NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

March 24, 2010

3:55 p.m.

REGULAR SESSION

SENATOR DAVID J. VALESKY, Acting President

ANGELO J. APONTE, Secretary

P R O C E E D I N G S

ACTING SENATOR VALESKY: The Senate will please come to order.

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

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

ACTING SENATOR VALESKY: Father Peter G. Young, of Mother Theresa Community here in Albany, is here with us this afternoon to provide an invocation.

REVEREND YOUNG: Thank you, Senator. Let us pray.

Today God has blessed us with bright sunshine together in session for our New York State leadership. Our dedicated Senators are guiding us with our resources in these financially difficult times.

As the sun has demonstrated its hope for springtime happier days of outdoor fellowship and fun and events, may our Senate decisions bring to our New York State citizens a security for their worries and their fears, with optimism that our Empire State will be

known for compassion and quality of care.

May we thank too Dr. Hooker today, who is joining us for a resolution for a resolution for her civil rights leadership and hope that she will again be able to inspire, with God's help, the young leaders that will follow her splendid example.

Amen.

ACTING SENATOR VALESKY: The reading of the Journal.

The Secretary will read.

THE SECRETARY: In Senate, Tuesday, March 23, the Senate met pursuant to adjournment. The Journal of Monday, March 22, was read and approved. On motion, Senate adjourned.

ACTING SENATOR VALESKY: 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: Mr. President, I believe there's a resolution at the desk by Senator Stewart-Cousins. I ask that the title of the resolution be read and move for its immediate adoption.

ACTING SENATOR VALESKY: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING SENATOR VALESKY: The Secretary will read.

THE SECRETARY: By Senator Stewart-Cousins, legislative resolution honoring Dr. Olivia J. Hooker upon the occasion of her selection as a New York State Woman of Distinction, in conjunction with March as Women's History Month, and marking March 24, 2010, as "Oliva J. Hooker Day" in the State of New York.

ACTING SENATOR VALESKY: Senator

Stewart-Cousins, on the resolution.

SENATOR STEWART-COUSINS: Thank you, Mr. President.

It is such an honor to stand here today and recognize my constituent and, frankly, a jewel of the entire State of New York and the country, Dr. Olivia J. Hooker.

I have the privilege of saying, as I said, that Dr. Olivia Hooker is my constituent. But Dr. Hooker means so much to American history and certainly women's history, I thought it was important to bring her today to get the accolades she so richly deserves in the State Capitol.

I have known Dr. Hooker because Dr. Hooker is a woman who is never too busy to be part of whatever is going on, especially if it's giving of herself. But it was at a Black History Month celebration last month that I got to hear more dimensions of Dr. Olivia J. Hooker.

Now, Dr. Hooker is a clinical psychologist. Dr. Hooker taught as an associate professor at Fordham University for

22 years. Dr. Hooker was part of state government when she worked in Bedford facilities with women with psychological problems. Dr. Hooker has been a pioneer in every phase of her life.

But the story that she told in February was about her life as a child in Tulsa, Oklahoma. What she told us was about the Tulsa, Oklahoma, race riots, where 300 were killed and a thousand homes and businesses owned by blacks in Tulsa, Oklahoma, were burned to the ground.

What Dr. Hooker described was what is known as "Black Wall Street." And Black Wall Street, because of the segregation, actually thrived, because there was nowhere else for the black community to go and grow. Dr. Hooker's father was a clothier. And all of the professionals were doing so well and apparently became kind of the envy of surrounding Tulsa communities.

And there was a fateful night in 1921, in May, where something happened that sparked a racial incident. And the rest, as Dr. Hooker will tell us, unfortunately isn't

history.

Yes, 300 people were killed, more than any killed in all of the race riots in our country combined. And yes, there was the total decimation of black businesses and homes. And Dr. Hooker's family had to move to Kansas, along with so many other families that moved other places, because not even the schools were left intact. They were bombed.

But Dr. Hooker's family moved, she went on. She received her education and decided at that point that there was not enough that she could do to better herself, work for other people, and serve her country. Dr. Hooker decided that she wanted to join the armed forces and became, in 1945, the very first African-American woman to serve in the Coast Guard.

And after she broke that barrier and went on to teach and instruct and to heal, Dr. Hooker -- who, again, was born in 1915 -- decided in 1997 that it was time for people to understand what happened in Tulsa because it was so much a part of American history.

She was able, with about 103 others

who had also been through the Tulsa race riots, to advance a court proceeding in the hopes that there would be some restitution or at least some acknowledgment of what happened in Tulsa, Oklahoma. She was able to get people like Johnny Cochran, the late Johnny Cochran involved in her case; Dr. John Hope Franklin, noted historian, certainly advisor to presidents; Dr. Charles Ogletree, a wonderful Harvard professor. Some of the most brilliant minds came together in order to advance the case of what happened in Tulsa, Oklahoma.

Dr. Hooker testified in front of Congress. And Dr. Hooker and others went to the Supreme Court in the hopes that there would be some hearing of the case. The case was not heard because of the statute of limitations. But there was a documentary made called "Before They Die."

And Dr. Hooker has dedicated her life to teaching, telling, demonstrating what a life well-lived means in all of its aspects.

Today she spent time with the interns in the Capitol. Today she taught

young people who were beginning lives in public service how important that service is and how important it is that when there's an obstacle, no matter how difficult, that you just move forward in a positive way and the doors will open.

Dr. Hooker told these young people today, as she'll tell by her presence all of us, that it doesn't help to hold grudges, it doesn't help to be angry. That what any difficulty means is that you have to seek the opportunities and, when they come, take them and be ready. And even if you think that an opportunity that you have at a moment is not really necessary for that moment, you'll be surprised how helpful it will be when you really need it.

Dr. Hooker, at 95, jumped at the chance to be here today, to meet all of us, to speak to the interns, to talk about what happened at Tulsa, to tell us all in the presence of such a great woman how easy it is to still be humble while you give so much of your life.

So I am so proud of Dr. Hooker, so

pleased that she is our constituent, all of us, so pleased that she has so nobly walked through the country telling a story, but telling it with love. Because as Dr. Hooker says, the only way people really learn, even if they're being admonished, is with love.

So again, it is my privilege to welcome Dr. Hooker here.

Thank you, Mr. President.

ACTING SENATOR VALESKY: Thank you, Senator Stewart-Cousins.

Are there any other Senators who wish to be heard on the resolution?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING SENATOR VALESKY: Opposed, nay.

(No response.)

ACTING SENATOR VALESKY: The resolution is adopted.

Dr. Hooker, thank you very much for spending the afternoon with us. Thank you for the remarkable contributions you have made to

this state and nation.

(Extended standing ovation.)

ACTING SENATOR VALESKY: Senator Stewart-Cousins has asked that the resolution be open to cosponsorship. Any member wishing not to cosponsor the resolution should notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, I believe there's a resolution at the desk by Senator Oppenheimer. I ask that the resolution be read and move for its immediate adoption.

ACTING SENATOR VALESKY: Senator Klein, has this resolution been deemed privileged and submitted by the office of the Temporary President?

SENATOR KLEIN: Yes, it has, Mr. President.

ACTING SENATOR VALESKY: The Secretary will read.

THE SECRETARY: By Senator Oppenheimer, legislative resolution honoring Katherine Kornblum as one of the World War II WASP female pilots to receive a Congressional

Gold Medal on March 10, 2010.

ACTING SENATOR VALESKY: Senator Oppenheimer, on the resolution.

SENATOR OPPENHEIMER: Thank you very much.

I would just like to say before I speak on this resolution that I've worked with Dr. Hooker on some very wonderful social service childcare initiatives, and she is a dynamo. And I think she has more energy than I have. So I thought I should pay tribute to Dr. Hooker and tell her she's extraordinary and keep up her good work.

But I'd like to talk on someone who could not come here today. She's actually three years younger than Dr. Hooker, but she didn't feel that she could make the trip up from Westchester. And she has quite an amazing story to tell, which I'll briefly paraphrase.

Katherine Kornblum was one of the World War II WASP female pilots, and she received the Congressional Gold Medal just fairly recently -- actually, what am I saying, two weeks ago, at a ceremony that was held in

Washington, D.C.

And there were a couple of pioneering organizations of civilian female pilots employed to fly military aircraft under the direction of the Army Air Force during the Second World War. And these female pilots each already had a pilot's license, but they were trained to fly the Army way in Sweetwater, Texas. And actually over a thousand of them earned their wings and became the first women to fly American military aircraft.

And the WASPs were stationed at 120 air bases across the United States. They were relieving the male pilots who were going into combat duty, and they were for the most part doing operational things between American aircraft factories and military bases in Europe and other places. And that freed the men to go into actual warfare.

But these pilots were quite remarkable for their time. And President Obama awarded these WASPs -- there are now 38 of them -- these female pilots the Congressional Gold Medal. And I think Ruth

believes that she flew over 1,000 hours for her country during the Second World War.

And now, I mean at 92, she's quite remarkable. Because for the last over a decade -- maybe a decade and a half now -- she's been volunteering at Sarah Neuman Nursing Home in Mamaroneck, a few blocks from my house, and she works there several days a week doing clerical work and dealing with the patients there.

So a remarkable woman who we are happy to honor and certainly has an amazing story to tell. I didn't even know that we had female pilots in the Second World War. And I'm very proud to know that and to acknowledge her and to send her this resolution even if she could not be here.

Thank you.

ACTING SENATOR VALESKY: Thank you, Senator Oppenheimer.

Are there any other Senators who wish to be heard?

Seeing none, the question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING SENATOR VALESKY: Opposed, nay.

(No response.)

ACTING SENATOR VALESKY: The resolution is adopted.

Senator Oppenheimer has indicated that she would like the resolution open to cosponsorship. Any Senator wishing not to cosponsor the resolution should notify the desk.

Senator Klein.

SENATOR KLEIN: Mr. President, are there any substitutions at the desk?

ACTING SENATOR VALESKY: There are, Senator. We'll take them up now.

The Secretary will read.

THE SECRETARY: On page 7, Senator Schneiderman moves to discharge, from the Committee on Codes, Assembly Bill Number 5170 and substitute it for the identical Senate Bill Number 4667, Third Reading Calendar 13.

On page 19, Senator Perkins moves to discharge, from the Committee on

Corporations, Authorities and Commissions, Assembly Bill Number 4296C and substitute it for the identical Senate Bill Number 5915A, Third Reading Calendar 281.

And on page 19, Senator Thompson moves to discharge, from the Committee on Local Government, Assembly Bill Number 4217 and substitute it for the identical Senate Bill Number 2516, Third Reading Calendar 283.

ACTING SENATOR VALESKY: Substitutions ordered.

Senator Klein.

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

ACTING SENATOR VALESKY: The Secretary will proceed with a reading of the active bills from Senate Calendar Number 27.

THE SECRETARY: Calendar Number 272, by Senator Savino, Senate Print 5474, an act to amend the Navigation Law, in relation to pilotage rates.

ACTING SENATOR VALESKY: Read the last section.

THE SECRETARY: Section 2. This

act shall take effect immediately.

ACTING SENATOR VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING SENATOR VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 279, by Senator Foley, Senate Print 4872, an act to amend the Civil Service Law, in relation to resolution.

ACTING SENATOR VALESKY: There is a home-rule message at the desk.

Read the last section.

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

ACTING SENATOR VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING SENATOR VALESKY: The bill is passed.

THE SECRETARY: Calendar Number 281, substituted earlier today by Member of the Assembly Brodsky, Assembly Print Number

4296C, an act to amend the Public Authorities Law, in relation to confidentiality agreements.

ACTING SENATOR VALESKY: Read the last section.

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

ACTING SENATOR VALESKY: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 61.

ACTING SENATOR VALESKY: The bill is passed.

Senator Klein, that completes the reading of the active bills from Senate Calendar 27.

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

ACTING SENATOR VALESKY: The desk is clear.

SENATOR KLEIN: There being none, Mr. President, I move that we adjourn until Thursday, March 25th, at 3:00 p.m.

ACTING SENATOR VALESKY: On motion, the Senate stands adjourned until

Thursday, March 25th, at 3:00 p.m.

(Whereupon, at 4:10 p.m., the Senate adjourned.)