Senate Print 1057, an act to amend the Election Law, in relation to affidavit ballots.

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT MONTGOMERY: The bill is laid aside.

The Secretary will continue to

read.

THE SECRETARY: Calendar Number 35, by Senator Addabbo, Senate Print 1062, an act to amend the Election Law, in relation to making mail registration forms available.

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT MONTGOMERY: The bill is laid aside.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 36, by Senator Dilan, Senate Print 1366, an act to amend the Election Law, in relation to independent nominating petitions.

ACTING PRESIDENT MONTGOMERY: Read the last section.

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

ACTING PRESIDENT MONTGOMERY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MONTGOMERY: Announce the results.

THE SECRETARY: Ayes, 58. Nays, 1. Senator Morahan recorded in the negative.

ACTING PRESIDENT MONTGOMERY: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 37, by Senator Dilan, Senate Print 1554, an act to amend the Election Law, in relation to counting of affidavit ballots.

SENATOR LIBOUS: Lay it aside, please.

ACTING PRESIDENT MONTGOMERY: The bill is laid aside.

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

SENATOR KLEIN: Madam President, at this time can we please move to the controversial reading of the calendar.

ACTING PRESIDENT MONTGOMERY: The Secretary will please ring the bells.

Members are asked to come into the chamber, if you will, please, for the controversial reading of today's calendar.

The Secretary will read.

THE SECRETARY: Calendar Number 34, by Senator Addabbo, Senate Print 1057, an act to amend the Election Law.

SENATOR SALAND: Explanation, please.

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, an explanation has been requested by Senator Saland.

SENATOR ADDABBO: Madam President, on which bill? I'm sorry.

ACTING PRESIDENT MONTGOMERY: Calendar Number 34, Senate Print 1057.

SENATOR ADDABBO: On this bill, Madam President, what we are doing is simply codifying what is already done in many of our counties with affidavit ballots.

Many of our counties already have a registration form and information for registration forms already on their affidavit ballots. So since counties are already doing it, what we're doing here at this point is just codifying what's already been done.

ACTING PRESIDENT MONTGOMERY:

Senator Saland.

SENATOR SALAND: Thank you, Madam President.

Senator Addabbo, when you say codifying what has already been done -- I'm being counseled "through the chair." I apologize.

Madam President, will Senator Addabbo yield?

ACTING PRESIDENT MONTGOMERY: Are you requesting Senator Addabbo to yield to a question?

SENATOR SALAND: Yes, I am.

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, do you yield?

SENATOR ADDABBO: Yes, Madam President.

ACTING PRESIDENT MONTGOMERY: Go ahead.

SENATOR SALAND: I think you had said merely codifying a practice that's occurring in some counties. To the extent to which this practice is occurring in such counties, this codification would in no way,

shape or form change the current law with regard to same-day registration, would it?

SENATOR ADDABBO: No. Not to my knowledge, no.

SENATOR SALAND: Thank you.

Thank you, Madam President.

ACTING PRESIDENT MONTGOMERY: Thank you, Senator Saland.

Senator Perkins.

SENATOR PERKINS: I wanted to speak on the bill, if I may.

ACTING PRESIDENT MONTGOMERY: Senator Perkins, on the bill.

SENATOR PERKINS: You know, this is a great piece of legislation, and I want to commend the sponsor for moving this forward.

You know, very often there are problems at polling sites where affidavit ballots become necessary to guarantee the opportunity for people who need to be counted to actually be counted. And in the event sometimes that that person's ballot is not there or they may not be registered, this offers them the opportunity to get registered.

And this is important because we want to make sure as many folks are registered to vote as possible. And this affidavit, as the affidavit on the actual application, gives us some assurance that this individual is a legitimate possible voter and therefore can be processed and able to vote in future elections.

And it avoids some of the frustration and cynicism that people have about the process when in fact they want to participate, are legitimately entitled to participate, but are frustrated because for some reason their registration has not been counted. So this allows them for future elections surely to be counted.

So I think this is great. I think it will encourage people to want to participate in our democracy and relieve us of some of the cynicism that sometimes people have about the process.

So thank you so much. I'm going to support this legislation.

ACTING PRESIDENT MONTGOMERY:

Thank you, Senator Perkins.

Are there any other Senators wishing to be heard on this bill?

Hearing none, the debate is closed.

The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT MONTGOMERY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MONTGOMERY: Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Yes, Madam President, to explain my vote.

I am going to vote for this bill. I think it's a good idea, as long as we have the assurance -- and I heard Senator Addabbo say it -- that this bill does not constitute same-day registration.

For future elections, fine. Not same-day registration. That was the question that was asked, and it was answered in that manner. I accept the Senator's answer.

And I would vote aye on that bill on that proviso, that this does not constitute same-day registration.

ACTING PRESIDENT MONTGOMERY: Senator DeFrancisco, to explain his vote.

SENATOR DeFRANCISCO: Yes. There's something that just doesn't ring true with this bill, and let me try to explain. Actually, my counsel, Senator Owen Johnson, brought it to my attention, and I hadn't thought about it until after the debate was closed.

But apparently if this bill goes into effect -- and apparently in some jurisdictions it's already happening, where the registration form is there -- it seems somewhat contradictory that someone is signing an affidavit saying they're registered to vote and therefore want their vote counted for this particular election, and then completing a voter registration form.

You can't be in two different -- you're either registered or you're not. And if you are, then you can vote by the

affidavit. If you're not, then you should register. But by doing the same thing on the same day, something just doesn't sit right.

And I'm all for the idea of having registration forms available as often as you can, but it might result, I think, in some situations where the affidavit ballot might possibly be contested if some individuals on the same day say something contradictory; namely, that we want to register to vote too today.

So I'll vote yes, assuming that everybody else understands this better than I do and that this is not a problem. But I think it's a potential problem as far as counting affidavit ballots at a later date, because the person that day is doing two contrary things.

Thank you.

ACTING PRESIDENT MONTGOMERY: Thank you.

Announce the results.

THE SECRETARY: In relation to Calendar Number 34, recorded in the negative:

Senator Flanagan.

Absent from voting: Senators Alesi, Farley, Larkin and Seward.

Excused, Senators Hannon and Winner.

Ayes, 55. Nays, 1.

ACTING PRESIDENT MONTGOMERY: The bill is passed.

(Applause.)

ACTING PRESIDENT MONTGOMERY: Congratulations, Senator Addabbo.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 35, by Senator Addabbo, Senate Print 1062, an act to amend the Election Law, in relation to making mail registration forms available.

ACTING PRESIDENT MONTGOMERY: Senator Saland.

SENATOR SALAND: Will Senator Addabbo yield, Madam President?

SENATOR LIBOUS: Explanation.

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, will you yield for a question

from Senator Saland?

SENATOR LIBOUS: Explanation.

SENATOR SALAND: I'm sorry, an explanation has been asked for. Would you provide -- my apologies. I hear a request for an explanation, and then I'll ask my question. Thank you.

SENATOR ADDABBO: Sure.

Madam President, here on 1062 we're just encouraging the facilitating of the accessibility of registration forms. That's merely what this bill does.

Again, what it does is make more specific or more detailed what is already being done in practice. So basically we're just facilitating accessibility for registration forms.

ACTING PRESIDENT MONTGOMERY: Senator Saland.

SENATOR SALAND: Thank you, Madam President. Would Senator Addabbo yield?

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, will you yield for a question from Senator Saland?

SENATOR ADDABBO: Yes, Madam President.

SENATOR SALAND: Senator Addabbo, I'm looking at the language beginning on line 9 and running through lines 12 and 13. And what you say in your bill is that each county Board of Elections shall make application forms available to the public through distribution to federal, state and local government buildings.

Assuming for the moment that our friends in federal government will take, for this very laudable purpose, our forms. I would assume that will not present too much of a problem.

However, you define among your buildings "including but not limited to banks." And I'm not sure that a bank is either a federal, state or local governmental building.

SENATOR ADDABBO: Not yet.

(Laughter.)

SENATOR SALAND: You must be prescient. You must know something that --

SENATOR ADDABBO: We're being slightly ahead of the curve here, Senator Saland.

(Laughter.)

SENATOR SALAND: That being the case, will we put this bill aside until we see whether the banks are nationalized?

SENATOR ADDABBO: Well, the reason -- and respectfully, it does say "may," that it may include banks. If we even take the word "bank" out, if we don't choose to do banks since it's not today considered a federal or governmental building, we don't have to do it. It's not requiring banks, it's may include banks.

SENATOR SALAND: If the Senator will continue to yield, Madam President.

ACTING PRESIDENT MONTGOMERY: Will you continue to yield, Senator Addabbo?

SENATOR ADDABBO: Oh, yes, Madam President.

SENATOR SALAND: Thank you, Senator Addabbo.

I'm merely pointing out the

inconsistency between governmental buildings of whatever level, federal, state or local, and the inclusion of what is currently -- and perhaps somewhere down the road, this will not be case -- but what is currently a private institution. And it would seem to me that that inconsistency should be remedied.

I certainly in no way, shape or form oppose what you're attempting to do here. But I think this bill would be more appropriate and certainly more tightly drafted if we just took out the reference to banks.

SENATOR ADDABBO: Like I said, Senator Saland, it's a good point, a point well-noted.

The fact that the word specifically "may" is in there, I would say that banks, even though they are not considered governmental buildings at this point, again, because the word "may" is in there, the requirement of giving registration forms to banks is not there. The requirement is not there. But if they were to appear in banks, I think we'd all appreciate that as well.

SENATOR SALAND: Thank you, Senator.

SENATOR ADDABBO: Thank you.

ACTING PRESIDENT MONTGOMERY: Senator Fuschillo.

SENATOR FUSCHILLO: Madam President, will the sponsor just yield for a quick question?

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, will you yield for a question from Senator Fuschillo?

SENATOR ADDABBO: Yes.

SENATOR FUSCHILLO: Senator, I agree with the intent to get the registration forms out as widely and publicly as possible. Just a quick question. How will the county Board of Elections get these forms to these institutions that you're suggesting they get them to?

SENATOR ADDABBO: There could be a myriad of ways, Senator.

Obviously we could use mail. And there is no time requirement here, so when their budget appropriates enough, they can get

it out there.

It certainly could be done in a more feasible and maybe more reduced-cost manner, like personal delivery too, if that is feasible.

SENATOR FUSCHILLO: Madam President, through you, just one final question, if the Senator will yield.

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, do you agree to continue to yield to another question?

SENATOR ADDABBO: Yes, Madam President.

SENATOR FUSCHILLO: So there's no appropriation tied to this bill to help the counties achieve your goal?

SENATOR ADDABBO: Only because, again, they're not required in time. We never said that they have to do it within six months, eight months, or what have you.

When their budget appears that it's able to be done so, then obviously they could do it by mail if they choose to. If their budget does not permit them to, there are,

again, cheaper effective ways to do it.

SENATOR FUSCHILLO: Madam President, through you, will the sponsor yield for one final question?

ACTING PRESIDENT MONTGOMERY: Will you yield for a final question?

SENATOR ADDABBO: Yes, Madam President.

SENATOR FUSCHILLO: So, Senator, so they really don't have to do what you're asking them to do?

SENATOR ADDABBO: They do it already.

SENATOR FUSCHILLO: No, but -- I understand what they do. So is this piece of legislation that we want to vote on to make law just a suggestion to them that's law?

SENATOR ADDABBO: Madam President, what this bill does is just make more specific where we are suggesting these registration forms be.

I don't think anybody will argue that we need to have better accessibility to those registration forms. As I go into many

governmental offices and buildings, the registration forms should be there, and they're not. I don't think anybody would argue about accessibility to registration forms.

SENATOR FUSCHILLO: Madam President, through you. Senator, thank you very much.

Madam President, on the bill.

ACTING PRESIDENT MONTGOMERY: Yes, on the bill, Senator Fuschillo.

SENATOR FUSCHILLO: It greatly concerns me that we're dealing with a piece of legislation and we're writing a law that is just a suggestion now and really has no impact at all on anything.

But it further concerns me that in these economic times we are still suggesting to local municipalities that have no money, that are in deficits throughout this state, that we're asking them to achieve a goal of just a suggestion which essentially is an unfunded mandate.

Thank you very much.

ACTING PRESIDENT MONTGOMERY: Thank you.

Are there any other Senators wishing to speak?

Senator Griffo.

SENATOR GRIFFO: Thank you. Would the sponsor yield?

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, do you agree to yield to a question?

SENATOR ADDABBO: Yes, Madam President.

ACTING PRESIDENT MONTGOMERY: Senator Griffo.

SENATOR GRIFFO: Madam President, through you. Senator Addabbo, it says post office here. Now, that would be a federal building. And under federal law, they would not be subjected to state law. So was there any contact made? Or how would we conduct that?

SENATOR ADDABBO: No, Senator -- through you, Madam President -- we can only be hopeful. Obviously, again, this is a

suggestion. It says "may." It's a suggestion. Many of our post offices already have them there. This is just merely suggesting. We are obviously promoting also state and local government offices, like DMV and others.

So therefore, it is a suggestion. But again, what we're doing here is codifying in a more specific manner what offices may be included.

SENATOR GRIFFO: Madam President, through you, would the sponsor yield for one additional question?

ACTING PRESIDENT MONTGOMERY: Senator Addabbo, will you continue to yield?

SENATOR ADDABBO: Yes, Madam President.

SENATOR GRIFFO: Through you, Madam President. Senator Addabbo, I'm a former county executive, so I know how difficult it was when we're dealing with state requirements and mandates.

Was there any effort made to connect with the New York State Association of

Counties to discuss with them what this could mean and how they would do this?

SENATOR ADDABBO: No, Senator, not at this point.

That's why I would like to use, as chair of the Elections Committee, oversight somewhere down the line in the near future, to see how this gets implemented. And, obviously, hopefully seeing that it's implemented in an efficient way.

SENATOR GRIFFO: Thank you.

ACTING PRESIDENT MONTGOMERY: Thank you.

Are there any other Senators wishing to speak on this legislation?

The debate is closed.

The Secretary will ring the bells.

Read the last section.

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

ACTING PRESIDENT MONTGOMERY: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT MONTGOMERY:

Senator Adams, to explain his vote.

SENATOR ADAMS: Thank you, Madam President, to explain my vote.

I think this is an important piece of legislation, and I want to commend Senator Addabbo.

When you look at even moving polling sites to locations with the elderly, with the handicapped, often you will find voter registration forms only in the Board of Elections in many of our communities.

I believe in making this accessible to those who can go into these various locations that they're familiar with. Many of us, we are used to walking into governmental buildings. But to the average New Yorker, it's intimidating. But if they can go into familiar surroundings, some of the locations that were listed here, it makes it easier.

We need a better participation in elections. We have a lack of participation. And I believe part of that erosive behavior is because many people are intimidated by the process of going in and registering to vote.

This makes it easier, and I commend Senator Addabbo on this piece of legislation.

I'll be voting aye.

ACTING PRESIDENT MONTGOMERY: Senator Liz Krueger, to explain her vote.

SENATOR LIZ KRUEGER: Thank you, Madam President.

I also want to thank the sponsor for sponsoring the bill and bringing it to all our attention today.

But I also want to go on the record about some concerns that were raised by Senator Fuschillo and others of the cost of moving these ballots around.

The federal Motor Voter Act already requires some of this, most of this to be done. So this is just codifying our commitment to ensuring that people have the ability to get voter registration forms.

And because of the federal Motor Voter Act, we in fact already print and mail to the counties the ballots. And so while there is arguably some additional responsibility by the county Board of

Elections to get these distributed through their counties, this is a federal mandate that we should be overjoyed to work with and cooperate with. Because what is more important than ensuring that every New Yorker has the ability to vote?

And of course we know that our voter turnout is still too low, and I believe that this bill is going to go a significant way to assisting people to register to vote and encourage and educate them to vote. So thank you very much.

ACTING PRESIDENT MONTGOMERY: Thank you.

Senator Marcellino, to explain his vote.

SENATOR MARCELLINO: Madam President, to explain my vote.

I understand and I will vote aye on this bill because I agree with the intent and I agree with getting as many people registered to vote as we possibly can. But I am not sure that this bill does what the Senator would like it to do.

It says you shall make application forms available. I agree with Senator Krueger that it's a mandate by the federal government that we should be doing that, we must do that. It says you shall make them available in local governments, state and federal buildings.

And then, later on, it says such buildings may include but not be limited to, and then it lists a whole bunch of state and federal and local buildings.

So do they have to or they don't have to? In one part it says you have to, and in another part it says you may not if you choose not to. So I'm really not sure that we're going to accomplish anything by this.

But I think the intent is a good one, and perhaps you might look at an amendment later on and clarify this, because it is ambiguous at best.

Thank you. I vote aye.

ACTING PRESIDENT MONTGOMERY: Thank you.

Announce the results.

THE SECRETARY: In relation to

Calendar Number 35, absent from voting are Senators Alesi, Espada, Farley, Larkin and Seward.

Excused: Senators Hannon and Winner.

Ayes, 55. Nays, 0.

ACTING PRESIDENT MONTGOMERY: The bill is passed.

The Secretary will continue to read.

THE SECRETARY: Calendar Number 37, by Senator Dilan, Senate Print 1554, an act to amend the Election Law.

SENATOR LIBOUS: Explanation.

SENATOR KLEIN: Madam President, can we lay the bill aside for the day.

ACTING PRESIDENT MONTGOMERY: The bill is laid aside for the day.

Senator Klein, that completes the controversial reading of the calendar.

May we have some order.

Senator Klein.

SENATOR KLEIN: Madam President, can we please recognize Senator Perkins for a

brief announcement.

ACTING PRESIDENT MONTGOMERY: Senator Perkins.

SENATOR PERKINS: Thank you, Senator Klein and Madam President.

I wanted to take a quick moment of my colleagues' time to inform them of a great New Yorker from the City of New York who has passed. His name is Wilbert "Bill" Tatum.

Some of you may know him as the publisher emeritus of the Amsterdam News, one of the leading newspapers in our community that has a long tradition, from the days of Frederick Douglass, practically, when he started The North Star and started this whole tradition of radical, liberation-oriented newspapers.

And so he recently passed, just yesterday, and I wanted to ask my colleagues to take a moment of silence in memory of the wonderful work that he has done over so many years in resurrecting that newspaper and making it relevant not only to people in the Harlems of our city but to the city in

general.

So I'd just ask for a moment of silence.

ACTING PRESIDENT MONTGOMERY: Can we have a moment of silence, at the request of Senator Perkins, in memory of Wilbert "Bill" Tatum.

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

ACTING PRESIDENT MONTGOMERY: Thank you, members. Thank you, Senator Perkins.

Senator Klein.

SENATOR KLEIN: Madam President, is there any further business at the desk?

ACTING PRESIDENT MONTGOMERY: The desk is clear.

SENATOR KLEIN: There being none, I move we stand adjourned until Monday, March 2nd, at 3:00 p.m. Intervening days will be legislative days.

ACTING PRESIDENT MONTGOMERY: There being no further business to come before the Senate, on motion, the Senate stands

adjourned until Monday, March 2nd, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 12:06 p.m., the Senate adjourned.)