NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 28, 2000

3:06 p.m.

REGULAR SESSION

SENATOR RAYMOND A. MEIER, Acting President

STEVEN M. BOGGESS, Secretary

P R O C E E D I N G S

ACTING PRESIDENT MEIER: 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.)

ACTING PRESIDENT MEIER: In the absence of clergy, may we bow our heads in a moment of silence.

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

ACTING PRESIDENT MEIER: Reading of the Journal.

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

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

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

The Secretary will read.

THE SECRETARY: Senator Goodman, from the Committee on Investigations, Taxation and Government Operations, reports:

Senate Print 1073A, by Senator Johnson, an act to amend the Tax Law;

1229, by Senator Wright, an act to amend the Tax Law;

1231B, by Senator Wright, an act to amend the Tax Law;

1324A, by Senator Marcellino, an act to amend the Tax Law;

6157, by Senator Stafford, an act to amend the Tax Law and Chapter 501 of the Laws of 1999;

And 6186, by Senator Trunzo, an act to authorize the Holy Church of Christ.

All bills ordered direct to third reading.

ACTING PRESIDENT MEIER: Without objection, all bills will be reported directly to Third Reading.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Seward.

SENATOR SEWARD: Mr. President, on behalf of Senator Nozzolio, I move that the following bills be discharged from their respective committees and be recommitted, with instructions to strike the enacting clause. These are Senate Bill Numbers 4167, 5099, and 6023.

ACTING PRESIDENT MEIER: So ordered.

SENATOR SEWARD: And on behalf of Senator Skelos, on page 21 I offer the following amendments to Calendar Number 256, Senate Print Number 973, and ask that the bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

Senator McGee.

SENATOR McGEE: Mr. President, on

page Number 17 I offer the following amendments to Calendar Number 212, Senate Print Number 6257, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Mr. President, on page Number 8 I offer the following amendments to Calendar Number 57, Senate Print Number 1031D, and ask that said bill retain its place on the Third Reading Calendar.

ACTING PRESIDENT MEIER: The amendments are received, and the bill will retain its place on the Third Reading Calendar.

SENATOR McGEE: Mr. President, I wish to call up my bill, Print Number 6276, recalled from the Assembly, which is now at the desk.

ACTING PRESIDENT MEIER: The Secretary will read.

THE SECRETARY: Calendar Number

90, by Senator McGee, Senate Print 6276, an act to amend the Education Law.

SENATOR McGEE: Mr. President, I now move to reconsider the vote by which this bill was passed.

ACTING PRESIDENT MEIER: Call the roll on reconsideration.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 42.

SENATOR McGEE: Mr. President, I now offer the following amendments.

ACTING PRESIDENT MEIER: The amendments are received.

Senator Skelos.

SENATOR SKELOS: Mr. President, I believe there's a substitution at the desk. Could we make it at this time.

ACTING PRESIDENT MEIER: The Secretary will read the substitutions.

THE SECRETARY: On page 14, Senator Bonacic moves to discharge, from the Committee on Education, Assembly Bill Number 6849 and substitute it for the identical Senate Bill Number 3590, Third Reading Calendar 181.

ACTING PRESIDENT MEIER: Substitution ordered.

Senator Skelos.

SENATOR SKELOS: Mr. President, there's a privileged resolution, 3180, at the desk, by Senator Connor. May we please have it read in its entirety and move for its immediate adoption.

ACTING PRESIDENT MEIER: The Secretary will read Resolution 3180 in its entirety.

THE SECRETARY: By Senator Connor, Legislative Resolution Number 3180, honoring the memory of New York State Senator Leonard Price Stavisky.

"WHEREAS, Senator Leonard Price Stavisky, the longest serving Democrat in the New York State Legislature, passed away on June 19, 1999, following a distinguished 34-year career in the State Senate and State Assembly, and

"WHEREAS, Senator Leonard Price Stavisky served his Queens constituents, as well as the citizens of New York State, with great dedication and passion, and was

well-known for his vast intellect, sense of humor, and hands-on approach to public service; and

"WHEREAS, Dr. Leonard Price Stavisky, a university professor by background, was elected to the State Assembly in November 1965, took his seat in the New York State Legislature in January 1966, and served in the Assembly until his election to the State Senate in an April 1983 special election; and

"WHEREAS, Senator Leonard Price Stavisky, who served for eight years as the Chairman of the Assembly Committee on Education, was perhaps best known in the Legislature for his exceptional commitment and advocacy in this issue area, as evidenced by his overarching dedication to providing all New Yorkers with the opportunity to obtain a quality, affordable education.

"Senator Leonard Price Stavisky, in addition to being acknowledged as one of the Empire State's leading advocates for education, gained national recognition in the field, serving as Commissioner of the

Education Committee of the States, Chairman of the Education and Labor Committee of the National Conference of State Legislatures, a consultant to the National Assessment of Educational Progress, and as a member of the national panel which formulated the annual Gallup Poll on the public's attitude toward public schools.

"Dr. Leonard Price Stavisky, who served in several Senate Minority leadership positions, also distinguished himself as a legislator committed to open and responsive government, dedicated to the pursuit of social and economic justice for all people, and determined to provide all New Yorkers with access to decent health care, affordable housing, meaningful employment, and safe streets and neighborhoods; and

"WHEREAS, Dr. Leonard Price Stavisky, a New York City native, began his public service career in city government, holding a variety of posts which included: Deputy to the President of the City Council, Acting President of the Council while serving on the Board of Estimate, and as Commissioner

of the State Charter Revision Committee for New York City, the panel that drafted the City's new Constitution; and

"WHEREAS, Dr. Leonard Price Stavisky also had more than 40 years of experience in teaching and administration at Columbia University, the State University of New York, the City University of New York, Colgate University, and many other educational institutions in New York and across the country.

"Dr. Leonard Price Stavisky held three earned degrees: a Bachelor of Science in Social Science from City College of New York, and both a Master of Arts and Doctor of Philosophy from the Graduate Faculty of Political Science of Columbia University; and

"WHEREAS, Throughout his long academic and public service career, Senator Leonard Price Stavisky was a frequent contributor to academic journals and was acknowledged as an expert in a variety of issue areas, including education policy, the struggle for civil rights in America, the history and culture of Israel, the challenges

facing urban communities, and a wide range of city, state, and national policy concerns.

"In addition to representing his Queens constituents in the State Capitol, Senator Leonard Price Stavisky took great pride in volunteering his time to dozens of local groups, including those designed to support the elderly, children and families, local libraries and arts organizations, volunteer emergency services, and many other important community efforts; and

"WHEREAS, Throughout his life and career, Dr. Leonard Price Stavisky was the recipient of many honors and awards for his work in education, his dedication to his community, and his untiring commitment to making government work for the people it is designed to serve.

"Dr. Leonard Price Stavisky, recognized as a leader in the Democratic reform movement, had a strong sense of justice, was deeply dedicated to the principles of participatory democracy, and worked diligently to encourage greater citizen involvement in the political arena.

"Despite his hectic and demanding schedule as a public official, Dr. Leonard Price Stavisky was a devoted husband, a proud and loving father, and a man whose dedication to his family took precedence over all things; and

"WHEREAS, Senator Leonard Price Stavisky is survived by his wife, the former Toby Ann Goldhaar, and their son, Evan Stavisky, both of whom are carrying on his legacy of public service; and

"WHEREAS, Every citizen in New York State has most certainly benefited in one way or another from the deep dedication, intelligence, and passion that State Senator Leonard Price Stavisky brought to his work as a legislator and public policymaker; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to celebrate the life and contributions of the late Dr. Leonard Price Stavisky, and to offer its sincere condolences to his family; and be it further

"RESOLVED, that copies of this

resolution, suitably engrossed, be transmitted to Toby Ann Stavisky and Evan Stavisky."

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Let me say, before I begin, that all of my colleagues, Mr. President, are invited to join as sponsors of this resolution. So if we could do that without objection.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Yes, Mr. President. The usual procedure should follow. Anyone not wanting to be on the resolution, just notify the desk.

ACTING PRESIDENT MEIER: All right, Senator Marcellino. We'll follow our custom in that regard.

Senator Connor.

SENATOR CONNOR: Thank you.

Indeed, one of the great honors I've had in serving in this body was the chance to have as a colleague someone who, in

the institution of the Legislature, is indeed legendary. Leonard Stavisky is someone that I remember reading about when I was much younger, and he was the absolute number-one advocate for public education in New York State and in New York City.

In those days, I thought, gee, if I could ever get to know him, that would be certainly a good thing. As I say, I did get to know him, obviously, for these past years.

I remember before I was a State Senator having to come -- coming up to Albany really with a small delegation from Brooklyn to meet with our Brooklyn legislators. I didn't really know much about what was going on in Albany that day. There did seem to be a buzz going on. Reading the paper on the way up and seeing that there was going to be an attempt to do something that had not been done in more than a hundred years. And that was - I think it was a hundred years -- override a Governor's veto. And the bill was called the Stavisky-Goodman Bill.

Indeed, Senator Stavisky, then a member of the Assembly, then the chair of the

Education Committee, was the sponsor in the Assembly. And as Senator Goodman -- I guess it was Roy's father was the Senate sponsor. It was called the Stavisky-Goodman.

(Laughter.)

SENATOR CONNOR: But the place was abuzz, and I was amazed. I couldn't get in the galleries. I remember peeking through those windows to see my own then-State Senator, who sat over there, Senator Bellamy, debating on it. And realizing that, gee, I happened to be here -- and I didn't come to see this -- on what proved to be a historic day.

And indeed, you know, we've seen this happen quite a few times since, a Governor's veto being overridden. But from the standpoint, number one, of the educational needs of the children of New York City, it was an absolutely monumental day.

But indeed, something important to those of who serve in this institution of the Legislature, it was indeed the birth of the modern Legislature. It was the birth of legislative independence. Which succeeding

chief executives have often challenged but have not succeeded in denying the people's representatives in this Legislature of their independent voice. Indeed, one only need read the press of the last few weeks to see how prized and cherished that independence is in the Legislature.

So, if you will, Senator Stavisky was there at the birth of the modern Legislature. He helped bring about that happening. And for that, I think -- yes, the fact that he is the longest serving Democratic legislator in history, combining both houses, is significant, more than significant.

But it's what he did. He didn't - Leonard Stavisky didn't just take up space in Albany from 1966 until last June. He was a presence, he was here, he added his intellect, he added his courage to our legislative debates, to our efforts to accomplish things here.

In his last months, when he was clearly in failing health, he nevertheless, at sometimes great effort, made it to conference, made it to important committee meetings, made

it to the floor to lift his voice. When he couldn't lift his body from the chair, he still lifted his voice for the things that he believed so passionately in.

And all of us had enormous respect for that. We shall always remember that example of what it means to be a member of this body, to be a Senator.

I won't recount his illustrious career. The resolution, which was read in detail, does that. But one of the things I think that epitomizes what Leonard Price Stavisky meant -- and he was Mr. Education in this Legislature for decades. But he was the recipient of the John Dewey Award, the highest award bestowed by the teaching profession in this state. And one need only see the company -- you know, there's an old saying, you know them by the company they're in -- see the others who received this award to understand where Leonard Price Stavisky ranks as an advocate for education.

Other awardees, honorees, recipients of this award included Adlai Stevenson, Eleanor Roosevelt, Herbert Lehman,

William O. Douglas, Hubert Humphrey, Cesar Chavez, and Martin Luther King, Jr. And if that's not great company to be in, particularly for a Democrat -- or for anyone, I think -- that certainly is. And Leonard belonged there.

The one thing I learned, aside from his career, on a personal note from Leonard and from his wife, Toby, who we are now honored to have as a colleague, and from Evan, as I some years ago had my own family, starting a dozen years ago, we would -- on various travels and various occasions we'd be in the company of the Staviskys.

And the example, in just discussing what to do with kids -- and Evan wasn't such a kid then, but he wasn't so old as he is now, either -- they'd recount stories of their family travels, which were similar to the travels we were undertaking. We'd say, "Oh, gee, we're taking the boys here," and Toby would say, "Oh, we did that once, and we camped on the way."

And, you know, all the kinds of things that a family that cares about each

other and understands that for all the great things you do in the Legislature or whatever career, your primary responsibility -- and Leonard understood that. His primary responsibility, a role that he relished more than any others, and it was apparent if you talked to him, was that of a husband, a devoted husband, and that of a proud and devoted father.

And I could relate to that very, very much. And those of us who are privileged to know Evan understand, having known his father, knowing his mother, why he is such a fine young man that shows such wonderful promise in his devotion to public service.

So, Mr. President, on a personal level, Leonard Stavisky was my friend. I miss him. I shall always miss him. But I'm delighted to have had the experience of being his friend, of being his colleague, and of having worked with him.

So I move the resolution at this time, Mr. President.

ACTING PRESIDENT MEIER: Senator LaValle.

SENATOR LAVALLE: Thank you, Mr. President.

I had the opportunity of knowing Leonard Stavisky in two roles. The first one was in the time I was the executive director of the Senate Education Committee and Dr. Stavisky was the chair of the Assembly Education Committee. He -- on every education issue he was on the point, he was very, very focused, he was very, very tenacious.

At the end of the session, I was always given the job, as the director, to go over -- because of the different bills that passed both houses, to go over and try and match up to see what the Senate needed, what the Assembly needed. And at that time, before the computers and E-mail and all of that, people around here handed one another slips of paper on what they wanted on a bill.

So I would go in and meet with Dr. Stavisky, and he would tell me he would want these five bills. And I would say, okay, that was reasonable. Later on that afternoon, I'd be walking down the hallway and he'd hand me a slip of paper, and I'd put it in. And

then, later in the day, another slip of paper. And by the time you kept going, it was another five bills or six bills, and so forth. He was a tough negotiator. He was very tough on what it was that he wanted.

I was quite surprised that he left the Assembly to run for the Senate, because as chair -- and he probably would have been chair for life there in the Assembly because of the job he did, the respect that he had -- not only in New York State, but in various roles and associations throughout the country. And I think it took a lot of courage to leave there, knowing that the chances were somewhat remote that he would be in a similar role in this house. But he did it.

It's a funny thing about life, because Dr. Stavisky, who became Senator Stavisky, was the ranking member on my committee. And we had, I think, a very good relationship as chair and ranking member. I think we worked together for higher education and did some good things.

And certainly he leaves a very, very rich legacy in what he did in elementary

and secondary education, his role at the City University, teaching, and the work that he did as the ranking member on the Senate Committee on Higher Education.

I think that's always something really wonderful to leave to your family. I also really got to meet, at a very early age, Leonard and Toby's son, Evan, who now is an adult and very much involved in public service.

So that's the thing about being a member of this body and working in the Legislature, the people that you meet. It extends -- you get to meet spouses, you get to meet children, you get to see them grow up. And, as on this occasion, we get to see, far too often, some of our colleagues pass away.

So he has left his family, though, a wonderful, wonderful legacy and has left his successor a wonderful legacy to move forward on.

ACTING PRESIDENT MEIER: Senator Marchi.

SENATOR MARCHI: Mr. President, I believe Senator Connor and Senator LaValle

were precisely on target.

I knew him very well, and I worked with him on a very intimate basis, especially when he was chairman of the Assembly -- chair of the Assembly Education Committee. And Senator LaValle, of course, has had the vantage position of being both high staff and also a leading member of that same companion educational field.

And I remember that we were joined in special conferences, appointed by our respective majorities, with other states to establish chairs of political science in this state. So he was a tremendous institutional pillar in both houses and in the Legislature and in our combined efforts.

I don't know, maybe you can help us out, but I remember there was one -- one searing episode that I remember with great clarity. Do you recall when a City College professor had been suspended and he suffered all kinds of indignities and he was punished and everything else? He enlisted my cooperation, and together we were able to rectify and tear up that thing. And I don't

remember the name, Senator -

SENATOR STAVISKY: Professor Kraus.

SENATOR MARCHI: Professor Kraus. What they did to this guy was really a crime.

And he enlisted my aid, and between the two of us we swung our houses into support. And not only was the injustice cured, but we effected compensation, because he was entitled to it. But it was -- he took a very desperate case that had -- where he had been victimized by society generally and rectified it in such a way as to demand and receive redress.

And I -- I'll never forget that. I might have momentarily just been confused on the name, because I hadn't thought about it. But it all came back to me when I heard Senator Connor and Senator LaValle speak on it.

So he's a wonderful person. And I know that he made heroic sacrifices to stay with us until the very latest possible opportunity. And it would not have been possible had it not been for his successor in

that seat.

So I think it's -- I'm very, very -- I feel honored in being able to participate in these observations, because he was a great personal friend and a great, great institutional force for the -- for education generally, and everywhere.

So it's a wonderful thing we're doing today. And God bless him.

ACTING PRESIDENT MEIER: Senator Goodman.

SENATOR GOODMAN: Mr. President, I had an exceptional opportunity to work closely and intimately with the distinguished Senator from Queens for many years under circumstances which are rather unique.

Governor Rockefeller and others appointed a Charter Revision Commission for the City of New York which came into existence prior to 1975. And that commission deliberated for three years to bring about a new city charter, which was ultimately approved overwhelmingly by the voters of the city in a referendum ballot.

During the course of our

examination from top to bottom of the city government, Leonard Stavisky was one of the most constructive members of that commission, of which I had the privilege of serving as chairman. And we went all around the city together on many various and sundry missions to learn what was happening to various departments of city government.

We also went to Europe together - at our expense, I might add -- for the purpose of studying three city governments: one in Stockholm, one in Belgrade, Yugoslavia, and one in London.

The result was that by the time we were through with this project, although Leonard and I did not agree on all aspects of the charter revision, we did find unified purpose in the series of specific changes that were recommended and overwhelmingly approved by the city.

But equally important was the fact that I got to know a man of exceptional intellect and very rare character. Leonard was a giant in many respects. He had a keen -- obviously a very high IQ, which was

also in the service of a mind that was both pragmatic and searching. He had a sense of the importance of our work and he pursued it with tremendous fidelity.

I think Marty Connor has outlined the fact that he was very conscientious, even to the point where he was physically debilitated. These were years when he was in full vigor. And let me tell you, full vigor for Leonard Stavisky had few parallels, because he was a man of immense energy and total dedication.

I must say to you that in working with Leonard, at times when we disagreed he was as formidable in opposition as he was when we were in accord. And when you went up against Leonard, you went up against a skillful debater whose oratorical skills are, I think, to some extent legendary in this chamber and in the Assembly.

He was a fabulous guy, and one whom I shall surely miss. I salute Toby and congratulate her, as I've had occasion to do before this meeting today, on her succeeding a very unique man whose shoes are hard to fill.

But who better to fill them than a spouse who probably is familiar with his foot size and is aware of the way he tied his shoes, because you couldn't have had a closer or more wonderful relationship to your husband than you did.

I don't know if Evan is within the sound of my voice, but if he is, Evan, if you can hear me, my friend, you have much to be proud of. Your heritage is indeed distinguished. And I trust that one day perhaps you too will be gracing one of these red leather chairs. I hope at that point we might persuade you to come on this side of the aisle, but that's a matter that's unrelated to this -

(Laughter.)

SENATOR GOODMAN: I have a feeling that might be difficult.

In any event, Len Stavisky was a splendid Senator, a paragon of virtue and goodwill, and a man who should in many ways be emulated by those who follow in his footsteps.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Senator

Onorato.

SENATOR ONORATO: Mr. President, I rise to join my colleagues in paying special tribute to Senator Stavisky. I had the privilege of joining this robust organization the same year that Leonard did, in a special election, a few months apart.

All of the wonderful things that have been alluded to in the resolution are all true, and they highlight all of his accomplishments as a legislator and in education. But I worked with him very, very closely in Queens County on nonlegislative matters regarding the community life in our area where wrongs were being done, and he was a very, very effective Don Quixote who got results.

There was no cause that he wasn't willing to dig in on. When there was a labor dispute, he would join in, especially when the Rockettes went out on strike. He was very, very instrumental in resolving that dispute and getting it organized.

We had a high crime area in the Bayside area and good parts of Queens County.

He organized town hall meetings where he would have the shields put on so you could register your car, and it cut down on the amount of auto theft in the community.

But I relied on him a great deal for his legislative expertise. He had so much knowledge as an Assemblyman. And I came in as a freshman Senator with no legislative background whatsoever. And every time I would start to get up to say something, Leonard would sort of calm me down a little bit. He says, "Now don't get excited, don't talk too fast, and make sure of what you're going to say."

So I remember really the first time when I thought we had won our first successful amendment on the floor, and that had to do with the rent control and rent stabilization. We're here debating -- and I think I was the last one on the floor at the debate, and I mentioned something about the tenants coming up here to protect what little money that they had, this wasn't going to cost the state anything at all.

We wind up with the vote, and it

was 26 in favor of the amendment to 25 against it. And I jumped up, I says, "We finally won something!" Leonard pulled me down: "Sit down, putz. You've got to get 31 in this court."

(Laughter.)

But again, I enjoyed -- we enjoyed many a dinner evening with Toby. Evan wasn't coming up at that time. Leonard and I used to practically room together. When I was at the Ramada and he was at the hotel right next door to me, we spent many an enjoyable evening at the dinner table afterward.

But Leonard was really such a wonderful, wonderful dedicated family man. He loved Toby and Evan. That was his real pride and joy. And it certainly wore off on both of them.

I was running in my -- I had a little primary, and who was there, in the wheelchair, but Leonard Stavisky, Toby pushing him, and Evan in front of them. And everybody in Bayside knows them all. And whatever they said, they said, "If it's good enough for Leonard, it's good enough for me." So thank

God I'm here again today making these remarks about him.

But again, I want to congratulate Senator Connor for bringing this resolution to the floor. And I want to tell Toby and Evan that I loved their father very much, and I love Toby and Evan.

Thank you.

ACTING PRESIDENT MEIER: Senator Paterson.

SENATOR PATERSON: Thank you, Mr. President.

I understand that Senator Goodman is out of the chamber, but if anyone sees him I want them to convey to him my outstanding admiration for his idealism and perspicacity. But I think that he has actually exceeded himself when I inferred from his remarks that he's suggesting that Evan Stavisky, who has a fine political career in front of him, become a candidate of the Republican Party against his own mother.

(Laughter.)

SENATOR PATERSON: And would lose.

(Laughter.)

SENATOR PATERSON: I want to say that, in welcoming Toby Stavisky to the Senate, that I've never seen a smoother transition by any member of this body in the way that she has come in and become a part of things and become a leader in such a short period of time, with a very similar point of view to that of our lost Leonard, but at the same time with a unique style and a very independent approach to handling the issues that we discuss in this chamber every day.

Leonard Stavisky is someone who I became first familiar with in 1973 on that legislative junket that he took to London and to Belgrade, Yugoslavia, and to Oslo, Norway, and also to Sweden. Accompanying him was Senator Goodman, as he pointed out in his remarks, and also my father, who had just left the State Senate at that particular time.

And they conducted a study of the formulation of the different governments in Europe and how the different cities conducted business and made laws preparatory to the Charter Revision Commission report that they

submitted in 1976 and was ratified by the public in 1977.

At that time my parents, both of them, told me about the Staviskys and the wonderful discussions that they had with them about ideas and concepts and doctrine and government and how government should actually work. So it came as a thrill to me when I met Leonard in 1985 when I was elected to the State Senate.

I'm most familiar with his work as the chair of the National Committee of State Legislators' Education Caucus and also his work on employment in that same body. He was someone that always had a unique approach to issues, always a kind of thoughtful presentation, almost as if he had considered these issues long before they became controversial.

And I think it's that type of reasoning and that type of long-term strategy for which I'll most remember him. In conferences he would often talk about what's going to happen in the intervening years and though what we might do might be somewhat

successful today, this is a problem that's going to come up down the road. He uniquely was able to understand not only people but how the different factors of government would affect different people over the years.

And it's that same understanding of people that I notice in his son, Evan, who has done a lot of campaign work from time to time and is always one that people enjoy working with. And in those types of situations it's very easy to complain or have different types of problems with what are really short-term operations. But whenever he has been at the helm, there's always been a profound respect for him.

And so what we really find when we examine the Staviskys in toto is a family that had three members, and now with two, that dedicated themselves with a great deal of skill and a rare type of understanding of different people. And it's something that is unique to this body and unique to legislatures all over the country, but it's something that I think we can all really be happy to know that we have served among these colleagues of

ours.

And in missing the late Senator Stavisky, we could certainly understand that he set a number of examples as a Senator and as an Assemblyman, as a chair of a great committee in the Assembly, the Education Committee, that he set an example that I would hope we would all want to uphold.

ACTING PRESIDENT MEIER: Senator Farley.

SENATOR FARLEY: Thank you, Mr. President.

I rise to pay tribute to a great legislator. You know, Senator Stavisky was considered to be a giant in education, particularly when I was active in the NCSL, the Council of State Governments. Nationally, from his chairmanship in the Assembly, when Leonard Stavisky spoke about education, everybody listened.

He was always a gentleman, there's no question about that, and a very classy guy. And I have to -- I guess so much has been said about Leonard Stavisky and what a unique person he was and what a great father and

husband. But, you know, let me just say this. You have to admire his courage. He was a very courageous guy, particularly late in his career, because he came in here in failing health and did his job as a Senator.

And, you know, I have to pay tribute to Senator Stavisky that is sitting over there, because, Toby, you were always there to make it possible for him to continue to be a Senator and to do his job. And certainly you have to be very proud of what you did, particularly in the latter part of his life. Not only -- you were certainly a wonderful spouse and a wonderful mother, and I think that's perhaps one of his greatest assets, was you.

You know, we'll all miss Leonard Stavisky, because he was a very unique person. Seldom do you see somebody come from the Majority in the Assembly to come over here in the Minority. But in both houses, he served with dignity. It didn't matter what the issue was. It wasn't necessarily whether it was a Democrat or a Republican issue, Leonard looked at what he thought was right and he voted the

way he thought it should be.

And I'll tell you, we're going to miss him. And, Evan, I know that you will always miss your dad, but he was one remarkable man.

ACTING PRESIDENT MEIER: Senator Lachman.

SENATOR LACHMAN: I also want to speak on this resolution and commend the Minority Leader for offering it.

I was speaking to Senator Toby Stavisky a couple of hours ago, and she refreshed my memory about when I first met the late Senator Leonard Stavisky. I had just begun teaching at CUNY, and Leonard was a very distinguished professor and academic at the time. And he had a very difficult primary, I believe. One primary was thrown out, and he had to run in a second primary.

And I had known of Professor Stavisky as one of the leading academics in the City University of New York before that. The problem with running in the second primary is the academic year had begun in September, and he had a whole load of courses to teach.

And he didn't know what to do.

And I had tremendous esteem and affection for the senior member of the department at that time, and I went over to him and I said, "Professor Stavisky, no problem, I'll take your course load. And whether you win or you lose -- and I know you're going to win -- I'll be proud to have had some part in your election." And Toby reminded me of that.

When I arrived on the floor of the Senate over four years ago, Leonard Stavisky said to me, "It's partially because of you that I was able to run for the Assembly at that time. Because I couldn't afford to pay anyone to take these courses, to teach these courses, and you generously offered to do that."

Then, when I was a professor at CUNY, I also met Assemblyman Stavisky, and then Senator Stavisky, in a different role. And we academics looked upon him as a real giant, as a legislative genius who worked day and night in the area of education. Be it elementary education, secondary education, or

higher education, no one, in the eyes of my colleagues and me, could surpass Assemblyman and then Senator Stavisky.

And let me go and note further, no one, in my opinion, can fill the shoes of Senator Leonard Stavisky as the chairman of the Higher Education Committee and the chairman of an Education Committee in the Senate and the Assembly.

We're all delighted that Senator Toby Stavisky is with us here and will be with us for many, many years. And we look forward to Evan joining us so maybe we can have a mother and son team -- but on the same side of the aisle, Evan, that we're sure of - eventually.

It's a pleasure to greet Senator Toby Stavisky. And in looking at her and looking at Evan, it ignites the wonderful memories we have of a truly great legislator and an outstanding academic by the name of Professor, Assemblyman, Senator Leonard Stavisky.

ACTING PRESIDENT MEIER: Senator Volker.

SENATOR VOLKER: Mr. President, very briefly.

I was trying to think whether there was anybody else here in my memory that served with Leonard in both houses. I was in the Assembly when Leonard was there and was elected in '72. And then of course Leonard at the time was in the Minority. And then I escaped to the Senate here in 1975 -- as some of you know, in a rather interesting situation that involved Nelson Rockefeller, in fact. Well, I won't get into it, but the two of us had our battles with Nelson Rockefeller.

But in 1975 -- and I had known Leonard quite well. Sometimes a little bit intimidated by him, I think, because he was a -- he could be kind of a tough debater on certain things. But we developed a very good relationship.

When I was elected in '75, it was February 2, 1975. And on February 3rd, I came here to the Senate. And we were little shorthanded at that time. There were 32 Republicans, and one was sick, which meant we were down to 31, which actually included me.

So that day -- the next day after I was elected, I came here and was sworn in.

Well, Leonard, of course, by now is the chairman of Education in the Assembly. Well, what had happened is when I was in the Assembly in '74, I had prefiled a bill, an education bill, before the election relating to the Buffalo City School District. Now, remember, I lost out on the '74 election, so I came over to the Senate.

Well, the people in the city school district decided they wanted that bill. Unbeknownst to me, as I arrived in Albany, they made an agreement which Leonard was involved in. They introduced the same bill in the Senate that I had prefiled in the Assembly as a Volker bill in the Senate, and Leonard helped work it out with the chairman of the Senate Education Committee, which of course was Leon Giuffreda, and Senator LaValle, who was his top aide at the time.

And I became the first legislator in the history of the New York State Legislature, as far as we know, to pass a bill in his own name through both the Assembly and

the Senate on the first day that he came to the Senate.

And that is an interesting story, and Leonard -- the funny thing is, I didn't realize it until I walked over to the Assembly. And Leonard was coming out of the back room, and I said, "Leonard, how are you?" He said, "Fine. We just reported your bill." I said, "What bill was that?" He said, "You know, the one you're going to pass in the Senate." He said, "I just want to tell you, we miss you in the Assembly, but we're glad you're over there in the Senate. Goodbye, you're going to have the bill passed through both houses."

And so that was my first day in the Senate, and Leonard helped work that out.

Leonard was a friend of mine for all those years, really. I got along very well with Leonard. As I said, he was obviously extremely bright and a good debater and a guy that had enormous knowledge of both education and higher education. I think one thing -- I think we've talked a great deal about education, but sometimes we also forget

that he knew a great deal about higher ed and the entire area.

He was the kind of fellow I think who was willing to stand up for what he believed in, and yet at the same time, as has been said, he was always a good friend. And he will certainly be missed. And I think once again, as I've said before, I guess I've been here long enough that I've seen a lot of what I call the towering people here in this Legislature, and Leonard was surely one of them. And he certainly will be sorely missed.

But as has been said, I think we all feel very honored we were even part of it with Leonard, and we wish him -- we wish him peace in the hereafter.

ACTING PRESIDENT MEIER: Senator Mendez.

SENATOR MENDEZ: Mr. President, I also want to join my colleagues in this very deserved remembrance of Senator Stavisky.

Everything that has been stated here today, it's a reality of such a multifaceted individual. But I myself, as a Puerto Rican who had great concerns -- and

there were great concerns in my community - concerning bilingual education, I was very appreciative of the fact that his knowledge in education also included -- included depth and knowledge in depth about bilingual education and the necessity to institute that educational program to make certain that Puerto Rican and Hispanic kids would in fact be able to attain in school.

And one day I was talking to him before session and I mentioned to him that I didn't like being called Hispanic and I didn't like being called Latina either, that I just enjoyed tremendously being called Puerto Rican.

So he came here that day to session and he stood up to discuss something about bilingual education, and he said "Hispanic." So I turned around, and I don't think that any one of my other colleagues noticed it -- he said "Hispanic," so I turned around and I said "Puerto Rican." He kept on talking, and he said, for a second time, "Hispanic." And again, I went "Puerto Rican." Then, for the third time, he said "Puerto Rican." Then I

said "Good."

(Laughter.)

SENATOR MENDEZ: And he took it in his stride.

So that we're going to miss him. We're going to miss his knowledge, his legislative expertise, his friendship, and, above all, being such a great debater here on the floor.

So I must say, Mr. President, that I was a very good wife, may my husband rest in peace, but I have never, ever in my life seen a wife that is so, so dedicated to the Nth degree like Toby was. I was amazed. Once I had to tell him -- you remember, Toby -- I said to him, "My God, the best thing that you have going for you is the wonderful wife that you have." So we're very happy that you're serving here today.

And again, Mr. President, this -- I feel very proud of joining all my colleagues in remembering a very great man, a great Senator, and a great friend.

Thank you.

ACTING PRESIDENT MEIER: Senator

Montgomery.

SENATOR MONTGOMERY: Thank you, Mr. President.

I rise to join my colleagues in memorializing our colleague Senator Stavisky. And to say that because education was so important to him, as you know -- education is very important to all of us, I think -- he understood, as we all do, how it is the liberating factor in most of our lives. Those of us who don't have money, if we have education at least we have something, and a possibility. And I think that he realized that and therefore was a tremendous advocate.

I knew of him long before I met him, because as an advocate for children's issues and education, we all outside knew of Stavisky before we even met him. So we certainly remember him fondly.

And I want to say that it is very a propos that you are here, Toby, because I realize that the two of you were soul mates and partners in every sense of the word. And so we're happy that you have come to sort of take the torch in this relay race started by

him and now being carried by you. And certainly at some point you're going to hand that torch to your next relay partner, your son, and we look forward to that.

Thank you, Mr. President.

ACTING PRESIDENT MEIER: Any other Senator wish to be heard?

Senator Stavisky.

SENATOR STAVISKY: First let me thank everybody for their kind words on both of the sides of aisle, and to Senator Connor for sponsoring this resolution.

And let me thank everybody for their kindness during the -- and their friendship during the last eight or nine months. It's been a difficult period for me because there are not very many of us. I have no brothers or sisters, and Leonard had no brothers or sisters. So that we have sort of an extended family, and that certainly includes many of the people who are here in this chamber.

And people have referred to Evan, and I perhaps ought to introduce him. He is our son, and somebody whom Leonard was very

proud of.

And with Evan is Kristen. And Marilyn Dyer is here. Marilyn was Leonard's secretary from 1984. And in fact, her husband, Pastor Dyer, spoke at the funeral. And Iris is also here from the staff.

We were joined by Assemblywoman Nettie Mayersohn, who was a good friend of Leonard's as well. This resolution, incidentally, is being sponsored in the Assembly by Assemblywoman Mayersohn and Assemblyman Brian McLaughlin.

Rather than repeat what's been said, it's -- when each person got up to speak, I remembered all of the instances.

I remembered Professor Kraus, who had been discharged from City College, went on a hunger strike to protest fascism in the 1930s. And he was fired. And Leonard's legislation provided that the City University would pay him a salary based upon a projection of what he would have earned had he not been fired.

Professor Kraus was a very interesting fellow. But it became a cause for

Leonard. It was, I think -- I was trying to remember the year. I think it was in the late sixties, somewhere around 1967. So this happened a very long time ago.

Yes, we -- Leonard enjoyed his service on the charter commission with Senator Goodman. Leonard was sort of the minority leader of the charter commission, writing the reports for the outer boroughs of Queens -- of Queens, the Bronx, Brooklyn, and Staten Island. And he was very conscientious in issuing minority reports as a member of the charter commission.

And he served, of course, with Senator Paterson's father. And I too was on that trip. Senator Paterson, it was not a junket, it was a study mission to London, Stockholm, and Belgrade. And we paid our own way.

(Laughter.)

SENATOR STAVISKY: Rather than comment on what everybody has said, let me just add a couple of things.

Travel was an interest of Leonard's, and we spent many times traveling

to meetings of the National Conference of State Legislatures or the Education Commission of the states throughout the country. Leonard was proud to have visited 49 of the 50 states.

He enjoyed traveling. He was curious. We spent a lot of time traveling through this area here, looking for little towns and hamlets that we had never been to, just to go and drive around and explore and look for new restaurants and what have you.

Leonard enjoyed his service here in this chamber. And the first day I came in here in December I realized that I was sitting in Leonard's chair. It was the same chair. And how could I tell? It was so high up, my feet didn't hit the floor. They had to spin it around so that I could sit in it.

Yes, he had problems the last couple of years. But I think he showed us how to deal with adversity. He enjoyed his service here, and he did it -- nobody here mentioned Leonard's sense of humor, which I think, for those people who knew Leonard well, he had a terrific sense of humor.

He enjoyed so many things connected

with the Legislature. He enjoyed debating. He enjoyed getting to know so many of the people here in this chamber. And I find myself in committee meetings saying, when a vote is about to be taken, what would Leonard do? What would Leonard say on this particular bill?

Someone came up to me the first or second week and said to me -- they heard me at a committee meeting. And this person said to me, "You said exactly what your husband would have said." And I was very flattered, because that's what I hope to be able to do. I hope to continue in Leonard's tradition.

And to summarize, let me say that I think the best summary is a quotation I think from one of Leonard's favorite historic figures, Ben Franklin, who said that "You don't appreciate the value of water until the well is dry."

Thank you very much.

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 Marcellino.

SENATOR MARCELLINO: Mr. President, can we have the reading of the noncontroversial calendar at this time.

ACTING PRESIDENT MEIER: The Secretary will read the noncontroversial calendar.

THE SECRETARY: Calendar Number 144, by Senator Stafford, Senate Print 773, an act to amend the Environmental Conservation Law, in relation to nonhazardous municipal landfill.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 145 -

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: Can we just delay for one minute the noncontroversial reading. Senator Connor would like to make a presentation at this time.

ACTING PRESIDENT MEIER: Senator Connor.

SENATOR CONNOR: Thank you, Mr. President.

Just let me announce too as well to all my colleagues that at the conclusion of session today, we have some refreshments and the Stavisky family will be in the Minority Conference Room in Room 314. And all my colleagues are invited.

And on behalf of Senator Bruno and myself, I would like to present this memorial of Senator Stavisky to Senator Toby Stavisky on behalf of all of my colleagues here. We've all signed it. And I'll do that now.

(Applause.)

ACTING PRESIDENT MEIER: The Secretary will continue to read the noncontroversial calendar.

THE SECRETARY: Calendar Number 145, by Senator Stafford, Senate Print 775, an act to amend the Environmental Conservation Law, in relation to nonhazardous municipal landfill closure.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 169, by Senator Johnson, Senate Print 757, an act to amend the Penal Law, in relation to establishing a presumption.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 206, by Senator Skelos, Senate Print 1075, an act to amend the Social Services Law and the Family Court Act, in relation to -

SENATOR MONTGOMERY: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 239, by Senator Saland, Senate Print 2724, an act to amend the Family Court Act, in relation to judicial notification.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 2. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the

roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 54. Nays, 2. Senators Duane and Montgomery recorded in the negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 242, by Senator Saland, Senate Print 4857, an act to amend the Family Court Act and the Executive Law, in relation to orders of protection.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 90th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 251, by Senator Rath, Senate Print 120, an act to amend the Criminal Procedure Law, in

relation to prohibiting issuance.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 4. This act shall take effect on the 30th day.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 252, by Senator Nozzolio, Senate Print 137, an act to amend the Penal Law, in relation to sexual performance by a child.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 55. Nays, 1. Senator Montgomery recorded in the

negative.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number 254, by Senator Hannon, Senate Print 813 -

SENATOR PATERSON: Lay it aside.

ACTING PRESIDENT MEIER: Lay the bill aside.

THE SECRETARY: Calendar Number 255, by Senator Balboni, Senate Print 859, an act to amend the Penal Law, in relation to increasing the criminal penalties for sexual performances by a child.

ACTING PRESIDENT MEIER: Read the last section.

THE SECRETARY: Section 12. This act shall take effect on the first day of November.

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

THE SECRETARY: Calendar Number

262, by Senator Libous, Senate Print 5633, an act to amend the Penal Law, in relation to parole for certain sex offenders.

ACTING PRESIDENT MEIER: Read the last section.

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

ACTING PRESIDENT MEIER: Call the roll.

(The Secretary called the roll.)

THE SECRETARY: Ayes, 56.

ACTING PRESIDENT MEIER: The bill is passed.

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

SENATOR MARCELLINO: Thank you, Mr. President. Can we have the reading of the controversial calendar.

ACTING PRESIDENT MEIER: The Secretary will read the controversial calendar.

THE SECRETARY: Calendar Number 206, by Senator Skelos, Senate Print 1075, an act to amend the Social Services Law and the

Family Court Act, in relation to -

SENATOR MARCELLINO: Mr. President, can we lay that bill aside for the day at the request of the sponsor.

ACTING PRESIDENT MEIER: I'm sorry, Senator. The bill will be laid aside for the day at the request of the sponsor.

THE SECRETARY: Calendar Number 254, by Senator Hannon, Senate Print 813, an act to amend the Criminal Procedure Law, in relation to imposing plea bargaining limitations.

SENATOR DUANE: Explanation.

ACTING PRESIDENT MEIER: Senator Marcellino.

SENATOR MARCELLINO: If we could just hold for one minute.

Mr. President, can we lay Senator Hannon's bill aside for the day, please, at the request of the sponsor.

ACTING PRESIDENT MEIER: Calendar Number 254 will be laid aside for the day at the request of the sponsor.

And, Senator Marcellino, that completes the noncontroversial calendar. I'm

sorry, the controversial calendar.

SENATOR MARCELLINO: Mr. President, is there any housekeeping at the desk?

ACTING PRESIDENT MEIER: No, there is not.

SENATOR MARCELLINO: Okay. In that case, Mr. President, on behalf of Senator Bruno, in the name and in the memory of Senator Leonard P. Stavisky, there being no further business to come before the Senate, I move we adjourn until Tuesday, February 29, at 3:00 p.m.

ACTING PRESIDENT MEIER: In the name and memory of Senator Leonard P. Stavisky, the Senate stands adjourned until Tuesday, February 29, at 3:00 p.m.

(Whereupon, at 4:15 p.m., the Senate adjourned.)