ALBANY, NEW YORK

February 3, 1997

3:07 p.m.

REGULAR SESSION

LT. GOVERNOR BETSY McCAUGHEY ROSS, President

STEPHEN F. SLOAN, Secretary

P R O C E E D I N G S

THE PRESIDENT: The Senate will come to order. Would you please rise and join with me in repeating the Pledge of Allegiance.

(The assemblage repeated the Pledge of Allegiance to the Flag.)

The invocation today will be given by the Reverend Peter G. Young from the Blessed Sacrament Church in Bolton Landing.

Reverend Young.

REVEREND PETER G. YOUNG: Let us pray. Father of the poor, God of love, You made us all Your people. We praise and we thank You. Fill us with a sense of justice. Help us in Your work to take the side of the lonely, to defend the newcomer, to welcome the stranger. Help us now to befriend the friendless, protect the weak and work for the rights for all. On our journey home, bring us together in peace and in justice and in love. Amen.

THE PRESIDENT: Amen.

The reading of the Journal, please.

THE SECRETARY: In Senate,

Sunday, February 2nd. The Senate met pursuant to adjournment. The Journal of Saturday, February 1, was read and approved. On motion, the Senate adjourned.

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Report of standing committees.

Report of select committees.

The Secretary will read.

THE SECRETARY: Senator Velella, from the Committee on Insurance, reports the following bills: Senate Print 17, by Senator Velella, an act to amend the Insurance Law, in relation to the reduction of homeowners insurance rates;

19, by Senator Velella, an act to amend the Insurance Law, in relation to increasing the line on the amount of credit life insurance;

114, by Senator DeFrancisco, an act to amend the Insurance Law, in relation to the premium or compensation for giving bail

bond; and

133, by Senator Velella, an act to amend the Insurance Law, in relation to expanding other expenses.

All bills ordered directly for third reading.

THE PRESIDENT: All bills direct to third reading.

Communications and reports from state officers.

Motions and resolutions.

Senator Bruno.

SENATOR BRUNO: Madam President, I believe there is a privileged resolution at the desk. I would ask that it be read in its entirety and move for its immediate adoption.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: By Senator Bruno, Legislative Resolution congratulating the Troy High School football team and Coach Jack Burger upon the occasion of capturing the New York State Class A championship.

WHEREAS, excellence and success in competitive sports can be achieved only

through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

WHEREAS, athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

WHEREAS, the Troy High School football team are the New York State Class A Champions. The Flying Horses defeated Whitesboro High School 27-13 at the Carrier Dome in Syracuse, New York on Sunday, December 1, 1996; and

WHEREAS, the athletic talent displayed by this team is due in great part to the efforts of Coach Jack Burger, a skilled and inspirational tutor, respected for his ability to develop potential into excellence.

The team's overall record, 11 and 2, is outstanding, and the team members were loyally and enthusiastically supported by

family, friends, fans and the community at large.

The hallmarks of the Troy High School football team, from the opening game of the season to participation in the championship, were a brotherhood of athletic ability, of good sportsmanship, of honor and of scholarship, demonstrating that these team players are second to none.

Athletically and academically, the team members have proven themselves to be of unbeatable combination of talent, reflecting favorably on their school; and

WHEREAS, Coach Jack Burger has done a superb job in guiding, molding and inspiring the team members toward their goals.

Sports competition instills the values of teamwork, pride and accomplishment, and Coach Jack Burger and his 40 outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to congratulate the Troy High School football team and its

members, D. Senior, D. Marble, B. Reo, T. Renga, J. Canfield, R. Peterson, J. Mawad, J. Halse, J. Kirkman, G. Osganian, G. Getbehead, M. Hurteau, L. Senior, K. Carley, C. Breen, T. DeWolfe, G. Halse, M. Gaunay, T. Ward, B. Bocketti, J. Casale, A. Dipietro, G. Remarchuk, P. Naimo, A. Lord, E. Rouleau, K. Graber, A. Kirkman, M. Stockwell, B. Martone, N. Romeo, D. Testo, K. Mitchell, M. Fosmire, A. Harbour, E. Muellecker, M. Gutierrez, J. Tedesco, M. Milanese, L. Battiste; Coach Jack Burger and Assistant Coaches Jeff Sitterly, Jim Canfield, Mark Galuski, Bill Mitchell and Charles Walker, on their outstanding season and overall team record; and, therefore, be it

RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to Donald Hepp, Superintendent; Armand Reo, Principal; James Bongo, Athletic Director; Jack Burger, Head Coach and to the members of the Troy High School football team.

THE PRESIDENT: Senator Bruno.

SENATOR BRUNO: Madam President, thank you very much.

I am extremely pleased to

welcome the Troy High football team to this chamber. They are the Class A Champions of New York State in the football season ending in '96. So I am proud of them as constituents, as athletes and as young citizens who know what it is to compete and to excel.

Congratulations to you and to Coach Jack Burger -- I think Jack is here - and to the administrators -- there's Jack - and they, in Syracuse, defeated Whitesboro 27 to 13 in what was their "Super Bowl". So they are our -- the point spread -- they are our "Super Bowl". That was their "Super Bowl". They are our Green Bay Packers and they happen to be in the 43rd Senatorial District, so they make us very, very proud.

We're happy to have them here. We congratulate them, and you just keep up that good work as you go on with all of the things that you do in your lives.

Congratulations and thank you for representing the 43rd in New York State with such, such distinction.

Thank you.

Thank you, Madam President.

(Applause)

THE PRESIDENT: Senator Cook.

SENATOR COOK: Madam President, I just wanted to say that a member of my staff is a close relative of one of the members of the team. We weren't able to suspend the rules so that she could come here and make the speech herself, but her pride is evident in having her son as a member of this distinguished team, and so in her behalf and in behalf of all of her co-workers, we want to express our admiration for your success as well.

THE PRESIDENT: On the resolution, all in favor signify by saying aye.

(Response of "Aye".)

Opposed, nay.

(There was no response.)

The resolution is adopted.

There is another privileged resolution at the desk.

The Secretary will read.

THE SECRETARY: By Senator Breslin, a Legislative Resolution congratulating the Watervliet High School

varsity football team and Coach Dan Reinfurt upon the occasion of capturing the New York State Class C Championship.

WHEREAS, excellence and success in competitive sports can be achieved only through strenuous practice, team play and team spirit, nurtured by dedicated coaching and strategic planning; and

WHEREAS, athletic competition enhances the moral and physical development of the young people of this state, preparing them for the future by instilling in them the value of teamwork, encouraging a standard of healthy living, imparting a desire for success and developing a sense of fair play and competition; and

WHEREAS, the Watervliet High School varsity football team are the New York State Class C Champions. The Cannoneers defeated LeRoy 20 to 19 at the Carrier Dome in Syracuse, New York on Friday, November 29, 1996; and

WHEREAS, additionally, quarterback Don Kehn was named New York State Class C Co-Player of the Year; Lou Horan, 1st

team all-state offensive tackle; Scott Heid, 1st team wide receiver and Greg Krikorian, 2nd team running back; and

WHEREAS, the athletic talent displayed by this team is due, in part, to the efforts of Coach Dan Reinfurt, a skilled and inspirational tutor, respected for his ability to develop potential into excellence; and

WHEREAS, the team's overall perfect record, 13 and 0, is outstanding and the team members were loyally and enthusiastically supported by family, fans, friends and the community at large; and

WHEREAS, sports competition instills the values of teamwork, pride and accomplishment, and Coach Dan Reinfurt and his 34 outstanding athletes have clearly made a contribution to the spirit of excellence which is a tradition of their school; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations to congratulate the Watervliet High School varsity football team, its members, Don Kehn, John Postulka, Bill VanPatten, Chris Lee, Scott Heid,

co-captain, Gary Simmons, co-captain, Dave DeCenzo, Tim Murphy, Bill Oliver, Greg Kirkorian, Dom Romano, Josh Green, Brian Hyra, Chad Carrozza, Brian Doyle, T.J. Testa, co-captain, Shane Sportman, Aaron Sorell, Jonathan Moffre, Brian Hoefer, Scott Houseworth, Tim Pelech, Pat Doyle, Dan Gorr, Robert Beston, Jeff Phillips, Mike Lee, Vince Bagnardi, Jeremy Smith, co-captain, Joe Ryan, Lou Horan, John Madison, John Daniele, Matt Rymanoski, Coach Dan Reinfurt, Offensive Coach Mike Manning and Defensive Coach Nick Fitzgerald, on their outstanding season and overall team record; and be it further

RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to the Watervliet High School varsity football team and Coach Dan Reinfurt.

THE PRESIDENT: Senator Breslin.

SENATOR BRESLIN: Thank you.

I would like to take this opportunity to commend not only the wonderful players from Watervliet High School, but their coach, Coach Reinfurt and the entire city of Watervliet, which has a way of coming together

to support you as high school football players but it has a way of supporting the entire community as it has in the past when it's won other state championships and, as Senator Bruno so aptly stated for the Troy players, they won their "Super Bowl". Well, you also won your "Super Bowl", and you can be commended by everyone in this chamber, the entire city of Watervliet, the entire county of Albany and the people of the state of New York.

We salute you.

THE PRESIDENT: Thank you, Senator.

Senator Stachowski.

SENATOR STACHOWSKI: I just wanted to rise to congratulate both teams, but also I'm going to leave this with a question.

I was wondering if the coach, maybe when he comes down, could tell me if Ed Reinfurt really gave him as much advice as he claims he did, particularly through the playoffs. He said without his help, none of this would have been possible, and I just wanted to know if that was true or not.

THE PRESIDENT: This resolution

was previously adopted. Congratulations.

(Applause)

Senator Bruno.

SENATOR BRUNO: Madam President, can we now move to the non-controversial calendar.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 4, by Senator Levy, Senate Print 64, an act to amend the Criminal Procedure Law, in relation to providing that commission of the traffic infraction.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 16, by Senator Tully, Senate Print 184, an act

to amend the Vehicle and Traffic Law, in relation to revoking or prohibiting the issuance of a driver's license.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 18, by Senator Levy, Senate Print 203-A -

SENATOR BRUNO: Lay it aside, please.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 31, by Senator LaValle, Senate Print 35, an act to amend the Education Law and the Public Officers Law, in relation to the Board of Regents.

SENATOR PATERSON: Lay it aside.

THE PRESIDENT: Lay it aside, please.

THE SECRETARY: Calendar Number 32, by Senator Holland, Senate Print 205 -

THE PRESIDENT: Go ahead. I'm sorry.

THE SECRETARY: -- an act to

authorize the Salvation Army Eastern Territory School for Officers' Training to change its name to the Salvation Army Training College.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 37, by Senator Goodman, Senate Print 570, an act to amend the Administrative Code of the city of New York, in relation to the treatment of thrift reserves.

THE PRESIDENT: Call the roll - oh, sorry. Read the last section.

THE SECRETARY: Section 4. This act shall take effect immediately.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is

passed.

THE SECRETARY: Calendar Number 46, by Senator DeFrancisco, Senate Print 485, an act to amend the Penal Law, in relation to the payment of reparation or restitution in certain cases.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 59, by Senator Larkin, Senate Print 459, an act to amend the General Municipal Law, the State Finance Law and the Municipal Home Rule Law.

THE PRESIDENT: Read the last section, please.

THE SECRETARY: Section 4. This act shall take effect on the 120th day.

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 63, by Senator Present, Senate Print 528, an act to amend the General Municipal Law, in relation to municipal contingency.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed.

THE SECRETARY: Calendar Number 65, by Senator Stafford, Senate Print 121, an act to amend the Environmental Conservation Law, in relation to non-hazardous municipal landfill closure.

THE PRESIDENT: Read the last section, please.

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

THE PRESIDENT: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 59.

THE PRESIDENT: The bill is passed.

Senator Bruno, that completes the reading of the non-controversial calendar.

SENATOR SKELOS: Madam President, at this time, if you could take up Calendar Number 18 by Senator Levy.

THE PRESIDENT: The Secretary will read.

THE SECRETARY: Calendar Number 18, by Senator Levy, Senate Print 203-A, an act to amend the Highway Law, in relation to designating the Bethpage State Parkway as the Assemblyman Philip B. Healey Memorial Parkway.

SENATOR LEVY: Madam President.

THE PRESIDENT: Senator.

SENATOR LEVY: Yes, thank you very much.

This is really a bittersweet occasion. I'm pleased, and I know my colleagues are, that Phil Healey's wife, Geneva Healey, her daughter Laurette, her son Philip,

Jr. and his lovely wife Betsy, their children and that their son Ralph are with us this afternoon for the occasion of the Legislature's memorial and testimonial to our dear friend and colleague, Assemblyman Philip Healey, and for the passage of this bill, soon to be law, renaming the Bethpage State Parkway.

Phil Healey was my friend for more than 25 years. He was my legislative partner since his Assembly District was located within my Senatorial District. Phil always reversed it when we talked about it.

Phil Healey was a uniquely dedicated and successful legislator who literally moved heaven and earth and mountains to respond to his constituents' problems and/or concerns at any level of government. He was a genuine legislator, and the children are saying, "Aye, aye."

There were few people that could say that they got the late Governor Nelson Rockefeller to say yes when he really wanted to say no. Phil Healey was that legislator.

Back in the early 1970s, right after Phil had come to Albany, the Governor

rightfully wanted to eliminate the great crossings on the south shore of Long Island, and though Phil was for the eliminations, he was opposed to the way it was proposed for Massapequa Park, and I have to tell you that he held up the appropriation. He held up the line item to get Governor Rockefeller to agree to an aesthetically pleasing and, believe me, one of its kind, low stonewall -- designer stonewall and granite wall with permanent landscaping above it, and that wall, one of its kind in this country and probably any place in the world, stretches the length of Massapequa Park, and the only way Phil -- the only way that Phil would go along with that elimination project moving forward is if Governor Rockefeller agreed to it.

There are countless other similar stories about Phil's special advocacy and his concern, but it is suffice to say, when Phil Healey wanted to achieve something for his constituents, he would go around you, he would go over you, he would go under you until he achieved what he started out to do.

Phil Healey was the ultimate

legislator, blending his warmth, his sense of humor, his ability and his tenacity to get the job done and to get the job done extraordinarily for more than 30 years, first as a town of Oyster Bay councilperson and then as a New York State Assemblyman.

Phil Healey was loved by the residents of his Assembly District who knew that he was genuinely committed to serving them and to the belief that government can and should be a positive force for helping and improving people's lives.

I'm so pleased that Geneva is with us this afternoon as we take up this special legislation and testimonial to Phil's legacy, his achievements and his accomplishments.

Phil was totally devoted to Geneva and their loving children and their family. When we were at an event on a Saturday or Sunday, I would always ask him the same question, "What are you going to do this afternoon, Phil?" -- and I see Bob Woertz smiling -- and he would always look at me and he would say to me, "I'm going to spend it with

the family." I know I speak for so many when I say that we miss Phil more than words can ever convey.

By designating the Bethpage State Parkway which accesses a jewel of the New York State park system and will be home to the first public course in the country ever to host the U.S. Open in the year 2000, we will be establishing a living memorial which will keep the memory of Phil Healey alive and provide an ongoing tribute to his accomplishments.

I know that Phil's looking down upon us today. He is the speaker of the "chamber of angels" and I know, and certainly those of you who were his friends, you know he's trying to figure out how he can get the chapter for this bill.

ACTING PRESIDENT KUHL: The Chair recognizes Senator Waldon on the bill.

SENATOR WALDON: Thank you very much, Mr. President.

To the Healey family, I had the good fortune of meeting Phil when I arrived in the Assembly in 1983, and though I cannot speak as definitively as my colleague has, nor as I'm

sure Bob Woertz would if he were given this opportunity in this chamber, I can tell you that he was one of the good guys.

I loved Phil not only because of his sense of humor -- and he could really tell a story. He was the raconteur's raconteur. He had a kind of wit that was quick, that was sharp, and if you sometimes tried to be smarter than he he could cut you down to size, and in this kind of business, meaning politics, you admire and respect someone who can come back at you with a quick turn of a phrase.

But I had more fun with Phil than just telling jokes. We played softball together, and those of you who knew him as the great athlete that he was, we had a lot of fun playing softball at that time against the Senate, and I want to tell you, Mrs. Healey, that when I was in the Assembly, the Senate didn't stand a chance in terms of winning games. Although they had great players like Billy Stachowski and Manny Gold and a couple other guys on that side, our secret weapon was Phil Healey on the mound.

So I rise today out of

friendship and out admiration and respect for one of the icons who passed through these chambers and who is somewhere looking down on us now.

May God ever keep you in His hands.

ACTING PRESIDENT KUHL: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to say what a great guy Phil Healey was and to offer my sympathy to the sudden, and I think untimely, departing.

You know, this was a guy that was beloved by everybody, legislators not only from this state but as Bob Woertz, the former national chairman of the Council of State Governments could tell you, that Phil was active in the Council of State Governments, and everybody that knew him from around the country, and so forth, also loved him.

You know, he was always taking part in everything. Senator Waldon, you mentioned playing softball. He played tennis. He did whatever it took to participate and,

incidentally, he was one of the most loyal and active members of the Irish Legislators, and I got a kick out of hearing one of -- I'm sure one of his offspring, a grandchild there, saying "aye" to everything that Senator Levy was saying.

Phil Healey was a great colleague, a tremendous, devoted legislator, somebody that looked out for his district constantly, never let up on that issue. On an issue, he was like a dog on your pants leg. He just kept there until he got it resolved, and Phil was -- he made everybody feel good just being around him and we'll all miss him greatly, and I'll tell you, he leaves a legacy not only here in the Legislature but with the magnificent family that is in this chamber now.

I wish you well.

ACTING PRESIDENT KUHL: Senator Marcellino.

SENATOR MARCELLINO: Thank you, Mr. President.

I didn't know Phil as long as many people in this chamber. I first met him when I became the town clerk of the town of

Oyster Bay and I needed some information on state issues, and I called Phil's office and I got the information mailed to me the next day, and then following that I got about 17 phone calls from Phil asking me if I got the information and if it was correct, and each time I said yes, he said, "Are you sure, because if it isn't correct, I'll make sure it is correct," and he wasn't kidding. It was Phil's way. He just wanted to make sure you got what you needed and it didn't make any difference if it was a state issue you needed the information on.

I found if I needed facts or if I needed information on any level of government, on any bill, on any piece of legislation, I could call Phil's office because Phil's philosophy was: Take care of your constituents, take care of your neighbors. They're the people that put you in office. They're the people that keep you there and if you respond to their needs and their concerns, they'll never forget and they'll always remember you on Election Day, but even more importantly, they'll remember you year round,

and Phil's philosophy of service, is one that we all should take to heart because he exemplified the best of us all.

He always remembered where he came from. He always remembered that his family was the key to it all, that his family was his support, that his family was his base. He never betrayed a friend. He would go out of his way to protect a friend. There are many stories that many of us know about Phil's relationships with friends here and how we defended them regardless of who was on the other side.

He was a great person who was willing to take on issues that were not always popular but were important to his constituents. He took them on. He was fearless in a political sense. He would take on anybody. It didn't make any difference if it meant that it was doing the right thing as he saw it.

So, ladies and gentlemen, I rise on this bill and on this legislation, and I'm grateful to vote yes to it and I'm grateful for the period of time that I had to know Phil

Healey because he was a fine man, and I hope I become a small portion of the legislator that he was.

God bless him.

ACTING PRESIDENT KUHL: Senator Gold.

SENATOR GOLD: Thank you, Mr. President.

I am sitting here a little bewildered. I'm only a little Democrat. I loved Phil Healey. I never exactly thought of him as a dog on my pants leg, but I want you to know that he was a terrific guy and whenever I saw him, it would bring a smile to my face except -- Mrs. Healey, I don't lie -- I didn't exactly smile every time I was finished hitting against him in the softball games. That was one day which was not always so great, but there is one thing with this particular piece of legislation, Senator Levy, which is flawed, because I take a look and my name isn't on it and I feel badly, and I'm sending this over because I'd appreciate it if you would sign me on.

Phil, as everybody knows, was

just a wonderful, decent man. He was a delightful fellow, and it's incredible in this day and age, those words ought to say it all and, unfortunately, somehow in this day and age words like that get belittled, but the people who understand it most are the people who got the benefit of it most, and so the Healey family is very lucky because you lived with a man who was wonderfully decent and you lived with a man who was wonderfully delightful. So you've had that blessing, and for all of us who had the opportunity to deal with him in Albany, I guess we were blessed a little too.

We really miss him.

ACTING PRESIDENT KUHL: Senator Goodman.

SENATOR GOODMAN: Mr. President, I can add a slightly different perspective to these very appropriate remarks by pointing out to the house that not too long ago, one among us, Senator Tarky Lombardi, would organize periodic trips to Europe on a bipartisan basis strictly paid for out of the pocketbooks of the participants -- not a junket in any sense, just to set the record quite straight on that point

-- and these trips to Europe would give one an opportunity to get to know one's colleagues in a manner that was quite unique.

Phil and Geneva were a wonderful couple, and I can recall quite distinctly being with them in Paris, seeing some of the sights and sharing in their delight and our own with the unique new experiences that we were all having and enjoying immensely the sheer warmth of their personalities. Not only would we sightsee together, we would drink together, we would eat together and we would have what I can only describe as continental good fellowship in its best sense.

Geneva Healey was a tremendous help to Phil. With her glorious perspective and her rare charm and beauty, she added just what Phil needed to complete the picture of an altogether wonderful Renaissance man.

Phil and Geneva and I spent some time in the area surrounding Paris and we had an opportunity to be together on many occasions and then, whenever I would meet Phil in the chambers in Albany, we would always stop unfailingly to reminisce about some of the good

times we'd had together. That was punctuated, however, by some serious legislative business because when Phil did, indeed, have matters that required attention and action by the house, he never hesitated to outline his views and enlist one's support in the most genial and effective manner.

This was a wonderful leprechaun of a man, a man of terrific personality and warmth, whose very presence in this chamber always lit it up and always made us all feel a little better for his presence.

We shall miss him greatly, and I just want to extend a personal salute and wish of condolence to Geneva and to his family. You had a wonderful husband and a wonderful father, and we all love you.

ACTING PRESIDENT KUHL: Senator Johnson.

SENATOR JOHNSON: Yes. Certainly I'm pleased to be associated with this measure. It's this very slight tribute to Phil, nevertheless the greatest tribute that we can give to him.

We were acquainted many years.

Phil and I and his wife and some of his children went campaigning together in my first campaign. We've been together through the years at ALEC meetings and legislation.

We recently passed a bill just last year providing a special institute at the State University in Farmingdale to study the needs of disabled people. Phil brought that legislation to me. I helped to get it adopted. I helped to get money in the budget to get that going, and that's a nice tribute to Phil too, I think, but his entire life is really a tribute to himself and to his family, to all who knew him.

You never were without a friend if Phil was around. He would back you up every time. He would fight for you. He made you feel comfortable when you spoke with him. Just a wonderful man, and I really lost a lot, as the family did, when Phil departed, and certainly my sympathies and my compassion go to them because we all suffered a great loss but we all have wonderful memories of a great man.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Mr. President, very briefly.

It's ironic. When I came to the State of the State this year, one of the things I said to one of my colleagues in Long Island, I said, "You know, it just won't quite seem the same without Phil Healey."

I, of course, came to the Assembly with Phil many years ago, came over to the Senate and, frankly, primarily had a lot of dealings with Phil as regards to the American-Irish Legislators but, of course, dealt with Phil on criminal justice issues and many other things. In fact, every once in a while he would run into my office and talk about our death penalty bill and various other pieces of legislation when something came to his head that he thought he ought to come in and tell me about in some way, that he was sure that he could sell it to the rest of the state.

I was just telling one of my colleagues on Long Island that one of the things that I think we really need around here is more people like Phil Healey. He not only was bright and tenacious but he also had a

sense of humor and an ability to turn something really stressful into something really comical.

What I used to say about Phil is, the worst thing you could do is ask him a question because most of the time the answer that he gave you, you had no idea what he was talking about, if he didn't want you to know what he was talking about, and he was a master at it, he really was, but in that answer, though, was his version of how he believed that issue should go, because Phil Healey went directly to the point in a way -- even though he went around it in a rather roundabout way.

He was a good man. He was a good legislator, as Norman said, and I commend Norman for the bill because I think he certainly is somebody who Long Island should honor, and this Legislature should honor because I think he was a man who typified the kind of legislator that I think all of us would like to be.

My hat's off to him and to his family, and we will all say a prayer for him because I'm sure that he's looking down on us

and sort of laughing at us and trying to figure out what we're trying to do here.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Thank you, Mr. President.

I'm delighted, Norman, that you have passed this legislation -- or about to pass this legislation, naming this parkway after Phil.

One thing will be certain, because Phil was truly a "pothole" Assemblyman, and the best word that that parkway will be - never will there ever be a pothole on it and, Norman, it's going to be your responsibility as long as you're a legislator, and all of us from the Island will make sure, that that parkway is a fitting tribute to Phil.

When I arrived here in 1981 elected to the Assembly, Phil told me, "Make sure that you tend to your constituents. What occurs in Albany is important, whether it's legislation, whether it's the budget, but the most important thing that you can do is stay in touch with your constituents," and those of us

who are in office -- we can be in a parade, we can be walking door to door, we can just be walking down the street -- will run into constituents. Some of them will agree with us; some of them will disagree with us. Some of them will respect us; some of them may not respect us, but when you were with Phil Healey in his Assembly District, they loved him. They respected him and loved him and they loved his entire family because it was a family ethic representing that Assembly District.

I know I'm personally going to miss Phil a great deal. All of us from the Nassau County delegation, Senate, Assembly - and I know Bob Woertz is here from Suffolk County. The entire Long Island delegation is going to miss Phil because he represented the best in government. Nobody was too small. No issue was too small for Phil to deal with, and that's why he was loved and that's why he is the type of legislator -- was the type of legislator we should all look to be.

So, to the family, your loss obviously is so much more than ours, but all we can say as a legislative body, the Senate -

and he told me I should have stayed in the Assembly. It was a lot more fun and active over there, but I love the Senate. But you know what? We love Phil Healey. He was a good man.

God bless you all.

ACTING PRESIDENT KUHL: Senator Hannon.

SENATOR HANNON: Mr. President, one of the types of speeches I have really never given in either chamber is a speech remembering somebody, but this is Phil Healey. He's definitely an individual for whom I should make a major exception to that. I have never felt that I have been able to say all the right things that have to be said, but I've known Phil since I came to Albany as representing the county of Nassau as its lobbyist and served with him in the Assembly and certainly got affected by all of the projects he would take on here in the Senate, and I thank you, Senator Levy, for this legislation.

As Senator Skelos was reading the -- telling you about the potholes, I said, I'd better check where this highway is, and I

realize it's in my district. So I'll take up the cudgels that Phil would have left. I think there's a few promises he has -- for sound barriers, that he's made that I know we're trying to still fulfill in the commitments along here.

Phil was tenacious and he was persistent, but also he had a vast understanding of government. I knew that at one point while we were discussing some of the absolutely arcane intricacies of the government of France and he demonstrated to me an up-to-date, intricate knowledge of that system, and I realized that what he had then been doing in terms of representing so well his district was trying to make sure that whatever he was trying to bring forward in terms of government was simple enough so that everybody would understand what he was doing and they could then react to it.

I know that he was successful in that because when I had a chance to first run, in where we overlapped, as I would go door to door people would not even talk to me until they were sure I was running for the Senate and

I would swear I was not running against Phil Healey and at that point, when I pointed out we would be running on the same ticket, then they would allow me to talk.

He was just great. It's really unique that we do this type of bill in the Senate, but then that's what Phil Healey was, a unique person who moved policy, who moved us, who moved my predecessor, John Dunne, when he had this seat.

I know that one of our old friends here in Albany who also has passed away, Tim McCarthy, used to tell me, "Always listen to Phil Healey. If you want to find out what's happening in Nassau County and what people were believing and what ought to be done, listen to Phil Healey."

I did that, and I think all of our service here in Albany was the better for it, and I can only finish this speech by finishing the speech in a way that Phil would have done by saying, thank you very much.

ACTING PRESIDENT KUHL: Senator Stafford.

SENATOR STAFFORD: Mr.

President, I would like to join these very fine remarks that have been made for a very fine gentleman, a member of a very fine family.

As the Healeys know, Phil knew the Lake Placid area very well, and I believe he was elected in 1970 and, as a matter of fact, in '74 we bid for the Olympics and it wasn't a great thing in those days. In other words, people didn't have the feeling for it that we got as we won the game -- the hockey game, and I needed a lot of help and Phil Healey was there helping me to get the $100,000 that we got to bid for the Olympics to go to Austria -- to put on the bid, and then we won -- won the bid, and then, of course, had the Olympic Games in 1980.

Also, he knew Whiteface. He knew the area well and, as a matter of fact, we have a number of other issues after the Olympics. Forming the Olympic Development Authority, we needed a lot of help and Phil again knew the area, took an interest in it and was very, very helpful to us, and he did that on a number of issues.

We are better up in the Lake

Placid region because of Phil Healey, and we thank his family for sharing him with us, and the state is much better too.

ACTING PRESIDENT KUHL: Senator Tully.

SENATOR TULLY: Thank you, Mr. President.

Phil Healey was a friend and a colleague and a very fascinating softball player. The times when the Senate had Warren Anderson as its pitcher, the Assembly had the Runyonesque "Fast Philly" as their pitcher and they had some pretty good hitters on their team. One of them was Billy Stachowski, and sometimes even he, when he got up to bat, would stand there fascinated by the pitches of Phil Healey, because he had an enormous softball pitch which went up in the air. By the time it came down, you wondered where you were and what you were doing, and I think he surprised a number of us, including Billy Stachowski.

But, beyond that, Phil was probably one of the most determined bulldog-type legislators I ever met in my life and on one of the first pieces of legislation

that I helped to engineer in the Senate, I remember that Phil Healey was on me every day about this piece of legislation and I wasn't really certain that I wanted to do it, but every time I turned around he was in my face and he kept on me and on me and on me, and finally I went along with the legislation, only to subsequently run into Senator Levy, who said, "He's my Assemblyman. You stay away from him," and that was a tribute to Phil Healey, in the sense that Senator Levy knew that that which Phil Healey brought forward after much deliberation was good legislation and it properly belonged to Senator Levy, but in the sense that we are colleagues, we shared it in the Senate and the public benefited.

I salute you, Senator Levy, for presenting this legislation, and I know Geneva and the family is very pleased that it's taking place, and I'm going to be very happy to vote for it.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the legislation?

Senator Larkin.

SENATOR LARKIN: Mr. President, I think I had unique relations with Phil Healey. The very first day I came here over from the Assembly he reminded me who my predecessor was and who my predecessor's predecessor was, and he said, "We're going to get along great as long as you take care of the Hudson Valley and listen to us people from Long Island," and I thought he was joking. He was as serious as a day is long.

I remember one time when we were being real rambunctious in the Assembly about adding and subtracting, and Phil Healey said, "You never got the message. No, no. You can take it away from the Hudson Valley, but don't touch Long Island," and he said it with a very sincere -- I had a problem in my district at an airport that Norman remembers. Everybody was getting away on a getaway day. Phil Healey called me and said, you know, "I've already called Gen. I'm going to be home late." He came to the airport and talked to the people in the town and asked them how often they would use the airport and what it would do to the airport, and about three or four days later I

get a call from Norman Levy, and he said, "Your good friend, Phil Healey, has put together some people from the Transportation Committee, some of my own people, and we're going to come down there and we'll hold a hearing," and my people were amazed that this man from Long Island would pay so much attention to another member's area and, you know, if you really think about it, that was Phil Healey, and I don't think, even when I came to this house, there was ever a day that he saw me that he didn't come by and say, "How's Stewart doing?"

You know, when we opened Stewart, Phil Healey came and it was sad that he wasn't given the respect by somebody over and above me, but Phil Healey didn't care. He sat there and looked up, and he said, "I want to see the plane go off." When American went by, he put his arm around me and he said, "That's progress. That's cooperation, and don't you forget it. When somebody takes your seat, you better be willing to help them," and that was Phil Healey.

I remember, if you were in a conference with him -- and, of course, you met

his wife the first time and 16 times later, he still reminded you this was this beautiful wife, and, Gen, he always spoke of you as something from heaven, and his family, and, you know, we're all richer. We're better off because during our lifetime we met Phil Healey.

Thank you.

ACTING PRESIDENT KUHL: Is there any other Senator wishing to speak on the bill?

(There was no response.)

Hearing none, the Secretary will read the last section.

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

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes 61.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Skelos.

SENATOR SKELOS: Mr. President, if we could temporarily go back to motions and resolutions.

Please recognize Senator Norman Levy.

ACTING PRESIDENT KUHL: We'll return to the order of motions and resolutions.

The Chair recognizes Senator Levy.

SENATOR LEVY: Yes, Mr. President. I ask that the resolution be read.

ACTING PRESIDENT KUHL: There's a privileged resolution at the desk.

I'll ask the Secretary to read it in its entirety.

THE SECRETARY: By Senator Levy, a Legislative Resolution memorializing the life of Assemblyman Philip Healey.

WHEREAS, Assemblyman Philip Healey, a distinguished and long-time public official and resident of Massapequa, New York, suddenly passed away on May 27, 1996 after having just completed marching with fellow veterans in the Massapequa's Memorial Day Parade; and

WHEREAS, Assemblyman Philip Healey was a tower of strength, support, understanding and limitless love for his

beloved wife Geneva, his daughter Laurette, his sons Philip, Jr. and Ralph, his daughter-in-law Betsy and his children -- his grandchildren Corinne and Philip; and

WHEREAS, Assemblyman Philip Healey's love, devotion, commitment and responsiveness to his family, friends and all who knew him were his hallmark, tradition and legacy; and

WHEREAS, the death of Assemblyman Philip Healey, a highly respected and regarded public servant, leaves a great void in the New York State Assembly and in the communities of the 12th Assembly District he served with such passion and dedication for more than 25 years.

Assemblyman Philip Healey, a retired business executive, began his career in public office in 1967 with his appointment to the town of Oyster Bay Town Board.

Assemblyman Philip Healey was a man of strong convictions who believed deeply in the value of encouraging open debate in the development of public policy and in facilitating the honest exchange of diverse

viewpoints.

Assemblyman Philip Healey, widely regarded as a gentleman who exemplified all that is best about public service, was deeply dedicated to his constituency and to the belief that government can be a positive force for improving people's lives; and

WHEREAS, Assemblyman Philip Healey worked tirelessly throughout his Assembly career to serve his constituency.

Assemblyman Philip Healey, throughout his legislative career, held a variety of important positions, including Assistant Assembly Minority Whip, chair of the Nassau County Republican Assembly Delegation and membership on the Assembly Committees on Aging, Commerce, Industry and Economic Development, Rules and Governmental Operations.

Assemblyman Philip Healey was a uniquely successful leader in both the private and public sectors and left behind a myriad of governmental achievements and accomplishments.

Assemblyman Philip Healey, throughout his life, devoted his time and energy to important community-related concerns,

interests and activities, thereby leaving upon them his own indelible and lasting mark; and

WHEREAS, Assemblyman Philip Healey significantly contributed to improving and bettering the quality of life of the residents of the Massapequas, the town of Oyster Bay, Nassau County and New York State by always seeking to increase community pride, respect and understanding through his community efforts.

Assemblyman Philip Healey lived his life with great dignity and genuine grace, always demonstrating a deep continuing concern for others and in doing so, he inspired others to do the same.

Assemblyman Philip Healey's record of unimpeachable fairness will endure as an inspiration and living legacy to all who had the privilege and honor of knowing him; and

WHEREAS, Assemblyman Philip Healey was recognized as a pillar within his home community of Massapequa, the town of Oyster Bay, Nassau County and New York State, always seeking to build the firmest foundations upon which the Massapequas, the town of Oyster

Bay, Nassau County, New York State and our nation will continue to grow and prosper.

For those countless many who knew and loved him, the death of Assemblyman Philip Healey has most seemingly curtained the world in darkness; and

WHEREAS, like the light at dawn which so completely eclipses the brightness of the night's stars, the life of Assemblyman Philip Healey bears radiant testimony that the ideals of honor, courage, loyalty and dedication -- and of personal love -- yet endure; and

WHEREAS, many years ago Robert Ingersol wrote these words concerning the death of his brother. "If everyone to whom he rendered some loving service were to bring but one blossom to the grave, he would sleep beneath a wilderness of flowers"; and

WHEREAS, it is the sense of this legislative body that Assemblyman Philip Healey sleeps beneath a wilderness of flowers; now, therefore, be it

RESOLVED, that this legislative body pause in its deliberations in a moment of

silent tribute to Assemblyman Philip Healey, a warm, caring, loving and responsive man whose unselfish concern for the welfare of others endowed and yet enhanced the lives of those so fortunate to call him family and friend, and to express its deepest condolences to his beloved wife Geneva, his daughter Laurette, his sons Philip, Jr. and Ralph, his daughter-in-law Betsy and his grandchildren Corinne and Philip; and it be further

RESOLVED, that copies of this resolution, suitably engrossed, be transmitted to Assemblyman Philip Healey's family.

ACTING PRESIDENT KUHL: Senator Levy, the Chair has had an inquiry as to whether or not this is open for multiple sponsorship.

SENATOR LEVY: Certainly.

ACTING PRESIDENT KUHL: Without any objection from the chamber, we'll place all the members on as multiple sponsors.

The question is on the resolution. I'll ask all the members to stand to recognize their affirmation in a moment of silence.

(A moment of silence was observed.)

ACTING PRESIDENT KUHL: The resolution is adopted.

Senator Skelos.

SENATOR SKELOS: Mr. President, could you call up Calendar Number 16.

ACTING PRESIDENT KUHL: The Secretary will read Calendar Number 16, Senate Print 184, by Senator Tully.

THE SECRETARY: Calendar Number 116, by Senator Tully, Senate Print 184, an act to amend the Vehicle and Traffic Law, in relation to revoking or prohibiting the issuance of a driver's license.

SENATOR MONTGOMERY: Explanation.

ACTING PRESIDENT KUHL: Senator Tully, an explanation has been requested by Senator Montgomery.

SENATOR TULLY: Thank you, Mr. President.

This piece of legislation, which passed twice in the Senate last year, is sponsored in the Assembly by Assemblyman

Lafayette and it provides for the suspension, revocation or delay of the issuance of a driver's license to persons for up to one year for each conviction or adjudication of making graffiti.

ACTING PRESIDENT KUHL: Senator Montgomery.

SENATOR MONTGOMERY: Yes, Mr. President. I wonder if Senator Tully would yield for a question.

ACTING PRESIDENT KUHL: Senator Tully, do you yield?

SENATOR TULLY: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR MONTGOMERY: Yes, Senator Tully. I see where we have tried to address this graffiti problem that you identify on a couple of prior bills that we passed, one of them being to make graffiti a crime punishable as a Class A misdemeanor, and the other one provides that if a person convicted of making graffiti or possession of graffiti instruments is sentenced to probation or

conditional discharge, the court shall, where appropriate, participate in a program designed to remove graffiti from public or private property.

So we seem to have two distinct kinds of punishments to attempt to address this. I'm just wondering if either of these have worked to really reduce the problem of graffiti over the areas.

SENATOR TULLY: Thank you, Senator Montgomery.

Mr. President, that's exactly the reason for this bill. The existing law does provide that the making of graffiti is a misdemeanor punishable by up to one year in jail but, unfortunately, the fact that that penalty exists makes it far different from the fact that people are convicted of making graffiti and then sent to jail. The judges just aren't putting them in jail for making graffiti even though that punishment exists.

This bill came about as the result of communication with my office by many, many chambers of commerce which are reflected in the support memos and when we initially

debated the bill when it was first introduced, it did not have any provision for either community service or conditional licenses.

As a result of the suggestions of, in the one case, Senator Paterson with respect to conditional licenses, we included a provision for that under certain conditions of medical employment and educational reasons and in the case of community service, at the recommendation of Senator Abate and Senator Onorato, we included that as well.

So the bill which originally passed 54 to 4 in the Senate subsequently came back with those changes and passed 45 to 2, and that's the bill that's before us today.

SENATOR MONTGOMERY: All right. If the Senator would continue to yield, Mr. President.

ACTING PRESIDENT KUHL: Senator Tully, do you continue to yield?

SENATOR TULLY: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator continues to yield.

SENATOR MONTGOMERY: Thank you.

The bill that is before us which requires suspension of a driver's license, it is my perception that, at least for the urban centers -- and I must say I'm thinking about New York City in particular -- that most of the people would not necessarily be driving. So would this help in cities like New York where we're not looking at graffiti artists who drive cars?

SENATOR TULLY: Thank you, Mr. President.

It's a good question, Senator, and it does help in New York City. One of the chambers of commerce that contacted us very strongly on this was the Chamber of Commerce for the borough of Queens, which is, as you know, within the city of New York, and it is not a mandatory situation. It's one where it may be imposed and the concept is really one to give the youngsters pause to think before they commit such an act.

SENATOR MONTGOMERY: Thank you, Mr. President.

Just briefly on the bill. I am just really concerned that we're moving to

further convict, if you will, people who do graffiti, and one of the programs in New York City that I know that has worked and quite successfully, I believe, is particularly in Harlem, and I certainly would leave the example to be further delineated by my Harlem Senator, but I believe that what people have done is to allow for artwork to be placed on public buildings. A lot of that has happened certainly in my district and on those buildings, including the ugly gates that are used to protect businesses from vandalism, where there is artwork done by so-called graffiti artists, we do not see the defacing by graffiti vandals.

So I believe that's probably a much more sensible and successful, workable solution to graffiti vandalism, and I would hope that we would allow for more of that as opposed to trying to figure out other ways to punish graffiti artists.

Thank you.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Mr.

President, if Senator Tully would yield for a question.

SENATOR TULLY: Yes, I will, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR PATERSON: Thank you.

First, Mr. President, Senator Tully was quite responsive and quite sensitive to some of the issues we raised last year, and I would really like to commend him.

I certainly can live with the legislation as it stands now, but if the Senator would yield for this question. It's just that in my opinion, the problem with the legislation inherently is its unequal enforcement in the sense that once the penalty relates to a driver's license, you're now talking about a class of the population that has driver's licenses. Why they might have those licenses might be different in different ways. So I just think that the penalty would be enforced in different values to whoever the recipients would be.

Now, obviously if one commits a

crime under our laws, the way that they're affected may be unequal to others who would similarly be convicted, but the point that I'm trying to make is that in this case, we've gone out of our way, Senator Tully, to write into the law what is a distinction that, in my opinion, doesn't even relate to the actual crime. The relationship between graffiti and driving is one I don't understand. I was hoping you would clear that up for the record.

SENATOR TULLY: Yes. Thank you, Mr. President.

The law currently, prior to the passage of this bill, provides that in the event you're convicted of making graffiti, that a judge, in his infinite wisdom, can send you away for up to one year in jail. That's obviously not working, which is the reason and the gravamen for the development of this bill so that there would be another hook, so to speak, to hang the individual on to preclude them from doing this again, and that's why we have this proposal which, again, is not mandatory but it doesn't only include those who have licenses. It includes those who might be

looking to have one in the sense that it provides for the delay in the issuance of a license.

ACTING PRESIDENT KUHL: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

If the Senator would yield for just one more question.

ACTING PRESIDENT KUHL: Senator Tully, do you continue to yield?

SENATOR TULLY: Yes, Mr. President.

ACTING PRESIDENT KUHL: The Senator yields.

SENATOR TULLY: You're looking better all the time, Mr. President. I want you to know that.

ACTING PRESIDENT KUHL: Thank you, Senator Tully.

SENATOR PATERSON: On that, Mr. President, Senator Tully and I heartily agree.

SENATOR TULLY: I also meant to tell Senator Paterson, Phil Healey told me he loved this bill.

ACTING PRESIDENT KUHL: Is that explanation satisfactory, Senator Paterson?

SENATOR PATERSON: Well, now, Mr. President, Senator Tully has estopped me from asking any more questions. I'll just say this.

Up in Watkins Glen, Mr. President, there was once a chicken and a pig drag racing on the highway. They were pulled over by a couple of state troopers and they were talking about how they could get the state trooper to stop them from being given a very major ticket and the chicken said, "Well, you know, we could offer him bacon and eggs" and the pig said to the chicken, "What you see as a penalty, I see as a mortal sacrifice.".

ACTING PRESIDENT KUHL: Thank you, Senator Paterson.

The Secretary will read the last section.

THE SECRETARY: Section 2. This act shall take effect on the first day of November.

ACTING PRESIDENT KUHL: Call the roll.

(The Secretary called the roll.)

ACTING PRESIDENT KUHL: Announce the results when tabulated.

THE SECRETARY: Those recorded in the negative on Calendar Number 16 are Senators Breslin, Mendez, Montgomery and Waldon. Ayes 57, nays 4.

ACTING PRESIDENT KUHL: The bill is passed.

Senator Holland.

SENATOR HOLLAND: Very nice to see some more county clerks in the chamber, Mr. President.

Could we star Calendar Number 31 at the request of the sponsor.

ACTING PRESIDENT KUHL: Calendar Number 31 is starred at the request of the sponsor.

Senator Holland.

SENATOR HOLLAND: And could we return to motions and resolutions and recognize Senator Leichter -- Senator Abate, rather, for some comments on former Assemblyman Passannante.

SENATOR ABATE: Yes. I'd like

to speak on the floor in support of Resolution 195. I believe it was a resolution adopted last Tuesday, but we did not have an opportunity. Many of you knew -

ACTING PRESIDENT KUHL: The resolution was previously adopted, Senator Abate, and with unanimous consent of the members of the chamber -- and I don't hear any objections -- you're allowed the opportunity to speak on the resolution.

SENATOR ABATE: Thank you.

Assembly member Bill Passannante, many of you worked with him for a number of years. The resolution that was adopted celebrated his life and his work.

I was very lucky. I knew Bill as a close friend, a colleague in the community. I never had the opportunity to serve with him in the Legislature, but I know how well thought of and how many friends he earned through the years.

One great attribute, if you knew Bill well, he made you laugh, and there are stories after stories of Bill driving to Albany with his eyes closed and when parts of his car

would fall off, he would put parts of his car in the trunk, and he would collect these parts over time.

So people loved Bill because he made them laugh but people loved and respected Bill because of his passion, his commitment to issues and particularly in the community of Greenwich Village, which is the community where I've lived for many years, there's not a soul who knew Bill that did not cherish his leadership, his commitment to that community. He brought dollars in support and championed the institutions within Greenwich Village. If ever there was someone who could call themselves the mayor of Greenwich Village, it would be Bill Passannante.

He was bigger than life. He loved life. He loved food. He loved his friends. He loved serving in the Legislature. In many ways he was ahead of his time.

He was a champion of the arts and of education. He talked about human rights when other people were afraid about talking about equal rights for all people in this state, and he was someone that really cared

about other people.

He loved his friends. He spent time with his friends and he wanted to make sure everyone in society had a voice, had services and had support. So not only was he a great legislator, he was a great friend to so many people. He was also a great and decent human being.

I know if Bill were here today, he would say, carry on. He would miss every moment of the times he spent in this Legislature, but he would also be so appreciative of hearing from his friends and the words that we have to say about him that are very heartfelt.

So, Bill -- and as many of us do -- we'll miss you, but the legacy that you leave us, the legacy of all your good work will remain with us for many years to come, and so I hope that other young people -- because he certainly was my mentor as I was in local politics -- I hope that he will inspire us, through his legacy and good work, will inspire us to remember his good work and inspire us to do better for ourselves, for each other and to

represent our communities better.

So thank you, Bill, for the legacy you've left us, and in your name and in your honor, we will try to continue your good work.

ACTING PRESIDENT KUHL: Senator Stavisky, with unanimous consent to speak on the resolution.

SENATOR STAVISKY: I knew Bill Passannante perhaps longer than any other member of this Legislature because in 1954 during the first year of the Wagner administration, I was deputy to the president of the New York City Council. As a young Harvard educated man, he was able to serve in the office with me.

He was an inspiration in terms of his decency. He was a knowledgeable individual who did not flaunt his Harvard affiliation. He was a person whom I served with only for a year and then I tried my best to assist him in his race to become a member of the New York State Assembly.

He was successful in that race, and I want to recall those days when he was a

valued colleague, and then the days when we served together in the Assembly, and I knew that here was a committed individual who deserved the support that he had received from his constituents.

Later in life, Bill Passannante was president of the National Conference of State Legislators and it was a fitting tribute to him that Republican and Democratic members of this Legislature, as well as members from legislative bodies throughout the country, placed their trust in Bill Passannante.

I miss him as many of you also do, and I would be honored if you would allow me as well as others in this chamber to join in the sponsorship -- or co-sponsorship of the resolution that Assemblywoman -- that Senator Catherine Abate has introduced.

Thank you.

ACTING PRESIDENT KUHL: Senator Lachman.

SENATOR LACHMAN: I never had the privilege of serving with Assemblyman Passannante in this body, and I never had the privilege of working for him or living in the

same geographic area that he lived in, but I did have the privilege of knowing him.

As you are probably aware, he was deeply concerned about educational issues, and when I was serving as a member and president of the New York Board of Education 20 years ago, there was no one in the Assembly who was more involved to better the education of the public school children of the city of New York, and though there might have been differences of opinion between the assemblyman and the members of the board, every single member of the board respected his intelligence, his integrity and his goals to give a superior education to all of the children of the city of New York, and I would be privileged and honored to co-sponsor this resolution as well.

ACTING PRESIDENT KUHL: Senator Leichter on the resolution.

SENATOR LEICHTER: Thank you very much, Mr. President.

You know, there's so many things that can be said about Billy Passannante, and he was so much part of the life of this Legislature for so many years. I think among

-- in the whole history of the New York State Legislature, very few legislators have served longer than Billy Passannante did, but one thing I'm sure that never has anybody served with more joy, with more enthusiasm, with a greater sense of collegiality than Billy Passannante.

Billy was really so generous. He was so committed to his work but never to the point where he didn't see the human factor, the relationship among members. He really goes back to a time which I think is somewhat different than what we have in the Legislature now, a time certainly that Senator Marchi can remember, Senator Stavisky, I guess in some respects that I can, where there was a greater sense of collegiality and less partisanship, not that Billy wouldn't fight hard for the things that he believed in. He fought very strenuously and very vigorously, but I don't think there was ever a member of the Legislature all the years that Billy Passannante served who would say, "I don't like this guy. He's too partisan. He's taking advantage of me", and so on.

Really, the contrary was the case, and Billy was incredibly effective as a legislator and as somebody who represented his community. Unfortunately, I missed the beginning of the comments, and I didn't hear what Senator Abate said, but I hope she talked somewhat -- and it deserves to be said -- the fact is that he came in a district originally representing a very strong Italian community, as the village changed, and yet he responded so well to all his constituents.

I got into politics in the late '50s and at that time there was a strong effort within New York County to depose Carmine DiSapio who was then the head of the New York County democratic organization known as Tammany Hall, and Billy was really the Assemblyman of Carmine DiSapio, but in spite of all of that, Billy adjusted and not in a craven way of giving in but in a sense that everyone appreciated that this was a true fine public servant. So as the reformers took over in the village, they continued to support Billy.

There was one challenge to him in the primary some years ago. Ed Koch, a

young, ambitious politician took on Billy Passannante and Billy Passannante dispatched him very effectively because Billy was loved by all his constituents because they appreciated this was somebody that really served them.

I sort of want to end by telling one story about Billy Passannante because I think that really captures the sort of strong, wonderful human being he was.

I had to get down -- this was - I was serving in the Assembly and session was over. I had to desperately get down to New York. I thought the whole fate of western civilization depended upon my being in some meeting and Billy said, "I'm driving down." I said, "Good, but I got to be down there quickly." "Come on. We'll speed down." So we're moving along at a good clip and being with Billy is always fun except you're nervous because while he's driving, he's speaking, you know, waving his hands, and so on, but we're moving along. We hear the siren behind us. He gets pulled over. The police officer stops ahead of us. Billy gets out of the car, gets into the car with the state trooper and one

minute passes, five minutes passes, ten minutes passes, fifteen minutes passes, all I can see is Billy's arms waving and I'm desperate to get to New York and I'm ready to go out of the car and say, "Billy, I'll pay the ticket." Finally he comes back and he gets in the car and he says, "Gee, that was a nice state trooper." I said, "You talked your way out of the ticket?" He said, "Oh, no. I got a ticket but he was just a wonderful guy to speak to." That was really Billy Passannante.

He loved everybody. He responded to everybody, and I think one other thing needs to be said, his very special relationship with Father Peter Young. In fact, who can fail to forget almost any evening seeing Father Peter Young and Tommy Laverne, of course, who served with great distinction, and they had been together. They really represented, I think something that was so special and so good about Albany. People who care deeply about the institution, who care about government, who want to be part of it, who want to serve, Billy Passannante did for many, many years and when the history of this

Legislature is written, there has to be a special note in there about Billy Passannante.

ACTING PRESIDENT KUHL: Senator Marchi.

SENATOR MARCHI: It's certainly with great sadness to think of Billy Passannante not being with us.

I knew him back to the year you mentioned and perhaps you might have known, Senator Abate, Joe Holska. Joe Holska was very close to him and many times I participated with Billy and Joe Holska, ways of being of assistance to him. He's a wonderful person. He and Louis DiSalvio, I think held the record of 38 years in the Legislature and -- until I came along, but there's not very much that separate us and the quality of the service that he rendered the people of this city and this state and nationally was brought out so eloquently, his national service.

This name was known from the Atlantic to the Pacific. A splendid person, intelligent, brilliant, warm and oh, so accessible to friendship and so -- just could not tolerate the type of intolerance and

nastiness that sometimes, not as often as most people think, characterized public life.

He was certainly a wonderful role model and you know that every time there was a dissential census, they would shift the thing around a bit in the hope of getting him, but he was too strong for that and he came through every time and came through well in a perhaps under -- running under the most difficult circumstances that I could see, just shift -- because if you shift a few blocks, you create some problems for the candidate in that area.

So I certainly join completely with those who have spoken to this great public servant and -- well, he's in our prayers, and I'm sure that if we can -- if there's some way technically that we can join you, Senator Abate, backwards -- your resolution passed last week, didn't it -- but in any event, we're with you in spirit on your initiative. It was correct and appropriate.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: Thank you, Mr.

President.

It's fitting today that we memorialize two unique individuals, earlier Phil Healey and now Bill Passannante.

I knew obviously Phil Healey more intimately coming from Nassau County, and I mentioned the way his constituents loved him and that's something that affected me very positively.

Bill Passannante -- and it's interesting how people affect your lives. Bill Passannante I first met when I was on staff as a counsel in 1976 in the Assembly and -- on the 8th floor and he was around the corner, and what impressed me was he was the Speaker Pro Tempore at the time and the senior man, but he would always take the time to talk to me. He would always take the time to explain the legislative process.

You know, after I was a counsel for five years -- and I never thought I would have the opportunity to run for office -- you know, you would go and talk to Billy and he would tell you, "Be patient. You know, your time will come", and he would calm you down and

give you some very sound advice.

You know, I probably disagreed politically or philosophically with Bill on so many issues, but he fought for his constituents and he was always sincere in what he was doing but, again, I remember him as a staff person and the way he treated me.

He was a unique individual and somebody that this Legislature should always remember.

ACTING PRESIDENT KUHL: Senator Volker.

SENATOR VOLKER: Mr. President, I too want to rise. I did not realize that Bill's resolution passed last Tuesday, but let me just say something that I have not spoken of before, but -- although Phil Healey was a friend of mine and, of course, a fellow Republican, I knew him very well, I knew Bill Passannante much better, and the reason is that when I came to the Assembly in 1973, I had several people who kind of sort of watched over me, one legislatively, I guess that was sort of a fellow by the name of DiCarlo, Dom DiCarlo, who was my chairman in Codes, and I was sort of

a young firebrand, I guess, and he kind of looked over me legislatively, but the fellow who took care of a lot of other things and kind of watched over me was Bill Passannante and there was a reason for it, and it actually goes back, I don't know how many years, to when my father was in the Assembly with Bill and he told me the story that -- he told me one night, we were talking and he said that, "Your father was sort of like a father to many of us in the Assembly" and he said -- you got to realize that in those days, when Nelson Rockefeller was Governor and Republicans, of course, controlled both houses -- although very few services apparently were available to Democrats, and one of the things that was totally unavailable, apparently, was cars. At the time, I must say, that there were a lot of cars around, I remember that, but they weren't available to Democrats. So Bill told me this story. He said, "Your father" -- who was chairman of Codes at the time, a very approachable man, a very quiet man, he became sort of the fellow who directed some of these cars to some of the younger Assembly people and Bill told me the

story, he said, "He was sort of a like a father figure." He would say, 'Okay. I'll get the car for you but make sure you're in at a reasonable hour'", and he said that he was just such a wonderful man. He said, "I remember that" and he said, "When I saw you come to the Assembly", he said, "I thought, you know, I got to sort of repay the -- repay the favor anyway because I saw you. We became very good friends and remained friends, by the way, long after I left the Assembly and came over here to the Senate, and he come striding into my office every once in a while with some problem that he had, and I must admit to you that I even helped him a few times on some pieces of legislation maybe where I could where it wasn't exactly the kind of thing that I would maybe be a big supporter of, shall we say.

In fact, one time he came to me with a mission impossible. As some of you know -- and I haven't talked about this -- he was a big sponsor of the gay rights bill. So one time -- and this must have been probably in the early '80s -- he came in and there was a big uproar over it, and he had said to me, "I got

to talk to you, Dale. I have got to talk to you. I have got a deal for you. I got a deal for you." So he came in one night and he sat in my office and he said, "I have figured out how we could make you a statewide figure and you can be the head of the point on this issue" and I said, "What issue is it, Bill", and he said, "I think you should be the Senate sponsor of the gay rights bill." I said, "Bill, think about it. Do you know where I am from? I'm from Western New York, a little conservative Western New York just outside of Buffalo. That might be a little difficult to sell to my constituents." He said, "You know, you're probably right. I was just thinking that, you know, maybe if we could get an upstater to do it, it would be a good idea", but he said, "You know, you're absolutely right", he says, "You know, Dale", he said, "I've thought about this a lot", and he said, "You're my kind of guy even though I know you can't do this" and he said, "That's why I came to you", and that's a true story and the only reason that I mention it is because Bill Passannante was a tremendous individual and somebody who, although he came

from Greenwich Village, he could communicate with people in any part of the state and in that way, in a way, I think he was typical of the best of the Legislature here because he was the kind of guy, although he believed in things and pushed for things that obviously many of us weren't in support of or many weren't enthusiastic about, that didn't matter because he was a wonderful individual. He was a good legislator and no question he represented Greenwich Village and he represented it very well and yet he knew how to treat people, and he knew how to deal with individuals and he was a lovely, warm man, and I know many of us are going to miss him.

ACTING PRESIDENT KUHL: Senator Skelos.

SENATOR SKELOS: That resolution was adopted previously.

Is there any housekeeping at the desk?

ACTING PRESIDENT KUHL: Nothing at the desk yet until you hand up -

SENATOR SKELOS: On behalf of Senator Bruno, I hand up the following Majority

Leadership assignments and in consultation with the Minority Leader, the Minority Leadership assignments and ask that they be filed in the Journal.

ACTING PRESIDENT KUHL: They are filed.

SENATOR SKELOS: Minority Leadership and committee assignments.

ACTING PRESIDENT KUHL: Thank you, Senator Skelos. They are received and filed.

Senator Skelos.

SENATOR SKELOS: There being no further business, I move we adjourn until Tuesday, February 4th, at 3:00 p.m.

ACTING PRESIDENT KUHL: Without objection, the Senate stands adjourned until tomorrow, February 4th, 3:00 p.m.

(Whereupon, at 4:38 p.m., the Senate adjourned.)