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NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 26, 2009

11:23 a.m.

REGULAR SESSION

SENATOR VELMANETTE MONTGOMERY, Acting President

ANGELO J. APONTE, Secretary

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

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

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

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

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

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

14 ACTING PRESIDENT MONTGOMERY:
15 Thank you.

16 The reading of the Journal.

17 The Secretary will read.

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

23 ACTING PRESIDENT MONTGOMERY:
24 Without objection, the Journal stands approved

1 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 Klein.

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

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

20 (Response of "Aye.")

21 ACTING PRESIDENT MONTGOMERY:
22 Opposed, nay.

23 (No response.)

24 ACTING PRESIDENT MONTGOMERY: The

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

3 Senator Klein.

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

9 ACTING PRESIDENT MONTGOMERY: The
10 Secretary will read.

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

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

20 "WHEREAS, Joe Cuba was the most
21 popular exponent of the boogaloo, a fused
22 Latino and R&B rhythm that exploded onto the
23 American Top 40 charts during the turbulent
24 1960s and '70s; and

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

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

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

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

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

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

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

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

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

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

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

17 ACTING PRESIDENT MONTGOMERY:
18 Senator Serrano.

19 SENATOR SERRANO: Thank you,
20 Madam President.

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

1 grooves evoked an era and redefined music
2 forever.

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

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

24 Joe Cuba was born in East Harlem in

1 1931 and from the beginning was every bit a
2 part of his neighborhood. Even after he
3 achieved fame and traveled around the world to
4 play for audiences, Joe Cuba always had East
5 Harlem in his heart.

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

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

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

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

1 resolution.

2 Thank you, Madam Chair.

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

6 Senator Perkins.

7 SENATOR PERKINS: Thank you very
8 much.

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

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

1 of us:

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

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

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

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

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

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

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

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

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

1 extraordinary talents to enrich the lives of
2 countless others; and

3 "WHEREAS, Family, friends and fans
4 of Joe Cuba have gathered on February 20,
5 2009, to celebrate his life and life's work;
6 now, therefore, be it

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

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

16 Thank you.

17 ACTING PRESIDENT MONTGOMERY:

18 Thank you, Senator Perkins.

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

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

23 (Response of "Aye.")

24 ACTING PRESIDENT MONTGOMERY:

1 Opposed, nay.

2 (No response.)

3 ACTING PRESIDENT MONTGOMERY: The
4 resolution is adopted.

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

9 Senator Klein.

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

14 ACTING PRESIDENT MONTGOMERY: The
15 Secretary will read.

16 THE SECRETARY: Calendar Number
17 34, by Senator Addabbo, Senate Print 1057, an
18 act to amend the Election Law, in relation to
19 affidavit ballots.

20 SENATOR LIBOUS: Lay it aside,
21 please.

22 ACTING PRESIDENT MONTGOMERY: The
23 bill is laid aside.

24 The Secretary will continue to

1 read.

2 THE SECRETARY: Calendar Number
3 35, by Senator Addabbo, Senate Print 1062, an
4 act to amend the Election Law, in relation to
5 making mail registration forms available.

6 SENATOR LIBOUS: Lay it aside,
7 please.

8 ACTING PRESIDENT MONTGOMERY: The
9 bill is laid aside.

10 The Secretary will continue to
11 read.

12 THE SECRETARY: Calendar Number
13 36, by Senator Dilan, Senate Print 1366, an
14 act to amend the Election Law, in relation to
15 independent nominating petitions.

16 ACTING PRESIDENT MONTGOMERY:
17 Read the last section.

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

20 ACTING PRESIDENT MONTGOMERY:
21 Call the roll.

22 (The Secretary called the roll.)

23 ACTING PRESIDENT MONTGOMERY:
24 Announce the results.

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

3 ACTING PRESIDENT MONTGOMERY: The
4 bill is passed.

5 The Secretary will continue to
6 read.

7 THE SECRETARY: Calendar Number
8 37, by Senator Dilan, Senate Print 1554, an
9 act to amend the Election Law, in relation to
10 counting of affidavit ballots.

11 SENATOR LIBOUS: Lay it aside,
12 please.

13 ACTING PRESIDENT MONTGOMERY: The
14 bill is laid aside.

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

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

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

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

1 The Secretary will read.

2 THE SECRETARY: Calendar Number
3 34, by Senator Addabbo, Senate Print 1057, an
4 act to amend the Election Law.

5 SENATOR SALAND: Explanation,
6 please.

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

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

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

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

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

24 ACTING PRESIDENT MONTGOMERY:

1 Senator Saland.

2 SENATOR SALAND: Thank you, Madam
3 President.

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

8 Madam President, will Senator
9 Addabbo yield?

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

13 SENATOR SALAND: Yes, I am.

14 ACTING PRESIDENT MONTGOMERY:
15 Senator Addabbo, do you yield?

16 SENATOR ADDABBO: Yes, Madam
17 President.

18 ACTING PRESIDENT MONTGOMERY: Go
19 ahead.

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

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

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

5 SENATOR SALAND: Thank you.
6 Thank you, Madam President.

7 ACTING PRESIDENT MONTGOMERY:
8 Thank you, Senator Saland.

9 Senator Perkins.

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

12 ACTING PRESIDENT MONTGOMERY:
13 Senator Perkins, on the bill.

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

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

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

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

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

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

24 ACTING PRESIDENT MONTGOMERY:

1 Thank you, Senator Perkins.

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

4 Hearing none, the debate is closed.

5 The Secretary will ring the bells.

6 Read the last section.

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

9 ACTING PRESIDENT MONTGOMERY:
10 Call the roll.

11 (The Secretary called the roll.)

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

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

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

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

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

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

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

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

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

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

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

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

19 Thank you.

20 ACTING PRESIDENT MONTGOMERY:

21 Thank you.

22 Announce the results.

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

1 Senator Flanagan.

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

4 Excused, Senators Hannon and
5 Winner.

6 Ayes, 55. Nays, 1.

7 ACTING PRESIDENT MONTGOMERY: The
8 bill is passed.

9 (Applause.)

10 ACTING PRESIDENT MONTGOMERY:
11 Congratulations, Senator Addabbo.

12 The Secretary will continue to
13 read.

14 THE SECRETARY: Calendar Number
15 35, by Senator Addabbo, Senate Print 1062, an
16 act to amend the Election Law, in relation to
17 making mail registration forms available.

18 ACTING PRESIDENT MONTGOMERY:
19 Senator Saland.

20 SENATOR SALAND: Will Senator
21 Addabbo yield, Madam President?

22 SENATOR LIBOUS: Explanation.

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

1 from Senator Saland?

2 SENATOR LIBOUS: Explanation.

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

8 SENATOR ADDABBO: Sure.

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

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

18 ACTING PRESIDENT MONTGOMERY:
19 Senator Saland.

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

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

1 SENATOR ADDABBO: Yes, Madam
2 President.

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

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

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

21 SENATOR ADDABBO: Not yet.

22 (Laughter.)

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

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

4 (Laughter.)

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

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

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

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

20 SENATOR ADDABBO: Oh, yes, Madam
21 President.

22 SENATOR SALAND: Thank you,
23 Senator Addabbo.

24 I'm merely pointing out the

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

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

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

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

1 SENATOR SALAND: Thank you,
2 Senator.

3 SENATOR ADDABBO: Thank you.

4 ACTING PRESIDENT MONTGOMERY:
5 Senator Fuschillo.

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

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

12 SENATOR ADDABBO: Yes.

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

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

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

1 it out there.

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

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

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

12 SENATOR ADDABBO: Yes, Madam
13 President.

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

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

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

1 again, cheaper effective ways to do it.

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

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

7 SENATOR ADDABBO: Yes, Madam
8 President.

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

12 SENATOR ADDABBO: They do it
13 already.

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

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

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

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

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

9 Madam President, on the bill.

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

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

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

24 Thank you very much.

1 ACTING PRESIDENT MONTGOMERY:

2 Thank you.

3 Are there any other Senators
4 wishing to speak?

5 Senator Griffo.

6 SENATOR GRIFFO: Thank you.

7 Would the sponsor yield?

8 ACTING PRESIDENT MONTGOMERY:

9 Senator Addabbo, do you agree to yield to a
10 question?

11 SENATOR ADDABBO: Yes, Madam
12 President.

13 ACTING PRESIDENT MONTGOMERY:

14 Senator Griffo.

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

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

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

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

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

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

16 SENATOR ADDABBO: Yes, Madam
17 President.

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

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

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

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

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

11 SENATOR GRIFFO: Thank you.

12 ACTING PRESIDENT MONTGOMERY:
13 Thank you.

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

16 The debate is closed.

17 The Secretary will ring the bells.

18 Read the last section.

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

21 ACTING PRESIDENT MONTGOMERY:
22 Call the roll.

23 (The Secretary called the roll.)

24 ACTING PRESIDENT MONTGOMERY:

1 Senator Adams, to explain his vote.

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

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

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

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

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

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

3 I'll be voting aye.

4 ACTING PRESIDENT MONTGOMERY:

5 Senator Liz Krueger, to explain her vote.

6 SENATOR LIZ KRUEGER: Thank you,
7 Madam President.

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

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

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

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

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

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

13 ACTING PRESIDENT MONTGOMERY:

14 Thank you.

15 Senator Marcellino, to explain his
16 vote.

17 SENATOR MARCELLINO: Madam
18 President, to explain my vote.

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

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

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

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

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

20 Thank you. I vote aye.

21 ACTING PRESIDENT MONTGOMERY:

22 Thank you.

23 Announce the results.

24 THE SECRETARY: In relation to

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

4 Excused: Senators Hannon and
5 Winner.

6 Ayes, 55. Nays, 0.

7 ACTING PRESIDENT MONTGOMERY: The
8 bill is passed.

9 The Secretary will continue to
10 read.

11 THE SECRETARY: Calendar Number
12 37, by Senator Dilan, Senate Print 1554, an
13 act to amend the Election Law.

14 SENATOR LIBOUS: Explanation.

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

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

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

21 May we have some order.

22 Senator Klein.

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

1 brief announcement.

2 ACTING PRESIDENT MONTGOMERY:

3 Senator Perkins.

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

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

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

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

1 general.

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

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

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

10 ACTING PRESIDENT MONTGOMERY:
11 Thank you, members. Thank you, Senator
12 Perkins.

13 Senator Klein.

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

16 ACTING PRESIDENT MONTGOMERY: The
17 desk is clear.

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

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

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

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

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