

1 NEW YORK STATE SENATE

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3
4 THE STENOGRAPHIC RECORD

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7
8 ALBANY, NEW YORK

9
10 January 24, 2011

11 3:07 p.m.

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14 REGULAR SESSION

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18 LIEUTENANT GOVERNOR ROBERT J. DUFFY, President

19 FRANCIS W. PATIENCE, Secretary

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

2 THE PRESIDENT: The Senate will
3 now come to order.

4 Please stand for the Pledge of
5 Allegiance.

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

8 THE PRESIDENT: We are joined now
9 by Father Peter G. Young, from Mother Teresa
10 Community in Albany.

11 Father.

12 REVEREND YOUNG: Let us pray.

13 Let us remember all of our Senators
14 so that they will guide our government as we
15 consider the confirmation of our judicial and
16 health membership here today, in confirmation
17 of their important duties and
18 responsibilities.

19 May they have the wisdom and
20 understanding as they work for the good and
21 for the good of all of our New York State
22 citizens. We bless them and ask them to
23 commit themselves to the dedication of our
24 citizens of this great state.

25 Amen.

1 THE PRESIDENT: Next we'll have
2 the reading of the Journal.

3 THE SECRETARY: In Senate,
4 Sunday, January 23, the Senate met pursuant to
5 adjournment. The Journal of Saturday,
6 January 22, was read and approved. On motion,
7 Senate adjourned.

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

11 Presentation of petitions.
12 Messages from the Assembly.
13 Messages from the Governor.
14 Reports of standing committees.
15 The Secretary will read.

16 THE SECRETARY: Senator Bonacic,
17 from the Committee on Judiciary, reports the
18 following nomination.

19 As a judge of the Court of Claims,
20 David A. Weinstein, of Glenmont.

21 THE PRESIDENT: Senator Bonacic.

22 SENATOR BONACIC: Thank you,
23 Mr. President. I don't know if this mike is
24 working, but I don't think I need it.

25 This afternoon our Judiciary

1 Committee met and we considered the nomination
2 of David Weinstein as a judge of the Court of
3 Claims for a term commencing April 1, 2011,
4 and expiring 10 years thereafter.

5 Mr. Weinstein is up today here, and
6 he's in the gallery. He has served as the
7 first assistant counsel to the Governor, he
8 has served in the Attorney General's office,
9 and he has served as a law clerk in the United
10 States Court of Appeals and the Federal
11 District Court in the Southern District of
12 New York.

13 Judge Weinstein has worked in the
14 private sector and has had several
15 publications in various law journals. He is a
16 resident of Glenmont, and he's in Senator
17 Breslin's district.

18 We met with him, the Judiciary
19 Committee, and we report favorably on his
20 nomination. And I move that nomination to the
21 floor.

22 THE PRESIDENT: Senator Breslin.

23 SENATOR BRESLIN: Thank you,
24 Mr. President. I just rise to second the
25 nomination.

1 David is a resident of my district,
2 and as Senator Bonacic pointed out, he has an
3 exemplary background, one in private practice,
4 one as a law clerk, one working in the
5 Attorney General's office, and most recently
6 in the Executive Chamber, where he worked on a
7 bipartisan basis to do much to enhance the
8 flow of legislation between the Legislature
9 and the Governor.

10 And I highly applaud the Governor's
11 recommendation to sit Judge Weinstein, and I
12 applaud the move.

13 Thank you, Mr. President.

14 THE PRESIDENT: Thank you,
15 Senator Breslin.

16 Any questions on the nomination?

17 Senator Savino.

18 SENATOR SAVINO: Thank you,
19 Mr. President.

20 I am happy to stand here today and
21 second the nomination and congratulate this
22 Governor for the nomination of David A.
23 Weinstein. It was one of the final acts --
24 well, we thought we had actually accomplished
25 it -- in December of 2010, where we thought we

1 had actually nominated and appointed David
2 Weinstein. But time and tide sometimes get in
3 the way in real life.

4 I just want to say that not only
5 has David Weinstein accomplished what was
6 already described by Senator Bonacic and
7 Senator Breslin, but I want to thank him
8 personally for the work that he did during the
9 Paterson administration, working with me and
10 several others on incredibly important pieces
11 of legislation -- the Domestic Workers Bill of
12 Rights and the Wage Theft Prevention Act -- as
13 well as other issues affecting government and
14 labor.

15 So I want to say congratulations
16 again to David Weinstein. And I know you're
17 going to make a fine jurist, and we are very
18 proud of you.

19 Thank you.

20 THE PRESIDENT: Thank you,
21 Senator.

22 Any other Senators wishing to
23 speak?

24 The question is on the nomination
25 of David A. Weinstein as judge of the Court of

1 Claims. All in favor signify by saying aye.

2 (Response of "Aye.")

3 THE PRESIDENT: Opposed, nay.

4 (No response.)

5 THE PRESIDENT: David Weinstein
6 is hereby confirmed as a judge of the Court of
7 Claims.

8 Congratulations, Your Honor.

9 (Applause.)

10 THE PRESIDENT: Reports of select
11 committees.

12 Communications and reports from
13 state officers.

14 Motions and resolutions.

15 Senator Libous.

16 SENATOR LIBOUS: Mr. President,
17 we'll come back to Finance, because I believe
18 we have another nominee to do.

19 But in the meantime, could we
20 please do -- Senator Espaillat has a
21 resolution at the desk, Number 272. He would
22 like it read in its entirety and move for its
23 immediate adoption.

24 And then, after that, if we could
25 come back to the Finance Committee.

1 THE PRESIDENT: Yes, Senator.

2 The Secretary will read the
3 resolution in its entirety.

4 THE SECRETARY: By Senator
5 Espaillat, Legislative Resolution Number 272,
6 memorializing Governor Andrew M. Cuomo to
7 proclaim January 24, 2011, as Juan Pablo
8 Duarte Day in the State of New York.

9 "WHEREAS, The people of the
10 Dominican Republic acquired autonomy and
11 sovereignty on the 27th day of February 1844;
12 and

13 "WHEREAS, The Island of Quisqueya,
14 the indigenous name for what later became the
15 Island of Hispaniola, was the cradle of
16 thinking and advancement in the Western
17 Hemisphere, establishing the first university
18 and cathedral of the New World; and

19 "WHEREAS, On the 26th day of
20 January 1813, Juan Pablo Duarte, the founding
21 father of the Dominican Republic, was born;
22 and

23 "WHEREAS, During the month of
24 January 2011, Dominicans celebrated the 198th
25 anniversary of Juan Pablo Duarte's birth; and

1 "WHEREAS, Juan Pablo Duarte, along
2 with Francisco Del Rosario Sanchez and Ramon
3 Matias Mella, formed La Trinitaria, a secret
4 organization that initiated the movement for
5 the independence of the Dominican Republic;
6 and

7 "WHEREAS, During the month of
8 February 2011, Dominican nationals and
9 Dominican Americans from throughout the
10 Dominican Republic and the United States will
11 celebrate the independence of the Dominican
12 Republic; and

13 "WHEREAS, Since February 27, 1966,
14 the Instituto Duarteano, Inc. in New York City
15 has promoted the memory and accomplishments of
16 Juan Pablo Duarte; and

17 "WHEREAS, The Instituto Duarteano
18 is an organization that is dedicated to
19 maintaining and keeping alive the life and
20 history of Juan Pablo Duarte, the liberator
21 and founder of the Dominican Republic; now,
22 therefore, be it

23 "RESOLVED, That this Legislative
24 Body pause in its deliberations to memorialize
25 Governor Andrew M. Cuomo to proclaim

1 January 24, 2011, as Juan Pablo Duarte Day in
2 the State of New York. In recognition of this
3 auspicious occasion, members of the Instituto
4 Duarteano will visit Albany, New York, on
5 Monday, January 24, 2011; and be it further

6 "RESOLVED, That copies of this
7 resolution, suitably engrossed, be transmitted
8 to the Honorable Andrew M. Cuomo, Governor of
9 the State of New York; the Honorable Rafael
10 Evans, Consul General of the Dominican
11 Republic; and the Honorable Juan R. Elliot,
12 President of the Instituto Duarteano de los
13 Estados Unidos."

14 THE PRESIDENT: Senator
15 Espaillat.

16 SENATOR ESPAILLAT: Thank you,
17 Mr. President, for allowing me to stand and
18 welcome, for the 14th consecutive year, these
19 visitors from the Instituto Duarteano and the
20 Dominican Consulate in New York City.

21 It has become a custom of them to
22 come at the beginning of the year as they kick
23 off Juan Pablo Duarte Week, which entails a
24 visit here to the Legislature but also
25 activities with young people in the local

1 public schools. They have their gala event
2 this coming Saturday.

3 And this year we are visited by the
4 following people from the Instituto Duarteano:
5 John Elliott, the president of the institute;
6 Juani Ortiz, who's the secretary general; and
7 two of the other members are Pilar Heimann and
8 Angela Castillo.

9 Also from the Dominican Consulate's
10 office we have, representing the Consul
11 General, Rafael Evans: Jose Thomas Paulino,
12 Cecilia Baez, Isabel Padilla, and Ambioris
13 Hernandez.

14 Thank you, Mr. President, for
15 allowing me to introduce them. I wish them
16 all a very good stay here in Albany and in the
17 Senate. This is, I believe, the first time
18 they've been here in the Senate; they've
19 traditionally done it in the other house.

20 So I welcome them to Albany, and I
21 wish you all the very best.

22 I would like for the rolls to stay
23 open that other members could join in the
24 resolution if possible.

25 Thank you, Mr. President.

1 THE PRESIDENT: Thank you,
2 Senator.

3 Other members wishing to speak?
4 Senator Diaz.

5 SENATOR DIAZ: Thank you,
6 Mr. President.

7 As a Puerto Rican and half
8 Dominican and adopted by the Dominican
9 community, I would like to join my colleague,
10 the Honorable Senator Adriano Espaillat, in
11 congratulating the Dominican community.

12 I'm Puerto Rican, but there was one
13 time, Mr. President, that we Puerto Ricans
14 used to control all the political forces in
15 the City of New York. But times have changed,
16 and Puerto Ricans have moved to Orlando,
17 Florida.

18 And the Dominican community has
19 been growing in New York City. Right now they
20 have two members of the Assembly are
21 Dominican. They have two members in this
22 chamber, Senator Espaillat and Senator
23 Peralta. And they have four City Council
24 members in the City of New York, plus many
25 judges and members of the community in

1 different positions.

2 So I'm proud. They honored me in
3 granting me the -- what you call the Serie 23,
4 the [in Spanish] that belongs to the people
5 from San Pedro de Macoris. And I have become
6 a Pedro Macorisano. And I have learned
7 already the national anthem [singing in
8 Spanish].

9 So I am very proud to join the
10 members of the Dominican Republic and all
11 those beautiful people over there. And
12 please, thank you and these gentlemen who for
13 14 years have been doing the resolution in the
14 other chamber.

15 We did it here last year on the
16 Dominicans, and we will continue doing it.
17 Because you deserve, you are the members of
18 the community that are bringing pride to our
19 community. And you have supported me more
20 than anybody, even more than my own community,
21 you have supported me. And I will always
22 appreciate that.

23 As you know, I employ -- I am the
24 biggest Dominican employer in the City of
25 New York. I employ about a thousand of you in

1 the [Spanish] that my wife runs.

2 So I've been part Dominican. I'm a
3 Dominican today. I will be a Dominican
4 tomorrow. And I will always join my
5 colleagues here to honor you.

6 Thank you very much. And I see you
7 in the balcony. Thank you.

8 (Applause from balcony.)

9 THE PRESIDENT: Thank you,
10 Senator.

11 Any other Senators wishing to
12 speak?

13 Senator Libous, Senator Espaillat
14 wishes to open up this resolution for
15 cosponsorship.

16 SENATOR LIBOUS: Without
17 objection.

18 THE PRESIDENT: Any Senators
19 wishing not to be on the resolution please
20 notify the desk.

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

23 (Response of "Aye.")

24 THE PRESIDENT: Opposed, nay.

25 (No response.)

1 THE PRESIDENT: The resolution is
2 adopted.

3 I also want to welcome our guests.
4 (Appause.)

5 THE PRESIDENT: Senator Libous,
6 why do you rise?

7 SENATOR LIBOUS: Thank you,
8 Mr. President.

9 Could we go back to reports of
10 standing committees for a nomination before
11 the Finance Committee.

12 THE PRESIDENT: Yes, Senator.
13 The Secretary will read.

14 THE SECRETARY: Senator
15 DeFrancisco, from the Committee on Finance,
16 reports the following nomination.

17 As Commissioner of Health, Nirav
18 Ramesh Shah, of New York City.

19 THE PRESIDENT: Senator
20 DeFrancisco.

21 SENATOR DeFRANCISCO: Yes, I rise
22 to move the nomination of Nirav Shah,
23 Dr. Nirav Shah, as the Commissioner of Health.

24 We've had hearings both in the
25 Health Committee as well as the Finance

1 Committee on his qualifications for this
2 position, and he's eminently qualified and
3 there was a unanimous vote in both committees.

4 And I would move the nomination and
5 request that you recognize Senator Hannon on
6 this nomination.

7 THE PRESIDENT: Thank you,
8 Senator.

9 Senator Hannon.

10 SENATOR HANNON: Thank you,
11 Mr. President.

12 I rise to commend to this body the
13 nomination for confirmation of Nirav Shah.
14 The Health Committee had a hearing where we
15 heard from several colleagues and
16 collaborators of Dr. Shah this morning, and
17 then Dr. Shah appeared before the Health
18 Committee, where there was lively conversation
19 about different aspects of health policy.

20 Dr. Shah is currently an assistant
21 professor of medicine -- or has been, until we
22 confirm him -- assistant professor of medicine
23 in the Section of Value and Comparative
24 Effectiveness at NYU, associate director for
25 research at NYU, as well as an associate

1 investigator at the Geisinger Center for
2 Health Policy and Research in Pennsylvania, a
3 43-site health system in central Pennsylvania
4 dealing mainly with rural residents.

5 He's a graduate of Harvard College
6 and received his M.D. and his MPH at Yale
7 University School of Medicine, and he's done
8 post-doc training as a fellow at the Robert
9 Wood Johnson Scholars Program at UCLA. He
10 serves on editorial boards of journals and has
11 published over 60 peer-reviewed articles.

12 The number of questions that he
13 fielded this morning and this afternoon has
14 been impressive, and I think all agreed that
15 he has addressed in a very "on top of the
16 moment" type of way so many of the pressing
17 health delivery issues that this state and
18 this nation faces.

19 I went over some of those
20 60 articles and was really impressed with the
21 wide range of things that he commented on,
22 mastered on, did some innovative research on.
23 Such things as grafts and chronic health
24 problems that often get people wound up back
25 in the hospital, thrombosis, diabetes,

1 adherence to prescriptions. Major, several
2 different articles in regard to hypertension,
3 effectiveness of drugs thereon, and the cost
4 of those drugs. Fibromyalgia. Wellness.
5 Pain. Menopause.

6 He has pioneered work in regard to
7 use of existing electronic health records and
8 has some deep thoughts about where we go in
9 the future with that.

10 Taking studies that currently exist
11 and using existing research to determine
12 effectiveness, comparative research.

13 These are the types of issues that
14 this state will face if we are to address a
15 systemic change in our health and Medicaid
16 system. We have for years been talking about
17 how we're going to fight cuts and all of that.
18 Finally, when our back is to the door, unless
19 we actually do what Governor Cuomo has
20 proposed and have a redesign, we're not going
21 to be able to make any progress. We're going
22 to lose too many people to bad healthcare.

23 So I believe one of the best pieces
24 of background that Dr. Shah brings to the job
25 of Health Commissioner is both being an

1 investigator with the Geisinger Healthcare
2 System -- rural New York is very comparable --
3 and being at Bellevue Hospital, obviously a
4 shining example of what needs to be done in
5 our most populated centers in New York State.

6 For those reasons, I would commend
7 to this body the confirmation of Dr. Shah.

8 THE PRESIDENT: Thank you,
9 Senator.

10 Senator DeFrancisco.

11 SENATOR DeFRANCISCO: Yes, thank
12 you for recognizing me again. And I
13 appreciate the fine remarks of Senator Hannon.

14 But I really wanted to comment on
15 what a fine nomination this is that the
16 Governor brought to this body.

17 You know, we're at a real critical
18 stage not only in healthcare but in budgetary
19 matters in the State of New York. And
20 speaking with the doctor, it was pretty
21 obvious that he's aware of the problems and is
22 aware of the fact that the answer isn't simply
23 across-the-board cuts so that those
24 efficiently run programs and efficiently run
25 organizations get hurt more than those that

1 have fat in their area and could be cut with
2 impunity. And that we have to look at program
3 by program and make surgical cuts rather than
4 across-the-board cuts in order to balance this
5 very difficult budget. He's aware of that.

6 He's also an individual who is
7 extremely accomplished at such a young age.
8 It's just amazing what he's done in such a
9 short time.

10 And we've only got a short time to
11 correct the problems that the state is now
12 facing in healthcare, and I'm sure, with his
13 work ethic and his demonstrated success in his
14 profession, that he's the right person for
15 this job at the right time.

16 So I want to congratulate the
17 Governor on such a fine appointment and thank
18 the doctor, Dr. Shah, for being willing to
19 step up at this very important time in the
20 history of the State of New York.

21 Thank you.

22 THE PRESIDENT: Thank you,
23 Senator.

24 Senator Maziarz.

25 SENATOR MAZIARZ: Thank you very

1 much, Mr. President.

2 Dr. Shah, welcome, and thank you
3 for taking on this very difficult task, as was
4 outlined by my colleagues Senator Hannon and
5 Senator DeFrancisco.

6 Dr. Shah, I have to tell you that I
7 was a little bit surprised when I picked up
8 the Buffalo News and I saw that the Governor
9 was nominating somebody from Western New York
10 for the Health Department commissioner's job.
11 Usually in upstate New York we don't get those
12 very important assignments from any
13 administration.

14 But I read about you, how you were
15 born in Buffalo, graduated from Williamsville
16 High School, then went on to Harvard and Yale,
17 and then you moved to New York City.
18 Everybody makes mistakes, Doctor; don't worry
19 about that.

20 (Laughter.)

21 SENATOR MAZIARZ: We are very
22 proud of you from Western New York,
23 representing a district in Western New York.
24 And we wish you the best. As I think Senator
25 DeFrancisco pointed out, clearly with your

1 background, with your experience, you could be
2 doing a lot of other things that would
3 probably bring a lot more personal benefit to
4 you, but you chose to take on this task.

5 And I have to tell you that the
6 Buffalo News hit it spot-on when they said how
7 proud everyone is in Western New York of one
8 of our native sons taking on and being
9 nominated for this very important position.

10 Mr. President, I proudly second
11 this nomination. Thank you.

12 THE PRESIDENT: Thank you,
13 Senator.

14 Senator Farley.

15 SENATOR FARLEY: Thank you,
16 Mr. President.

17 I rise in support of this nominee.
18 Governor Cuomo has absolutely nominated a
19 superstar. Everything that he has done, he's
20 been number one in, he's succeeded. What a
21 scholar. As a professor, I've never seen
22 anyone that has published more articles and
23 treatises than he has. Dr. Shah is truly an
24 incredible appointee.

25 Also seated next to him is his

1 wife, who I am told through the nominee is
2 even smarter than he is: The number-one
3 student out of a million, which was quite
4 remarkable. And also he comes from a
5 magnificent family.

6 But everything he's done, he's been
7 a success at. His resume is absolutely
8 incredible. We're honored that he's taking on
9 these challenges because, in my judgment, this
10 is the most challenging time the State of
11 New York has ever faced, and certainly the
12 area of health and Medicaid is the area that's
13 going to need an awful lot of attention. And
14 we've got the person that can do it.

15 I wish you well, Doctor, and we're
16 delighted to have you at the head of the helm
17 of the Health Department.

18 THE PRESIDENT: Thank you,
19 Senator.

20 Senator Stewart-Cousins.

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

23 I rise also to commend the Governor
24 for such a fine nominee. I had the privilege
25 of being in both the Health Committee hearings

1 as well as the Finance Committee, and it was
2 an amazing two hours, spent not only knowing
3 his credentials but having the testimony of
4 those who had worked with him, who had gone to
5 school with him, those who were in the
6 trenches with him.

7 The range covered from everything
8 he's done in terms of disparity studies to
9 making sure that people who are reluctant to
10 come in and be part of various studies were
11 reached anyway. But everyone said the same
12 things. They said collaborative. They said
13 visionary. They said leadership. They said
14 that Dr. Shah could get people to do anything
15 for him and work to the benefit for everyone,
16 and people didn't even know how hard they
17 worked.

18 Dr. Shah, when he finished, said
19 that New York State is poised to become a
20 national leader in healthcare, despite the
21 things that we face. I believe that's true,
22 and I believe it because we will have someone
23 who is a national leader at the helm of what
24 we do here.

25 Congratulations.

1 THE PRESIDENT: Thank you,
2 Senator.

3 Senator Ranzenhofer.

4 SENATOR RANZENHOFER: Thank you,
5 Mr. President.

6 I'd like to echo the comments of
7 some of my fellow Senators and welcome
8 Dr. Shah to the chamber.

9 The credentials really speak for
10 themselves. They're impeccable. The
11 treatises, the manuscripts that you've
12 written, the honors that you've achieved when
13 you were in school -- and if I do the math
14 correctly, looking at your date of high school
15 graduation, you're probably also one of the
16 youngest people to ever take on the position
17 of Health Commissioner of the State of
18 New York.

19 One of the things that I'd like to
20 mention is, first of all, my hometown -- where
21 you grew up -- is very, very proud. You went
22 to high school about a half-mile from where I
23 live.

24 And one of the things I wanted to
25 mention is despite the fact that you went to

1 Williamsville East -- Williamsville has three
2 high schools. It has South, it has North, and
3 it has East. So you have the Flames, you have
4 the Spartans, and you have the Billies. And
5 all I can tell you is that all of
6 Williamsville, all the high schools, the
7 entire community is very, very proud of you
8 and your family for what you've accomplished,
9 and we wish you the very best of luck in this
10 tremendously difficult and challenging
11 endeavor that you're going to undertake.

12 So congratulations, welcome, and
13 good luck in your new position.

14 Thank you.

15 THE PRESIDENT: Thank you,
16 Senator.

17 Senator Squadron.

18 SENATOR SQUADRON: Thank you,
19 Mr. President.

20 I too rise in support of the
21 nomination of Dr. Shah. And my colleagues
22 have so eloquently talked about why he's such
23 a great nominee and why the Governor has done
24 such an exemplary job in nominating him.

25 I also notice that many of my

1 colleagues would like to take credit for him.
2 And I am glad that Dr. Shah's roots are in
3 New York State, that he's spent a lot of time
4 here. But I am particularly proud -- and I'm
5 sure you and your family's ears are burning
6 right now, but our districts are too, because
7 Dr. Shah today resides in Lower Manhattan, in
8 the 25th Senate District.

9 And we are so proud of what he's
10 accomplished there, truly are so proud that he
11 started in New York. It's a real New York
12 story. Hopefully, even while his profession
13 brings him to Albany, we will keep him in
14 Battery Park City, which is one of the great
15 growing communities. His children started day
16 one at a new elementary school in the district
17 this year.

18 And to have somebody of Dr. Shah's
19 history, background and accomplishments
20 willing to come up and help us deal with the
21 incredible challenges we have in New York
22 State is a great, great pride I think to this
23 body, to state government, and, especially for
24 those of us at home, to Battery Park City and
25 to the 25th Senate District.

1 So welcome to Albany. I look
2 forward to commuting back and forth with you
3 in the years to come, Dr. Shah. And I look
4 forward to voting for your nomination today.

5 THE PRESIDENT: Thank you,
6 Senator.

7 Senator Kennedy.

8 SENATOR KENNEDY: Thank you very
9 much.

10 Dr. Shah, congratulations on the
11 nomination. I'd like to congratulate Governor
12 Cuomo on his foresight in not only putting
13 forward Dr. Shah as a consummate professional,
14 as someone whose biographical information and
15 resume speaks for itself, but for putting
16 forward a Western New Yorker.

17 And I know that Senator Ranzenhofer
18 spoke about how proud the town of
19 Williamsville is of you and Williamsville East
20 High School is of you. But even as a
21 St. Joe's Marauder, I can tell you I'm very
22 proud to second the nomination of Dr. Shah.

23 And as Senator Farley had mentioned
24 earlier, congratulations to your family as
25 well. And we all know that behind every good

1 man is a better woman.

2 And so, with that said, my
3 congratulations to you. It's truly an honor
4 to be on this floor with this honorable body
5 to second your nomination and ultimately
6 confirm you as the next commissioner of the
7 New York State Department of Health. We all
8 look forward to working progressively with you
9 to pass responsible legislation to move
10 New York State in a new direction.

11 Thank you.

12 THE PRESIDENT: Thank you,
13 Senator.

14 Senator Nozzolio.

15 SENATOR NOZZOLIO: Thank you,
16 Mr. President. On the nomination.

17 Mr. President and my colleagues, I
18 rise in support of this excellent individual
19 to become the next Commissioner of Health.

20 In our discussions with Dr. Shah
21 before the Senate Finance Committee, I was
22 impressed with his answers to my questions. I
23 was remiss in not asking him another question,
24 though, dealing with his tenure at the Langone
25 Medical Center.

1 The Langone Medical Center, among
2 many other things, is sponsor of one of the
3 best medical public information programs I
4 believe in all of the United States, and that
5 is known as "Dr. Radio." And, Dr. Shah, I
6 don't know if you've ever been a guest on
7 "Dr. Radio" or if you've had your own segment,
8 but I certainly look forward to you being a
9 guest, with your former colleagues, as you
10 move forward to educate the public and
11 particularly New Yorkers about health matters
12 and medical concerns.

13 Dr. Shah and I had a very nice
14 discussion within the confines of the Finance
15 Committee on the issue that in this day of
16 celebration we may not want to focus on, but
17 Dr. Shah has confirmed and pledged his focus
18 to understand the ramifications, the very
19 serious ramifications of what is being done to
20 healthcare in the United States of America by
21 those policymakers in Washington, D.C.

22 That New York needs to be poised to
23 understand its costs, its potential
24 destruction to very important medical services
25 that we take for granted in New York because

1 we have the best medical schools, the best
2 medical researchers, the best number of
3 specialists, whether it be downstate in the
4 city but also upstate in the cities of Buffalo
5 and Rochester and Syracuse.

6 That I fear that our nation is
7 headed on a course of medical destruction
8 where we will be dumbed down in terms of the
9 healthcare provided, the research conducted by
10 those who are empowered with that important
11 responsibility.

12 Dr. Shah, you will have many tasks.
13 But one among those I hope you will take on,
14 and that's the understanding of what the
15 ramifications are of those significant policy
16 changes now suggested and mandated by
17 Washington, D.C.

18 Mr. President, an excellent
19 nomination, a very quality person. I look
20 forward to working with him in these new
21 capacities. I proudly vote on behalf of this
22 nomination in the affirmative.

23 Thank you, Mr. President.

24 THE PRESIDENT: Thank you,
25 Senator.

1 Senator Young.

2 SENATOR YOUNG: Thank you,
3 Mr. President.

4 Dr. Shah, I enthusiastically rise
5 to support you in your nomination as the next
6 commissioner of the Department of Health in
7 New York State. We haven't had a chance to
8 chat yet, but just so you know, I represent
9 the Southern Tier of Western New York, so I
10 know that you've heard of places like Dunkirk
11 and Jamestown and Olean and Wellsville in my
12 district.

13 And I was particularly impressed to
14 hear you speak in the Finance Committee about
15 a lot of things, but the fact that you were
16 asked a question about whether everything
17 should be uniform and standard across the
18 entire board in New York State as far as the
19 counties are concerned. And you listened and
20 you were diplomatic, but you also responded
21 that you know that each area of the state has
22 its own special unique needs and that you want
23 to tailor things in order to best meet those
24 needs.

25 That was very impressive to me,

1 because it's great to have someone in your
2 position who is willing to listen, who
3 understands rural New York in addition to
4 urban New York, and that you will work with us
5 to address some of the unique needs,
6 especially in rural healthcare. Because we
7 need to make sure that people continue to have
8 access, get the services that they need, that
9 we will have the physicians and other medical
10 professionals who are important to deliver
11 those services. You understand that. And
12 it's great to have somebody who knows Western
13 New York, who knows New York City and
14 everything in between.

15 So I look forward to work with you
16 on those very serious, significant issues.
17 And I know you are going to make us all proud,
18 not just in Western New York but across the
19 entire state.

20 Thank you.

21 THE PRESIDENT: Thank you,
22 Senator.

23 Any other Senators wishing to speak
24 on the nomination?

25 The question is on the nomination

1 of Dr. Nirav Ramesh Shah as Commissioner of
2 Health. All in favor signify by saying aye.

3 (Response of "Aye.")

4 THE PRESIDENT: Opposed, nay.

5 (No response.)

6 THE PRESIDENT: Dr. Shah is
7 hereby confirmed as Commissioner of Health.

8 Congratulations, Doctor.

9 (Standing ovation.)

10 THE PRESIDENT: Dr. Shah is
11 joined by his family up in the east gallery.
12 He is joined by his wife, Nidhi Shah -- I
13 thank her for being here -- his son, Vir Shah;
14 his daughter, Amira Shah; his father, Ramesh
15 Shah; his mother, Rekha Shah; and his uncle,
16 Deepak Maniar.

17 So congratulations, everybody.

18 Thank you, Doctor.

19 (Applause.)

20 THE PRESIDENT: Senator Libous.

21 SENATOR LIBOUS: Thank you,
22 Mr. President.

23 There will be an immediate meeting
24 of the Rules Committee in Room 332,
25 Mr. President.

1 And I ask that the Senate stand at
2 ease.

3 THE PRESIDENT: There is an
4 immediate meeting of the Rules Committee in
5 Room 332, and the Senate will now stand at
6 ease.

7 SENATOR BRESLIN: Point of order,
8 Mr. President. Point of order.

9 THE PRESIDENT: Senator Breslin.

10 SENATOR LIBOUS: Mr. President, I
11 believe the Senate stands at ease.

12 SENATOR BRESLIN: Point of order.

13 SENATOR LIBOUS: The Senate's at
14 ease.

15 THE PRESIDENT: The Senate stands
16 at ease.

17 SENATOR BRESLIN: Point of order,
18 Mr. President.

19 SENATOR LIBOUS: The Senate is at
20 ease.

21 SENATOR BRESLIN: I think a point
22 of order supersedes --

23 THE PRESIDENT: Senator, Senator
24 Libous had already called at ease before that.

25 (Whereupon, the Senate stood at

1 ease at 3:44 p.m.)

2 (Whereupon, the Senate reconvened
3 at 4:02 p.m.)

4 THE PRESIDENT: The Senate will
5 come to order.

6 Senator Libous.

7 SENATOR LIBOUS: Thank you.

8 Mr. President, we will have a
9 report of the Rules Committee. But before we
10 do that, I believe Senator Breslin would like
11 the floor.

12 THE PRESIDENT: Senator Breslin.

13 SENATOR BRESLIN: Thank you,
14 Senator Libous. And thank you, Mr. President.

15 A point of order. Mr. President,
16 this point of order goes to the inherent power
17 of the leaders of each of the two conferences,
18 the majority conference and the minority
19 conference. Among their abilities are their
20 abilities to assign resources, designated
21 offices for people, name their members to
22 committees, and determine seating within this
23 hallowed chamber.

24 Yet apparently the majority has
25 chosen to disregard this tradition today. On

1 the very day that John Sampson, the minority
2 leader, handed up committee assignments for
3 four Democratic Senators who chose to caucus
4 together, seating arrangements were made for
5 them.

6 The rules are such that the
7 majority and the minority have separate
8 responsibilities. The minority has
9 responsibilities over its own members, the
10 majority over its members. This seemed to be
11 unclear in the previous three or four weeks,
12 which made it very difficult for the minority
13 conference to really get together and move
14 towards a point where we're doing the people's
15 business, which is the most important thing we
16 have before us.

17 Attendant to that, there was a
18 letter written by the majority leader to our
19 conference leader on January 14th that talked
20 about making sure that the Senate minority
21 gave committee assignments to the four
22 Democrats who caucus on their own.

23 Senator Sampson was delighted with
24 that letter, because it seemed to clear up
25 minority versus majority, and wrote back --

1 the letter from Senator Skelos to Senator
2 Sampson was on January 14th. And Senator
3 Sampson immediately responded the next day by
4 saying, in part, "I await your prompt
5 acknowledgment I may proceed with a range of
6 decisions to imbue the conference leadership,
7 including but not limited to office
8 assignments, staffing allocations, seating in
9 this chamber, and committee assignments, so
10 that we can turn towards pending legislation."

11 A letter again was followed up to
12 that on January 21st saying that we had not
13 heard.

14 The bottom line is we are the
15 minority conference. We have jurisdiction
16 over our minority members, as it should be.
17 The majority has jurisdiction over its
18 members. And we would urge that the majority
19 leader and the minority leader get together.
20 Because as we look across this land at all
21 50 states, in all 50 there's a majority and a
22 minority. And sometimes there appears to be
23 some sort of interference in the democratic
24 process.

25 We would like it clearly

1 established that there in fact is a minority,
2 with minority members to be treated in a fair
3 and equitable way, and a majority, who will
4 treat their members in the same way.

5 So the bottom line, Mr. President,
6 is I would urge that the leaders of the
7 respective conferences get together to make
8 sure that they can resolve this in what has
9 become a tradition over many years that's
10 outlined in the rules of this Senate about the
11 majority and the minority. Then we can go on
12 to the people's business.

13 Thank you, Mr. President.

14 THE PRESIDENT: Senator Adams, on
15 the point of order.

16 SENATOR ADAMS: Yes, I'd like to
17 speak on the point of order.

18 Mr. President, I'm a bit confused,
19 because one thing I recalled when Senator
20 Skelos spoke here is that --

21 SENATOR LIBOUS: Excuse me,
22 Mr. President.

23 SENATOR ADAMS: -- one thing we
24 were going to do, we were going to return
25 decorum to the chamber. That's what he

1 stated.

2 THE PRESIDENT: Senator Libous,
3 why do you rise?

4 SENATOR LIBOUS: I'm sorry,
5 Senator. I have a cold, I have trouble
6 hearing. Are you speaking on the point of
7 order?

8 SENATOR ADAMS: Yes, I am.

9 SENATOR LIBOUS: Thank you,
10 Mr. President.

11 SENATOR ADAMS: As I was stating,
12 the point of order that Senator Breslin raised
13 is that there seems to be a complete erosion
14 of the decorum and what we expect from each
15 other.

16 When we have a member like Senator
17 Montgomery, with over 25 years in this Senate,
18 Senator Oppenheimer, with an equal amount of
19 years in the Senate, when we have members like
20 that who have freshman members who are picking
21 rooms before them, who are knowing more about
22 what's going to happen to their lives -- when
23 we came here, we thought that there was a
24 level of decorum that we were going to treat
25 each other with a level of respect and a level

1 of dignity.

2 We'd have never done something like
3 that to Senator Johnson. Every day in our
4 conference we talk about how we should treat
5 Senator Johnson and Senator Farley and some of
6 the senior members of this conference with a
7 level of respect and dignity.

8 What is happening to the decorum of
9 this place? And I think that's what Senator
10 Breslin is stating. We don't know our
11 allocation of funding, we can't take care of
12 our members. And now to walk inside the
13 chamber today and have to go from chair to
14 chair to chair to see where are we sitting
15 today as if we're playing some type of
16 political musical chairs.

17 We deserve better than this. And
18 we expect better than this. And Senator
19 Skelos stated that we're going to return
20 decorum back to this place. That is not
21 decorum, when Senator Sampson can't assign the
22 members of his conference to their seats,
23 their rooms, their allocations and other
24 things that the leaders of this Senate chamber
25 was always deserving of doing.

1 And that's what Senator Breslin is
2 saying. It's not about where we sit or how
3 you seat, it's about treating each other with
4 a level of dignity and respect that being a
5 Senator and being the leader of your
6 conference -- there isn't three conferences in
7 the Senate. Let's stop this madness. There
8 are two conferences. There's the majority and
9 there's the minority. And that's how we
10 should be treated.

11 And when this conference was in the
12 minority, we treated you with the respect. We
13 shared the videos, we shared the resources, we
14 shared the newsletters and upgraded how we
15 treated each other.

16 So our statement is today if we're
17 going to start creating a three-tiered
18 system -- and I want to read one important
19 paragraph of Senator Skelos' letter: "The
20 Senate shall not discriminate because of race,
21 creed, color, age and sex and marital status."
22 This is Senator Skelos' letter. Was Senator
23 Montgomery denied her room because she's an
24 African-American woman? Was Suzi Oppenheimer
25 denied her space because she's a woman?

1 SENATOR LIBOUS: Mr. President --

2 SENATOR ADAMS: But it even went
3 further. Let me go on further. It says --

4 SENATOR LIBOUS: Mr. President,
5 Senator Skelos --

6 SENATOR ADAMS: It says -- it
7 says --

8 SENATOR LIBOUS: Mr. President,
9 point of personal privilege.

10 SENATOR ADAMS: I don't want to
11 be interrupted.

12 SENATOR LIBOUS: Excuse me,
13 Mr. President. Senator Skelos -- point of
14 personal privilege, Mr. President.

15 SENATOR ADAMS: It's stated
16 here -- it's stated here in -- it's stated
17 here -- it's stated here --

18 SENATOR LIBOUS: Point of
19 personal privilege, Mr. President.
20 Mr. President, point of personal privilege.
21 Senator Skelos is not here --

22 SENATOR ADAMS: -- in Senator
23 Klein's letter --

24 SENATOR LIBOUS: -- to defend
25 himself.

1 SENATOR ADAMS: In Senator
2 Klein's letter he stated he was denied access,
3 he was denied access to --

4 SENATOR LIBOUS: Can I have order
5 in the house, Mr. President.

6 THE PRESIDENT: (Gaveling.)

7 SENATOR ADAMS: That is not true.
8 That was a lie. He was not denied access --

9 THE PRESIDENT: Senator Libous.

10 SENATOR LIBOUS: I would like
11 order in the house, Mr. President.

12 Senator Adams has called --

13 SENATOR ADAMS: I have the floor.
14 I have the floor.

15 SENATOR LIBOUS: -- Senator
16 Skelos out by name. Point of personal
17 privilege.

18 SENATOR ADAMS: I have the floor.

19 SENATOR LIBOUS: He is out of
20 order by calling Senator Skelos out by name.

21 SENATOR ADAMS: You -- you --
22 you're out of order by ignoring -- by ignoring
23 that I have the floor, Senator Libous.

24 Senator Libous is out of order that
25 we walked in here and had to walk from chair

1 to chair. That's out of order, Senator
2 Libous. After you stated that we're going to
3 have decorum back in this place. That's out
4 of order. Of disrespecting the leader of this
5 conference and creating another conference,
6 that's out of order, Senator Libous.

7 THE PRESIDENT: Senator Adams,
8 Senator Libous has made a point of privilege
9 here in speaking.

10 Senator Libous.

11 SENATOR ADAMS: I have the floor.
12 I have the floor, Mr. President.

13 SENATOR LIBOUS: You know what,
14 Mr. President, I'm going to ask Senator Skelos
15 to come out here, since he's calling Senator
16 Skelos by name.

17 Now, Senator Adams, if you wish to
18 continue, continue and then I will respond.

19 THE PRESIDENT: Senator Adams.

20 SENATOR ADAMS: Mr. President,
21 I'm lost on how quoting the text of Senator
22 Skelos is calling his name. I quoted his
23 letter.

24 I also wanted -- I want everyone in
25 this chamber to listen to this paragraph in

1 Senator Klein's letter signed by my four other
2 colleagues. "Because our members no longer
3 have access to the staff and services of
4 either the majority or minority, the IDC
5 members have pooled many of the functions of
6 our personal staffs."

7 Who denied them access to central
8 staff? No one denied them access to central
9 staff. They have the right to the same
10 central staff as all of us. No one stated
11 they could no longer use our central staff.

12 The dismantling of dignity and
13 respect to each one of us is not instant, it's
14 an erosion that takes place drip by drip by
15 drip. We should never disrespect the senior
16 members of this chamber. Senator Montgomery
17 should never be disrespected. Senator Johnson
18 should never be disrespected. And some of
19 these other senior members should never be
20 disrespected.

21 When we deny them the right of
22 something as simple as their room or their
23 seats or their allocations, then that is a
24 denial of all of us. It's only a matter of
25 time when we're lucky to serve as long as

1 they've served.

2 That's my statement to my
3 colleagues on both sides of the aisle that I
4 sit down and speak with and all of us speak
5 with. We can't allow politics to disrespect
6 each other, and particularly the senior
7 members of this chamber.

8 It was wrong for us to walk into
9 this chamber today and have to go chair by
10 chair to find out where we sit today. That
11 shouldn't happen to you, and it shouldn't
12 happen to us on this side of the aisle. We're
13 better than this, and we deserve a greater
14 amount of respect than this.

15 And I'm ashamed of my four
16 colleagues that are making this into this
17 charade that it ought not to be. There are
18 two conferences in this Senate, the majority
19 and the minority.

20 Thank you, Mr. President.

21 THE PRESIDENT: Senator Libous.

22 SENATOR LIBOUS: Thank you,
23 Mr. President.

24 We are speaking on Senator
25 Breslin's motion, is that correct, or his

1 point of order?

2 THE PRESIDENT: We will go back
3 to Senator Breslin's point of order, yes.

4 SENATOR LIBOUS: That's what both
5 Senators were speaking on?

6 THE PRESIDENT: Yes.

7 SENATOR LIBOUS: Okay.

8 Senator Adams, on that point or
9 motion, I take offense at a lot of what you
10 said. I'm in charge of the transition, and I
11 work with Senator Breslin from this side of
12 the aisle. And at no point in time was there
13 any discrimination that has taken place with
14 this. And, sir, I consider that an insult and
15 not the conduct and behavior that anyone of us
16 should have toward each other.

17 Now, let me continue, please, as I
18 let you continue.

19 We have organized the office move
20 the best way we know how, very similar to what
21 was done two years ago. And quite frankly,
22 Mr. President, and Senators on this side of
23 the aisle, we've given you more space than you
24 gave us. We gave you additional offices on
25 the ninth floor. We're actually in motion

1 right now to give you additional space in
2 other buildings so that you can function as
3 viable minority.

4 And I have to stand here with my
5 colleagues and listen to you degrade our
6 leader and to degrade us for not being fair,
7 with racial overtones? Never, sir. Never. I
8 resent the racist remarks. And no one on this
9 side of the aisle represents those remarks at
10 all. I am hurt by that.

11 Now let's talk about the motion on
12 the floor. There is a motion on the floor
13 that deals with seating in the chamber. And I
14 ask, Mr. President, that you call his motion
15 out of order based on Rule 2, Section 6. And
16 if you would, Mr. President, I would ask you
17 to read that rule.

18 THE PRESIDENT: Rule 2, under the
19 title "Temporary President." Section 6: "He
20 or she shall have general control, except as
21 otherwise provided by law or in these rules,
22 of the Senate chamber and the lobbies and
23 galleries thereof, and of the rooms, corridors
24 and passages in that part of the Capitol and
25 Legislative Office Building assigned to the

1 use of the Senate, and any other property
2 leased or utilized by the Senate."

3 SENATOR LIBOUS: Mr. President, I
4 ask that you rule Senator Breslin's motion out
5 of order.

6 SENATOR SQUADRON: Mr. President.

7 THE PRESIDENT: Senator Squadron,
8 why do you rise?

9 SENATOR SQUADRON: Point of order
10 or --

11 SENATOR LIBOUS: We are on a
12 point of order, Mr. President. You cannot
13 have a point of order based on a point of
14 order. We are on the ruling on the point of
15 order.

16 SENATOR SQUADRON: I misspoke,
17 Mr. President, excuse me.

18 I have a point for Senator Libous,
19 a point of clarification. The point of order
20 was not on the seating in the chamber nor on
21 the use of any particular Senate resources, it
22 was on the role of the minority and majority
23 leaders of the Senate under the rules and the
24 tradition of the house.

25 THE PRESIDENT: Senator Breslin,

1 please state your point of order.

2 SENATOR BRESLIN: Yes,
3 Mr. President, I'd be glad to.

4 It was really -- it wasn't on any
5 particular thing, it was to make this body
6 rise above petty politics and really to get
7 together as a majority and a minority to
8 determine things like allocations, seating
9 assignments, committees and office spaces.

10 And it was asking -- it wasn't
11 demanding, through an order, it was asking
12 that the majority leader and the minority
13 leader get together to resolve those issues
14 which really, in the whole scheme of things,
15 pale by comparison to what's important, to get
16 legislation that affects the people of the
17 State of New York. And it was really to
18 short-circuit some of these undercurrents that
19 arise through letters back and forth to each
20 side.

21 THE PRESIDENT: Senator, I'm not
22 sure it's a point of order. But I'll go back
23 and read --

24 SENATOR LIBOUS: Would you rule
25 on the point of order, Mr. President.

1 THE PRESIDENT: I'll go back and
2 reread the same section. It's the ruling of
3 the Temporary President to make decisions
4 relative to this chamber.

5 And I think -- I defer to you
6 gentlemen to speak offline, but I think in
7 terms -- if there was a point of order
8 relative to seating, that that point is
9 overruled based on the Temporary President's
10 rules and power.

11 SENATOR LIBOUS: Mr. President --

12 SENATOR SQUADRON: Mr. President,
13 if I could just reiterate the point Senator
14 Breslin just made, which is it's not a point
15 of order relative to seating, it's a point of
16 order about doing the business of the house.

17 THE PRESIDENT: You wish to be
18 recognized, Senator Squadron?

19 SENATOR SQUADRON: Yes,
20 Mr. President.

21 THE PRESIDENT: Senator Squadron.

22 SENATOR SQUADRON: Thank you.
23 Thank you very much. And forgive me for
24 jumping in there.

25 Just to reiterate yet again what

1 Senator Breslin said, this is not a point of
2 order relative to the seating of the house, it
3 is a point of order that is relative to the
4 house's ability to do the people's business.
5 And in order to do that, as Senator Breslin so
6 eloquently put it --

7 SENATOR LIBOUS: Excuse me. Is
8 there a new point of order on the floor? I
9 believe we ruled on Senator Breslin's point of
10 order.

11 And if you could please tell me
12 what the good Senator is speaking on at this
13 point in time. I believe we resolved the
14 issue and we now need to go to the reading of
15 the reports of standing committees.

16 SENATOR SQUADRON: Mr. President,
17 I wasn't sure that I heard you rule on it, and
18 I was just trying to clarify it before the
19 ruling. I may have misunderstood it.

20 THE PRESIDENT: Senator Libous, I
21 wasn't sure of the point of order either. But
22 in case there was one relative to seating, it
23 comes back under Rule 2, Section 6. I think
24 it -- I ruled the -- I was told this was not a
25 point of order, but I think, as Senator Libous

1 said, it's a moot point.

2 I think that the two conferences
3 can certainly get together and talk, but I was
4 not sure what the exact point of order is.
5 The Temporary President is within his rights
6 to establish seating and all things that
7 happen within this chamber.

8 SENATOR SQUADRON: Mr. President,
9 I'd like to appeal the ruling of the chair,
10 please. I'd like to appeal the ruling of the
11 chair. I'd like to appeal your ruling,
12 Mr. President. And I'd like to speak on it,
13 again to clarify again -- and I'm not sure any
14 clarification is necessary, Senator Breslin
15 was so eloquent about it.

16 But the reason we're here is to do
17 the people's business, not to talk about all
18 of these little internal pieces.
19 Unfortunately, to do the people's business we
20 need to have clarity as to how this house will
21 run. In fact, we saw over the last two years
22 what happens when there isn't clarity on how
23 this house will be run.

24 We saw what happened when power
25 overtakes or the thirst for power overtakes

1 the need to do the people's business. And the
2 point of order that Senator Breslin was
3 making, as I understood it, based on his
4 eloquent description, was we need clarity
5 about the minority and the majority leaders'
6 roles in this house. And we are requesting
7 those from Senator Skelos.

8 THE PRESIDENT: Just before I go
9 to Senator DeFrancisco, there is not a clear
10 point of order even to rule on.

11 Senator DeFrancisco.

12 SENATOR DeFRANCISCO: Would
13 Senator Squadron yield to a question.

14 THE PRESIDENT: Senator Squadron,
15 will you yield? Senator Squadron, do you
16 yield to a question?

17 SENATOR SQUADRON: I do,
18 absolutely.

19 THE PRESIDENT: Senator.

20 SENATOR DeFRANCISCO: The point
21 you mentioned, Mr. President, is well-taken.
22 And what I want to ask Senator Squadron is
23 what remedy is he asking for.

24 THE PRESIDENT: Senator.

25 SENATOR SQUADRON: We're asking

1 for clarity either from the chair or from the
2 majority leader as to the role of the minority
3 leader and the majority leader to each of the
4 members of this house.

5 THE PRESIDENT: Senator, just --
6 I'll go back. Not to be redundant, but
7 Rule 2, Section 6 clearly points out the
8 powers of the Temporary President.

9 SENATOR SQUADRON: Mr. President,
10 again, just speaking on the appeal again. As
11 I read the rule that you are referencing, it
12 has to do with the physical plant of the
13 Senate.

14 That certainly, Mr. President, if
15 your ruling is that the majority leader of the
16 Senate has complete and absolute power to all
17 things and there is in fact no minority and
18 that the ruling of the chair is that the
19 minority has no prerogatives and no role in
20 this house, that that is certainly a ruling
21 that I would appeal as well.

22 THE PRESIDENT: Do you have a
23 specific point of order?

24 SENATOR SQUADRON: I do. And as
25 I -- as I stated.

1 THE PRESIDENT: State your point
2 of order.

3 SENATOR LIBOUS: Excuse me,
4 Mr. President.

5 THE PRESIDENT: Senator Libous.

6 SENATOR SQUADRON: I have the
7 floor, Mr. President. Mr. President, I have
8 the floor.

9 THE PRESIDENT: Senator Libous --

10 SENATOR SQUADRON: Mr. President,
11 I have the floor and was speaking on the
12 appeal.

13 SENATOR LIBOUS: He's speaking on
14 the appealing of the ruling of the chair, sir.

15 SENATOR SQUADRON: Mr. President,
16 there is a motion to appeal the ruling of the
17 chair. I am speaking on it. I am happy to
18 yield to a question, as I did with Senator
19 DeFrancisco. I'd be happy to yield to a
20 question from Senator Libous or anyone else.

21 SENATOR LIBOUS: Mr. President,
22 would the Senator yield?

23 SENATOR SQUADRON: As I said I
24 would.

25 SENATOR LIBOUS: Mr. President, a

1 year and a half ago there was -- some people
2 called it a coup took place. The lights went
3 out and the doors got locked by the majority.
4 Would you say, Mr. President, Senator
5 Squadron, that the majority controlled the
6 chamber at that time?

7 SENATOR SQUADRON: Senator
8 Libous, I hear that as question about the
9 physical plant of the chamber. And I know
10 that that's what the President ruled on as
11 well.

12 The reason I'm appealing the
13 President's ruling is not actually to question
14 the authority of the majority relative to
15 lights and hallways and offices and a whole
16 number of other things that are really
17 irrelevant to the people.

18 What I'm asking is for a ruling on
19 the clarity of the majority and the minority
20 relative to the operation of this house,
21 because that's the way you can have a
22 democratic process to deal with the issues
23 before the state.

24 SENATOR LIBOUS: Mr. President, I
25 can answer his question very clearly.

1 THE PRESIDENT: Senator Libous.

2 SENATOR LIBOUS: Senator

3 Squadron, read the rules.

4 SENATOR SQUADRON: I'm not sure I
5 hear a question there, Mr. President, so I'll
6 continue on my appeal here.

7 Again, the reason I'm appealing the
8 ruling of the chair is because I believe the
9 ruling of the chair was based on a question
10 about the physical plant of the Senate. And I
11 am appealing because I do not believe that the
12 rules nor the tradition of this house say that
13 there is in fact no authority or prerogative
14 for the minority. In fact, the rules and the
15 tradition of this house and in fact the
16 fundamental tenets of a democratic system is
17 that you have a majority and a minority, that
18 you have independent debate for that majority
19 and that minority.

20 And I believe that the ruling on
21 the very limited issue of space is certainly
22 appropriate but not in fact related to the
23 point of order, which is about the role of the
24 minority leader and the role of the majority
25 leader as independent entities that are able

1 to create a process that allows us to do what
2 we should be doing instead of having this
3 conversation, which is dealing with the issues
4 before the state.

5 We need the clarity in order to
6 have a body that doesn't devolve the way it
7 did a year and a half ago, as Senator Libous
8 reminded us, but instead is able to have true
9 debate on the very, very pressing issues
10 before us.

11 THE PRESIDENT: Thank you,
12 Senator.

13 On the point of the appeal, all
14 those wishing to overrule the vote of the
15 President signify by saying aye.

16 (Response of "Aye.")

17 THE PRESIDENT: All those
18 opposed.

19 (Response of "Nay.")

20 THE PRESIDENT: The ruling of the
21 chair stands.

22 Senator Libous.

23 SENATOR LIBOUS: Can we go back
24 to the reading of the reports of standing
25 committees, please.

1 The report of the Rules Committee
2 is at the desk.

3 THE PRESIDENT: The Secretary
4 will read reports of standing committees.

5 THE SECRETARY: Senator Skelos,
6 from the Committee on Rules, reports the
7 following bill direct to third reading:

8 Senate Print 2026, by Senator
9 Flanagan, an act to amend the Education Law.

10 THE PRESIDENT: Senator Libous.

11 SENATOR LIBOUS: Mr. President, I
12 move to adopt the Rules report.

13 THE PRESIDENT: All those in
14 favor of accepting the report of the Rules
15 Committee signify by saying aye.

16 (Response of "Aye.")

17 THE PRESIDENT: Opposed, nay.

18 (Response of "Nay.")

19 THE PRESIDENT: The report is the
20 accepted.

21 Senator Libous.

22 SENATOR LIBOUS: Mr. President,
23 there being no further business, I move that
24 we adjourn until Tuesday, January 25th, at --
25 excuse me, Mr. President.

1 I believe the Minority has
2 committee assignments, in consultation with
3 the Majority, that we would love to hand up.
4 Now, Mr. President, can we ask that they be
5 filed with the Journal Clerk.

6 There being no further business, I
7 move that we adjourn until Tuesday,
8 January 25th, at 3:00 p.m.

9 THE PRESIDENT: They will be
10 filed in the Journal.

11 And on motion, the Senate stands
12 adjourned until Tuesday, January 25th, at
13 11:00 a.m. Oh, I'm sorry, 3:00 p.m.

14 SENATOR LIBOUS: Mr. President, I
15 know we've adjourned, but I believe Senator
16 Hassell-Thompson has an announcement.

17 THE PRESIDENT: Senator.

18 SENATOR HASSELL-THOMPSON: There
19 will be an immediate meeting of the Democratic
20 conference in the Democratic Conference Room
21 following session.

22 THE PRESIDENT: Just to go back,
23 Senator Libous, I have 11:00 a.m. Is it --

24 SENATOR LIBOUS: It's actually
25 3:00 p.m. That's been changed by the Majority

1 Leader.

2 THE PRESIDENT: Okay. So on
3 motion, the Senate stands adjourned until
4 Tuesday, January 25th, at 3:00 p.m.

5 There will be a Democratic
6 conference immediately following session.

7 The Senate stands adjourned.

8 (Whereupon, at 4:26 p.m., the
9 Senate adjourned.)

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