THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

January 9, 2001

11:07 a.m.

REGULAR SESSION

LT. GOVERNOR MARY O. DONOHUE, President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order.

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

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

THE PRESIDENT: With us this morning to give the invocation is the Reverend Peter G. Young, from Blessed Sacrament Church in Bolton Landing.

REVEREND YOUNG: Let us pray.

Dear God, as we gather in this new millennium, we are reminded by Your omnipotent power as our Creator and our role as the created. We humbly turn to You, O God, with our blessing request for all of our Senators in their efforts to serve the citizens of our great Empire State. We ask You for guidance and wisdom to assist them in their work.

Amen.

THE PRESIDENT: Reading of the Journal.

THE SECRETARY: In Senate,

Monday, January 8th, the Senate met pursuant to adjournment. The Journal of Friday, January 5th, was read and approved. On motion, Senate adjourned.

THE PRESIDENT: 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.

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we at this time adopt the Resolution Calendar.

ACTING PRESIDENT MEIER: The question is on the adoption of the Resolution Calendar. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed,

nay.

(No response.)

ACTING PRESIDENT MEIER: Senator Larkin.

SENATOR LARKIN: Mr. President, on the Resolution Calendar.

On Calendar Number 11, we have a resolution that we're asking our Congressional delegation of the State of New York to intercede with the U.S. Postal Service on behalf of the men and women, now numbering 800,000, who have been wounded in combat in the service of their country.

The U.S. Postal Service in May of this year informed the Military Order of the Purple Heart that they don't issue a stamp for just any organization nor any individuals.

This is a number-one priority of the Military Order of the Purple Heart, to recognize those 800,000 who sacrificed on behalf of our country.

The advisory council said, in their letter, "Go out and get signatures from common people and go get signatures from prominent people, and start with General Colin Powell."

General Colin Powell has two Purple Hearts. And I wish to inform you that his office has advised me that he has already signed the letter at our request.

I don't think that we as Americans can sit back and see a stamp for Donald Duck, Daffy, Judy Garland, Jerry Garcia, just to name a few, and we tread on the lives of those who have made a sacrifice -- and many of them made the supreme sacrifice.

We're not asking them to make a stamp to honor those individuals. We are asking them to issue a stamp honoring the medal itself, the Purple Heart.

I think we have a moral and an ethical obligation, and I wish to inform my colleagues that we are having this done in every legislative chamber throughout the state on behalf of the Purple Heart.

ACTING PRESIDENT MEIER: Senator Bruno, shall we follow our usual custom?

SENATOR BRUNO: Can we, Mr. President, open this resolution to the membership of the Senate. And those that would like not to be on it, please let the

chair know.

ACTING PRESIDENT MEIER: Those members wishing not to be on the resolution, please inform the desk.

The question is on the adoption of the Resolution Calendar. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The Resolution Calendar is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, I believe that there is a privileged resolution by Senator Alesi. I would ask that it be read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: By Senator Alesi, Legislative Resolution Number 92, paying tribute to the life and accomplishments of Raymond T. Schuler, distinguished citizen and

devoted member of his community.

"WHEREAS, It is the custom of this Assembled Body to pay tribute to citizens of the State of New York whose lifework and civic endeavor serve to enhance the quality of life in their communities and the great State of New York; and

"WHEREAS, Raymond T. Schuler of Boca Grande, Florida, died on November 24, 2000, at the age of 71; and

"WHEREAS, Raymond T. Schuler distinguished himself in his profession and by his sincere dedication and substantial contribution to the welfare of his community.

"Raymond T. Schuler's commitment to excellence and his spirit of humanity carried over into all fields of enterprise, including charitable and civic endeavors.

"His exceptional career in public service was notable for the determination he displayed in building new institutions with missions focused on New York's most critical problems; and

"WHEREAS, As a public servant he created the New York State Department of

Transportation and served as its Commissioner under three Governors -- Nelson Rockefeller, Malcolm Wilson, and Hugh Carey; and

"WHEREAS, Raymond T. Schuler developed and implemented New York State's first master plan for transportation. He led the fight to save passenger rail service and to strengthen freight service.

"In the private sector, he forged the Business Council into what is often called the nation's most influential state-level business organization, creating a force strong enough to help reverse New York's long economic decline; and

"WHEREAS, Born in Kingston, New York, on November 20, 1929, he was named Commissioner of Transportation in 1972 at the age of 42 -- the youngest member of Governor Rockefeller's cabinet. He was named President of Associated Industries of New York State, Incorporated, in 1977, created the Business Council in 1980, and served as its chief executive officer for the next eight years; and

"WHEREAS, Raymond T. Schuler

graduated from Syracuse University in 1952 with a Bachelor of Arts in Public Affairs and Public Administration from the Maxwell School of Public Administration.

"He volunteered for the U.S. Marine Corps upon graduation, and served in the Korean War as an officer, platoon leader, and company commander in the First Marine Division; and

"WHEREAS, He is survived by his wife, the former Patricia Ann Martin of Kingston, his daughters, Patricia (Mrs. Iver) Anderson of East Greenbush, New York, and Ellen Schuler of New Fairfield, Connecticut, and five grandchildren; now, therefore, be it

"RESOLVED, that this Legislative Body pause in its deliberations to pay tribute to the life and accomplishments of Raymond T. Schuler, distinguished citizen and devoted member of his community; and be it further

"RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to the family of Raymond T. Schuler."

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, colleagues, we've just heard the resolution that in just a few minutes talked about Ray Schuler's life. And what you hear in a few minutes are just the highlights of some of what this very great person did for the people of this state and of this country.

And I can't tell you whether Ray was a Republican or Democrat, because party lines didn't mean much to him. And I know that he served with Democratic and Republican governors.

All Ray cared about was people and helping people here in this state improve the quality of their lives. Many of us knew him as the Commissioner of Transportation, where he excelled doing a lot of the things that are still helpful today -- to the railroads, to the roads, to the bridges -- that contribute to the prosperity here in this state.

He consolidated the Business Council, as one of its presidents, and pulled together the business community in this state like they had never been pulled together. And he did this with his leadership and because he

cared.

I believe that he's credited with creating the Public Policy Institute, which makes such a contribution all the things that we do.

And I can remember Ray, he loved to be in Saratoga. He lived in Florida for the last couple of years of his life.

But for those of you that didn't know Ray, I've got to tell you, if you want to talk about a person who led his life as a public servant and a man who had courage all over him -- because for the last eight or ten years of Ray's life, he was very, very ill. And you would never know, in talking to Ray, that there was a thing going on in his life that was affecting him in any adverse way. And I think he died at the young age of 71 as a result of the illness that just plagued him for all of those years.

But you talk about a person who just was an example of public service and how to lead your life in relating to other people, in caring about his wife, Pat, and their family. And what a partnership they were.

So I personally am going to miss Ray. Ray was a mentor to me. I called Ray more times than I can remember about any problem having to do with business, with transportation, with you name it, because he was just so well-rounded in all of his experiences and the knowledge that he had.

So, Mr. President and my colleagues, we listen sometimes in this chamber in a rather relaxed and cavalier way as we read a resolution that describes a person's life in just a few minutes. But what we hear about a man like Ray, his work will go on through our lifetime and the generations that follow us, and that's what really life's all about.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: I think Senator Bruno's statement is so full and the resolution that was offered so appropriate. I always had him as a close and intimate friend, but I just hadn't seen him in the last few years. And I believe he died away from his

native island as I knew him.

I was chairman of Finance at that time, and I don't know how many -- the interaction that went on and the legislation that I sponsored at that time, he was a -- he was a breath of fresh air and made an enormous contribution to the workings of government in this state and the public policy of this state.

So this is a great individual, and it came as a shock to me. I wasn't aware of it. I believe they said November 24th that he passed away. I was shocked to hear that, because I -- either I was away, I just did not know.

But this is a great loss. And it is just as if a bunch of my years was strapped away from me, because of the intimate and working relationship that I had with him and the great admiration that I had for him in almost every aspect of public life -- and, as we find out by the resolution that was offered, on his patriotism and his membership of the human family.

This is a great individual, and I

join with sadness to express my admiration. And I know that -- I believe he's looking down on us and he knows and he hears this, and it should bring him some measure of consolation.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Mr. President, very quickly.

Senator Bruno, you said you weren't sure if he was a Democrat or a Republican. If I'm not mistaken, he was a Democrat. Because if my recollection is correct, I believe that one of the things that was said was that Ray Schuler was one of the Democrats that was appointed by Nelson Rockefeller initially.

Probably one of the finest gentlemen, one of the most keen business minds, as both Senator Bruno and Senator Marchi said. He was a person that had an enormous capacity to deal with the problems of this state and nation.

He was revered not only here in Albany, but also in Washington. And I believe he was on some national committees and so forth, appointed by presidents who could have

been from either political party.

Obviously, he was a tower of strength just for really creating the Business Council, because it was really through him that the Business Council was really created.

I knew that he was ill for an extended period of time, and I had spoken to him I think maybe a year or two ago when he was up here in Albany on one of his trips. But as Joe said, and as John said, you would never know really, other than his appearance, that he was ill, because he was still the same Ray Schuler, a gentleman. He was always kind.

And he's the kind of person that this state and this nation will certainly miss.

ACTING PRESIDENT MEIER: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Senator Bruno.

SENATOR BRUNO: Mr. President, can we open the resolution to membership of the Senate. And again, anyone that would like

not to be on that resolution, if you would let the President know.

And I would move for its now immediate adoption.

ACTING PRESIDENT MEIER: All right. Anyone not wishing to be on the resolution, inform the desk. Otherwise, all members will be listed as cosponsors.

All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: And, Mr. President, I believe there's a privileged resolution at the desk by Senator Goodman. I would ask that the title be read and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read the title.

THE SECRETARY: By Senator

Goodman, Legislative Resolution Number 98, commending Barry Schneider upon the occasion of his retirement as President of Community Board 8.

ACTING PRESIDENT MEIER: The question is on the resolution. All those in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT MEIER: Opposed, nay.

(No response.)

ACTING PRESIDENT MEIER: The resolution is adopted.

Senator Bruno.

SENATOR BRUNO: Mr. President, is there anything else at the desk that we should be taking up on the floor here today?

ACTING PRESIDENT MEIER: Nothing else at the desk, Senator.

SENATOR BRUNO: Thank you, Mr. President.

Mr. President, at this time I would like to hand up committee assignments on behalf of the Majority and a temporary assignment on behalf of the Minority Leader,

Senator Connor, and I would ask that they be filed in the Journal according to the rules of the Senate.

ACTING PRESIDENT MEIER: Those will be received and filed in the Journal of the Senate.

Senator Bruno.

SENATOR BRUNO: Mr. President, there being no further business to come before the Senate, I would move that we stand adjourned until Tuesday coming, January 16th, at 3:00 p.m., with intervening days to be legislative days.

ACTING PRESIDENT MEIER: On motion, the Senate stands adjourned until Tuesday, January 16th, at 3:00 p.m., intervening days being legislative days.

(Whereupon, at 11:25 a.m., the Senate adjourned.)